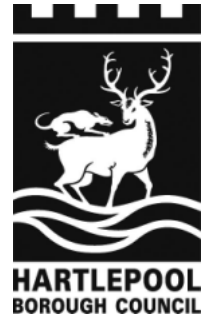


PLANNING COMMITTEE AGENDA



Wednesday 3rd February 2010

at 10.00 am

in the Council Chamber,
Civic Centre, Victoria Road, Hartlepool

MEMBERS OF PLANNING COMMITTEE:

Councillors Alison, R. 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 6th January 2010.~~

4. ITEMS REQUIRING DECISION

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

- ~~1. H/2009/0500 Niramax, Thomlinson Road~~
- ~~2. H/2009/0231 Red Cap Farm, Wolviston, Billingham~~
- ~~3. H/2009/0090 Land Rear of Hartlepool Workshops, Mainsforth Terrace~~
- ~~4. H/2009/0615 Market Hotel, Lynn Street~~
- ~~5. H/2009/0626 Market Hotel, Lynn Street~~
- 6. H/2009/0442 Baker Petrolite, Tofts Farm Ind Est West
- 7. H/2009/0648 Land at Queens Meadow Business Park
- 8. H/2009/0689 Easy Skips Ltd, Thomlinson Road
- 9. H/2009/0566 Unit 5, Sandgate Ind Estate, Mainsforth Terrace
- ~~10. H/2009/0627 12 Beaconsfield Street~~

ADJOURNED AND RECONVENED ON 10 FEBRUARY 2010

-
- ~~11. H/2009/0494 Land north of A689, Wynyard Business Park~~
- 4.2 Proposed Diversion of Public Footpaths No 24 and 25, Elwick Parish, at Low Stotfold Farm – *Director of Regeneration and Neighbourhoods*
 - 4.3 Costs Award – Appeal by Able UK Ltd – *Director of Regeneration and Neighbourhoods and Chief Solicitor*
 - 4.4 Update on Current Complaints – *Assistant Director (Planning and Economic Development)*
 - 4.5 Update on Performance Against Best Value Indicators – *Assistant Director (Planning and Economic Development)*
 - 4.6 Appeal by Mr Peter Frank Site at P E Coaches, Usworth Road, Hartlepool, TS25 1PD (H/2009/0338)
 - 4.7 Hartlepool Core Strategy Preferred Options Report for Consultation – *Assistant Director (Planning and Economic Development)*
5. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**

EXEMPT ITEMS

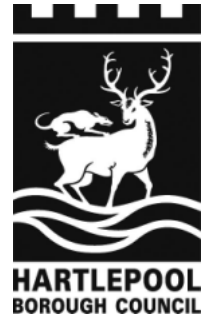
Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006

6. **ANY OTHER EXEMPT ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**
7. **FOR INFORMATION**

Next Scheduled Meeting – Wednesday 3 March 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, 3 March at 9.00am.

PLANNING COMMITTEE AGENDA



Wednesday 3rd February 2010

at 10.00 am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Alison, R. 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 6th January 2010.

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

1. H/2009/0500 Niramax, Thomlinson Road
2. H/2009/0231 Red Gap Farm, Wolviston, Billingham
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- 4.3 Costs Award – Appeal by Able UK Ltd – *Director of Regeneration and Neighbourhoods and Chief Solicitor*
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- 4.5 Update on Performance Against Best Value Indicators – *Assistant Director (Planning and Economic Development)*
- 4.6 Appeal by Mr Peter Frank Site at P E Coaches, Usworth Road, Hartlepool, TS25 1PD (H/2009/0338)
- 4.7 Hartlepool Core Strategy Preferred Options Report for Consultation – *Assistant Director (Planning and Economic Development)*

5. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

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) (Variation) Order 2006

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

7. FOR INFORMATION

Next Scheduled Meeting – Wednesday 3 March 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, 3 March at 9.00am.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

6 January 2010

The meeting commenced at 10.00 a.m. in the Civic Centre, Hartlepool

Present:

Councillors: Stephen Allison, Shaun Cook, Kevin Cranney, Sheila Griffin, Geoff Lilley, Frances London, Carl Richardson, Steve Wallace and Edna Wright.

In accordance with Council Procedure Rule 4.2 (ii), Councillor David Young was in attendance as substitute for Councillor George Morris, Councillor John Coward was in attendance for Councillor Pauline Laffey and Councillor Marjorie James was in attendance for Councillor Rob Cook.

Also in attendance:

Councillor Caroline Barker

Officers: Stuart Green, Assistant Director (Planning and Economic Development)
 Richard Teece, Development Control Manager
 Jim Ferguson, Principal Planning Officer
 Adrian Hurst, Principal Environmental Health Officer
 Linda Wright, Planning Officer
 Jason Whitfield, Planning Officer
 Chris Wenlock, Parks and Countryside Manager
 Richard Harlanderson, Parks Development Officer
 Hayley Martin, Solicitor
 Angela Hunter, Principal Democratic Services Officer

90. Election of Chairman

In the absence of both the Chair, Councillor Rob Cook and Vice Chair, Councillor George Morris, Councillor Carl Richardson was elected chair for the duration of the meeting.

91. Apologies for Absence

Apologies for absence were received from Councillors Rob Cook, Mary Fleet, Pauline Laffey, George Morris and Michelle Plant.

92. Declarations of interest by Members

Councillor David Young declared a personal interest in minute 99 – H/2009/0530, Councillors Edna Wright and Steve Wallace declared a personal interest in minute 93 – H/2009/0497, Councillor Kevin Cranney declared a personal interest in minute 95 and 99 – H/2009/0500 and Councillor Marjorie James declared a personal interest in minutes 95 and 99 – H/2009/0662 and H/2009/0661.

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

Number:	H/2009/0497
Applicant:	Bellway Homes (NE) Ltd, Peel House Main Street, Ponteland
Agent:	Bellway Homes (NE) Ltd, Peel House Main Street, Ponteland
Date received:	15/09/2009
Development:	Substitution of house types on 51 plots (1074A-1083A) including 50 for affordable housing (further information received)
Representations:	Ms S Thompson (agent), Mr P Digby (objector) and Councillor Caroline Barker (Ward Councillor) were in attendance and addressed the Committee.
Location:	LAND OFF MERLIN WAY, AREA 6/7 MIDDLE WARREN, ADJACENT LOCAL CENTRE, HARTLEPOOL
	A recorded vote was requested. The recommendation was to approve the application.
	Those in favour – Councillors Kevin Cranney, Sheila Griffin, Carl Richardson, Steve Wallace and Marjorie James.
	Those against – Councillors Stephen Allison, Shaun Cook, John Coward, Geoff Lilley, Frances London, David Young and Edna Wright,.
Decision:	Planning Permission Refused

REASONS FOR REFUSAL

1. It is considered that the proposed development by reason of its design, layout and density would appear out of keeping with surrounding developments and lead to a street scene dominated by car parking and with limited amenity open space between the front elevation of properties and the road, all to the detriment of the overall character and appearance of the locality and the amenity of existing residential areas contrary to policies GEP1 and Hsg9 of the Hartlepool Local Plan 2006.
2. It is considered that the provision of a single homogenous enclave of 50 affordable dwellings within this existing housing area would be contrary to Government advice in Planning Policy Statement 3 "Housing" in that it does not provide for social inclusion and genuine housing mix.

The Committee considered representations in relation to this matter.

94. Confirmation of the minutes of the meeting held on 2 December 2009

Confirmed.

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

Number:	H/2009/0500
Applicant:	Mr Kevin Wanless, Niramax, Longhill Industrial Estate, Thomlinson Road
Agent:	Axis, Mrs Amanda Stobb, Unit 11, Well House, Barns Bretton, Chester
Date received:	10/09/2009
Development:	Upgrading and extension of existing waste management facilities including upgraded waste classification system and briquette plant (amended application)
Location:	NIRAMAX, THOMLINSON ROAD, HARTLEPOOL
Decision:	Deferred for a Members site visit
Number:	H/2009/0633
Applicant:	Mr W Morgan, Witton Le Wear, Bishop Auckland
Agent:	Mr W Morgan, Witton Le Wear, Bishop Auckland

Date received: 12/11/2009

Development: Retention of amendments to the approved design and layout (Ref H/2006/0338) and use of six apartments, currently restricted to use by persons 55 and over, for general occupation (AMENDED APPLICATION)

Location: 25-30 SYLVAN MEWS, THE WYND, BILLINGHAM

Representations: Mr B Morgan (applicant) was in attendance and addressed the Committee.

Decision: **Planning Permission Approved and related amendment to Legal Agreement authorised**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Unless otherwise agreed in writing with the Local Planning Authority the area(s) indicated for car parking on the plans hereby approved shall be kept available for the use of the apartments to which this application relates at all times during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties and highway safety.

The Committee considered representations in relation to this matter.

Number: H/2009/0279

Applicant: Mr M Ashton, Hillcrest Grove, Elwick, Hartlepool

Agent: Business Interiors Group, 73 Church Street, Hartlepool

Date received: 30/06/2009

Development: Change of use of sheep paddock to provide storage for touring caravans, provision of residential caravan to provide security to storage site and the adjacent caravan park

Location: ASHFIELD FARM, DALTON PIERCY ROAD, HARTLEPOOL

Representations: Mr Ashton (applicant) was in attendance and addressed the Committee.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The occupation of the temporary residential caravan shall be limited to a person solely or mainly employed in the business of the touring caravan and camping site, currently occupying Ashfield Farm, together with any resident dependants.
To ensure that the caravan is not used as general residential accommodation.
2. On the cessation of the touring caravan and camping site or on the expiry of three years from the date of this decision, whichever shall first occur, the caravan shall be removed and the residential use shall cease.
To define the nature of the permission.
3. The hereby approved use for storage of caravans shall only operate whilst the touring caravan and camping site exists. Should the touring caravan and camping site cease operating (excluding the break in operation between February and March) all caravans shall be removed from the site.
The storage of caravans is not considered suitable for permanent retention on the site should the touring caravan and camping site cease business.
4. The temporary residential caravan currently located on the site shall remain in its current position and shall not be moved without written agreement from the Local Planning Authority
In the interests of visual amenity.
5. The hereby approved caravan storage area as identified on drawing BIG/IC/MA/373-02 rev B shall accommodate no more than 143 touring caravans at any one time. No other part of the application site shall be used for the storage of caravans.
In the interests of visual amenity and the interests of highway safety.
6. Notwithstanding the provisions of Article 3 and schedule 2, Part 2, Class A & C of the Town and Country Planning (General Permitted Development) Order 1995, the exterior of the caravan shall not be painted, no gates, fences, walls or other means of enclosure shall be constructed, erected or carried out on the site.
In the interests of visual amenity.
7. Details of the security measures, including means of enclosure and a programme of works shall be submitted to and agreed in writing prior to the first operation of the caravan storage area. Thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of crime prevention.
8. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 27th May and 3rd August 2009, and amended plan drawing number BIG/IC/MA/979-02 rev B, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
9. Prior to the development being brought into use details of (i) signage to be erected on the site and (ii) promotional literature for the operation shall be agreed with the Local Planning Authority in order to promote safe routes to and from the site for caravan related traffic. The route restrictions in question shall be as follows:
 - 1) Arriving from the North - No restrictions.
 - 2) Departing to the North - Turn right from Ashfield Farm onto Dalton Lane,

continue to Elwick Road Crossroads, continue north towards the A179, turn left onto the A179 Westbound towards the A19/A179 interchange, turning right onto the A19 northbound.

3) Arriving from the South - Leave A19 at A689 interchange, follow A689 towards Hartlepool, turn left onto Dalton Back Lane, continue to three gates junction, turn right onto Dalton Lane through Dalton Piercy, turn right into Ashfield Farm,.

4) Departing to the South - Turn left from Ashfield Farm onto Dalton Lane, through Dalton Piercy, turn left onto A19 Southbound.

To ensure that the A19 trunk road might continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980, and to maintain the safe free flow of traffic on the trunk road.

10. A detailed scheme of landscaping and tree and shrub planting for the southern boundary of the hereby approved storage area for touring caravans 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. 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.
11. Prior to operation a scheme of grass protection surface treatment to the hereby approved touring caravan storage area, including a programme of works shall be submitted to and approved 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 interests of visual amenity.
12. The buffer zone identified on drawing number BIG/IC/MA/373-02 rev B shall be retained clear from development and shall not be used for the storage of caravans at any time.
In the interests of promoting biodiversity.

The Committee considered representations in relation to this matter.

Number: H/2009/0617

Applicant: Mr Azam Razzaq, Pizzaliciou, Mulberry Rise, Hartlepool

Agent: Pizzalicious, Mr Azam Razzaq, Unit 1, Middle Warren Local Centre, Mulberry Rise, Hartlepool

Date received: 30/10/2009

Development: Variation of planning permission H/2008/0027 to allow

opening of takeaway until 23.30 from Sunday to Thursday and Midnight on Friday and Saturday

Location: UNIT 1, MIDDLE WARREN LOCAL CENTRE, MULBERRY RISE, HARTLEPOOL

Representations: Mr Rezak (applicant) was in attendance and addressed the Committee.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The premises shall only be open to the public between the hours of 10.00 and 23.30 on Sunday to Thursday and 10.00 and midnight on Friday and Saturday.
Amenities of occupiers of neighbouring properties.

The Committee considered representations in relation to this matter.

Number: H/2009/0231

Applicant: British Telecom Plc, c/o Andy Riley, Knightrider Street, London

Agent: Dalton Wamer Davis LLP, Chris Girdham, 21 Garlick Hill, London

Date received: 20/08/2009

Development: Erection of 5 no. wind turbines, meteorological monitoring mast, switch room, contractors compound and associated works including improvements to the existing site access from the A19, construction of temporary haul road for construction purposes; permanent tracks to connect turbines and occasional deployment of temporary road from the improved A19 access to the turbine access tracks to support maintenance and other works which requires the use of heavy vehicles and plant.

Location: RED GAP FARM, WOLVISTON, BILLINGHAM

Decision: **Withdrawn from the agenda.**

Number: H/2009/0235

Applicant: Mr John Shadforth, Coal Lane, Hartlepool

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

- Date received:** 15/06/2009
- Development:** Erection of a detached dwelling
- Location:** CROOKFOOT FARM, COAL LANE, HARTLEPOOL
- Decision:** **Application withdrawn.**
- Number:** H/2009/0655
- Applicant:** Mr Richard Harlanderson, Municipal Buildings, Hartlepool
- Agent:** Hartlepool Borough Council, Mr Steven Wilkie, Building Consultancy, Leadbitter Buildings, Stockton Street, Hartlepool
- Date received:** 19/11/2009
- Development:** Upgrade and extension of existing play area (play-builder play space) including associated landscaping.
- Location:** LAND BETWEEN OXFORD ROAD AND CHAUCER AVENUE HARTLEPOOL
- Representations:** Mr R Harlanderson and Mr C Wenlock (applicants) and Mrs D Good (objector) were in attendance and addressed the Committee.
- Decision:** **Minded to APPROVE subject to the following conditions but the final decision was delegated to the Development Control Manager in consultation with the Chair of the Planning Committee.**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 19/11/2009 (Drawing Number: 345/01 L002), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, make a provision for a natural barrier to prevent youngsters running from the site onto Oxford Road, include a programme of

the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out following the completion of the development. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity
5. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.
To ensure that any site contamination is addressed.

The Committee considered representations in relation to this matter.

Number:	H/2009/0662
Applicant:	Mr Richard Harlanderson, Municipal Buildings, Hartlepool
Agent:	Hartlepool Borough Council, Mr Steven Wilkie, Building Consultancy, Leadbitter Buildings, Stockton Street, Hartlepool
Date received:	19/11/2009
Development:	Creation of a play area (Playbuilder Play Space)
Location:	LAND ADJACENT TO LAIRD ROAD, HARTLEPOOL

Representations: Mr C Wenlock (applicant) and Mrs J Lee (objector) were in attendance and addressed the Committee.

Decision: **Planning Permission Refused**

REASON FOR REFUSAL

1. The proposed development is to be located within part of the Owton Manor Green Wedge which currently experiences problems with crime and antisocial behaviour and it is considered that the development in this particular physical setting could exacerbate these problems to the detriment of the well-being of users of the proposed play area and the amenities of the occupiers of nearby housing contrary to policies GEP3 and GN2 of the Hartlepool Local Plan 2006.

The Committee considered representations in relation to this matter.

96. Any Other Business - Delegated Authority

It was noted that in view of the duration of the meeting and due to Members' other commitments, the maintenance of a quorum was unlikely. In this event, the Chairman proposed to adjourn the meeting to a date and time to be agreed.

In addition to this, due to Councillors Rob Cook and George Morris' absence due to illness, approval was sought to allow the Councillor Carl Richardson to undertake such delegated responsibilities usually undertaken by the Chair of Planning Committee.

Decision

- (i) That the meeting be adjourned and reconvened at a date and time to be agreed by the Chairman, Councillor Carl Richardson.
- (ii) That due to the current illness of both Councillor Rob Cook, Chair and Councillor George Morris, Vice Chair, Councillor Carl Richardson undertake the delegated responsibilities allocated to the Chair of Planning Committee.

The meeting stood adjourned at 2.00 pm

14 January 2010

The meeting reconvened at 3.00 pm in the Council Chamber, Civic Centre, Hartlepool.

Present:

Chairman: Councillor Carl Richardson

Councillors: Sheila Griffin, Geoff Lilley and Frances London.

In accordance with Council Procedure Rule 4.2 (ii), Councillor David Young was in attendance as substitute for Councillor George Morris, Councillor Jonathan Brash was in attendance as a substitute for Councillor Mary Fleet and Councillor Marjorie James was in attendance for Councillor Rob Cook.

Officers: Stuart Green, Assistant Director (Planning and Economic Development)
Richard Teece, Development Control Manager
Jim Ferguson, Principal Planning Officer
Chris Wenlock, Parks and Countryside Manager
Richard Harlanderson, Parks Development Officer
Kate Watchorn, Solicitor
Tony Macnab, Solicitor
Angela Hunter, Principal Democratic Services Officer

97. Apologies for Absence

Apologies for absence were received from Councillors Stephen Allison, Rob Cook, Shaun Cook, John Coward, Kevin Cranney, Mary Fleet, Pauline Laffey, Chris McKenna, George Morris, Michelle Plant and Edna Wright.

98. Declarations of interest by Members

Councillor Jonathan Brash declared a personal and prejudicial interest in minute 99, item H/2009/0500 and indicated he would leave the meeting during the consideration of this item.

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

Councillor Jonathan Brash left the meeting due to his earlier declaration of interest.

Number: H/2009/0500

Applicant: Mr Kevin Wanless, Niramax, Longhill Industrial Estate, Thomlinson Road

Agent: Axis Mrs Amanda Stobbs, Unit 11, Well House, Barns Bretton, Chester

Date received: 10/09/2009

Development: Upgrading and extension of existing waste management facilities including upgraded waste classification system and briquette plant (amended application)

Location: NIRAMAX, THOMLINSON ROAD, HARTLEPOOL

Decision: **Deferred due to further information awaited.**

Councillor Jonathan Brash returned to the meeting.

Number: H/2009/0618

Applicant: Housing Hartlepool, Greenbank Stranton, Hartlepool

Agent: B3 Architects, 3rd Floor, Grainger Chambers, 3 - 5 Hood Street, Newcastle upon Tyne

Date received: 04/11/2009

Development: Erection of 97 two, three and four bedroom dwellings with associated external works and landscaping (AMENDED PLANS RECEIVED)

Location: LAND AT KENDAL ROAD, KATHLEEN STREET, SCAWFELL GROVE, PATTERDALE STREET, BORROWDALE STREET, WINDERMERE ROAD AND BRENDA ROAD

Decision: **Planning Permission Approved subject to the completion of a Section 106 agreement securing developer contributions towards off-site play facilities.**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.

2. The development hereby approved shall be carried out in accordance with plans and details received at the time the application was made valid on 4th November 2009 as amended by the plan "site plan proposed layout" reference 80966/G7/SI-100/P4 received at the Local Planning Authority by email on 17th December 2009, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
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 any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
6. The area(s) indicated for car parking on the plans hereby approved shall be provided before the use of the relevant houses served by those parking areas commences and thereafter be kept available for such use at all times during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties and highway safety.
7. Unless otherwise agreed in writing with the Local Planning Authority a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority

- gives written consent to any variation.
In the interests of visual amenity.
9. Notwithstanding the details submitted, unless otherwise agreed in writing with the Local Planning Authority, details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
10. 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.
11. No development shall take place until the following matters have been addressed and agreed in writing by the Local Planning Authority:-
1. Site Characterisation
The development hereby permitted shall not be commenced until a Phase II Site Investigation is carried out. The Site Investigation 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. Should piled foundations be considered as part of the geotechnical design, then an assessment of the potential risks to controlled waters must be addressed.
- 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'.
 2. 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.
 3. 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.

4. 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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 3.

5. 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'.

6. Extensions and other Development in Dwellings

If as a result of the investigations required by the conditions above, landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

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. To enable the Local Planning Authority to exercise control to ensure land fill gas protection measures.

12. Notwithstanding the details submitted, unless otherwise agreed in writing with the Local Planning Authority, a phasing plan shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter

proceed in accordance with the approved phasing plan.

In order to ensure that any phased development can proceed in an orderly manner and with due regard to the amenity of the occupants of any properties remaining within separate phases.

13. Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development a scheme to incorporate embedded renewable energy generation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details at the time of development.
In the interests of the environment.
14. Unless otherwise agreed in writing with the Local Planning Authority details of the proposed sheds shall be submitted to and approved by the Local Planning Authority before their erection.
In the interests of visual amenity.
15. Unless otherwise agreed in writing by the Local Planning Authority none of the dwellinghouses hereby permitted shall be occupied until a "prohibition of waiting order" has been implemented on the approaches to the road junction between Windemere Road and Brenda Road in accordance with details first submitted to and approved in writing by the Local Planning Authority.
In the interests of highway safety.
16. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional window(s) shall be inserted in the side elevations of the dwellinghouses on plots 1, 7, 9, 32, 43, 49, 53, 54, 61, 62, 64, 65, 78, 91 and 92 without the prior written consent of the Local Planning Authority.
To prevent overlooking.
17. Notwithstanding the details submitted the unless otherwise agreed in writing with the Local Planning Authority the proposed first floor window(s) in the side elevations of the dwellings hereby approved on plots 7, 32, 54, 65, 78 and 91, and the first floor bathroom windows of plots 3, 4, 5, 6, 11 and 12, shall be glazed with obscure glass which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist(s).
To limit overlooking.
18. Unless otherwise agreed in writing with the Local Planning Authority a scheme for the removal or resiting of the CCTV camera and associated equipment currently located within the site shall be submitted to and agreed in writing with the Local Planning Authority.
The camera cannot be retained in its current location.
19. Unless otherwise agreed in writing with the Local Planning Authority the development shall not commence until a detailed scheme for the diversion, abandonment, or relocation of the public sewer which crosses the site 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.
An existing 225mm public sewer crosses the proposed development site and is shown built over on the application. Northumbrian Water Ltd will not permit a building over or close to its apparatus.

20. 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.
21. No development shall be commenced on plots 1-3 and 92-94 until a scheme for the provision of visibility splays at the entrances to the site from Brenda Road have been submitted to and approved in writing by the Local Planning Authority. The scheme once agreed shall be retained as agreed at all times for the lifetime of the development.
In the interests of highway safety.
22. Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of development, Japanese Knotweed located on the site shall be removed and disposed of in accordance with a scheme first submitted to and agreed in writing with the Local Planning Authority.
In order to ensure the Japanese Knotweed is appropriately dealt with.

The Committee considered representations in relation to this matter.

Number:	H/2009/0660
Applicant:	Mr Richard Harlanderson, Municipal Buildings, Hartlepool
Agent:	Hartlepool Borough Council, Mr Steven Wilkie, Building Consultancy, Leadbitter Buildings, Stockton Street, Hartlepool
Date received:	19/11/2009
Development:	Creation of play area (Playbuilder Play Space) (Amended Plans Received)
Location:	SEATON CAREW PARK, ALLENDALE STREET HARTLEPOOL
Representations:	Mrs J Bayley (objector) was in attendance and addressed the Committee.
Decision:	Minded to APPROVE subject to the following conditions but the final decision was delegated to the Development Control Manager in consultation with the Chair of the Planning Committee.

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 11/12/2009 (Drawing Number: 311/07 L002), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out following the completion of the development. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
5. If during the implementation of the development hereby approved any contamination is identified, work shall cease, unless otherwise agreed in writing the by the Local Planning Authority, and remediation proposals for this contamination shall be agreed with the Local Planning Authority. The development shall thereafter be in accordance with the approved remediation proposals.
To ensure that any site contamination is addressed.

The Committee considered representations in relation to this matter.

Number: H/2009/0661

Applicant: Mr Richard Harlanderson, Municipal Buildings, Hartlepool

Agent: Hartlepool Borough Council, Mr Steven Wilkie, Building Consultancy, Leadbitter Buildings, Stockton Street, Hartlepool

Date received: 19/11/2009

Development: Creation of play area (Playbuilder Play Space).

Location: LAND ADJACENT TO LANARK ROAD HARTLEPOOL

Representations: Mr R Bennett (objector) was in attendance and addressed the Committee.

Decision: **Planning Permission Refused**

REASON FOR REFUSAL

1. The proposed development is to be located within part of the Owton Manor Green Wedge which currently experiences problems with crime and antisocial behaviour and it is considered that the development in this particular physical setting could exacerbate these problems to the detriment of the well-being of users of the proposed play area and the amenities of the occupiers of nearby housing contrary to policies GEP3 and GN2 of the Hartlepool Local Plan 2006.

The Committee considered representations in relation to this matter.

Number: H/2009/0656

Applicant: Mr Richard Harlanderson, Municipal Buildings, Hartlepool

Agent: Hartlepool Borough Council Mr Steven Wilkie Building Consultancy Leadbitter Buildings Stockton Street Hartlepool

Date received: 19/11/2009

Development: Creation of play area (Playbuilder Place Space) adjacent to the existing recreational complex

Location: ADJACENT TO RECREATIONAL COMPLEX, TOWN MOOR

Decision: **Minded to APPROVE subject to the following conditions but the final decision was delegated to the Development Control Manager in consultation with the Chair of the Planning Committee.**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with plan 319/04L002 received by the Local Planning Authority on 19 11 09.
For the avoidance of doubt.
3. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all

open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out following the completion of the development. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

5. No development shall take place within the area indicated until the applicant or their agents or successors in title, has completed the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority.

The site is of archaeological interest

6. If during the implementation of the development hereby approved any contamination is identified, work shall cease, unless otherwise agreed in writing the by the Local Planning Authority, and remediation proposals for this contamination shall be agreed with the Local Planning Authority. The development shall thereafter be in accordance with the approved remediation proposals.

To ensure that any site contamination is addressed.

Number: H/2009/0657

Applicant: Mr Richard Harlanderson, Municipal Buildings, Hartlepool

Agent: Hartlepool Borough Council, Mr Steven Wilkie, Building Consultancy, Leadbitter Buildings, Stockton Street, Hartlepool

Date received: 19/11/2009

Development: Creation of a play area (Playbuilder Play Space) adjacent to existing play area

Location: LAND ADJACENT PLAY AREA KING OSWY DRIVE
HARTLEPOOL

Representations: Mr C Wenlock (applicant) was in attendance and addressed the Committee.

Decision: **Minded to APPROVE subject to the following conditions but the final decision was delegated to the Development Control Manager in consultation with the Chair of the Planning Committee.**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with plan 346/01L002 received by the Local Planning Authority on 19 11 09.
For the avoidance of doubt.
3. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out following the completion of the development. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
5. Details of all fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
6. If during the implementation of the development hereby approved any contamination is identified, work shall cease, unless otherwise agreed in writing the by the Local Planning Authority, and remediation proposals for this contamination shall be agreed with the Local Planning Authority. The development shall thereafter be in accordance with the approved remediation proposals.
To ensure that any site contamination is addressed.

Number: H/2009/0659

Applicant: Mr Richard Harlanderson, Municipal Buildings, Hartlepool

Agent: Hartlepool Borough Council, Mr Steven Wilkie, Building Consultancy, Leadbitter Buildings, Stockton Street, Hartlepool

Date received: 19/11/2009

Development: Creation of play area (Playbuilder Play Space) erection of boundary treatment at Middleton Road and creation of new access from Middleton Road/Grainger Street to accommodate wheelchair access

Location: ADJACENT TO BROUGHAM PRIMARY SCHOOL,
MIDDLETON ROAD, HARTLEPOOL

Decision: **Minded to APPROVE subject to the following conditions but the final decision was delegated to the Development Control Manager in consultation with the Chair of the Planning Committee.**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with plan 339/01L002 and 'Sample Cross Section' received by the Local Planning Authority on 19 11 09.
For the avoidance of doubt.
3. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out following the completion of the development. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
5. Details of all fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
6. If during the implementation of the development hereby approved any contamination is identified, work shall cease, unless otherwise agreed in writing the by the Local Planning Authority, and remediation proposals for this contamination shall be agreed with the Local Planning Authority. The development shall thereafter be in accordance with the approved remediation proposals.
To ensure that any site contamination is addressed.

Number: H/2009/0530

Applicant: Mr L Pennick, Church Street, Seaton Carew, Hartlepool

Agent: Mr L Pennick, Church Street, Seaton Carew, Hartlepool

Date received: 15/10/2009

Development: Retention of Trinity House advertisement board

Location: TAIL END FISHERIES, CHURCH STREET, SEATON CAREW, HARTLEPOOL

Decision: **1. Advertisement Consent Refused**

REASON(S) FOR REFUSAL

It is considered that the size, design and appearance of the proposed sign is inappropriate and detrimental to the character of the Seaton Carew Conservation Area and could set an undesirable precedent contrary to the provisions of PPG19 Outdoor Advertisement Control and policies GEP1 and HE1 of the adopted Hartlepool Local Plan.

- 2. Authority was given to officers to secure the removal of the unauthorised advertisement using any relevant powers if necessary**

100. Hartlepool Strategic Housing Land Availability Assessment (SHLAA) *(Assistant Director (Planning and Economic Development))*

The Assistant Director (Planning and Economic Development) presented the report which informed Members that a draft Hartlepool Strategic Housing Land Availability Assessment (SHLAA) had been prepared. The report outlined the likely implications of the Assessment, the overall aim of which was to ensure there would be enough land available to continuously meet Hartlepool's housing needs over a fifteen year timescale commencing in 2009-10.

A database of initial assessments had been produced and circulated to Statutory Consultees, utility providers, internal Council services and other relevant parties for comment. The number of units identified represented 94.8% of the 5 year supply which was sufficient to demonstrate a robust 5 year housing supply to meet the needs of the Borough in the short term.

In addition to the above, the SHLAA identified sites with the potential to significantly exceed of the Regional Spatial Strategy requirements for the medium (6-10 years) and longer (11-15 years) terms.

A Member sought clarification on whether the assessment process undertaken ensured all sites considered were appropriate to the Council's housing policy. The Assistant Director confirmed that the formal planning policy had been taken into account but that at this stage consideration was being given to the broader quantitative issues.

In response to a Member's question, the Assistant Director indicated that all the response to the list identified through the SHLAA would be publicly available with the agenda papers for the Cabinet meeting on 25 January. However, due to the large amount of documentation involved, a link to the database which included all the sites identified through the SHLAA will be forward to Members for their information.

Decision

The report was noted.

101. Update on current complaints *(Assistant Director (Planning and Economic Development))*

The Development Control Manager drew Members' attention to 9 ongoing investigations.

Decision

Members noted the report.

102. Monitoring of the Marad Contract, Able UK, Graythorp *(Assistant Director (Planning and Economic Development))*

The Development Control Manager presented a report which provided Members with copies of the fourth and fifth quarter monitoring report as prepared by Scott Wilson Limited in line with the planning permission for the Able ship dismantling operation. The monitoring report had been prepared from announced and unannounced visits to the site and had not highlighted anything of significance.

Members had previously requested a site visit to the site and the following dates had been suggested in conjunction with the Able UK – 16 February 2010 or 24 February 2010. The site visit would include the Terrc site and Seaton Meadows site.

Decision

That the date and time of the site visit be agreed with the Chairman and confirmed to Members.

103. Any Other Business – Planning Application *(Assistant Director (Planning and Economic Development))*

Number: H/2009/0321

Applicant: Baker Hughes, Brenda Road, Hartlepool

Agent: Baker Hughes, Tekchem Works, Tofts Farm Industrial Estate West, Brenda Road, Hartlepool

Date received: 23/06/2009

Development: Hazardous Substances Consent for the storage of additional quantities of ethylene and propylene oxide

Location: BAKER PETROLITE, TOFTS FARM INDUSTRIAL ESTATE, WEST BRENDA ROAD, HARTLEPOOL

Decision: **Minded to APPROVE subject to the following conditions but a final decision was delegated to the Development Control Manager in consultation with the Chair of the Planning Committee.**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The hazardous substance(s) shall not be kept or used other than in accordance with the application particulars provided in the Hazardous Substances Consent Application Form nor outside the area(s) marked for storage of the substance(s) on the plan which formed part of the application.
In the interests of the environment.

CHAIRMAN

No: 1
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
Location: NIRAMAX THOMLINSON ROAD HARTLEPOOL

Background

1.1 This application was deferred from the previous Committee meeting on 6 January to allow members to undertake a site visit. Since then the applicant has submitted amended details withdrawing the proposed pyrolysis/gasification plant and electricity generation plant from the proposals. This is discussed in further detail below.

Site and Surroundings

1.2 The site to which this planning application relates is the former SWS landfill and waste transfer site located on Thomlinson Road, (now operated by Niramax), located within the Longhill Industrial Estate – an area comprising a number of established industrial sites, including a range of waste management sites.

1.3 The wider site within the applicant's control comprises an existing landfill which forms the eastern element of the site, lying at the southern end of Mainsforth Terrace, adjacent to the Durham Coast rail line and opposite the properties of Harvester Close. Additionally, the site comprises an existing recycling and waste transfer station and associated buildings.

1.4 The application in this instance relates to the western element of the larger site which comprises an existing waste transfer station and recycling facility, in addition to a large former industrial building, referred to as the 'black sand shed'. The 'black sand shed' formerly comprised the British Steel power station. The building received permission for a change of use to industrial units in 1981. This use appears not to have been implemented and the building is currently vacant.

1.5 The waste transfer element of the site has been in operation since 1981, as approved by planning permission ref: CH/705/81, which allowed for paper and metallic waste processing only. A Certificate of Lawful Existing Use or Development (CLEUD) was granted in 2002 for the use of the waste transfer station for the transferring and processing of non-hazardous commercial, industrial and construction waste including incidental quantities of putrescible waste. In that instance the Local Planning Authority were satisfied on the evidence presented that on the balance of probability the site had handled those waste streams set out above

continuously for a period of ten years or more in accordance with the provisions of Section 191 of the Town and Country Planning Act (1990).

1.6 An additional waste transfer station sited adjacent to the aforementioned was granted permission in 2002 (H/FUL/0412/01), allowing for the same waste types as those agreed in the CLEUD.

1.7 In terms of the site's operations, the applicant has indicated in the supporting documentation that approximately 2,500 tonnes of waste is received per week at the existing facility (approximately 130,000 tonnes per annum). Existing waste streams incorporate non-hazardous commercial and industrial (C&I), construction and demolition (C&D) and inert soils and hardcore. Such waste types are permitted by virtue of the aforementioned CLEUD. Existing operations at the site comprise manual waste classification incorporating the separation of recyclable materials, with residual waste disposed of at the adjoining landfill.

1.8 It is indicated at present that:

- 1,000 – 1,500 tonnes of residual waste per week is disposed of at the adjacent landfill;
- 300-400 tonnes of 'fines' are disposed of and stored at the landfill, used towards the cover and restoration of the landfill;
- The estimated life of the landfill at the current operation rates is 18-24 months;
- The amount of recyclable materials separated and recycled is approximately 335 tonnes per week, with ferrous material approximately 10-20 tonnes per week and non-ferrous 5-10 tonnes per week.

Proposals

1.9 The application previously sought planning permission primarily for the installation and operation of an Waste to Energy (WtE) Plant through the thermal treatment of waste through the process of pyrolysis and gasification to produce syngas, in turn used to generate electricity, to be contained within the existing 'black sand shed' on the site. Additionally, external alterations were also proposed in order to facilitate the installation and operation of the proposed plant.

1.10 The applicant has submitted amended plans and details which remove that element of the proposal and on that basis planning permission is no longer sought for the Waste to Energy Plant.

1.11 The development originally comprised three phases. The first being an upgrade of the existing waste transfer facilities on the site by installing a conveyer between the reclamation shed and the black sand shed, and installing recycling and sorting plant within the black sand shed.

1.12 The second phase comprises the proposed installation of a briquette plant which will compress the non-recyclable waste from phase 1 of the proposals.

1.13 Phase 3 proposed the installation of a pyrolysis and gasification plant including electricity generation element, including flare stacks and exhaust stacks. Phase 3 has now been removed from the proposals and on that basis planning permission is only sought for phases 1 and 2 of the development.

1.14 Consent is also sought as part of the application for the receipt and process of Municipal Solid Waste (MSW) within the waste transfer station and the proposed waste classification process.

1.15 In terms of operation, the proposed development aims to increase recycling of waste and reduce the volume of waste disposed at the landfill. The processes in general terms would comprise improved waste classification and recycling, and waste compression.

Waste Classification

1.16 In the first instance, waste would be deposited within the existing reclamation shed and fed manually onto picking lines. Recyclable materials would be manually separated, stored and transported off-site for re-processing. The remaining waste would be shredded and fed into the existing screening plant, which sorts the waste by size. The waste would travel along a high-level conveyer (5m rising to 6.2m above ground level) between the reclamation shed and the black sand shed. Smaller waste (fines) is transferred to the adjacent landfill and used for restoration. The applicant has indicated that the fines will not contain any putrescible elements of waste which may arise from the proposed MSW waste streams. The remainder of the waste is transferred to the 'black sand shed' via the proposed enclosed high level conveyer.

1.17 Within the black sand shed the waste is further sorted based on density. Heavier waste is to be separated into ferrous (15-25 tonnes per week) and non-ferrous (10-15 tonnes per week), temporarily stored within the existing bays in the external storage yard before being transported off-site for processing. It is indicated there will be no open storage of any putrescible elements of the waste streams. Residual waste is temporarily stored externally before being disposed of within the adjacent landfill. Light waste (less than 150kg/m³) is outputted and shredded to produce a refuse derived fuel (RDF) which is transported off-site for commercial sale.

Waste Compression

1.18 The proposed briquette plant sole function is to densify the aforementioned flock by compressing the waste into cubes, producing 10 tonnes of briquettes per hour. The waste compression is a mechanical process involving forcing the waste into a tapering channel under pressure until the flock is compressed to a control density. The briquettes will be transferred off-site for commercial sale.

1.19 Current operation hours for the receipt of waste are 7am – 7pm Monday to Friday and 8am – 1pm Saturdays. Those hours for the receipt of waste will remain unchanged.

1.20 It is indicated by the applicant that the operation of the proposed development would achieve:

- An increase in input to the site to 3,000 tonnes per week (from 2500 tonnes);
- An increase in the volume of recyclable materials – it is indicated that recycling rates will increase from 365 tonnes per week to 1,380 tonnes per week;
- An increase in volume of ferrous materials separated and recycled;
- An increase in volume of non-ferrous materials separated and recycled.

Publicity

1.21 The original application including pyrolysis and gasification has previously been advertised through two rounds of publicity, both involving advertising by neighbour letter (74), site notices and press adverts. In total, 49 objections were received to the original consultation. In summary, the concerns raised are:

1. Request for further consultation within the Belle Vue area;
2. Existing site noise is loud and irritating;
3. A plant running 24 hours is unacceptable;
4. Disgusting odours emanate from the site;
5. Not informed this was a working landfill site when purchased property;
6. How permission can be granted for a landfill so close to housing;
7. Children can not play outside for odours and harmful fumes;
8. Why is the site close to homes and not out of town or an industrial site;
9. Height of the landfill – is it monitored?
10. Litter is a nuisance, boundary prevention is very inadequate;
11. Any potential environmental issues which the EA may be concerned about?
12. Possibility of toxic gases;
13. Seaton Carew is supposed to be a seaside resort;
14. Unsafe emissions to public health, especially three schools in proximity;
15. We don't know the effect on people's health;
16. Gases emitted are potentially toxic and have health implications;
17. Gases can cause inflammation of nose, throat and lungs and cause respiratory disease – risk to households is not acceptable;
18. Process proposed is a form of incineration;
19. Such plants should be located out-of-town;
20. Noise from 24 hour operation;
21. Traffic loads are unacceptable;
22. A more thorough examination is required as technology is untested;
23. Workings of the landfill and application site go hand-in-hand;
24. Concerns over lorry loads;
25. Noise from machinery and seagulls;
26. Odours from waste;
27. Landfill is getting higher;

28. Potential for toxic gases;
29. Area is not purely an industrial area;
30. Exacerbate existing site problems;
31. Breach of Human Rights Act 1998
32. Risk to highway safety;
33. How is to be carefully managed?
34. Lack of pedestrian and cycle links;
35. Impact on the growth and development of the area;
36. Impact on landscape of the flues;
37. Result in significant amounts of hazardous waste;
38. More studies should be implemented to ensure safety of the plant;
39. How can something with so many unanswered questions be approved?
40. Frequent fires, noise and poor control on existing sites;
41. Seaton Carew needs cleaning up not turned into a chemical plant;
42. Important factors relating to the proposal are yet to be confirmed or under negotiation;
43. Will there ever be an agreement in place where electricity generation will be used?
44. Unclear how hazardous waste will be disposed of;
45. How can application be considered when question of toxic waste remains unanswered?
46. Chemicals and quantities are unknown;
47. Safety of the storage of syngas;
48. Nobody can agree that an operation which involves the types of substances, gases and process involve should go ahead adjacent to residential area;
49. Seaton Carew should not be a dumping ground;
50. How can the application be approved when the documentation indicates that harmful gases will be pumped into the air;
51. Effect on nearby homeowners, children and families;
52. Consideration should be given to the gases the landfill pumps into the air, given the proximity of residents;
53. Proposal could undermine the regeneration work and investment in the Belle Vue area.
54. Object that the life of the site is to be extended to 2018 and operations are to be 24/7.
55. Proximity of proposal to housing;
56. Management of landfill site;
57. Plant would have to run 24 hours and process hundreds/thousands of tonnes of waste;
58. Increased traffic and noise;
59. Main product of gasification is carbon monoxide and hydrogen, smaller quantities carbon dioxide, nitrogen and methane.
60. These gases would have to be vented/flared to atmosphere;
61. The process also produces unconverted carbon, sulphur and mercury which is not 100% removable;
62. Process is high pressure and high temperature leading to noise and safety issues;
63. Briquetting will produce noise and dust;
64. Process is still classed as incineration in EU directive;
65. Plant contains combustion – little difference from incineration;

66. Council need to think long and hard before granting permission for poisonous gas producing incinerator.
67. Noise;
68. Dust;
69. Hartlepool is the capital dumping ground of the UK;
70. Four waste management facilities in three mile radius;
71. The site should not have been allowed in first place;
72. Site is an eyesore/unsightly;
73. Dirt from the site;
74. Odour issues;
75. Vermin/seagulls;
76. Litter issues;
77. Visual impact of landfill;
78. Proposals will exacerbate existing problems on site;
79. Size of proposed flare stacks;
80. Safety of emissions;
81. Control over emissions;
82. Confusion over the extension to the life of the landfill;
83. Proximity of residential area;
84. Impact on house prices/selling property;
85. Concerns over the safe operation of the proposed processes;
86. Lack of consultation with neighbours;
87. Lack of consultation with the public;
88. Management capabilities;
89. Highway safety concerns;
90. Health concerns from possibility of increased waste types;
91. Poses the same problems as an incinerator;
92. Contaminants from exhaust stacks;
93. Ash, dust, contaminants and dioxins;
94. Scale of the proposed works in visual amenity terms;
95. Deterrent to commercial development in Hartlepool;
96. Waste stream into landfill will increase not decrease;
97. Concerns regarding increase in tonnage and impact on highways;
98. No calculation details for effluent discharge being removed;
99. Concerns regarding the efficient and effective removal of tar compounds;
100. What happens to potential hazardous waste from residues;
101. Planning committee need to be aware of all technical facts.

1.22 The previous periods for publicity has expired. The application has been re-publicised following the amendment of the application to exclude the gasification and pyrolysis. This has been undertaken in the form of site notices, press advert and neighbour letters including all those who originally were consulted +/- or commented (163). Three letters of objection have been received in relation to the amended application. The concerns raised are:

- Noise;
- Odours;
- Rubbish;
- Vermin/seagulls;

- Site is an eyesore;
- Reduced house prices;
- Pollution;
- Briquette plant will increase the life of the facility and suffering of residents;
- Concerns that the applicant will re-apply for pyrolysis/gasification plant;
- Pyrolysis/gasification is classed as incineration.

1.23 The period for publicity is ongoing and expires following the meeting.

Copy Letters E

Consultations

1.24 The following statutory and non-statutory consultation responses have been received:

Association of North East Councils – Comments awaited on the amended proposals but raised no objection's in principle to the original larger scheme.

Engineering Consultancy – Comments awaited on the amended scheme but raised no objection's to the original larger scheme.

Environment Agency – Comments awaited on the amended scheme but raised no objection's in principle to the larger scheme

Estates – No objections.

Head of Public Protection – No objections to the amended proposals providing there is no external storage or landfilling of Municipal Solid Waste on site.

Northumbrian Water – Comments awaited on the amended scheme but raised no objections to the larger scheme.

One North East – Comments awaited on the amended proposals but raised no objection's in principle to the original larger scheme.

Tees Valley JSU – Comments awaited on the amended proposals but raised no objection's in principle to the original larger scheme.

Traffic and Transportation – Comments awaited on the amended scheme but raised no objections to the larger scheme.

Planning Policy

1.25 National Planning Policy guidance is set out in Planning Policy Guidance Notes (PPG) and Planning Policy Statements (PPS). Guidance relevant to this application is:

PPS 1 - Delivering Sustainable Development

PPG 4 - Industrial, Commercial Development and Small Firms

PPS 4 (Draft) - Planning for Sustainable Economic Development (Dec 2007)
 PPS 10 - Planning for Sustainable Waste Management
 PPS 11 - Regional Spatial Strategies
 PPS 12 - Local Spatial Planning
 PPG 13 - Transport
 PPS 22 - Renewable Energy
 PPS 23 - Planning and Pollution Control
 PPS 25 - Development and Flood Risk

1.26 The Statutory Development Plan comprises the adopted Hartlepool Local Plan (2006) and the Regional Spatial Strategy (RSS) for the North East (2008). The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

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

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

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

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.

Ind5: States that business uses and warehousing will be permitted in this area. General industry will only be approved in certain circumstances. A particularly high quality of design and landscaping will be required for development fronting the main approach roads and estate roads.

Ind6: Identifies part of the Sandgate area for the location of bad neighbour uses. Such uses will only be permitted subject to criteria in the policy relating to nuisance, visibility, screening, size of site and adequacy of car parking and servicing.

Ind8: States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated industrial improvement areas.

PU1: Requires that development proposals be designed to ensure that there is no additional flood risk. Sustainable drainage is encouraged.

Dco1: States that development on notified landfill sites will only be approved where there will be no harm to occupiers. The policy also requires the provision of protection measures where appropriate.

1.27 The following policies in the Regional Spatial Strategy for the North East (2008) are relevant to the determination of this application:

- RSS Policy 3 – Climate Change
- RSS Policy 4 – The Sequential Approach To Development
- RSS Policy 6 – Locational Strategy
- RSS Policy 8 – Protecting and Enhancing the Environment
- RSS Policy 24 – Delivering Sustainable Communities
- RSS Policy 34 – The Aquatic and Marine Environment
- RSS Policy 35 – Flood Risk
- RSS Policy 37 – Air Quality
- RSS Policy 38 – Sustainable Construction
- RSS Policy 45 – Sustainable Waste Management

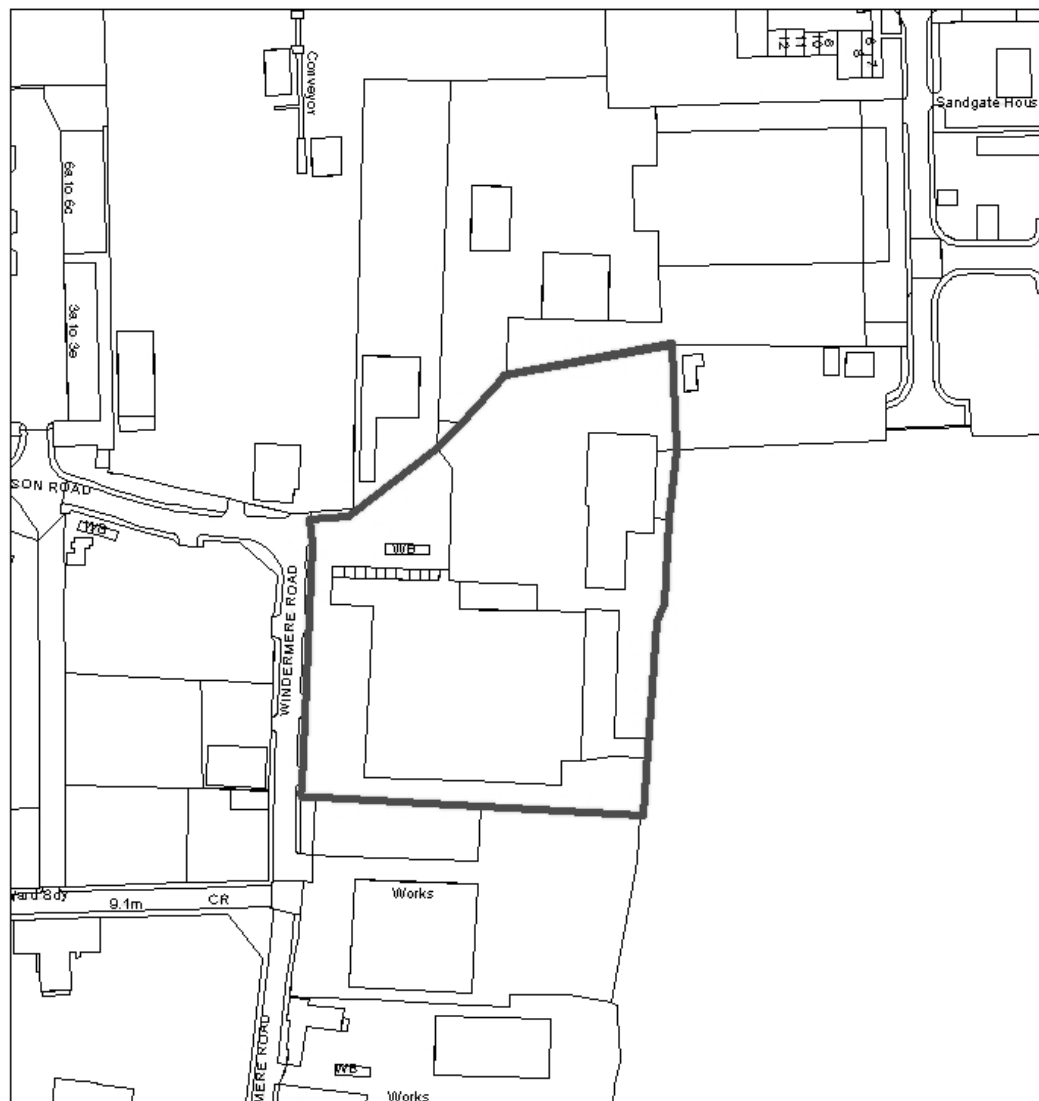
1.28 The emerging Tees Valley Joint Minerals and Waste Development Plan Documents are also relevant.

Planning Considerations

1.29 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 in terms of noise, odour, dust and pollution; design and visual impact, highways, ecology, drainage/flooding and contamination.

1.30 Publicity of the revised proposals is ongoing and a number of key consultation responses are outstanding, notably the detailed comments of the Environment Agency and the Head of Traffic and Transportation. It is envisaged that these comments will be received shortly and a comprehensive update report discussing all planning considerations as set out above will be provided.

RECOMMENDATION – Update to follow.

THOMLINSON ROAD

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/11/2009
	SCALE 1:2,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2009/0500	REV

No: 2
Number: H/2009/0231
Applicant: British Telecom Plc Knightrider Street London EC4Y 5BT
Agent: Dalton Warner Davis LLP Chris Girdham 21 Garlick Hill LONDON EC4V 2AU
Date valid: 20/08/2009
Development: Erection of 5 no. wind turbines, meteorological monitoring mast, switch room, contractors compound and associated works including improvements to the existing site access from the A19, construction of temporary haul road for construction purposes; permanent tracks to connect turbines and occasional deployment of temporary road from the improved A19 access to the turbine access tracks to support maintenance and other works which requires the use of heavy vehicles and plant.
Location: RED GAP FARM WOLVISTON BILLINGHAM BILLINGHAM

The Application and Site

2.1 The proposal is considered by the agent to be an integral part of the 'Wind for Change Project', part of BT's national renewable energy delivery programme for wind turbine development at this and other locations across the UK. Its renewable electricity programme aims to develop wind farms with 250 MW total capacity to generate around 25% of its existing UK electricity requirements by 2016.

2.2 Planning permission is sought for the following:

- 5 no. wind turbines with an overall maximum height of 125metres each for an operational period of 25years;
- crane hardstanding areas adjacent to each wind turbine;
- transformers and cabling from the wind turbines to the substation;
- a meteorological mast with a maximum height of 80 metres;
- temporary haul road from the site entrance to the turbines;
- permanent tracks between the turbines and ancillary development;
- an electrical switch room building;
- temporary construction compound; and
- a temporary road to be deployed as and when required for necessary maintenance or emergency works and thereafter removed until required again.

2.3 The proposed site is located on land immediately to the west of the A19 near Sunderland Lodge within the Parish of Elwick. The extent of the proposed turbine development will be approximately 1.7km from east to west (from the A19 access to turbine no. 1) and 1.1km from north to south (from turbine no. 1 to the operational access road).

2.4 The site is currently accessed by a track off the A19, near to Sunderland Lodge. The track, which is unpaved, passes through woodland on route to the site and is part of a more extensive network of informal vehicular tracks that provide many of the local farmsteads and settlements with access to the A19 and A689.

2.5 The application site area has a total area of approximately 21.3 hectares. Red Gap Cottage and the Red Gap Farm House and outbuildings are located to the south west of the site. The southern, south western and western boundaries of the site are defined by a wooded area. The northern and eastern boundaries of the site are not as clearly defined by natural features and land to the north is more open. The A19 demarks the site's eastern boundary. The gently undulating lowland topography featuring some small hills generally slopes downwards from north to south. The highest point on the site is at approximately 75 m AOD in the north western corner.

2.6 Beyond the confines of the application site there is evidence of significant human intervention throughout the landscape. Surrounding land uses reflect the open, rural characteristics of the area with several farms, detached houses, roads linking small settlements, infrastructure related to the generation and distribution of electricity (predominantly pylons and wind turbines) and telecommunications apparatus, including a small telecommunications mast on the eastern side of the A19 near to Sunderland Lodge.

2.7 The nearest settlements are Dalton Piercy (2.5km NE), Elwick (3km NE), Brierton (3km E), Wynyard Village (2.5km SW), Billingham and Wolviston (3km S), Sedgefield (7km W) and Trimdon (7km NW). Generally, the landscape becomes significantly more urbanised to the east, south and south east of the proposal site. The main urban area of Hartlepool is situated approximately 6km to the north east of the site, beyond the A19.

2.8 Within the wider context there are a number of other wind farms. The closest developments comprise the 3 turbine development of High Volts which lies 3km from the centre of the Red Gap site to the north east (maximum height of 100m). The Walkway wind farm development of 7 turbines is located 4km to the west (maximum height of 110m). The 10 turbine development of Butterwick Moor has recently been consented and will be located adjacent to the Walkway Wind Farm 4km to the west. The proposed turbines at Red Gap would be 80metres from base to hub with an overall height from base to blade tip of 125metres.

Publicity

2.9 The application has been publicised three times; the first following its initial validation in May, again in June and finally in September 2009. The second and third publicity exercises resulted from BT's wish to publicise a modification to the development description to provide for a temporary construction and maintenance road and as a consequence of minor amendments to the Environment Statements Landscape and Visual Impact Assessment respectively.

2.10 The application has been advertised by way of neighbour letters (60) press notice and site notices (12). To date, there have been 9 no objections from individual addresses and 11 objections from individual addresses.

2.11 The concerns raised are:

1. Inappropriate and over intensive industrial development in the countryside.
2. Visual intrusion, eyesore.
3. Cumulative effect.
4. Loss of countryside amenity for Hartlepool residents.
5. Increased noise and construction works.
6. Dominate and overpower the sites of the former medieval villages of Amerston, Embleton and Swainston.
7. Adverse effects upon wildlife.
8. Proposed site is in a direct flight path from the Tees estuary and the Crookfoot and Hurworth Burn reservoirs.
9. Bat colonies may be damaged by the large sound and air pressure fluctuations of giant turbine blades.
10. Significant increase and intrusive noise levels at all residential properties within 3km.
11. Long term effects upon health of residents exposed to these phenomena over the proposed period of operation.
12. Shadow flicker.
13. Ice throw.
14. Turbines on a direct flight path to Durham Tees Valley Airport increasing danger of radar interference and collision.
15. Noise level intrusion for patients, visitors and staff at the new hospital.
16. The turbines will affect the wildfowl at Crookfoot.
17. The large number of bats, including rare species will be killed by the turbines. As stated by the University of Calgary the bats suffer the bends or batoturma, the lungs explode due to pressure created by the blades.
18. Destruction of the landscape, views, the development of new access roads, tonnes and tonnes of concrete buried forever more.
19. Affect on woodland birds and wildlife.
20. Technical facts are coming to light which show that they are not as efficient as we are all encouraged to believe.
21. Dominate the skyline.
22. Why are they 10% bigger than Walkway yet are still only 2mw units.
23. Parts of the application say that the turbines are shrouded by trees, where are these 125m trees?
24. They are too close to many local properties.
25. They will be noisy.
26. They kill wildlife.
27. Geese and bats are possibly the 2 types of wild life to be affected the most.
28. The proposed site is crossed by 2 major gas pipelines, ground disturbance through excavation or heavy traffic can not be beneficial to these pipelines.
29. Shadow flicker is occurring at walkway turbines.

30. Construction hours.
31. Hartlepool is already a net exporter of electricity, non fossil fuel electricity at that, surely this area is already doing enough.
32. Turbines breed turbines; if you pass these 5 you will open the floodgates.
33. Consultation process.
34. No long term employment.
35. Turbines can not produce power on demand. No wind = no electricity.
36. Wind turbines have dubious 'green credentials'.
37. Wind energy is heavily subsidised, where does this subsidy come from?
38. Devaluation of property.
39. If we have to have wind power then it should be installed off shore.
40. The greed of one person should not be allowed to ruin the lives of all who live around him.
41. There has been a recent appeal decision in Norfolk, about the proximity of turbines to houses; these turbines are too close to local residents.
42. Strobe lighting, noise and sleep deprivation are common torture methods, all of these effects the turbines promise to inflict on us residents for 25 years to come.
43. They will spoil an unspoilt area.
44. Meadowvale has a conservatory situated on the southwest of the property; obviously the impact of shadow flicker on this conservatory would be immense and render it unusable for several hours of the day. Should the application be approved the developer should build a new conservatory.
45. Objector has been assured by the agent that offending turbines could be switched off at times of inconvenience caused by shadow flicker; in reality how easy is this to do? As part of this application we would expect a legally binding obligation to switch off the turbines whenever shadow flicker affects nearby properties.
46. Shadow flicker mitigation measures are unacceptable blinds to windows, tree planting, turbines should be moved away from Meadowvale.
47. Vehicles will be travelling past the property of Meadowvale, through greenbelt land within 200m of the property.
48. Lack of privacy for occupants of Meadowvale.
49. There is a 10 year old plantation of young trees directly in the path of the proposed access track, these would be destroyed.
50. Security risk and risk of antisocial behaviour.
51. There should be 24 hour manned security for the gates at the entrance during construction.
52. Driver distraction to vehicles on the A19.
53. Distress to animals during construction.
54. The occupant of Meadowvale uses his land to practice take offs and landings for his paraglider, the turbines would cause unpredictable turbulent air downwind which would make it dangerous.
55. Nearby properties should be given free electricity.
56. A community fund should be used to upgrade and maintain the footpaths and proposed new bridle-way mentioned below.
57. The land has constraints, water pipes, pipelines, overhead cables etc.
58. Noise and interference with air ambulances.

59. How will the public using footpaths be affected in the area of this proposed development?
60. Has the planning department considered the amount of materials/energy that is necessary to construct such structures? Is it cost effectively both financially and environmentally.
61. Surely the role of the planning departments is to protect the rural area.
62. Will look unsightly in an area of outstanding natural beauty.
63. Bat survey is not sufficient.
64. It would be better to put the turbines where they are needed.
65. The Government is committee to the development of wind energy and the Prime Minister recently announced an intention to see investment of £100 billion in wind energy over the next 10 years. Most of the turbines will be erected off-shore which doubles the cost price of the electricity they produce compared to land-based turbines.
66. There are several reasons why wind energy is an inappropriate way to produce electricity. Electricity output from wind turbines is intermittent, unpredictable and uneconomical.
67. Wind turbines are not an effective way to reduce CO2 emissions, or to produce reliable economic electricity supplies to the grid.
68. Wind turbines have a projected life span of 20 to 25 years after which they have to be decommissioned and demolished.
69. The colossal capital investments that are needed will put up the price of electricity to domestic customers and industry.
70. The turbines will desecrate our unique landscape.
71. Government Ministers are adamant that climate change is “real and man-made” even though there is no proof that they are right. Opinion is divided amongst eminent climatologists. The fact is that man-made climate change, from CO2 emissions, is theory. It is not a fact.
72. Britain is heavily in debt, but the Government nevertheless maintains that it is a good idea for huge sums to be wastefully invested on inefficient and unreliable wind farms which will only have a marginal effect on CO2 emissions.

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The period for publicity has expired.

Consultations

2.12 The following consultation replies have been received:

Government Office for the North East - the application at present is a matter of the Local Planning Authority.

Natural England - no objection, however conditions are proposed.

Environment Agency - no objection

Highways Agency -The Agency is satisfied that the assessment of traffic impact has been undertaken satisfactorily and that any impacts of the construction or operational phase in terms of the number of vehicles on the network is negligible.

A Construction Management Plan has been agreed. The applicant will need to agree the detail of an Abnormal Loads Routing report with the HA prior to the loads being moved. Conditions are proposed.

One North East (ONE) - Subject to the applicants satisfying all necessary environmental, highway, visual impact and airport operation issues, there is no objection to the proposed development as a suitable site for wind energy development.

Association of North East Council's (ANEC) - The site is located within the East Durham Limestone and Tees Plain broad area of least constraint for wind energy development, identified in RSS policy 41. It is envisaged that the development could make a significant contribution towards the achievement of the renewable energy targets identified in RSS policy 39.

The supporting statement indicates that the development will result in a series of environmental impacts; these are in relation to the landscape; ecology; and the historic environment. Although the principle of mitigation is reflected in these proposals, the local authority will need to be satisfied with these measures to ensure that this proposal is in general conformity with the RSS.

Durham Tees Valley Airport – maintains a holding objection on the basis of possible degradation of primary radar returns, such degradation would have an impact on Air Traffic Services and therefore has implications for aircraft safety. However discussions are ongoing and a letter has been received from DTVA which suggests that there is a reasonable prospect of developing a suitable form of mitigation that could in principle, enable DTVA to withdraw its current objection.

Civil Aviation Authority - comments regarding the proposal and the need to consult with the Durham Tees Valley Airport.

MOD Wind Energy Team - no objection

MOD Safeguarding Team - no objection

National Grid - no objection, accepts the location of the wind turbines, however there will be restriction on crossing the pipeline, given the extremely heavy loads imposed and the location of hard standings. This will be dealt with once the main contractor is appointed.

Tees Valley Joint Strategy Unit - supports the continuing development of the renewable energy sector, and recognises the important role of the sector in meeting the economic growth objectives of the area. However individual projects must consider environmental constraints and in particular the effect on the local environment and local communities. In its consideration of the planning application HBC should be satisfied that the proposal will have an acceptable environmental

impact, particularly with regard to :

1. the strategic wildlife corridor and local biodiversity, and
2. existing and future development of the Wynyard area as a Key Employment Location.

Tees Valley Wildlife Trust - no response received

Durham Bat Group - concerns regarding the competence of the field work.

RSPB - no objection to the proposal and supportive of the mitigation measures proposed that aim to enhance biodiversity within the area and consider that this proposal should encompass a good package for farmland birds.

Northumbrian Water - no objections to the proposed development

Hartlepool Water – no objection, however an existing main would be required to be diverted or protected at points where increased ground loading is possible. In particular the access points onto the A19 carriageway where new roads will be constructed over existing water mains.

English Heritage - No objection, the construction of the wind farm would have no direct impact upon any nationally designated historic environment asset for which English Heritage has responsibility.

Arqiva (Digital Britain) - no objection

Tees Archaeology – no objection subject to a condition regarding further archaeological works.

Cleveland Police - comments regarding security.

The Ramblers Association - Initially objected, however discussions have taken place to discuss the temporary diversion of the necessary footpath and subsequently the Ramblers are satisfied with the proposal.

Teesmouth Bird Club - no objection but does identify a number of areas of concerns, particularly relating to the levels of research and mitigation and enhancement.

Durham County Council - no objections to the principle of the development. Hartlepool Borough Council will need to give the wider environmental and economic benefits of this renewable energy project significant weight in accordance with the advice in PPS22, and fully acknowledge the raft of regional and national policy support for renewable energy, and its benefits with respect to pollution and climate change. However, Hartlepool Borough Council will also need to determine whether these considerations are sufficient to outweigh the harm the five wind turbines may have on the landscape, designated sites and habitats and species.

With regard to landscape matters, Durham County Council's Senior Landscape Architect is of the opinion that this proposal raises issues of cumulative impact, given

that separation distances from existing and under construction schemes at Walkway / Butterwick (typically 3-4km) and High Volts (2.5-4km) are low. This cumulative impact will be experienced within both the Hartlepool area and from within Durham County. There are reservations as to whether the issue of cumulative impact has been addressed particularly well in the applicant's Environment Statement. It is requested that when determining this application, regard is had to the cumulative impact within Durham County, as well as Hartlepool.

With specific reference to matters of ecology, Durham County Council's Ecologist would expect the potential and actual ecological impacts to be fully taken into consideration and addressed, and appropriate ecological surveys to be carried out to ensure that protected species are not harmed by the proposal. In addition to this, the majority of the proposed wind turbines lie within an area marked of county significance for breeding birds. It is therefore recommended that breeding bird surveys be undertaken to ascertain what species are present on/utilising the site, and hence the potential impacts caused by the development proposals.

It is noted that the farm lies within a largely intensively farmed landscape. Therefore hedgerows, rivers/streams and tree belts are likely to form important migration/foraging corridors through the landscape. It is also noted that at least 2 of the proposed turbines are located within close proximity to water courses. It is recommended that a bat landscape survey be undertaken for the site, to determine how bats are using the site, and therefore where appropriate stand-off distances need to be imposed to reduce impact on this European Protected Species.

Stockton Borough Council – It is considered that as an individual application, taking into account existing approved and existing operational scheme, the cumulative impact, although significant, would be acceptable, subject to adequate control and imposition of conditions.

It is the opinion of the Council's Landscape Officer that the proposed Red Gap Wind Farm would be visible from within the Stockton Administrative boundary. Although no objection is raised, it is requested that it is acknowledged that the construction of the proposed Red Gap Wind Farm would:

1. close the gap between the Butterwick / Walkway wind farms and the High Volts wind farm in the landscape.
2. be seen cumulatively with other developments and would form a material consideration in determining other wind farms in the area, and
3. begin to create the sense of a wind farm landscape in this area.

Traffic and Transportation - no objections to the proposed development of a wind farm at Red Gap Farm. The site is rural and accessed from an existing junction off the A19 trunk road. Following the construction of the Farm, traffic generation will be minimal with little impact on the surrounding highway network.

During the construction of the site there will be a major impact on the surrounding highway network, particularly the A19. The Highways Agency has been working with the developers and has produced a number of measures to manage the construction traffic in a manner. There are no objections to this plan.

Engineering Consultancy – No objection.

Public Protection – no objection subject to a condition.

Community Services – no objection, a temporary diversion of a public footpath is required.

Neighbourhood Services - The Council's Landscape Architect has concluded that there are no objections to the proposals for Red Gap wind farm on the basis of the submitted landscape and visual impact assessment. His comments and assessment are included in more detail in the relevant part of the planning consideration section of this report.

Elwick Parish Council - Whilst the Councillors understand the need for alternative sources of energy generation, it is felt that Hartlepool has already got its share of wind turbines, with more to come on stream shortly at Butterwick. Although the development appears to tick the green boxes required of a large organisation such as BT, the councillors recognised that any excess electricity generated would probably be sold into the national grid.

There are concerns regarding potentially no study of the bat population, particularly at Crookfoot reservoir.

Dalton Piercy Parish Council - no comments.

Grindon Parish Council - objects to the application on the following grounds:

1. loss of amenity;
2. reduction in the countryside amenity wildlife;
3. noise;
4. shadow flicker affecting the quality of life for residents in close proximity.

Hart Parish Council - It is known that Hart and Elwick turbines show up on the approach radar of DTVA and with the almost exponential development around the area the radar clutter will be extreme. The Hart machine does cause problems with TV reception for both satellite dish and antenna, despite upgrading of the latter. The site at Red Gap Farm is well outside the Hart Parish boundary and as such the PC have no definitive view on this location or the likely affect thereon other than those stated above.

Wolviston Parish Council – no response received

Campaign for the Protection of Rural England - objects on the grounds of cumulative effect. Concerns regarding tranquillity, the effect on the resident's quality of life and other receptors. Concerns regarding effect on the Durham Tees Valley and Newcastle airport radar. An Osprey has been reported in the vicinity of Crookfoot. Concerns regarding the subsidy needed for the viability of the proposal. CPRE wants the Planning Committee tape recorded for later reference.

Planning Policy

2.13 National Planning policies are set out in Planning Policy Guidance Notes (PPG) and the newer Planning Policy Statements (PPS).

Particularly relevant to this application are:

- PPS 1 Delivering Sustainable Development
- PPS7: Sustainable Development in Rural Areas
- PPS9: Biodiversity and Geological Conservation
- PPS22: Renewable Energy.
- PPG 24 Planning and Noise

2.14 Regional Planning policy guidance is set out the North East of England Regional Spatial Strategy to 2021 published in July 2008

The relevant policies in particular are:

- Policy 2 - sustainable development.
- Policy 3 - climate change
- Policy 4 - regional sequential approach to development, recognizing the need to make best use of land.
- Policy 7 – seeks to reduce travel demands to ensure safe transport networks and infrastructure.
- Policy 11 – describes how planning proposals should support the development of a ‘vibrant rural economy that makes a positive contribution to regional prosperity, whilst protecting the region’s environmental assets from inappropriate development’.
- Policy 24 – aims to improve air quality, increase renewable energy generation and reduce carbon footprint of the North East England and its contribution to climate change.
- Policy 31- seeks to promote development which is appropriate to landscape qualities of the region.
- Policy 32 – seeks to protect and enhance the historic environment of the region.
- Policy 33 – Biodiversity and Geodiversity.
- Policy 35 – requires that in considering planning proposals, a sequential risk based approach to development and flooding should be adopted as set out in PPS25.
- Policy 36 – trees woodlands and forests.
- Policy 39 – Renewable energy generation.
- Policy 40 – in assessing proposals for renewable energy development, significant weight should be given to the wider environmental, economic and social benefits arising from higher levels of renewable energy.
- Policy 41 – identifies nine broad areas of least constraint for the development of wind energy proposals.

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

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be

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

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

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

PU7: States that renewable energy projects will generally be supported to facilitate the achievement of national targets for electricity generating capacity. In determining applications significant weight will be given to achieving wider environmental and economic benefits. Account will also be taken of the impact on the character of the area, amenity of residents, ecology and radar and telecommunications. A restoration scheme should be submitted.

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

Planning Considerations

2.16 An Environmental Statement (including supporting documents), Planning Statement, Design and Access Statement, Transport Assessment, Flood Risk Assessment, Statement of Community Involvement have been submitted to accompany the application. The Environmental Statement considers the scheme in relation to a number of factors which take into account the issues raised above:

1. Planning Policy;
2. Landscape and Visual Amenity;
3. Ecology and Nature Conservation;
4. Geology, Hydrology and Soil;
5. Water Resources and Flood Risk;
6. Cultural Heritage;
7. Noise and Vibration;
8. Site Access, Traffic and Transportation;
9. Other Operational Impacts;

10. Socio-Economics;

2.17 This report will consider these issues which are the main considerations in this case in the same order.

Planning Policy

2.18 The Association of North East Council's (ANEC) assessed the application against the policies of the Regional Spatial Strategy (RSS). ANEC confirmed that the proposal would be situated within the 'East Durham Limestone and Tees broad area of least constraint for wind energy development', identified in RSS policy 39 and that, 'the development could make significant contribution to the achievement of renewable energy targets identified in RSS policy 39'. Subject to the LPA satisfying itself regarding the acceptability of any impact mitigation measures, ANEC concluded that the proposal is in general conformity with the RSS.

2.19 One North East, responsible for the development, delivery and review of the Regional Economic Strategy (RES) on behalf of North East England, confirmed that the RES, 'identifies energy as one of the 'Three Pillars' for driving economic growth within the region. Providing a clean, secure and stable energy supply is presently a key challenge and an important opportunity for the region's economy'. One North East adds: 'Efficient use of low carbon energy is the main driver that the Agency is promoting through its plans and programmes...to support businesses and other users to reduce the impacts of a presently volatile energy market and grasp the economic opportunities it represents'. Subject to the applicants demonstrating all the necessary environmental, highway, visual impact and airport operation issues, One North East concluded that it has no objections to the proposed development, 'as a suitable site for wind energy development'.

2.20 The Tees Valley Joint Strategy Unit confirmed in their response that the scheme is compatible with the Tees Valley RSS policy objectives and is supportive provided the LPA has regard to the strategic wildlife corridor, biodiversity and the existing and future development of the Wynyard area as a Key Employment Location.

2.21 This renewable energy development is considered to accord in principle with local planning policy subject to the detailed considerations below. It is not considered that this development would compromise the future development of the Wynyard area as a Key Employment Location.

Landscape and Visual Amenity

2.22 The following long term actions will contribute to the landscape and visual impact from the project:

- The introduction of 5 wind turbines (overall maximum height of 125 m to tip) and one 80 m high met mast. These will add man-made elements of considerable scale to the landscape establishing a new landmark feature and a point of reference in views from the wider area. Each turbine will permanently displace an area of grassland, and be accompanied by a crane hardstanding.

- The loss of vegetation, albeit restricted to the minimum required, will include some hedgerows. A minimal number of mature trees, located in only 3-4 of these hedgerows will have to be felled. In addition the loss of some mature trees associated with an area of scrub along the line of the site access and approach to turbine no.2 will be required.
- Creation of a network of new access tracks through the site. Most tracks will be at, or close to, grade avoiding the need for cut and fill slopes.
- Establishment of a switch room comprising a single storey building measuring 8m x 5.5m, x 4.5m height.

2.23 The Red Gap Wind Farm has the potential to cause significant impacts on the landscape of the surrounding area. These impacts will be largely limited in time to the period of operation of the wind farm, currently scheduled to be 25 years, and will be reversed by decommissioning and removal of the turbines, access tracks, buildings and structures after this period.

2.24 In addition to these long term impacts, there is also the potential for significant short and medium term impacts during construction and decommissioning, and during the periods following these activities when the vegetation is re-establishing over disturbed areas.

2.25 The visual impact assessment looked into the likely changes that would occur to views currently experience from, or to, the area where the wind farm is proposed. This visual impact assessment includes views from nearby property and footpaths in the area, for example, as well as views from areas many kilometres away.

2.26 In general, impacts on landscape character at significance levels ranging from minor to major are generally assessed to arise for landscape character areas within a 10 km distance of Red Gap Wind Farm. The potential for adverse effects over a wider area is limited by the screening effect of the urban fabric of Hartlepool, Stockton on Tees and Billingham. In addition, the Red Gap site is located in a landscape that contains busy transport routes and this particular area is of relatively lower quality and sensitivity to the proposed change.

2.27 The agent has stated that the characteristics and features of the landscape that offer visual containment of the Red Gap Wind Farm and hence influenced the reduced extent of study area and the assessment are as follows:

- The settlements of Billingham, Stockton On Tees and Middlesbrough, located some 5-10 km to the south of Red Gap, merge together to form one large built up area inside of which, views of the proposed wind farm are unlikely to be available with the exception of some tall buildings. Further south, at higher elevations, it may be possible to gain views of the proposed wind farm. With the expansive urban skyline in the foreground, the visual impact of 5 turbines located further in the distance is likely to be not significant.
- The urban area of Hartlepool, located some 5 km east of the proposed wind farm is an extensive built up area occupying a proportion of the eastern coastline. Views of

the proposals within this area will be restricted in a manner similar to that outlined for the settlements located further south. Distant views from the sea will be available albeit with the developed skyline in the foreground.

- Towards the west and south west, the settlements of Darlington and Newton Aycliffe are located almost 20 km from Red Gap. Opportunities to view the Red Gap Wind Farm from within these areas would also be limited.
- Views of the Red Gap Wind Farm from a northerly direction are generally restricted to areas south of the settlements of Old Quarrington and Peterlee due to the screening effect of topography in this area.

2.28 In addition, the size and scale of the scheme comprising 5 turbines, is categorised as a small – medium small scheme (7.5 – 18 MW or 4-6 turbines) according to the wind farm typologies presented in the landscape capacity study undertaken for the area. The significance of the landscape and visual impact of a relatively small scheme such as that proposed for Red Gap is anticipated to be in the range of minor – not significant at distances of 20 km and greater from the site.

2.29 Impacts on viewers were assessed at 25 locations. There will be impacts of major significance at three of the viewpoints identified, moderate to major at nine, moderate at four, minor to moderate at two and minor at two viewpoint locations. Impacts at the remaining five viewpoints are considered to be not significant.

2.30 In practice, many views towards the site will be filtered or screened by existing large areas of woodland and by intervening settlements. In the case of Red Gap Wind Farm, significant screening of the proposals by intervening topography, structures or vegetation is anticipated to arise.

2.31 Once the Red Gap Wind Farm is operational there may be occasional infrequent requirements to repair or replace defective turbines or generators. This will result in large vehicles and cranes being present on site for a number of days. There will also be a requirement to relay the temporary haul road under this scenario for the duration of these works. Because of their short term nature these are considered to be of small magnitude and not to constitute significant landscape or visual impacts.

2.32 At the end of the operational lifetime of the wind farm, unless a new permission is sought, the turbines and other structures will be removed, returning the landscape and longer distance views of the site to largely their present condition. During decommissioning, there will be short term landscape and visual impacts from plant and activities on the site including:

2.33 Decommissioning is expected to take less time than construction and to cause short term moderate impacts during its duration, reducing to minor over the period to completion of restoration.

2.34 A restoration scheme will be provided and it is anticipated that over time the site will return to a more natural appearance. Full restoration of replanted areas could take several years, particularly in areas of more sensitive vegetation. The only

structures remaining on site will be the underground turbine foundations and these could have a minor impact as a result of the different appearance of surface vegetation in the longer term.

2.35 The preceding sections have addressed the impacts of Red Gap Wind Farm in isolation. Legislation requires Environmental Impact Assessments to also address the cumulative impacts of a proposal together with other projects under development or planned in the area.

2.36 The cumulative effect of Red Gap on landscape character and on views from specific viewpoint locations was assessed. Cumulative impacts on landscape character will theoretically be greatest for landscape character types or areas located in the vicinity of the settlements of Billingham, north of Middlesbrough and west of Stockton on Tees.

2.37 At the time of this assessment there were 17 schemes currently built, approved, submitted for planning approval, or at the scoping stage of planning, within 20 km of Red Gap Wind Farm. In addition a further 6 schemes were refused planning permission, withdrawn or dismissed at appeal.

2.38 Schemes located within 20 km were considered for inclusion in the cumulative assessment. In addition to this, smaller schemes (1 turbine) are less likely to give rise to significant cumulative effects. With this in mind, schemes in the following categories were omitted from the cumulative assessment:

- Schemes comprising single turbines;
- Schemes comprising 5 turbines or less located more than 15 km from Red Gap Wind Farm (measured from nearest turbine in the scheme to the nearest turbine at Red Gap); and
- Schemes that are withdrawn, refused or dismissed at appeal.

Sites for existing, planned and excluded from the cumulative assessment Wind Farms within 20 km of Red Gap

Wind Farm	Status	No. of Turbines	Distance (km)	Exclusion from Cumulative Assessment
1 Walkway	Operational	7	3.0	
2 High Volts	Operational	3	4.0	
3 Trimdon Grange	Operational	4	9.5	
4 Hare Hill	Operational	2	12.3	
5 High Sharpley	Operational	2	19.6	≤ 5 turbines and located more than 15 km.
6 Hydro Polymers	Approved	2	17.5	≤ 5 turbines and located more than 15 km.
7 Butterwick	Approved	10	3.3	
8 Haswell Moor	Approved	5	14.3	
9 High Haswell	Approved	2	15.0	
10 South Sharpley	Planning application	3	19.7	≤ 5 turbines and located more than 15 km

11 Seamer	submitted Scoping report	5	17.5	≤ 5 turbines and located more than 15 km.
12 East Newbiggin	Scoping report	9	11.7	
13 Moor House	Scoping report	8	14.4	
14 Great Stainton	Scoping report	10	12.1	
15 Foxton Lane	Scoping report	3	7.7	
16 Old Quarrington	Refused: appeal dismissed	2	14.0	Dismissed at appeal
17 Edderacres	Refused	2	10.0	Refused
18 AKS	Refused	1	12.2	Single turbine. Refused
19 West Newbiggin Farm	Withdrawn	2	16.0	≤ 5 turbines and located more than 15 km.
20 Hawthorn	Withdrawn	3	16.6	≤ 5 turbines and located more than 15 km.
21 Fox Cover	Withdrawn	2	17.6	≤ 5 turbines and located more than 15 km.
22 Teeswind North	Approved	19	11.1	
23 Junction House	Scoping report	2	13.9	

The contribution of Red Gap to the cumulative impact is judged using visualisations and taking into account the status of other wind farms present in the view. Four selected viewpoints were used:

- 3. Castle Eden Walkway (2.7 km from Red Gap);
- 6. Newton Bewley (2.9 km);
- 9. Newton Hanzard A689 Route (2.2 km); and
- 24. Edge of Great Stainton (11.8 km).

2.39 Three types of cumulative visual impact have been considered in the study taking into account multiple wind farms that can be viewed from a static receptor at the same time (combined cumulative impact); multiple wind farms that can be viewed by a static receptor turning to view them (successive visual impact); and multiple wind farms that can be seen by a moving receptor along the course of a route of travel, such as a footpath or highway (sequential visual impact).

2.40 In respect of viewpoints, cumulative visual impacts were assessed with reference to photowireline illustrations of the proposed views. These were assessed to be minor to moderate at viewpoint 3, moderate at viewpoint 6, not significant at viewpoint 9 and minor to moderate at viewpoint 24.

2.41 Sequential cumulative impacts are assessed to arise for road and footpath users south of Peterlee and Spennymoor. Theoretical views of up to 13 wind farms in addition to Red Gap are assessed to arise on routes in the vicinity of the large urban settlements to the south. Sequential views are not of prolonged duration on any of the routes.

2.42 There has been a number of objections regarding the visual impact of the proposed turbines, including objections from the Campaign for the Protection of Rural England (CPRE).

2.43 The Council's Landscape Architect has provided detailed comments regarding this proposal which concluded that the impact assessments in the landscape and visual impact assessment for Red Gap wind farm are generally reasonable. From a

wider landscape context the significance of the residual landscape impacts would appear to be greater in the context of the local landscape character than in the context of the wider landscape; i.e. the Hartlepool hinterland may not be deemed to be of high quality in relation to some of the wider agricultural landscape, but it is of a higher perceived quality in the context of its setting adjacent to a more urban and industrialised landscape as it represents a relatively scarce landscape typology within Hartlepool. However, although the study may appear to limit the value of this 'transitional' area, the conclusions of the various landscape assessments are generally reasonable and appropriately assessed. The impact on landscape character is likely to be most felt by residents suffering moderate or above visual impacts and walkers along a number of the rural walking routes in the vicinity of the site. It is clear that nearby residents and recreational walkers will be most affected in terms of landscape impact resulting from the proposals.

2.44 Likewise, the Council's Landscape Architect considers that the visual impact assessments are also likely to be reasonably representative of the impact of the proposals within the limitations of the process acknowledged by the study. A number of minor re-assessments have been noted in his assessment (particularly relating to Viewpoints 9 and 18), although these are not identified as critical to the acceptability of the scheme. The significant number of Viewpoints where the visual impact of the proposals is assessed as moderate or greater is a strong indication of the level of impact of Red Gap on the surrounding countryside. However, with the exception of those residences in close proximity to the proposals and users of the walking routes, most of these views are, to a certain extent, screened by structures or woodland which limits the available view, or are affected by the presence of other structures in the skyline such as pylons (electrical towers) and powerlines.

2.45 The Council's Landscape Architect has concluded that the cumulative assessment has provided enough information to suggest that Red Gap will push the local landscape towards its turbine capacity.

2.46 While concluding that the 5 wind turbine development is not unacceptable the Council's Landscape Architect suggested that the location and/or existence of turbine WTG5 should be reviewed in order to see if it was possible to reduce the perceived visual spread of Red Gap. Discussions with the applicant were undertaken. The applicant explained that:

- The site is currently highly constrained with underground infrastructure, overhead cables and communication network links.
- The key constraint in this instance is the 66kV overhead powerlines that run through the site. The lines currently separate WTG4 and WTG5 and are afforded a 125 metre buffer either side (required).
- Re-positioning of WTG5 closer to WTG4 would also move the turbine closer to some sensitive features in the environment such as hedgerows, wildlife corridors and the watercourse.

2.47 The applicant stated that these were the main reasons that WTG5 could not be moved closer to WTG4. The applicant did however investigate potential diversion works to the overhead line and determined that the diversion of the line would likely have environmental impacts of its own and highly significant cost implications.

Finally the removal of a further turbine would have a significant affect on the schemes viability.

2.48 The reasons given by the applicant are not unexpected given the constraints of the site and are accepted. The Council's Landscape Architect has concluded that there are no objections to the proposals for Red Gap wind farm on the basis of the submitted landscape and visual impact assessment.

2.49 Stockton Borough Council indicate that while Red Gap Moor Wind Farm would be visible from within Stockton's boundaries they do not object to the scheme but request that it is acknowledged that the construction of the proposed wind farm would:

1. close the gap between the Butterwick/Walkway wind farms and the High Volts wind farm in the landscape.
2. be seen cumulatively with other developments and would form a material consideration in determining other wind farms in the area, and
3. begin to create the sense of a wind farm landscape in this area.

2.50 Durham County Council's Senior Landscape Architect while not objecting to the scheme is of the opinion that this proposal raises issues of cumulative impact, given that separation distances from existing and under construction schemes at Walkway / Butterwick (typically 3-4km) and High Volts (2.5-4km) are low. This cumulative impact will be experienced within both the Hartlepool area and from within Durham County.

2.51 In the light of all of the above it is considered that the proposal is acceptable in landscape and visual amenity terms.

Ecology and Nature Conservation

2.52 The ecological assessment has considered the potential of the proposed Red Gap Wind Farm to affect habitats and species (including birds, badgers, bats, water vole, otter and great crested newt) in and around the site.

Designated sites

2.53 The nearest site designated with an international importance for birds is the Teesmouth and Cleveland Coast Special Protection Area (SPA), located approximately 8 km southwest of the site, at the mouth of the Tees estuary. None of the species related to this protection were recorded within the Red Gap study area during any of the bird surveys, or identified from previous work by Teesmouth Bird Club. The SPA features are therefore not considered to be affected by the proposed wind farm development.

2.54 Sunderland Lodge Site of Nature Conservation Interest (SNCI) is located within the wider site and comprises the narrow strip of broad-leaved woodland along the driveway to Red Gap Farm. A further eight SNCIs, including woodland, grassland and marsh habitats, are located within 2km of the wider site boundary. It is considered that the Sunderland Lodge SNCI will not be affected by construction or operational work or by the type and levels of road traffic accessing the site. It is also

considered that the eight SNCI adjacent to the site will not be impacted by the proposals.

Habitats

2.55 All vegetation and habitats within the site are relatively common and widespread and are of low botanical and structural diversity. The arable field margins are however listed as a habitat of importance within an Act of Parliament.

2.56 A programme of species-rich hedgerow creation (over 2 km) and management, together with the creation of a new pond and potentially larger areas of wetland, will create enhancements to the habitat types encountered on site.

Bats

2.57 Bats are a European Protected Species and all species of bat have been listed on Annex IV of the EC “Habitats and Species Directive. The Directive has been transposed into UK law by the Habitats Regulations, Regulation 39 of which makes it an offence to: deliberately capture or kill a bat; deliberately disturb a bat or damage or destroy a breeding site or resting place of a bat.

2.58 The survey results indicate that there are not currently any bat roosts within the study area. However, as bats are highly mobile and known to be present within the wider area, it is possible that individuals or small numbers of bats could use the existing buildings in the area at some time in the future. Bats were recorded flying and foraging within the wider site. The number of bats detected across the site was relatively low, suggesting that the site’s current importance with regard to bat populations in the wider area is similarly relatively low.

2.59 As part of the proposals the creation of hedgerow and wetland habitats will provide some enhancement for bats living in the area. Over 2 km of new hedgerows and wetland areas will be positioned at least 200 m from turbine locations to minimise the risk of collision with turbine blades.

2.60 Durham Bat Group (DBG) have provided comments, particularly questioning the competence of the field work. DBG have commented that:

1. We regard all wind turbines as potentially damaging to bats. To avoid an offence, wind turbines need to be placed where bats are not going to fly.
2. We are concerned that most wind turbine surveys put in inadequate effort to understand how bats use the site throughout the year.
3. We are concerned that the surveys are rarely carried out by qualified batworkers.
4. We are concerned that bats are rarely used to inform the siting of turbines and that the positioning is set and surveys merely attempt to quantify how bats will be affected by the proposal.

2.61 It should be noted that Natural England advises that the proposal is unlikely to have an adverse effect in respect of species especially protected by law. Natural England and the Council’s Ecologist consider that post construction surveys to monitor the residual (unlikely) risk of adverse impacts upon bat species during the

operational period are undertaken and the Council's Ecologist has also asked for an additional pre-operational precautionary survey to monitor the residual (unlikely) risks to the Nathusius Pipistrelle and Noctule bats with further mitigation should the surveys show this to be necessary. BT has suggested that a two stage post consent monitoring and precautionary mitigation programme for bats could form part of a proposed legal agreement.

Birds

2.62 The breeding bird survey in 2008 recorded a number of species including corn bunting, grey partridge, tree sparrow, reed bunting, yellow hammer, yellow wagtail and lapwing.

2.63 A key target for ecological enhancement is the farmland bird community through creation of improved hedgerow and wetland habitats. It is considered that the enhanced hedgerow habitats and a winter bird feeding programme targeted at seed-eating finches and buntings will enhance over winter survival and help to enhance breeding populations.

2.64 There are remaining impacts relating to small numbers of possible collision and displacement to the wintering greylag goose flock that is located at Crookfoot Reservoir and feeds in the surrounding arable landscape, including within the study area. After mitigation measures this remains a minor adverse impact.

Other Species

2.65 No significant issues have been raised in relation to Otter, Water Vole, Badger, and Great Crested Newts, conditions have been proposed by Natural England with regard to Badgers.

2.66 In conclusion while there are some issues in relation to the effects on wildlife neither Natural England nor the Council's ecologist have objected to the scheme subject to mitigation. This can be required by condition and through a legal agreement (S106).

Geology, Hydrology and Soil

2.67 An assessment of the significance of the scheme on geology and soils, contaminated land and hydrology has been carried out.

2.68 Some of the soil will be permanently lost during the construction phases; however soils in areas taken for temporary use will be replaced. It is considered that the impact on the soils across the site are considered to be of minor negative significance.

2.69 There are no known features designated as being geological interest within or in close proximity to the proposed scheme. The geology of the site will be impacted by excavation for wind turbines, meteorological mast and switch room foundations, and in areas where drift cover may be excavated as part of the access track construction. These works are not predicted to have a significant permanent impact on the

geology of the site due to the localised and small scale nature of the required earthworks.

2.70 In terms of hydrology, the proposal will have an impact by works undertaken within areas of sand and gravel drift deposits. During excavation works for the turbines in these areas it may be necessary to control groundwater levels whether by use of cut-off drains or dewatering. It is considered that the impact to the hydrogeology is of minor significance.

2.71 The Council's Engineering Consultancy Team has no objection to the proposal.

Water Resources and Flood Risk

2.72 The application site is located in the upper reaches of what is known as Claxton Beck catchment area. A number of unnamed stream or ditches which flow into Claxton Beck are located within the wider site area and flow in a south direction across the site. The Claxton Beck joins Greatham Creek approximately 5km downstream from the site.

2.73 A number of public ground water and surface water abstractions are located within 2km of the site. These are not considered to be at risk from the proposal. There are no records of private water supplies within 3km of the site.

2.74 Appropriate pollution control measures will be implemented to minimise and control the potential for impacts to water quality.

2.75 The Environment Agency have commented that the site lies within Flood Zone 1 and is therefore at a low risk of flooding. There are no objection to this development from the EA, Northumbrian Water and Hartlepool Water.

Cultural Heritage

2.76 A Desk Based Assessment and site visit were undertaken by the agent to collect any existing information on the known archaeology and cultural heritage within 5km of the application site. Construction will have the potential to impact on the built environment and also the buried archaeological environment.

2.77 There is a Scheduled Ancient Monument at High Burntoft, English Heritage has been consulted and consider that the scheme would not have any direct impact upon any nationally designated historic environment asset. Given the construction period is temporary in nature it is considered that there will be no long term construction impacts on the built environment.

2.78 There may be construction impacts on unknown archaeology within the site during excavation works. Tees Archaeology have assessed the scheme and consider it acceptable subject to a condition requiring a phased programme of archaeological works.

2.79 Assuming that appropriate mitigation strategies are following it is considered that any effects on archaeology would not be significant.

Noise and Vibration

2.80 Noise and vibration impacts have been assessed for both the construction and operational phase of the wind farm. Noise levels were recorded at a number of properties closest to the application site. These records allow specialists to understand current noise levels and allows them to predict the level of change in noise that would occur as a result of the construction activities and the operation of the wind turbines.

2.81 Construction activities are anticipated to last between 6 to 9 months, between the hours of 7am to 7pm weekdays and 7am to 1pm on Saturdays. The assessment concludes that during the construction phases no properties will experience noise levels over the recognised acceptable levels. It should be noted that the Highways Agency has requested that abnormal loads should be delivered to the site between the hours of 22:00 to 05:00; Public Protection have confirmed that this would not alter their comments and still have no objection to the proposed development.

2.82 During the operational phase of the wind farm the assessment shows that at no wind speed do the noise levels exceed the recognised acceptable levels at any property in the area. The impact of noise from the turbines is therefore assessed as being not significant.

2.83 The Environmental Statement concludes that the wind turbine generators are smooth running machines with very little vibration associated with the operation of them.

2.84 An objector has raised an issue that the noise data provided with the application failed to assess the effects of and the potential for aerodynamic modulation (a loud thumping noise) in addition to blade swish effects, and that no attempt has been made to assess or comment upon the potential for long term adverse effects upon health of residents exposed to these phenomena over the proposed period of turbine operation.

2.85 This is a complex area, therefore BT's noise and vibration experts (SgurrEnergy) have provided a response to the comments raised by the objector:

"The blades of a wind turbine generator (WTG) generate aerodynamic noise. This noise extends over a wide frequency range and hence is said to be "broadband". In the "near field" of a WTG, the noise can be clearly heard to vary in level as the blades go round. Hence the noise is said to be "amplitude modulated" at the blade passing frequency. This amplitude modulation (AM) of the noise cannot in general be heard at longer distances from the WTG, known as the "far field". This is largely due to the fact that aerodynamic noise tends to be generated on both sides of the blade edge, but the two sources are out of phase. This "dipole" noise field tends to cancel itself out at long ranges.

There is a small but growing body of anecdotal evidence to suggest that AM noise can, under rare conditions, propagate into the far field. The mechanisms by which this occurs are not well understood. It may be that wind shear

(variation in wind speed with height) or wind veer (variation in wind direction with height) across the turbine disk can lead to unusually high source levels under certain meteorological conditions. Alternatively, it may be that the temperature profile against height, combined with the wind shear, can lead to a focussing of noise in a “convergence zone” at a distance from the source.

Given the extreme rarity of the phenomenon in the far field, and the fact that the mechanisms which cause it are not well understood, it is not possible to predict when it will occur. Hence a pragmatic approach is most appropriate. In the extremely unlikely event that significant levels of AM are experienced at one or more noise sensitive receptors, the operation of the wind farm should be managed to reduce those levels. In extreme cases, this might extend to taking one or more WTGs out of service at certain wind speeds and directions. “

2.86 The Council's Public Protection team have assessed the application, the comments made by the objector and the response by BT and have no objection to the application subject to an appropriate condition.

Site Access, Traffic and Transportation

2.87 The Environmental Statement covers the Transport Assessment and a Construction Traffic Management Plan has also been submitted to accompany the application.

2.88 Access to the site is directly from the existing A19 via a left-in, left-out priority junction. The junction is built to modern standards with deceleration and acceleration tapers and a splitter island in the mouth of the access. The access does not currently serve anything and terminates in a dead end at an earth bank.

2.89 Internal tracks are proposed to ensure use by all required construction vehicles. Two different types of internal access track are proposed. A temporary surface will be used to construct the internal site haul road, and the stone tracks between the turbines will remain in place for both the construction and operational phases of the project.

2.90 The temporary haul road will be removed following completion of the construction phase and re-laid if required for emergency repair work during operational phases of the project.

2.91 Very long and heavy lorries will be required to bring the wind turbine parts to the site. It is anticipated that these will come from Teesport and will travel along an agreed route to the site.

2.92 It is anticipated that the low number of vehicles (one or two per week) that would typically need to visit the wind farm during the operational phase are not considered to be significant.

2.93 The Highways Agency considers that the assessment of traffic impacts has been undertaken satisfactorily and that the impact of the construction or operational phase in terms of the number of vehicles on the network is negligible.

2.94 The Highways Agency have been in discussion with the agent and a Construction Traffic Management Plan has been submitted which includes:

1. a 50mph temporary restriction operates on the A19 during the initial 5 month construction period for the wind farm;
2. upon completion of the construction, the site access will be reconfigured to improve the existing access arrangement to the satisfaction of the HA to prevent unauthorised access to the site;
3. wheel washing facilities;
4. All HGV movements to and from the site will occur outside the hours of 07:30 to 09:30 and 16:00 to 18:30 Monday to Friday, and abnormal loads restricted to 22:00 to 05:00;
5. Abnormal load movements are to be restricted to between the hours of 10pm and 5am. These lorries will have either a police escort or the HA will close one lane of the A19 to facilitate access to the site;
6. the access to the site does not allow a right turn into the site;
7. vehicles which have abnormal loads once delivered will be collapsed to a more manageable length and the swept path for the vehicle will be no longer than a standard 16.5m articulated vehicle;

2.95 The Council's Traffic and Transportation Team have assessed the scheme and consider that during the operational phase the traffic generation will have minimal impact on the surrounding highway network. The Traffic and Transportation Team considers that the construction phase will have a significant impact on the surrounding highway network particularly the A19; however there are no objections to the scheme on the basis of the conditions proposed by the Highways Agency are implemented.

2.96 Impacts on existing footpaths near the application site will be minimal; there will be a need to temporarily divert one Right of Way by a small distance (a few hundred metres) during the construction phase. This will be reinstated during the operational phase. The Council's Countryside Access Officer and the Ramblers Association have confirmed that they have no objection to this temporary diversion.

Other Operational Impacts

Electromagnetic Interference

2.97 An assessment was carried out to determine the potential effects of the Red Gap Wind Farm on telecommunications and television reception in the vicinity of the site.

2.98 Consultation between the agent and Ofcom and telecommunication companies indicated that there are a number of microwave links that transmit signals in the vicinity of the site. The BBC's wind farm assessment tool identified up to 6,216 homes in the area which may be affected by the wind farm in terms of television reception. The wind turbine layout at Red Gap has been designed to avoid electromagnetic interference as far as is possible. Some impacts may be experienced on radio communication and television reception but mitigation measures will be introduced by BT to fix any significant adverse impacts. This can

be required through a S106 legal agreement. No significant residual impacts have been identified for radio communications, microwave links and television reception.

2.99 Arqiva who are the Government's team for the programme to change television signals to digital under the term 'Digital Britain' have not objected to the scheme.

Utilities Infrastructure

2.100 Utilities operators were consulted to gain information on existing utilities infrastructure within the wider Red Gap site. A number of gas pipelines and electricity cables were identified crossing the application site.

2.101 The turbine layout has been designed to ensure that the required buffer zones around all existing utilities will be met. Whilst Hartlepool Water does not object to the proposal the existing mains will need to be protected or diverted at all points where increased ground loading is possible. In particular the access points onto the A19 carriageway where new roads will be constructed over existing water mains.

2.102 National Grid have confirmed that they have no objection to the scheme.

Aviation

2.103 Consultation has taken place with the Civil Aviation Authority, Ministry of Defence (MoD) and Durham Tees Valley Airport (DTV) to determine the potential effects on aviation operations.

2.104 The Red Gap site lies in direct line of sight of the Watchman radar situated at DTV. DTV has indicated that they object to the proposed development on the grounds of possible radar interference. However, discussions have identified the possibility of operational mitigation. Consultation with the airport is ongoing, DTV in a recent letter suggests that there is a reasonable prospect of developing a suitable form of mitigation that could in principle, enable DTV to withdraw its current objection. It is likely that a legal agreement between the applicant and DTV would be undertaken to ensure that mitigation measures needed would be carried out. This would be reinforced through a S106 legal agreement. Potential mitigation measures identified for the impact on air traffic radar operations at DTV Airport include occasional re-routing of aircraft to avoid the Red Gap Moor radar clutter.

2.105 The closest military aerodrome is RAF Leeming situated 42 km to the south south-west. The turbines will not be visible to any Air Defence radars and the MoD has not objected to the proposal.

Shadow Flicker

2.106 An assessment was carried out to identify properties which may experience shadow flicker during operation of the Red Gap Wind Farm. Shadow flicker is a term used to describe the pattern of alternating light intensity observed when the rotating blades of a wind turbine cast a shadow on a receptor under certain wind and light conditions. This is most pronounced during sunrise and sunset when the sun's angle is lower and the resulting shadows are longer. In the UK, the phenomenon is

most likely to be a problem in the winter months when the sun is lower in the sky and shadows are longer.

2.107 Shadow flicker could potentially cause adverse impacts on receptors in the local area around the Red Gap site. The Environmental Statement indicates that three properties may experience over 30 hours per year of theoretical shadow flicker.

2.108 A Shadow Flicker Management Plan is proposed to be prepared and has been included in the Heads of Terms for a legal agreement to accompany this application. Such measures may include the pre-programming of one or more wind turbines with dates and times when shadow flicker would cause a nuisance. A photo sensor cell can also be used to monitor sunlight. The wind turbine can then be shut down, when the strength of the sun, wind speed and the angle and position of the sun combines to cause a flicker nuisance. Other mitigation measures may include screening receptors from the wind turbines by agreeing with owners to plant trees or install blinds on windows.

Ice Throw

2.109 Wind turbines operating in cold climates may suffer from icing in certain weather conditions. A possible consequence of icy conditions is ice throw. Ice throw occurs when blade ice is thrown off during wind turbine movement, potentially harming maintenance crew or the public/users of the area.

2.110 The companion guide to PPS22 states that:

“the build-up of ice on turbine blades is unlikely to present problems on the majority of sites in England. For ice to build up on wind turbines particular weather conditions are required, that in England occur for less than one day per year.”

2.111 The risk of ice throw occurring at the Red Gap site is therefore low, and no significant residual impacts associated with ice throw are predicted, given the incorporation of ice detection capabilities or the implementation of recognised measures. The proposed legal agreement seeks to provide a mitigation scheme if required.

Driver Distraction

2.112 The potential for driver distraction was assessed, due to the proximity of the proposed Red Gap Wind Farm to the A19. The stretch of the A19 in the vicinity of the Red Gap site does not include any major junctions, sharp bends or pedestrian crossings, therefore, the wind turbines are unlikely to distract a significant number of drivers attention from complex driving situations.

2.113 The existing accident record on the A19 has been examined and it was concluded that there are no particular accident problems on the section of the A19 in the vicinity of the site. An accident analysis of the A19, undertaken following completion of the nearby High Volts Wind Farm (4 km northeast of Red Gap), concluded that installation of the wind farm had no significant impact on accident rates on the A19.

2.114 No significant impacts on driver distraction are therefore anticipated as a result of the Red Gap Wind Farm. The Highways Agency and the Council's Traffic and Transportation team raise no objection to this development.

Socio-Economics

2.115 An assessment was undertaken of the likely impacts on employment, disruption to local communities and impacts on tourism as a result of the proposed development.

2.116 It is anticipated that approximately 25 people will be employed at any one time on site during the construction of the scheme. However this employment is most likely to come from existing resources and new jobs may not be created specifically for this project.

2.117 Access to the wind farm site would be required for routine inspections approximately once a week, with longer visits every six months. It is considered that this would not be significant disruption to the local community. There may also be a need to re-deploy the temporary haul road over the 25 year operational lifetime of the scheme (to allow for abnormal loads to replace a wind turbine blade for example). It is considered that this disruption is unlikely to be of greater significance.

2.118 Affects on house prices are not a material planning consideration.

2.119 The applicant suggests that numerous surveys carried out by BWEA (2006) 'The Impact of Wind Farms on the Tourism Industry in the UK', demonstrate that the effect of wind farms on tourism is negligible.

2.120 In socio-economic terms, it is considered that the development will not have a significant impact on the area.

Proposed S106 Agreement

2.121 The proposed Heads of Terms of a S106 agreement suggested by the agent to mitigate this development relate to:

1. A landscape and ecology management plan which will provide for ecological mitigation and enhancement measures at the development site, including:
 - a. Addition to and restoration of hedgerows;
 - b. Creation of a pond and/or wetland;
 - c. A period of monitoring of breeding birds through appropriate surveying prior to commencement of operation of the turbines;
 - d. A period of monitoring of breeding and wintering birds through appropriate surveying after commencement of operation of the turbines;
 - e. A winter farmland bird feeding programme;
 - f. A period of monitoring for Nathusius' Pipistrelle bat through appropriate surveying prior to commencement of operation of the turbines to inform any further mitigation as may be necessary due to changes in

- circumstances from the date of consent (which mitigation may include the restricted operation of certain turbines at certain times);
 - g. A period of monitoring for bat fatalities under the permitted wind turbines after commencement of operation of the turbines, and an updated local bat activity survey to inform any further mitigation as may be necessary due to changes in circumstances from the date of consent (which mitigation may include the restricted operation of certain turbines at certain times);
 - h. Improvements to local footpath amenity; and
 - i. Appropriate maintenance of the mitigation and enhancement measures during the operational lifetime of the development.
 - j. The Landscape and Ecology Management Plan will provide a "balance sheet" of the likely residual adverse effects set against the compensatory/enhancement measures.
2. deployment of a temporary road;
 3. mitigation measures regarding any likely significant shadow flicker;
 4. mitigation measures against any likely significant ice throw;
 5. mitigation measure to ensure the development does not have an unacceptable impact on the operation of Durham Tees Valley Airport;
 6. mitigation measure should there be any television interference;
 7. restoration plan post decommissioning.

Conclusion

In the light of all of the above it is considered that this application should be approved.

RECOMMENDATION – Minded to approve subject to no objection from Durham Tees Valley Airport, subject to the following conditions and legal agreement (substantially in the terms identified above) but that the final decision be delegated to the Development Control Manager in consultation with the Chair of the Planning Committee.

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.

2. The permission hereby granted is valid for a period of 25 years after the date of commissioning of the development. Thereafter unless otherwise agreed in writing by the Local Planning Authority the turbines and related structures shall be removed and the land restored to a condition to be first agreed in writing by the Local Planning Authority. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.

To prescribe the exact period of permissible wind farm operation and to enable the local planning authority to identify a starting point for the operation of the wind farm.

3. The development hereby approved shall be carried out strictly in accordance with the submitted application including the following document(s): Red Gap Wind Farm Environmental Statement and Annexes (including Annex B Schedule of Mitigation) dated March 2009; Supplementary ES supporting information provided by ERM dated 18th June 2009; Amended ES Chapter 5 – Landscape and Visual Impact Assessment (LVIA) and related Annexes: Drawing Ref. 08.6045.007.GLA/PL/001 (Location Plan, January 2009); Drawing Ref. 08.6045.007.GLA/PL/002 (Site Layout Plan, January 2009); Drawing Ref. 08.6045.007.GLA/PL/003 (Typical Wind Turbine Elevations, January 2009); Drawing Ref. 08.6045.007.GLA/PL/004 (Turbine Base Details, January 2009); Drawing Ref: 08.6045.007.GLA/PL/005 (Contractors Compound, Cable Trench and Access Track Detail, January 2009); Drawing Ref. 08.6045.007.GLA/PL/006 (Permanent and Temporary Masts, January 2009); Drawing Ref. 08.6045.007 (Switch Room Plan and Elevations), January 2009) unless any minor variations are agreed in writing by the Local Planning Authority. To ensure that the development is carried out in accordance with the approved documents.

4. The Local Planning Authority shall be provided with not less than 14 calendar days written notice of the date upon which it is proposed to commence any part of the development hereby approved.

To allow the local planning authority to verify that all conditions have been complied with prior to the commencement of development and to advise the developer of anywhere compliance remains outstanding.

5. No habitat removal shall take place during the period 1 March - 31 July in any year unless a survey is carried out on behalf of the developer in accordance with a methodology approved in advance by the Local Planning Authority and that survey confirms that no nesting birds are within 50m of any habitat clearance area. The survey shall be repeated at no more frequently than monthly intervals between 1 March - 31 July during the construction period.

To conserve protected species and their habitat.

6. No development shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall identify any significant environmental risks during construction and set out methods and procedures for managing those risks. The CMS shall include detailed method statements relating to the following activities: 1) development of water course crossings; 2) soil stripping, deposition, grading and finishing; 3) site drainage measures; 4) effluent disposal measures; 4) pollution prevention and emergency response, to include protection of public and private water supplies; 5) construction compound siting and design details; 6) staff welfare facilities; 7) landscape mitigation measures, including tree and hedgerow protection; 8) construction site security measures, including fencing and gates; 9) post construction site reinstatement strategy. The development shall be carried out in compliance with the approved CMS which may be varied from time to time with the written approval of the Local Planning Authority.

In the interests of the amenities of the area.

7. Pursuant to condition 6, all planting, seeding or turfing measures set out in the approved Construction Method Statement (CMS) shall be carried out in the first

available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of the amenities of the area

8. No development shall commence until a Surface Water Management Strategy (SWMS) has been submitted to and approved in writing by the Local Planning Authority. The SWMS shall include: 1) chemical pollution control measures for the storage and handling of oils, fuels, chemicals and effluent on site 2) a water quality, drainage and flow strategy; 3) an emergency management and unforeseen events strategy, to include measures to respond to flooding and pollutant spill events. The development shall be carried out in compliance with the approved SWMS which may be varied from time to time with the written approval of the Local Planning Authority. In the interests of the amenities of the area.

9. The construction of the development shall not commence until such time as the traffic management arrangements contained in the Construction Traffic Management Plan Report No. RTA054183-02 Version 6 dated 30 November 2009 have been implemented to the satisfaction of the Local Planning Authority in consultation with the Highways Agency.

To safeguard the safety and free flow of traffic on the A19 trunk road to an extent that would be compatible with the use of the trunk road as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980.

10. The movement of abnormal loads to the development site via the trunk road network shall not commence until such time as an Abnormal Loads routing plan has been implemented to the satisfaction of the Local Planning Authority in consultation of the Highways Agency.

To safeguard the safety and free flow of traffic on the A19 trunk road to an extent that would be compatible with the use of the trunk road as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980.

11. Prior to the commencement of development written confirmation of the following details shall be provided to the Local Planning Authority, Ministry of Defence and Civil Aviation Authority: 1) Proposed date of Commencement of the Development 2) The maximum extension height of any construction equipment. Within 28 days of the commissioning of the final turbine, the Company shall provide written confirmation of the following details to the Ministry of Defence and Civil Aviation Authority: 1) Date of completion of construction; 2) The height above ground level of the highest potential obstacle (meteorological mast or wind turbine). 3) The position of that structure in latitude and longitude; 4) The aviation lighting details.

In the interests of aviation safety.

12. No development shall commence until the following information is submitted to and approved in writing by the Local Planning Authority: (1) The exact model, heights, specification and location of the turbines including colour finish: (2) The

exact locations, heights and specifications of the switch room and meteorological monitoring mast: (3) The specification, location and width of internal access tracks and water course culverts: (4) Samples of the materials and/or details of the surface finishes (including colours) to be used on the external surfaces of all above ground components: (5) Details of any security, fencing and lighting measures required for the development during its operation. The development shall be carried out in compliance with the approved details which may be varied from time to time with the written approval of the Local Planning Authority.
In the interests of visual amenity.

13. (i) The Wind Turbine Noise Levels as measured in accordance with clause (a) below: shall not exceed 60dBLA90 10 min between the hours of 07:00 and 23:00 and 54dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following locations: High Stotfold, The Old Mill, Middle Stotfold, Meadowvale, Stotfold Crest and Sunderland lodge.

And

shall not exceed 48dBLA90 10 min between the hours of 07:00 and 23:00 and 46dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following locations: Close Farm, Embleton Farm, Low Swainston, Amerston Hall, Hole House and Hill House.

And

shall not exceed 40dBLA90 10 min between the hours of 07:00 and 23:00 and 42dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following location: Red Gap Cottage.

And

shall not exceed 51dBLA90 10 min between the hours of 07:00 and 23:00 and 45dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following locations: Amerston Hill and Stotfold Moor.

And

shall not exceed 48dBLA90 10 min between the hours of 07:00 and 23:00 and 45dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following location: Red Gap Farm.

(a) The measurements undertaken to determine compliance with the noise levels specified in the conditions above shall be made using a sound level meter of at least type 1 quality (as defined in International Electro technical Commission (IEC) 61672-1: 2002 Class 1) incorporating a windshield with a half inch diameter microphone in free-field conditions between 1.2 and 1.5 metres above ground level and at least 10 metres from any wall, hedge or reflective surface (using a fast time weighted response). "Wind Turbine Noise Level" means the measured noise level due to the combined effect of all the wind turbines excluding the existing background noise

level “Background Noise Level” means the ambient noise level within the background environment (in the absence of noise generated by the development) “Free-Field Conditions” means an environment in which there are no reflective surfaces affecting measurements within the frequency region of interest. In the interest of the amenities of the area.

14. No development shall take place within the site until the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority. Where important archaeological remains exist provision should be made for their preservation in situ.
The site is of archaeological interest.

15. Not later than six months after the development hereby approved becomes operational, a Decommissioning Method Statement (DMS) for the site, providing for the site shall be submitted to and be approved in writing by the Local Planning Authority. The site’s decommissioning and restoration shall be undertaken in accordance with the approved DMS and shall be carried out and completed within 12 months from the date that the planning permission hereby granted expires unless variations are agreed with the written approval of the Local Planning Authority.
In the interests of the amenities of the area

16. Any of the turbines hereby permitted which is not in operation for a period in excess of six months shall be dismantled and removed, and that part of the site restored in accordance with the approved DMS, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the area.

17. To minimise risk to bats species including the Common pipistrelle, turbines should be sited a minimum distance of 50 metres (from the downward sweep of the blade tip) from any linear feature identified within the Environmental Statement as in use/being suitable for use as a commuting route or foraging area for bats species.
To conserve protected species and their habitat.

18. No development shall take place until a full badger checking survey of the development site has been undertaken by a suitably qualified person. Should any evidence that badgers are using the site be found, an appropriate and proportionate mitigation strategy should be put in place. The survey and mitigation strategy should be undertaken in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority.
To conserve protected species and their habitat.

19. Pursuant to Condition 18, regardless of any survey results, as badgers are known to frequent the general area, precautionary working practices details of which shall be first submitted to and approved in writing by the Local Planning Authority should be followed on site, to ensure that no badgers are harmed during works.
To conserve protected species and their habitat.

RED GAP WIND FARM



H/2009/0235

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
16/12/2009

Scale:
1:1,000

No: 3
Number: H/2009/0090
Applicant: Sandgate Recycling Bum Road Hartlepool TS24 7DA
Agent: The Design Gap 1 Scarborough Street HARTLEPOOL TS24 7DA
Date valid: 09/03/2009
Development: Use as a waste recycling facility, installation of a weighbridge and erection of an office building
Location: LAND REAR OF HARTLEPOOL WORKSHOPS MAINSFORTH TERRACE HARTLEPOOL

The Application and Site

3.1 The application site is located at the south end of Mainsforth Terrace within the Sandgate Industrial Estate.

3.2 The site, which has now been cleared, was vacant and undeveloped for some years and lies to the rear of the Hartlepool workshops (12 small industrial units on the west side of Mainsforth Terrace).

3.3 Planning Consent was granted in 2008 for new access into the application site (H/2008/0483).

3.4 Neighbouring uses/properties include scrap yards, haulage yards and recycling centres.

3.5 The proposal involves the use of the vacant site as a waste recycling facility including a weighbridge and the erection of an office/amenity building. The office, weighbridge and 6 parking spaces are to be sited at the south end of the site to the rear of the existing Hartlepool Workshops and close to the new access/exit gate onto Mainsforth Terrace.

3.6 Two large open bays are to be constructed in the northwest corner of the site where there is a high steel-plated retaining wall (existing) between the application site and the recycling yard to the rear.

3.7 The difference in levels on this western boundary is approx 4m, the application site being the lower.

3.8 Waste taken into the site will consist of general construction waste and household waste collected from skips. Whilst this may include small amounts of ancillary household waste (non recyclable), no notifiable waste will be collected i.e. oils, asbestos or clinical waste.

3.9 The collected waste will be loaded into bay 1 for screening, sorting and separation. Any recoverable material i.e. wood, paper, plastic, bricks etc will be removed to bay 2 for recycling. The remainder of the waste will be taken to a licensed landfill site. It is expected that 20-25% of the materials will be recycled.

3.10 The hours of operation are 07:00 hours to 17:30 hours Monday to Saturday. Four full time and two part time staff will be employed.

Publicity

3.11 The application has been advertised by way of neighbour letters, site notice and press notice. Two letters of objection have been received on the following grounds:

- a) more dust and litter will be blown to Seaton Carew.
- b) large amounts of mixed waste will be piled high for long periods of time.
- c) Will increase vermin, dust, flies and litter
- d) quiet enjoyment of Sandgate area has been eroded.
- e) residents of Seaton are sick and tired of air pollution.
- f) existing businesses will be completely surrounded by waste sites which is not good for business.

Copy Letter G

The period for publicity has expired.

Consultations

3.12 Head of Public Protection – No objections in principle as the site is located in an area identified for this type of use. Has suggested that the appropriate planning conditions are imposed and that heights of bays/waste materials must not exceed 4m.

Economic Development – No objections.

Northumbrian Water – No objections.

Environment Agency – No objections subject to the standard EA conditions.

Planning Policy

3.13 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.

Ind5: States that business uses and warehousing will be permitted in this area. General industry will only be approved in certain circumstances. A particularly high quality of design and landscaping will be required for development fronting the main approach roads and estate roads.

Ind6: Identifies part of the Sandgate area for the location of bad neighbour uses. Such uses will only be permitted subject to criteria in the policy relating to nuisance, visibility, screening, size of site and adequacy of car parking and servicing.

Ind8: States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated industrial improvement areas.

Rec9: States that a network of recreational routes linking areas of interest within the urban area will be developed and that proposals which would impede the development of the routes will not be permitted.

Planning Considerations

3.14 The main planning considerations in the determination of this application are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan and the impact of the development on the surrounding area in terms of amenity.

3.15 The site is located in a long established industrial area, which has been allocated for this type of 'bad neighbour' use. Policy Ind6 (Bad Neighbour Uses) states that proposals for the development or extension of sites for bad neighbour uses (including the sorting, composting and/or storage of waste materials, scrap yards, car breakers yards or coal yards) will be permitted only in the Sandgate area (subject to various criteria).

3.16 Further, there are a number of similar existing uses in the area including car breakers, scrap yards and recycling facilities. In view of this, the provision of another recycling centre is considered to be both acceptable and appropriate.

3.17 The site has been visited and inspected by an Environment Agency officer who has offered no objections to the current scheme.

3.18 Information has also been received from the Environment Agency which includes a pre-application form completed with the applicant and the standard EA Rules licence. This provides confirmation of the amount (75,000 tonnes per year) and types of waste material that can be handled by the applicant on this particular site.

3.19 As previously mentioned, the applicant has stated that most of the material to be dealt with will be construction waste, and should permission be granted, specific conditions will relate to these materials for the avoidance of doubt.

3.20 With regard to the objections received, it is acknowledged that this type of business can give rise to litter, dust, smells etc as can other types of existing industrial premises in the area. The applicant is aware of these issues and will take all measures to limit the impact of the development on the surrounding area.

3.21 As the majority of the waste material taken onto the site will be from construction sites and household skips it is likely that only small amounts of ancillary wastes such as food stuffs will be found. Any putrescible material will be removed from the bays and stored in sealed containers for a limited period until it can be moved onto landfill etc.

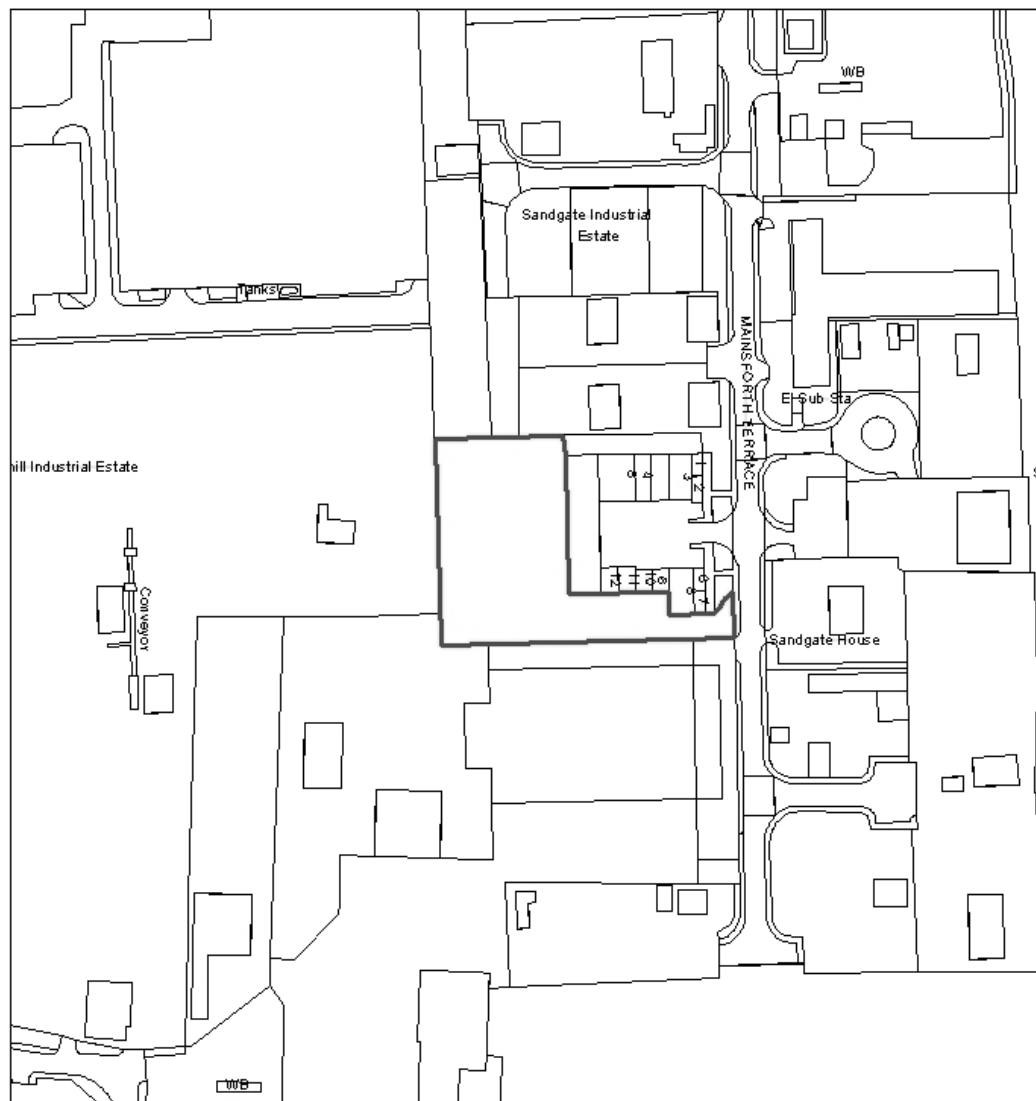
3.22 A number of conditions can be imposed in order to deal with issues such as dust, mud, litter and smells.

3.23 Recycling is an important and growing sector of the economy and it is essential that such uses can be accommodated within the town. There are already a number of existing waste recycling facilities in the immediate area and as such it would be difficult to sustain an objection on the grounds stated by the objectors.

3.24 In view of the above it is considered that the proposed use is acceptable in terms of policy and location. The applicant will have to comply with a number of planning conditions and regulations imposed by the Environment Agency, all designed to protect the environment. Discussions are ongoing about the final terms of proposed conditions and an update will follow.

RECOMMENDATION – Update to follow

HARTLEPOOL WORKSHOPS, MAINSFORTH TERRACE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 21/01/10
	SCALE 1:2,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2009/0090	REV

No: 4
Number: H/2009/0615
Applicant: MR S BELL GREENBANK STRANTON HARTLEPOOL
 TS24 7QS
Agent: Browne Smith Baker LLP Mr Guy Holmes 11-12 Portland
 Terrace Newcastle upon Tyne NE2 1QQ
Date valid: 13/01/2010
Development: Erection of 17 2 and 2.5 storey dwellings and associated
 infrastructure, (works include preparation of site and
 demolition of former Market Hotel Public House)
 (AMENDED PLAN RECEIVED)
Location: MARKET HOTEL LYNN STREET HARTLEPOOL

Withdrawn from the Agenda

No: 5
Number: H/2009/0626
Applicant: MR S BELL GREENBANK STRANTON HARTLEPOOL
TS24 7QS
Agent: Browne Smith Baker LLP Mr Guy Holmes 11-12 Portland
Terrace Newcastle upon Tyne NE2 1QQ
Date valid: 24/12/2009
Development: Demolition of listed building
Location: MARKET HOTEL LYNN STREET HARTLEPOOL

Withdrawn from Agenda

No: 6
Number: H/2009/0442
Applicant: BAKER PETROLITE BRENDA ROAD HARTLEPOOL TS25 2BQ
Agent: BAKER PETROLITE TOFTS FARM INDUSTRIAL ESTATE WEST BRENDA ROAD HARTLEPOOL TS25 2BQ
Date valid: 07/09/2009
Development: Hazardous substances consent for the removal of condition imposed on a previous consent in relation to acrolein storage limiting the period of storage to 12 months
Location: BAKER PETROLITE TOFTS FARM INDUSTRIAL ESTATE WEST BRENDA ROAD HARTLEPOOL HARTLEPOOL

Background

6.1 Members may recall that another application for hazardous substances consent (H/2009/0321) for the storage of additional quantities of ethylene and propylene oxide was considered by Committee at the last meeting of the Planning Committee. Members were minded to approved that application with the final decision being delegated to the Development Control Manager. The current application is a further application for hazardous substances consent on the site.

The Application and Site

6.2 The application site is an existing long established chemical plant located at the western end of the Tofts Farm West Industrial Estate. The site is bounded to the north and east by railway lines, which separate the site from the surrounding industrial development at Tofts Farm West, Graythorp Industrial Estate to the south and the Corus site to the north. To the north east on the other side of the railway line is a vacant site designated for outdoor recreational purposes.

6.3 Hazardous Substances Consent was originally granted in December 2003 for the storage of 22 tonnes of acrolein on the site (H/HSC/0343/03). A later consent (H/2006/0334) increased the amount of acrolein which could be stored on the site to 40 tonnes however a condition limited the period for which the additional amounts of acrolein could be stored. A further consent was obtained to vary this consent (H/2007/0854) to allow for the continued storage of the acrolein however again a condition limited the period for which the additional amounts of acrolein could be stored. The current application effectively seeks to remove the condition(s) limiting the storage of the acrolein on the previous approval to allow for the continued storage of 40 tonnes of acrolein on site.

6.4 In support of the application the applicant has advised that the storage facility has been further improved/upgraded since the last application, with the addition of a

gas detection system which automatically activates a deluge system in the event of a leak. The applicant advises that the storage facility has been inspected by the Health & Safety Executive (HSE), the Environment Agency and is included in the site COMAH Safety Report which has been approved by both agencies.

Planning History

6.5 The site benefits from a number of extant permissions for Hazardous Substances Consent including consents to store acrolein. These consents include the following:

H/HSC/0343/03 Application for hazardous substances consent for increased amounts of very toxic substances stored at site. Approved December 2003. This granted consent for the storage of 22 tonnes of acrolein on site.

H/2006/0334 Application for hazardous substance consent to increase the quantity of 5 hazardous substances stored including acrolein. Approved February 2007. This granted consent for the storage of 40 tonnes of acrolein. A condition on the approval effectively only allowed temporary permission for the storage of the additional amounts of acrolein requiring the removal of the additional acrolein stored on site by 24th January 2008.

H/2007/0854 Application for hazardous substances consent for storage of 40 tonnes of acrolein. This consent sought to remove the condition on the parent permission H/2006/0334 limiting the period for which the increased amounts of acrolein could be stored on the site. It was approved in January 2008 again a condition on the approval effectively only allowed temporary permission for the storage of the additional amounts of acrolein on site for a 12 month period from the date of its first receipt.

Publicity

6.7 The application has been advertised by way of neighbour letters (12), site notice and in the press. One response was received; the respondent does not state a view. The time period for representations has expired.

Consultations

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

Head of Public Protection – No objection

Economic Development – No comments received.

Northumbrian Water – No comments received.

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

Northern Gas Networks – No comments received.

Network Rail – Network Rail have no observations to make.

Natural England : Natural England has no objection to the proposal because it is considered that, either alone or in combination with other plans or projects, it would not be likely to have a significant effect on the internationally important interest features of the Teesmouth & Cleveland Coast SPA and Ramsar Site, or any of the features of special scientific interest of Seaton Dunes and Common SSSI.

Environment Agency – No comment.

Cleveland Fire Brigade – No objections.

Stockton Borough Council – No objections.

Greatham Parish Council – The council has asked that I inform you that they have no further comments to make on this application.

Health and Safety Executive (HSE) – No objection.

Transco – No comments received.

Cleveland Emergency Planning Officer – Having considered the proposal, the Emergency Planning Unit has no objections to the removal of this condition. This is due to the company being already subject to the Control of Major Accident Hazard Regulations (COMAH) and having in place an on-site emergency response plan and a site safety case which has been approved by the Health and Safety Executive. The site also has an off-site emergency response plan prepared by the Emergency Planning Unit on behalf of the local authority, which has been shown to be effective through the completion of exercises held with the operator, the emergency services and other responding agencies. Should the condition be removed, I would not envisage any change to the Public Information Zone (PIZ) as defined by the HSE in respect of the site under COMAH. However it may be prudent for the operator to notify those premises within the PIZ of the change, although all premises within the PIZ are currently industrial and/or commercial premises. The Emergency Planning Unit would assist the operator with this notification, in accordance with the COMAH Regulations if deemed appropriate.

Planning Policy

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

GE1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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

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

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

Planning Considerations

6.10 The main planning considerations relate to the suitability of the proposal in the context of the policies and proposals of the Hartlepool Local Plan, the impact of the proposal on the environment, impact on the amenity of the occupants of nearby properties and the impact on the development of neighbouring land.

Policy

6.11 The site lies within an area where policy supports developments which are potentially polluting or hazardous where there is no significant detrimental effect on the environment or on designated nature conservation sites, on amenity or on the development of neighbouring land.

The impact of the proposal on the environment

6.12 The application is to allow for the continuing storage of chemicals which are potential harmful to the environment. The Environment Agency regulates this activity both under the Environmental Permitting Regulations 2007 and, jointly with the HSE, under the Control of Major Accident Hazard Regulations (COMAH) 1999.

6.13 The Environment Agency, the HSE, the Cleveland Emergency Planning Officer, Cleveland Fire Brigade and the Head of Public Protection have raised no objections. Similarly Natural England have advised that it is unlikely that the proposal will have any significant effect on the Teesmouth & Cleveland Coast SPA, or the Seaton Dunes & Common SSSI.

6.14 It is concluded that the proposal is acceptable in terms of its impact on the Environment.

The impact of the proposal on the amenity of the occupants of neighbouring properties.

6.15 The site is surrounded by industrial/commercial development. The closest residential properties include a bungalow on the Graythorpe Industrial Estate some 400m to the south, with the fringes of Seaton Carew some 730m to the north east and the fringes of Greatham some 1.5km to the west. It is not considered that the proposal will significantly affect the amenity of these properties.

Impact on the development of neighbouring land

6.16 The site lies within an industrial area designated in the Hartlepool Local Plan for potentially polluting or hazardous development. It is surrounded by industrial/commercial development and by an area of ground designated for outdoor recreation which also encompasses a designated recreational walkway, on the north side of the railway line. Planning permission was historically granted for an auto grass centre in 1997 on land designated for recreational use (H/FUL/0207/97) although it appears that this application has now lapsed as part of the site has been acquired and is being developed for pipe storage (H/2007/0262).

6.17 The proposal in the application considered at the last meeting (H/2009/0321) will result in a slight expansion of the major hazard consultation zone to the north. It has not been suggested that this proposal affects the consultation zone in its own right and there are therefore no significant impacts on the development of neighbouring land.

RECOMMENDATION – APPROVE subject to the following conditions

1. The storage 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. This permission relates only to the storage of a maximum of 40 tonnes of acrolein on the site.
For the avoidance of doubt.
3. The drums and cylinders used for storage of the Hazardous Substances to which this permission relates shall only be stored outside.
In the interests of safety.
4. The storage of acrolein upon the site must be in pressure containers of 1.1 tonne capacity. The containers must be IMO type 1 tanks rated at 150 psig unless otherwise agreed in writing by the Local Planning Authority.
In the interests of safety.
5. The acrolein shall not be kept or used other than in accordance with the application particulars provided in Form 1 and accompanying papers of the parent permission (H/2006/0334), nor outside the areas marked for storage of the substances on the plan which formed part of the application.
In the interests of safety.

BAKER PETROLITE

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 21/01/10
	SCALE 1:3,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2009/0442	REV

No: 7
Number: H/2009/0648
Applicant: Mr B Brown Endeavour House Stockton Road Hartlepool TS25 5TB
Agent: Mr B Brown Cleveland Fire Brigade Endeavour House Stockton Road Hartlepool TS25 5TB
Date valid: 02/12/2009
Development: Outline application for the construction of combined Fire Brigade Headquarters with learning and development centre, youth academy, stores, workshops, vehicle resource centre and fire house.
Location: LAND AT QUEENS MEADOW BUSINESS PARK STOCKTON ROAD

The Application and Site

7.1 The application site is adjacent the existing Fire Brigade Headquarters located within Queens Meadow Business Park. The site is currently undeveloped.

7.2 As part of a major programme of providing improved fire and rescue to the Cleveland community, Cleveland Fire Authority has identified the need for an improved Brigade Headquarters, Learning and Development, Youth Academy and Technical Services buildings. An outline application under planning ref: H/2009/0217 for the demolition of the existing fire station and redevelopment of the site was presented to the Planning Committee and subsequently approved in September 2009.

7.3 It is now proposed not to proceed with the approved scheme for the redevelopment of the existing site due to the disruption to this would have on the existing site; this outline application proposes a similar scheme on an adjacent site.

7.4 The Learning and Development facility is an enhanced training centre which would be open for community use and would link to the Youth Academy which would be used as a base for work promoting fire safety. It is anticipated that all fire equipment (such as Personal Protection Equipment) would be maintained in the workshop. A vehicle resource centre is also proposed.

7.5 It is proposed to include hot fire facilities within the site which would be used for training and educational purposes. Hot fire facilities are designed to simulate real life fire emergencies.

7.6 On site car parking would be provided with the application.

7.8 The application is an outline application with all matters reserved for future application(s).

Publicity

7.9 The application has been advertised by way of site notice, press notice and neighbour letters (37). To date, there have been 7 letters of no objection.

7.10 The period for publicity has expired.

Consultations

7.11 The following consultation replies have been received:

Public Protection - No objections in principle. Details of the fire training facility will need to be agreed with the planning authority. In particular conditions to minimise the impact of the hot fire training facilities on neighbouring premises will need to be agreed with the applicants.

Property Services - No comment

Traffic & Transportation - No objections

Engineering Consultancy - No objection subject to conditions regarding potential contamination and drainage.

Cleveland Police - Recommends Secured By Design Principles be adopted for this development

Northumbrian Water - At present the sewerage infrastructure is not adopted and therefore it is not NWL's concern. NWL have no objections to the proposed development.

One North East - No comment

Association of North East Councils - The proposal to construct a fire brigade headquarters on land at Queens Meadow Business Park is in general conformity with the RSS. The production of a travel plan, the use of SUDS and the aim to achieve the BREEAM rating of excellent is consistent with regional planning policy. However, the development proposal does not reflect the objectives of RSS policy 38(d). This policy requires that in advance of local targets being set in DPDs, major new development must secure at least 10% of its energy supply from decentralised and renewable energy or low carbon sources, unless having regard to the type and design of the development, this is not feasible or viable. The NEPB would support the inclusion of measures to achieve this objective.

Environment Agency - no objection

Greatham Parish Council – No comments received

Tees Valley JSU – No comments received

Planning Policy

7.12 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.

Ind3: States that land is reserved for development as a business park. Proposals for business development, and for those general industrial and storage uses which do not significantly affect amenity or prejudice the development of adjoining land, will be allowed where they meet the criteria set out in the policy. Town centre uses will not be allowed unless they are primarily providing support facilities for the business park. Travel plans will be required for large scale developments.

PU2: States that industrial development on this site will be approved if surface water drainage is adequate. Sustainable drainage is encouraged. Policy not saved after April 2009 but national policies and guidance are material.

Tra20: Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

Planning Considerations

7.13 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan outlined above and in particular the impact of the proposals upon neighbouring premises, in terms of appearance, noise, disturbance and potential emissions and the appearance of the development in the streetscene in general. Highway safety issues also need to be considered.

Policy considerations

7.14 The Queens Meadow Industrial Estate is allocated in the Local Plan for development as a high quality business park. This is mixed office training and

operational use which is acceptable in an industrial location. Further the Fire Brigade headquarters are already located on this estate and its retention is therefore considered appropriate.

7.15 The Council's Economic Development Manager has assessed the application and fully supports the proposals. He considers that the proposed development will bring a range of direct benefits to Hartlepool in term of investment and future job opportunities within the construction phase and longer term within the operation itself. He also considers that the proposed development will indeed bring long term benefits with a sustainable Fire HQ. The proposals will also bring significant benefits to the Queens Meadow Business Park by continuing the momentum of investment and development and by the delivery of a key high profile prestigious sub regional development. In respect of the hot fire facilities it is considered that these facilities are not a major barrier to the development taking place but it is recognised that these will need to be managed appropriately to avoid negatively impacting on neighbouring businesses. This can be controlled by planning condition.

Effect on the Surrounding Area

7.16 Although the application is in outline form with all matters reserved for subsequent application(s), the Design and Access Statement recognises that the facility will be designed on multi storey levels to allow for the type of development. The final design of the building will be controlled by subsequent reserved matters application(s).

7.17 The closest residential property (Greatham Villa) is approximately 150metres away from the boundary of the application site, although it can be viewed from the application site, there is a landscaped mound between which does provide partial screening of the development site. Although it is acknowledged that this will not screen the entire development it is considered that the development of this site with a high quality facility can be designed so that it would not have a detrimental effect on the amenities of the neighbouring residential property.

7.18 The application site is on the boundary of the Queens Meadow Business Park, set within a site which is approved for business development and as such it is not considered that the proposal will have an adverse impact on the surrounding properties in terms of visual impact.

7.19 The application has been assessed by Public Protection who has no objection to the proposed scheme in terms of potential noise, disturbance or emissions. However it is acknowledged that the details of the fire training facility will need to be agreed prior to development. In particular it will be necessary to minimise the impacts of the hot fire training facilities proposed on neighbouring premises. A representative from Public Protection has visited a similar facility and is confident that measures can be incorporated into the scheme to mitigate against potential affects. This can be controlled by planning condition.

7.20 It is therefore considered that the new facility would not have an adverse affect on the neighbouring premises and surrounding area in general.

Landscape & Conservation

7.21 The applicant has indicated within the Design and Access statement, that soft landscaping will be used where possible around the site utilising local species for planting which will provide low maintenance year round interest and promotion of biodiversity. The design of the hard landscaping is proposed to be such that it is integrated into the soft landscaped areas and reflect the variety of uses to be carried out within the site. This would be subject to future reserved matters applications.

7.22 There is a landscape strip which bounds the estate roads, however as this part of Queens Meadow is undeveloped the road and therefore landscaping have not been carried out as yet. It is considered to be beneficial for the screening of the site and for the overall appearance of the Business Park that this should be continued, this can be controlled by condition.

Highways

7.23 Proposed parking within the site will be provided for staff and for visiting members of the public. Two parking areas are proposed allowing for public parking to be segregated from operational areas for safety and to provide a clear route for visitors from parking areas into the community areas of the building. A total of 150 staff parking spaces are proposed with 96 spaces for visitor. It is proposed to also provide 4 disabled parking spaces and 6 spaces for car sharing as well as 3 spaces for motorcycles. The outline application proposed to include 266 parking spaces

7.24 The final layout of parking would be the subject of a reserved matters application. The Council's Traffic and Transportation team have assessed the application and does not consider that there are any highway safety issues associated with it although at reserved matters stage it is anticipated that the Council would seek to achieve 11 disabled parking spaces. There are no objections from a highways perspective.

7.25 The developer has agreed to produce a Travel Plan to encourage sustainable transport; this can be controlled by condition.

Other Issues

7.26 The Design & Access Statement specifies that the target is to achieve a BREEAM rating of 'excellent', the applicant proposes to incorporate energy efficient measures; this can be controlled by condition.

7.27 The drainage system is not yet adopted by Northumbrian Water, however confirmation has been received from the owner of the site that the drainage system has been designed to accommodate the whole of Queens Meadow Business Park and as such has capacity to accommodate this proposal.

7.28 The Council's Ecologist has recommended the inclusion of a reed bed/wetland feature into the site, the applicant has no objection to this on the basis that final details of a wetland feature can be discussed further at reserved matters stage to

ensure that any inclusion does not prejudice the training area and that it is compatible with the drainage system eventually decided upon.

Flood Risk Assessment

7.29 A Flood Risk Assessment was submitted with the planning application which has been considered by the Environment Agency (EA). The application site lies within Flood Zone 1 – which is the zone with the lowest probability of flooding, the EA have no objection to the proposed development.

Conclusion

7.30 Based on the information provided, it is considered that the proposed development is acceptable and approval is therefore recommended.

RECOMMENDATION – APPROVE subject to the following conditions:

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the 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.
3. No development shall take place until a scheme for the car parking on the site has been submitted for the consideration and approval of the Local Planning Authority. Thereafter the approved scheme shall be implemented prior to the first operation of the development and retained for its intended use for the duration of the use, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
4. Final details of cycle parking and refuse storage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme(s) shall be implemented prior to the first operation of the development and retained for the duration of the use, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity and in the interests of promoting sustainable forms of transport.
5. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted to and agreed in writing with 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.
In the interests of crime prevention.

6. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
7. 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 sustainable development
8. No development shall take place until the following matters have been addressed
 - 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.

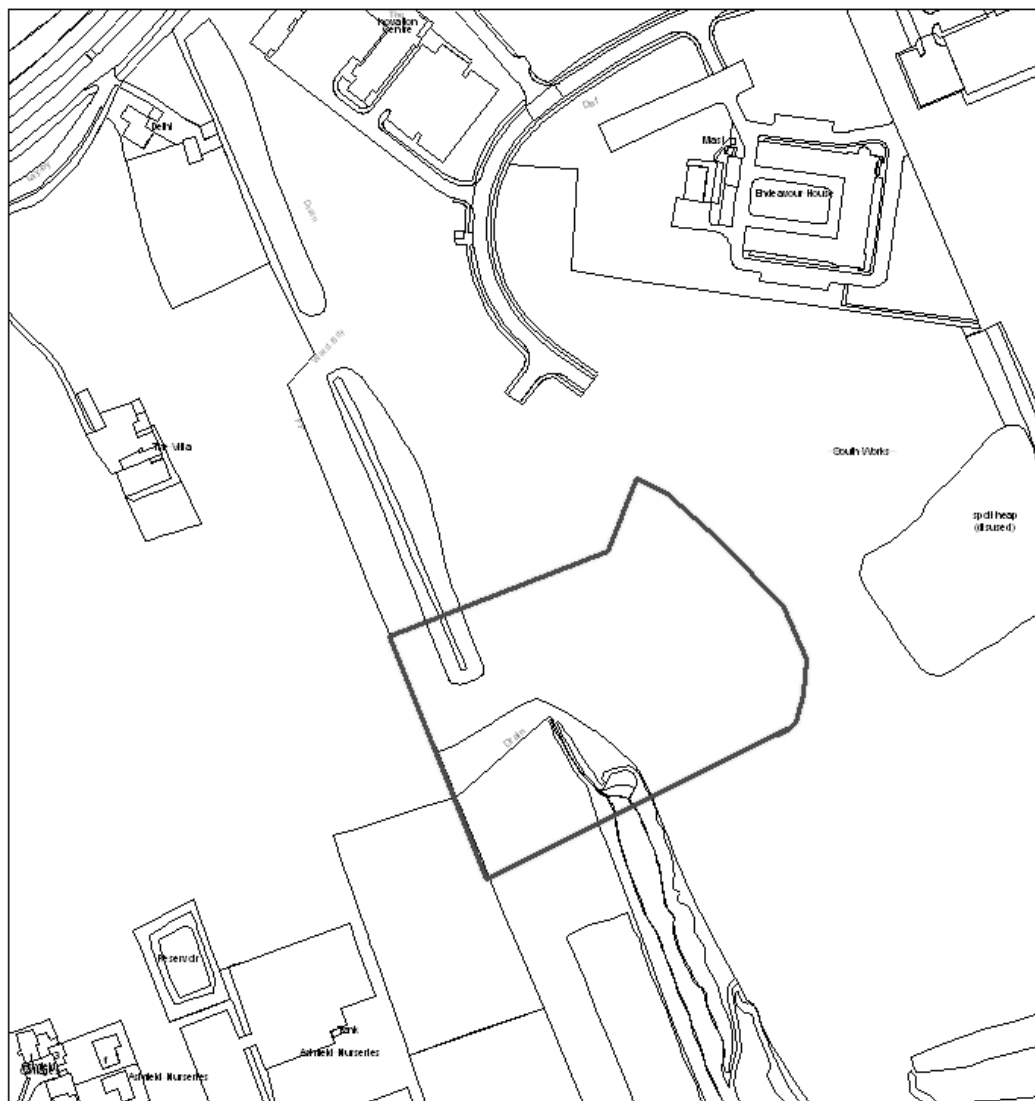
Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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. To enable the Local Planning Authority to exercise control to ensure land fill gas protection measures.

9. A final scheme for the foul and surface water drainage of the site shall be submitted to and approved 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 with the Local Planning Authority.

- To ensure the site is developed in a satisfactory manner.
10. A detailed staff survey should be undertaken within 3 months of occupation of the centre and a detailed Travel Plan, including an action plan with detailed objectives, SMART targets and measures within 6 months of occupation of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and shall continue in operation at all times as approved unless otherwise agreed in writing by the Local Planning Authority.
In the interests of sustainable transport
 11. Final siting and details of the fire training facilities, including mitigation measures to minimise the impact of the facilities on the neighbouring premises shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter fire training facilities shall be implemented and operated in accordance with the approved details at all times, unless otherwise agreed in writing by the Local Planning Authority.
To ensure the site is developed in a satisfactory manner.
 12. Notwithstanding the approved plans a scheme for the extension of the landscaping strip along the new road extension and along the north eastern boundary of the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and include a programme of the works to be undertaken. Thereafter the scheme shall be implemented in accordance with the approved details and programme of works, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
 13. Unless otherwise agreed in writing by the Local Planning Authority, notwithstanding the approved plans, a scheme including a programme of works detailing the inclusion of a reed bed/wetland feature within the development shall be submitted to and agreed in writing by the Local Planning Authority before the development commences. Thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In the interest of promoting bio-diversity.

QUEENS MEADOW

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 21/01/10
	SCALE 1:3,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2009/0648	REV

No: 8
Number: H/2009/0689
Applicant:
Agent: SL Planning Mr S Litherland 12 Cragstone Close
 Hartlepool TS26 0ET
Date valid: 10/12/2009
Development: Variation of condition 3 of planning permission
 H/2006/0394 to allow the height of the stockpiles on site
 to extend to a maximum height of 6 metres.
Location: EASY SKIPS LTD THOMLINSON ROAD HARTLEPOOL

The Application and Site

8.1 The site lies within the Longhill Industrial Area as designated within the Hartlepool Local Plan. The site is bounded to the north by Thomlinson Road. Opposite are a number of small industrial units. To the east is both a coal yard and a skip hire yard. To the south and west lies J & B Recycling, a waste recycling use.

8.2 The site was granted planning permission in August 2006 for use as a waste transfer station; a number of conditions were attached to the permission. One of the conditions restricted the height of waste stored on site to 2 metres or other such height as may be first agreed in writing by the Local Planning Authority. In February 2008 storage of waste was allowed up to 3.4 metres in height.

8.3 This application seeks to increase the height of stored waste to 6 metres. This would extend to approximately two thirds of the application site, much of which is outside existing storage bays.

8.4 Members should note that they have previously authorised action to ensure waste is stored only at the approved heights and that the company has been prosecuted for failing to do this. It should also be noted that waste stored on site on the 21st January 2010 was approximately 7 metres high.

Publicity

8.5 The application has been advertised by way of site notice, press notice and neighbour letters (48). 4 letters of objection have been received to date.

8.6 The concerns raised are:

1. The existing pile of waste is already twice the height of the new proposed height limit. Even at a height of 6 metres it will pose a health and safety and environmental risk in terms of fire, potential land slide onto neighbouring properties with possible property damage and personnel injury, and smell such as methane as waste will still decompose if stored to this height.
2. increase risk of fire;
3. increase risk of vermin infestation;

4. fould smells from site;
5. increase risk of disease caused by potential poor control of site;
6. prior sites controlled by Easy Skips have not been cleared and have been left in a poor state. I would suggest that there is a real and considerable risk that any new site could be left in the same way.
7. concerns relating to the working practices adopted by the applicant.
8. rubbish is already getting blown from the piles when the wind is up;
9. smell is terrible when wind blows right way;
10. the pile is an eye sore as it is;
11. concerns regarding the company going bust and who would pay for the waste to be removed.

8.7 The period for publicity expires the day of the Planning Committee. Should any further responses be received they will be presented to the Planning Committee accordingly.

Copy Letters A

Consultations

8.8 The following consultation replies have been received:

Public Protection – Have serious concerns regarding this application. Increasing the height of the stockpiles to 6m will increase the potential for wind blowing waste from the site causing nuisance to neighbouring businesses. Long term storage of waste on site will increase the potential for odours, flies and rodent infestation. There are also concerns about the potential for a serious air pollution incident should this material catch fire for any reason.

Traffic & Transportation – Adequate provision should be made to prevent materials being blown onto adjacent highway.

Engineering Consultancy – no objection

Waste Management Manager – Concerns regarding permitted waste to be stockpiled to a height of 6 metres on any waste collection/transfer station as requested.

Northumbrian Water – There are no public sewers crossing the site so Northumbrian Water has no objection to this proposal.

Environment Agency - Although the EA have concerns regarding this application, they feel it is beyond their remit through the planning process to object to the proposal.

Planning Policy

8.9 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.

Ind5: States that business uses and warehousing will be permitted in this area. General industry will only be approved in certain circumstances. A particularly high quality of design and landscaping will be required for development fronting the main approach roads and estate roads.

Ind6: Identifies part of the Sandgate area for the location of bad neighbour uses. Such uses will only be permitted subject to criteria in the policy relating to nuisance, visibility, screening, size of site and adequacy of car parking and servicing.

Planning Considerations

8.10 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan outlined above and in particular the impact of the proposals upon neighbouring premises, in terms of appearance, noise, disturbance and potential emissions and the appearance of the development in the area in general. Highway safety issues also need to be considered.

Policy Considerations

8.11 This is an approved waste transfer station.

Effect on the Surrounding Area

8.12 The current waste on the application site can be viewed from the A689 (Belle Vue Way); as the current height appears to be approximately 7 metres it is anticipated that the view from Belle Vue Way would not alter significantly if a limit was agreed at 6 metres.

8.13 The proposed height and storage area of the waste are considered to be visually dominant in the area, although the design and access statement indicate that the site is well screened, it is considered that the boundary treatments do not screen the site and therefore the stockpiled waste is visually prominent in the area. Further waste is not adequately confined to the site.

8.13 The Environment Agency have expressed concerns regarding this application, however feel it is beyond their remit through the planning process to object to the proposal. However, the EA would like the Local Planning Authority to take the following information into consideration when determining this application:

1. A Revocation Notice has been served on the Applicant by the Environment Agency on 13 Nov 2009. The applicants have been prosecuted in the past for stockpiling waste on an unlicensed site. At present there is no evidence of any recycling operations being carried out on the mound of waste that is already present on site.
2. Although it is the LPA's responsibility to assess the impact on health and safety with regard to proposed development and whether planning permission should be granted, the EA have several concerns along these lines.
3. Specifically, the application states one fence is 1.8m, however other boundaries heights are below this and so unsuitable to contain such a height and volume of waste. The site is bordered on two sides by other businesses into which waste could fall.
4. In addition, the Fire Brigade has sent the EA a letter expressing their concerns over the volume of waste stored in the site as it poses a significant fire risk that would be deep seated and long lasting as there would be no space to spread out the waste to damp it down effectively. The fire would produce large volumes of potentially toxic smoke and contaminated run off.

8.14 There are also concerns from the Public Protection Team regarding the effects this proposal would have on the adjacent premises and environment in general in terms of odours, flies and rodent infestation, and air pollution.

8.15 It is considered that the concerns of the Public Protection Team can be supported by the revocation notice which the Environment Agency has served on the applicant. The revocation notice seeks to revoke the Environmental Permit for the applicants, reason 3 of the notice states: "You are storing waste on the permitted site in quantities which cause a risk of serious pollution". It should be noted that the applicant has appealed against the revocation notice.

8.16 Concerns have been raised by the Council's Economic Development Team in terms of complaints received regarding waste spilling through the application site onto adjacent businesses land. Continual complaints have also been received by Economic Development from local resident associations in terms of dust, litter, smells and sea gulls.

8.17 The Council's Waste Management Manager has echoed the concerns of others and states his concerns as follows:

1. Height - as waste degrades the stability of any waste pile is unsafe to employees and site boundary.
2. Storage - storage of any waste even for a short time can lead to internal combustion. Waste begins to decompose immediately; the greater the amount the higher the risk and no one can guarantee the waste type collected in skips.
3. Handling of materials - the application is for a waste transfer station, this involves the tipping of waste from skips to piles and bulking up to larger quantities prior to disposal, and not storage of waste to generate greater income. Waste should be stored in a contained / bunded area within a site boundary and not covering a large area or the whole of the site itself. The longer waste is stored on site the cost of disposal of such waste increases.

4. Pollution - waste should be disposed of and transferred from the site asap due to public protection issues, e.g. vermin, smells, internal combustion and smoke etc.

8.18 In relation to point 2 above although the application site does not have planning permission to store putrescible waste, there is an application pending to allow an incidental amount of putrescible waste to be brought onto the site. It should be noted that on previous site visits putrescible waste has been visible onsite.

8.19 In this instance it is considered that this proposal would be an intensification of a 'bad neighbour' use, almost doubling the permitted height of waste stored on the site. Concerns raised by members of the public, the Council's Public Protection Team, the Waste Management Manager and the Environment Agency indicate that the site would be detrimental in visual terms and the scale of the waste proposed to be stored onsite which is proposed to cover approximately two thirds of the site is considered excessive.

8.20 It is considered that the increase in height and area of the storage of waste will have a detrimental effect on neighbours and a negative visual impact on the wider area in general. It is considered that the scheme conflicts with GEP1 of the adopted Hartlepool Local Plan 2006.

Highways

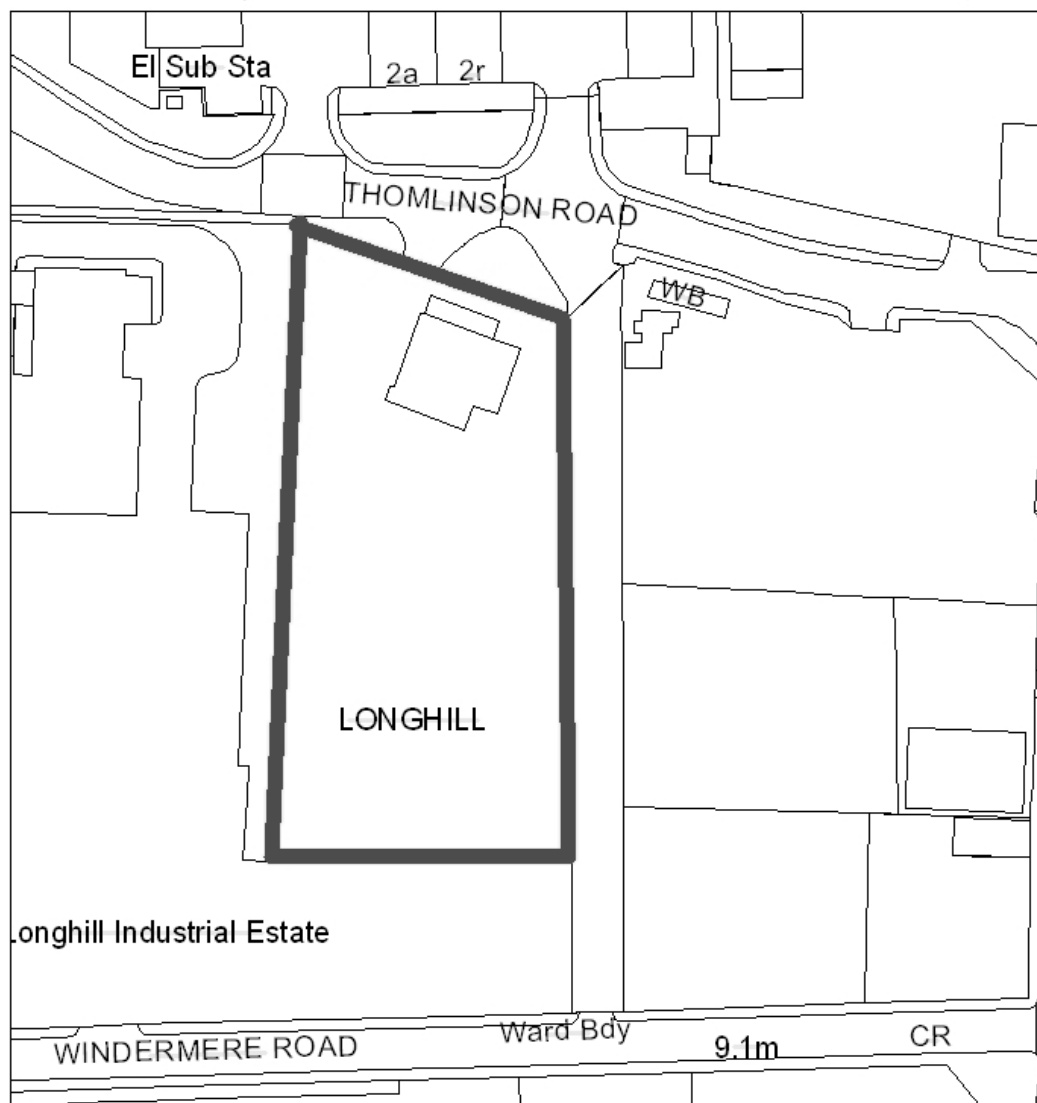
8.21 Highways have commented that it is important that the storage of waste on the site does not lead to materials being blown onto adjacent highways. Planning conditions can be imposed regarding the need to install further litter-catch fencing and/or storage bays in which to deposit extra waste materials. However given the extent of the proposed storage heights the bays/fencing would need to surround the majority of the site at a height in excess of 6 metres. It is considered that the imposition of these conditions for such a height on a relatively small site would have a negative effect on the area in visual amenity terms.

Conclusion

8.22 The applicant has been prosecuted by Hartlepool Borough Council at the Magistrates Court for non-compliance with a Breach of Condition Notice for storage of waste above heights permitted on this site. Although this application seeks to rectify the breach of condition the proposal is considered to be excessive for the scale of the site and unacceptable for the reasons outlined.

RECOMMENDATION – REFUSE for the following reasons:

1. It is considered that the proposed increase in the height of waste held on this site, much outside containing storage bays, would appear visually obtrusive, lead to an increased risk in terms of fire and potential waste slide onto neighbouring sites, and result in an increase in wind-blown materials, odours and rodent infestation from the site all to the detriment of the occupiers of adjacent and nearby premises and the area generally, contrary to policy GEP1 of the adopted Hartlepool Local Plan 2006.

EASY SKIPS, THOMLINSON ROAD

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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 21/01/10
	SCALE 1:1,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2009/0689	REV

No: 9
Number: H/2009/0566
Applicant: Mr I Bates MAINSFORTH TERRACE HARTLEPOOL TS25 1UB
Agent: GRAB-N-GO Mr I Bates UNIT 5 SANDGATE INDUSTRIAL ESTATE MAINSFORTH TERRACE HARTLEPOOL TS25 1UB
Date valid: 16/10/2009
Development: Use as a waste transfer station including provision of recycling sorting bays
Location: UNIT 5 SANDGATE INDUSTRIAL ESTATE MAINSFORTH TERRACE HARTLEPOOL HARTLEPOOL

The Application and Site

9.1 The application site is situated on Sandgate Industrial Estate, to the rear of Level 6 Recycling and adjacent to the premises of Bridgeman IBC located on Greatham Street.

9.2 The site, which is now cleared, is currently vacant having being used in the past for the storage of motor vehicles. The site contains a pre-fabricated steel shed building adjacent to the access, which it is indicated is used to produce kindling from unusable cuts of timbers. The shed also contains toilets and small-scale office accommodation.

9.3 In terms of the planning history of the site, an application was refused in July 1989 for the use of the site as a haulage depot and scrap yard. Permission was granted in September 1989 for the sole use as a haulage depot. Permission was granted for the erection of the aforementioned shed for the storage of HGVs in 1990.

9.4 Simultaneous applications were submitted to the Council as the Local Planning Authority and the County Council as the Waste Planning Authority for the 'use as a skip hire business' (HFUL/1994/0265) and 'use as a waste transfer station' (COU/1994/0351) respectively. Both applications were refused on the basis that the restricted width of the site, in addition to the proposed combination of uses would over intensify the use of the site, resulting in vehicles manoeuvring and parking on the highway to the detriment of highway safety.

9.5 Two applications were then re-submitted for the above uses with the aim of addressing the concerns leading to the previous refusals by altering the layout to site the waste transfer bays to the north end of the site (HFUL/1994/0577) and (COU/1994/0608). Again, both authorities refused the application on the same grounds as they had done previously.

9.6 The re-submitted applications were subsequently dismissed on appeal.

9.7 The application seeks consent for the use of the vacant site as a waste transfer station involving the erection of three recycling sorting bays, staff parking, skip storage and wheel wash facility. The sorting bays are to be sited to the south end of the site, close to the site access and sited close to the side wall of the Bridgeman IBC premises.

9.8 It is indicated that the proposed bays are to be 2.5m high, 6m in width and 8m in length. The site is bounded by 6m high steel sheeting adjacent to the Level 6 Recycling yard. The site is level with little fall from either end. The north end of the site is adjoined by a public right of way adjoining Greatham Street.

9.9 Waste streams into the site will consist of general construction and household waste collected from the skip hire business operated on site. The waste will comprises waste from building work, houses clearance etc. The applicant has indicated that the site will not be used for industrial or commercial waste. It is accepted that the waste streams may include incidental quantities of non-recyclable household waste. The applicant has indicated verbally that any incidental putrescible elements will be separated and disposed of off-site at an appropriately licensed facility. The operation will sort recyclable materials i.e. wood, plastic, rubble, soil, metal, paper, cardboard and glass.

9.10 The hours of operation proposed are 08.00 to 20.00 Monday to Saturday.

Publicity

9.11 The application has been advertised by way of neighbour letters (5) and site notice. To date, there have been two letters of objection.

9.12 The concerns raised are:

- a) Excessive costs in managing pest control;
- b) Refuse control adjacent to similar neighbouring site;
- c) Too close to city centre and residential properties;
- d) Conflicts with Council objectives to eliminate 'grot spots'
- e) Fire hazard risks – impact on local jobs;
- f) Dust ingress into adjoining building;
- g) Noise pollution;
- h) Odour pollution;
- i) Ingress of waste into adjoining building;
- j) Ingress of water into adjoining building;
- k) Rodent infestation and risk to employees;
- l) Risk of damage to adjoining property.

The period for publicity has expired.

Copy Letters C

Consultations

9.13 The following consultation replies have been received:

Head of Public Protection – No objections subject to conditions for no open burning, the provision of a wheel wash, facilities for dust suppression, restriction on storage heights and all waste storage to be held within bays, litter catchment fencing, surfaces for tipping or storage are impervious and drained via an interceptor and restriction on waste types to construction and demolition waste, municipal waste including garden wastes, soils and stones – only incidental quantities of putrescible should be stored in an enclosed contained and removed from the site within 48 hours.

Engineering Consultancy – Comments awaited.

Economic Development – No objections.

Traffic and Transportation – The proposed layout makes the access/egress tight. Concerned if the site was used for large scale recycling as its relatively small and would not cope with multiple vehicle movements.

Northumbrian Water – No objections.

Environment Agency – Insufficient information to determine the type of permit required. There is increased potential for off site impact from the proposal due to the proposed waste bays backing onto a neighbouring building. No waste related activities shall take place without the benefit of appropriate authorisation or infrastructure in place. The sewer system appears to be combined for foul and surface water. The sewerage undertaker should be satisfied of the capacity in the sewer. If there is insufficient capacity then the EA must be re-consulted will alternative methods of disposal.

Planning Policy

9.14 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.

Ind5: States that business uses and warehousing will be permitted in this area. General industry will only be approved in certain circumstances. A particularly high quality of design and landscaping will be required for development fronting the main approach roads and estate roads.

Ind6: Identifies part of the Sandgate area for the location of bad neighbour uses. Such uses will only be permitted subject to criteria in the policy relating to nuisance, visibility, screening, size of site and adequacy of car parking and servicing.

Ind8: States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated industrial improvement areas.

Planning Considerations

9.15 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the principle of the development in policy terms, the impact on the amenity of the surrounding area and the effect on highway safety.

9.16 The site is located in an established industrial area, which has been allocated for 'bad neighbour' uses. Policy Ind6 (Bad Neighbour Uses) states that the development of bad neighbour uses will be permitted only in the Sandgate area provided that: there is no significant nuisance to adjacent premises or highway users by virtue of dust, smell, vibration, smoke, noise, mud or slurry; the site is not visually prominent from a main access road or railway; the site is adequately screened, the site is of a suitable size of the operations proposed, and there is adequate parking and servicing for the site.

9.17 On that basis the principle of a waste transfer station in this location is acceptable subject to consideration of the relevant planning considerations and the criteria set out in policy Ind6 as set out above.

9.18 Concerns have been raised with regard to the proposed layout and the potential for vehicular conflicts in relation to the position of the sorting bays. Discussions are ongoing with the applicant and it is envisaged that full details of the operation of the site, including turning points for vehicles are to be submitted shortly in order to demonstrate that the site can adequately contain the operations proposed.

9.19 On that basis it is considered prudent to provide an update report following further consideration of those additional details, discussing the relevant planning considerations as set out above.

RECOMMENDATION – Update report to follow.

UNIT 5 SANDGATE

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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 21/01/10
	SCALE 1:1,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2009/0566	REV

No: 10
Number: H/2009/0627
Applicant: Mr D Young 12 BEACONSFIELD STREET
 HARTLEPOOL TS24 0NX
Agent: Weatherproof Windows 3a Lancaster Road Hartlepool
 TS24 8LN
Date valid: 11/11/2009
Development: Installation of replacement upvc sliding sash windows
 (Retrospective)
Location: 12 BEACONSFIELD STREET HARTLEPOOL
 HARTLEPOOL

The Application and Site

10.1 The application site is a mid terraced house located within the Headland Conservation Area and is subject to an Article 4 Direction which removes permitted development rights from the front and rear elevations of the building. A planning application was received in November 2009 for the installation of replacement UPVC sliding sash windows in the front elevation of the property in lieu of the original timber sliding sash windows. At the time of the site visit it became apparent that the proposed works had already been undertaken. In addition the front door and its surround has also been replaced, this does not form part of the current application and is discussed separately below.

Publicity

10.2 The application has been advertised by site notice and neighbour notification (2). No representations have been received.

The period for publicity has expired.

Consultations

10.3 The following consultation replies have been received:

Headland CAG: No comments received.

Headland Parish Council: No comments received.

Planning Policy

10.4 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.

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.

HE2: Encourages environmental improvements to enhance conservation areas.

HE3: States the need for high quality design and materials to be used in developments which would affect the setting of conservation areas and the need to preserve or enhance important views into and out of these areas.

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

Planning Considerations

10.5 The site lies within a conservation area, and is covered by an Article 4 Direction, where policy requires that development should preserve or enhance the character and appearance of the conservation area.

10.6 Current policy guidance agreed by Planning Committee on 19th February 2009 in relation to replacement windows in properties covered by an Article 4 Direction states:

“Any planning application for replacement or alteration of traditional windows on the building on front, side and rear elevations which is not of a type appropriate to the age and character of the building (in terms of design and detailing) and the character and appearance of the conservation area should be denied consent. The use of traditional materials will be encouraged, however the use of modern material will be accepted provided that the window is of design (i.e. pattern of glazing bars, horns etc), profile (including that of the frame, the opening element and the positioning within the aperture) and opening mechanism matching those of the original traditional window (i.e. hinged or sliding)”

10.7 The application is retrospective. In the main whilst the Conservation Officer has raised concerns at the trickle vent detail which has been incorporated into the windows, the proposed replacement windows are considered acceptable and in line with the above policy for replacement windows in conservation areas. However one of the replacement windows the dormer window is not considered acceptable. The original wooden window in the dormer was arched to account for the opening. The replacement dormer window however is a rectangular window and the arched opening has been filled to accommodate it. This is contrary to the above policy which states that the profile including the frame and the positioning within the opening should match those of the original window.. In addition the guidance states that the opening mechanism should match those of the original traditional window. In this instance a sliding sash window has been removed and replaced with what appears to be a casement window. The window which has been installed is visually different to the original window and is considered unacceptable.

10.8 In discussion the applicant's agent indicated he would be willing to withdraw the proposed dormer window from the application and the application could be approved on this basis. A suitable replacement dormer window would then have to be agreed and a further consent sought. The agent has been asked to confirm his client's position in writing. If the matter cannot be progressed satisfactorily then enforcement action would have to be considered.

Other Matters

10.9 It is also apparent that the door and surround of the property has been replaced. The original door was a six panelled door of a traditional design with a fanlight over. In discussing the introduction of the above guidance on UPVC windows Councillors also considered the installation of UPVC doors. It was felt that such items comprised of a larger area of UPVC and therefore had a greater impact on the character of the conservation area as a result they were not included in the guidance introduced. Therefore in this instance where a property is covered by an Article 4 Direction the use of a traditional solution for a replacement door would be expected.

10.10 The door which has been installed is not considered acceptable. The door is of a modern design and as a result the fanlight above the door is larger to accommodate the lower height of a modern door. Further to this the door appears to be narrower with a wider frame. The detailing of the door is of a modern design; rather than a six panelled door or a four panelled door as is found in this area, the door is of four panels with an arched window over. Such a modern design is inappropriate and hams the character of the conservation area.

RECOMMENDATION - The recommendation is in three parts:

Recommendation A Mind to **APPROVE** subject to confirmation of the withdrawal from the application of the proposed replacement dormer window and the following conditions:

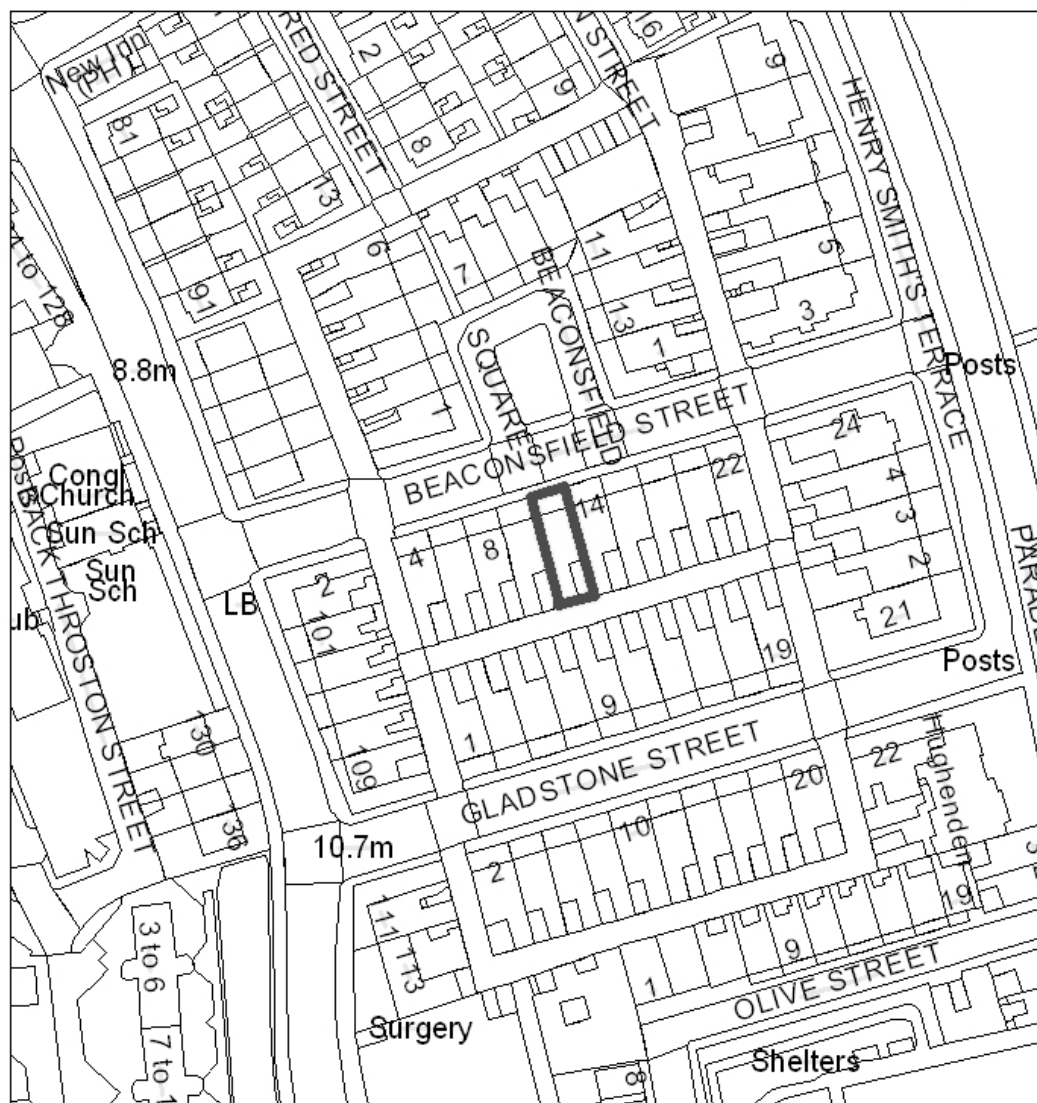
1. This permission relates only to the front first and ground floor windows, it does not relate to the door (including surround and fan light) or the second floor dormer window(s).

For the avoidance of doubt.

Recommendation B In the event that the replacement dormer window is not withdrawn from the application **REFUSE** for the following reason and authorise appropriate enforcement action to secure the replacement of the window:

1. The proposed replacement dormer window by reason of its design and style is not considered appropriate. It is considered that the window detracts from the character and appearance of the Conservation Area contrary to policy HE1 of the Hartlepool Local Plan 2006 and to the Council's policy guidelines on replacement windows in Conservation Areas approved on 19th February 2009.

Recommendation C Authorise appropriate enforcement action to secure the replacement of the door and surround.

12 BEACONSFIELD STREET

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 21/01/10
	SCALE 1:1,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2009/0627	REV

No: 11
Number: H/2009/0494
Applicant: Wynyard Park Ltd
Agent: Prism Planning Ltd Stephen Barker 1st Floor Morton House Morton Road Darlington DL1 4PT
Date valid: 21/10/2009
Development: Reserved matters application pursuant to outline planning permission granted under H/VAR/0006/00 for a Business Park to the North of the A689 Wynyard Park to accommodate 275,205m² of B1 floor space, 12,469m² of B2 floor space and 26,504m² of B8 floor space together with submission of landscaping framework under condition 3 of outline planning permission H/OUT/0583/96
Location: Land North of the A689 WYN YARD BUSINESS PARK

Site History

11.1 As members may be aware there is a complex planning history associated with both the residential and business element of the former Wynyard Estate.

11.2 In 1987 an outline application for a Business Park, Exhibition and Showground, Museum, Craft Village, Lake and Recreation Area, and Holiday Village on land to both the north and south of the A689 was approved.

11.3 In 1991 some of the reserved matters were discharged through the preparation of the overall layout concept for the site and the structure planting arrangements. The original outline application was also modified to allow the provision of executive housing on the land to the south of the A689.

11.4 In 1996 an outline planning application (H/OUT/0583/96) was submitted for the site to which this application relates, to seek approval for the provision of A 125ha Business Park for B1 (light industry/research/office), B2 (General Industry) and B8 (Storage and Distribution). This application was approved in March 1997 subject to a number of planning conditions. In 2000 a planning application was submitted to extend the period for the submission of reserved matters approval for a period of 10 years. This application was approved and all other conditions relating to the 1997 outline planning approval were retained.

11.5 A similar outline planning application for B1, B2 and B8 development was submitted at approximately the same time for the adjacent site (75ha) to the east within Stockton Borough Council's boundary, this application followed the same principles and is subject to similar planning conditions. This was also subject to an application to extend the period for the submission of reserved matters.

11.6 Condition 3 of the outline approval required the submission of a broad master plan to demonstrate the disposition of the main buildings, the landscaping and landform framework, the phasing of the development and access arrangements. In

2005 a broad master plan was submitted to both Hartlepool Borough Council and Stockton Borough Council to discharge the relevant planning condition upon the respective outline planning approvals for the development of a Business Park on adjacent sites. Both Local Planning Authorities were satisfied with the information submitted and the condition was subsequently discharged. The applicant has submitted along with this application a revised masterplan to discharge this condition and this is being considered parallel to the current planning application.

11.7 An application was submitted in 2007 (H/2007/0182) for the approval of reserved matters relating to part of this application site, the application was approved by Members and a decision was subsequently issued upon completion of a legal agreement.

11.8 An application is pending for consent to upgrade and extend the existing 7.3m wide access road (known as Glenarm Road) to a dual carriageway with the intermittent roundabout junctions to provide access to individual development plots at the Wynyard Business Park site. A high pressure gas main (HPGM) runs through part of the application site, underneath the existing access road. As part of the planning submission the applicant proposes to create an impact protection slab underneath the proposed widened access road and above the HPGM. Members were minded to approve this application, however a legal agreement is awaited before the final decision can be issued.

11.9 Reserved matters approvals has been granted recently for part of the site within Stockton for B1, B2 and B8 commercial properties. Construction work is currently underway.

The Application and Site

11.10 The site is situated immediately north of the A689 and to the west of the A19 (T), near to Wynyard Village. To the north of the application site lies Close Beck, with the Swart Hole Plantation forming the eastern boundary and the Newton Hanzard Plantations forming the boundary to the west. Access into the site will be taken from the A689 via two existing roundabouts.

11.11 The application site extends to some 142.84 hectares (352.97 acres). The site is currently in agricultural use (being farmed under a temporary agreement) and includes two empty farmsteads known as 'High Newton Hanzard' and 'Low Newton'.

11.12 The business park known as Wynyard Park straddles the administrative boundary of Stockton and Hartlepool. The application site the subject of this reserved matters submission lies entirely within the administrative area of Hartlepool Borough Council.

11.13 Immediately to the east is that part of the Wynyard Park development that lies within Stockton Borough, and which is served off Hanzard Drive. Beyond that, further to the east, is the Wynyard Park development served off Wynyard Avenue, also within Stockton Borough. To the north lies land in agricultural use. To the south on the south side of the A689 lies the residential neighbourhood of Wynyard.

11.14 The reserved matters submission seeks the agreement of reserved matters pursuant to Outline Planning Permission (ref. H/VAR/0006/00) for a business park on land north of the A689, Wynyard Park, Wynyard, to accommodate 275,205m² of B1 floorspace, 12,469m² of B2 floorspace and 26,504m² of B8 floorspace together with submission of landscaping framework (i.e. structural landscaping) under condition 3 of outline planning permission ref. H/OUT/0583/96. The proposals also refer to the layout of infrastructure including internal road networks, landscaping and sustainable urban drainage systems associated with the proposed B1, B2 and B8 developments.

11.15 Building heights are proposed to vary throughout the development, with storey heights varying between 1 and 4 floors for the B1 units. The B2 units are two storeys in height with the B8 units being ground floor only. B1 units vary in height between 4.57m, and 17.1m (main heights); the height of the mono-pitched B2 units varying between 8.77m and 10.34m; and the B8 units having a height of 11.89m.

11.16 Access into the site will be via two roundabout junctions from the A689, both of which are already constructed. The access road from the eastern roundabout (the second roundabout on the A689 after the junction with the A19) already extends towards the site boundary and presently accesses a number of business units within the administrative area of Stockton Borough. The western roundabout is presently provided with little more than a short road stub. Both roundabouts also provide access to the residential neighbourhood of Wynyard to the south side of the A689.

11.17 Car parking provision has been made throughout the development, each building having its own self contained car park accessed from shared site entries where practicable.

11.18 It should be noted that the Wynyard hospital development minded to approve by Members in 2009 lies within this application site. This application would not preclude the hospital from being developed. However as the outline application related to the whole of the Wynyard 3 area (this application site) then so should the reserved matters application(s). should the hospital not progress the area known as Development Area F-G is proposed to be developed as B2/B8 development, with the remainder of the site developed for B1 use.

Publicity

11.19 The application has been advertised by way of neighbour letters (1096), press notice and 9 site notices. To date, there have been 18 letters of no objection, 2 letters of comment and 23 letters of objection from individual households.

The letters of comment raised the following:

1. major concerns over the traffic that will inevitably increase from what it is currently, which is already a problem at certain times of the day;
2. concerns regarding wind vortex if you build huge buildings in the open countryside;
3. comments regarding a design of the new hospital as he would like to see a world class hospital built.

The concerns raised are:

1. ineffective land use;
2. increased traffic and noise on/from A689;
3. this together with the hospital will change the region with a negative impact on rural amenity and environmental impact affecting land use, wildlife etc in the immediate open area;
4. increased light pollution to the residential area
5. increased traffic to/from A689 and A177 access points;
6. no local bus services to alleviate increased use of private transport;
7. no local amenities;
8. could utilise derelict sites and regenerate inner city areas;
9. the site can not accommodate both the hospital and the proposed development;
10. proposal includes development sites over a current private access;
11. fundamental change in how properties to the north are accessed;
12. the proposed access to the properties to the north is not sufficient, suitable or adequate;
13. unsuitable location and its effects on the local environment and roads will be detrimental;
14. the socio-economic argument is flawed as it is too far away from the population of Hartlepool with no public transport/rail or bus service;
15. as the application site is located with Newton Hazard/Crookfoot reservoir special landscape area and the woodland surrounding the site has been designated as a site of Nature Conservation Importance, it is inappropriate to conclude that the development impact on landscape is limited;
16. The Noise and Vibration and Air Quality levels were carried out in 2006, prior to the proposed hospital and other new development, hence the calculations are invalid;
17. transport and road congestion;
18. such large projects in a boundary area between Councils should be referred to a joint committee, to regional forum or even central government officer for such a controversial proposal;
19. not intended for this use original planning consent;
20. extra traffic, busy junction at peak times with many accidents and congestion that extends onto the A19 North and South at peak times;
21. it is a joke, we have had the hospital passed, now this development, it is a total nightmare to get onto the A19 from A689;
22. infrastructure surrounding the area is insufficient to support the additional traffic generated;
23. out of keeping with the surroundings and is further encroachment into the countryside;
24. too far away from main domestic areas;
25. more pollution, impact on the environment;
26. all the units on the park are not occupied why add more?
27. security issues;
28. over development of the area;
29. development on green field sites, so many brown field sites could benefit from a 'face lift';
30. the countryside seems to be shrinking rapidly from the implementation of these proposals;

- 31.put a new road link in from behind the proposed development rather than piling more traffic onto the A689;
- 32.too large for the area/infrastructure currently in place;
- 33.pointless objecting, HBC just ignores everyone and does just whatever they want, it's a waste of time and money;
- 34.no point in consultation letters;
- 35.unduly large;
- 36.anecdotal evidence that in the next few years considerably more brown field sites will be becoming available as the existing manufacturing industries continue to contract. As a consequence taking more green field sites whilst leaving brown field sites undeveloped for development is unsustainable and absolutely not in the longer terms public interest.
- 37.too many applications for the site;
- 38.new hospital recently agreed despite opposition from residents;
- 39.A689/A19 already a bottleneck at peak times;
- 40.volume of traffic at roundabout A689 will increase making egress, access even more difficult from Wynyard;
- 41.HBC and SBC are set on making this area a huge industrial site with obvious remunerations;
- 42.nearly everyday in winter the objector passes an accident along this route;
- 43.unacceptable;
- 44.inadequate road extra vehicles will be impossible, already intolerable;

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The period for publicity has expired.

Consultations

11.20 The following consultation replies have been received:

GONE – currently a matter for the Local Planning Authority.

Natural England – Natural England originally objected to the scheme, however after further discussions and clarification with the developer has no objection subject to conditions/legal agreement.

Environment Agency (EA) – The EA have commented that they support the use of ponds and lakes, and landscaped areas and grasslands and the other potential methods such as swales and wetlands and have no objection in principle to these methods being employed on a phase by phase basis.

The EA have provided comments on the need for:

1. a buffer zone alongside the existing watercourse;
2. surface water drainage scheme for each phase;
3. a working method statement to cover all works associated with bridge works and subsequent access arrangements;

and have suggested planning conditions.

Given the sensitivity of the site with respect to groundwater the presumption is that there is a risk of contamination, the EA have suggested that the developer provides additional information relating to the farmsteads to remove the uncertainty, however the EA acknowledge that as this is a reserved matters application this can not be insisted upon.

The EA strongly support the applicant's intention to design the development to achieve BREEAM's 'very good' rating and to provide 10% onsite renewable energy sources.

Highways Agency – The revised masterplan would not generate significantly different trips to the extant consent, the Highways Agency will not be making representations against the application. Discussions are ongoing regarding the contents of the travel plan.

One North East - welcomes the emphasis on the achievement of high quality development particularly in respect of BREEAM targets, sustainable drainage and renewable energy. No objection subject to resolution of design, environmental and highway issues to the satisfaction of the LPA.

Health & Safety Executive – Does not advise against the granting of planning permission.

ANEC (Association of North East Councils) – comments regarding compliance with the RSS

National Grid - As far as the buildings are concerned they have designed in accordance with PADHI+ so National Grid does not have any objections. Some form of landscaping is planned for the area where the pipeline is. There is a legal easement over the pipeline 12m wide with the pipeline in the centre (6m either side of pipeline). National Grid will advise the type of landscaping which can be allowed within the easement.

Tees Valley Joint Strategy Unit – Does not wish to make any comments from a strategic or sub-regional perspective.

Tees Valley Wildlife Trust – no response received

Cleveland Emergency Planning Unit – no response received

Northumbrian Water – No objection.

The Coal Authority – requested that a mining report was submitted. The agent has supplied the relevant report and it clarifies that the development is not in the likely zone of influence of any present underground coal workings.

RSPB – will not be commenting on the application, due to the limited resources RSPB only usually get involved where nationally or internationally designated sites are at risk from development.

Tees Archaeology – have no objection to the proposal subject to the application being carried out in accordance with the Environmental Statement and plan B693-A(00)-20 received on the 25th November 2009 detailing the extent of the archaeological exclusion zone.

Elwick Parish Council – no comment

Grindon Parish Council – no comment

Wolviston Parish Council – no response received

Cleveland Police – comments regarding secured by design principles

The Ramblers Association – comments regarding the opportunity to provide a network of paths.

Teesmouth Bird Club (TBC) – This development will involve a fundamental change in habitat from agricultural land with its associated field patterns, hedgerow trees, to a largely 'built, industrial environment'. Trees will be felled and hedgerows grubbed out. The Environmental Statement states that the latter are fragmented and over-maintained but, with proper, sensitive management, these could become important habitat again. The latter will include significant areas of buildings, roads, car parks, hard standing, footpaths, amenity grassland, ornamental planting and semi-ornamental water features. There will also be the loss of swathes of existing woodland, including part of the Newton Hanzard SNCI, when development areas X and Y are constructed. Even with the proposed level of mitigation, this change will be profound and irreversible and, consequently, will have a dramatic impact on the type and distribution of breeding and wintering bird species.

TBC agree that the site is probably of limited interest for wintering birds, however they recommend a wintering survey to be carried out to determine the true importance of this site. However even within the wintering bird survey TBC do consider that the impact on wintering goose populations will be negligible.

TBC are concerned that the breeding bird survey in the ES does not reflect the complete picture of the actual number and distribution of species within the development area.

TBC are concerned with the fragmented nature of the proposed new wildflower meadows which will not create suitable habitat for some of the most adversely affected farm species.

The 'urban park' nature of the water features; these will suffer significant disturbance and this will reduce their attractiveness to aquatic species. TBC recommends that some of these are re-designed to provide more secluded, natural features, without boardwalks, bridges and peripheral footpaths.

Maintenance and management of the proposed site are vital to achieve the objectives of the site.

The removal of any existing vegetation during the breeding season should be avoided. TBC recommend less amenity grassland and manage some areas as hay field to encourage BAP nesting species.

Nest boxes should be provided for Swifts, Passerines and Owls. It is recommended the developer considers roof garden design to attract ground nesting species such as Skylark and that aspens and alders should be planted.

Anglian Water (Hartlepool) – There is a water main in the area that will be used to supply water to the planned development.

Durham County Council – no response received

Stockton BC - In light of the extant outline planning consent Stockton Borough Council have no objections in principle to the proposed development, however, they ask that the following points are taken into consideration;

- a) The design of the proposed units appears to be in accordance with the Wynyard Business Park - design coding and control document. The use of appropriate quality materials will be key in ensuring a high quality development.
- b) The approved Wynyard Business Park landscape management plan dated March 2005 (prepared by RPS landscapes) states that the removal of existing trees will be offset by the 'establishment of significant amounts of structure planting which will reflect and link the existing woodlands in the surrounding areas and provide an effective buffer between the existing wood and new development'. The landscaping treatment for the roads should follow all the design criteria laid out in the Wynyard Business Park - design coding and control document.
- c) The frontage of the development with the A689 should follow the plot boundary standards laid out in the Wynyard Business Park - design coding and control document. There is a need to create a strong planting buffer between the road and the business park. The Proposed Master plan (ref 23370-r18a.aipattn) suggests certain buildings are located very close to the A689 and all plot boundaries should be no less than 30m back from the highway to achieve continuity along the northern boundary of A689 where it meets Wynyard Park development.
- d) Any drainage plans that require cross on to the Stockton administrative boundary will have to be assessed by the council.
- e) In terms of potential land contamination on the site. It is suggested that a planning condition should be imposed to satisfy the Environment Agency's (EA) and the Department for Environment, Food and Rural Affairs (DEFRA) guidelines on conceptual Risk Assessment.

Digital Britain - no observations to make

Traffic and Transportation - Proposed cycle parking for the site is more than ample, and does meet the standards should full build out of the development occur. Proposed type of cycle parking is acceptable, locations need to be agreed in each plot. As part of the Hospital development there is £500k allocated for the most appropriate cycleway scheme, to be agreed between the Council, Stockton Borough Council and the developer. Car parking provision is acceptable, as is the proposed

number of car share bays and the management of parking areas/ access roads. Discussions are ongoing regarding the travel plan.

Hd of Engineering Consultancy – no objection

Hd of Public Protection – no objection

Property Services – no comment

Community Services – no response received

Neighbourhood Services - The landscape proposals put forward for Wynyard Business Park reserved matters would appear to be highly appropriate for the strategic level approach relevant to this stage of design. The proposals appear to make good use of the existing landscape cover and seek to enhance this by providing a more 'natural' or 'semi-natural' approach at high-level. This approach is more in keeping with the surrounding landscape context than if attempts were made to superimpose a more ornamental landscape onto the wider site. It is, however, recognised that there will be more formal/ornamental landscape in the immediate vicinity of the proposed buildings.

It is clear that the scale of the proposals will create an impact but that that impact will be managed through the management of existing landscape cover and the development of additional landscape cover.

Assuming that the landscape strategy and subsequent landscape management is delivered as per the statements made in the submission document (as listed above), there are no objections to the proposals in landscape terms.

Planning Policy

11.21 National Planning policies are set out in Planning Policy Guidance Notes (PPG) and the newer Planning Policy Statements (PPS). Relevant to this application are:

- PPS1, Delivering Sustainable Development
- PPG4, Industrial and Commercial Development & Small Firms
- PPS9, Biodiversity and Geological Conservation
- PPG13, Transport
- PPG16, Archaeology and Planning
- PPG17, Open Space, Sport and Recreation
- PPS23, Planning and Pollution Control
- PPG24, Planning and Noise
- PPS25, Development and Flood Risk

Regional Planning policy guidance is set out the North East of England Regional Spatial Strategy to 2021 published in July 2008

The relevant policies in particular are:

- Policy 1 - North East Renaissance, refers to the central theme running through the RSS: the need to achieve and maintain a high quality of life for all, both now and in the future and identifies a strategy through which delivery of an urban and rural renaissance may be achieved.
- Policy 2 - Sustainable Development.
- Policy 3 - Climate change
- Policy 7 - Connectivity and Accessibility
- Policy 8 - Protecting and Enhancing the Environment
- Policy 20 – Key employment Location.
- Policy 31 – Landscape Character
- Policy 32 – Historic Environment
- Policy 33 – Biodiversity and Geodiversity
- Policy 35 – Flood Risk
- Policy 36 - Trees, Woodlands and Forests
- Policy 37 - Air Quality
- Policy 38 - Promotes sustainable construction.
- Policy 54 – Parking and Travel plans

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.

GEP10: Encourages the provision of public art and craftwork as an integral feature of new development.

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.

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.

GEP7: States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

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.

Ind1: States that land is reserved for development as a business park. Proposals for business development, and for those general industrial and storage uses which do not significantly affect amenity or prejudice the development of adjoining land, will be allowed where they meet the criteria set out in the policy. Town centre uses will not be allowed unless they are primarily providing support facilities for the business park. Travel plans will be required for large scale developments. The creation and maintenance of features of nature conservation interest and landscaping and woodland planting will be sought through planning conditions and legal agreements.

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.

Rur18: States that rights of way will be improved to form a network of leisure walkways linking the urban area to sites and areas of interest in the countryside.

Rur20: States that development in this special landscape area will not be permitted unless it is sympathetic to the local rural character in terms of design, size and siting and building materials and it incorporates appropriate planting schemes.

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.

Tra10: Identifies road junctions where improvement schemes will be carried out.

Tra15: States that new access points or intensification of existing accesses will not be approved along this road. The policy also states that the Borough Council will consult the Highways Agency on proposals likely to generate a material increase in

traffic on the A19 Trunk Road.

Tra16: The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

Tra19: States that residential and industrial estates should be designed to ensure adequate access by modes of transport other than the car. Where appropriate, developer contributions will be sought towards improved public transport and alternative transport accessibility.

Tra20: Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

Tra5: States that provision will be made for a comprehensive network of cycle routes and that new housing and industrial development and highway and traffic management schemes should take account of the need to provide links to the network.

Tra6: States that developments attracting large numbers of visitors or employees should provide on site, secure and convenient cycle parking provision.

Planning Considerations

11.22 An Environmental Statement (including supporting documents), Planning Supporting Statement, Design and Access Statement, Travel Plan, Transport Assessment Landscape Management Plan and Statement of Community Involvement has been submitted to accompany the application. The Environmental Statement considers the scheme in relation to a number of factors which include:

1. Landscape and visual amenity,
2. Ecology,
3. Geology, Hydrology and Hydrogeology,
4. Noise and vibration,
5. Air quality,
6. Archaeology,
7. Transport,
8. Infrastructure and energy provision,
9. Socio-economic.

11.23 This report will consider policy issues first then the issues above which are the other main planning considerations in this case in the same order.

11.24 As stated previously an Environmental Statement (ES) has been submitted alongside the application. This is unusual for a reserved matters submission. However, following the European Courts of Justice ruling in *R v London Borough of Bromley, ex-parte Barker* 4/5/06 and *Commission v UK* it was held that in some circumstances an EIA may be required at the reserved matters stage of a

development proposal. Department of Communities and Local Government guidance was issued in June 2006 which allows a LPA to screen a development, regardless of whether an EIA was carried out at outline stage, to establish whether all of the likely significant environmental effects had been considered. As an EIA was not carried out at outline application stage and the siting and storey heights including proposed floor areas were not indicated upon the original approved plans or supporting information, an EIA is required in this instance.

Policy Considerations

11.25 This is an application for approval of reserved matters in line with a previously approved outline planning permission. The principle of the development on the site and its scale has already been established. The objections raising issues of the principle of the development are therefore not material to the consideration of this application.

11.26 The proposed use and the siting of the proposed buildings conforms with the scope of the original outline planning approval. It is consistent with policy Ind 1 (Wynyard Business Park) of the Hartlepool Local Plan. The site is highlighted as a key employment site within policy 20 of the Regional Spatial Strategy (RSS).

11.27 Condition 3 of the outline permission required the submission of a broad Masterplan indicating the disposition of the main buildings; the landscaping framework and land forms; the phasing of development; and the access arrangements, concurrently with or prior to the submission of reserved matters. A revised masterplan has therefore been submitted with the subject reserved matters application and it is intended that this will replace and supersede that previously approved in 2005. A copy of the revised masterplan will be made available in the Members Room.

11.28 Both policy Ind1 of the Hartlepool Local Plan and condition 6 of the outline planning approval (H/OUT/0583/96) require that no buildings on the site shall cover more than 25% of the area of any one development plot. The proposed plans indicate that the cumulative footprint of the buildings upon the individual development plots are under 25% and are therefore considered acceptable.

11.29 In the 2007 reserved matters application the applicant decided not to seek reserved matters approval for the development of two plots within the wooded area of the south west corner of the site, which were identified for development on the outline planning approval. This application does now propose to develop within these two plots and as such the S106 Agreement previously agreed would need to be revised.

Landscape and visual amenity

11.30 The landscape and visual impact assessment has established that the proposed development will change the baseline conditions in relation to both the landscape character and visual amenity of the immediate site area. There will be a local impact on the landscape resource and visual amenity. This has been assessed by the Council's Landscape Architect.

11.31 The documentation submitted highlights a strategy towards developing the 'high level' landscape for Wynyard Business Park. This primarily covers structure planting, key landscape features and the intended approach for the design of the interlinking landscape.

11.32 The proposed landscaping also includes a variety of retention of woodland belts to the north, east and west of the sites, tree planting areas, provision of a wildflower meadows, amenity grass areas, courtyards, ponds and decks and bridges links into the balancing ponds.

11.33 The intended approach to incorporate the existing woodland into the scheme is considered by the Council's Landscape Architect to be generally positive, with much emphasis placed on the use of the existing tree belts to help define a series of discrete spaces.

11.34 A substantial landscaping strip is proposed between the buildings close to the southern boundary of the site and the A689. It should be acknowledged that some buildings are closer to the A689 than the Wynyard Business Park landscape management plan dated March 2005 (prepared by RPS landscapes) would allow. However this 2005 management plan would be superseded by the proposed masterplan submitted in relation to condition 3 which is running parallel to this application. It is considered that although some buildings are proposed closer to the A689 than the 2007 reserved matters application permitted and the 2005 masterplan detail, the overall impact of development is considered to be reduced. It is considered that the buildings siting and landscaping proposed along the A689 boundary and between buildings is improved from that previously permitted in terms of the visual impact of the development from the A689.

11.35 It is acknowledged that given the scale of the proposed development and the massing of the proposed buildings, a substantial element of the development will be visible from the views and vistas of the surrounding areas in particular along the A689 corridor to the south of the site. However, taking into account the undulating ground levels upon the site, the landscaping proposals along the A689, the siting of the proposed buildings, it is considered unlikely that the proposed buildings will appear unduly dominant upon the landscape and in particular the A689 corridor. This is echoed by the Council's Landscape Architect who has commented that it is clear that the scale of the proposals will create an impact but that that impact will be managed through the management of existing landscape cover and the development of additional landscape cover.

11.36 There is no objection from the council's Landscape Architect who considers that the landscape proposals put forward for Wynyard Business Park reserved matters would appear to be highly appropriate for the strategic level approach relevant to this stage of design. The proposals appear to make good use of the existing landscape cover and seek to enhance this by providing a more 'natural' or 'semi-natural' approach at high-level. This approach is more in keeping with the surrounding landscape context than if attempts were made to superimpose a more ornamental landscape onto the wider site. It is, however, recognised that there will

be more formal/ornamental landscaping in the immediate vicinity of the proposed buildings

Ecology

11.37 The Environmental Statement (ES) recognises that the development proposals potentially introduce a widespread change in habitat type and land use at the site compared to the existing situation. Accordingly, detailed field survey work was undertaken as part of the assessment process. A phase 1 habitat survey was undertaken and subsequently updated, and detailed surveys were undertaken for bats, breeding birds, and badgers.

Designated Sites & Habitats

11.38 Whilst the ES concluded that no statutory designated site will be impacted by the scheme, some of the existing woodland within the boundary of the scheme is designated as a Site of Nature Conservation Importance (SNCI).

11.39 It should be noted that the Local Authority has recently (September 2009) completed a review of its locally designated sites and had the results of this review agreed by the Tees Valley Local Sites Partnership. The review has affected a number of sites with relevance to the application site. An area of hay meadow adjacent to the track up to High Newton Hanzard meets the criteria for species-rich neutral grassland. The boundary of this site includes the section of farm access track identified as being species rich in the ES. An area of Newton Hanzard Plantation adjacent to the A689 is to be de-designated; this would apply to the area of woodland to be removed to create Area Y of the development. The section of Swart Hole Plantation north of the recently established road is to be included within the boundary of the locally designated site that is currently known as the Wynyard Woods; the section of Swart Hole Plantation south of the road continues to be de-designated. The proposed road at the north of the site would therefore go through a locally designated Site. There would therefore be adverse effects on designated sites that it has not been possible to account for in the Environmental Statement due to timing issues. These are the loss of an additional, approximately 2ha of species-rich grassland and the loss of an area of woodland through Swart Hole Plantation. These need to be fully compensated for by the development and can form part of the anticipated legal agreement. Teesmouth Bird Club recommends that less amenity grassland is provided and that the developer should manage some areas as hayfield instead to encourage BAP nesting species.

11.40 Teesmouth Bird Club are concerned regarding the loss of another green field within an agricultural and wooded landscape, however they do realise this is a reserved matters application and the principle of the development is therefore not a material consideration.

11.41 During construction, site clearance activities will require the removal of existing scattered trees, hedgerows and narrow corridors of woodland. If such activities are carried out during the breeding bird season, it is likely that a significant adverse impact would occur, however that this can be controlled via the legal agreement.

11.42 Both the Council's Ecologist and Teesmouth Bird Club are concerned with the fragmented nature of the proposed new wildflower meadows in terms of its ecologic interest, however it is considered that this could be reviewed and form part of the legal agreement.

11.43 The wetland features, in the form of small lakes are welcomed by the Council's Ecologist, however it is considered that these should be developed for their value for wildlife through the details designed phase. This can be controlled via a legal agreement. Teesmouth Bird Club also recommends that some of these wetland features are re-designed to provide more secluded, natural features, without boardwalks, bridges and peripheral footpaths.

11.44 Teesmouth Bird Club recommend that nest boxes should be provided for Swifts, Passerines and Owls. It is recommended the developer considers roof garden design to attract ground nesting species such as Skylark and that aspens and alders should be planted. It is proposed that the provision of bird nesting opportunities forms part of the legal agreement.

11.45 Natural England welcomes that the detailed landscaping/habitat creation proposals are being developed in discussion with the local authority ecologist and would recommend that his views are given appropriate weighting when determining the application.

11.46 Neither Natural England nor the Council's ecologist have any objections providing appropriate mitigation is undertaken in terms of the effects on designated sites and habitats.

Bats

11.47 Bats are a European Protected Species and all species of bat have been listed on Annex IV of the EC "Habitats and Species Directive. The Directive has been transposed into UK law by the Habitats Regulations, Regulation 39 of which makes it an offence to: deliberately capture or kill a bat; deliberately disturb a bat or damage or destroy a breeding site or resting place of a bat.

11.48 A bat roost at High Newton Hanzard farm would be lost as part of the development, and the loss of the mature trees and 3km of hedgerow would result in the loss of foraging opportunities for Common Pipstrelle and Natterer's bats. Increased disturbance to the woodland edge, particularly through lighting would also affect bats. The assessment indicated that mitigation would be required in respect of bats using the derelict farmsteads and that a bat licence would be required in due course.

11.49 The Council's Ecologist has no objection to the proposal in relation to bats and considers that with mitigation measures the development are satisfactory, these would form part of the legal agreement.

11.50 Natural England has confirmed that the proposal is unlikely to have an adverse effect on bats, subject to mitigation measures.

Badgers

11.51 Badgers are protected under the Protection of Badgers Act 1992 against killing, injuring and disturbance.

11.52 The Council's Ecologist is satisfied that the mitigation measures proposed should be sufficient to prevent an adverse effect to badgers in terms of the construction phase. However concerns were raised that once operational the development could result in the disruption to foraging routes or additional mortality. Discussions have taken place between the applicant, Natural England and the Council's Ecologist and it is proposed that a badger survey would be undertaken within a year of development construction proceeding, the results of the survey would assess whether mitigation proposals had been successful but also determine any further mitigation measures needed. The Council's Ecologist is satisfied with this proposal.

11.53 Natural England has confirmed that the proposal is unlikely to have an adverse effect subject to mitigation measures.

Breeding and Wintering Birds

11.54 All breeding birds are protected under the Wildlife and Countryside Act from deliberate killing, injury and destruction and damage to their nests. The Council's Ecologist has confirmed that mitigation measure would be required, these are proposed to form part of the legal agreement.

11.55 The development would result in the loss of large areas of arable land and grassland, mature woodland, 3km of hedgerows and 51 mature hedgerow trees.

11.56 Teesmouth Bird Club are concerned that the breeding bird survey in the ES does not reflect the complete picture of the actual number and distribution of species within the development area.

11.57 The site is considered to be of negligible importance for wintering birds, and no mitigation measures are deemed necessary, and any impact is assessed as not significant. Teesmouth Bird Club agree that the site is probably of limited interest for wintering birds, however they recommended a wintering survey to be carried out to determine the true importance of this site. However even without the wintering bird survey Teesmouth Bird Club do consider that the impact on wintering goose populations in particular will be negligible.

11.58 The Council's Ecologist has confirmed that he is satisfied with the information presented that the development will not have a significant adverse effect on wintering birds.

11.59 Natural England has no objection in these terms.

Other Species

11.60 Significant impacts are not anticipated for otter, water voles, amphibians, red squirrels and brown hare subject to the implementation of specific mitigation measures such as pre-construction checks and methods to avoid disturbance during construction and operation.

In conclusion while there are some issues in relation to the effects on wildlife neither Natural England nor the Council's ecologist have objected to the scheme subject to mitigation. This can be required by condition and through a legal agreement (S106).

Geology, Hydrology and Hydrogeology

11.61 The Environmental Statement assessed the impact of the reserved matters submission on the existing geological, hydro-geological and hydrological environment of the site. The assessment process considered the key activities to be undertaken in the construction and operation of the development and assessed the significance of the potential impact of these activities, by gauging the sensitivity of the receptors and the magnitude of the impact if it were to be realised.

11.62 Each of the potential impacts was addressed with reference to best practice guidelines and management practices that will be used to mitigate the effect produced on the sensitive receptor. After mitigation all residual impacts are assessed as negligible or minor, as were cumulative impacts.

11.63 The Environmental Statement indicates that SUDS is proposed to be incorporated into the drainage design of both sites and will reduce run-off to existing greenfield rates.

11.64 The assessment of flood risk and drainage issues was considered in a separate Flood Risk Assessment. This concluded that flood risk to the site is either low or can be managed effectively through mitigation measures.

11.65 The Environment Agency have commented that they support the use of ponds and lakes, and landscaped areas and grasslands and the other potential methods such as swales and wetlands and have no objection in principle to these methods being employed on a phase by phase basis.

11.66 The Environment Agency has provided comments on the need for:

- a buffer zone alongside the existing watercourse;
- surface water drainage scheme for each phase;
- a working method statement to cover all works associated with bridge works and subsequent access arrangements;

11.67 Given the sensitivity of the site with respect to groundwater the presumption is that there is a risk of contamination, the EA have suggested that the developer provides additional information relating to the farmsteads to remove the uncertainty, however the EA acknowledge that as this is a reserved matters application this cannot be insisted upon.

11.68 Anglian Water (Hartlepool) supply water in this area, they have commented that there is a water main in the area that will be used to supply water to the planned development, and that nothing should be built over it. The applicant has confirmed it is the intention that the water main is diverted and this can be controlled by a planning condition. Anglian Water is satisfied with an appropriate planning condition.

11.69 The Environment Agency, Natural England, Hartlepool Water, Northumbrian Water and the Council's Engineering Consultancy have all raised no objection to the proposed development in relation to these matters subject to conditions.

Noise and vibration

11.70 The main noise and vibration impacts associated with the proposal will arise from the use of plant equipment during the construction phase and the noise generated from traffic associated with the site once the development is completed.

11.71 Given that the site is physically detached from the residential element of Wynyard by way of the A689 dual carriageway it is considered unlikely that the construction works would lead to significant detrimental effects upon the living conditions of the occupiers of the residential properties in terms of noise and vibration generation. The Environmental Statement outlines a number of mitigation measures and best practice techniques that will be adopted through the construction phase to limit noise and vibration disturbance.

11.72 In terms of the noise generated from the completed development it is considered unlikely that increased traffic flows along the A689 associated with the proposed development would lead to detrimental disturbance issues to either the occupants of the nearby residential properties, workplaces or the local ecology given that the development will be accessed directly off the existing well used road network.

11.73 The Head of Public Protection, Natural England and the Council's Ecologist have raised no objection or comments in relation to noise and vibration generation.

Air quality

11.74 A detailed air quality assessment has been undertaken. The Environmental Statement (ES) has identified two main potential issues associated with the proposal in terms of air quality. They are the potential effect of construction related dust and emissions from motorised traffic associated with the development.

11.75 As there are residential properties located along the A689 (Former Gate Houses) and within close proximity to the A689, there is significant potential for dust associated with excavation works. The ES has acknowledged this issue and has highlighted a number of mitigation measures, including the provision of wheel washing facilities and damping down of haul roads, to reduce any air quality issues associated with the construction phase.

11.76 The Head of Public Protection and the Environment Agency have raised no objection to the proposal and have raised no comments or suggested conditions regarding air quality.

Archaeology

11.77 An Archaeological Assessment has been undertaken and submitted as part of the Environmental Statement. The assessment has identified five cultural heritage

features that will be affected by the proposed development; these comprise two probable Iron Age settlements, a medieval settlement, an 18th/19th century farmstead and an area of medieval ridge and furrow.

11.78 Impacts upon the medieval settlement at Low Newton Hanzard have been reduced through design, leaving part of the site undeveloped and resulting in the greater part of the site being preserved in situ. The remaining impacts upon this site, and the Iron Age settlements will be mitigated through a programme of archaeological works, which will see the identified features and associated features excavated and recorded appropriately.

11.79 Tees Archaeology has assessed the scheme and have no objection to the proposal subject to the application being carried out in accordance with the Environmental Statement and a large scale plan detailing the extent of the archaeological exclusion zone.

Transport

11.80 It is acknowledged that a development of this nature will inevitably increase the number of trips to and from the site by cars and commercial vehicles. Residents of the Wynyard residential estate have raised a number of objections. The objections relate mainly to the potential for further traffic congestion upon the A19/A689 junction during peak am and pm hours.

11.81 At the time of the granting of outline planning approval the Highways Agency raised no objection to the proposal and there were no requirements placed upon the developer to undertake any offsite highway improvements to mitigate the increased traffic flows as a result of the development.

11.82 The Highways Agency has confirmed that the revised masterplan would not generate significantly different trips to the extant consent, therefore the Highways Agency will not be making representations against the application.

11.83 Whilst this application only seeks approval of reserved matters, the applicant has acknowledged the potential increase in traffic upon the local and strategic road network and in the 2007 reserved matters planning application volunteered via a S106 Agreement to provide £1.68m contribution towards off site highway improvements. Discussions are on-going regarding the highways contribution, it is anticipated that these will be reported in an update report. Further Members will recall that when the application for the new hospital here was considered they were advised that the wider transportation issues on the A19/A689/A66/A174 are under active assessment and the relevant authorities are pursuing a range of responses to these issues.

Internal Highway Arrangements

11.84 The access to the site is to be taken from the existing roundabouts upon the A689. The access to the site was secured through the original planning approval.

11.85 The plans submitted with this application indicate a dual carriageway spine road through the application site to link the east and west roundabouts. The previous

reserved matters application in 2007 detailed a single carriageway. The widening of this road is the subject of an application (H/2008/0222) which Members were minded to approve, subject to conditions and a legal agreement.

11.86 A high pressure gas main (HPGM) known as No. 6 Little Burdon to Billingham, runs under the existing access road (Glenam Road) into the site. As the proposed works involve the widening of the section of the existing road it is important that the necessary measures are put in place to protect the integrity of the HPGM both during the construction works and when the proposed dual carriageway becomes operational. Discussions are ongoing regarding how any condition/legal agreement can ensure this development does not compromise the pending 2008 application relating to the widening of the access road.

11.87 The phasing of the development in relation to the implementation and the operation of the spine road and any emergency accesses onto the A689 are also being discussed with the agent.

11.88 There are properties to the north of the application site which have a private access to the A689 through the application site. The application shows the provision of an access road to the northern boundary to enable these properties to access their track on the northern boundary. However an objector has highlighted concern that the access to his and his neighbours properties will be taken via one of the main exits from the A689 and travelling through the developed estate. Discussions are ongoing between the applicant and the objector regarding this issue.

Car Parking

11.89 The proposed parking provision is 8421 spaces which is less than that of the Council's maximum parking standard which would allow 8976. The reduced parking provision may go some way to encouraging alternative modes of transport to the site and car sharing.

11.90 The Head of Traffic and Transportation has confirmed that the car parking provision is considered acceptable, as is the proposed number of car share bays and the management of parking areas/ access roads.

Cycle Parking

11.91 The Head of Traffic and Transportation considers that the proposed cycle parking meets the standards should full build out of the development occur. The applicant has supplied details of the proposed type of cycle parking which is considered acceptable, however locations need to be agreed in each plot.

11.92 It should be noted that should the Hospital development take place there is £500k allocated for the most appropriate cycleway scheme, to be agreed between the Council, Stockton Borough Council and the hospital developer.

Travel Plan

11.93 The agent is committed to enter into a travel plan and discussions are ongoing between the applicant, Highways Agency and Hartlepool's Transport team regarding the contents of the travel plan.

Infrastructure and energy provision

11.94 The proposals for the site bring forward a commitment to principles of sustainable development. In this regard consideration has been given as to how the 10% on site power generation required by Policy 38 of the RSS can be achieved on a building by building basis taking into account site constraints and building orientation. Each building gives rise to a different set of constraints and opportunities, depending upon its orientation, proximity to trees and proximity to water bodies.

11.95 In this context the following technologies are therefore proposed, with the intention of using some, or eventually a good proportion of them (as they become proven and acceptable attributes to decreasing the carbon footprint), on this project, to meet these requirements:-

- Ground air and water source heat pumps
- Solar panels
- Photovoltaic's
- Wind
- Combined heat and power units
- Significant improvement on Building Regulation requirements for building fabric insulation and air leakage rates
- Solar wall cladding systems

11.96 One North East and the Environment Agency welcomes the emphasis that the applicant has placed on a sustainable development and the intention to achieve a 'very good' BREEAM rating

Socio-economic

11.97 As the application site is allocated as industrial land within the Hartlepool Local Plan and is identified as a key employment site within policy 20 of the Regional Spatial Strategy (RSS), It is considered that the principle of B1 (light industry/research/office), B2 (General Industry) and B8 (Storage and Distribution) is acceptable at this location.

11.98 As members will appreciate, a development of this scale, in this location brings with it an opportunity to create a prestige employment development and with it opportunity for a substantial number of jobs. The applicant is committed via a S106 Agreement to establish a Local Labour Charter with the Council to use reasonable endeavours to promote and recruit employees from the Borough. This will be reflected in the anticipated legal agreement for this scheme.

11.99 The Council's Economic Development Manager has assessed the scheme and considers it to be essential to the development of the local, sub regional and regional economies, attracting major private sector investment and job creation.

Other Issues

11.100 Concerns have been raised regarding potential security issues for the residents for Wynyard. It is considered difficult to justify these concerns as there is no evidence to support these claims.

11.101 Cleveland Police have assessed the scheme and have provided comments to the agent regarding secured by design, the agent has acknowledged that security cabins can be placed at both entrances from the A689, similar to those found at Wynyard One – formerly Samsung). This can be controlled by condition.

11.102 Records indicate that the northern part of the site is located within a coalfield area, as a consequence the Coal Authority requested that a mining report was submitted. The agent has supplied the relevant report and it clarifies that the development is not in the likely zone of influence of any present underground coal workings.

11.103 National Grid has commented that landscaping is planned for the area where the pipeline is located. There is a legal easement over the high pressure gas main (HPGM) known as No. 6 Little Burdon to Billingham 12m wide with the pipeline in the centre (6m either side of pipeline). National Grid will advise the type of landscaping which can be allowed within the easement. This can be controlled by condition.

Conclusions

11.104 In conclusion it is considered that the proposed use, amount of floorspace, siting and plot coverage are consistent with the outline planning approval (H/OUT/0583/96).

11.105 It is anticipated that the discussion which are taking place at the moment will be resolved prior to the Planning Committee and their conclusions included in the update report, along with proposed conditions and heads of terms for a legal agreement.

RECOMMENDATION – Update to follow

UPDATE

No: 1
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
Location: NIRAMAX THOMLINSON ROAD HARTLEPOOL

Background

1.1 Since the original report was created, the responses of the following outstanding consultees have been received, as set out below.

Association of North East Councils – No further comments.

Engineering Consultancy – Comments awaited, no previous concerns based on no intrusive ground works.

Environment Agency – No objections on contamination grounds based on no intrusive ground works. No objection to change of use for black sand shed and installation of briquette plant. No objection to high level conveyer provided it is constructed, operated and maintained in a manner that prevents the escape of waste, dust and prevents access to birds/scavengers. No objection to the receipt of MSW.

Northumbrian Water – No objections.

One North East – Comments awaited, no objections raised verbally.

Tees Valley JSU – No objections/comments.

Traffic and Transportation – No objections.

1.2 In addition, a further seven letters of objection have been received and are included with the previous responses in the background papers under Copy Letters E. The concerns raised are:

1. Too close to houses for a toxic incinerator;
2. It has devalued our property;
3. Odours, seagulls and the view is horrendous;

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4. Smell is bad enough
5. Noise would make life unpleasant;
6. Noise, smell, bird issues;
7. Site is already too large;
8. Site should never have been allowed so close to housing;
9. Hazard from wind blowing across the nearby housing;

1.3 The period for publicity is ongoing and any additional letters of objection will be tabled at the meeting.

Planning Considerations

1.4 As set out in the original report, the relevant planning considerations in relation to this application are the appropriateness of the proposals in policy terms, the impact on the amenity of surrounding properties and the character of the surrounding area in terms of noise, odour, dust and pollution/emissions; highways, ecology, drainage/flooding and contamination.

Policy

1.5 The Tees Valley Joint Minerals and Waste Development Plan Documents are currently at submission stage and cover guidance on minerals and waste development within the five Boroughs of the Tees Valley. Policy MWC6 of the draft indicates sustainable management of waste will be achieved via promoting facilities and development that moves waste management up the waste hierarchy. It is considered in this instance that the proposed development is supported by the policies in the submission draft DPD in that it will increase recycling by approximately 1,000 tonnes per week.

1.6 National Planning Guidance PPS 10 supports the proposal in terms of moving the management of waste up the waste hierarchy of reduction, re-use, recycling and composting, using waste as a source of energy, and only disposing of waste as a last resort.

1.7 Policy RSS 45 Sustainable Waste Management supports the proposal in terms of developing and implementing waste minimisation plans and schemes. Policy 45 states that development should be based on the principles of the waste hierarchy. Comments from ANEC have indicated that the proposals are in general conformity with the provisions of the RSS.

1.8 In terms of Hartlepool Local Plan (2006) policies, part of the site lies within Sandgate Industrial Area under Ind6, however, the majority of the lies within the Longhill Industrial Estate under policy Ind5(b).

1.9 Policy Ind5 allows for B2 industrial uses and uses which are complimentary to the existing use of the site within Longhill, subject to consideration of the effects on nearby occupiers and adjacent potential development sites which is to be discussed in the appropriate sections of the report. Policy Ind6 states that proposals for 'bad neighbour' uses will only be

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permitted in the Sandgate area provided there is no significant nuisance to adjacent premises or highways users, the site is not visually prominent from a main road or railway, the site is screened, of a sufficient size and there is adequate car parking and servicing provision. As indicated only a small part of this site is within the Sandgate area. However, given the nature of the existing use and the complimentary nature of the proposed use, it is considered that the proposals are acceptable in principle. However, it is considered appropriate to also apply the tests set out in Ind6, the details of which will be discussed in the appropriate sections of the report.

Impact on Character of Surrounding Area

1.10 The site is located within the Longhill/Sandgate industrial area. It is considered that the proposed use of the black sand shed for increased recycling and classification purposes 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 comprising the installation of the high level conveyor is not out of keeping with the industrial character of the area.

1.11 It is considered that the receipt of Municipal Solid Waste is acceptable subject to the control of appropriately worded planning conditions requiring the internal storage and handling of such waste streams. It is also considered prudent to condition a restriction on the depositing of municipal solid waste. It is considered on that basis that the receipt of MSW will not have significant effect on the character of the surrounding area.

1.12 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.

Impact on Amenity

Visual Amenity

1.13 It is proposed that the upgraded waste classification system and the briquette plant will be largely contained within the existing black sand shed and reclamation shed, as demonstrated within the supporting information. Therefore the visual impacts of the proposal will be solely related to the proposed high level conveyor.

1.14 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.

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Noise

1.15 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 technical specification of the reclamation and briquette plant has not been submitted in support of the application. However, the Council's Principal Environmental Health Officer considers it is acceptable, subject to an appropriately worded planning 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

1.16 The waste streams involved in the existing process on site are consented on site by virtue of the Certificate 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 Municipal Solid Waste (MSW) waste, which will include elements of 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.

Pollution/Emissions

1.17 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.

1.18 Given that the processes for which consent is sought do not treat the waste in any form – they are simply an upgraded form of waste classification/sorting and waste compression, it is unlikely that any air or solid emissions or effluent discharges will arise from the proposals.

Highway Safety

1.19 The Council's Traffic and Transportation section had originally raised concerns over the proposal in relation to the potential increase in vehicle

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movements, resulting in queuing on the highway and subsequent highway safety issues on Thomlinson Road. The Council's Traffic and Transportation section have now indicated that there is no objection on highways grounds on the basis of the limited increase in vehicular movements actually proposed and 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.

1.20 Previous 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

1.21 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 terms of the impact on ecology.

Drainage/Flooding

1.22 Northumbrian Water have been consulted and 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. Previous 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

1.23 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 previously raised no objections to the proposals based on the avoidance of intrusive ground works.

Other Issues

1.24 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

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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.

1.25 Comments from ONE NE are awaited however they have previously raised no concerns beyond their original comments and verbally indicated no objections.

1.26 The Council's Economic Development section have previously 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.

1.27 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 existing 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 by increasing recycling rates from 365 tonnes per week to 1,380 tonnes per week. 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.

1.28 A number of objectors have previously 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.

1.29 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.

1.30 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.

1.31 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.

1.32 In terms of additional substances, any additional waste streams required on site beyond that for which permission is currently in place, would require

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the submission of an additional planning application. Such an application would be subject to consultation and be dealt with on its own merits.

1.33 In relation to the concerns raised by objectors regarding the installation of the proposed briquette plant precluding the installation of a pyrolysis/gasification plant – it should be noted that each element of the proposals can function as an independent operation. Any future application for the installation of a pyrolysis/gasification plant will be dealt with on its own merits and will be subject to all statutory and non-statutory consultation with residents and the relevant bodies.

1.34 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.

1.35 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.

1.36 For clarification, and as already indicated, the proposed pyrolysis/gasification plant has been removed from the application, and consent is no longer sought for that element of the proposals.

Conclusions

1.38 With regard to the relevant Hartlepool Local Plan (2006) policies and the relevant planning considerations as discussed above, the application is considered acceptable subject to the relevant draft conditions as set out below and subject to no adverse comments from ONE North East.

RECOMMENDATION – MINDED TO APPROVE subject to the draft conditions below and no objections from ONE North East but with the final decision to be delegated to the Development Control Manager in consultation with the Chair of Planning Committee since some publicity is outstanding.

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 details set out in the supporting documentation, plan no. 935-01/04 'Indicative Plant Installation Layout', and the 'Schematic of Waste Management Process' as received by the Local Planning Authority on 14 01 10, and the relevant documentation referred to therein received by the Local Planning Authority on 10 09 09, 21 10 09, 28 10 09 and 11 11 09.
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.

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4. Municipal Solid Waste (MSW), including any elements of putrescible waste, shall only be handled, processed or stored in the reclamation building or black 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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, details of noise levels, 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.
To ensure a satisfactory form of development.
10. 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, details of noise levels, noise mitigation measures, details of maintenance, siting details 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. The developer shall notify the Local Planning Authority in writing of the date from which the proposed Briquette Plant is to become operational.

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To ensure a satisfactory form of development.

11. 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.

12. Prior to the development hereby approved 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.

13. There shall be no open burning at the site.

In the interests of the amenities of the area.

14. 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.

15. 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

16. 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.

17. 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: 3
Number: H/2009/0090
Applicant: Sandgate Recycling Bum Road Hartlepool TS24 7DA
Agent: The Design Gap 1 Scarborough Street HARTLEPOOL TS24 7DA
Date valid: 09/03/2009
Development: Use as a waste recycling facility, installation of a weighbridge and erection of an office building
Location: LAND REAR OF HARTLEPOOL WORKSHOPS MAINSFORTH TERRACE HARTLEPOOL

3.1 A full update including a comprehensive list of conditions was to have been provided for this application with a recommendation to approve. The applicant has however asked for further time to take legal advice regarding various issues.

3.2 The conditions envisaged are provided below with a recommendation that members be minded to approve should the above mentioned issues be resolved in time for the Committee meeting.

RECOMMENDATION – APPROVE subject to the following conditions:-

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
3. The permission hereby granted relates to the transfer and processing of non-hazardous commercial, industrial and construction waste only as described in Sections 17 and 20 of the European Waste Catalogue 2002 namely:-
 - a) concrete, bricks, tiles and ceramics
 - b) wood glass and plastic
 - c) bituminous mixtures, coal tar and tailored products
 - d) soil (including excavated soil from contaminated sites) and dredging spoil.
 - e) track ballast and in particular no noxious sludge, chemical, toxic forms of waste or contaminated liquids.
 In the interests of the amenities of the area.
4. No special wastes as defined in The Hazardous Waste (England and Wales) Regulations 2005 (or any regulations/order revoking or re-

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enacting the regulations/order with or without modification), noxious sludge, chemical or toxic forms of waste or contaminated liquids shall be deposited or processed.

In the interests of the amenities of the area.

5. Waste brought onto the site and recycled materials shall only be deposited worked on or stored within Bays 1 and 2 hereby approved and shall not be deposited, worked on or stored to a height exceeding 4m. Waste and recycled materials shall not be deposited worked on or stored in any other areas of the site without the prior written approval of Local Planning Authority.

In the interests of the amenities of the area.

6. Notwithstanding the submitted details, final details of the external storage Bays 1 and 2 shall be first agreed in writing with the Local Planning Authority.

In the interests of the amenities of the area.

7. Any putrescible or organic waste found within incoming loads shall be separated from the waste and stored in sealed container(s) and thereafter transferred from the site within 48 hours of it being brought onto the site.

In the interests of the amenities of the area.

8. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

To prevent pollution of the water environment.

9. Unless otherwise agreed in writing, no waste shall be brought onto the site until a scheme for the disposal of surface foul or contaminated water has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be retained throughout the life of the development unless otherwise agreed in writing by the Local Planning Authority.

To ensure that proper means are provided for the disposal of foul sewage and surface water from the development.

10. 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.

To prevent pollution of the water environment.

11. Unless otherwise agreed in writing by the Local Planning Authority, a scheme to prevent mud or waste being deposited on the highway by vehicles leaving the site shall be agreed in writing by the Local Planning Authority and implemented before any waste is brought onto

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the site. Thereafter the approved scheme shall be used for its intended purpose at all times during the life of the development.

12. Unless otherwise agreed in writing with the Local Planning Authority, roof drainage downwater pipes shall at all times be sealed at ground level to prevent the ingress of any contaminated run-off.
To prevent pollution of the water environment.
13. Unless otherwise agreed in writing by the Local Planning Authority screen fencing and litter catch fencing of a height and design to be first submitted to and approved in writing by the Local Planning Authority shall be placed around the boundaries of the external storage areas. If required the litter catch fencing shall thereafter be retained during the life of the life of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the area.
14. There shall be no burning of materials or waste on the site.
In the interests of the amenities of the occupants of neighbouring properties.
15. Unless otherwise agreed in writing by the Local Planning Authority dust suppression equipment shall be provided in accordance with a scheme to be first agreed in writing by the Local Planning Authority. If required, once installed the equipment shall be retained for the life of the development and shall be available for use at all times while the facility is operational.
In the interests of the amenities of the occupants of neighbouring properties.
16. The area(s) indicated for car parking on the plans hereby approved shall be provided before the use of the site commences and thereafter be kept available for such use at all times during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties and highway safety.

UPDATE REPORT

No: 9
Number: H/2009/0566
Applicant: Mr I Bates MAINSFORTH TERRACE HARTLEPOOL
TS25 1UB
Agent: GRAB-N-GO Mr I Bates UNIT 5 SANDGATE
INDUSTRIAL ESTATE MAINSFORTH TERRACE
HARTLEPOOL TS25 1UB
Date valid: 16/10/2009
Development: Use as a waste transfer station including provision of
recycling sorting bays
Location: UNIT 5 SANDGATE INDUSTRIAL ESTATE
MAINSFORTH TERRACE HARTLEPOOL
HARTLEPOOL

Background

9.1 The applicant has submitted a revised plan in an attempt to address the concerns raised regarding the proposed layout of the site. The application has been re-advertised and consultation is ongoing. The comments of the Council's Head of Public Protection and Head of Traffic and Transportation are awaited.

9.2 The revised layout shows a reduction in the number of bays from three to two and the bays re-sited to the north end of the site. The layout also shows the routing of vehicles entering the site with the ability to manoeuvre at the north end of the site, away from the site access.

9.3 As discussed the principle of the development needs careful consideration subject to an assessment of relevant planning considerations including the past appeal decision and that it can be adequately demonstrated that the site can contain the operations proposed.

9.4 On that basis it is advised that if Members are minded to delegate the final decision back to the Development Control Manager in consultation with the Chair to allow full consideration of the awaited comments and to determine the application accordingly.

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No: 11
Number: H/2009/0494
Applicant: Wynyard Park Ltd
Agent: Prism Planning Ltd Stephen Barker 1st Floor Morton House Morton Road Darlington DL1 4PT
Date valid: 21/10/2009
Development: Reserved matters application pursuant to outline planning permission granted under H/VAR/0006/00 for a Business Park to the North of the A689 Wynyard Park to accommodate 275,205m² of B1 floor space, 12,469m² of B2 floor space and 26,504m² of B8 floor space together with submission of landscaping framework under condition 3 of outline planning permission H/OUT/0583/96
Location: Land North of the A689 WYNYARD BUSINESS PARK

11.1 There were a number of outstanding issues raised in the Committee report which required clarification from the agent.

11.2 In relation to emergency access it is proposed that an emergency access would be provided between areas C and D (areas north of the A689) onto the A689. This is similar to that proposed in the approved 2007 reserved matters application. There are no highways objections to this and it can be controlled via planning condition.

11.3 Discussions are ongoing regarding the retention of access to properties to the north of the application site. Rights of access are essentially a legal matter however it is considered that the imposition of a condition to ensure access is retained during the construction period and after would be prudent in this instance.

11.4 In relation to phasing, it is proposed that the development will commence in three phases. The 2007 reserved matters approval contained a planning condition regarding the completion of the link road through the development after the completion of phase 1 of the development. Phase 1 of the 2007 application related to approximately 90,000square meters, discussions are ongoing when the trigger for the link road completion should be in relation to this development.

11.5 Discussions are ongoing regarding the appropriate way to ensure that this development does not prejudice the pending 2008 planning application relating to the widening of the access from the Glenarn Road roundabout over a High Pressure Gas Main.

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11.6 Should Members be minded to approve this application, then they are also asked to confirm acceptance in principle of the revised masterplan as per condition 3 of the original outline approval H/OUT/0583/96, a copy of which has been placed in the Members Room.

Proposed S106 Agreement

11.7 The proposed Heads of Terms of a S106 agreement relate to:

Transport Contributions

11.8 To pay the Council a phased sum of £1,680,000 to contribute towards off-site highway improvements related to the development of Wynyard 3. Discussions are ongoing about the phasing.

Travel Plan

11.9 The Travel Plan dated 27/01/2010 shall be implemented in accordance with the details contained therein including implementation of the Car Park Management Plan.

Mitigation Measures

11.10 Additional mitigation measures than those committed to in the Environmental Statement and associated documents:

- The need to address the additional loss of 2ha of species-rich grassland and loss of an area of woodland through Swart Hole Plantation. Due to archaeological issues arising, a large area of land around Low Newton farmstead will now be free from development. It is anticipated that this area will now be managed in a more ecologically sensitive manner for habitat enhancement;
- The provision of information boards within the area of archaeological interest.
- Review of the landscape masterplan to ensure that some of the wildflower meadow areas are concentrated together and not fragmented across the site, which as noted above should now be more achievable at the Low Newton site;
- Review of the wetland features within the landscape masterplan to make them more 'naturalistic', enhancing value for biodiversity, and not species-poor formal features. Features similar to the wetland with a reedbed and emergent vegetation on the Stockton side of Swart Hole Plantation, would have positive biodiversity enhancement for invertebrates, amphibians, and birds such as reed buntings;
- Confirmation that 12ha of new woodland and scrub planting will be implemented to replace the anticipated 5.3ha of woodland and scrub removal required;
- To address the issues and concerns outlined above, it is anticipated that there will be a condition for the submission and approval of a detailed Conservation Management Plan. This would outline the

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‘balance sheet’ of ecological impacts upon the site, and the habitat and protected species enhancement measures required.

- Pre-construction ecology surveys, to assess the ongoing effects of the phased development, and to determine whether further mitigation measures or compensation will be required;
- The phasing of landscape planting to allow some maturity of habitats prior to adverse effects that they are designed to mitigate;
- Provision of 14 Schwegler bat boxes of two designs (two hibernation boxes and 12 of general design), and investigation to determine the possible provision of bat roosting features within the buildings e.g. bat bricks;
- Pre-construction or pre-clearance bat surveys to ensure that bats have not subsequently ‘moved in’ to the mature trees within the site, and the implementation of soft felling of trees and standing deadwood;
- The use of directional lighting of buildings and roads to avoid illuminating the woodland edge, and restriction on the timings of some lights;
- Avoiding clearance of vegetation during the breeding bird season, which is regarded as between March and August in any given year;
- The provision of bird nesting opportunities being created within the development; and
- It is proposed that a badger survey, including an assessment of the use of setts on site, is undertaken within a year of the development construction proceeding. The results of this survey would assess whether mitigation proposals had been successful, and discussion would be undertaken to determine and agree if further mitigation measures would be required.

Local Labour Charter

11.11

Wynyard Park Ltd:

Shall use reasonable endeavours working in conjunction with the Council and/or any appropriate local recruitment agencies to be agreed with the Council to promote and recruit employees from the Borough required for and during the construction of the Development,

Shall use reasonable endeavours to promote and recruit employees from the Borough for the subsequent operation of the facilities created the Development; and

Will submit a Recruitment and Training Charter to the Council for its approval prior to commencement of the development. The Recruitment and Training Charter will provide a template for a Method Statement to be used by subsequent developers and operators of the facilities created by the development to establish targets and detailed measures to deliver the Charter’s commitments.

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Will use reasonable endeavours to ensure that subsequent developers submit a Method Statement to be agreed by the Council and Wynyard Park Ltd prior to the commencement of any construction contract or similar operation.

Wynyard Park Ltd and the Council covenant to review and agree on the form and content of the Recruitment and Training Charter at two-yearly intervals to ensure that it continues to provide an appropriate framework for targeted recruitment and training with regard to the progress of the development and the local labour market context.

High Pressure Gas Main

11.12 To ensure the development is consistent with proposals to protect/divert an existing high pressure gas main on the main existing access road to the site in the interests of safety.

Superseded Legal Agreement

11.13 The 2007 legal agreement dated 7th April 2008 between Wynyard Park Limited and Hartlepool Borough Council and Bank of Scotland PLC shall be considered as superseded.

Conclusion

11.14 In the light of all of the above it is considered that this application should be approved.

Recommendation: Minded to approve subject to the following conditions and legal agreement (substantially in the terms identified above) but that the final decision on the application and Master Plan be delegated to the Development Control Manager in consultation with the Chair of the Planning Committee.

1. The development shall be carried out in accordance with the mitigation measures set out in the Environmental Statement and supporting documents submitted with the application unless provided for in any other condition attached to this permission or unless otherwise agreed in writing by the Local Planning Authority.
The development is the subject of an Environmental Impact Assessment and any material alterations to the scheme may have an impact which has not been assessed by that process
2. The development hereby permitted shall be carried out in accordance with the following plans drawing numbers (all job number B693) A (00) – 02, A (00) – 03, A (00) – 13, A (00) – 14. A (00) – 15. A (00) – 16. A (00) – 17, A (00) – 19, A (00) – 25, A (00) – 26, A (00) – 28, A (00) – 29, A (00) – 30, A (00) – 31, A (00) – 32. A (00) – 33, A (00) – 34, A

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(00) – 35, A(00) – 36, A(00) – 37, A(00) – 38, A(00) – 39, A(00) – 40, A(00) – 41, A(00) – 42, A(00) – 43, A(00) – 44, A(00) – 45, A(00) – 46, A(00) – 47, A(00) – 48, (A(00) – 49, A(00) – 50. A(00) – 51, A(00) – 52, A(00) – 53, A(00) – 54, A(00) – 55, A(00) – 56, A(00) – 57, A(00) – 58, A(00) – 59, A(00) – 60, A(00) – 61, A(00) – 62, A(00) – 63, A(00) – 64, A(00) – 65, A(00) – 66, A(00) – 67, A(00) – 68, A(00) – 69, A(00) – 70, A(00) – 71, A(00) – 72, A(00) – 73, A(00) – 74, A(00) – 75, A(00) – 76, A(00) – 77, A(00) – 78, A(00) – 79, A(00) – 80, A(00) – 81, A(00) – 82, A(00) – 83, A(00) – 84, A(00) – 85, A(00) – 86, A(00) – 87, A(00) – 88, A(00) – 89, A(00) – 90, A(90) – 01. A(90) – 02, A(90) – 03, the hard and soft landscaping proposals drawing numbers (all job number 2504) 02, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 received by the Local Planning Authority on 27/08/2009 plans FS_701_11, A(00) – 01, A(00) – 04, A(00) – 12, A(00) – 27 received by the Local Planning Authority on 07/10/2009, plans (both job number B693) A(00) – 10 and A(00) – 18 received by the Local Planning Authority on 12/11/2009 and the Archaeological Exclusion Zone Site Plan B693 – A(00) – 20 received by the Local Planning Authority on 25/11/2009 unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

3. The approval hereby granted shall relate to a maximum cumulative gross floor space of 275,205m² of B1 floor space, 12,469m² of B2 floorspace and 26,504m² of B8 floorspace as detailed within the Appendix Two - Schedule of Areas contained within the Design and Access Statement received on the 7th October 2009. The units shall be retained as per the Use Class identified in the schedule of accommodation and for no other purpose permitted by the Town and Country Planning (Use Classes) Order 1987 (or any subsequent amending legislation). The applicant shall maintain records of the total cumulative gross floor space created at any one time which shall be available to the Local Planning Authority on request.
In the interests of highway safety.
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 approval hereby granted shall relate to a maximum total number of car parking spaces of 8421. The applicant shall maintain records of the total cumulative number of parking spaces created at any one time, which shall be available to the Local Planning Authority on request.
In the interests of highway safety.
6. The buildings hereby approved shall be constructed in accordance with the development phasing set out within section 3.3 of the

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accompanying Non Technical Summary received by the Local Planning Authority on the 7 October 2009 unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity.

7. No buildings shall be occupied within phases 2 and 3 of the development hereby approved as detailed within section 3.3 of the accompanying Non Technical Summary received by the Local Planning Authority on the 7 October 2009 until the road linking the east and west access points to the site with the A689 has been completed and is made available for use by employees and visitors to the site unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
8. Prior to the commencement of development details of emergency accesses and a programme of works including timings shall be submitted to and agreed in writing by the Local Planning Authority. Emergency access shall be provided on commencement of the development and once complete shall be retained until the completion of the internal link road linking the east and west access points to the site with the A689 unless otherwise agreed in writing by the Local Planning Authority.
In the interest of health and safety upon the site.
9. Final details of bus laybys and cyclist routes throughout the development shall be submitted to and approved 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.
To ensure adequate facilities are available within the site for public transport and cyclists.
10. A scheme for cycle storage locations and details including a phasing programme shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is first occupied. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
To ensure the site is developed in a satisfactory manner.
11. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures, including the provision of CCTV and security cabins at the entrances from the A689 including a programme of work shall be submitted and agreed in writing with the Local Planning Authority. This may provide for the phased provision of measures. Approved measures shall be provided before any building hereby approved is first occupied.
In the interests of crime prevention.

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12. A scheme for the provision of public art/landmark features, including 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.
In the interests of visual amenity.
13. A scheme to incorporate energy efficiency measures and embedded renewable energy generation shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the development should be designed to ensure energy consumption is minimised and meets the Building Research Establishment's Environmental Assessment Method (BREEAM) "very good" ratings as a minimum. The hereby approved development should also have embedded a minimum of 10% energy supply from renewable resources. Thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
To encourage sustainable development.
14. The landscaping of the area of land between the A689 and plots B,C and D on the associated plans shall be implemented in accordance with the details hereby approved unless otherwise agreed in writing by the Local Planning Authority. Notwithstanding the submitted details the planting along the A689 within development plot D shall be undertaken prior to the commencement of construction on site. The planting along the A689 within development plots C and B as indicated on the above mentioned plan shall be undertaken and completed before or no later than 6 months after the completion of 50% of phase 1 of the development unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.
To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.
15. Notwithstanding condition 14 final details of the landscaping in the south east corner of plot D within the easement of the High Pressure Gas Main shall be submitted to and agreed in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing. Thereafter the landscaping shall be carried out in accordance with the approved details and within the phasing as indicated in condition 14.
In the interests of Health and Safety.
16. No development shall take place until a scheme for the protection during construction works, of all the trees to be retained on the site and

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in accordance with the approved landscaping scheme in accordance with BS 5837:1991 (Trees in relation to construction), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials (other than equipment, machinery and materials necessary for the discharge of this condition) are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the health and appearance of the preserved tree(s).

17. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before development commences. This may include a phased programme of provision. The approved means of enclosure shall thereafter be implemented in accordance with the approved programme.
In the interests of visual amenity.
18. 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 other than those approved under Condition 17, shall be erected within the development, without the prior written consent of the Local Planning Authority.
In the interests of visual amenity.
19. Notwithstanding the submitted details prior to the link road through the development being completed in accordance with condition 7 a scheme for the provision/retention of the access to the residential properties to the north of the site, including a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
20. Prior to the commencement of development a scheme for the diversion of the water main through the site as detailed on the plan supplied by Hartlepool Water on the 20th November 2009, including a programme of works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in

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accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of protecting the water main.

21. No development shall take place unless in accordance with the mitigation detailed within 10.10.6 - 10.10.21 of Part Two of the Environmental Statement including but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as per the legal agreement; adherence to precautionary working methods.
To conserve protected species and their habitat.
22. No development shall take place unless in accordance with the mitigation detailed within 10.11.5 - 10.11.10 of the Environmental Statement including but not restricted to adherence to timing and spatial restrictions; undertaking confirming surveys as per the legal agreement; adherence to precautionary working methods.
To conserve protected species and their habitat.
23. Prior to the commencement of Phase 3 of the development, a scheme for the provision and management of a buffer zone alongside the watercourse there 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 scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The scheme shall include:
 - a) plans showing the extent and layout of the buffer zone
 - b) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
 - c) details of any footpaths, fencing, lighting etc.Development that encroaches on watercourses has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change. Close Beck and its tributaries that are adjacent to the development site are important wildlife corridors as they may form routes used by otters in accessing their range areas.
24. Prior to commencement of each phase of development, a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and

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subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

The scheme shall also include:

- a) The methods of attenuating and storing surface water.
- b) The detail referred to in paragraph 1.3 of the flood risk assessment produced by Enviros Consulting Ltd dated April 2009 .
- c) The discharge locations - due to the nature of the watercourses there could be the potential for erosion at discharge points. This issue should be addressed in the detailed design strategy.
- d) Details of how the scheme shall be maintained and managed after completion
- e) Details of how contamination during construction, and throughout the lifetime of the development, will be controlled so as not to pollute controlled waters.

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

25. Prior to the construction of any road access required as a part of Phase 3 of the development, a working method statement to cover all works associated with bridge works and subsequent access arrangements 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 scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The method statement should cover the following requirements:

1. Design of watercourse crossing points;
2. Hydraulic conveyance of proposed structures;
3. Timing of works;
4. Methods used for all channel, bankside water margin works;
5. Machinery (location and storage of plant, materials and fuel, access routes, access to banks etc.);
6. Protection of areas of ecological sensitivity and importance; and,
7. Site supervision.

The construction phase of any proposed development affecting the bridges and access poses significant risks of flood risk due to the potential for blockage and subsequent raising of flood levels upstream, and prevention of access to and from the site.

26. A management and maintenance plan of the landscaping shall be submitted to and agreed in writing by the Local Planning Authority on a phased basis for the development plots. This shall include provision of a 20 year woodland management plan. 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 interests visual amenity and ecology.

PLANNING COMMITTEE

3rd February 2010



Report of: Director of Regeneration and Neighbourhoods

Subject: PROPOSED DIVERSION OF PUBLIC
FOOTPATHS No 24 & 25, ELWICK PARISH, AT
LOW STOTFOLD FARM

1. PURPOSE OF REPORT

- 1.1 This report seeks approval for the making and subsequent confirmation of the diversion of Public Footpaths No 24 and 25, Elwick Parish, at Low Stotfold Farm as shown in **Appendix 2**

2. BACKGROUND

- 2.1 On the 29th August 2008 the Parks and Countryside Section received an application to divert two sections of the Public Footpath no. 24 and one section of Public Footpath 25 that run through three fields and the main farm track, within the property of Low Stotfold Farm. The location of Low Stotfold Farm is shown in **Appendix 1**.
- 2.2 The application was made by the owner of Low Stotfold Farm on the grounds that the diversions would redirect the public away from intensive agricultural practices.
- 2.3 The proposed diversions (**see Appendix 2 for details**) are to re-route:
- A northern section of Public Footpath No. 24 to a more practical and enjoyable route just to the south of its present position
 - A large crossfield section of Public Footpath No. 24 to a route that runs along the field edge to the south of its present position.
 - The eastern section of Public Footpath No. 25, from its present route to one that runs north of the farm buildings.

3. LEGAL TESTS

- 3.1 Under Section 119 of the Highways Act 1980 several criteria must be met before a diversion order is made. The order making authority must be satisfied that:

- It is expedient to divert the path in the interests of either the public or the landowner, occupier or lessee of the land crossed by the path.
- The diversion does not alter the termination of the path other than to another point on the same path or on another highway (including rights of way) connected with it and which is substantially as convenient to the public.

3.2 Under the same section of the Highways Act 1980 the Council or (if the diversion order is opposed) an Inspector must apply a number of legal tests. The Council or Inspector must be satisfied that:

- The diversion is expedient in the interests of the persons stated in the order.
- The path will not be substantially less convenient to the public as a consequence of the diversion.
- It is expedient to confirm the order having regard to the effect it will have on public enjoyment of the path as a whole, on the land served by the existing path, and on the land affected by the new path taking into account the provision for payment of compensation. In this case no such provision, for compensation, is necessary, as the proposed diversion will run within the same land ownership as the existing path, to be diverted.

Consideration of Legal Tests

3.3 When looking at the legal tests as provided within the Highways Act 1980, Sections 119, 119(6), 119(6A), the following questions have been considered:

3.4 Landowner/Public Interest

The application was made by the landowners in their own interest. One of the diverted paths is needed, to provide a more enjoyable route for people to use to access the immediate area, away from the danger of mechanically propelled vehicles that operate within the farm main buildings. The two sections of the other diversion are required; to give the public enjoyable routes to use that allow less confusion and greater accessibility to a wider section of the community.

3.5 The Council's consideration of expediency

The Council may consider it expedient to divert the afore-mentioned paths on the grounds that the newly diverted paths will provide a safe route in

and around the Farm buildings, reducing the need to walk close to working agricultural machinery thus providing the user with quieter, safer and more enjoyable experience.

3.6 Termination Points

The diversions do not alter the termination point of the paths other than to another point on the same paths

3.8 Consideration of the order to divert (Section 119(6)).

When considering the order of diversion, the Council may consider that the order works towards a more positive addition to the rights of way network be in the public in general as well as local landowners. It will serve a wider section of the community adding to the safety and sustainability of the highway infrastructure.

3.9 Consideration of the Rights of Way Improvement Plan (Sections 119(6A)

When looking at the legal tests for diversion with regards to the Rights of Way Improvement Plan, the Council feels that in this case there are no material provisions to be met, above normal management of the conclusion of the orders. The diverted routes are already owned and managed by the existing landowners of the farm.

4. FINANCIAL IMPLICATIONS

4.1 The cost of diversions to the landowner will be £750.00.

4.2 Hartlepool Borough Council have considered and concluded that the benefit to the public, especially those with mobility and visual impairments, will be such that a reduction of costs is justified. Normally the overall costs for diversion amount to approximately £1,400.00.

5. DIVERSITY

5.1 It is believed that there are no Diversity issues or constraints in relation to the diversion of the Public Footpath, at Low Stotfold Farm.

6. ACCESS/DDA

6.1 Hartlepool Access Group and Hartlepool Borough Council Access Forum have been consulted. In their opinion all reasonable steps have been taken to create a path that suits the needs of Mobility and Visually Impaired Groups.

7. CONSIDERATION OF AGRICULTURE AND FORESTRY

- 7.1 It is believed that there are no agricultural or forestry issues or constraints in relation to the diversion of the public footpaths at Low Stotfold farm

8. CONSIDERATION OF BIODIVERSITY

- 8.1 It is believed that there are no biodiversity issues or constraints in relation to the diversion of the public footpaths at Low Stotfold farm

9. CONSULTATIONS

- 9.1 Full informal consultation was carried out with all relevant parties, including all the relevant user groups. None of these informal consultees raised any objections to the proposals concerned. A full list of consultees is provided as **Appendix 3**.
- 9.2 Both Access Groups and the Ramblers Association have requested that alternative routes be a width of at least 2 metres,

10. SECTION 17

- 10.1 Section 17 of the Crime and Disorder Act 1988 requires local authorities and police authorities to consider the community safety implications of all their activities.
- 10.2 Section 17 states:
- *‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’.*
- 10.3 The Community Safety Implications, in respect of the diversion of the Public Footpath at Low Stotfold Farm, have been taken into account and that all has been reasonably done to prevent crime and disorder.

11. RECOMMENDATIONS

- 11.1 That the Planning Committee:
- approves the making of Diversion Orders to implement the proposal as shown in **Appendix 2**;

- If no objections are received, or if any objections which are received are subsequently withdrawn, the Orders be confirmed; and,
- If any objections are received, and not subsequently withdrawn, the Orders be referred to the Secretary of State for confirmation

CONTACT OFFICER: Chris Scaife, Countryside Access Officer

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এই ডকুমেন্ট অন্য ভাষায়, বড় প্রিন্ট আকারে এবং অডিও টেপ আকারেও অনুরোধে পাওয়া যায়। (Bengali)

本文件也可應要求，製作成其他語文或特大字體版本，也可製作成錄音帶。(Cantonese)

अनुरोध पर यह दस्तावेज़ अन्य भाषाओं में, बड़े अक्षरों की छपाई और सुनने वाले माध्यम पर भी उपलब्ध है (Hindi)

ئەم بەلگە بە ھەروەھا بە زمانەکانی کە، بە چاپی درشت و بە شێوەی تەسجیل دەست دەکەوێت (Kurdish)
هذه الوثيقة متاحة أيضا بلغات أخرى والأحرف الطباعية الكبيرة وبطريقة سمعية عند الطلب. (Arabic)

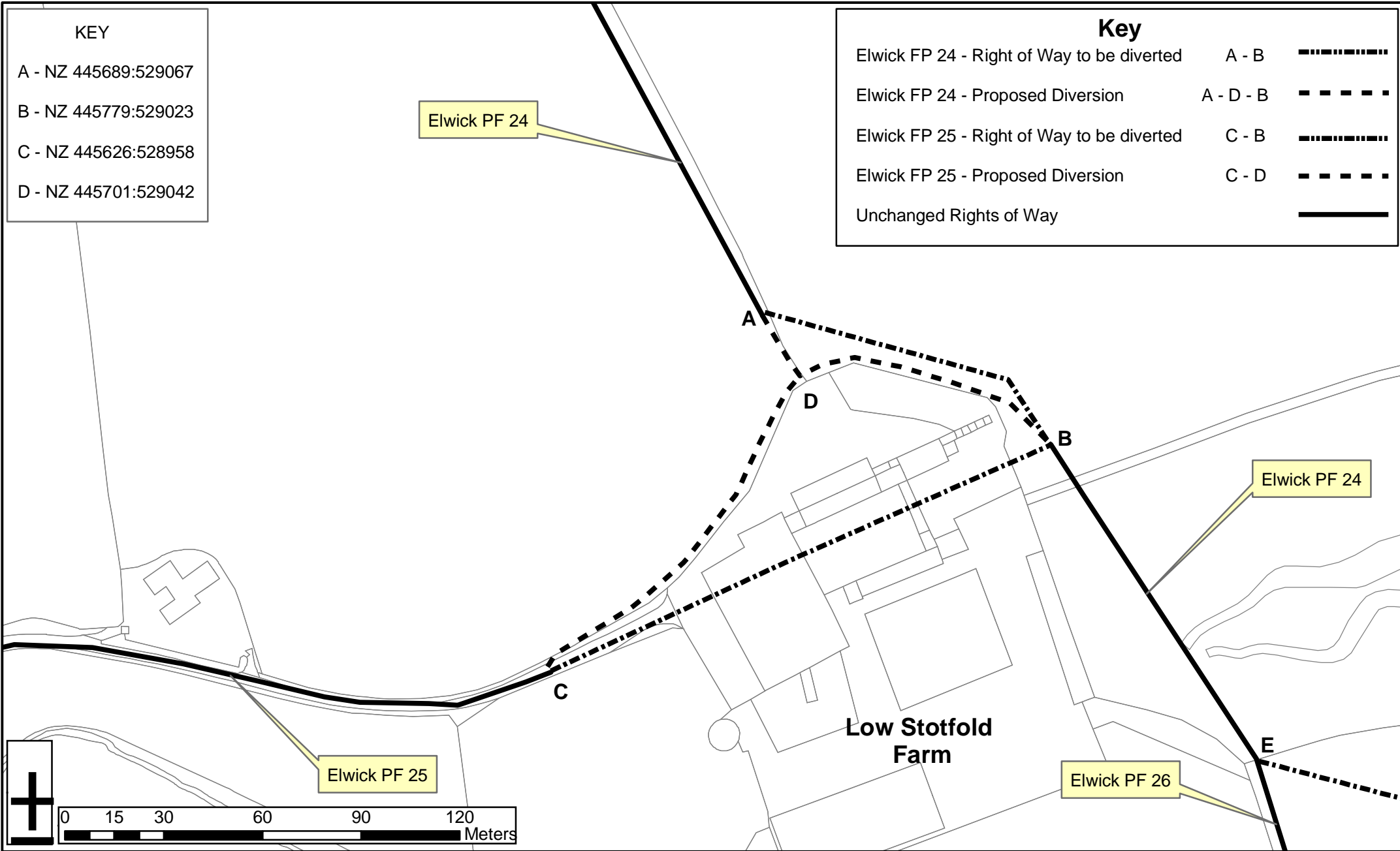
Dokument ten jest na życzenie udostępniany także w innych wersjach językowych, w dużym druku lub w formie audio. (Polish)

درخواست پر یہ دستاویز دیگر زبانوں میں، بڑے حروف کی چھپائی اور سننے والے ذرائع پر بھی میسر ہے۔ (Urdu)

Appendix 1 - Location of Low Stotfold Farm



Appendix 2 - Low Stotfold Farm Diversion 1 - Public Footpath Elwick No.24 North & Elwick 25

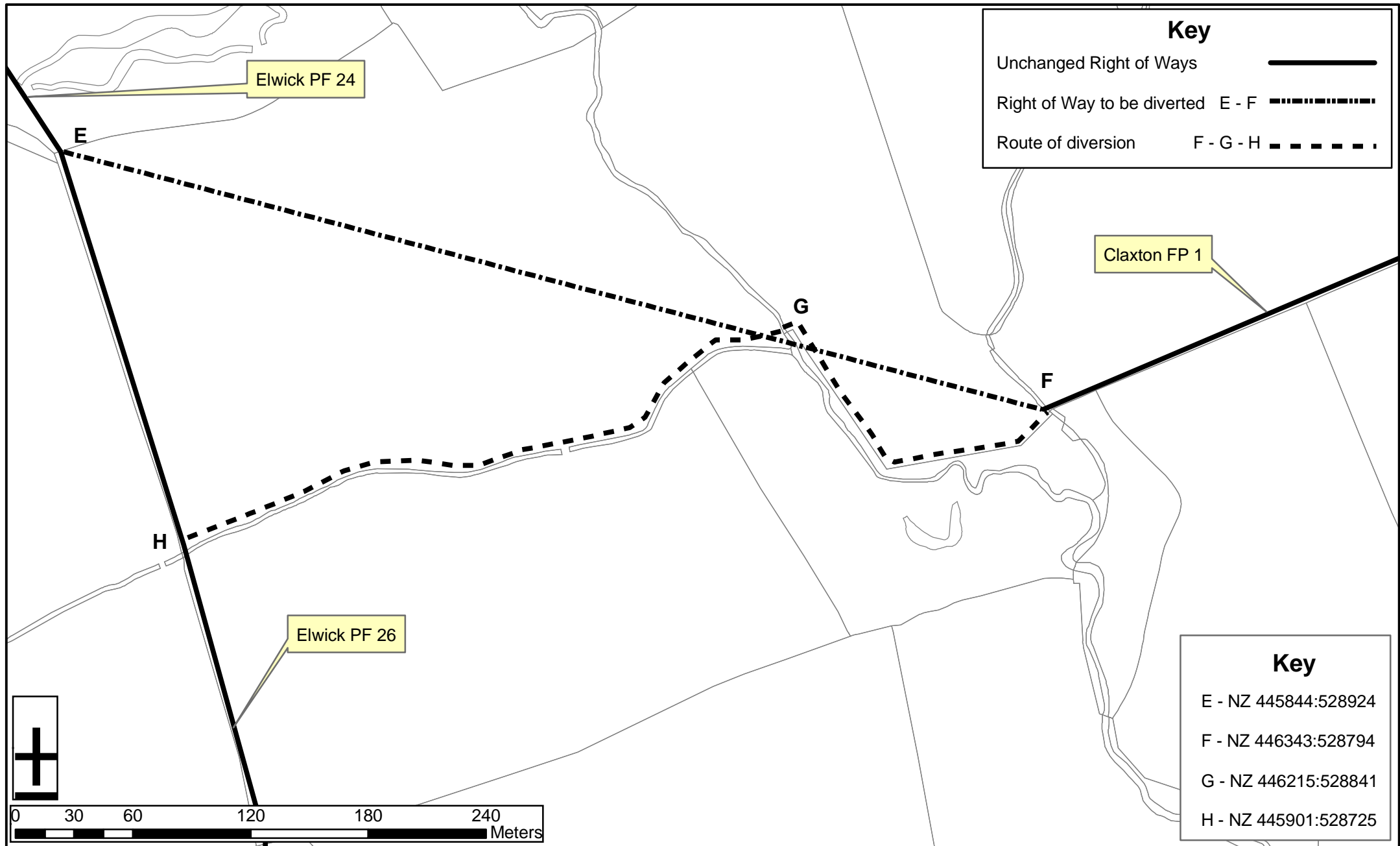


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Sub Title: Low Stotfold
Scale: 1:1,500
Date: 18th December 2009
Drawn By: Parks and Countryside Section

Hartlepool Borough Council
 Regeneration & Neighbourhoods Department
 Parks and Countryside
 Suite 8, Municipal Buildings
 Church Square
 Hartlepool, TS24 7EQ
 Tel: 01429 523524
 Fax: 01429 523450

Appendix 2 - Low Stotfold Farm Diversion 2 - Public Footpath Elwick No.24 South



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Sub Title: Low Stotfold
Scale: 1:2,500
Date: 18th December 2009
Drawn By: Parks and Countryside Section

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 Regeneration & Neighbourhoods Department
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Appendix 3 – Low Stotfold Farm Diversions

List of Consultees during consultation 2008

Ward Member : Councillor S Kaiser

Portfolio Holder: Leisure, Culture and Tourism – Councillor V Tumilty

Ramblers Association
Hartlepool Access Group

Hartlepool Borough Council Services:

Technical Services

Ecology

Tees Archaeology

Planning

Apparatus

Street Lighting

Property Services

Utilities:

CE Electric

Northern Gas Networks

Telecom – Virgin Media

Telecom - BT

Water Hartlepool Water Authority

Northumbrian Water Authority

National Grid

Environment Agency

Northern Utility Services

PLANNING COMMITTEE

3rd February 2010



Report of: Director of Regeneration and Neighbourhoods
and Chief Solicitor

Subject: COSTS AWARD – APPEAL BY ABLE UK
LIMITED

1. PURPOSE OF REPORT

- 1.1 To inform Members of the Council's Planning Committee of the outcome of cost negotiations leading to the settlement of a claim for costs associated with planning appeals lodged by Able UK Limited. This report follows the 'exempt' report submitted to the Committee on the 25th February, 2009, and Members are requested to refer to that report over the financial and other detail surrounding the submission of that claim and the Council's position thereon.
- 1.2 Members will recall that a partial award of costs was made against the Council in connection with appeals lodged by Able UK Limited against the refusal to grant various planning permissions and a Hazardous Substances Consent which led to a Public Inquiry in October, 2007. This report confirms the actions of the Director of Regeneration and Neighbourhood Services and the Chief Solicitor in unison with the Member Working Group (comprising the Chair, Vice Chair and one other Member of the Council's Planning Committee) in settling this claim for costs.

2. BACKGROUND

- 2.1 Following refusal of various planning applications and a Hazardous Substances Consent application in November, 2006 a Public Inquiry took place over a period the 9th – 31st October 2007. The appellant, Able UK Limited had also submitted four duplicate applications which related to three applications for planning consent and one for the Hazardous Substances Consent which were considered and granted by the Council on the 25th October, 2007. Against that background, the Council offered no evidence against the appeals at the Public Inquiry.

- 2.2 The “main appeal” concerned the refusal of the Council to grant planning permission to extend the current use of the TERRC facility, Tees Road, Graythorp, Hartlepool. These proposals related to the construction, repair, refurbishment and decommissioning of all types of ships, vessels and other craft which were more particularly described in an environmental statement accompanying the planning application. In addition, certain operational development comprising the construction and refurbishment of various quays and associated facilities was proposed. Two further planning appeals, referred to as “Option 1” and “Option 2” concerned the refusal of the Council to grant permission for the construction of a cofferdam at the entrance to the dock. As indicated a further appeal related to the refusal to grant a Hazardous Substances Consent, essentially to store various hazardous substances as more particularly documented within that particular application for consent. Following the Public Inquiry, the inspector recommended that an award of costs be allowed in part, subject to the exclusion of the last sitting day of the Inquiry.
- 2.3 In any determination on a matter of costs in relation to appeals under Sections 78 and 320 of the Town and Country Planning Act 1990 as amended and Section 250(5) of the Local Government Act, 1972, an applications for costs must be determined in accordance with Department of Environment Circular 8/93. This particular Circular, relates to costs incurred in planning and other proceedings against a party who has behaved unreasonably and that unreasonable behaviour has led the other party to incur costs. The submissions on behalf of Able UK Limited specified that this “unreasonableness” was on the basis (a) it should not have been necessary for the Secretary of State to determine the appeals, and; (b) the Council has behaved, in the course of the appeals, in a manner which has incurred unnecessary expense.
- 2.4 Within the costs report as issued by the Inspector to the Secretary of State for Communities and Local Government it is mentioned (para. 13 refers) that “the figures and costs which have been suggested by the appellant’s representatives appear likely to exceed £0.5m and maybe closer to £1m.” Although, the Inspector noted that a considerable sum of money could be involved in the costs application if granted, in whole or even through a partial award, the actual amount of costs is not a material consideration to the determination as to whether costs should be awarded or not (para. 142 of the costs report makes reference). The Inspector clearly establishes within his report that it was necessary to hold the Inquiry and the same to continue given the deferral of a duplicate application submitted by Able UK Limited which were deferred from the Planning Committee meeting on the 5th October, 2007. It was the Inspector’s determination that the Council had acted unreasonably and the situation only changed when the duplicate applications were reconsidered and the three permissions and the application for Hazardous Substances Consent were granted on the 25th October after

day eight of the Inquiry. Therefore, “the need for the last sitting day for the Inquiry was not a result of the Council’s actions” (para 166 of the cost report refers).

3. SETTLEMENT OF COSTS.

- 3.1 The Council thereafter received a submission through the solicitors acting on behalf of Able UK Limited claiming costs associated with the Public Inquiry.
- 3.2 At the meeting of the Committee on the 25th February, the Chief Solicitor was authorised to enter into negotiations in an attempt to settle this costs claim (other than through the detailed assessment through the High Court), provided the same could be achieved in the interests of the Council. Following detailed and protracted negotiation the sum of £470,099.37 was agreed between the parties. A form of receipt and acceptance of this sum in ‘full and final settlement’ has been exchanged between the parties and payment made

4. RECOMMENDATIONS

1. That Members note the contents of this report.
2. That Members endorse the actions of the Director of Regeneration and Neighbourhood Services and the Chief Solicitor, acting in unison with the Member Working Group, in settling this claim for costs.

PLANNING COMMITTEE

3 February 2010



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. A neighbour complaint regarding a building business operating from a residential property in Fernwood Avenue.
2. A neighbour complaint regarding the paving of an existing drive at The Paddock, Elwick, has been investigated. Pervious block paving has been used and therefore the new driveway does not require planning permission.
3. An investigation has commenced following a neighbour complaint regarding a car repair business operating from a residential garage in Cragston Close.
4. Officer monitoring recorded the installation of front dormer UPVC windows and entrance at Beconsfield Street. The property is located within the Headland Conservation Area and is subject to an Article 4 Direction which removes permitted development rights from the front and rear elevations of the building.
5. A Councillor complaint regarding a guest house operating as a hostel in Church Street, Seaton Carew.
6. A complaint regarding a takeaway use (A4) in Raby Road has been investigated. The limited number and kind of hot meals available could be held to indicate there was no material change of use involved here as the primary character of the shop would remain as a retail use (A1).
7. A neighbour complaint regarding a car repair business operating from a residential garage in Meadowgate Drive.
8. A neighbour complaint regarding building works including refurbishments and renovations at a property in Owton Manor Lane.

9. Officer monitoring recorded internal building works including installation of new steel beams at a property in York Place.

The property is a Grade II listed building and located in the Headland Conservation Area.

2. RECOMMENDATION

- 2.1 Members note this report.

PLANNING COMMITTEE

3 February 2010



Report of: Assistant Director (Planning and Economic Development)

Subject: UPDATE OF PERFORMANCE AGAINST BEST VALUE INDICATORS

1. PURPOSE OF REPORT

- 1.1 To advise Members of performance against Best Value Performance Indicators (BVPIs).

2. BACKGROUND

- 2.1 Officers provide quarterly updates of performance against BVPIs to the Government and monitor performance through the covalent system. It is considered important to keep Members advised of this on a regular basis so it is proposed to provide updates on a quarterly basis.
- 2.2 The main indicators are BVPIs 157a, 157b and 157c which relate to the processing of major minor and other planning applications within target times and BVPI 204 the percentage of appeal decisions allowed against the decision to refuse planning permission.
- 2.3 Officers have recently completed the review for quarter 3 for 2009/10. These are shown below together with the cumulative performance for the year to date. Also indicated are the national targets for each indicator.

BVPI	Latest quarters performance	Cumulative performance for the year to date	Government Target
157a (major applications)	88.89%	83.33%	60% within 13 weeks
157b (minor applications)	72.73%	78.38%	65% within 8 weeks
157c (other applications)	81.05%	89.01%	80% within 8 weeks
204 (appeals allowed against the Authorities decision)	-	38.46%	33%

- 2.4 It is clear from the above that in terms of dealing with planning applications the Council is performing well against national targets. The Council's appeal performance is not in line with the target and needs to be regularly kept under review.

3. RECOMMENDATIONS

- 3.1 Members to note the report.

PLANNING COMMITTEE

3 February 2010



Report of: Assistant Director (Planning and Economic Development)

Subject: APPEAL BY MR PETER FRANK SITE AT P E COACHES, USWORTH ROAD, HARTLEPOOL, TS25 1PD. (H/2009/0338)

1. PURPOSE OF REPORT

- 1.1 The planning appeal lodged against the refusal of the Hartlepool Council to allow the change of use and alteration of offices to provide living accommodation at the above site has been determined. The application was refused under delegated powers through the Chair. It was not considered that a residential use in the location, an established industrial area, would be compatible with existing or future industrial and commercial uses in the area.
- 1.2 The appeal has been allowed in his decision (**attached**) the Inspector, whilst acknowledging that a general and open residential use would not be acceptable, considered that the particular and unique circumstances of the business and the premises combined to support a conditional approval. Conditions have been imposed on the approval restricting the occupation of the accommodation to the owner, or persons employed on the site, and dependents and to ensure the accommodation remains ancillary to the main use of the site as a coach and minibus depot.

2. RECOMMENDATION

- 2.1 That members note the appeal decision.



Appeal Decision

Site visit made on 24 November 2009

by **P A Goodman BA(Hons) DMS MRTPI**

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

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

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

Decision date:
10 December 2009

Appeal Ref: APP/H0724/A/09/2111299

P E Coaches, Usworth Road, Hartlepool, Cleveland TS25 1PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Peter Frank against the decision of Hartlepool Borough Council.
- The application Ref H/2009/0338, dated 18 June 2009, was refused by notice dated 14 August 2009.
- The development proposed is change of use of part of offices/former retail area to residential use in connection with existing transport depot.

Decision

1. I allow the appeal, and grant planning permission for continued use of part of offices/former retail area to residential use in connection with existing transport depot at P E Coaches, Usworth Road, Hartlepool, Cleveland TS25 1PD in accordance with the terms of the application, Ref H/2009/0338, dated 18 June 2009, and the plans submitted with it, subject to the following conditions:
 - 1) The living accommodation hereby approved shall be restricted to the areas shown on the approved plan (Sheet 1) and no further extensions to the living accommodation or additional residential or living accommodation shall be provided within the site.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification):
 - a) no garages, sheds, pools or other outbuildings shall be erected within the site without the prior written consent of the local planning authority.
 - (b) the living accommodation hereby approved shall not be extended or altered in any way without the prior written consent of the local planning authority.
 - 3) The living accommodation hereby approved shall be occupied only by the owner of the site, and/or persons employed on the site, and their dependants.
 - 4) The living accommodation shall remain ancillary to the main use of the site as a coach and minibus depot.

Appeal Decision APP/H0724/A/09/2111299

Main issue

2. The main issue is whether continued use of part of the premises for residential purposes would be compatible with the industrial and commercial use of the majority of the surrounding area.

Reasons

3. The appeal site is a coach depot situated at the far end of a cul-de-sac within and near the south western end of the Usworth Road Industrial Estate. The use has already commenced and hence the appeal proposal is effectively for the continued use of part of the depot for residential purposes.
4. The most relevant development plan considerations are saved policies GEPI and Ind5 of the Hartlepool Local Plan 2006. The former sets out general environmental principles against which all development proposals are to be appraised. Policy Ind5 is a permissive policy which, subject to controlling criteria, seeks to enable appropriate B1, B2 and B8 industrial and commercial uses as the main uses within defined industrial and commercial areas including the Usworth Road industrial area.
5. Planning permission was granted for the use of the premises as a coach and minibus depot in 1988. It is bounded to the east by a printer's premises and to the south by a haulier's depot. To the west, and within the appellant's control, is a small area of grassland on which goats were being grazed at the time of my inspection. West of that are the back gardens of residential properties at the end of the Thirsk Grove cul-de-sac.
6. I agree with the Council that in light of the area's clear local plan allocation as a primarily industrial area the site's general use for residential purposes would run counter to the purpose of the area's planned designation. If a conventional and open residential use was allowed here, then over time it could become difficult for the Council to resist other such applications. The cumulative effect of such permissions would be likely to inhibit the flexibility of operation necessary to maintain existing and future industrial and commercial operations which will not always be good environmental neighbours to residential occupiers. As a result the scope of the area to continue to help support the local economy and to provide jobs for the local community could be prejudiced. In my view it follows that a freestanding residential use here would not accord with the underlying aims of adopted local plan policy to give reasonable certainty to industrial and commercial users of the estate.
7. However, in this instance the site is located at the very edge of the industrial estate and already adjoins residential uses. The owner has experienced security problems which appear to be acknowledged by the local Police who lend support to having a physical presence in the unit to act as a deterrent against criminality in the area. Furthermore, I understand that for some years the owner has already stayed in a caravan which is still stationed at the rear of the premises. There is clearly substantial financial value in the several coaches and many small buses garaged and parked on the site. In my view the absence of reported crime incidents appears to support the appellant's claim that his on-site presence has added to the other on-site conventional security measures such as fencing, lighting and CCTV cameras.

Appeal Decision APP/H0724/A/09/2111299

8. The one bedroom accommodation itself has been accommodated within the single storey front part of the main depot building without affecting the running of the business's general office. It forms only a small area of the building which in terms of area is dominated by the repair and servicing workshop and the open coach parking area to the rear. Its continued residential use would not be apparent from outside the site and the premises could easily be converted back into office accommodation ancillary to the main commercial use if circumstances changed.
9. I consider that the particular and unique circumstances of the business and the premises combine to indicate that a conditional approval for continued occupation would not materially contravene or harm the underlying aims of the adopted local policies summarised above or prejudice the commercial use of the adjacent and nearby commercial uses. I therefore conclude that planning permission should be granted subject to the necessary controlling conditions suggested by the Council to ensure that the living accommodation remained ancillary to the main commercial use.
10. I have had regard to all of the other matters raised but I find nothing to alter the balance of my conclusion on the main issue that the appeal should be allowed and conditional planning permission should be granted.

Philip A Goodman

Inspector

Planning Committee

3 February 2010



Report of: Assistant Director (Planning and Economic Development)

Subject: HARTLEPOOL CORE STRATEGY PREFERRED OPTIONS REPORT FOR CONSULTATION

1. PURPOSE OF THE REPORT

- 1.1 To note that the Preferred Options Report of the Hartlepool Core Strategy, subject to the decision of Cabinet on 25 January 2010, is available for public consultation between 29 January and 26 March 2010.

2. BACKGROUND

- 2.1 The Planning and Compulsory Purchase Act 2004 introduced a new planning system to replace the system of Structure Plans and Local Plans. In summary, the planning system is based on a portfolio of planning documents (the Local Development Framework) which will replace the Local Plan and at the strategic level the Regional Spatial Strategy (RSS).
- 2.2 The key planning document within the Local Development Framework (LDF) is the Core Strategy Development Plan Document (DPD). The Core Strategy must accord with the Regional Spatial Strategy and, in turn, all other local development documents within the LDF must be in conformity with the Core Strategy.
- 2.3 The Hartlepool Core Strategy will set out the key elements of the planning framework for the area and will comprise a spatial vision and strategic objectives, a spatial strategy and core policies. It will set out broadly but clearly what kind of place Hartlepool will be in the future; what kind of changes will be needed to make this happen; and how this will be brought about. It will provide the delivery mechanism for the Sustainable Community Strategy ('Hartlepool's Ambition') and other plans and strategies of the Council and of other bodies in so far as they relate to the use and development of land.
- 2.4 The first public stage in the process was the publication of the Issues and Options Report which was subject to public consultation between October 2007 and February 2008. Feedback from this exercise has been taken into account in the preparation of the next stages of the Core Strategy.
- 2.5 On the advice of Government Office for the North East, the preparation of the Preferred Options Report was delayed in 2008 to allow more time for an

effective evidence base to be prepared to help ensure that the Core Strategy would ultimately be found “sound”.

- 2.6 Following the completion of certain studies including the Strategic Flood Risk Assessment, an Employment Land Review and the 2009 Hartlepool Retail Study work on the next stage the Preferred Options Report has progressed.
- 2.7 The Preferred Options Report sets out the responses from the 2007 Issues and Options Report and explains why certain options have been selected. In addition to the setting out of the overall strategy accompanying draft policies have been included at this stage for consideration. Copies of the Draft Preferred Options Report will be distributed to members prior to the meeting. A copy is also available in the members room and will be available on the Council's website.

3. EVIDENCE GATHERING 2007- 2009

- 3.1 Since the Issues and Options Stage of the Core Strategy in 2007 / 2008 a number of additional studies have been undertaken which should help ensure a robust evidence base to inform the development of policies within the Core Strategy.

The studies include: -

- Tees Valley Strategic Housing Market Assessment (SHMA) (2008),
- Strategic Housing Land Availability Assessment (SHLAA) (2009),
- 5 Year Housing Land Supply (2009),
- Housing Economic Viability Assessment (2009),
- PPG17 Open Space Assessment (2008),
- Employment Land Review (2008),
- Tees Valley Green Infrastructure Strategy (2008)
- Strategic Flood Risk Assessment 2006 & 2010
- Hartlepool Retail Study 2009
- The Central Area Investment Framework 2009

4. THE PREFERRED OPTIONS REPORT

- 4.1 The Preferred Options document has been developed taking account of other key strategies and programmes. It sets out the spatial vision for the Borough which will guide development over the next decade. It includes policies that reflect Hartlepool's need to sustain and improve the town's economy and to protect and enhance its environment.
- 4.2 The Core Strategy will need to be consistent with national planning policy and be in general conformity with the Regional Spatial Strategy (RSS) for the North East. It will also take account of other relevant plans, policies and strategies relating to Hartlepool and the adjoining area.
- 4.3 Certain requirements, such as the amount of housing to be provided in Hartlepool, are laid down in the RSS for the North East, and the policies of the Core Strategy will need to adhere to these and to set out general locations for delivering the housing and other strategic development needs such as

employment, retail, leisure, community and essential public services and transport development.

- 4.4 The policies in the Core Strategy will not normally identify specific sites, although account may have to be taken of the potential general locations.

5. THE KEY ISSUES TO BE ADDRESSED IN THE CORE STRATEGY

- Victoria Harbour is not progressing as a mixed-use re-development site as anticipated and it is likely that the 3,500 new homes on brownfield land envisaged will not be delivered in the short to medium term. The Hartlepool Docks area should therefore be identified as land for port related development.
- Taking the Regional Spatial Strategy targets for housing into account and the omission of Victoria Harbour mixed use land, there is a need for the Core Strategy to re think the overall strategy on the delivery of possible housing sites in the Borough.
- The SHLAA has assessed a wide variety of housing sites across the Borough looking particularly at suitability, availability and achievability. Some of these sites might be alternative locations in place of Victoria Harbour.
- The Tees Valley SHMA has illustrated the need for more affordable housing on developments within the town, the shortage of bungalows within the Borough and the saturation of the market for apartments.
- The Employment Land Review has assessed the various employment designations within the Hartlepool Local Plan and has suggested some de-allocations.
- Hartlepool has been identified as one of 10 potential sites within England and Wales which would be suitable for a new nuclear power station.
- Climate change needs a high profile within the Core Strategy in line with the advice contained within Government Guidance.
- The recognition of the planning permission granted for the hospital at Wynyard Park.
- The economic downturn and the impacts it has had, especially within the town centre area and delivery of new housing, need to be reflected.
- Work on the PPG17 Assessment and the Tees Valley Green Infrastructure Strategy have helped to illustrate where there are shortfalls and deficiencies in the provision.
- The Retail Study 2009 raised a number of major concerns with regards to the Town Centre. There is a higher than average number of vacant units in the centre particularly Middleton Grange. As a result the study states that extreme caution should be exercised in permitting new retail floorspace outside the Town Centre.

6. THE OVERALL STRATEGY

- 6.1 For many years the strategy for the Borough has been based on compact urban growth. This has been secured by the strict control of development to

locations within defined limits to development around the main urban area, village and around Wynyard.

- 6.2 In late 2009 it became apparent that the mixed use regeneration site at Victoria Harbour was not going to deliver in the short to medium term any significant housing numbers, the landowners favouring the development of the site for port-related development. The strategy based on the reuse of brownfield land and more particularly on Victoria Harbour was therefore seriously weakened.
- 6.3 Assessment of alternative large brownfield regeneration sites indicated that there were few viable large brownfield sites within the built-up area to replace Victoria Harbour as a housing site.
- 6.4 A number of smaller potential sites including the former Magnesia Works at Old Cemetery Road could contribute to some extent but not in sufficient numbers on which to base a viable and robust strategy. Clearly the option based on compact urban growth through the development of mixed-use regeneration areas on brownfield land is no longer tenable.

7. THE LOCATION OF FUTURE HOUSING LAND

- 7.1 The RSS requirement is to provide land for 6730 units between 2004 and 2024. To date only 1142 dwellings have been built and only about 2100 have current planning permission or are readily available for development under the 2006 Local Plan policies. There is therefore a requirement to identify alternative locations to meet the outstanding need and to replace the originally anticipated allocations at Victoria Harbour.
- 7.2 The options to provide sufficient housing land have included consideration of:
- the western expansion of the town beyond existing limits;
 - the expansion of the villages; and
 - the development of Wynyard Park as a Mixed Use site including housing
- 7.3 The strategy now preferred is to allow a western expansion of the town into greenfield land along the existing boundary of the built up area of the town. This would assist in:
- providing a range and choice of locations,
 - consolidating and integrating the existing and extended built up areas.
 - the planning and implementation of infrastructure, housing and community facilities according to clearly defined locations and principles.
- 7.4 The expansion of the villages, other than at a very limited scale, is not considered feasible without substantial change in their character. Consequently only a very limited number of sites in the villages are suggested together with a small element of executive housing at the western end of Wynyard Woods.

- 7.5 An executive housing site at Tunstall Farm is suggested to help satisfy the need to provide a range and choice of locations.
- 7.6 The potential for various forms of development, other than the permitted business park use, at Wynyard Park has been considered at some length, including consideration of the means by which the RSS Key Employment Location policy is respected and delivered. It is concluded that any form of development incorporating large scale housing development, even if accompanied by employment and community facilities, would not be seen as sustainable an option as that involving the western expansion referred to above, largely due to locational considerations and physical and functional relationships with the town of Hartlepool.
- 7.7 The Preferred Option is to create sustainable residential communities throughout the Borough by providing a mix and balance of good quality housing of all types in line with the evidence from the Strategic Housing Market Assessments and ongoing monitoring. The use of greenfield land whilst in many respects regrettable does give the opportunity for strategic Green Wedges to be planned from an early stage.
- 7.8 The future supply of new housing in the Borough between 2009 and 2026 is set out below:

Housing Site Source	Approximate Additional Dwellings
Existing Planning Permissions	2,100
Urban SHLAA Sites	1,250
Claxton	2,220
Brierton	300
Quarry Farm	300
Eaglesfield Road	250
Upper Warren	150
Wynyard Woods West	100
Tunstall Farm	60
Villages	40
Total Dwelling Delivery	6,770

8. TOWN CENTRE ISSUES

- 8.1 Evidence from the Hartlepool Retail Study 2009 strongly advises that robust policies be in place to protect the town centre and that retail and commercial developments be concentrated in a tightly defined area of the town centre and limited edge of centre sites which are easily accessible by foot from the town centre. In view of the need to consider the future of the Mill House area this leisure area is to be incorporated within the town centre boundary.
- 8.2 The Preferred option is to continue to protect the town centre to ensure its vitality and viability.

9. MINIMISING AND ADAPTING TO CLIMATE CHANGE

- 9.1 The Core Strategy must take account of the serious threat which Climate Change will pose. Policies need to be in place to help reduce the carbon footprint of new development and minimise the effects of Climate Change. Some of the problems associated with Climate Change could be reflected in coastal flooding and erosion linked to sea level rise, changes in agriculture and wildlife and plant habitats that will result in changes to flora and fauna.
- 9.2 The Council's preferred options is to work with partners at the strategic level to facilitate action to reduce the Borough's impact on climate change and to plan proactively for adapting to the effects of climate change.

10. EMPLOYMENT LAND

- 10.1 The RSS specifically identifies Wynyard as a Key Employment Location of approximately 200 hectares.
- 10.2 The 2008 Employment Land Review (ELR) indicates that there is an oversupply of industrial premises within Hartlepool and so there is some flexibility in reusing some employment land for other purposes including residential development.
- 10.3 The preferred option is to protect the Key Employment Location sites and existing viable employment land from non-employment uses. In the case of Victoria Harbour it is recognised that the land will be reserved for port related uses.
- 10.4 The Core Strategy will need to identify that Hartlepool has been put forward by Central Government as a possible location for a new Nuclear Power Station

11. Provision of Community Facilities

- 11.1 The Core Strategy should facilitate the delivery of improved infrastructure including highways, sewage treatment and the related network of infrastructure, green spaces, play areas, community facilities including schools, leisure facilities and community centres.
- 11.2 It is generally expected that developers will mitigate or compensate for the impact of their proposals by way of 'Planning Obligations'.
- 11.3 The Preferred Option is the use of Section 106 Legal Agreements to ensure developers contribute towards the provision of infrastructure and facilities.
- 11.4 Developments that are likely to generate an increased demand for school places will need to contribute towards expanding existing education facilities. If the proposed urban extension at Claxton is developed discussions will need to take place at an early stage in the planning process to ascertain whether it will be necessary to provide new educational facilities.

12. TOURISM

12.1 Future major leisure and tourism developments in Hartlepool will be expected to locate within the town centre or the Marina. However there are two other areas in the town where such developments could be located depending upon their scale and nature:

- Headland: appropriate for tourism-related projects related to its historic and cultural heritage;
- Seaton Carew: appropriate for sea-side and nature based recreational and leisure facilities

13. LEISURE

13.1 The Core Strategy should put in place a policy framework to develop further leisure provision in the future, ensuring Hartlepool is a regionally significant visitor destination.

14. GREEN SPACES

14.1 The Preferred Option is to safeguard the green infrastructure from inappropriate development and to actively improve the quantity and quality of parks, green corridors and recreation and leisure facilities across the Borough in line with the findings and recommendations from the PPG 17 Audit and Assessment and the strategic objectives of the Tees Valley Green Infrastructure Strategy. It should also enhance Local Wildlife sites and Green Infrastructure throughout the Borough.

15. TRANSPORT

15.1 The Preferred Options Report seeks to reduce traffic congestion whilst increasing sustainable methods of transport including accessibility for cyclists and pedestrians.

15.2 One particular area of concern on the network is the A19 and A689 junction which, despite being outside of Hartlepool's boundary, is a key point on the network on which all future developments, especially in the south of the Borough, are likely to impact. The Report recognises the need to pursue a package of works to improve the capacity of this part of the network (on both sides of the Borough boundaries) with the relevant authorities.

15.3 The identification of Claxton as a future housing area will require a high standard access through the site. This may give the opportunity in the long term to create a major distributor road to run along the western fringe of the town between the A689 in the south and the A179. This could help to relieve traffic congestion in the longer term on the road network in Hartlepool, especially the A19/A689 junction and Catcote Road. Such a scheme would need to undergo detailed traffic modelling and would be subject to availability of funding.

16. THE NEXT STAGES

16.1 The Preferred Options Report, its accompanying Sustainability Appraisal Report and the Habitats Regulations Assessment are being made available for consultation purposes for a period of eight weeks from 29th January to the 26th March 2010. The consultation will be undertaken in accordance with the

adopted Statement of Community Involvement. Comments received will then be considered, and, in the context of further Sustainability Appraisal, a draft Core Strategy Document will be prepared having regard to any comments received.

17. RECOMMENDATION

- 17.1 To note that the Preferred Options Report of the Hartlepool Core Strategy, subject to the decision of Cabinet on 25 January 2010, is available for public consultation between 29 January and 26 March 2010.

18. CONTACT OFFICER

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