

PLANNING COMMITTEE AGENDA



Wednesday, 19 May 2010

at 10.00 am

in the Council Chamber, Civic Centre, Hartlepool

MEMBERS OF PLANNING COMMITTEE:

Councillors R. Cook, Cranney, Fleet, Griffin, Laffey, G Lilley, London, J Marshall, McKenna, Morris, Plant, Richardson 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 28 April 2010 (*to follow*)

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Director of Regeneration and Neighbourhoods*

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|----|-------------|---|
| 1. | H/2008/0001 | Brierton Moorhouse Farm, Dalton Back Lane, Hartlepool |
| 2. | H/2010/0151 | North Hart Farm Butts Lane Hartlepool |
| 3. | H/2010/0122 | 21 Clarkson Court, Hartlepool |
| 4. | H/2010/0191 | Land Adjacent To Hartfields Retirement Village |
| 5. | H/2010/0170 | Piercy Farm, Dalton Piercy, Hartlepool |

- 4.2 Update on Current Complaints – *Director of Regeneration and Neighbourhoods*
- 4.3 Update Of Performance Against Best Value Indicators – *Director of Regeneration and Neighbourhoods*
- 4.4 Appeal Ref App/H0724/A/10/2125994/NWF: H/2009/0710 Use of premises as a takeaw ay (A5 Use) operating betw een the hours of: Sunday to Wednesday 8.00 - 24 hrs and Thursday, Friday & Saturday 8.00 - 3.00 hrs. Sopranos, 93 York Road, Hartlepool TS24 9PB – *Director of Regeneration and Neighbourhoods*
- 4.5 Appeal By Mr K Napper Appeal Ref: App/H0724/D/10/2123401 Site At:10 Northw old Close, Hartlepool, TS25 2LP – *Director of Regeneration and Neighbourhoods*
- 4.6 Appeal By Mr L Pennick, Tail End Fisheries, Church Street, Seaton Carew , Hartlepool – *Director of Regeneration and Neighbourhoods*
- 4.7 Application To Register Land At Hart Village As A Village Green - *Chief Solicitor & Director of Regeneration and Neighbourhoods*
- 4.8 Application To Register Land At Spencer Grove And Dickens Grove As A Village Green - *Chief Solicitor & Director of Regeneration and Neighbourhoods*

5 FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting w ill take place at 9.30 am on the morning of the next Planning Committee (date to be confirmed)

Next Scheduled Meeting – To be confirmed

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

28 April 2010

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

Present:

Councillor: Rob W Cook (In the Chair)

Councillors: Shaun Cook, Kevin Cranney, Mary Fleet, Sheila Griffin, Geoff Lilley, Frances London, George Morris, Carl Richardson and Edna Wright.

In accordance with Council Procedure Rule 4.2 (ii), Councillor David Young was in attendance as substitute for Councillor Pauline Laffey, Councillor John Coward was in attendance as substitute for Councillor Chris McKenna and Councillor Alison Lilley was in attendance as substitute for Councillor Stephen Allison.

Also in attendance:

Councillor Caroline Barker

Officers: Antony Steinberg, Economic Development Manager
Richard Teece, Development Control Manager
Chris Pipe, Principal Planning Officer
Jim Ferguson, Senior Planning Officer
Peter Graves, Townscape Heritage Initiative Manager
Kate Watchorn, Solicitor
Angela Hunter, Principal Democratic Services Officer

142. Chair's Announcements

Members were informed that the following items were withdrawn from the agenda pending further information:

Item 6 - H/2008/0001 – Brierton Moorhouse Farm, Dalton Back Lane
Item 7 – H/2010/0151 – North Farm, Butts Lane

In addition, to enable Members to attend the Workers Memorial Day Service at 12.30pm in Church Square, the Chair announced he would adjourn the meeting at 12 noon and reconvene at 2.00pm.

143. Apologies for Absence

Apologies for absence were received from Councillors Stephen Allison, Pauline Laffey, Chris McKenna and Michelle Plant.

144. Declarations of interest by Members

None.

145. Confirmation of the minutes of the meeting held on 31 March 2010.

Confirmed.

146. Planning Applications *(Director of Regeneration and Neighbourhoods)*

Number: H/2010/0105

Applicant: MR K HALL, PEEL HOUSE, MAIN STREET, PONTELAND

Agent: MR K HALL, BELLWAY HOMES (NE) LTD, PEEL HOUSE, MAIN STREET, PONTELAND

Date received: 02/03/2010

Development: Residential development comprising the erection of 19 houses and garages (amendment to previously approved scheme for 13 houses)

Location: LAND AT AREA 6/7 MERLIN WAY, HARTLEPOOL

Decision: **Planning Permission Approved subject to the following conditions**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Notwithstanding the submitted details: 1) the external finishing materials ; 2) walls, fences and other means of enclosure; 3) the finished floor levels; 4) method for disposal of surface water land drainage; and 5) provision of retaining walls shall be in accordance with final details to be submitted to and approved 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 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.
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), 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.
5. 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.
6. 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.

The Committee considered representations in relation to this matter.

Number: H/2010/0124

Applicant: TDSOB Rugby Club, WILTSHIRE WAY, HARTLEPOOL

Agent: Mr A Thomas, 23 Thetford Road, HARTLEPOOL

Date received: 01/03/2010

Development: Temporary use as a caravan/motor home site for the duration of the Tall Ships Race event 2010.

Location: TDSOB Rugby Club, WILTSHIRE WAY, HARTLEPOOL

Decision: **Planning Permission Approved subject to the following conditions**

CONDITIONS AND REASONS

1. The hereby approved use shall relate to the accommodation of up to 300 caravans only and shall be carried out between 7 and 11 August 2010 and at no other time.
The use is not considered suitable as a permanent use of the land.
2. The land to which this permission relates shall be restored to its former condition and the temporary sanitary facilities shall be removed from the site within 1 week from the cessation of the use, unless otherwise agreed in writing by the Local Planning Authority.
The facilities are not considered suitable as a permanent use of the land.
3. The pitches numbered 300 - 370 as indicated on the layout plan received on the 1st March 2010 shall be used for car parking for the duration of the hereby approved use.
In the interests of the amenities of the occupants of neighbouring properties and highway safety.
4. The watercourse along the eastern edge of the site shall be kept clear and its flows shall not be disturbed for the duration of the hereby approved use.
To prevent pollution of the water environment.
5. For the avoidance of doubt no trees shall be removed from the site.
In the interest of visual amenity.
6. There shall be no burying on the site of waste or any other materials.
In the interests of the amenities of the occupants of neighbouring properties and to avoid potential contamination of the site.

The Committee considered representations in relation to this matter

Number: H/2010/0106

Applicant: CLEVELAND COLLEGE OF ART AND DESIGN,
MR DAVID LAWTON, GREEN LANE,
MIDDLESBROUGH

Agent: Niven Architects, Mr Adrian Williams, 41 Conisdiffe Road,
Darlington

Date received: 18/02/2010

Development: Listed building consent for alterations to entrance to the
Archive Building, new link corridor to the rear of the
building and internal alterations

Location: LEADBITTER AND ARCHIVE BUILDINGS, STOCKTON
STREET, HARTLEPOOL

Decision: **Listed Building Consent Approved subject to no
alteration/works to the Upper Church Street entrance
to the Archive Building and the following conditions**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (778_9001, 778_1003A, 778_2003A, 778_3001) and details received by the Local Planning Authority on 18th February 2010 as amended by the plans (778_1001C, 778_1002C, 778_2001C, 778_2002C, 778_4001A, 778_4002) received at the Local Planning Authority on 24th March 2010 unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt this does not include the alterations to the entrance onto Upper Church Street as precluded by condition 13 below.
For the avoidance of doubt.
3. Notwithstanding the details submitted, unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of work on the link extension on the east elevation of the building the following matters shall be addressed: 1) Samples of the proposed external building materials of the link extension shall be submitted to and approved in writing by the Local Planning Authority thereafter a sample panel of one square metre of walling using the approved materials shall be constructed on the site and approved in writing by the Local Planning Authority; 2) The mortar of the external walling shall consist of a lime base mortar to a specification first agreed in writing by the Local Planning Authority; 3) Prior to the installation of the door, windows, window and door mouldings, details of the door, and samples and section of proposed window and door mouldings shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter proceed in accordance with the approved details.
In the interests of the character and appearance of the listed building.
4. Notwithstanding the submitted details, unless otherwise agreed in writing with the Local Planning Authority prior to the removal of the external wall, to the south east corner of the site, the proposed method of removal, proposed remedial works and final treatment of the walls of the building(s) shall be submitted to and agreed in writing with the Local Planning Authority, the works shall thereafter proceed in accordance with the approved details.
The wall supports to the south east corner of the buildings and the final treatment of this section, must be agreed in the interests of the character, appearance and stability of the listed building.
5. Unless otherwise agreed in writing with the Local Planning Authority before any individual part of the external alterations is commenced details of all respective external finishing materials shall be submitted to and approved in writing by the Local Planning Authority, samples of the desired materials shall be provided where required by the Local Planning Authority for this purpose. The materials used on the relevant part of the development shall thereafter be in accordance with the approved materials.
In the interests of the character and appearance of the listed building and the conservation area.
6. Notwithstanding the details submitted, unless otherwise agreed in writing with the Local Planning Authority, the treatment of the ground floor windows and door in the south east corner of the site, currently screened by the wall

referred to in condition 4, shall be agreed in writing by the Local Planning Authority prior to the commencement of any works which directly affect them. The works shall thereafter proceed in accordance with the approved details.

In the interests of the character and appearance of the listed building and the conservation area.

7. Notwithstanding the submitted details, unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of any works directly affecting the planter wall, in the south east corner of the site, the proposed final treatment of the wall shall be submitted to and agreed in writing with the Local Planning Authority. The works shall thereafter proceed in accordance with the agreed details.

In the interests of the character and appearance of the listed building and the conservation area.

8. Notwithstanding the details submitted, unless otherwise agreed in writing with the Local Planning Authority, skirting, door mouldings, plaster cornice mouldings shall match the existing. For the avoidance of doubt where the continuity of these features is affected by the works, for example by the removal of a wall between two rooms, the area affected shall be restored, i.e. any resulting gaps filled, accordingly with matching skirting, door mouldings, plaster cornice mouldings to match those of the room/area in which they are located.

In the interests of the character and appearance of the listed building.

9. Notwithstanding the details submitted, unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of work on the new lift further details showing the precise location of the lift relative to the adjacent building features (including cornices and timber panelling), and a method statement detailing how these features shall be protected for the duration of the works, shall be submitted to and agreed in writing with the Local Planning Authority. The works shall thereafter proceed in accordance with the agreed details.

In the interests of the character and appearance of the listed building.

10. Notwithstanding the details submitted, unless otherwise agreed in writing with the Local Planning Authority, prior to the installation of the new set of double doors, between room 107 and the lobby, details of the doors including door frames and mouldings shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter proceed in accordance with the approved details.

In the interests of the character and appearance of the listed building.

11. Notwithstanding the details submitted, unless otherwise agreed in writing by the Local Planning Authority, details of all new and replacement doors, including frames and mouldings, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The doors shall thereafter be in accordance with the approved details.

In the interests of the character and appearance of the listed building.

12. Notwithstanding the submitted details, unless otherwise agreed in writing by the Local Planning Authority, the extent, location and details of proposed suspended ceilings, shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation. The ceilings installed thereafter

shall be in accordance with the approved details.

In the interests of the character and appearance of the listed building.

13. For the avoidance of doubt this permission does not permit the proposed alterations/works to the Upper Church Street entrance to the Archive Building. The entrance as proposed is not considered acceptable in terms of the character and appearance of the listed building and Church Street conservation area.

The Committee considered representations in relation to this matter

147. Adjournment of Meeting

The Chair adjourned the meeting to enable Members to attend the Workers Memorial Day Service at 12.30pm. The meeting was to reconvene at 2.00 pm.

The meeting stood adjourned at 12.00 noon

The meeting reconvened at 2.00 pm in Committee Room B, Civic Centre, Hartlepool

Present:

Chairman: Councillor Rob W Cook

Councillors: Mary Fleet, Sheila Griffin, Alison Lilley, Geoff Lilley, Frances London, George Morris and David Young.

In accordance with Council Procedure Rule 4.2 (ii), Councillor David Young was in attendance as substitute for Councillor Pauline Laffey, Councillor John Coward was in attendance as substitute for Councillor Chris McKenna and Councillor Alison Lilley was in attendance as substitute for Councillor Stephen Allison.

Officers: Antony Steinberg, Economic Development Manager
Richard Teece, Development Control Manager
Jim Ferguson, Senior Planning Officer
Kate Watchorn, Solicitor
Angela Hunter, Principal Democratic Services Officer

148. Planning Applications *(Director of Regeneration and Neighbourhoods)*

Number: H/2010/0068

Applicant: Mr Simon Hamilton, UK Steel Enterprise Ltd

Agent: P+HS Architects, Mr Adrian Evans

Date received: 10/02/2010

Development: Erection of three storey innovation centre building with associated parking and landscaping

Location: HARTLEPOOL INNOVATION CENTRE, QUEENS MEADOW BUSINESS PARK, STOCKTON ROAD, HARTLEPOOL

Decision: **Minded to approve planning permission however due to outstanding publicity Members delegated the final decision to the Development Control Manager in consultation with the Chair of the Planning Committee**

Number: H/2010/0186

Applicant: Director of Child and Adult Services, CIVIC CENTRE HARTLEPOOL

Agent: Head Of Property, Leadbitter Buildings, Stockton Street, HARTLEPOOL

Date received: 23/03/2010

Development: Revised application for the erection of primary school, nursery and associated works including car parking, drop off facilities, CCTV, landscaping, sports fields and multi use games area

Location: LAND AT JESMOND GARDENS/CHESTER ROAD HARTLEPOOL

Decision: **Minded to approve planning permission however due to outstanding publicity Members delegated the final decision to the Development Control Manager in consultation with the Chair of the Planning Committee**

149. Update on Current Complaints *(Director of Regeneration and Neighbourhoods)*

The Development Control Manager drew Members' attention to 21 ongoing investigations. Members were asked to note that the vast majority of complaints received were resolved without the need for formal action and the performance management information in relation to the processing of complaints would be presented to a future meeting.

Decision

Members noted the report.

150. Appeal by Mr Tom Wilson, Briar Court, 59 Hutton Avenue, Hartlepool, TS26 9PW *(Director of Regeneration and Neighbourhoods)*

Members were advised that a planning appeal had been lodged against the refusal of Hartlepool Borough Council to allow alterations and erection of part single and part two storey extensions to side and rear to provide day room and two new bedrooms and internal alterations to update ensuite facilities to some existing bedrooms at Briar Court, 59 Hutton Avenue.

The appeal was to be determined by the written representations procedure and authority was therefore requested to contest the appeal.

Decision

Authority to contest the appeal was given.

151. Appeal by Easy Skips, Thomlinson Road, Hartlepool, (H/2009/0689) *(Director of Regeneration and Neighbourhoods)*

Members were advised that a planning appeal had been lodged against the refusal of Hartlepool Borough Council for the variation of condition 3 of planning permission H/2006/0394 to allow the height of the stockpiles on site to extend to maximum height of 6 metres at Easy Skips, Thomlinson Road.

The appeal was to be determined by the written representations procedure and authority was therefore requested to contest the appeal.

Decision

Authority to contest the appeal was given.

152. Any Other Business – Residential Development at the University Hospital of Hartlepool Holdforth Road (H/2009/0374)

The Development Control Manager referred to an application for the above which Members had previously resolved should be approved

subject to conditions and amongst other things a legal agreement. Members' approval was sought to amend conditions and or reasons 2, 3 and 6. To reflect the correct reason for the condition (2) to allow some flexibility for alternative replacement parking facilities (6) and flexibility for occupiers to change doors and windows in the future (3).

Decision

The amendments to conditions/reasons 2, 3 and 6 of the above application was approved.

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

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

Minute 154 – Enforcement Action – Nelson Farm – *Director of Regeneration and Neighbourhoods* (Para 5 – namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and para 6 – namely information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

154. Enforcement Action – Nelson Farm (*Director of Regeneration and Neighbourhoods*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6).

The Development Control Manager presented a report which sought Members approval to enforcement action should this be required in respect Nelson Farm.

Decision

Details of the decision can be found in the exempt section of the minutes.

155. Chair's announcements

As this was the last meeting of the Committee prior to the forthcoming local elections, the Chair, Councillor Rob W Cook wished to pass on his thanks and gratitude to all Members of the Committee and officers involved for their hard work and commitment throughout the year.

The meeting concluded at 2.55 pm.

CHAIR

No: 1
Number: H/2008/0001
Applicant: Mr Terry Bates 7 Brinkburn Court Hartlepool TS25 5TF
Agent: BIG-Interiors Ltd. Mr Ian Cushlow 73 Church Street
Hartlepool TS24 7DN
Date valid: 07/03/2008
Development: Provision of a touring caravan and camping site with
associated amenity facilities
Location: BRIERTON MOORHOUSE FARM DALTON BACK LANE
HARTLEPOOL

Background

1.1 This application was withdrawn from the agenda of the last committee as matters were outstanding.

1.2 This application was originally considered at the Planning Committee of 11th June 2008 (**attached**) members were minded to approve the application “subject, to the satisfactory conclusion of discussions about the handling of surface water and sewage at the site, the completion of a legal agreement under section 106 of the Planning Act to ensure adequate sightlines are maintained at the main access to the site and that Tees Forest planting is secured during the lifetime of the development and conditions. (Members should note the conditions were amended at Committee from those proposed in the original report and also subsequently in the later delegated report described below (also **attached**)). However a final decision was delegated to the Development Control Manager in consultation with the Chair of the Planning Committee.

1.3 Discussion in relation to foul and surface water were subsequently concluded and it was considered that these matters can be conditioned. After further consultation with Traffic & Transportation & the Highways Agency the safe route condition was amended. A delegated report (**attached**) was therefore prepared for the Chair of the Planning Committee who again was minded to approve the application subject to the completion of a legal agreement under section 106 of the Planning Act to ensure adequate sightlines are maintained at the main access to the site and that Tees Forest planting is secured during the lifetime of the development.

1.4 In terms of the original plans the visibility splays at the access crossed the land of neighbouring landowners and therefore these parties needed to be party to the legal agreement to ensure the splays were maintained. In subsequent negotiations between the applicant and the neighbouring landowners however, one landowner was agreeable to enter into the agreement the landowner of land to the south however was not. The legal agreement and therefore the application could not therefore progress on the basis of the original plans.

1.5 In subsequent discussions it became apparent that there was also a dispute in relation to the precise location of the boundaries of the applicant's and the southern neighbouring landowners, holdings. In order to address these issues the applicant

met with the owner of the land to the south “to discuss and agree the area of land of which the ownership is in dispute”. Following these discussions he has submitted an amended plan relating to the access track as it approaches the Dalton Back Lane and the access onto the same which excludes the disputed land.

The amendment for consideration

1.6 The amended plans show a reduced access track width of 5.5m to 5.8m (originally 6m) and visibility splay of 3.5m x 90 (originally 4.5m x 90m) to that originally proposed. The plans identify what the applicant considers as “the area of land of which the ownership is in dispute” and show that the amended access arrangements can be accommodated without incursion into this land.

Publicity

1.7 The amendment plans have been advertised by neighbour notification (22). The time period for representations has expired.

1.8 Four responses were received, one letter of no objection from the owners of the land to the north of the access and three letters of objection.

1.9 Two of the letters of objection are from the owners of the land over which ownership is disputed to the south of the access and their agent. Notwithstanding the amended plans they maintain that they have not agreed to the plans and that their land is still being used.

1.10 One objector raises concerns that Dalton Back Lane is too narrow for caravans and its use by caravans will lead to accidents and caravans leaving the A19 for Dalton would be dangerous. The peaceful road would be a death trap.

Copy letters F

Consultations

1.11 The following consultation responses have been received in relation to the amended plans.

Greatham Parish Council : No comments received.

Dalton Parish Council : The Parish Council has always had reservations about the site including the proposed access plans from some two years ago. It appears that because of the "dispute" over land being released that the entrance will be even smaller. The PC state again that they do not believe the area is conducive to safe roads and this proposal will not make it easier to enter and leave the site. They also reiterate that the road had national speed limits on it which they also consider to be far too high for the road's situation. The PC also raises concerns about the drainage system that will be "in place" on site and the threat to local water courses which are a supply for farms in the region. When Northumbrian Water were contacted to seek their views and opinions it appeared that they knew nothing of the proposals for the site's development.

Traffic & Transportation : No objections.

Highways Agency : No comments received.

Policy

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

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

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

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.

Rur1: States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

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

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

To10: States that proposals for touring caravan sites will only be approved where they do not intrude into the landscape and subject to highway capacity considerations, the provision of substantial landscaping and availability of adequate sewage disposal facilities.

Planning Considerations

1.12 Members have previously resolved that they are minded to approve the application and the matter now before members are the amendments proposed to the access.

1.13 The amendments have been submitted to address the issue of disputed land ownership. However the neighbouring landowner, to the south, continues to maintain that their land is being used.

1.14 This matter is currently being clarified and an update report will follow.

RECOMMENDATION: UPDATE report to follow.

Planning Committee – 11 June 2008

4.1

No: 1
Number: H/2008/0001
Applicant: Mr Terry Bates 7 Brinkburn Court Hartlepool TS25 5TF
Agent: BIG-Interiors Ltd. Mr Ian Cushlow 73 Church Street
 Hartlepool TS24 7DN
Date valid: 07/03/2008
Development: Provision of a touring caravan and camping site with
 associated amenity facilities
Location: BRIERTON MOORHOUSE FARM DALTON BACK LANE
 HARTLEPOOL

The Application and Site

1.1 The application site is an agricultural holding located in open countryside on the west side of Dalton Back Lane. At the eastern end of the unit a large brick built agricultural building has recently been erected (H/2007/0098). The holding once formed part of a larger unit which has since been subdivided into three. The eastern portion of the land is now in separate ownership and benefits from permission for a livery stable and the siting of a caravan associated with the livery enterprise (H/2995/5320 & H/2007/0663). The land to the north east again is now in separate ownership and benefits from planning permission for livery stables and a caravan associated with the livery enterprise (H/2006/0573 & H/2007/0663).

1.2 Planning permission is sought for the provision of a touring caravan and camping site with associated amenity facilities. The site will operate between March and November inclusive. The site is located at the western end of the holding. The plans have been amended to allow for site licensing requirements and show 157 grass caravan pitches (though the accompanying statement refers to approximately 180) with a camping area located in the south west corner of the site. In the northern part of the site a children's adventure playground and picnic area will be provided. A licensed clubhouse with shop, office, reception area, soft play area, kitchen and toilets will be provided close to the entrance of the site. Three toilet/shower blocks including laundry, washing up areas and plant rooms will be provided within the site. A sewage treatment plant with discharge to the adjacent water course, refuse cycling areas and access roads will also be provided within the site. The area around the site will be landscaped with a 5m wide tree planting strip provided to the east and west boundaries and a 3m wide tree planting strip to the northern boundary, a tree planting strip will also be provided to the southern boundary to reinforce existing planting on this side. The buildings will have a tiled roof with brick and timber clad walls. Access to the site will be taken from Dalton Back Lane via an upgraded access track which will allow vehicles to pass. The entrance onto Dalton Back Lane will also be improved with an industrial crossing provided.

Other Relevant Planning History

1.3 An application for a quad and motor cycle track on land to the east of the application site was refused in July 2006 for the following reasons. "It is considered that the proposed development would by its nature lead to an increase in noise and

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general disturbance to the detriment of the amenities of the occupiers of nearby farms and the well being of animals there contrary to policies GEP1 and Rur16 of the adopted Hartlepool Local Plan 2006". (H/2006/0311).

Publicity

1.4 The application has been advertised by neighbour notification (11), site notice and in the press.

1.5 At the time of writing, one letter of support, one letter of no objection, six letters of objection and a petition signed by 172 people had been received.

1.6 The persons objecting raise the following concerns

- i) Already a caravan park nearby. One writer raises concerns that they have recently made a considerable investment in their own caravan site nearby. They ask whether it would be better to wait and see if the area warrants another site.
- ii) Concerns that property is being split into small plots, if permission is granted plots might be sold off and static caravans put on each plot.
- iii) Visible from road, intrusion, detrimental, spoiling countryside for visiting tourists.
- iv) Will the site be sold on or the business developed by the applicant?
- v) In open farmland such a massive development will destroy the character of the area and urbanise the countryside.
- vi) Impact on wildlife.
- vii) The tree screen will not screen the caravans as the site is on a hillside.
- viii) The watercourse into which digested sewage will be discharged is a drainage ditch which runs dry in the summer and can be dry for nine months of the year. The site will therefore have an open sewer to the southern boundary.
- ix) Concerns at the piecemeal permissions/proposals for low quality buildings in this area which threaten the character of the open countryside. This is not farm diversification as the applications are all consuming farmland. Contrary to national policies which seek to protect the countryside from proliferation of sporadic development.
- x) Recent housing and industrial developments mean that open countryside is diminished and at a premium.
- xi) Proposals will set a precedent threatening open countryside around Hartlepool.
- xii) The land is moorland and must not be developed and should be used for agricultural purposes only.
- xiii) If planning permission were granted it would be extremely detrimental for the surrounding villages and Hartlepool. It would be very costly for Hartlepool Council to enforce and monitor the proper use of the caravan site.
- xiv) Highway safety increase in traffic and pedestrians will be detrimental to safety. The road is narrow, too narrow for use by caravans, with a 60mph speed limit and a number of dangerous blind corners. There is too much traffic on the road already. There have been a number of fatalities on the

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road. The road is used on a daily basis by wagons from the farms, neighbouring businesses, livery yards, saddle and Pony clubs and overflow from the A19 on occasion. It is frequently used by walkers, joggers, cyclists, horse riders and adding more traffic (especially towing caravans) would create great danger.

- xv) Noise during the day but also at night with the club and general outdoor activities.
- xvi) In the last few years the agricultural land has been divided into sections and had various developments at the expense of the beauty of the idyllic countryside.
- xvii) Concerns Hartlepool might be target for travellers, which will be costly for all.
- xviii) Large caravan site would be out of keeping with the area, incompatible with its rural surroundings and contrary to Local Plan policies.
- xi x) The buildings might be designed to compliment the area but the caravans will be intrusive.
- xx) No need for caravan site here. No local attractions etc or accessible footpaths.
- xxi) Not farm or agricultural diversification as the applicant is not involved in any farming or agricultural activities.
- xxii) Noise, disturbance, littering and trespass.
- xxiii) No opening hours specified, if the site intended for tourism it would normally be closed 3 months a year especially as caravan plots are not hardstandings.
- xxiv) No supervision indicated.
- xxv) Concerned if commercial vehicles associated with touring caravans allowed on to the site.
- xxvi) Concerned if any night-time lighting detrimental to local biodiversity.
- xxvii) The proposal is contrary to policies To10, Rur7 and Rur 16 of the Hartlepool Local Plan.
- xxviii) No Environmental Impact Assessment has been submitted. Concerns at the impact of competing uses which take place on Dalton Back Lane, joggers, horses walkers, farm traffic.

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The time period for representations has expired.

Consultations

1.7 The following consultation replies have been received:

Economic Development – Support the proposal as it adds to the variety of visitor accommodation improving the Hartlepool offer which will assist in the growth of this key sector. At the same time the proposals will provide private sector investment and job creation.

Head of Public Protection - I would have no objections in principle to this application. I would however require conditions restricting the use of the function room in the amenity block to residents of the caravan site only. An hours restriction

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on the use of the function room to no later than midnight. I would also recommend a restriction on the formation of an outside drinking area and a condition prohibiting the playing of amplified music outside of the amenities building/function room.

Traffic & Transportation - Dalton Back Lane is a quiet road with very little traffic. It has very poor transport links and no footways along it. However the proposed development will have minimal impact on the nearby highway network.

The proposed industrial crossing onto Dalton Back Lane to be constructed by credited RASWA contractor.

The applicant has shown that vehicles can pass each other on the widen access road to the site.

A condition will be required that the promotional information will be required to show the desired safe routes in and out of the site onto the highway network in the interest of highway safety.

Another condition will be required to ensure that the sightlines are maintained in the interest of highway safety.

Greatham Parish Council - The council has many deep concerns about the number of developments that are appearing on this site in a small area of countryside. They cannot be compatible with the planning aspirations to balance rural economic development and protect the rural countryside. The developments around the farm are not farm diversification and it appears that there is now no farm at all! The businesses are merely stand alone and do nothing to enhance the rural landscape. With these points the council stress that the application cannot be viewed in isolation as it will dramatically alter the nature of the environment it is within. Though Highways appear to have no qualms with regard to access, the council must point out their concerns as the lane is unsuitable for the vehicles that will use the site in large numbers. It will be difficult to cross the dual carriageways at both ends of the lane, which we believe should have reduced speed limits, reduced from the current 60mph. There are crests in the back lane near the access point and several blind corners to boot. When traffic surveys were carried out were they done throughout the day? The high farm traffic associated with harvesting etc. will coincide with peak use of the caravan site. Further concerns are expressed with the longer term use of the site should it be given planning permission. Conditions should be in place so that only tourists are allowed and under no circumstances should statics be tolerated as that could lead to permanent buildings and full time occupation of those buildings. There is no mention of any landscaping being carried out and the council believes that should have a high priority in the conditions should the application be permitted. There is mention of a club house and bar facility. Who would use it? Could it be restricted to site users only and thus avoid the grave possibility of drink driving on a road that has seen several fatal accidents caused by such people who are irresponsible enough to drink and drive.

Dalton Piercy Parish Council - I write on behalf of the above Parish Council to express their concerns at the above planning application. Members of the public were also present who live near the site and their concerns are very similar. The

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application cannot be allowed to stand alone after several years of "rural" industrial development in the area, including livery stables, quad tracks and so on. All bring their own traffic on a daily basis and there seems to be more to follow as some have plans approved to increase their facilities. The possibility of 140 cars/caravans on the move fills most with horror. They may not all arrive and depart at the same time but all will be on a road that is only some 3 metres wide in places. All will be crossing dual carriageways at some point whichever route is taken. That is difficult enough in a car as was seen last week at the Dalton Lodge crossing! To attempt that with caravans is merely asking for trouble. There is very little signage on the road and this has been a constant request from the council that matters are improved, along with a consideration of a reduction in the speed limit on and around Dalton Back Lane, currently 60mph. The condition of the road leaves a lot to be desired with kerbs and ditches in a poor state of repair. How will they fair with increased traffic? It is reported that your department does not see any problems along the road with an increased level of use. When surveys were done were they during peak travel times when many use the lane as a short cut? Were they in the summer when increased agricultural traffic associated with harvest time would coincide with peak use of a proposed caravan site opening? It is a recipe for problems which the council hopes will occupy your minds before decisions are made and it is too late.

Tees Forest - The area falls within that of the Tees Forest project an area within which our partners are looking to increase tree cover for recreation and conservation purposes.

We have no reason to object to this proposal and note that there will be some tree planting within the development, we would however advocate that areas of land adjacent to the caravan site and hence outside of the limit of the development could be planted as part of the overall development possibly using an S106 agreement. My organisation could advise the developer on planting possibilities and offer access to Grant Aid from Forestry Commission.

Police - Make various recommendations in relation to crime prevention.

Hartlepool Water – Hartlepool Water has existing water mains in the Dalton Back Lane area, with small diameter service connections to individual properties. These are supplied via connection to a larger diameter main near Macrae Road that has adequate capacity to supply the proposed development. The anticipated water demand for the new development cannot be supplied through the existing mains from the Macrae Road connection to Dalton Back Lane, and these would require relaying over a 1.2km length and then extended along the Lane to the proposed site and incorporating suitable backflow prevention. We have not received an application for water supply from the developer.

Neighbourhood Services - There is a need for the owner to ensure that an appropriate trade waste agreement is in place prior to the opening of the site, together with the need to ensure access and egress points that would facilitate a 26 tonne refuse wagon without the need to reverse onto Dalton Back Lane. I am informed by colleagues that concerns in relation to these plans have been raised previously by resident representatives at the Central Neighbourhood Consultative

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Forum. These concerns relate specifically to the adverse impact that a sewerage system on this site would have on the Burn Valley Beck.

Environment Agency – The Environment Agency has no objections to the proposed development but advises that if planning permission is granted a planning condition be imposed with regard to surface water drainage. The site is at the head of a catchment prone to flooding down stream. We consider therefore, that surface water runoff should be attenuated to no more than existing rates so as not to cause or exacerbate flooding elsewhere. The applicant states that surface water will be discharged to a soakaway. The Agency would recommend that before planning permission is granted soakways are shown to be effective for the disposal of surface water from this site and, if not the applicant should be requested to resubmit amended proposals showing how he proposes to drain the site. It is therefore recommended that an appropriate assessment is carried out in accordance with BRG Digest 365. Under the terms of the Water Resources Act, the prior written consent of the Agency is required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. (Controlled Waters including rivers, streams, underground waters, reservoirs, estuaries and coastal waters).

National Grid - No objections

Highways Agency – The Highways Agency has considered the above proposals for a touring caravan site at the above location and has no objections in principal to the development subject to conditions. As previously identified there is a significant accident history at the A19/Dalton Back Lane/Red Lion Farm junction and at the A19/Elwick junctions to the north, and as you will appreciate given the poor safety record at the above locations, the Agency would like to ensure that the safety of all road users on the A19 Trunk Road is not further compromised at the above junctions as a result of development related activities in the area. The applicant has indicated to the Agency that it is their intention when promoting the site, that they will clearly indicate that all clients using the facilities would be directed to the A689 Dalton Back Lane junction and that all advertising booklets and brochures will have a clearly defined map indicating appropriate routes to the A19. The applicant has also indicated that they intend to put up appropriate signage on the exit of the farm/site that clearly indicates the A689 as the preferred safe route to the A19 Trunk Road. Please note that the Agency would not support the use of any directional signage intended to attract and promote the caravan park on the A19 trunk road.

Engineering Consultancy – I would request that contamination issues are considered and therefore my standard planning condition in relation to contamination is included.

The EA have covered issues in relation to storm water and foul water disposal within their response and therefore I would have no further comment.

Northumbrian Water – No objections.

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Planning Policy

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

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

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.

Rur1: States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

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

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

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To10: States that proposals for touring caravan sites will only be approved where they do not intrude into the landscape and subject to highway capacity considerations, the provision of substantial landscaping and availability of adequate sewage disposal facilities.

Planning Considerations

1.9 The main planning considerations are policy, impact of the development on the visual amenity of the area, impact on the neighbouring properties, flooding, ecology, drainage and highways.

Policy

1.10 The site lies in open countryside. Policy T010 Touring Caravan sites advises that proposals for touring caravan sites will only be approved where they are exceptionally well screened so as not to intrude visually into the landscape and provided that the surrounding road network is capable of accommodating the development, substantial landscaping is provided and adequate sewage disposal facilities are available. Policy Rur 7 advises that in determining applications for planning permission in the countryside amongst other things the following factors will be taken into account, relationship of the development to other buildings in terms of siting, size and colour, the visual impact on the landscape, the compatibility of the design of the development within its setting and the landscape generally, use of sympathetic materials, additional tree or hedge planting, adequacy of the sewage disposal arrangements and the adequacy of the road network.

Impact On The Visual Amenity Of The Area

1.11 Current Local Plan Policy advises that touring caravan sites will only be approved where they are exceptionally well screened so as not to intrude visually into the landscape and requires that substantial landscaping is provided.

1.12 The site lies within open countryside in an undulating landscape. It rises to its northern end and the land around the site rises to the north and south, it is gently undulating to the east and west. The main public viewpoints of the site are from a section of Dalton Back Lane, a section of the public footpath which crosses land to the south and west and from the A19. In terms of the latter a short section of the A19 can be glimpsed from the site, however given the distance, and the usual speed of the traffic, it is not considered that the site will register significantly to any driver passing the site.

1.13 The southern part of the site will be relatively well screened in views from Dalton Back Lane, which passes some 650m to the east, by the prevailing landform and the existing trees and hedgerows along and adjacent to the watercourse. As the site rises to the north it is more visible at distance from the road. In terms of the public footpath which passes the site to the south/west, views from the south will be from a high level and whilst some screening is afforded by trees lining the watercourse the site is visible from the public footpath as it passes to the south and west.

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1.14 It would be difficult to conclude therefore that the site is currently exceptional well screened, especially given the elevated views from the public footpath, however given the prevailing landform the distance of the site from the A19 and Dalton Back Lane nor is it considered that it is unduly prominent in the wider landscape.

1.15 The applicant's proposals include significant tree planting around the site with a 5m wide planting strip provided to the east west boundaries, a three metre wide strip to the northern end and additional landscaping to the southern boundary to reinforce the planting along the watercourse. The scheme has been assessed by the Landscape & Conservation Manager and is considered to be broadly acceptable subject to the planting of larger trees adjacent to the main building. A detailed landscaping scheme would be conditioned. Given the advice from Tees Forest there appears to be potential for more significant tree planting and this is being discussed with the applicant, and has been accepted in principle.

Impact On The Amenity Of Neighbouring Properties

1.16 The site is located in the countryside. It includes pitches for caravans and tents, a club house and amenity facilities and there is therefore potential for the residential neighbours to be affected. The closest residential neighbours are located on the holdings surrounding the site. These include Low Stodfold Farm some 483m to the west, West Pastures Farm some 302m to the east/south east. Also to the east and north east are the temporary caravans occupied by individuals seeking to establish livery businesses the closest of these is some 550m to the east. The Head of Public Protection has advised that he has no objection in principle to the application. He has however recommended conditions on the use of the function room, restricting outside drinking areas and prohibiting the playing of outside music. Given these comments and the separation distances involved it is not considered that the activities on the site will unduly affect the residential amenity of the occupiers of adjacent properties. The comings and goings of the vans along the access road may have some affect on the amenity of the occupiers of the caravans however these are not located directly adjacent to the road and given the intermittent nature of the activity it is not considered that these will significantly affect the amenity of the occupiers of these caravans.

1.17 In terms of the developments impact on the proper functioning of the surrounding farms and emerging livery businesses. The site is self-contained and with appropriate landscaping and enclosure it is considered any opportunity for accidental trespass from the site could be effectively limited. If trespass did occur then essentially this would be a legal matter for the landowners to resolve. It is not considered that the proposal would unduly affect the proper functioning of the adjacent enterprises.

Flooding

1.18 The site is adjacent to a watercourse and a small part of it to the south is identified in the Environment Agency floodmaps as within or adjacent to a floodzone. The applicant has provided a Flood Risk Assessment, which concludes that the use of the site is acceptable, and the use of the land bordering or within the flood zone is acceptable subject to a flood warning and evacuation plan.

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1.19 The application forms and plan indicate that surface water will be discharged to soakaways and watercourse, though the buildings also incorporate rainwater harvesting devices. The Environment Agency has no objections to the proposed development. They have pointed out however that the site is at the head of a catchment prone to flooding down stream and have advised that surface water runoff should be attenuated to no more than existing rates so as not to cause or exacerbate flooding elsewhere. They have advised that if planning permission is granted a planning condition be imposed with regard to surface water drainage and that the applicant should also demonstrate that the site is suitable for the use of soakaways. A suitable condition is proposed and the applicant has been asked to provide evidence that soakaways will work in this area.

Ecology

1.20 Concerns have been raised in relation to the impact of the development on the ecology of the area. The site consisting of rough grassland is of limited ecological interest and it is not considered that the use of the site will have significant ecological impacts in the area.

Drainage

1.21 The site is not served by mains drainage. The proposals for surface water drainage have been discussed in the section on flooding above. In terms of foul drainage the applicant is proposing to provide a package sewage treatment plant with outflow to the adjacent watercourse. The Environment Agency and the Engineering Consultancy have not raised objections to the proposals.

Highways

1.22 A number of objections have been received in relation to highway issues. The Traffic & Transportation Section have advised that the development would have minimal impact on the nearby highway network and have not raised objections to the proposal. They have requested conditions relating to access information on promotional literature and the maintenance of sightlines. The Highways Agency, which is concerned with the impacts on the strategic road network, have advised that they have no objections in principle to the development. Given the significant accident history at the A19/Dalton Back Lane/Red Lion Farm junction and at the A19/Elwick junctions to the north however they have requested conditions to seek to encourage clients to use their preferred safe routes to and from the site. An appropriate condition is proposed.

1.23 The applicant's proposals include improvement to the access point and the provision of a 6m wide access track. It is apparent however that the applicant no longer owns fields either side of the access and across which the visibility splay is in part achieved. In order that this can be secured it is proposed that any permission is subject to a legal agreement securing the provision and maintenance of the visibility splay.

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Conclusion

1.24 The proposal is considered acceptable in principle subject to confirmation of the extent of additional tree planting requested by Tees Forest, the confirmation that soakways are suitable on the site or another acceptable mechanism for the disposal of surface water arising from the site, the completion of an appropriate legal agreement securing the provision and maintenance of the entrance visibility splays. It is hoped these matters can be resolved before the Committee.

RECOMMENDATION – APPROVE subject to confirmation of the extent of additional tree planting requested by Tees Forest, the confirmation that soakways are suitable on the site or another acceptable mechanism for the disposal of surface water arising from the site, the completion of an appropriate legal agreement securing the provision and maintenance of the entrance visibility splays and the following conditions.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with plans and details received at the time the application was made valid on 7th March 2008 as amended in relation to the site layout by the drawing BIG/IC/TB/286-102C received at the Local Planning Authority on 10th April 2008, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
3. The touring caravan pitches (157) and the camping area shall be restricted to the area shown on the approved layout plan unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
4. Prior to its installation details of any play equipment to be installed in the childrens play area shall be submitted to and approved in writing by the Local Planning Authority.
In the interests of visual amenity.
5. Unless otherwise agreed in writing with the Local Planning Authority the amenities building shown on the submitted plans (incorporating the function room) shall only be open to the public between the hours of 07:00 and 24:00 on any given day.
In the interests of the amenities of the occupants of neighbouring properties.
6. The site including the amenities building and other facilities shown on the submitted plans shall only operate between the months of March to November inclusive in any year.
As indicated in the application and in the interests of visual amenity.
7. The bars and function room in the amenities building shown on the submitted plans shall only be open to residents of the caravan and camping site. The amenities building shall be used only in association with the caravan and camping site and shall not be used as an independent facility.
In the interests of the amenities of the occupants of neighbouring properties.
8. No beer gardens or outside drinking areas shall be provided in association with the amenities building.
In the interests of the amenities of the occupants of neighbouring properties.

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9. No amplified music shall be played or relayed outside of the amenities building.
10. In the interests of the amenities of the occupants of neighbouring properties. 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.
11. Details of the proposals for the disposal of surface water shall be submitted and approved by the Local Planning Authority prior to the commencement of development. A surface water drainage system shall be designed in accordance with the conclusions of the flood risk assessment, and agreed with the Local Planning Authority. The agreed system shall be fully installed before any impermeable surfaces designed to drain to that system are constructed.
12. To reduce the risk of flooding
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 for caravan related traffic using the A19 shall be as follows:
Arriving from the North - No restrictions
Departing to the North - Turn right onto Dalton Back Lane, turn right onto A689 to A19 junction.
Departing to the South - Turn right onto Dalton Back Lane, right turn onto A689 to A19 junction.
Arriving from the South - Leave A19 at A689, follow A689, turn left onto Dalton Back Lane.
To ensure that the A19 trunk road might continue to fulfil its purpose as part of 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.
13. Prior to the site being brought into use the access track and access onto Dalton Back Lane shall be improved in accordance with the approved details.

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- The 4.5m X 90m visibility splays indicated on the approved drawing shall thereafter be maintained at all times in accordance with the approved drawing. No object, building structure or enclosure, nor any part of the hedgerow, tree, bush or plant within the visibility splay shall be allowed to exceed one metre in height.
- In the interests of highway safety.
14. The development hereby approved shall be used as a touring caravan site and camping site only and under no circumstances for the siting of static caravans. Neither shall it be used for the storage of caravans.
In line with planning policies and in order to protect the visual amenity of the area.
 15. Unless otherwise agreed in writing with the Local Planning Authority the individual caravan pitches and associated car parking areas shall be retained in grass and no hardstandings shall be formed.
As stated in the application and in the interests of visual amenity.
 16. No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the visual amenity of the area.
 17. 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.
 18. Details of the construction of the access, access roads including surfacing materials shall be submitted to and approved by the Local Planning Authority before development commences.
In the interests of visual amenity and highway safety.
 19. 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.
 20. Prior to the commencement of development details of any excavation, leveling or earthworks proposed shall be submitted to and approved in writing by the Local Planning Authority.
In the interests of visual amenity.
 21. Notwithstanding the submitted details a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
 22. Any trees/shrubs required to be planted in association with the development hereby approved, and which are removed, die, are severely damaged, or become seriously diseased, shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted. All approved tree planting shall be retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.

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23. The details of provisions for supervision and any managers/staff accommodation shall be submitted to and approved in writing by the Local Planning Authority prior to the site being brought into use. In order to ensure these matters are clarified.
24. Prior to the commencement of development a detailed phasing plan for the development of the site, including a timetable for the provision of caravan pitches/camping facilities and all associated amenity buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the phasing plan so agreed unless otherwise agreed in writing by the Local Planning Authority. In order to ensure that the development of the site proceeds in a satisfactory manner.

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Application No H/2008/0001

Proposal Provision of a touring caravan and camping site with associated amenity facilities

Location BRIERTON MOORHOUSE FARM DALTON BACK LANE HARTLEPOOL

PS Code:6

DELEGATION ISSUES	Neighbour letters:	Not applicable
	Site notice:	Not applicable
1) Publicity Expiry	Advert:	Not applicable
	Weekly list:	Not applicable
	Expiry date:	Not applicable
2) Publicity/Consultations		
<p>Engineering Consultancy : I have examined the drainage details and do have queries about these. However, in view of your suggested condition, it seems more sensible at this stage to rely on this condition, and add wording to the condition "Details of the proposal..... the commencement of the development" with the addition of "notwithstanding the details already submitted", rather than entering into detailed discussion prior to determination of the planning application. On the assumption that the treated foul discharge will be controlled by the EA consent process I do not require any other conditions in relation to the storm or foul systems. With reference to the aforementioned surface water condition (which I do agree with), I do not understand why the EA requested that HBC respond to details regarding discharging this condition, when they themselves requested the condition initially. I am concerned that the EA are abrogating their responsibility in this regard, and the matter should perhaps be raised with them to ensure that both parties' roles and responsibilities are clearly understood, and a workable protocol can be established for the future.</p> <p>Building Control : Providing the systems meet the requirements of the Building Regulations then it will be acceptable for us.</p> <p>We would check this with the Building Regulation application submission and as such would clear your condition.</p> <p>The problem would be if an approved inspector is used for the Building Control function then this would need to be discussed with them or we could look at it on your behalf to allow you to raise any issues.</p> <p>I would expect that full details of the proposed system would be provided at the time of the Building Regulation submission showing capacities, emptying schedules and outfall capacities etc as confirmed by Big-interiors Ltd.</p> <p>With regards to rainwater/ surface water drains the following is a requirement under the Building Regulations</p>		

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Rur7: Development in the Countryside To10: Touring Caravan Sites Comments: Not applicable	
6) Planning Considerations	
<p>This application was considered at the Planning Committee of 11th June 2008 members were minded to approve the application "subject, to the satisfactory conclusion of discussions about the handling of surface water and sewage at the site, to the completion of a legal agreement under section 106 of the Planning Act to ensure adequate sightlines are maintained at the main access to the site and the Tees Forest planting is secured both during the lifetime of the development and the following conditions. However a final decision was delegated to the Development Control Manager in consultation with the Chair of the Planning Committee. Officers are to liaise with the Council's Highway Engineers and officers of the Highway Agency to ensure agreed information about safe routes to and from the site is provided to the applicant.</p> <p>Discussion in relation to foul and surface water have been concluded. It is considered that these matters can be conditioned. After further consideration an additional Grampian condition, condition 26, covering foul drainage has been added. A Grampian condition in relation to the disposal of surface water was previously proposed and an amended version to take account of the Engineering Consultancy comments is restated below (12).</p> <p>After further consultation with Traffic & Transportation & the Highways Agency the safe route has been amended. Condition 13 has therefore been amended to reflect changes to the route.</p> <p>After further consideration a further condition is also proposed in relation to the provision of water supply, Condition 27.</p> <p>The other conditions are as approved at the meeting of the Planning Committee on 11th June 2008 and are restated below.</p> <p>The recommendation remains to approve the application subject to the completion of a section 106 agreement, which is being progressed and the conditions set out below.</p>	
7) Chair's Consent Necessary	Y
8) Recommendation	APPROVE subject to the completion of a legal agreement under section 106 of the Planning Act to ensure adequate sightlines are maintained at the main access to the site and the Tees Forest planting is secured both during the lifetime of the development
CONDITIONS/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	

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was made valid on 7th March 2008 as amended in relation to the site layout by the drawing BIG/IC/TB/286-102C received at the Local Planning Authority on 10th April 2008, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

3. The touring caravan pitches (157) and the camping area shall be restricted to the area shown on the approved layout plan unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity.

4. i) Any caravans on/brought onto site are to be occupied for holiday purposes only;

ii) Any caravans on/brought onto site shall not be occupied as any person's sole, or main place of residence;

iii) No individual may be in residential occupation of the site or any caravan thereon for more than 28 days (whether cumulatively or continuously) in any six month period; AND

iv) the owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site at any time, and of their main home addresses, and shall make this information available upon reasonable request to the Local Planning Authority

For the avoidance of doubt/to ensure that the site operates only as a touring caravan and camping site in the interests of visual amenity and the site is not considered suitable for residential occupancy.

5. Prior to its installation details of any play equipment to be installed in the childrens play area shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of visual amenity.

6. Unless otherwise agreed in writing with the Local Planning Authority the amenities building (incorporating the function room) shall only be open to the public between the hours of 07:00 and 24:00 on any given day.

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

7. The site including the amenities building and other facilities shown on the submitted plans shall only operate between the months of March to November inclusive in any year.

As indicated in the application and in the interests of visual amenity.

8. The bars and function room in the amenities building shown on the submitted plans shall only be open to residents of the caravan and camping site. The amenities building shall be used only in association with the caravan and camping site and shall not be used as an independent facility.

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

9. No beer gardens or outside drinking areas shall be provided in association with the amenities building.

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

10. No amplified music shall be played or relayed outside of the amenities building.

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

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11. 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.

12. Notwithstanding the details submitted no development shall take place until a surface water drainage system has been designed in accordance with the conclusions of the flood risk assessment, and agreed with the Local Planning Authority. The agreed system shall be fully installed before any impermeable surfaces designed to drain to that system are constructed.

To reduce the risk of flooding

13. 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 for caravan related traffic using the A19 shall be as follows:

Arriving from the North - No restrictions

Departing to the North - From site turn left onto Dalton Back Lane to Three Gates junction, turn right onto Dalton Lane, turn right onto Elwick Road, turn left onto Dunston Road roundabout, turn left to Hart Lane, turn left onto A179, turn right onto A19 at A179/A19 junction.

Departing to the South - From the site turn left onto Dalton Back Lane, turn left at Three Gates junction, turn left onto A19.

Arriving from the South - Leave A19 at A689 junction, follow A689, turn left onto Dalton Back Lane.

To ensure that the A19 trunk road might continue to fulfil its purpose as part of 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.

14. Prior to the site being brought into use the access track and access onto Dalton Back Lane shall be improved in accordance with the approved details. The 4.5m X 90m visibility splays indicated on the approved drawing shall thereafter be maintained at all times in

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accordance with the approved drawing. No object, building structure or enclosure, nor any part of the hedgerow, tree, bush or plant within the visibility splay shall be allowed to exceed one metre in height.

In the interests of highway safety.

15. The development hereby approved shall be used as a touring caravan site and camping site only and under no circumstances for the siting of static caravans. Neither shall it be used for the storage of caravans.

In line with planning policies and in order to protect the visual amenity of the area.

16. Unless otherwise agreed in writing with the Local Planning Authority the individual caravan pitches and associated car parking areas shall be retained in grass and no hardstandings shall be formed.

As stated in the application and in the interests of visual amenity.

17. No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the visual amenity of the area.

18. 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.

19. Details of the construction of the access, access roads including surfacing materials shall be submitted to and approved by the Local Planning Authority before development commences.

In the interests of visual amenity and highway safety.

20. 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.

21. Prior to the commencement of development details of any excavation, leveling or earthworks proposed shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of visual amenity.

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

In the interests of visual amenity.

23. Any trees/shrubs required to be planted in association with the development hereby approved, and which are removed, die, are severely damaged, or become seriously diseased, shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted. All approved tree planting shall be retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

In the interests of visual amenity.

24. The details of provisions for supervision and any managers/staff accommodation shall be submitted to and approved in writing by the



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Local Planning Authority prior to the site being brought into use.
In order to ensure these matters are clarified.

25. Prior to the commencement of development a detailed phasing plan for the development of the site, including a timetable for the provision of caravan pitches/camping facilities and all associated amenity buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the phasing plan so agreed unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure that the development of the site proceeds in a satisfactory manner.

26. Notwithstanding the details submitted no development shall take place until a scheme for the disposal of foul water arising from the site (including the design of the system and copies of consents and authorisations from the Environment Agency if necessary) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved. The site shall not be occupied until the approved scheme has been implemented and is operational.

To prevent pollution of the water environment.

27. Notwithstanding the details submitted development shall not commence until a scheme for the provision of a water supply for the development (including the design of the system and copies of consents and authorisations from the Environment Agency if necessary) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved. The site shall not be occupied until the approved scheme has been implemented and is operational.

In order to ensure that an adequate water supply is provided.

INFORMATIVE NON-STD
Under the terms of the Water Resources Act, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. (Controlled Waters including rivers, streams, underground waters, reservoirs, estuaries and coastal waters).

Signed: **Dated:**
Assistant Director (Planning and Economic Development)
Development Control Manager

I consider the scheme of Officer/Chair delegation to be appropriate/inappropriate in this case

Signed: **Dated:**
Chair of the Planning Committee

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Brierton Moorhouse Farm

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15/04/10
	SCALE 1:5000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2008/0001	REV

No: 2
Number: H/2010/0151
Applicant: Mr F Brown Hart Village HARTLEPOOL TS27 3AE
Agent: Jacksonplan Ted Jackson Amble Close HARTLEPOOL TS26 0EP
Date valid: 12/03/2010
Development: Siting of caravans with internal service access and provision of screening mound
Location: NORTH HART FARM BUTTS LANE HARTLEPOOL

Background

2.1 This application was withdrawn from the agenda of the last meeting (28/04/2010) as discussions with the applicant on the screening mound were ongoing.

2.2 Shortly before the application was considered at the last committee the applicant proposed an increase in the size of the mound. Officer's advised that whilst such proposal might possibly address landscape concerns, it was difficult to come to a conclusion without clearer details as to what exactly would be proposed. The application was withdrawn from the agenda to allow discussions to proceed. However following these discussion the applicant has confirmed he is unable to accommodate the additional mounding suggested due to the location of existing iron water pipe and land drainage under the site. He considers the amount of soil and sub soil which would need to be moved to create a larger mound would compromise the fields existing water and drainage systems. He has also advised that the existing caravan storage is already open to immediate view by users of the existing bridle path. Finally, the applicant is of the view that the original proposal for a 1m mound topped with a hawthorn hedge, together with the existing tree planting to the north of the proposed site extension is more than sufficient to eliminate any further loss of amenity 'created' by the proposal for an extension of the existing storage facility.

2.3 In light of this the application returns to Committee for consideration as originally proposed.

The Application and Site

2.4 The application site is part of a field located to the north of Hart Farm. The field is almost level at the application site and falls steeply away to the north. It has recently been planted with trees in connection with an earlier permission on the site (H/2007/0486). The land then rises again to the north. A public right of way passes along a contour in the adjacent field to the north. To the south are fields which are currently used for caravan storage, a pond and a field which has been used as a registered caravan club site since 1991. To the south of these is the farm complex which consist of a range of modern and traditional agricultural buildings a farm house and a farm cottage occupied by the father and son that own and farm the unit. To the east the land is bounded by agricultural fields and again falls away gradually to the east, long views are possible towards the coast and housing on the outskirts of

Hartlepool. To the western boundary is a mature hedge. A track which is also a PROW passes to the west side, this also gives access to Middlethorpe Farm and its associated dwellings and access to the site from Hart village.

2.5 It is proposed to extend the existing caravan storage area into the field to the north of the existing caravan storage area. A five metre wide access track between the existing and proposed storage area will be retained and beyond a 21 metre strip will be set aside for the caravan storage. A one metre mound and Hawthorn Hedge is proposed to be provided on the north side of the storage area. The access to the site is proposed through the existing storage area via an existing automatic gate to the south west of the site.

2.6 The applicants design and access statement submitted in support of the application states

- 1) The storage facilities comprise a vital economic part of the farm's current diversification.
- 2) An extension to these facilities is vital to the long term security of the holding.
- 3) The proposed mound will reduce the visual appearance of the parked caravans whilst the tree planting is still in its infancy.
- 4) The applicant has been pressed to provide additional storage, the extended area would meet this demand and provide much needed farm diversification at a time when agriculture and the applicant's financial position continues to suffer from economic decline.

Relevant Planning History

2.7 In August 2007 planning permission was granted for the use of land for the storage of caravans. This permission approved the use of a 21m strip of land to the south of the current application site for caravan storage including the provision of an access onto Butts Lane. Conditions on the approval required a tree and hedge planting scheme, this included the provision of some one hectare of tree planting in the remainder of the field to the north of the site and was approved and implemented. It is part of this tree planting area into which the applicant is now proposing to extend the caravan storage. (H/2007/0486)

2.8 In June 2007 a lawful development certificate was issued confirming that the lawful use of a field to the south of the application site, and the above approved storage area, was as a use for caravan storage. (H/2007/0204).

2.9 In January 1991 planning permission was granted for caravan storage in the field to the south/south west of the application site. This site has however been used as a registered Caravan Club site for touring caravans since 1991. (H/FUL/0681/90).

Publicity

2.10 The application has been advertised by site notice, in the press and by neighbour notification (7). The time period for representations expires on 19th April

2010. At the time of writing two representations has been received advising no objections.

Consultations

2.11 The following consultation replies have been received:

Estates : No objection

Traffic & Transportation : No objections.

Building Consultancy (Landscape Architect) : The proposals involve a 21m wide extension to an existing permitted caravan storage area and provision of a 1.0m mound with hawthorn hedging for screening purposes. The proposed site location is effectively at the crest of a hillside with a recently planted area of tree planting running down the hillside. This tree planting comprised part of the earlier approval relating to caravan storage on the wider site (H/2007/0486).

From inspection of this planting it is apparent that establishment has generally been good, with faster growing species such as hawthorn and willow doing particularly well, although slower growing oak and ash specimens also showed signs of good health. Given the sloping nature of the planted area it will, however, clearly be some considerable time before the tree planting can provide a suitable screen to the existing caravan storage area. This has been exacerbated by the fact that there is no existing tree planting within approximately 20-25m of the existing caravan storage boundary as it slopes down towards the ridgeline. Although an unplanted buffer may have been required for reasons of fire-safety or access, a 20m+ unplanted buffer would seem excessive. Given the site topography, this currently unplanted area also has the greatest potential to provide screening for the storage area should it be planted and allowed to establish. From review of the submitted plans relating to application H/2007/0486, it would appear that the full extent of tree planting proposed (and subsequently required as part of the approved scheme) is not in evidence.

The proposed extension of the caravan storage area would, therefore, effectively require the use of land offering the greatest potential to screen the existing, permitted storage area. The proposed provision of a 1.0m mound and associated hawthorn hedge would likely partially screen views of the proposed storage area, but the site landform is such that any stored caravans would be clearly visible from the surrounding public footways and bridleways, especially given the elevated position of many of the surrounding public footways (the site was viewed from the surrounding footways during the site visit).

The key areas of concern regarding this application relate to the landscape and visual impact of the proposals. Given the quality of the surrounding landscape and high visual amenity value, the proposed extension of the caravan storage area has a high potential to visually dominate the area and adversely affect visual amenity of the area and subsequently its recreational use (due to the extent of the proposed caravan storage area and the affect of the surrounding topography on views into the

site). The currently proposed screening works are not deemed to be sufficient to alleviate these concerns.

Public Protection & Housing : No objections.

Neighbourhood Services : No comments received.

Northumbrian Water : No objections.

Hart Parish Council : No comments received.

Parks & Countryside : There is no conflict between the planning application for further caravan development at the above mentioned farm and the public rights of way that run close to the proposed enlargement area. The only minor concern that could arise would be regarding the visual aspect of increased caravan storage and the amenity landscape value for the surrounding area.

Planning Policy

2.12 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.

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.

Hsg13: States that proposals for the development of additional land for mobile homes will only be approved on land within the urban fence which is not allocated for

permanent development, is not protected open space and which is accessible to public transport, schools and other local facilities. Substantial landscaping of the site will be required.

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

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

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

Planning Considerations

2.13 The main planning considerations are policy, the impact on the visual amenity of the area, impact on the amenity of neighbours and highways.

Policy

2.14 Policy supports suitable farm diversification schemes and encourages tree planting schemes in the area of the Tees Forest. However policy also advises that one of the factors in determining the applications for development in the countryside will be its visual impact on the landscape. In the latter respect as discussed below the proposal is not considered acceptable. It is acknowledged that the proposal would add to the viability of the farm in what are difficult and uncertain times. However the applicant has benefitted from similar approvals in the past and it is not considered that the benefits arising to the farm would outweigh the detrimental impact on the visual amenity of the area.

Impact on visual amenity

2.15 The site is prominently located and long distance views are possible from the east and at closer quarters from the public rights of way particularly to the north and north west. The proposal is to extend the existing caravan storage area which itself was the subject of an application in 2007 (H/2007/0486). At that time the applicant already had established rights to store caravans on the site in the area to the south (H/2007/0204). The extension was approved in light of its relationship with the existing storage area and the fact that the applicant agreed to a significant tree planting scheme in the field to the north and hedgerows on boundaries to the south. The view at that time was that whilst the storage on site would be increased in the longer term the proposed tree and hedge planting would have significant benefits.

2.16 The current proposal however seeks to provide additional caravan storage in an area towards the top of the ridge on land which was originally part of the above approved tree planting scheme. The tree planting scheme has had mixed success. It is particularly the trees on the lower slopes of the hillside with less potential to provide screening, which have thrived. Unfortunately at the time of the Officer site visit it was noted that the application site, in fact a 20-25m wide strip at the top of the ridge, was already largely devoid of trees. The absence of trees in this part of the approved tree planting area was queried with the applicant's agent. He advised that in anticipation of an eventual approval the trees were removed and replanted by the applicant elsewhere on the site. He has advised that the area will be replanted should planning permission not be approved. This is unfortunate, as some three years growth has been lost, and clearly the anticipated benefits of the planting scheme will now take longer to achieve. It was also noted that parts of the scheme have suffered from die back and require replanting and again the applicant's agent has advised this will be done in the next planting scheme.

2.17 The current proposal would result in the permanent loss of part of the originally approved tree planting area. In terms of the potential screening which might eventually be afforded by the tree planting scheme the area identified for the additional storage, given its location towards the top of the ridge adjacent to the approved storage area, is a critical location. Clearly as one moves down the slope it will take longer for the trees to reach a suitable height to establish the screening which the tree planting scheme was designed to achieve, if ever. It is not considered that the applicant's proposal to install a one metre high mound planted with a hedge would adequately compensate for the loss of a 20 -25m strip of tree planting in this critical location. Furthermore the proposal would see the caravan storage area spread even further into the countryside.

2.18 It is unfortunate that the full benefits of the originally approved tree and hedge planting scheme, designed to limit the dominance of the caravan storage area, have not been realised. It is considered that the proposal, would by expanding the caravan storage area and removing an area previous set aside for tree planting increase the visual dominance of the caravan storage to the detriment of the visual amenity of the area.

Impact on the amenity of neighbours

2.19 The closest residential properties to the site are occupied by the applicant's family. The access road to the south does pass properties in Hart village and there is therefore potential for comings and goings to disturb these residents. It is considered unlikely that all the caravans would be moved to and from the site at the same time, or that such movements would be constant. Instead it is considered likely that movements would be seasonal and staggered as owners would take holidays at different times. It is not considered that the traffic movements would unduly disturb these residents or that the proposal would have a significant impact on their existing amenity.

Highways

2.20 The site is an existing caravan storage site. A suitable passing place already exists on the lane to the south of the farm. Traffic & Transportation and the Parks & Countryside, have raised no objections, in relation to the use of the lane. In highway terms the proposal is considered acceptable.

Conclusion

2.21 The proposal is not considered acceptable due to its detrimental impact on the visual amenity of the area.

RECOMMENDATION – REFUSE for the following reason:-

It is considered that by expanding the caravan storage area and removing an area previously approved for tree planting the proposal would increase the visual dominance of the caravan storage to the detriment of the visual amenity of the area contrary to policies GEP1 and Rur7 of the Hartlepool Local Plan 2006.



HARTLEPOOL
BOROUGH COUNCIL

DRAWN	GS
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DATE
15/04/10

SCALE
1:3000

Department of Regeneration and Planning
Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT

DRG.NO
H/2010/0151

REV

No: 3
Number: H/2010/0122
Applicant: Mr C Thompson CLARKSON COURT HARTLEPOOL TS25 5HP
Agent: Mr C Thompson 21 CLARKSON COURT HARTLEPOOL TS25 5HP
Date valid: 25/02/2010
Development: Erection of rear single and two storey extension to provide garden room and bedroom and raising roof height and provision of rear dormer for loft conversion (resubmitted application)
Location: 21 CLARKSON COURT HARTLEPOOL

The Application and Site

3.1 The application site is a detached two-storey property, located at the head of a cul-de-sac within Clarkson Court, within a predominately residential area. To the rear of the property is a narrow access lane, adjoining the properties of Arbroath Grove. The rear gardens of both the application property and those of 13 and 22 Clarkson Court contain trees which are covered by a Tree Protection Order (TPO 128). The property is sited at 90° to the adjoining gardens of 13-15 Clarkson Court.

3.2 The application seeks consent for the erection of a rear single and two storey extension providing a garden room and bedroom to the rear. The works will also include an extension to the height of the main roof of the property by approximately 0.5m. The works to facilitate the increase in roof height will allow for the erection of a dormer window in the rear roof slope to facilitate a conversion of the loft space into a bedroom. The rear extension will be set 1m from the shared boundaries on either side. The extension will project 3m from the rear wall of the property at both ground and first floor. The first floor element will only extend half the width of the property whilst the ground floor the whole width of the property.

Publicity

3.3 The application has been advertised by way of neighbour letters (8). To date, there have been three letters of objection.

3.4 The concerns raised are:

- a) Discrepancy on application forms re trees;
- b) Rear extension/raised roof would be overbearing, overshadowing and intrusive;
- c) Rear extension/raised roof would reduce sunlight and daylight into garden and south facing rooms;
- d) Overlooking and loss of privacy;
- e) Out of keeping with surrounding properties in terms of raised roof height;

- f) Extension would create a three storey property;
- g) May cause damage to TPO T13 in garden of 13 Clarkson Court;
- h) Root protection offset may constrain future development in neighbours garden;
- i) Damage of roots on drains;
- j) Pressure on the need to prune trees;
- k) Apparent discrepancies in the plans and lack of measurements;
- l) Affect direct sunlight on garden, kitchen and living room;
- m) Extension would be larger and therefore uglier than at present;
- n) Dispute term 'loft conversion';
- o) Out of scale with original property;
- p) Fears over change of use of the property;
- q) Impacts from construction work;
- r) Impact on views from neighbouring property;
- s) A loft conversion should not include an increase in height and width of the roof.

3.5 The period for publicity has expired.

Planning Policy

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

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

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

3.7 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 be had to the effect of the proposal on the amenity of neighbouring properties in terms of overlooking, overshadowing, outlook and dominance, the effect of the proposal on the character of the existing property and the street scene in general, and the impact on the protected trees.

Amenity

3.8 There are number of relationships in amenity terms for consideration in this instance. Firstly, 22 Clarkson Court is sited adjacent to the application property, with

a distance of 2m between the two. That property is a two-storey dwelling, sited in line with the application property and benefits from a conservatory to the rear.

3.9 It is acknowledged that the 3m projection of the proposed first floor extension exceeds 2.5m guidelines set out in the Hartlepool Local Plan (2006). The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1, Class A permits, without the need for planning permission, the provision of two-storey rear extensions that extend a maximum of 3m from the rear wall of the dwellinghouse. The order caveats that, however, as extensions within 2m of the boundary are restricted to the eaves heights of not more than 3m. The proposed extension in this instance is set 1m off the boundary, however, there is a gap of 2m between the two properties. The proposed extension is directly north of the adjacent property and therefore unlikely to have a significant impact in terms of overshadowing. It is acknowledged that the extension will feature more prominently in the outlook of the adjacent property, however, on balance, given the projection of the extension and the orientation to the north, it is considered that the relationship in this instance is acceptable and a refusal on amenity grounds is unlikely to be sustained.

3.10 In terms of the relationship with 13, 14 and 15 Clarkson Court to the side, the separation distances between the proposed rear extension and the rear of those properties meets the 10m guidelines for gable to habitable room relationships set out in the Hartlepool Local Plan (2006) and it is therefore considered that an objection on amenity grounds could not be sustained. It is acknowledged that the increase in the roof height would feature more prominently in the outlook of those properties, however, it considered that given the separation distances, and given the relatively modest increase in height of 0.5m, it considered that the roof change would be unlikely to have a significant effect in terms of overshadowing, dominance or outlook.

3.11 In relation to the dormer window, it is considered that given the orientation of the dormer with 13 Clarkson Court and the separation distances involved, the relationship between the two is acceptable in amenity terms.

3.12 It is considered that the separation distances to the properties to the rear on Arbroath Grove are acceptable and the presence of TPO trees to the rear mitigates a degree of visual impact on those properties.

Existing Property

3.13 It is acknowledged the extensions will increase the size of the property, however, it is considered that the works will not be disproportionate or out of keeping with the character or appearance of the property. The works are considered appropriate for a dwelling of such a size.

Street Scene

3.14 In terms of the rear extension and dormer it is unlikely that they will have an impact on the street scene given their siting to the rear. The main consideration in street scene terms is therefore the impact of the increase in roof height. It is acknowledged that the levels of the site are relatively similar in relation to the

neighbouring properties. However, the row of dwellings (21 to 27) adjacent are differing house types with different roof types. Differences in roof heights are not uncommon in housing estates and therefore it is considered that a refusal on the grounds of a 0.5m increase in roof height could not be sustained, and the visual impact of the works on the street scene is considered acceptable. The property also benefits from limited visibility with the street scene given its siting towards the corner of the cul-de-sac.

Trees

3.15 There is a tree to the rear of the back garden of the property covered by a Tree Preservation Order. TPOs are afforded a root protection area within which development can not take place, in this instance that area has been calculated as 88m². That area is flexible given that roots do not necessarily grow in a uniform manor. The Council's Arboricultural Officer has indicated that there is sufficient space within adjoining gardens to off-set part of that 88m² which will be filled by the proposed rear extension. This is considered acceptable and the Arboricultural Officer has raised no objections to the scheme. The Arboricultural Officer has indicated that only a small element of the garden of 13 Clarkson Court would be required for the off-set, and in any case that could be reduced further by off-setting in the adjoining garden of 22 Clarkson Court. It is considered that the amount of garden space of 13 Clarkson Court required to off-set the tree protection area is of a level that would not prejudice any future development at that property. On that basis it is considered that the proposed extension would not impact on the protected tree, nor would it prejudice future extension at 13 or 22 Clarkson Court. Whilst it is acknowledged that roots may have the potential to affect drainage, it is considered that it is an issue which could not justify refusal of this application and is an issue which could be addressed under TPO legislation.

Other Issues

3.16 In relation to the issue raised regarding a discrepancy on the application form, it is acknowledged there is a discrepancy on the form, however, the issue of trees has been raised to the attention of the Arboricultural Officer and has been fully addressed. Concerns raised regarding amenity, design, and trees have been addressed above.

3.17 The objector has indicated that there are a lack of dimensions on the submitted plans, however, the plans are drawn to scale and can be measured accurately. The actual increase in the gable is as aforementioned, 0.5m. The objector also criticises the accuracy of the plans in terms of the windows shown in the gable. The case officer has visited the site and has confirmed that the plans accurately show the number of windows in the gable elevation facing the objector's property. In terms of inference that the changes made from the previous application would remove objections, it should be noted that the applicant withdrew the application having decided a 3m projection to the rear would be their preferred option. Again, issues over light, dominance, outlook, character of the street scene and the original dwelling have been addressed above. The points raised about the personal circumstances of the applicant are not material considerations for the purposes of this planning application. A change of use to the property as set out in the objection

would require planning permission in its own right. The proposed extensions are not unusually large for a dwelling of such a size and must be considered as a domestic extension to a domestic dwelling. Building works have the potential to create nuisance to surrounding residents, however, any nuisance created can be dealt with under statutory Environmental Health controls.

Conclusions

3.18 With regard to the relevant Hartlepool Local Plan (2006) policies and consideration of the relevant material planning considerations discussed above, the proposal is considered acceptable and therefore recommended for approval subject to the conditions set out below.

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plan no. 180809b received by the Local Planning Authority on 25 02 10.
For the avoidance of doubt.
4. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no windows(s) shall be inserted in the elevation of the extension facing 22 Clarkson Court without the prior written consent of the Local Planning Authority.
To prevent overlooking

21 Clarkson Court



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 06/05/10
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0122	REV

No: 4
Number: H/2010/0191
Applicant: LEEBELL DEVELOPMENTS LTD MAIN STREET
PONTELAND NEWCASTLE UPON TYNE NE20 9NN
Agent: MR GRAHAM MEDCALFE LEEBELL DEVELOPMENTS
LTD PEEL HOUSE MAIN STREET PONTELAND NE20
9NN
Date valid: 22/03/2010
Development: Formation of neighbourhood park including multi use
games area, two childrens play areas together with play
equipment, bandstand with associated footpaths, hard
and soft landscaping and street furniture
Location: LAND ADJACENT TO HARTFIELDS RETIREMENT
VILLAGE

The Application and Site

4.1 The application site is within the approved Middle Warren development and comprises an area of land west of the Joseph Rowntree development of Hartfields, to the north and west of the site is proposed future residential development, to the south lies the Green Wedge.

4.2 On the 3rd March 1997 Hartlepool Borough Council granted outline planning permission for the Middle Warren development subject to a Section 106 legal agreement and a condition which required a neighbourhood park to be development in the area identified for a neighbourhood park on the Master Plan. This planning application seeks to finalise the details of the neighbourhood park within the area allocated for the neighbourhood park. A copy of the master plan will be displayed at the meeting.

4.3 The final layout and design of the neighbourhood park has been subject to extensive consultation (as detailed within the planning considerations below) and includes 2 play areas for approximate age groups up to 5 years old and 5 years old and older, a multi case games area (MUGA) and bandstand. The proposed equipment has been significantly influenced by the consultation process.

4.4 It was always envisaged that a car park would be provided within the neighbourhood park and as such an application was approved by Members in February 2009 which comprised the provision of a GP surgery within Hartfields and also involved the development of a car park with 62 car parking spaces within the area allocated for the Neighbourhood Park. The car park is complete and compromises 21 spaces associated with the doctors surgery (which is operational), and 41 spaces associated with the proposed Neighbourhood Park. The neighbourhood car park will be adopted by the Council and managed accordingly.

4.5 It is proposed that the neighbourhood park would be completed by the end of 2010.

Publicity

4.6 The application has been advertised by way of neighbour letters (246) site notice and press notice. To date, there have been 22 letters of no objection, 9 letters of comment and 41 letters of objection from individual households. A petition against the development has also been received with signatures from 113 households.

The comments raised are:

1. supports the provision of the neighbourhood park
2. strongly support the proposal, the estate is made up of many families and even grandparents who live on the estate who care for grandchildren
3. there is no provision for families on the estate
4. if the estate had a play area children would be able to keep active and become more independent
5. Clavering play area is over a busy road
6. it may create more of a community atmosphere as parent would visit with younger children and it is another method of getting to know each other and another way for children to learn social skills and mix with other children
7. concerns regarding bandstand which could be a white elephant that would encourage youths to congregate outside the intended hours of use
8. bandstand should be modern design
9. concerned about noise levels and teenage infiltration into the village
10. would like secure boundaries and landscaping
11. concerns regarding use of Hartfields toilets and facilities
12. concerns regarding upkeep, monitoring and security of the park
13. dogs should be kept on leads
14. dog poop bins need to be provided
15. plan does not take into account pedestrian entrance or vehicular entrance into the car park
16. concerns regarding location of the MUGA, could it be moved further away?
17. do not want floodlights on the MUGA
18. welcome the footpath link to the Green wedge and would like to see this extended through to Easington Road
19. Joseph Rowntree would like to tender for the security for the park
20. we think it's a great idea!
21. the proposal sounds as if it will be enjoyed by all of the community if they wish.
22. concerns with dog walkers
23. this project could benefit a lot of people if correct controls are in place
24. it was our understanding that a park was in the original plans when the estate was first being built and so if it was not to go ahead we would be very annoyed and feel that our children are being let down

The concerns raised in the letters of objection are:

1. noise
2. groups gathering
3. spoil view
4. vandalism, litter
5. congestion with cars etc in estate

6. damage to properties
7. currently quiet area this will no longer be the case
8. devaluation of property
9. anti-social behaviour, misuse of the facilities as has occurred in other park area in the town
10. disruption and upset to nearby residents
11. security of Hartfields
12. extra traffic and parking
13. the football pitch is next to the car park
14. totally inappropriate development so near to elderly people and yet far from the rest of the estate
15. had experience from living near to a park previously, few examples of problems experienced:
 - a) fire lit under play equipment
 - b) teenagers smashing up equipment
 - c) damage to slides
 - d) air rifles being fired
 - e) rubber safety area being ripped up
 - f) foul language
 - g) teenage drinking
 - h) cars and windows being used for target practice from footballs and golf balls
16. play areas should not be built near roads or car parks, near misses of children running out in front of traffic
17. the bank leading into Hartfields will be used as a cycle track or a skateboard area
18. bandstand being used as a meeting place for drinking, taking drugs which will result in vandalism and noise
19. safety of the elderly
20. inadequate parking facilities
21. use of toilet and restaurant facilities in Hartfields by the general public
22. stress for residents
23. park should be moved away from Hartfields will become a rat run for motor bikes and scooters all day and night
24. the apartments would look over this park which is invading on resident's privacy
25. the natural habitat will be ruined
26. lack of security
27. lack of lighting
28. unfair to older people
29. will be a white elephant
30. extra is paid for the facilities at Hartfields do not want these open to the general public
31. currently there is anti-social behaviour on the Green Wedge
32. possible environmental problems in that the hygiene and cleanliness of the main area and toilets may also be compromised if in general use
33. Hartfields has been sold on the secured by design principles
34. Joseph Rowntree Trust has not been consulted on these plans.
35. the open park presents a haven for paedophiles
36. high fence it during the day and have it supervised

- 37. at dusk lock the park
- 38. lack of consultation
- 39. residents mis-sold their properties in Hartfields
- 40. could create a negative divide between generations and age groups
- 41. car park currently full

4.7 A petition from the Hartfield Residents Association with 113 households signed has also been received objecting to the development for the following reasons:

1. the development will be out of keeping with the neighbouring property as it is a retirement village with residents whose ages range from 60 years to 94 years of age
2. the noise and disturbance it will cause will be unacceptable as it will inevitably go on into the late evening with teenagers using it
3. would like the play park to be moved to a more reasonable and appropriate location so that it does not take away our tranquillity and the safe security that we moved here for *(plans have been provided for alternative locations and can be viewed as part of the background papers)*
4. anti-social behaviour
5. where will visitors park as the car park is full
6. how will emergency services get through if required to attend any property in the village
7. The Middle Warren Residents Association who has been consulted by the Council earlier have never represented the residents of the Hartfield Residents Association.

They request a delay to the application to allow time for amendments to the plan and issues of security to be followed up.

The period for publicity has expired.

Copy letters A

Consultations

4.8 The following consultation replies have been received:

Property Services -No comment

Public Protection- No objection

Engineering Consultancy - A Preliminary Risk Assessment is required

Traffic and Transportation - No objection

Parks and Countryside - No objection

Children's Services - No response received

Cleveland Police - Comments regarding crime prevention emphasising the importance of design and management to reduce opportunities for crime and disorder

Planning Policy

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

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

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

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

GN2: Strictly controls development in this green wedge where planning permission will only be given for development comprising extensions to existing buildings within the area, or providing ancillary facilities to recreational uses, or providing wildlife sites and subject to the effect on the overall integrity of the green wedge.

Rec3: Identifies locations for neighbourhood parks and states that developer contributions will be sought to assist in their development and maintenance.

Rec8: Identifies that this area will be developed for quiet recreational purposes.

Planning Considerations

4.10 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted and emerging Hartlepool Local Plans, the affect of the proposals upon the surrounding area in general neighbours, and highway safety considerations.

Policy issues & relationship to the original Master Plan

4.11 A Master Plan was developed in 1997 to accompany the outline planning permission for the Middle Warren housing development. The Middle Warren development was always designed on a comprehensive basis encompassing more than just housing. It did identify sites for a green wedge (an extensive open space

area), a neighbourhood park, additional areas of open space and landscaping. These are provided for by a legal agreement. It was always envisaged that these facilities would be phased.

4.12 Members may recall that as part of the negotiations leading to the approval of the Joseph Rowntree 'Hartfields' application it was agreed that some of the facilities in the adjacent neighbourhood park would be provided earlier than anticipated. As such the car park comprising 62 car parking spaces with 21 of these spaces to be associated with the doctor's surgery at Hartfields has been provided.

4.13 The location of the proposed neighbourhood park has not altered since the original approval in 1997 and Hartfields was approved with the knowledge that the neighbourhood park would be provided on the adjacent site.

4.14 The Joseph Rowntree Housing Trust were fully aware of the location of the park prior to its development and have confirmed that they are supportive of the proposed application.

4.15 Objectors have raised concerns that the site is not near adjacent housing, however it should be acknowledged that the areas to the west and north of the application site are allocated for housing.

4.16 The layout of the park has taken into account its relationship with the Green Wedge and a footpath is proposed to link the two. There is also an area identified as a 'kick about' area south of the proposed park (which already has approval as part of the Green Wedge development) this is considered to complement the park.

4.17 The Section 106 legal agreement required the provision of 2 play facilities for age groups up to 5 years and ages 5 years and older, a list of equipment was stipulated. In addition the park was to include a multi use/tennis facility, car park, sports/community pavilion, street furniture and landscaping with associated items.

4.18 Discussions have been held between residents, the Council and Leebell since 2006 regarding the final design of the neighbourhood park and in 2006 a variation to the legal agreement was entered into which fixed a cost to the play equipment rather than specify the play items this effectively allowed the residents to have more say into final design of the play equipment/park.

4.19 In April 2007 the Middle Warren Residents Association held a drop in day, which asked residents for suggestions as to what equipment should be provided within the park. This allowed residents to formulate a 'wish list' of desired equipment.

4.19 Based upon this 'wish list' consultations began with manufacturers, whilst the same financial restrictions applied to all manufacturers the design of the park differed considerably. In order to determine the preferred scheme it was considered that each manufacturer should present their proposals to residents. Accordingly on the 8th December 2008 a presentation was held at Hartfields in front of representatives from the local community including children from Throston Primary School, residents and staff of Hartfields and Council Officers. At the end of the presentation there was

a consensus of opinion that the final choice of play equipment manufacturer should be with the children.

4.20 The children from Throston Primary school opted for Record RSS as manufacturer and accordingly the design was taken forward and the application has been submitted on that basis.

Effects on surrounding area and neighbours

4.21 Some objections have focused on the use of toilet and amenity facilities within Hartfields. It is understood that the restaurant/café, shop, toilet facilities are open to the general public. Joseph Rowntree have not objected to the scheme and whilst they do not want to exclude the community from using the facilities at Hartfields have expressed concerns regarding potential abuse. The Council's Parks and Countryside team have expressed concerns with remote stand alone public toilets in parks and green spaces and it is understood that these are avoided where possible. The Parks and Countryside Team has no objection to this development.

4.22 A concern was raised regarding floodlighting of the MUGA it should be noted that floodlights are not proposed.

4.23 It should be noted that once the neighbourhood park is developed the Council would adopt the park and control its day to day running.

4.24 The play elements as indicated are separated from Hartfields by a car park and the Council's Public Protection Team have raised no objections on amenity grounds. Discussions are continuing about security issues.

Highway Considerations

4.25 It is considered that the scale of the Park and Green Wedge is such that the 41 car parking spaces which have already been provided in anticipation of the development of the park are more than sufficient.

4.26 The Council's Traffic and Transportation Team has no objection to the proposed development.

Other Issues

4.27 De-valuation of property prices is not a material planning consideration and can not be given weight.

4.28 A Preliminary Risk Assessment as to the potential for contamination being an issue has been requested and it is anticipated that this will be provided in advance of the Planning Committee.

4.29 The proposed plans do not take into account the existing pedestrian ramp which allows access into Hartfields from the neighbourhood park car park, a minor revision to the proposed plan is anticipated.

Conclusion

4.30 It is considered that the proposed development is appropriate for the site, and accords with the policies and proposals contained within the adopted Hartlepool Local Plan and the original master plan for the area. The application appears to be broadly satisfactory subject to the outstanding issues being resolved. It is anticipated that the outstanding issues will be resolved in advance of the Committee. A final recommendation will follow.

RECOMMENDATION – Update to follow.



Land adjacent to Hartfields Retirement Village



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15/04/10
	SCALE 1:2000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0191	REV

No: 5
Number: H/2010/0170
Applicant: Mr T Bates DALTON PIERCY HARTLEPOOL TS27 3HS
Agent: Mr T Bates PIERCY FARM DALTON PIERCY HARTLEPOOL TS27 3HS
Date valid: 16/03/2010
Development: Provision of outdoor all weather riding area
Location: PIERCY FARM DALTON PIERCY HARTLEPOOL

The Application and Site

5.1 The application site is within the existing livery at Piercy Farm, Dalton Piercy close to the southern boundary. The northern boundary of the existing livery business is bounded by a number of existing residential properties in Dalton Piercy. In terms of topography Piercy Farm slopes down from Dalton Piercy village to the livery's southern boundary, limiting views to the application site.

5.2 The application proposes an outdoor all weather riding area approximately 60metres by 30metres close to the southern boundary of the livery site. The proposal includes post and rail fencing surrounding the riding area and the surfacing proposed is hardcore, compacted sand and also a sand-rubber mix. It should be noted that works have already begun as the fencing has been erected and loose hardcore material has been placed within the area.

5.3 The existing access into the site dissects a number of existing residential properties, this is not proposed to change.

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

5.5 Piercy Farm has a complex history and recently Members granted approval for a residential dwelling on the site which is tied into the livery business. This has now been completed.

Publicity

5.6 The application has been advertised by way of neighbour letters (36) and site notice. To date, there have been 1 letter of no objection and 8 letters of objection.

The concerns raised are:

1. the land is classed as agriculture
2. traffic to and from the site is a noise nuisance
3. disturbance and pollution
4. access is poor and represents a danger to road users and pedestrians
5. over development of a small site
6. precedent, pressure to allow more development

7. to date planning permission which have been granted have been abused and the conditions not adhered to
8. the house on site is up for sale
9. the Head of Public Protection stated at the outset that “he considers the proposal will cause serious disturbance to the properties which border the application site
10. applies for planning permission retrospectively
11. no detail of the activities envisaged
12. activities can attract large crowds of spectators
13. increase in volume of spectator transport
14. rat-run problem
15. noise generated by spectators, cheering, loud speaker announcements
16. health and safety should be taken into account if the development involves the provision of enclosed spectator accommodation
17. works in question already underway
18. what is the content of the hard core
19. was not consulted on previous applications
20. already a lot of traffic going up the farm track this will increase
21. concerns regarding floodlights
22. access roads are narrow and winding and in poor condition, increased traffic will make the roads more dangerous and cause congestion and damage
23. already a significant number of outdoor all weather riding areas in this area, do not need another
24. the proposal does not enhance the village
25. detrimental to the road system which is not designed for large horse boxes and extra commercial traffic

The period for publicity has expired.

Copy Letters B

Consultations

5.7 The following consultation replies have been received:

Public Protection – No objections

Traffic & Transportation Services – There are no highway or traffic concerns

Property Services – No comment

Landscape Architect - Based on the information provided and a review of the site area, the development of an outdoor all-weather riding area would not appear to be detrimental to the character of the area. The proposed sand-based surface finish will not appear as an extended area of hard surfacing and the timber fence is appropriate for the location.

Having reviewed the proposed construction details, the only comment I would make is in regards to the proposed sub-base material, which is stated as 300mm depth of non-compacted hardcore (Type 1). The applicant may wish to consider use of a

Type 3 sub-base or Coarse Granular Aggregate (CGA), which would allow for compaction of the sub-grade and provide a permeable sub-grade appropriate for a Sustainable Urban Drainage System (SUDS) type of construction. This comment is made for the applicant's consideration only.

Engineering Consultancy – Awaiting comments

Dalton Piercy Parish Council – The parish council continues to be concerned with happenings at lower piercy farm. They have written on several occasions to alert the planning department to events that the pc were not quite sure of. Wagons have been entering the site on a regular basis with what appears to be hard core material. When the latest application was received the pc's thought was that the work had already begun! The fencing mentioned in the application already appears to be in place. There are concerns with the suggestion that there is no sewage system and the soak away will eventually affect the nearby water course with dire consequences. The pc also wonders why planning applications are being made by different family members. Who actually holds the deeds to the land and buildings? Several neighbours have been in contact with councillors saying they have received contact letters for this application. They have not received correspondence for previous applications.

Planning Policy

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.

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

Rur7: Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements agriculture and forestry and viability of a farm enterprise, proximity of intensive livestock units, and the adequacy of the road network and of sewage

disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

Planning Considerations

5.8 The main issues in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, the impact the proposal would have on residential amenities and the surrounding area in general.

5.9 Discussions are continuing about this application and an update report will be provided which discusses the planning considerations.

RECOMMENDATION – Update to follow



Piercy Farm



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15/04/10
	SCALE 1:3000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0170	REV

UPDATE

No: 1
Number: H/2008/0001
Applicant: Mr Terry Bates 7 Brinkburn Court Hartlepool TS25 5TF
Agent: BIG-Interiors Ltd. Mr Ian Cushlow 73 Church Street
Hartlepool TS24 7DN
Date valid: 07/03/2008
Development: Provision of a touring caravan and camping site with
associated amenity facilities
Location: BRIERTON MOORHOUSE FARM DALTON BACK LANE
HARTLEPOOL

This application appears on the main agenda at item 1.

The recommendation was left open as discussions in relation to the access were ongoing. These discussions have not been concluded.

RECOMMENDATION – Members to be **UPDATED** at the meeting.

UPDATE

No: 4
Number: H/2010/0191
Applicant: LEEBELL DEVELOPMENTS LTD MAIN STREET
PONTELAND NEWCASTLE UPON TYNE NE20 9NN
Agent: MR GRAHAM MEDCALFE LEEBELL DEVELOPMENTS
LTD PEEL HOUSE MAIN STREET PONTELAND NE20
9NN
Date valid: 22/03/2010
Development: Formation of neighbourhood park including multi use
games area, two childrens play areas together with play
equipment, bandstand with associated footpaths, hard
and soft landscaping and street furniture
Location: LAND ADJACENT TO HARTFIELDS RETIREMENT
VILLAGE

4.1 Since the writing of the original committee report 3 letters of no objection and 5 letters of objection (attached) have been received. The objections do not raise anything significantly different to the concerns previously raised.

4.2 The original committee report indicated that a Preliminary Risk Assessment was required to accompany the planning application, the Council's Engineering Consultancy Team has re-assessed the scheme and does not consider this is necessary prior to determination and has recommended a standard planning condition.

4.3 It should be noted that CCTV is proposed to be incorporated into the scheme, the final details of which are proposed to be the subject of a planning condition.

4.4 Concerns have been raised regarding overlooking from the park into Hartfields, with this in mind the applicant has agreed to relocate the current trees along the western edge of the car park into the park/green wedge and to replant larger specimens, discussions are still ongoing regarding sizes, however this can be controlled by condition. It should be noted that the trees would not be mature specimens and are unlikely to screen the park from Hartfields initially, however the trees would be at a more advance stage of growth.

4.5 The applicant is aware of the minor amendment required to the layout to include the pedestrian ramp from the car park into Hartfields and also to indicate the as built entrance to the car park. It is considered that this can be controlled by planning condition if the plan is not submitted prior to the committee.

Conclusion

4.6 It is considered that the proposed development is appropriate for the site, and accords with the policies and proposals contained within the adopted

UPDATE

Hartlepool Local Plan and the original master plan for the area. It is anticipated that the proposed planning conditions will be available at the planning committee for agreement.

RECOMMENDATION – Mind to approve subject to conditions.

UPDATE

1968



Application No H/2010/0191

Proposal Formation of neighbourhood park including multi use games area, two childrens play areas together with play equipment, bandstand with associated footpaths, hard and soft landscaping and street furniture

Location LAND ADJACENT TO HARTFIELDS RETIREMENT VILLAGE

Case Officer Chris Pipe

REGENERATION & NEIGHBOURHOODS DEPARTMENT
07 MAY 2010

I/We* have received your letter and want to object/~~do not want to object~~* to the proposal.

I/We* ~~want~~/~~do not want~~* to have the chance to speak to the Committee of Councillors if it is asked to consider this application.

Please use the space below to explain your concerns/reasons for objecting to the proposal.

The close proximity of the park to Hartfields will ruin what is a Retirement Village & ruin our lives

move the park towards Merkin Way

SCANNED
- 7 MAY 2010

If you need more space, please continue over or attach additional sheets to this letter.

Name (Please print)	MR & MRS L. Goundb...
Address	2 ROSEMARY NOOK 0 HARTFIELDS
Date	4. 4. 10.
Telephone number	[REDACTED]
Email address	[REDACTED]

Nb - It is not essential that we have your telephone number but it will help us if we need to contact you

* Please delete as appropriate

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5 of 5

For Official Use Only	
No objections	
Objections	<input checked="" type="checkbox"/>
Comments	
Petitions	
No. of signatures	
For/Against	
Wishes to speak	
Entered in computer	

UPDATE

1949

REGENERATION & NEIGHBOURHOODS
DEPARTMENT
06 MAY 2010

Application No H/2010/0191

Proposal Formation of neighbourhood park including multi use games area, two childrens play areas together with play equipment, bandstand with associated footpaths, hard and soft landscaping and street furniture

Location LAND ADJACENT TO HARTFIELDS RETIREMENT VILLAGE

Case Officer Chris Pipe

SCANNED
- 6 MAY 2010

~~I/we~~* have received your letter and want to object/~~do not want to object~~* to the proposal.

~~I/we~~* want/~~do not want~~* to have the chance to speak to the Committee of Councillors if it is asked to consider this application.

Please use the space below to explain your concerns/reasons for objecting to the proposal.

Concerns of security as people have access to the building. Extra traffic and parking. The football pitch is next to the car park. Noise pollution from additional people.
I think that it is totally inappropriate to have a development like this so near to elderly people and yet so far from the rest of the estate.

If you need more space, please continue over or attach additional sheets to this letter.

Name (Please print)	RUBY REEDER	Mr/Mrs/Miss/Ms*
Address	324 HARTFIELDS MANOR 0 HARTFIELDS	
Date	2/5/10	
Telephone number	[REDACTED]	
Email address	[REDACTED]	

Nb - It is not essential that we have your telephone number but it will help us if we need to contact you

* Please delete as appropriate

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5 of 5

For Official Use Only	
No objections	
Objections	✓
Comments	
Petitions	
No. of signatures	
For/Against	
Wishes to speak	✓
Entered in computer	

UPDATE

1962

Application No H/2010/0191
Proposal Formation of neighbourhood park including multi use games area, two childrens play areas together with play equipment, bandstand with associated footpaths, hard and soft landscaping and street furniture

Location LAND ADJACENT TO HARTFIELDS RETIREMENT VILLAGE

Case Officer Chris Pipe

REGENERATION & NEIGHBOURHOODS
DEPARTMENT

07 MAY 2010

I/We* have received your letter and want to object/do not want to object* to the proposal.

I/We* want/do not want* to have the chance to speak to the Committee of Councillors if it is asked to consider this application.

Please use the space below to explain your concerns/reasons for objecting to the proposal.

The very size and nature of this Project will be detrimental to the immediately adjacent Hartfields property and especially detrimental to the elderly personnel who live there. The Proposed Neighbourhood Park will severely effect the environment of Hartfields because of NOISE, PARKING, LOCATION, VEHICULAR Access To THE NEIGHBOURHOOD PARK, LITER and Emergency Vehicle access, egress and the Ball game areas will result in ball damage to vehicles, plants, shrubbery, buildings and the pedestrians who frequent the Hartfields site accesses; 24 hours a day in some cases with many people being pushed to vehicles and Emergency Vehicles in wheelchairs and around the car park's and approaches. If you need more space, please continue over or attach additional sheets to this letter.

Name (Please print)	THOMAS & PATRICIA WYATT. (Mr/Mrs/Miss/Ms*)
Address	3 DEAN FALL CLOSE, HARTFIELDS, HARTLEPOOL TS26 0NF
Date	05 MAY 2010.
Telephone number	[REDACTED]
Email address	[REDACTED]

Nb - It is not essential that we have your telephone number but it will help us if we need to contact you

* Please delete as appropriate

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5 of 5

For Official Use Only	
No objections	
Objections	<input checked="" type="checkbox"/>
Comments	
Petitions	
No. of signatures	
For/Against	
Wishes to speak	
Entered in computer	

UPDATE

1966.

Application No	H/2010/0191
Proposal	Formation of neighbourhood park including multi use games area, two childrens play areas together with play equipment, bandstand with associated footpaths, hard and soft landscaping and street furniture
Location	LAND ADJACENT TO HARTFIELDS RETIREMENT VILLAGE
Case Officer	Chris Pipe
REGENERATION & NEIGHBOURHOODS DEPARTMENT 07 MAY 2010	

I/We* have received your letter and want to object/~~do not want to object~~* to the proposal.

I/We* want/~~do not want~~* to have the chance to speak to the Committee of Councillors if it is asked to consider this application.

Please use the space below to explain your concerns/reasons for objecting to the proposal.

THE SITING OF THE PARK IS
 IN APPROPRIATE. IT IS ADJACENT
 TO HARTFIELDS RETIREMENT VILLAGE
 AND RESIDENTS SUMMER OF LIFE
 WILL BENEFIT FROM WHEN THE PARK
 ATTRACTS TRAFFIC AT NIGHT.
 GRAYHALLS IS WITHIN 5 MIN AND
 WOULD BE IDEAL FOR A NEIGHBOURHOOD

If you need more space, please continue over or attach additional sheets to this letter.

Name (Please print)	ALAN COXON	Mr/Mrs/Miss/Ms*
Address	205 HARTFIELDS MANOR 0 HARTFIELDS	
Date	15 MAY 2010	
Telephone number	[REDACTED]	
Email address	[REDACTED]	

Nb - It is not essential that we have your telephone number but it will help us if we need to contact you

* Please delete as appropriate

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5 of 5

For Official Use Only	
No objections	
Objections	<input checked="" type="checkbox"/>
Comments	
Petitions	
No. of signatures	
For/Against	
Wishes to speak	
Entered in computer	

UPDATE

1965

Application No H/2010/0191

Proposal Formation of neighbourhood park including multi use games area, two childrens play areas together with play equipment, bandstand with associated footpaths, hard and soft landscaping and street furniture

Location LAND ADJACENT TO HARTFIELDS RETIREMENT VILLAGE

Case Officer Chris Pipe

REGENERATION & NEIGHBOURHOOD
DEPARTMENT
07 MAY 2010

I/We* have received your letter and want to object/~~do not want to object~~* to the proposal.

I/We* want/do not want* to have the chance to speak to the Committee of Councillors if it is asked to consider this application.

Please use the space below to explain your concerns/reasons for objecting to the proposal.

We are in favour of a park in the area but not adjacent to Hartfields. We do NOT want the general public using our toilets. We pay to have these kept immaculate which they always are but would not be if made public. Also come a shower of rain the public would all stream in and we would not be able to get a set in our own place which we pay for. If you need more space, please continue over or attach additional sheets to this letter.

Name (Please print)	CHARLES D NELLY	Mr/Mrs/Ms/Ms*
Address	238 HARTFIELDS MANOR O HARTFIELDS	
Date	4 May 2010	
Telephone number	[REDACTED]	
Email address	[REDACTED]	

Nb - It is not essential that we have your telephone number but it will help us if we need to contact you

* Please delete as appropriate

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5 of 5

For Official Use Only	
No objections	
Objections	<input checked="" type="checkbox"/>
Comments	
Petitions	
No. of signatures	
For/Against	
Wishes to speak	
Entered in computer	

UPDATE

No: 5
Number: H/2010/0170
Applicant: Mr T Bates DALTON PIERCY HARTLEPOOL TS27 3HS
Agent: Mr T Bates PIERCY FARM DALTON PIERCY
HARTLEPOOL TS27 3HS
Date valid: 16/03/2010
Development: Provision of outdoor all weather riding area
Location: PIERCY FARM DALTON PIERCY HARTLEPOOL

5.1 Since the original committee report was written discussions have been continuing regarding this application and an update report is provided accordingly.

5.2 The main issues in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, the impact the proposal would have on residential amenities and the surrounding area in general.

Policy

5.3 The Hartlepool Local Plan defines the limits of the urban fence of Hartlepool and also the village envelopes. Policy Rur 1 seeks to strictly control the spread of the urban area into the surrounding countryside. Unfortunately Rur 1 was omitted from the original committee report, however should be referred to in determining this planning application.

5.4 Policy Rur 3, defines village envelopes seeking to restrict the limits beyond which they are able to expand in order to maintain their attractiveness as small communities. The Policy states that expansion beyond the defined village envelopes will not be permitted.

5.5 It should be noted that the proposed development lies outside the defined urban fence and outside any village envelopes. It is located within the open countryside.

5.6 The site is already established as a livery business. The inclusion of an outdoor area for users of the livery is considered to be a use which is appropriate in the countryside and complements the current activities onsite.

Impact on surrounding residents and area in general

5.7 The provision of an all weather outdoor area permits exercising of horses in a controlled space. The applicant considers that the proposed outdoor area is important for more inexperienced riders, who are beginning to ride their horses or pony alone. The applicant has confirmed that there are other outdoor ménages within a 3 mile radius of the livery yard however the applicant does not consider the use of these to be cost effective or practical.

5.8 It is considered that the area is well removed from the public highway and is not in a prominent position as the land slopes down from Dalton Piercy to the application site which limits views to the area.

UPDATE

5.9 The Council's Landscape Architect has assessed the scheme and considers that based on the information provided and a review of the site area the development of an outdoor all-weather riding area would not appear to be detrimental to the character of the area. It is considered that the proposed sand-based surface finish will not appear as an extended area of hard surfacing and the timber fence is appropriate for the location.

5.10 It is also well distanced from the nearest residential property (approximately 300m away). Subject to conditions it is considered unlikely that the development will generate any significant nuisance to any nearby occupiers or countryside users generally. The Council's Public Protection Team has no objection to the proposed development.

5.11 Given the open nature of the site a condition is considered prudent to prevent floodlights being installed as these could be intrusive in this rural environment. Also, given that the all weather area has potential for an intensive use, a condition to prevent shows being run from the premises and restricting its use to ancillary to the livery use and not for general use is considered prudent.

Highway Issues

5.12 Concerns have been raised regarding increased use of the access to the livery and also that the access is not sufficient for the proposal. It should be noted that the proposed outdoor area is associated with the livery business and not for general use it is therefore difficult to see how this proposal increases traffic to the site, or alters the current access arrangements.

5.13 The scheme has been assessed by the Traffic and Transportation team who has no objection to the proposal.

Drainage

5.14 Dalton Piercy Parish Council raised concerns regarding drainage of the area, it has been confirmed by the Council's Engineering Consultancy Team that the use of materials suggested by the applicant to allow water penetration and soakaway system is acceptable.

Conclusion

5.15 It is considered that the provision of an outdoor all weather area for the use of horses stabled at the livery is a complementary use which does not have a significant detrimental affect on neighbouring residents or the area in general. Approval is therefore recommended.

RECOMMENDATION – Approve subject to the following conditions:

UPDATE

1. The development shall be carried out in accordance with the plans and details received by the Local Planning Authority on the 16th March 2010.
For the avoidance of doubt.
2. The hereby approved outdoor area shall only be used by horses stabled at Piercy Farm on a livery basis only.
To ensure that the site operates in a way which will not be detrimental to the amenities of the occupiers of nearby houses.
3. No lessons, competitions, gymkhanas or events which would encourage visiting members of the public to the site shall be held at any time at the site without prior planning permission.
To ensure that the site operates in a way which will not be detrimental to the amenities of the occupiers of nearby houses.
4. No fixed jumps shall be erected at the site.
In the interests of the amenities of the occupiers of nearby housing.
5. No floodlight(s) or tannoy system(s) of any type shall be used or erected at the site.
In the interests of the amenities of the occupiers of nearby housing.
6. There shall be no burning or storing of materials or waste within the hereby approved outdoor area.
In the interests of the amenities of the occupiers of nearby housing.

PLANNING COMMITTEE

19 May 2010



Report of: Director of Regeneration and Neighbourhoods

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 Your attention is drawn to the following current ongoing issues which have arisen since the last meeting, which are being investigated. Developments will be reported to a future meeting if necessary:

- 1 Officer monitoring recorded the use of a ballroom as a gym in commercial premises on Raby Road.
- 2 A neighbour complaint regarding the erection of steel gates to create beer garden at a public house on Durham Street.
- 3 Officer monitoring recorded the erection of extension to the rear of a property on Kinterbury Close. The property is located on a gassing site and 'permitted development' rights have been removed.
- 4 A neighbour recorded the erection of a shed to the front of a property on Stockton Road.
- 5 A neighbour complaint regarding the erection of new tennis courts restricting vehicular access into a private garage on Eldon Road.
- 6 A neighbour complaint regarding the erection of a boundary fence to the rear of a property on Montague Street. The property is located in the Headland Conservation Area and protected by Article 4 Direction.
- 7 A neighbour complaint regarding untidy private land at Nine Acres, Hart.
- 8 A complaint regarding the parking of a mobile advert on Council owned land on Coronation Drive.
- 9 A complaint regarding the erection of a conservatory to the rear of property on Mary Rose Close. The property is located on a gassing site and 'permitted developments' have been removed.

- 10 Neighbour complaints regarding works to an existing Romney Hut and provision of a hardstanding on agricultural land in Dalton Piercy.
- 11 A complaint regarding the use of a public houses residential accommodation as a Bed & Breakfast accommodation on Croft Terrace.
- 12 A neighbour complaint regarding the installation of a roof light and car repair business operating from a residential property on Southgate.
- 13 Officer monitoring recorded the laying of block paving driveway to a property on Dunlin Road.

2. BACKGROUND

2.1 Members note this report

PLANNING COMMITTEE

19 May 2010



Report of: Director of Regeneration and Neighbourhoods

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) and section performance indicators.

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. Performance with dealing with complaints is also important.
- 2.3 Officers have recently completed the review for quarter 4 for 2009/10 and reported on performance for the year. These are shown below. Also indicated are the national targets for each indicator where relevant.

BVPI	Latest quarters performance	Cumulative performance for the year	Government Target
157a (major applications)	75%	80.56%	60% within 13 weeks
157b (minor applications)	88.10%	81.05%	65% within 8 weeks

157c (other applications)	81.97%	87.73%	80% within 8 weeks
204 (appeals allowed against the Authorities decision)	N/A	38.46%	33%
Percentage of planning complaints investigations concluded in 4 months	N/A	93%	No government target. Local target is 80% within 4 months.

- 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. A significant number of complaints are concluded within target, mainly by agreement. Few result in formal action.

3. RECOMMENDATIONS

- 3.1 Members to note the report.

PLANNING COMMITTEE

19 May 2010



Report of: Director of Regeneration & Neighbourhoods

Subject: APPEAL REF APP/H0724/A/10/2125994/NWF:
H/2009/0710 Use of premises as a takeaway (A5 Use)
operating between the hours of: Sunday to
Wednesday 8.00 - 24 hrs and Thursday, Friday &
Saturday 8.00 - 3.00 hrs. SOPRANOS, 93 YORK
ROAD, HARTLEPOOL TS24 9PB

1. PURPOSE OF REPORT

- 1.1 To advise Members that an appeal has been received in relation to the refusal of the above planning permission to extend the opening hours of a takeaway at 93 York Road and to request Members authority to resist the appeal.

2. RECOMMENDATION

- 2.1 That Members grant officers authority to fight the appeal.

PLANNING COMMITTEE

19 May 2010



Report of: Director of Regeneration and Neighbourhoods

Subject: APPEAL BY MR K NAPPER
APPEAL REF: APP/H0724/D/10/2123401
SITE AT: 10 NORTHWOLD CLOSE, HARTLEPOOL,
TS25 2LP

1. PURPOSE OF REPORT

1.1 To advise members of a planning appeal decision.

2. THE APPEAL

2.1 A planning appeal had been lodged against the refusal of Hartlepool Borough Council to allow the erection of a first floor bedroom and bathroom extension above garage, erection of a single storey side and rear lounge, kitchen and study extension, provision of a pitched roof to front and porch and erection of boundary wall to rear and side boundaries at 10 Northwold Close.

2.2 The appeal was decided by written representations and dismissed by the Planning Inspectorate insofar as it relates to the single storey side extension and boundary wall. The Inspector allowed the appeal insofar as it relates to the two storey side extension. A copy of the decision is set out below.

3. RECOMMENDATION

3.1 That Members note the decision.



Appeal Decision

Site visit made on 12 April 2010

by **Michael R Moffoot** DipTP MRTPI
DipMgt MCMI

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:
27 April 2010

Appeal Ref: APP/H0724/D/10/2123401 10 Northwold Close, Hartlepool TS25 2LP

- 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 K Napper against the decision of Hartlepool Borough Council.
- The application Ref. H/2009/0524, dated 14 September 2009, was refused by notice dated 22 January 2010.
- The development proposed is a single-storey side and rear extension, brick boundary wall to rear garden and first floor extension over garage.

Decision

1. I dismiss the appeal insofar as it relates to the single-storey side and rear extension and brick boundary wall to rear garden. I allow the appeal insofar as it relates to the first floor extension over the garage, and I grant planning permission for first floor extension over garage at 10 Northwold Close, Hartlepool TS25 2LP in accordance with the terms of the application Ref. H/2009/0524, dated 14 September 2009, and the plans submitted with it (so far as relevant to that part of the development hereby permitted), and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 3) Before the first occupation of the extension hereby permitted, the bathroom window on the west elevation shall be fitted with obscured glass and shall be permanently retained in that condition.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: (i) OS location plan; (ii) 'Existing and Site Plan' Council date stamped 21 Sept 2009; and (iii) 'General Arrangement' (Rev B) Council date stamped 29 October 2009.

Procedural Matter

2. There is no dispute between the parties regarding the acceptability of the proposed first floor extension over the garage. I am satisfied that this aspect of the proposal would cause no material harm, and would not conflict with any development plan policies I have been referred to. I shall therefore confine my detailed considerations to the proposed single-storey side and rear extension and the brick boundary wall.

Appeal Decision APP/H0724/D/10/2123401

Main Issue

3. The main issue is the effect of the proposed side and rear extension and boundary wall on the character and appearance of the area.

Reasons

4. The appeal site occupies a corner plot on Northwold Close in this predominantly residential area characterised by a variety of detached and semi-detached, single and two-storey dwellings. The proposed single-storey extension would adjoin the footway to the side of the dwelling and extend across the greater part of the rear elevation of the property. The proposed wall would enclose the rear garden on the eastern and southern boundaries, requiring the removal of a substantial hedge and landscaped area to the side and rear of the site.
5. This is a highly prominent site on a part of the estate where open plan gardens and areas of incidental open space impart a distinct sense of spaciousness that makes a significant contribution to the character of the neighbourhood. The proposed extension would result in the loss of an open area to the side of the property that presently augments this spacious character. Due to its size and siting, it would be an overbearing and discordant addition that would be severely detrimental to the street scene and would significantly diminish the residential amenity of the area. The extent and height of the proposed wall would compound the harm, and my concerns would not be overcome by the suggested use of timber fencing as an alternative, notwithstanding the fence I observed at No. 30 Northwold Close.
6. I acknowledge that debris may accumulate on the area to the side of the house, but this does not justify a development that I have found to be wholly out of keeping with its surroundings, whilst I see no reason why some form of boundary treatment or other measure could not be employed to deter those using the area as a short cut.
7. For these reasons, I conclude that the proposed single-storey extension and boundary wall would materially harm the character and appearance of the area. As such, the proposals would conflict with 'saved' Policies GEP1 and Hsg10 of the adopted *Hartlepool Local Plan* which, amongst other things, require residential extensions to be unobtrusive and sympathetic to the character of the street, and of a satisfactory appearance.
8. Concern regarding encroachment on to adjoining property is a matter between the landowners concerned, and I am satisfied that the proposed splay in the boundary wall would provide adequate visibility for a driver emerging from No. 12 Northwold Close.
9. I consider that the two distinct elements of the appeal proposal are capable of separate decisions. Although I have found that no material harm would result from the first floor extension over the garage, this does not outweigh the harm that the single-storey side and rear extension and boundary wall would cause to the character and appearance of the area. Accordingly I have concluded that the appeal insofar it relates to the single-storey extension and wall should fail, and the appeal insofar as it relates to the extension over the garage should succeed.

Appeal Decision APP/H0724/D/10/2123401

10. As to conditions, it is necessary and reasonable to require the use of matching materials in the interests of visual amenity. It is also necessary for the development to be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I shall also require the use and retention of obscure glazing to the bathroom window in the interests of privacy.
11. However, having regard to advice in Circular 11/95¹ and in the absence of clear evidence of exceptional circumstances to justify the removal of permitted development rights, I do not consider it necessary to restrict the freedom of the appellant or future occupiers to insert windows in the west elevation of the extension.
12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed only in part but otherwise dismissed.

Michael R. Moffoot

Inspector

¹ Circular 11/95: *The Use of Conditions in Planning Permissions*

PLANNING COMMITTEE

19 May 2010



Report of: Director of Regeneration and Neighbourhoods

Subject: APPEAL BY MR L PENNICK, TAIL END FISHERIES,
CHURCH STREET, SEATON CAREW,
HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council.

2. APPEAL

- 2.1 A planning appeal has been lodged against the refusal of Hartlepool Borough Council to allow advertisement consent for the retention of an advertisement board for Trinity House on unrelated premises in Seaton Carew.
- 2.2 The appeal is to be determined by the written representations procedure and authority is therefore requested to contest the appeal.

3 RECOMMENDATIONS

- 3.1 Authority is given to contest the appeal.

REPORT to PLANNING COMMITTEE

19 May 2010



Report of: Chief Solicitor & Director of Regeneration and Neighbourhoods

Subject: APPLICATION TO REGISTER LAND AT HART VILLAGE AS A VILLAGE GREEN

1. PURPOSE OF REPORT

To seek the Committee's consideration on the method of determination of an application to register an area of land in Hart Village as a Village Green. (see **Appendix 1**)

2. BACKGROUND

2.1 General Background

2.1.1 One of the functions of the Council, as Registration Authority under the Commons Act 2006, is to maintain a register of all Town and Village Greens within the Borough. Land which is not already registered as either Town or Village Green may be registered if either:

2.1.1.1 the landowner voluntarily applies to register the land; or

2.1.1.2 a 'significant number of inhabitants' living near the land have indulged in lawful sports and pastimes on the land for a period of at least 20 years prior to the application.

2.1.2 Where rights over a land compatible with it being a village green can be established through usage by the local inhabitants, legislation provides a process for submission of an application for registration. Where such an application is lodged, the authority is required to make a determination whether the circumstances and history are such that the requirements for the registration of the land as a village green are fulfilled.

2.1.3 The land which is the subject of this application, Hart Village Field, is owned by the Council. This means the Council is both Registration Authority and Landowner. In circumstances such as this, Government Guidance recommends that any application be referred to a third party for

determination. This will normally be a Planning Inspector or a Planning Counsel with suitable qualification and experience.

- 2.1.4 The remainder of this report places before the committee information which is considered to be sufficient to enable the committee to determine the most suitable method of determination for the application.

2.2 History

- 2.2.1 On the 5th August 2008 the Department of Adult and Community Services received an application, from Hart Parish Council, under section 15 of the Commons Act 2006 to register an area of land known as Hart Village Field. The field is adjacent to Hart Primary School.

- 2.2.2 The application was accepted as a valid application on the 2nd March 2009.

- 2.2.3 The application contained evidence of the rights claimed to have been exercised by the inhabitants of Hart Village. The evidence included statements from residents, photographs of the field and maps.

- 2.2.4 Notice was served on the Council as landowner and a statement in response has been received from Counsel instructed on behalf of the Council (see **Annex 2**) and from the Headmaster of Hart Primary School (see **Annex 3**). A public notice was also posted on the site and advertised in the local press in accordance with the regulations. No other submissions from the public were received.

2.3 The Land

- 2.3.1 The land to which the application relates lies to the north of Hart Primary School, east of North Hart Lane and south of North Hart Farm.

- 2.3.2 The exact location and extent of the land is shown hatched red on the Ordnance Survey map on page 3 of the case for registration contained within the application (**Appendix 1, 'Case for registration, Appendix and maps' p3**)

2.4 The Application

- 2.4.1 The application was made by Hart Parish Council on behalf of the inhabitants of Hart Village. Evidence was also provided in the form of letters from 24 individuals. All but 2 are residents of Hart Village. The 2 non-residents are former residents.

2.5 The Landowner

- 2.5.1** The land is owned by Hartlepool Borough Council under its function as Education Authority. The land forms part of Hart Primary School.

3. CONSULTATION

- 3.1** The following persons and bodies were initially consulted with, regarding the claim:
Hartlepool Borough Council (Estates Department) as Landowner
Hartlepool Borough Council (CDS Projects)
- 3.2** The notice of application was published in accordance with the legislation. Only one response was received in response to the publication of the Notice of Application from the Head Teacher of Hart Primary School (see **Appendix 4**).
- 3.3** In response to the statement of objection to the application submitted by Hartlepool Borough Council the Applicant provided a response to that Statement (see **Appendix 3**).

4. LEGISLATION

- 4.1** Under s15 of the Commons Act 2006:

(1) Any person may apply to the commons registration authority to register land to which this Part applies as a town or village green in a case where subsection (2), (3) or (4) applies.

(2) This subsection applies where—

(a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and

(b) they continue to do so at the time of the application.

Subsections (3) and (4) are not relevant to this application.

- 4.2** From the information supplied by the applicant it would appear there is sufficient evidence for the committee to consider the application on its merits under the provisions of s15 of the Commons Act 2006.
- 4.3** The Commons Registration (England) Regulations 2008 (The 2008 Regulations) are intended to set out the process for dealing with any applications to register a Village Green. These regulations have not yet come into force but offer a clear indication of the practice and procedure to be adopted by the registration authority.

- 4.4** Paragraph 27(3)(a) of the 2008 Regulations state that a registration authority must refer, to the Planning Inspectorate for determination by it, any application in which the registration authority has an interest in the outcome of the application. The situation where the registration authority is also the landowner is a clear example of this.
- 4.5** As the 2008 Regulation has not yet come into force the Council does have the option to refer the matter for determination by an independent Planning Counsel.
- 4.6** Once the Council has agreed on the method for determination all the paperwork relating to the application and conduct of the determination will be passed over to the person appointed to carry out the determination who will then have conduct of the matter. That person then decides as to how they wish to conduct the determination; this may include a public enquiry or hearing.
- 4.7** Following the determination by the third party matter will be referred back to the Council for final determination. It will then be open to the Council to accept or reject the third party determination.

5. PRACTICAL CONSIDERATIONS

- 5.1** The main difference between the two options available to the Council in relation to the determination of this application is in the degree of independence of the determination.
- 5.2** As the application affects land owned by the Council, the Council has a clear financial interest in the outcome of the determination. Any involvement by the Council in the decision making process could open the Council up to a accusation of bias.
- 5.3** If the application to register the land as a village green is successful the value of the land will be much reduced as there would be no possibility of redeveloping the land for any more valuable use.
- 5.4** The clearest way for the Council to ensure the matter is determined independently is ask that the matter be dealt with through the Planning Inspectorate's Town & Village Green Service. Under this scheme the Planning Inspectorate will make a Planning Inspector available to carry out a non-statutory public enquiry to determine an application to register land as a village green. Once the Inspector has been appointed they will have full conduct of the determination. They can decide whether further evidence is required and will set the terms of reference for the enquiry.

- 5.5** The Planning Inspectorate are able to make a Planning Inspector available to conduct a Village Green enquiry. The daily rate for a Planning Inspector is £1,000.00. The guidance issued by the Planning Inspectorate indicates such an enquiry will take between 6 and 9 days overall. This includes preparation time, conducting the enquiry itself and the preparation of the decision. Discussions with the Planning Inspectorate indicate the earliest an Inspector would be available to carry out an Enquiry would be October 2010.
- 5.6** As the relevant part of the 2008 Regulations have not yet come into force the Council is not compelled to refer the matter to the Planning Inspectorate. It is possible for the Council to instruct a Counsel to carry out the determination. The instructions to Counsel would set out the terms of reference for the enquiry. Enquiries made with a Barristers Chambers indicate that the cost of appointing Counsel would be the same as the charges made by the Planning Inspectorate. This is £1,000.00 per day for preparation, holding the enquiry and the preparation of the decision. The time scale for appointing a Planning Counsel is similar to that offered by the Planning Inspectorate.

6. SUMMARY

- 6.1** Members are asked to consider the two options with a view to ensuring that the determination is seen to be taken at an arms length and that there is no conflict of interest between the Council's role as Registration Authority and Landowner. The option of referring the matter to the Planning Inspectorate ensures the determination is carried out entirely at arms length.
- 6.2** If the Council were to appoint a planning Counsel there would not be the same degree of separation between the Council and the determining body. The Council would have to set the terms of reference for the barrister conducting the enquiry. This could raise the inference that the Council still had a degree of control over the process of determining the application.
- 6.3** Whilst the relevant regulations are not yet in force, consideration should be given to their content. The reason this section of the 2008 Regulations have not been brought into affect is due to other issues and not the regulations relating to the situation where a Council is both registration authority and landowner.

7. OPTIONS

- 7.1** Two options are available when choosing the method of determination:

OPTION 1. To refer the matter to the Planning Inspectorate for determination by a Planning Inspector.

OPTION 2. To appoint an independent planning Counsel, of suitable qualification and experience. To carry out the determination.

8. RECOMMENDATIONS

Members are recommended to refer the matter to the Planning Inspectorate for determination.

9. CONTACT OFFICER

P Cowie – Town & Village Green Officer, Adult and Community Services Department

Background Papers

Appendix 1 – Application made by Hart Parish Council dated 28th July 2008

Appendix 2 – Statement of Objections to the application on behalf of Hartlepool Borough Council dated 29th May 2009

Appendix 3 – Applicants response to the Statement of Objections dated 25th June 2009

Appendix 4 – Letter of objection dated 28th April 2009 from Mr S. P. McDonnell, Head Teacher Hart Primary School

This bundle of evidence/set of background papers is available in the Members Library

Commons Act 2006: Section 15**Application for the registration of land as a Town or Village Green**

Official stamp of registration authority
indicating valid date of receipt:

HARTLEPOOL BOROUGH COUNCIL
DEPARTMENT OF
ADULT & COMMUNITY SERVICES ADMIN
MUNICIPAL BUILDINGS

- 2 MAR 2009

Application number:

Register unit No(s):

VG number allocated at registration:

V9001

(CRA to complete only if application is successful)

Applicants are advised to read the 'Guidance Notes for the completion of an Application for the Registration of land as a Town or Village Green' and to note the following:

- All applicants should complete questions 1-6 and 10-11.
- Applicants applying for registration under section 15(1) of the 2006 Act should, in addition, complete questions 7-8. Section 15(1) enables any person to apply to register land as a green where the criteria for registration in section 15(2), (3) or (4) apply.
- Applicants applying for voluntary registration under section 15(8) should, in addition, complete question 9.

Note 1

Insert name of
registration
authority.

1. Registration Authority

To the

HARTLEPOOL BOROUGH COUNCIL
CIVIC CENTRE
VICTORIA ROAD
HARTLEPOOL
TS24 8AY

Note 2

If there is more than one applicant, list all names. Please use a separate sheet if necessary. State the full title of the organisation if a body corporate or unincorporate.

If question 3 is not completed all correspondence and notices will be sent to the first named applicant.

2. Name and address of the applicantName:

Full postal address:

THE OLD VICARAGE
BUTTS LANE
HART
HARTLEPOOL

Postcode

Telephone number:

(incl. national dialling code)

Fax number:

(incl. national dialling code)

E-mail address:

3. Name and address of solicitor, if any**Note 3**

This question should be completed if a solicitor is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here.

Name: Firm:

Full postal address:

Post code

Telephone number:

(incl. national dialling code)

Fax number:

(incl. national dialling code)

E-mail address:

Note 4

For further advice on the criteria and qualifying dates for registration please see section 4 of the Guidance Notes.

* Section 15(6) enables any period of statutory closure where access to the land is denied to be disregarded in determining the 20 year period.

4. Basis of application for registration and qualifying criteria

If you are the landowner and are seeking voluntarily to register your land please tick this box and move to question 5.

Application made under section 15(8): ☐

If the application is made under section 15(1) of the Act, please **tick one** of the following boxes to indicate which particular subsection and qualifying criterion applies to the case.

Section 15(2) applies: ☒

Section 15(3) applies: ☐

Section 15(4) applies: ☐

If section 15(3) or (4) applies please indicate the date on which you consider that use as of right ended.

If section 15(6)* applies please indicate the period of statutory closure (if any) which needs to be disregarded.

Note 5

The accompanying map must be at a scale of at least 1:2,500 and show the land by distinctive colouring to enable it to be clearly identified.

* Only complete if the land is already registered as common land.

Note 6

It may be possible to indicate the locality of the green by reference to an administrative area, such as a parish or electoral ward, or other area sufficiently defined by name (such as a village or street). If this is not possible a map should be provided on which a locality or neighbourhood is marked clearly.

5. Description and particulars of the area of land in respect of which application for registration is made

Name by which usually known:

HART VILLAGE FIELD.

Location:

NORTH OF HART PRIMARY SCHOOL
EAST OF NORTH HART LANE
SOUTH OF NORTH HART FARM
GRID REFERENCE: NZ 469 351

Shown in colour on the map which is marked and attached to the statutory declaration.

Common land register unit number (if relevant) *

6. Locality or neighbourhood within a locality in respect of which the application is made

Please show the locality or neighbourhood within the locality to which the claimed green relates, either by writing the administrative area or geographical area by name below, or by attaching a map on which the area is clearly marked:

HART VILLAGE
HARTHEPOOL

Tick here if map attached: ☒

7. Justification for application to register the land as a town or village green

Note 7

Applicants should provide a summary of the case for registration here and enclose a separate full statement and all other evidence including any witness statements in support of the application.

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

The land has been in continuous use by Villagers "as of right" since 1874. It was given, along with land to build a Village Hall, by the Milbank Family, owners of the Hart Estate, to the village for recreational use by villagers.

Hart Village Hall Association raised funds for draining and levelling the field in 1952-53. At this time it was re-seeded also.

In 1955 a letter from Durham County Council was received by the Village Hall Association stating that the field is provided as a Village playing field.

The field has been in continuous regular use up to the present time for formal and informal events and pastimes.

Letters of witness as to the use of the field and supporting photographs are included with this application.

APPENDIX 1

Note 8

Please use a separate sheet if necessary.

Where relevant include reference to title numbers in the register of title held by the Land Registry.

If no one has been identified in this section you should write "none"

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

Note 9

List all such declarations that accompany the application. If none is required, write "none".

This information is not needed if an application is being made to register the land as a green under section 15(1).

Note 10

List all supporting documents and maps accompanying the application. If none, write "none"

Please use a separate sheet if necessary.

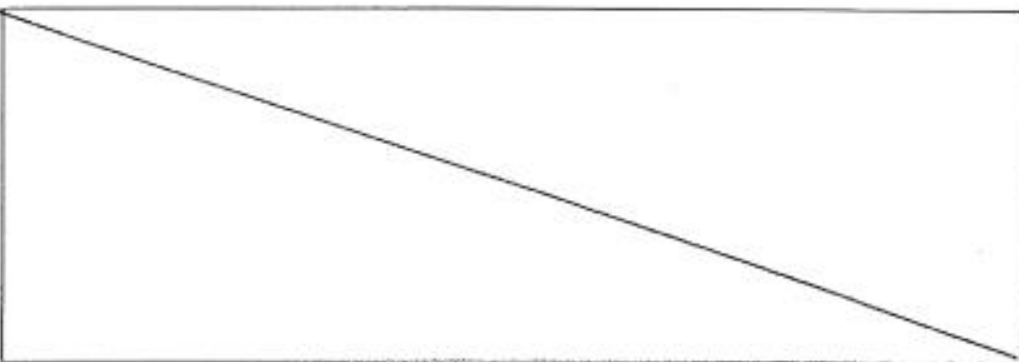
8. Name and address of every person whom the applicant believes to be an owner, lessee, tenant or occupier of any part of the land claimed to be a town or village green

LAND REGISTRY TITLE NO:- CE55807

JOINT OWNERSHIP AND USAGE BY:-

- HARTLEPOOL BOROUGH COUNCIL, CIVIC CENTRE, HARTLEPOOL
- HART VILLAGE HALL ASSOCIATION, HART, HARTLEPOOL
- HART PARISH COUNCIL 12 JOHN HOWE GARDENS HARTLEPOOL

9. Voluntary registration – declarations of consent from 'relevant leaseholder', and of the proprietor of any 'relevant charge' over the land



10. Supporting documentation

1. Map showing location of land.
2. Land REGISTRY title plan.
3. The case for registration as a village green
4. Summary of the history of the land.
5. Hart Parish council archives (extract)
6. letters of witness to the regular use of the land by villagers
7. Supporting photographs.

Note 11

If there are any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.

Note 12

The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.

11. Any other information relating to the application

Date:

28.07.2008

Signatures:

REMINDER TO APPLICANT

You are advised to keep a copy of the application and all associated documentation. Applicants should be aware that signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence. The making of a false statement for the purposes of this application may render the maker liable to prosecution.

Data Protection Act 1998

The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

Statutory Declaration In Support

To be made by the applicant, or by one of the applicants, or by his or their solicitor, or, if the applicant is a body corporate or unincorporate, by its solicitor, or by the person who signed the application.

¹ Insert full name (and address if not given in the application form).

1. DAVID JOHN WALK solemnly and sincerely declare as follows:—
THE OLD VICARAGE
BUTTS LANE
HART
HARTLEPOOL TS27 3AP

² Delete and adapt as necessary.

1.² I am ((the person (~~one of the persons~~) who (has) (~~have~~) signed the foregoing application)) ((~~the solicitor to (the applicant) (³ one of the applicants)~~)).

³ Insert name if Applicable

2. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document relating to the matter other than those (if any) mentioned in parts 10 and 11 of the application.

3. The map now produced as part of this declaration is the map referred to in part 5 of the application.

⁴ Complete only in the case of voluntary registration (strike through if this is not relevant)

~~4.⁴ I hereby apply under section 15(8) of the Commons Act 2006 to register as a green the land indicated on the map and that is in my ownership. I have provided the following necessary declarations of consent:—~~

- ~~—(i) a declaration of ownership of the land;—~~
- ~~—(ii) a declaration that all necessary consents from the relevant leaseholder or proprietor of any relevant charge over the land have~~

Cont/

4 Continued



~~been received and are exhibited with this declaration; or~~
~~(iii) where no such consents are required, a declaration to that effect.~~

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said DAVID COLIN WALL)

at HARTLEPOOL)

this 4th day of August 2008)

Signature of Declarant

Before me *

DIANE BROUGH

Signature:

Address:

R. BELL AND SON
 Durham House
 32A, Victoria Road
 Hartlepool
 TS26 8DD

Qualification: SOLICITOR

* The statutory declaration must be made before a justice of the peace, practising solicitor, commissioner for oaths or notary public.

Signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence.

REMINDER TO OFFICER TAKING DECLARATION:

Please initial all alterations and mark any map as an exhibit

Scale 1:2500

Metres

0 20 40 60 80 100

Supplied by: Hartlepool B C

Serial number: 00005500

Centre coordinates: 445989 535107.5

Further information can be found on the OS Sitemap information leaflet or the Ordnance Survey web site www.ordnancesurvey.co.uk

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The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.



Case For Registration

This application for Registration of land as a Village Green is made under Section 15 of the Commons Act 2006

The application is made in the belief that the land qualifies for registration as a Village Green under section 15[1] of the Act, in that it has been used by a significant number of local people for lawful sports and pastimes 'as of right' for more than 20 years.

We believe that the application is covered by section 15[2] of the act [Use Continuing].

History of use of the field

1874: The field was given to the residents of Hart Village by the owners of the Hart Estate [the Milbank family].

It was given for the recreation of the people of Hart. [*appendix ref1*]

1952-53: The land was drained, levelled and re-seeded by villagers so that the field could be used for recreation. [*appendix ref 2*]

28.01.1955: A letter is sent from Durham County Council to the Hart Village Hall Committee stating that the field has been provided as a village playing field, to be controlled by the Village Hall Association. [*appendix ref 2*]

10.03.1980: A notice board is erected by Cleveland County Council at the entrance to the field which is headed 'Hart Village Playing Field'. [*appendix ref 2*]
[*photograph 1*]

08.10.1981: Cleveland county council acknowledge the existence of the 1955 agreement. [*appendix ref 2*]

1981 to present: Continued regular use of the field 'as of right' by village residents. [*appendix ref3*] [*photographs 3-9*]

Use of the field by villagers is acknowledged by the notices on the fence surrounding Hart Primary School. [*photograph 2*]

Use of the field by villagers

The field has and is used by villagers for many activities.

Some examples are:

Church Fetes and 'Fayres'

Village sports

Celebrations of national events such as The Millennium and The Golden Jubilee of Queen Elizabeth the second

Village football and cricket games

Tug of war contests

Battle re-enactments

Barn Dancing

Barbeques

Golf practice

Rounders

Athletics training

Hockey practice

Kite flying

Picnics

Rugby practice

Many casual games

Firework displays

[See appendix ref3]

[photographs 3-9]

Hart Village Playing Field

- 1952/3 Manor Farm Field owned by Durham County Council. Hart Village Hall Association raises money so that the field can be used by the people of the Village for recreation. The field is levelled, drained & seeded by voluntary labour. This is BEFORE the school was built on the adjacent site.
- 26/1/55 A letter is sent from Durham County Council to Hart Village Hall Association headed "Hart Village Hall Playing Field." The letter stated that ".....the above named playing field has been provided by the Education Authority as a Village Playing Field and it is agreed that the field shall be controlled by the Village Hall Committee for the benefit of the community."
- 1974 Local Government Reorganisation : Cleveland County Council deny all knowledge of the 1955 agreement and attempt to designate the land purely as a school field.
- 30/8/78 Hart Parish Council write to Cleveland County Council stating the case for the Village.
- 12/1/79 Cleveland County Council agree in principle to dual use of the field and order a draft agreement to formalise this arrangement. (Education Committee Minutes 1.807 1004)
- 8/1/79 Draft agreement received by Parish Council for discussion. Revised draft evolved with council officers.
- 12/2/79 Draft again discussed and agreed apart from a clause giving Cleveland the right to terminate the agreement on three months notice.
- 21/3/79 Further draft agreement approved by Cleveland (still containing the 3 months notice clause) (Education Committee Minute 1.903 3762)
- 12/11/79 Advice sought by Parish Council from local solicitors.
- 10/11/79 Draft agreement returned to Cleveland with certain alterations suggested by solicitors. The clause objected to was amended to ".....the Agreement shall be determinable by either party on three months notice in writing PROVIDED THERE IS A JUSTIFIABLE REASON " Cleveland would not agree to the "Justifiable Reason" amendment.
- 11/2/80 Commons Registration Act 1965 investigated. Solicitors from outside the county are instructed to act for the Village.
- 10/3/80 New notice board for the field instigated after request from the School Managers. Preliminary report from solicitors given to Parish Council.
- 1987/81 Further progress reports from solicitors received by Parish Council.
- 19/9/81 Parish Council write to School Managers following reports of a gate being fitted. The letter warns "....in view of the rights of the villagers, no gate be erected at the present time"
- 6/10/81 Cleveland reply stating that "during the first night of it being erected it was removed from its hinges by persons unknown." They state that the intention was to stop damage by horses, motorcycles & dogs.
- 8/10/81 Cleveland write to Hart Village Hall Association and acknowledge the existence of the 1955 agreement, having discovered the correspondence "after very detailed research." They ask for "a more formal agreement" if the Village Hall Association wish to continue with the 1955 arrangements OR for NVHA to relinquish the agreement so that Cleveland can enter into a new agreement with Hart Parish Council.

Hart Village Playing Field

- 12/10/81 Cleveland letter to Village Hall Association discussed by Parish Council and a copy sent to solicitors.
- 14/12/81 Parish Clerk reports on a discussion with the Deputy County Secretary
- 11/1/82 Parish Council meet solicitor for progress report and discussion
- 9/2/82 Cleveland write to solicitors denying that "...any customary right for villagers to use this field."
- 26/5/82 Cleveland Education Committee order that
- 1 That the County Council be recommended not to recognise that a customary right for the Villagers of Hart to use this field recreational purposes or otherwise
 2. That the County Council be recommended to enter into an agreement with the Parish Council in the same form as the draft agreement including the provision relating to termination.
 3. That consideration be given to the making of a financial contribution by the Parish Council towards the increased costs of maintenance from the proposed agreement.
- (Education Committee Minute 1.205 459)
- 3/6/83 The solicitors report that Cleveland will oppose any application of the land as common land under the Commons Registration Act 1965. Cleveland claim that the village has not acquired a continuous right of use of the field as they state that the user rights were stopped some a short period of time. To bring matters to a head, Cleveland say they would have to take some physical steps to debar the inhabitants enjoying their rights.
-
- August 1983 Cleveland remove both their own and Parish Council notices and erect a kissing gate with a double lockable gate at its side. One of the lockable gates disappears the night after installation
- 15/9/83 Solicitors address a meeting in the Village Hall - 7.00pm prompt

IN THE MATTER OF THE COMMONS ACT 2006

AND IN THE MATTER OF THE COMMONS (REGISTRATION OF TOWN OR VILLAGE GREENS) (INTERIM ARRANGEMENTS) (ENGLAND) REGULATIONS 2007

AND IN THE MATTER OF LAND TO THE NORTH OF HART PRIMARY SCHOOL, THE EAST OF NORTH HART LANE AND THE SOUTH OF NORTH HART FARM, HART

**STATEMENT OF OBJECTIONS TO THE APPLICATION ON BEHALF OF
HARTLEPOOL BOROUGH COUNCIL**

INTRODUCTION

1. This is the Statement of Objections within the meaning of the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 (the “2007 Regulations”) made by Hartlepool Borough Council (“HBC”) in relation to the application (the “Application”) made by Hart Parish Council (the “Applicant”) dated 4 August 2008 for the registration of land to the north of Hart Primary School, the east of North Hart Lane and the south of North Hart Farm (“the Land”) as a town or village green (“TVG”) under section 15 of the Commons Act 2006.
2. HBC, in its capacity as freehold owner of the Land, objects to the registration of the Land, or any part of it, as a TVG. HBC is the sole legal owner of the land. The Land Registry documents evidencing this are at Appendix 1 of this Statement of Objections.

REQUIREMENTS FOR THE REGISTRATION OF A TVG

3. This is an application under section 15(2) of the Commons Act 2006 and it is a requirement of that section that the Applicant must show the following:-
 - 3.1.1 That a significant number of the inhabitants of a qualifying area have indulged in recent activities on the entirety of the relevant site.
 - 3.1.2 The activities in which the inhabitants have indulged may properly be described as lawful sports and pastimes.
 - 3.1.3 The activities were such as at all times throughout the relevant 20 year period to bring home to the owners of the site that a right to engage in lawful sports and pastimes “as of right” over the entire site was being asserted: R v. Oxfordshire County Council ex parte Sunningwell Parish Council [2001] AC 335.
 - 3.1.4 That the activities have been indulged in “as of right”; that is without force, without stealth, and without permission: R (Beresford) v. Sunderland City Council [2003] UKHL 60, [2004] 1 AC 889.
 - 3.1.5 That the activities have taken place over a period of not less than 20 years and continue to occur thereafter.

GROUND OF OBJECTION

Ground One

4. At all material times, and in any event from 1955, any recreational use of the Land by members of the public has been by way of permission granted by HBC and its predecessors in title (and accordingly not “as of right”).
5. The Land is part of a site purchased by Durham County Council (from whom HBC has derived title by processes of statutory vesting consequent upon a series of local government reorganisations) on 21 July 1952 for the

purposes of building a school. A pre-fabricated building was subsequently erected on this site on 1 December 1953 and the building currently occupied by Hart Primary School was completed and opened in October 1981. The Land is a playing field north of the school building.

6. Relevant correspondence and documentation in relation to the use of the Land, including the documents referred to below, is at Appendix 2 of this Statement of Objections.
7. By way of an exchange of correspondence in early 1955 between Durham County Council and the Hart Village Hall Committee, it was expressly agreed that local residents would be able to use the Land outside of school hours with use of the Land during school hours to be exercised by the school (see letter of 28 January 1955 from Durham County Council to the Committee and the Committee's response in April 1955 confirming that they were "*agreeable with the arrangement*").
8. This arrangement amounted to a grant of permission which is not use "as of right". At all material times, any use of the Land by local residents outside of school hours has continued by way of permission of the landowner, notwithstanding any assertions that the Land was being used "as of right" by the Applicant. The correspondence at Appendix 2 shows that HBC's predecessors in title maintained that use of the Land was by way of permission and that they sought to enter into a more formal licence agreement to reflect this on several occasions.
9. If, which it is not admitted, use of the Land was "as of right" prior to 1955, it ceased to be so upon the granting of permission to the local residents to use the Land by the landowner. From that point use of the Land was not "without permission", regardless of assertions to the contrary by the Applicant.

10. Further, the presence of signs on the Land as referred to in the Application, do not show that use of the Land was “as of right” but rather that it was with the permission of HBC and its predecessors in title. The restrictions on use imposed by the then landowner (as can be seen in photograph 1 exhibited to the Application) are inconsistent with the use of land “as of right” and demonstrate that the contrary was true.
11. In the circumstances, the Application must be dismissed.

Ground Two

12. Without prejudice to the above ground of objection, the actual occupation and use of the Land as a school playing field by HBC (and its predecessors in title) is incompatible with the Land being used for informal recreation by local residents in such a way as to satisfy the definition of “as of right”.
13. At all material times, the Land has been used as the school field of Hart Primary School by HBC and its predecessors in title. The school field is used by the school between the hours of 09.00 and 15.30 on weekdays during school terms. The period of usage is frequently extended to 17.00 for after school activities such as football, cricket, rugby and coaching generally. It is also from time to time used as an orienteering area as part of the Outdoor Adventure Curriculum for Schools.
14. That the local residents recognise and defer to the usage of the Land by the school is acknowledged in the statements supporting the application: see, for example, letters of J.E. and J.B. Lancaster dated 28 July 2008 and letter of Carole Bell and Alan Bell dated 27 July 2008.
15. The degree of deference is so significant to make it wholly unlikely that it would appear to a reasonable owner that the local residents were asserting any right to use the land as of right: R (Kevin Lewis) v. Redcar and

Cleveland Borough Council, Persimmon Homes (Teesside) Limited [2009] EWCA Civ 3 (CA).

16. That local residents have continued to have access to the Land outside of school hours does not amount to use "as of right". There is no scope for the conferring of qualified or limited rights in relation to the use of the land: *"Either the user has been or it has not been "as of right" (Lewis).*
17. Without prejudice to paragraph 9 above, if, which it is not admitted, any use of the land "as of right" subsisted prior to 1955, that "right" ceased upon the use of the Land by the local residents becoming qualified and limited, and the residents' substantial deferral to the activities of the school on the Land.
18. The assertion that *"the land has been in continuous use as of right since 1874"* is therefore ill-founded and cannot be relied on: it is wholly undermined by the actual uses of the Land by the landowners and the local residents since 1955 (at the latest). In any event, the use of the Land from 1874 to 1955 is immaterial to the Application.
19. As a matter of fact and degree, the Applicants fail to establish that the use of the land is "as of right".
20. A level of informal recreational use by local residents which was compatible and did not interfere with the occupation and use of the Land for the purpose of a school field by HBC cannot be sufficient to count for the purposes of a claim that the Land or any part of it has become a TVG. There was in fact no such interference, even if and to the extent that there was any such use (as to which no admissions are made).
21. In the circumstances, the Application must be dismissed.

Ground Three

22. There is insufficient evidence of use of the whole or any part of the Land for lawful sports and pastimes at any time to amount to evidence of use by "a significant number of" the inhabitants of any locality (or neighbourhood within a locality), or to carry the outward appearance of use as a TVG, or to suggest to a reasonable landowner that a continuous right of enjoyment as a TVG was being asserted.
23. Whilst "significant number" does not have to be a substantial number, whether a number is significant depends on the context and whether the relevant land is used not simply by a few individual house holders but rather by the inhabitants of a relevant qualifying area. The relevant qualifying area is stated to be Hart Village by the Applicant in the Application.
24. There are approximately 266 households in Hart Village (Source: Tees Valley Joint Strategy Unit 2005). There are 23 witness statements from residents of Hart Village. Even if those statements from witnesses who have used the field for less than 20 years are taken into account, this still represents less than 9% of local households.

Generally

25. HBC reserves the right to add or to expand upon the above grounds of objection as may be appropriate.

CONCLUSION

26. For the reasons set out in this Statement of Objections, the Application should be summarily dismissed without a local inquiry and the Registration Authority should not register the site as a TVG.

27. HBC contend that it is readily apparent from the surrounding circumstances that this Application has been made not in order to obtain legal recognition for 20 years' user "as of right", but rather in an endeavour to frustrate any proposed development of the Land should Hart Primary School be closed. In fact, at this time, there are no plans for Hart Primary School to be closed in the foreseeable future.
28. If, contrary to the submissions above, it is considered that the Application cannot be dismissed outright, the Registration Authority is required to hold a local inquiry so that the claimed exercise of lawful sports and pastimes can be tested.

Signed
(Keith Lucas- Asset & Property Manager)

Dated

Hartlepool Borough Council
Leadbitter Buildings
Stockton Street
Hartlepool,
TS24 7NU

**IN THE MATTER OF THE
COMMONS ACT 2006**

**AND IN THE MATTER OF THE
COMMONS (REGISTRATION OF
TOWN OR VILLAGE GREENS)
(INTERIM ARRANGEMENTS)
(ENGLAND) REGULATIONS 2007**

**AND IN THE MATTER OF LAND
TO THE NORTH OF HART
PRIMARY SCHOOL, THE EAST OF
NORTH HART LANE AND THE
SOUTH OF NORTH HART FARM,
HART**

**STATEMENT OF OBJECTIONS
TO THE APPLICATION
ON BEHALF OF HARTLEPOOL
BOROUGH COUNCIL**

Hartlepool Borough Council

Leadbitter Buildings

Stockton Street

Hartlepool

TS24 7NU



A: Property Register

This register describes the land and estate comprised in the title.

HARTLEPOOL

1. (24 September 1938) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Hart Village Primary School, Hart.
2. The mines and minerals are excepted.
3. (30 March 1983) The land edged and numbered in green on the filed plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
4. (13 May 2002) A Transfer of the land coloured yellow and coloured blue on the plan thereto dated 9 May 2002 made between (1) Hartlepool Borough Council and (2) Lisa Marianne Steel contains the following provision:-

"The boundary wall between points B and C on the plan attached shall remain in the freehold ownership of the Transferor"

NOTE: Copy plan in certificate. Copy plan filed under DU46334.

5. (13 May 2002) A Deed dated 9 May 2002 made between (1) The Council of the Borough of Hartlepool and (2) Lisa Marianne Steel contains a provision as to boundary structures.

NOTE: Copy in certificate. Original filed under CE140775.

6. (13 May 2002) A new filed plan based on the latest revision of the Ordnance Survey Map has been prepared.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.



NCE SURVEY MAP R
NO COPYRIGHT. Produ

Title Absolute

1. (15 October 1981) **PROPRIETOR:** THE COUNCIL OF THE BOROUGH OF
HARTLEPOOL of Civic Centre, Hartlepool, TS24 8AY.

END OF REGISTER

NOTE A: A date at the beginning of an entry is the date on which the entry was made in the Register.

NOTE B: This is a copy of the register on 20 May 2002 at 14:40:46.



RTITLE NUMBER
CE55807**HARTLEPOOL**

ORDNANCE SURVEY MAP REFERENCE:

NZ4835SE

SCALE 1:1250 Enlarged from 1:2500

OWN COPYRIGHT. Produced by HMLR. Further reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number GD 272728.





Correspondence and documentation relating to arrangements concerning use of the Land

OFFICE: DURHAM 201
SIGNAL: AGRICULTURE - DURHAM 202 & 203
TODAY: FARM - DURHAM 204
DO: DAILY - DURHAM 205
DE: HOME SECTION - DURHAM 206
DE: ALLEY STATION - DURHAM 207
COMMUNICATIONS TO BE
ADDRESSED TO THE DIRECTOR.

COUNTY AGRICULTURAL COMMITTEE.

APPENDIX 2

JOHN W. CASSELS, O.B.E., B.Sc. (AGRIC.)
DIRECTOR OF AGRICULTURE.

23. OLD ELVET,

DURHAM.

SH/095/30/THF/MH.

4th July, 1950.

Dear Sir,

Manor Farm, Hart.

In reply to your letter regarding the old buildings and 3 acres of land on the above farm which the County Council is offering for sale, I set out below a plan showing the property verged in RED. There is no Dwelling House included.

The property will be sold as it now stands and the sale will be subject to such terms and conditions deemed necessary by the Clerk of the County Council.

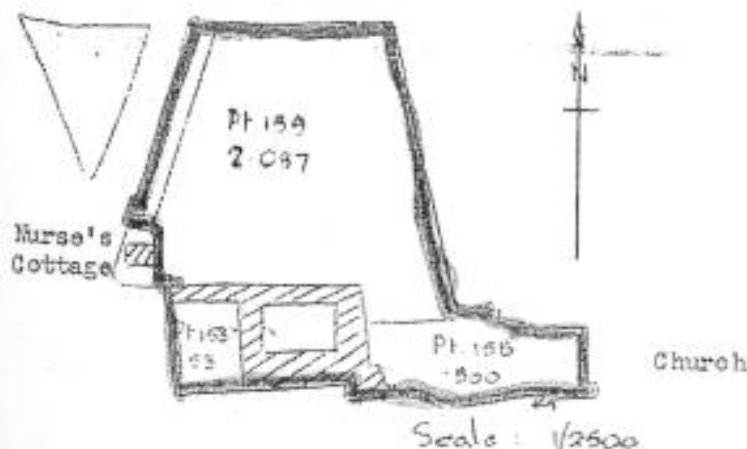
Offers in writing are to be received by J.K. Hope, Esq., Clerk of the County Council, Shire Hall, Durham, not later than the first post on Saturday, 22nd July, 1950..

If necessary a date and time will be arranged to meet prospective purchasers on the site.

Yours faithfully,

J. W. Cassels
Director of Agriculture.

Mr. T. Brown,
North Hart Farm,
HART VILLAGE,
West Hartlepool.



HART VILLAGE HALL COMMITTEE.

Kespers Cottage.
Hart Village.
West Hartlepool.

20th. Jan. 1955.



Dear Mr. Humphreys,

The Annual Meeting of the above Committee took place last night, and during discussion about the Playing Field a deep concern was felt and expressed, when it was reported that the Committee had not received any form of Agreement from the County Education Dept. in connection with the Field.

I would be very grateful if you could inform me whether this matter is still under review, and if there is to be an agreement drawn up for the tenure of the Playing Field.

I remain,

Yours Faithfully,

M. R. Barker
(Honorary Secretary H.V.H.C.)

*Mr. S. J. Barker
Secretary H.V.H.C.*

20 Jan 1955

Hart Village,
Nr. West Hartlepool.

April. 1955

County Council of Durham.
Education Department.
Shire Hall.
DURHAM.

ref. WW/MA.

The Director of Education,

Dear Sir,

Hart Village Hall Playing Field.

We thank you for your letter dated Jan. 28-1955. and I have to inform you ~~the~~ above Committee are agreeable with the arrangement you set out in connection with the Playing Field.

Yours Faithfully.

W. R. Barker
(Hon Sec. Hart Village Hall Committee.)

1. Jan.
1. Jan. 1955

1.
4226

April 1955

Copies sent to Mr. Curry and the Head Teacher, Hart County School.

W.R./KA

Dear Sir,

Hart Village Hall Playing Field.

In reply to your letter dated 20th January, 1955, the above-named playing field has been provided by the Education Authority as a village playing field and it is agreed that the field shall be controlled by the Village Hall Committee for the benefit of the community.

The playing field will be maintained by the Authority's Superintendent of Playing Fields.

The only stipulation made by the Education Authority is that the Hart County Primary School shall be allowed the use of the field for school purposes during normal school hours in school term; and that the school shall be allowed to use the playing field for school activities at any other time by arrangement between the Head Master and the Village Hall Committee.

In the circumstances a formal agreement does not appear to be necessary but if the arrangements set out above are satisfactory and you will let me have a formal reply to this effect this correspondence will be placed with the documents relating to this property as a permanent record.

Yours faithfully,

Mr. W.R. Barker,
Honorary Secretary,
Hart Village Hall Committee,
Keeports Cottages,
Hart Village,
West Hartlepool.

Kespos Cottage
Hart.
8-11-78.

Hart Parish Council.

Dear Sirs.

HART VILLAGE PLAYING FIELD

Your letter of Dec. 26th 1977 to the Sec. of Hart Village Hall Committee has been passed on to me to provide any information I may have.

The old minute Books provide plenty evidence that the Village Hall Committee took on the job of converting the land as a playing field for the Village —

extract from Minutes of Meeting April 16-1952 —

Village Playing Field — Mr Gale told the meeting that Mr Humphrey was anxious to know what the village was prepared to do with regard to making the Manor Farm field suitable for use as a playing field.

The chairman (Mr W. E. Kell) prop. and Mr Swain seconded that a sub-committee be appointed to inspect the field and to make a report as to what was needed in this

respect.

The sub. committee as follows:-
Messrs. Kell, Bird, Gale, Mackenzie, Swain
F. Longmate, D. Longmate, Barrone, D. Johnson
& Brown.

It was decided they meet on the field at
10-30 p.m. Tuesday. 2nd April.

Signed by. W. E. Kell - May 14th 1952.

Tenders were applied for and received
from H. V. Marsh & Co. Ltd. Gateshead. = £889.34
W. Lambert & Sons - Billingham - £230-

Lambert's quotation was eventually accepted
and they replied stating they expected to
start the work on Sept. 1st. 1953.

Extract from minutes - Sept. 18th 1953.

Mr. Kell put forward the proposal we
accept Mr. Lambert's work as satisfactory and
proceed with sowing the seed. Mr. Johnson
seconded. - carried by a big majority

It was left to Mr. Kell to obtain seed for
3 acres of land from Seaside Farmers.

The following offers were made and

ed.
 offered to. Disc the field.
 d " " Sow the seed.
 Openm " " Roll it.

Actually we have no written agreement with Durham C.C. over the ownership but Correspondence I have from them relate to the 'Village playing field'. We wrote about it in 1955 but as far as I know we never received a reply.

W. G. Gale was Treasurer at the time and would make the payments.

Mr Lambert's Account £230 was paid by
 Crossed Warrant from Post Office
 Savings Account
 Oct: 6th 1953.

This is all the information I can supply
 and trust it will be of help to you.

Yours Sincerely,

W. R. Barker

(Pres. Hart Village Hall Committee)

PROPOSED HART PRIMARY SCHOOL - (REPLACEMENT) - 1000 PLACES
1978/79 MAJOR SCHOOLS BUILDING PROGRAMME

DISTRIBUTION	ACTION BY
D.C.A.	
A.C.A. (E)	
A.C.A. (G) on	
C.Q.S.	
P.A.O.	
P.M.O.	
T.S.O.	

Report of a meeting held on the site of the Hart Primary School
 Friday, 26th May, 1978.

PRESENT:

- | | |
|----------------|--|
| C. M. L. Rees | - Senior Assistant Education Officer |
| W. R. Emmerson | - Administrative Assistant, Buildings Section |
| C. J. Dixon | - Principal Architect, County Architect's Department. |
| Miss M. Brown | - County Archaeologist |
| G. Fairclough | - Department of the Environment (Ancient Monuments Board). |

The purpose of the meeting was to establish the effect of the proposed school project on the archaeological interest that existed on the site.

AREA PROTECTED UNDER ANCIENT MONUMENTS ACT

Mr. Fairclough confirmed that part of the land in the Education Committee ownership was protected under the Ancient Monuments Act and it was unlikely that the D.O.E. would allow any building work to take place on this area which fell within the south-eastern corner of the site. Part of this area, whilst in the County Education Committee's ownership, was outside of the proposed land-take for the replacement school project and was in the process of being leased to the Parish Council for the purpose of developing car parking facilities for the Church. However, part of the protected area did fall within the south-eastern boundary of the proposed replacement school site.

Miss Brown confirmed that part of the protected area had already been excavated and the balance would be the subject of a future dig.

Mr. Fairclough suggested that the County Architect make an approach to the D.O.E. to establish the extent of the "Scheduled" area and arrangements would be made to peg out this area.

FUTURE EXCAVATIONS

Miss Brown and Mr. Fairclough confirmed that a large part of the balance of the site did hold a strong archaeological interest and Mr. Fairclough said he would support the County Archaeologist's request for a 'dig' on the balance of the site, prior to the commencement of building work on the new school.

The County Architect and County Education representatives acknowledged that the archaeological interest in the site was such that a 'dig' was necessary prior to the commencement of building works on the new school project. They hoped that the County Archaeologist could make arrangements for a 'dig' to take place during the Spring/Summer of 1979 to allow the school to proceed as early as possible in the programme year. Miss Brown confirmed she would take the preliminary action in organising a 'dig' for 1979 but pointed out that as she was leaving at the end of June, her successor, who was unlikely to be appointed before 1st August, 1978, would be co-ordinating matters.

LOCATION OF SCHOOL BUILDINGS

Mr. Dixon acknowledged the constraints placed upon the location of the school buildings because of the 'protected area', the change levels between the southern end of the playing field and the area fronting Magdalene Drive and the location of the existing school buildings. He was to examine the possibility of locating the school buildings between the existing school buildings and the protected area to the east. Mr. Dixon pointed out that in the absence

of any firm indication of the likely community input in the new building, he would have to assume there would be some input for the purpose of this exercise.

CONSULTATION WITH ANCIENT MONUMENTS BOARD

It was agreed that the Ancient Monuments Board should be consulted as soon as Mr. Dixon had completed his exercise on the preferred location for the school buildings which should establish whether there was likely to be any interference with the protected area and the extent of the encroachment onto the balance of the site.

Mr. Fairclough advised that any correspondence should be directed to the D.O.E.'s London office, namely:-

Department of the Environment,
Ancient Monuments Board,
Fortress House,
Savile Row,
London, W.1.

(Correspondence to be addressed: For the attention of Mrs. V. Birkett Telephone No. 01-734-6010, Extension 433, Mr. Fairclough's telephone extension 380).

DUAL USE OF SCHOOL PLAYING FIELD

Mrs. Brown made reference to the strong archaeological interest in the field to the east of the school playing field. Miss Brown stated that it was proposed to organise a 'dig' in this area at a future date.

However, the Parish Council were negotiating with the County Council over the possibility of developing this field as a children's play area and she was concerned of the effect this would have on the archaeological remains.

Miss Brown suggested that the Parish Council may drop this proposal if there was a possibility of a dual use of the school playing field and requested that sympathetic consideration be given to any request from the Parish Council for dual use in order to maintain the archaeological interest in the other field. Miss Brown believed that the Parish Council some years ago, had provided funds for maintenance of the school playing field and prior to the formation of Cleveland County Council the Parish had enjoyed what appeared to be unofficial user rights of the school playing fields.

Miss Brown stated that she had spoken with the Deputy County Education Officer on the matter and was to submit a formal memo on the situation. Mr. Rees stated that he had spoken briefly to Mr. Worthy on the matter and confirmed that consideration would be given to any formal request from the Parish Council over dual use of the School playing field.

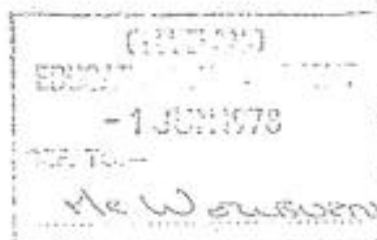
HART PARISH COUNCIL

APPENDIX 2

MR. ANDREW, C.C. EDGUP
(Clerk)

Tel. 68348

19 LOWDALE LANE
HARTLEPOOL
CHESHIRE
TS24 9RL



May 30th 1978.

County Education Officer,
Cleveland C.C.

Dear Mr. Jackson,

Hart School Field.

After several years of turmoil the Hart P.C. have asked me to contact you personally in an endeavour to sort out the problem detailed below.

First the history: In 1952 it was decided by the Hart Village Hall and Playing Field Ass. to obtain estimates for the levelling, draining and seeding of a field known as Manor Farm Field. This was at the request of Mr Gale, Hart School, Head teacher. The purpose was to use the field as a Village playing field. The field was owned by D.C.C. Education Committee. A tender was accepted and monies raised by public functions. In 1953 the field was seeded. From that time until the formation of Cleveland C.C. the school used the field during school hours but the people of the village had its full and free use at all other times. D.C.C. cut the grass and maintained the walls. Unfortunately this arrangement was purely a gentleman's agreement with nothing in writing. This may seem a somewhat unbusiness like arrangement but the Head of the school was always a committee member of the above association.

Cleveland C.C. deny any knowledge of the above and regard the field purely as their property and although Hart P.C. were not involved in the original 'arrangement' it has now fallen upon me to try and sort things out. There is a very strong public feeling that the people of Hart are being denied the use of a facility which, in fact, was paid for by their money and labour.

APPENDIX 2

One somewhat startling fact is that the money spent in
would easily have paid for the purchase of the field.

The Hart P.C. believe that Cleveland C.C. have a strong
moral, if not legal, obligation to the community and I am, therefore, directed
to ask you if the arrangement can be formally documented, whereby the
people of Hart have the full and free use of the Hart School field for
Sport and recreational Activities, without any prior consent being
necessary.

Yours sincerely,

E. Miles
Clerk to the Hart Parish Council.

Encl.

Photostats of minutes.

Cc. to Chief Executive.

MEMORANDUM FROM THE COUNTY EDUCATION OFFICER, CLEVELAND COUNTY

To: County Secretary

Our Ref: 80/JR/78

Date: 13th June 1978

Your Ref:

Date:

Hart Village School

I refer to the memorandum of 30th May addressed to you by the Leisure and Amenities Officer which raised, in particular, the question of the use of the School playing field by the Community.

I have subsequently received a formal approach from the Hart Parish Council (letter attached) and it is my intention to take a report to my Committee in due course. At this stage it would appear to be in the interests of both the Education Committee and the community in Hart Village to formalise an arrangement whereby the School playing field was used out of school hours by the community. I am hopeful that my Committee might be sympathetic to this request of the Parish Council.

Therefore, it would be extremely helpful if you would meet with Mr. Rees of my department to discuss this matter and its implications.


County Education Officer



Your ref

Our ref 80/NM4/79

Please reply to:

County Education Officer

Education Offices,
Woodlands Road,
Middlesbrough,
Cleveland,
TS1 3BN

When telephoning please ask for

Mr. C.M.L. Rees

Tel: M'Bro. 248155

Ext. 2946

9th February, 1979.

Dear Mr. Milner,

Hart Village School - Dual Use of
Playing Field

Further to my letter of 11th January I am now enclosing several copies of the draft legal Agreement which it is proposed to make between the County Council and the Hart Parish Council for the licencing of the playing field at Hart Village Primary School.

There are just one or two points of clarification which I would wish to make. In Clause 6a I have changed the word "control" to "regulation". The Education Committee are not requesting the Parish Council to police the use of the playing field but rather to ensure that a method of letting/hiring to different groups within the village is devised. In Clauses 7a and b the County Secretary uses the phrase "best endeavours" which indicates that the Parish Council would be expected to try to prevent trespass during the relevant period. Clause 7e takes into consideration the views expressed by the Parish Councillors with regard to damage caused to the playing field outside your period of occupancy. It is re-affirmed that you would not be liable for damage caused through such trespass.

I am also appending a Schedule of Maintenance functions which are carried out at the school together with the relevant costs for 1978/9. It should be noted that at present this does not include the marking out and maintenance of a football pitch and this, of course, would add to the cost. The costs, as indicated for 1978/9, will be used as a base in determining the additional maintenance costs in future years (adjusted for inflation) arising from the use by the Parish Council. It will be suggested to the Education Committee that the Parish Council contribute the full cost of additional maintenance (adjusted for inflation) arising out of this more intensive use.

A report will be presented to the next meeting of the Finance and Staffing Sub-Committee and it will be most helpful if I had the observations and comments of the Parish Council by Tuesday, 20th February as I would wish to include such comments as part of the report.

Mr. E. Milner,
Clerk,
Hart Parish Council,
19, Lowdale Lane,
HARTLEPOOL
Cleveland. TS24 9RL.

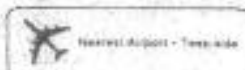
Continued...../2

((c.c. Head Teacher, Hart Primary School

County of Cleveland



Your Ref:



Our Ref: DWA/JH

Please reply to

County Secretary

P.O. Box 100A,
Municipal Buildings,
Middlesbrough, Cleveland TS1 2QH

When telephoning please ask for

Mr. Ashton.

Tel: (0842) 248155 Ext. 2197

8th October, 1981.

Dear Mrs. Siddell,

Hart Village School Playing Field

I understand that you are the Secretary of the Hart Village Hall Committee and I am writing to you in that capacity.

In 1955 the Durham County Council agreed that there could be some dual use of the Village School playing field between the School and the people living in the Village. It was agreed at that time that your Committee should control the playing field for the benefit of the community.

In 1974 this County Council became the Local Education Authority for Hart and also the owners of the playing field. In 1978 we entered into correspondence with the Hart Parish Council who were concerned that the residents of Hart should be able to continue to use this school field for recreational purposes and a draft Agreement was drawn up with the Parish Council to enable this to happen. However the Parish Council were advised that it would be inappropriate for them to enter into such an Agreement because it was thought that there was a customary right for villagers to use this field. Of course the advice the Parish Council received was without knowledge of the agreement reached with your Committee in 1955.

In fact it is only in the last few days after very detailed research that we have discovered the letter which was written to your Committee in 1955 setting out the terms of Durham County Council's agreement with you. In view of the letter I am now writing to you to ask whether your Committee consider that they are still operating under the agreement reached in 1955 and whether they would wish the agreement to continue in the future or whether they would be content for the Parish Council now to enter into an agreement with the County Council to ensure that local residents can continue to have use of this playing field.

If your Committee do wish to continue with the agreement I think it

Cont.....

Mrs. E.A. Siddell,
8 Palace Row,
HART VILLAGE,
Hartlepool,
Cleveland.

CLEVELAND



Your Ref:

Our Ref: AJH/AF

AGENDA ITEM NO. 46(iii)

Please reply to

County Secretary

P.O. Box 100A

Municipal Buildings

Middlesbrough, Cleveland TS1 2QH

When telephoning please ask for

Mr. A.J. Hodgkinson

Tel [0642] 248155 Ext. 2001

Fax [0642] 224558

The Chairman and Members of
THE DIRECT SERVICES SUB-COMMITTEE
OF THE EDUCATION COMMITTEE

Hart Village School Playing Field

1. To consider the future use and control of the Hart Village School playing field.
2. Recommendation
 - 2.1 ✓ That the County Education Officer discuss with the Governors of the Hart Primary School ways of enabling the people of Hart to continue to have use of the playing field in ways which do not conflict with its use by the children attending the school.
 - 2.2 That prior to any specific restriction being imposed on use by residents, consultations take place with the Hart Parish Council.
3. Background
 - 3.1 Some Members will be only too well aware of the background to this long running matter. However, I have taken the liberty of reproducing a report which went to the Finance and Staffing Sub-Committee of the Education Committee in September, 1985 as this sets out most of the background.
 - 3.2 As the result of the consideration of that report attempts were made to agree a draft Agreement with the Village Hall Committee's Solicitor.
 - 3.3 Because of a lack of response we had to inform the Solicitor that the draft which we had prepared would have to be submitted direct to the Chairman of the Village Hall Association. Eventually, the Village Hall Association told us that they were not willing to sign any such agreement and that they would continue to rely on the letter from Durham County Council dated 28th January, 1955 which is set out in full in paragraph 4 of the attached report.
 - 3.4 This matter came before the school governors at a recent meeting where the Chairman of the Village Hall Association (who is also a school governor) indicated that he was willing to reconsider entering into the agreement. A copy of the draft Agreement was forwarded to



him and he subsequently telephoned to say that as far as he was concerned nothing has changed and that the Village Hall Association was therefore not willing to sign any agreement and that in these circumstances there was nothing to formally negotiate between the Village Hall Association and the County Council.

- 3.5 The governors of the School have requested that the Committee be informed of their concern at the long and protracted delay in formalising the shared use arrangement with the Village Hall Association. The governors had hoped that some amicable agreement could be reached along the lines of what appeared to be mutually acceptable in 1985.

4. The Current Position

- 4.1 Clearly the problem in resolving this matter rests on the letter from the County Education Officer of Durham County Council dated 28th January, 1955.
- 4.2 That letter agreed that the school field should be controlled by the Village Hall Committee for the benefit of the community. As far as I can ascertain the Village Hall Committee (subsequently the Village Hall Association) has never exercised any control over the use of the field since 1955. They have now said that they are unwilling to enter into any agreement with the County Council relating to their control of the field.
- 4.3 In these circumstances I think it is perfectly proper now for the County Council to take the view that the Village Hall Association no longer wish to exercise any rights of control over this field. That does not mean of course that the desires of the people of Hart to use this field should be denied so long as that use is compatible with the reason why the County Council own the field and that is to provide facilities for the children attending the school.

5. Suggested Course of Action

- 5.1 The school governors are also concerned about certain activities taking place on the school field outside of school hours. In the past they have been concerned about vandalism to the boundary wall and fascia of the school building, nuisance and damage to the field through golfing, horse riding and motor cycling together with the health risk from dogs fouling the field. The governors had requested that any agreement with the Village Hall Association should specifically exclude activities that would constitute a nuisance or danger to pupils or which may threaten damage against the school building.
- 5.2 It is suggested that discussions should take place with the governors of the school to ensure that the field is available for use by residents of Hart provided that that use does not adversely affect the use of the field by the school children.
- 5.3 It may be that restrictions should be imposed and if this is to happen then I consider that it would be sensible for the governors to consult the Parish Council before implementing such restrictions.

A.J.HODGKINSON
COUNTY SECRETARY

REPORT FOR THE FINANCE AND STAFFING SUB-COMMITTEE OF
THE EDUCATION COMMITTEE

DUAL USE OF HART PRIMARY SCHOOL PLAYING FIELD

INTRODUCTION

1. At the meeting of this Sub-Committee on the 3rd November 1983 (Minute 2589) you agreed that a meeting be arranged with representatives of the Hart Village Hall Committee at which you would be represented by the Chairman, Vice-Chairman and County Councillor Price (or substitutes) and that the Ward Councillor concerned be invited to be present.
2. It proved extremely difficult to get the Village Hall Committee to agree to this meeting but the meeting was eventually held on the 8th July, 1985 when you were represented by County Councillors Waller and Price and County Councillor Mrs. Mean attended as the local Ward Member.

BACKGROUND

3. The background to this problem is complicated and has been considered by the Sub-Committee on three previous occasions in 1978, 1979 and 1982.
4. Our researches found a letter from the County Education Officer of Durham County Council dated the 28th January, 1955 to the Honorary Secretary of the Village Hall Committee which read as follows:-

"HART VILLAGE HALL PLAYING FIELD

In reply to your letter dated the 20th January, 1955, the above named playing field has been provided by the Education Authority as a village playing field and it is agreed that the field shall be controlled by the Village Hall Committee for the benefit of the community.

The playing field will be maintained by the Authority's Superintendent of Playing Fields.

The only stipulation made by the Education Authority is that the Hart County Primary School shall be allowed the use of the field for school purposes during normal school hours in school terms; that the school shall be allowed to use the playing field for school activities at any other time by arrangement between the Headmaster and the Village Hall Committee.

- 2 -

In the circumstances a formal agreement does not appear to be necessary but if the arrangement set out above is satisfactory and you will let me have a formal reply to this effect this correspondence will be placed with the documents relating to this property as a permanent record".

The Village Hall Committee replied in April 1955 to say that they were "agreeable with the arrangement".

5. Before this letter was found the Hart Parish Council had asked for a formal agreement with the County Council for the joint use of this field with the school. Although an Agreement was prepared and agreed by the Sub-Committee the Parish Council then took independent legal advice and were advised not to sign the Agreement as the Parish Council "had by custom established a right to enter on the field for the purpose of recreation".
6. In view of the statement claiming customary rights a great deal of research took place. It was accepted by all concerned that the field was owned by the County Council as successor Education Authority to Durham County Council. It was understood that in 1952 when the field was owned by Durham County Council the then Head Teacher of the school requested the Hart Village Hall and Playing Fields Association to level, drain and seed the field. Monies were raised for this purpose by public subscription and the work was carried out. Since that time the field has been used during school hours by the school and by the villagers at other times.
7. The 1955 letter then came to light and the Parish Council stated that they were still prepared to ~~enter into an Agreement but the Parish Council~~ considered that the Agreement should specify the existence of the customary right and make no provision for termination. ~~The Parish Council also considered that "any reference to maintenance will clearly be inappropriate"~~.
8. This was reported to you at your meeting on the 13th May, 1982 (Minute 459) when you resolved as follows:-
 - (i) That the County Council be recommended not to recognise that there was a customary right for the villagers of Hart to use this field for recreational purposes or otherwise.

8. (contd....)

(ii) That the County Council be recommended to enter into an agreement with the Parish Council in the same form as the draft Agreement approved in 1979 including the provision relating to termination.

(iii) That consideration be given to the making of a financial contribution by the Parish Council towards the increased costs of maintenance arising from the proposed Agreement.

9. The Solicitors who act for both the Parish Council and the Village Hall Committee then stated that "they confirmed that the Agreement entered into in 1955 is binding on the parties".

THE MEETING

10. At the meeting with the Village Hall Committee on the 8th July, 1985. The County Councillors and Officers from the County Council stressed that it was not the intention to deprive the village of a facility it had enjoyed for many years; in fact it was the County Council's policy to positively encourage community use of the school facilities. However the County Council's concern was the welfare of the children in its charge and safeguards for itself in view of its overall responsibility for this field. It was therefore considered that there was a need for an agreement.

The Village Hall Committee and their Solicitor, Mr. Hall, accepted the need for an agreement although they stated that there had been no problems since the 1950's when the Durham County Council gave their consent to joint usage. The Village Hall Committee's main objection to the proposed agreement put forward by the County Council was the inclusion of a Termination Clause which they felt undermined the villagers' future right to use this field.

County Councillor Waller pointed out that if there were to be an Agreement with the Village Hall Committee the Village Hall Committee must accept liability for their use of the field and must take out appropriate insurance to cover this. Both he and County Councillor Price were also concerned about the implications of any future national legislation which the County Council might find difficult to implement if it had not got total control of this field.

11. It was considered that now the matters had been clarified it should be possible to draw up an agreement for consideration by the Village Hall Committee and the County Council and which would adequately cover the concerns of the Village Hall Committee and the Education Authority.

RECOMMENDATION

That the County Secretary be authorised to prepare a draft Agreement in consultation with the Village Hall Committee's Solicitor which protects the interests of the County Council and those of the Village Hall Committee as outlined at the meeting and that such Draft Agreement be presented to this Sub-Committee for consideration.

A.J. HODGKINSON
County Secretary

DWA/MC
11.9.85

To be submitted to a meeting of the Governors of Hart Primary School

HART PRIMARY SCHOOL - PLAYING FIELD

1. Governors are aware that following a meeting in 1985 between members of the County Council and members of the Hart Village Hall association, the County Secretary was requested to prepare a draft agreement that formalised the arrangement over the shared use of the school playfield. The agreement was intended to protect the interests of both the County Council and the Village Hall association.
2. Governors have previously been informed of the difficulties encountered by the County Secretary in progressing the matter. Consequently, it has now been necessary to report this impasse to the Education Committee.
3. A report on the matter by the County Secretary, which was submitted to the Direct Services Sub-Committee on 6th February, 1991, is attached. The recommendations contained in paragraph 2 of the report were accepted by the Education Committee and subsequently approved by the County Council. The full resolution, contained in Minute No. 4118 of the Education Committee, dated 20th February, 1991, is as follows:-
 1. that the County Education Officer discuss with the Governors of Hart Primary School ways which would enable the people of Hart to continue to have use of the playing field in ways which would not conflict with its use by children attending the school.
 2. that prior to any specific restrictions being imposed on use by residents, consultation take place with Hart Parish Council.
4. The Governors are requested to consider the resolution of the Education Committee.

A.H.R. Calderwood
County Education Officer.

SETAKJ/1

DATED

1989

CLEVELAND COUNTY COUNCIL
and
HART VILLAGE HALL COMMITTEE

Draft/

A G R E E M E N T

relating to the use of land at Hart
Primary School, Hart Village, Hartlepool
in the County of Cleveland

A.J. HODGKINSON
COUNTY SECRETARY.

SRLAEM

THIS AGREEMENT is made the

day of

APPENDIX 2

One thousand nine hundred and eighty nine BETWEEN THE COUNTY COUNCIL OF CLEVELAND (hereinafter called "the Grantor") of the one part and HART VILLAGE HALL COMMITTEE under the hands of its Chairman and Secretary (hereinafter called "the Committee") of the other part

WHEREAS the Committee wished that the land owned by the Grantor at the Hart Primary School Hart Village Hartlepool in the County of Cleveland (hereinafter called "the School") should be available for the enjoyment of the Committee and the inhabitants of the Parish of Hart and Hart Village Organisations and the Grantor has agreed to permit the land shown edged red on the plan annexed to this Agreement (hereinafter called "the Land") to be so enjoyed at certain times and subject to the terms and conditions hereinafter set out

NOW IT IS HEREBY AGREED as follows:

1. Subject to the conditions hereinafter set out and during the periods of time laid down in Clauses 2 and 3 hereinafter contained the Grantor hereby grants unto the Committee the right to enter upon and enjoy the land as a playing field and the right to authorise such same enjoyment of the land by inhabitants of the said Parish and Hart Village Organisations for a term of one year from the date of this Agreement and thereafter from year to year provided that this Agreement shall be determinable by either party at any time on the giving of three months notice in writing to that effect

2. During term time between the hours of 8 a.m. and 5 p.m. on every day of the week except Saturdays and Sunday (hereinafter called "the reserve time") the land shall be reserved solely and exclusively for the use of the school or for such other use in connection with the Education Service as shall be required by the Grantor and during the reserve time the land shall not be available for enjoyment by the Committee or persons authorised by it pursuant to this Agreement

SR1AEM

3. At all times outside the reserve time that is during the school holidays and on Saturdays and Sundays during term time and between the hours of 5 p.m. and 8 a.m. during weekdays in term time (hereinafter called "the relevant period") the land shall be available for enjoyment by the Committee and persons authorised by it pursuant to this Agreement provided the land is not required for the use of the school or the Grantor in connection with the Education Service as mentioned in Clause 2 hereof and in which circumstances the School or Education Service shall have the prior right

4. Without Prejudice to the prior right of the School and the Grantor under Clause 3 hereof to use the land at any time during the relevant period the Head Teacher for the time being of the School will so far as is reasonably practical endeavour to give the Committee at least 48 hour notice of any occasion on which the school or the Grantor intends to use the land during the relevant period

5. Apart from the rights of the School and the Grantor under Clause 3 hereof no person shall be permitted to enter upon and use the said land under this Agreement during the relevant period without the prior consent and authorisation of the Committee on each separate occasion and for the avoidance of doubt IT IS HEREBY AGREED AND DECLARED between the parties hereto that nothing in this Agreement shall prevent the Grantor or the Police from taking proceedings against any person or persons under the provisions of Section 40 of the Local Government (Miscellaneous Provisions) Act 1982

6. The Committee undertakes as follows:-

(a) Co-operate a system of regulation in respect of the user of the land during the relevant period so as to avoid any nuisance disturbance or damage to the land and School

(b) Not to permit the land to be used by any Club or Organisation unless

SRIAEM

the Grantor has consented to such user by that particular Club or Organisation such consent not to be unreasonably withheld

(c) To submit to the Grantor every three months a detailed account of the persons Clubs and Organisations using the land

7. The Committee further undertakes as follows:-

(a) To use its best endeavours to expel any persons trespassing on the land during the relevant period

(b) To use its best endeavours to keep the land clean and tidy and clear of litter

(c) Not to bring and to ensure that persons authorised by it under this Agreement do not bring horses dogs or motorised vehicles on to the land other than any vehicle required in connection with the maintenance or repair of the land or school

(d) So to conduct its activities and to ensure that all persons authorised by it under this Agreement conduct their activities so as not to interfere with or adversely affect in any way the enjoyment of the land by the Grantor

(e) To exercise the rights hereby granted and to ensure that the same shall be exercised by all persons authorised by it under this Agreement so as to do as little damage as possible to the land and to make good any damage nevertheless caused and to indemnify the Grantor in respect thereof

8. The Committee shall make to the Grantor a payment in respect of any increase maintenance costs for the land the amount of such payment to be determined in accordance with the formula set out in the Schedule to this Agreement.

9. The Committee shall indemnify the Grantor against all liabilities cost claims demands and losses whatsoever arising out of or in the course of or as a consequence of the use of the land at all times during the relevant period apart from such times when the land is being used by

SR1AEM

the School or the Grantor under Clause 3 hereof and shall indemnify the Grantor whether such liability cost claims demands and losses are in respect of death or injury to persons or damage to property save that this Clause shall not apply in respect of death and injury to persons where such death or injury to persons is caused directly by the proven negligence of the Grantor its servants or agents.

10. Without prejudice to its liability to indemnify the Grantor under this Agreement the Committee shall at all times during the continuance of this Agreement at its own expense maintain to the satisfaction of the Grantor an Insurance Policy covering the liabilities of the Committee under this Agreement and the interest of the Grantor shall be noted on such policy.

11. The Committee shall within a period of fourteen days on demand produce to the Grantor the policy or policies of insurance effected in accordance with Clause 10 of this Agreement and the receipt for each premium paid in respect thereof

IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first hereinbefore written

THE SCHEDULE

The maintenance of the land comprises gang mowing rotary mowing painting and repair of goal-posts marking out of pitches and fertilizing the land. In the financial year 1988/89 the costs of maintaining the land was £ (hereinafter called the "bac cost")

The formula referred to in Clause 8 of this Agreement is as follows:-

On the first day of October each year the bac cost will be adjusted to

reflect the annual movement in inflation. The Committee will pay the Grantor any sum exceeding the bac cost as adjusted above

THE COMMON SEAL of the COUNTY COUNCIL
OF CLEVELAND was hereunto affixed in the
presence of

SIGNED SEALED AND DELIVERED by
on behalf of
the HART VILLAGE HALL COMMITTEE in
the presence of:

SIGNED SEALED AND DELIVERED by
on behalf
of the HART VILLAGE HALL COMMITTEE in
the presence of:

SR1AEM

PLAYING FIELD

MAGDALANE DRIVE

245

240

235

230

CLEVELAND

APPENDIX 2



COUNTY COUNCIL
an equal opportunity employer



Teesside Airport
TEESSIDE

Please reply to:

County Education Officer

Education Offices,
Woodlands Road,
Middlesbrough, Cleveland, TS1 3BN

When telephoning please ask for

W.R. Emerson.....
Tel (0642) 248155 Ext. 2937
Fax (0642) 247265

Our Ref: 35/SE2CZX/1

24th April, 1991.

Dear Governor,


Further Use and Control of Hart School Playing Field

You will recall that governors gave consideration to the above item of business at their meeting on 21st April, 1991.

It was agreed that the matter should be the subject of further consideration at a 'special' meeting of the governing body to be held at the school on Thursday, 2nd May 1991 commencing at 4.00 p.m.

It was further agreed that governors should be circulated with a copy of the draft agreement prepared by the County Secretary to formalise the shared use of the school field with the Village Hall Association. A copy of this document is enclosed. It should be stressed that this document was based on the joint meeting in 1985 and does not refer to any specific restrictions which the governors may wish to impose on use by residents to safeguard the interests of pupils and the school premises. It is hoped next weeks meeting can address these issues and attempt to progress matters.

Yours sincerely,


County Education Officer.
(Clerk to the Governors)

To: Members of the Governing
Body of Hart Primary
School.

County Education Officer: A.H.R. Calderwood, M.A., M.Ed., F.R.S.A., F.B.I.M.



CLEVELAND



COUNTY COUNCIL
an equal opportunity employer

Our Ref: 35/SE2DAK/1



Please reply to:

County Education Officer

Education Offices,
Woodlands Road,
Middlesbrough, Cleveland, TS1 3BN

When telephoning please ask for

Mr. W.R. Emerson.....
Tel (0642) 248155 Ext. 2937
Fax (0642) 247265

7th May, 1991

Dear Sir,

Hart Primary School Playing Field


You will be aware that the Hart Primary School playing field is also used by the community, although there is no formal agreement covering the arrangement.

At a recent meeting of the Governing Body of Hart Primary School, the Governors gave consideration to the future use and control of the school playing field and expressed a wish to arrange some degree of regulated control in the mutual interests of all concerned.

In the circumstances, I have been requested to approach you with a view to convening a meeting between the Parish Council and the Governing Body to discuss the matter.

It is noted that there is a meeting of the Parish Council scheduled for the evening of Monday, 10th June, 1991, and perhaps this would be a convenient time for a meeting. However, I look forward to your reply.

Yours faithfully,


for County Education Officer
(Clerk to the Governor)

Mr. E. Milner,
Clerk to Hart Parish Council,
19 Lowdale Lane,
Hart Station,
Hartlepool,
Cleveland,
TS24 9RL.



BOTTERINGTON CLOSE,
HART VILLAGE,
HARTLEPOOL,
CLEVELAND TS 27 3.3X
21. 5. 1991

Mr Jackson,

Re: Hart Village Playing Field.

In receipt of a copy of your letter to Mr Armstrong, dated 16/5/91, concerning the above noted subject. Some of the information contained in your letter is not quite correct & I would wish to correct this in the first instance.

HART VILLAGE PLAYING FIELD

Your letter refers to the HART PRIMARY SCHOOL PLAYING FIELD which is correct. The field in question was previously known as the HOB HALL FIELD & it was owned by DURHAM COUNTY COUNCIL.

In 1952, on following discussion between the D.C.C. & the HART VILLAGE HALL COMMITTEE the name of the field was changed to HART VILLAGE PLAYING FIELD. In their discussions & in recognition of the efforts & expense of the VILLAGERS, it was agreed by the parties that the field in question would be designated by the D.C.C., the VILLAGE HALL COMMITTEE, to be used by the people of the village for the benefit of the community.

A discussion between the D.C.C. & the V.H.C. resulted in the VILLAGERS collecting several hundred pounds, which in conjunction with the voluntary labour by the Villagers, the field was drained & matted & seeded & it was in recognition of the Villagers' efforts & the Villagers' voluntary endeavours that the D.C.C. Education Authority wrote to the V.H.C. & provided the said field as a Village Playing Field. This agreement worked satisfactorily until 1974 when, under the Local Government Organisation, Cleveland County Council commenced to have the field re-designated purely as a SCHOOL PLAYING FIELD. The V.H.C.

we made no secret of their suspicions of the C.C.C.
 to negotiate the terms of the agreement made in
 between the D.C.C. & the V.H.C.

USE OF FIELD UNREGULATED

The V.H.C. says that the field is unregulated. Clearly this
 statement is a deliberate intention to discredit the excellent
 work of the field exercised by the V.H.C. For example, when
 was brought to the attention of the V.H.C. that some idiots had
 in the field to practice golf, this activity was stopped forthwith
 the committee. Similarly, the allegations of villagers using the
 to exercise their dogs is incorrect. It is the villagers children
 attend the Primary School & their parents do not con-
 sider any activity which would conflict with the interests of
 their own children. It may be that stray dogs or cats may
 wander occasionally onto the field, but that is another matter.
 Nothing short of a 24 hour surveillance by the C.C.C. will not
 do. This activity or to suggest that this activity presents the govern-
 or the potential liabilities is nothing short of sheer stupidity creating
 mischief.

VILLAGERS USE OF PLAYING FIELD

It seems clear to our committee that the C.C.C. have every
 intention to deny VILLAGERS the use of the HART VILLAGE PLAYING FIELD,
 quite the contrary. The C.C.C. have used every
 lawyer to deny the VILLAGERS the use of the field since 1970
 in they under Local Government Re-Organisation they assumed
 liability from Durham County Council. The agreement made in
 between the D.C.C. & the V.H.C. is considered by this committee
 fair & reasonable - should therefore be honoured by the C.C.C.

Yours sincerely
 R. Parker

Secretary, H.V.H.C.

DURHAM COUNTY COUNCIL

CLEVELAND COUNTY COUNCIL

C. Hart Village Hall Committee



Our Ref: 35/879/B/91

Please reply to:

County Education Officer

Education Offices,
Woodlands Road,
Middlesbrough, Cleveland, TS1 3BN

When telephoning please ask for

Mr. W.R. Emmerson
Tel. (0842) 248155 Ext. 2937
Fax (0842) 247265

24th June, 1991.

Dear Governor,

Hart Primary School Playing Field

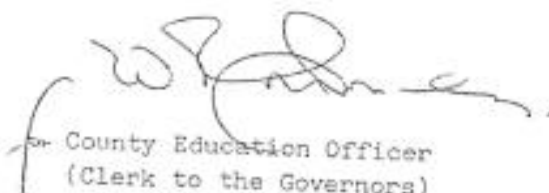
You will recall that at the special meeting of the governing body held on 2nd May, 1991, I was asked to extend an invitation to the Hart Parish Council to discuss the matter of the school playing field.

I have corresponded with the Clerk to the Hart Parish Council and also, as requested, informed the Village Hall Committee of the reasons for the governors decision to pursue the matter with the Parish Council.

At its meeting on 10th June, 1991, the Parish Council directed their Clerk to submit copies of all recent letters on the matter to the Village Hall Committee and resolved to wait for an invitation from the Hall Committee to attend a meeting with them and the governors to discuss the matter.

Your Chairman, Mr. A.D. Jackson, has been advised of this response from the 'Parish Council' and I will keep you informed of developments.

Yours sincerely,


County Education Officer
(Clerk to the Governors)

To members of the
Governing Body of
Hart Primary School.



To be presented to a meeting of the Governors of Hart Primary School to be held on 23rd September, 1991.

Hart Primary School Playing Field

1. Purpose of the Report

The purpose of this report is to update governors on the matter of the school playing field.

2. Action from Previous Meeting

Following the 'special' governors meeting on 2nd May, 1991, an invitation was extended to Hart Parish Council to discuss the matter. At the same time a letter was sent to the Village Hall Committee outlining the reasons why the Governing Body considered it necessary to pursue the matter with the Parish Council.

3. Responses

(i) Village Hall Committee

A communication was received from the Secretary of the Village Hall Committee. A copy of the letter is attached and governors will note that its content relates to events surrounding the advent of the shared use arrangement and expresses the pre-1985 view of the VHC that no formal agreement is necessary.

(ii) Hart Parish Council

At its meeting on 10th June, 1991, the Parish Council directed its Clerk to submit copies of all recent letters on to the Village Hall Committee and

RESOLVED to wait for an invitation from the VHC to attend a meeting with them and the Governors.

There have been no further communications from the Parish Council or the Village Hall Committee. However, a letter was received from J.P. Hall Solicitors (copy attached) stating that they acted for both the Parish Council and the Village Hall Committee and could not recommend their clients to enter into any agreement.

4. Other Action

Governors may be aware of the subsequent action by the Village Hall Committee in erecting a notice prohibiting the exercising of dogs/animals and the playing of unauthorised ball games on the field.

The Chairman of Governors has been kept informed of developments and there will be an oral update on the situation at the Governors meeting.

A.H.R. Calderwood
County Education Officer

Application under section 15(2) of the Commons Act 2006

Land at NZ469351, Hart Village

**Applicant's Response to objections to the application made by
Hartlepool Borough Council (undated and unsigned).**

*Response made by David Wall BVSc MRCVS LVI OVS on behalf of Hart
Parish council 25.06.2009*

1. Ownership of the land is not disputed.
However under the Act village green status is not dependent on ownership.

Definitions

1.Hart Village Hall Committee changed name to Hart Village Hall Association.
Membership is automatically bestowed on all residents of the village. Therefore
any reference to either of these names should be considered to be a reference
to the residents of Hart Village.

2.The area of land subject to the application was originally referred to as Manor
Farm Field, then as The Village Playing Field.
It is only since correspondence with the various local authorities claiming title and
control of the land that the name Hart School Field has been used.

Response to Objection

The applicant strongly disputes this objection for the following reasons.

Permission has never been granted by the land owners for use of the field by
the residents of Hart Village. In fact **permission was sought from Hart Village
Hall Association by the School for use of the field.**

For evidence see letters attached to the objection, viz:

1. 1955 letter from Durham C.C. stating that :
'the field shall be controlled by the Village Hall Committee' and 'that Hart County
Primary School shall be allowed the use of the field for school purposes during
normal school hours and at any other time by arrangement between the
Headmaster and the Village Hall Committee.'

2.Report of site meeting of 26 May 1978.
In the section headed 'Dual use of school playing field' it is stated that prior to
the formation of Cleveland C.C. the Parish had enjoyed what appeared to be

unofficial user rights of the school playing field.'

3. Letter from Hart Parish Council Clerk to County Education Officer 30 May 1978 states that 'This arrangement was purely a gentleman's agreement.'

4. Document to the members of the Direct services sub-committee of the Education committee of Cleveland C.C.

Item 3.3 states that 'The Village Hall association told us that they were not willing to sign any such agreement.'

5. Letter from Mr W Barker, President of Hart Village Hall Committee of 08.04.1978 states that the then Head master of the school (1952) asked if the village was prepared to carry out work to make the Manor Farm Field suitable for use as a playing field. Further Mr Barker states that 'we have no written agreement.....over the ownership.'

In addition to the above,

1. In this year (2009) the School Governors sought permission from Hart Village Hall Association to have the field drained and improved.

3. Evidence in the form of letters from residents adequately illustrate use of the field by a significant number of residents. That the number of replies represented 9% of households, is significant and, contrary to the comments at 23 and 24 of the objection represents a good response to any survey or opinion poll, (5 to 10% being considered a good response by experts in the field.) especially in August when considerable numbers are away on holiday.

4. Signage erected at the entrance gate to the field was placed there by the Village Hall Committee after a request from the school, not Cleveland C.C.

5. Signage on the fence surrounding Hart Primary School was installed by Hartlepool B.C. and indicates to field users where the entrance is situated. No reference is made to the field being other than a village field.

New Evidence

Subsequent to the application being made research by Hart Village History Group has revealed further documentation relevant to the application.

1. Minutes of the Smallholdings and Allotments sub-committee of Durham C.C. state that at the time (17.03.48) Hart Village Hall Committee desire a small playing field and that 'the land desired is at present unallocated.' and further 'seems to be most convenient.'

2. The Hartlepool a survey and plan' written by Max Lock identifies the desirability of a village field.

APPENDIX 3

It would seem from this new material that the local authorities concerned have not doubted the usage of the field and that usage 'as of right' is indicated.

The applicant submits that the evidence presented shows:

a/ the use of the Village playing Field by residents is 'as of right'.

b/ that The School authorities have deferred to the Village Hall Association with regards to the field, and that permission was granted to the school to use the field by the Village residents, this being considered reasonable and without prejudicing their use 'as of right'

c/ That no written agreement exists between the parties.

With reference to point 27 in the objection, it is more than clear that the village residents have been actively using the field 'as of right' for many years and that of course they have an interest in any future development.

Since future development, planning applications and proposals have no weight under the act I cannot understand this paragraph.

In view of this the applicant requests that the application be granted.

Since Hartlepool Borough Council is the Registration Authority this application cannot be considered by them and so must go an independent adjudicator. Should the adjudicator deem it necessary to hold a local enquiry the applicant's co-operation is assured.

Signed:



dated: 26.06.09

David C Wall
The Old Vicarage
Hart
Hartlepool
TS27 3AP

Additional documents

1. Extract from the minutes of the Smallholding & Allotment sub committee Durham County Council 17.03.1948.
2. Extract from 'The Hartlepoons, a survey and plan by Max Lock ARIBA AMTP/ Published by West Hartlepool Corporation.

18.06.41	Pumping plant, West Hartlepool Gas & Water Co. £77. 18s. 6d: £94. 17s. 2d
16.05.46	Cleaning septic tank at Nine Acres & Burns Close.
17.03.48	Manor Farm Hart Land for recreation purposes, on 26.02.48 I met with Mr Barker(Hon Sec) and Mr Hurst (Hon Treasurer) of the Hart Village Hall Committee as they are acting on behalf of the village committee who desire a small playing field and communal hut in the village. They have made preliminary contact with the Council of Social Services and Minister of Education and matters seem broadly favourable for 2/3 grant toward cost involved. The field desired is land which is at present unallocated, the County Council owns most of the land adjoining the village of Hart and the field desired seems to be most convenient for all concerned and in particular for children. Referred to Stockton and Hartlepool District Sub-Committee for consideration.
16.06.48	Report of West Hartlepool & Stockton District Sub-Committee Manor Farm Hart We met members of Hart Village Hall Committee and considered their application. It is agreed that this matter be left in abeyance meantime and we have instructed the Director to discuss further with Director of Education the utilisation of the surplus buildings by the Education Committee
13.01.53	Cleaning out sewerage system, repaired valves etc. £41. 6s. 4d J Proud, West Hartlepool
12.01.54	Water pump repaired
12.10.54	Clean main drains, man holes and sewage at Nine Acres and Burns Close
10.05.55	Cleaning our main drain, manholes, cesspools and filter beds. Burns Close & Nine Acres
07.07.59	Letter dated 16.6.59 Complaints from Stockton Rural District Council Pollution of Hart Beck by effluents from septic tanks and filter serving Nine Acres and Burns Close. Report of County Land Agent and representative from County Architects dept and Surveyor from Stockton RDC and representative from River Board. One remedy re pollution connect pipes to Stockton RDC sewer system. To be considered

THE HARTLEPOOLS

A SURVEY AND PLAN

BY MAX LOCK, A.R.I.B.A., A.M.T.P.I.
Consultant to the Hartlepool Joint Town Planning Committee

IN COLLABORATION WITH
DIANA ROYD, A.R.I.B.A., A.M.T.P.I.
FRANK LAYFIELD, A.M.T.P.I.
NORA NICOLL, A.R.I.B.A.
PETER NICOLL, MICHAEL THEIS
AND OTHERS

61033852



711.409

C711.4 HHA
REF.

PUBLISHED BY WEST HARTLEPOOL CORPORATION
(HARTLEPOOLS EDITION)

1140580 5



Siting of New Houses.—Elwick farms run right into the village, where a large proportion of the main street consist of farm-houses and buildings, forming an almost unbroken building line. It is important for aesthetic reasons that this line should be kept. It is doubly important for the efficient working of the farms that their compactness should not be broken up, nor access to their buildings obstructed. In most of the villages houses are grouped round a green, with lanes running off at intervals. These village squares should be retained, and new housing should be in groups which can be reached by one of the lanes, or by some alternative route that will not break into the line of buildings fronting on to the green. Where a cottage or house is demolished, the same building-line should be retained, and on no account should the site be turned into an access-road leading to development behind.

If town-dwellers or people from outside are allowed to live in the village, it should be in one of these groups; above all, they should not be permitted to build themselves villas in the main street or square.

After consultation with the County Planning Officer, the Durham Agricultural Committee, and the Stockton Rural District Council's Surveyor, the plan recommends a limited amount of development away from the central farms, at the north-western end of the village. The map on page 216c shows the area chosen and layout proposed.

Social Services

The rural area greatly lacks social services and amenities. Greatham has an institute for men only with 60 members, and Hart has a temporary village institute, used as a part-time schoolroom. There are seven public-houses in the four villages.

These communities are too small for each to support social amenities alone. The policy of grouping facilities and improving the communications between two or more villages has therefore been adopted.

The village of HART is being expanded by the addition of 12 houses built by the Stockton Rural District Council. It has two public-houses, and, except for the small temporary institute, no other amenity. Very active demand is making itself felt for a better village-hall. The existing site should be enlarged to roughly twice its present size to include a fine group of trees. The village hall committee should be responsible for care and maintenance of the trees as a condition of obtaining the site.

Although the village is small (392 in Registrar-General's 1947 estimate), a general shop is required and would prosper. A site is also suggested for a permanent recreation ground if desired. This need is at the moment met through the generosity of a local farmer.

Hart Primary School

Magdalene Drive
Hart Village
Hartlepool
TS27 3AP

☎ 01429 273283
Fax: 01429 273283

e-mail: admin.hart@school.hartlepool.gov.uk

Head Teacher: Mr. S.P. McDonnell



28 April 2009

Re application for Registration of a Village Green, Hart Village

Dear Sir,

As Head Teacher of Hart Village Community School I am writing to you in response to the Application for Registration of a Village Green in Hart Village. I first of all notice that the application for registration is for a plot of land identified in the application as Hart Village Field. We know this as Hart School Field. I am aware that over the years, at least as far back as 1950, and possibly beyond there has been some controversy over the ownership of the land by different parties in the village of Hart. It seems that on transfer through different Local Authorities, Durham, Cleveland and now Hartlepool where different agreements or contracts were discussed and considered there continues to be contentious issues to ownership rights.

Two interesting documents are:

Cleveland County Council Agenda item NO. 46 (iii) 1985 and the draft agreement between Cleveland County Council and Hart Village Hall Committee 1989.

I only have this later document as a draft and have not seen any completed documents between the two parties.

Within the Terms and Conditions Paragraph 1 states: '... grants unto the committee the right to enter upon and enjoy the land as a playing field and the right to authorise such same enjoyment of the land as a playing field and the right to authorise such same enjoyment of the land by inhabitants of the said parish and Hart Village Organisations for a term of one year from the date of this agreement and thereafter from year to year...'

I enclose to support this letter an appendix of all correspondence the school holds in relationship to the issues surrounding the school field.

I can only refer to HM Land Registry Title Number: CE 55807 dated 20 May 2002 which gives the class of title and identifies the owner as follows:
Title Absolute 15 October 1981

Proprietor:

The Council of the Borough of Hartlepool of Civic Centre, Hartlepool,
TS24 8AY

The school is in agreement that as the school field is the only large, safe green space within Hart village that it should, as set out in these early attempts to support the community, continue to be a safe green space available for the use of the community of Hart Village.

Yours Sincerely

S.P. McDonnell
Head Teacher



Appendix 1

Documents pertaining to the land known as:
Hart School Field
And/or
Hart Village Playing Field

Office - Durham 682 & 68.
SCHOOL OF AGRICULTURE -
DURHAM 682 & 683
HARSHILL FARM -
DO. DART - DURHAM 484.
DO. HART STATION -
DO. POULTRY STATION - DURHAM 680.
ALL COMMUNICATIONS TO BE
ADDRESSED TO THE DIRECTOR.

JOHN W. CARSELS, O.B.E., B.Sc. (Agric.)
DIRECTOR OF AGRICULTURE.

COUNTY AGRICULTURAL COMMITTEE.

APPENDIX 4

23. OLD ELVET.

DURHAM.

SH/095/30/THF/MIL.

4th July, 1950.

Dear Sir,

Manor Farm, Hart.

In reply to your letter regarding the old buildings and 3 acres of land on the above farm which the County Council is offering for sale, I set out below a plan showing the property verged in RED. There is no Dwelling House included.

The property will be sold as it now stands and the sale will be subject to such terms and conditions deemed necessary by the Clerk of the County Council.

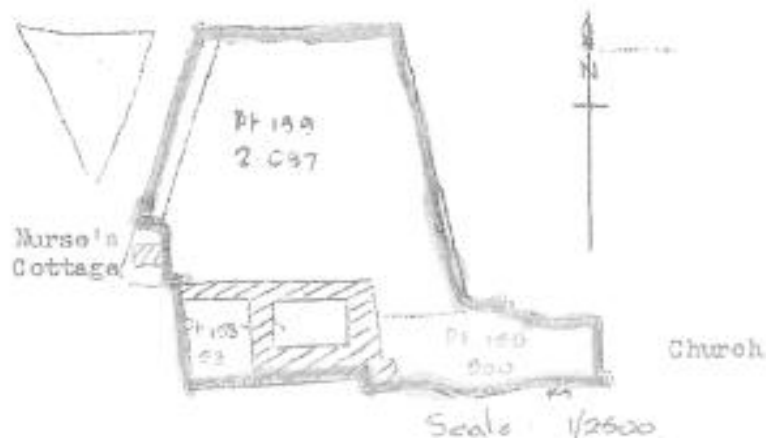
Offers in writing are to be received by J.K. Hope, Esq., Clerk of the County Council, Shire Hall, Durham, not later than the first post on Saturday, 22nd July, 1950..

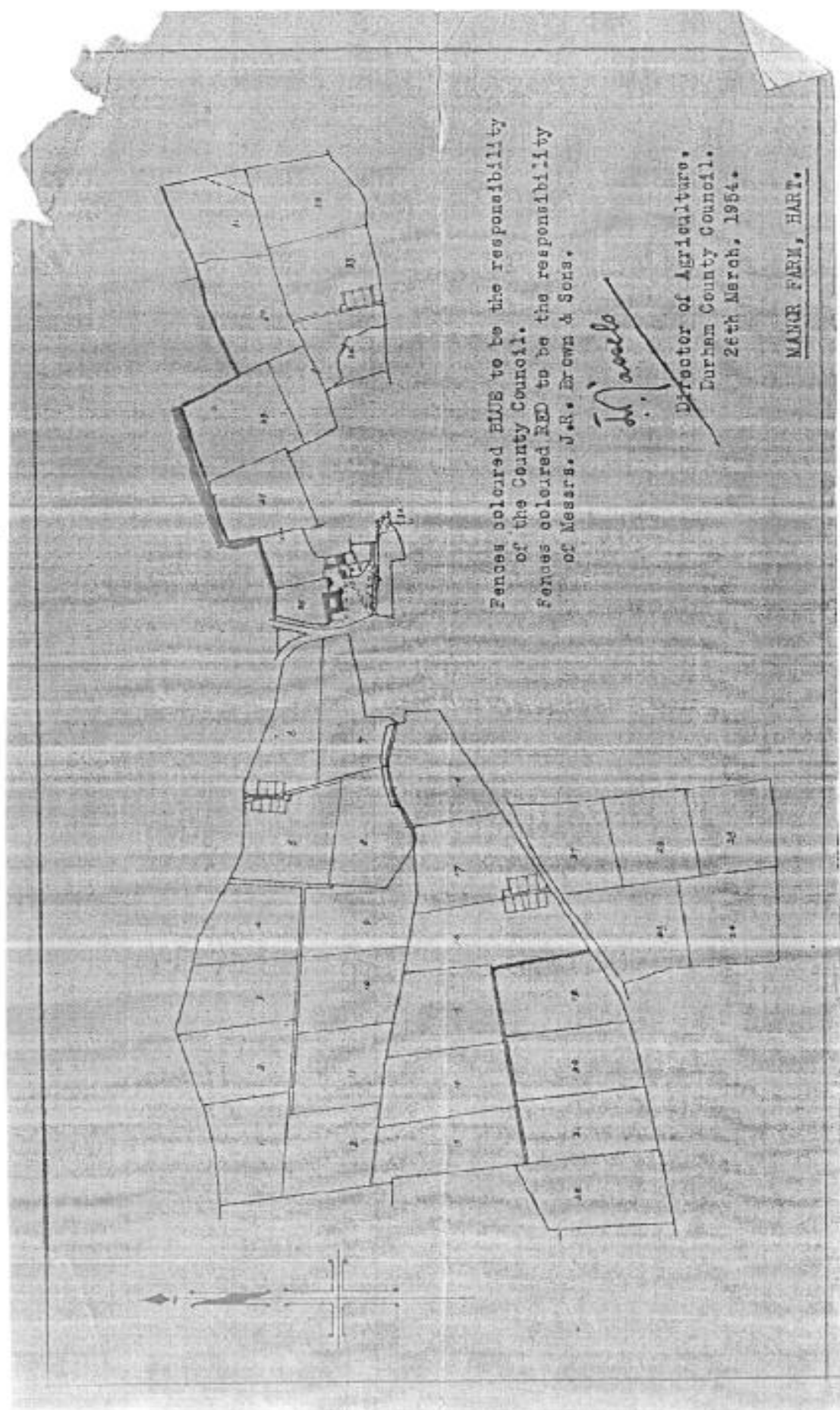
If necessary a date and time will be arranged to meet prospective purchasers on the site.

Yours faithfully,

J. W. Carrels
Director of Agriculture.

Mr. T. Brown,
North Hart Farm,
HART VILLAGE,
West Hartlepool.





HART VILLAGE HALL COMMITTEE.

Keapora Cottage,
Hart Village,
West Hartlepool.

20th. Jan. 1955.



Dear Mr. Humphreys,

The Annual Meeting of the above Committee took place last night, and during discussion about the Playing Field deep concern was felt and expressed, when it was reported that the Committee had not received any form of Agreement from the County Education Dept. in connection with the Field.

I would be very grateful if you could inform me whether this matter is still under review, and if there is to be an agreement drawn up for the tenure of the Playing Field.

I remain,

Yours Faithfully

W. R. Barker
(Honorary Secretary H.V.H.C.)

20 Jan 1955

Hart Village.
Mr. Lord Northampton.

April. 1955

County Council of Durham.
Education Department.
Shire Hall.
DURHAM.

ref. WW/HA.

The Director of Education,

Dear Sir,

Hart Village Hall Playing Field.

We thank you for your letter dated Jan.28-1955. and I have
to inform you the above Committee are agreeable with the arrangement
you set out in connection with the Playing Field.

Yours Faithfully.

W R Barker
(Hon Sec. Hart Village Hall Committee.)

1/226

April 1955

Copies sent to Mr. Curry and the Head Teacher, Hart County School.

W. H. A.

F-1/6

Dear Sir,

Hart Village Hall Playing Field.

In reply to your letter dated 20th January, 1955, the above-named playing field has been provided by the Education Authority as a Village Playing Field and it is now the field shall be controlled by the Village Hall Committee for the benefit of the community.

The playing field will be maintained by the Authority's Superintendent of Playing Fields.

The only limitation made by the Education Authority is that the Hart County Primary School shall be allowed the use of the field for school purposes during normal school hours in school term; and that the school shall be allowed to use the playing field for school activities at any other time by arrangement between the Head Master and the Village Hall Committee.

In the circumstances a formal agreement does not appear to be necessary but if the arrangements set out above are satisfactory and you wish to have a formal reply to this effect, this correspondence will be placed with the documents relating to this property as a permanent record.

Yours faithfully,

Mr. W. H. A. Curry,
Honorary Secretary,
Hart Village Hall Committee,
Keppins School,
Hart Village,
West Hartwood.

2

County of Cleveland



Your ref.

Our ref. 80/NM/79

Please reply to:

County Education Officer

 Education Offices,
 Woodlands Road,
 Middlesbrough,
 Cleveland,
 TS1 3BN

When telephoning please ask for

Mr. C.M.L. Rees

Tel: M/Bro. 248155

Ext. 2946

9th February, 1979.

Dear Mr. Milner,

Hart Village School - Dual Use of
Playing Field

Further to my letter of 11th January I am now enclosing several copies of the draft legal Agreement which it is proposed to make between the County Council and the Hart Parish Council for the licencing of the playing field at Hart Village Primary School.

There are just one or two points of clarification which I would wish to make. In Clause 6a I have changed the word "control" to "regulation". The Education Committee are not requesting the Parish Council to police the use of the playing field but rather to ensure that a method of letting/hiring to different groups within the village is devised. In Clauses 7a and b the County Secretary uses the phrase "best endeavours" which indicates that the Parish Council would be expected to try to prevent trespass during the relevant period. Clause 7c takes into consideration the views expressed by the Parish Councillors with regard to damage caused to the playing field outside your period of occupancy. It is re-affirmed that you would not be liable for damage caused through such trespass.

I am also appending a Schedule of Maintenance functions which are carried out at the school together with the relevant costs for 1978/9. It should be noted that at present this does not include the marking out and maintenance of a football pitch and this, of course, would add to the cost. The costs, as indicated for 1978/9, will be used as a base in determining the additional maintenance costs in future years (adjusted for inflation) arising from the use by the Parish Council. It will be suggested to the Education Committee that the Parish Council contribute the full cost of additional maintenance (adjusted for inflation) arising out of this more intensive use.

A report will be presented to the next meeting of the Finance and Staffing Sub-Committee and it will be most helpful if I had the observations and comments of the Parish Council by Tuesday, 20th February as I would wish to include such comments as part of the report.

Continued...../2

Mr. E. Milner,
 Clerk,
 Hart Parish Council,
 19, Lowdale Lane,
 HARTLEPOOL
 Cleveland. TS24 9RL.

// c.c. Head Teacher, Hart Primary School

- 2 -

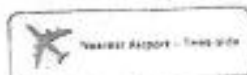
If you decide that a further meeting is necessary Mr. Lund and I will endeavour to oblige but in any event I am sending a copy of this letter and a copy of the Draft Agreement to Mr. Stubbs of the Hartlepool Borough Council as you may wish to discuss the matter with him.

Yours sincerely,


County Education Officer.



Your Ref:



Our Ref: DWA/JH

Please reply to

County Secretary

P.O. Box 100A,
Municipal Buildings,
Middlesbrough, Cleveland TS1 2QH

When telephoning please ask for

Mr. Ashton.

Tel: (0642) 248155 Ext. 2197

8th October, 1981.

Dear Mrs. Siddell,

Hart Village School Playing Field

I understand that you are the Secretary of the Hart Village Hall Committee and I am writing to you in that capacity.

In 1955 the Durham County Council agreed that there could be some dual use of the Village School playing field between the School and the people living in the Village. It was agreed at that time that your Committee should control the playing field for the benefit of the community.

In 1974 this County Council became the Local Education Authority for Hart and also the owners of the playing field. In 1978 we entered into correspondence with the Hart Parish Council who were concerned that the residents of Hart should be able to continue to use this school field for recreational purposes and a draft Agreement was drawn up with the Parish Council to enable this to happen. However the Parish Council were advised that it would be inappropriate for them to enter into such an Agreement because it was thought that there was a customary right for villagers to use this field. Of course the advice the Parish Council received was without knowledge of the agreement reached with your Committee in 1955.

In fact it is only in the last few days after very detailed research that we have discovered the letter which was written to your Committee in 1955 setting out the terms of Durham County Council's agreement with you. In view of the letter I am now writing to you to ask whether your Committee consider that they are still operating under the agreement reached in 1955 and whether they would wish the agreement to continue in the future or whether they would be content for the Parish Council now to enter into an agreement with the County Council to ensure that local residents can continue to have use of this playing field.

If your Committee do wish to continue with the agreement I think it

Cont.....

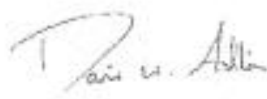
Mrs. E.A. Siddell,
8 Palace Row,
HART VILLAGE,
Hartlepool,
Cleveland.

- 2 -

would be in the interests of both yourselves and the County Council to have a more formal agreement in view of the fact that the new school has now been built and certain problems have arisen over the type of activity which should be permitted on the school field outside school hours.

I appreciate this is a particularly complicated and difficult matter and I would of course be prepared to meet you to discuss it further if this would be helpful.

Yours sincerely,



Deputy County Secretary

of the agreement reached with your Committee in 1955.

In fact it is only in the last few days after very detailed research that we have discovered the letter which was written to your Committee in 1955 setting out the terms of Durham County Council's agreement with you. In view of the letter I am now writing to you to ask whether your Committee consider that they are still operating under the agreement reached in 1955 and whether they would wish the agreement to continue in the future or whether they would be content for the Parish Council now to enter into an agreement with the County Council to ensure that local residents can continue to have use of this playing field.

If your Committee do wish to continue with the agreement I think it

Cont.....

Mrs. E.A. Siddell,
8 Palace Row,
HART VILLAGE,
Hartlepool,
Cleveland.

PARISH COUNCIL NOTEBOOK

APPENDIX 4

VILLAGE FIELD ? SCHOOL FIELD ? CHOLE FIELD ?

The controversy concerning the Village Playing Field continues and this is not surprising, bearing in mind the history of the field.

In 1952 & 1953, the Hart Village Hall Association raised a considerable amount of money to drain, level, roll and seed . . . Manor Farm Field which was then owned by Durham County Council. The Association had a gentleman's agreement with the County. That this land would be designated as the Village Playing Field and was described as such in correspondence from the County. However, after Local Government reorganisation, Cleveland County Council took over, claiming to hold the deeds and considered that the field should be used only by the school and not by the village thus ignoring the agreement that had been in existence for over twenty years.

In June 1978, the County Education Committee belatedly recognised the historical significance and agreed in principle to permit use by the village, such use to be regulated by a contract between themselves and Hart Parish Council.

This contract, drawn up and agreed by Cleveland in March 1979 has not been agreed by the Parish Council, although negotiations have produced a few minor amendments in their favour. The clause causing most concern limits the period of the agreement to one year at a time, but after any year, three months notice could put an end to an amenity which the village has had for almost thirty years.

Would you sign such a contract ? Should the Parish Council sign such a contract ? What are the alternatives ? Independent advice is being sought so that the best possible deal can be obtained. Your views and any relevant information on this issue should be made known to your Parish Councillors.

DATED

1989

CLEVELAND COUNTY COUNCIL
and
HART VILLAGE HALL COMMITTEE

Draft/

A G R E E M E N T

relating to the use of land at Hart
Primary School, Hart Village, Hartlepool
in the County of Cleveland

A.J. HODGKINSON
COUNTY SECRETARY.

SR1AEM

THIS AGREEMENT is made the day of

One thousand nine hundred and eighty nine BETWEEN THE COUNTY COUNCIL OF
CLEVELAND (hereinafter called "the Grantor") of the one part and HART
VILLAGE HALL COMMITTEE under the hands of its Chairman and Secretary
(hereinafter called "the Committee") of the other part

WHEREAS the Committee wished that the land owned by the Grantor at the
Hart Primary School Hart Village Hartlepool in the County of Cleveland
(hereinafter called "the School") should be available for the enjoyment
of the Committee and the inhabitants of the Parish of Hart and Hart
Village Organisations and the Grantor has agreed to permit the land shown
edged red on the plan annexed to this Agreement (hereinafter called "the
Land") to be so enjoyed at certain times and subject to the terms and
conditions hereinafter set out

NOW IT IS HEREBY AGREED as follows:

1. Subject to the conditions hereinafter set out and during the periods of time laid down in Clauses 2 and 3 hereinafter contained the Grantor hereby grants unto the Committee the right to enter upon and enjoy the land as a playing field and the right to authorise such same enjoyment of the land by inhabitants of the said Parish and Hart Village Organisations for a term of one year from the date of this Agreement and thereafter from year to year provided that this Agreement shall be determinable by either party at any time on the giving of three months notice in writing to that effect
2. During term time between the hours of 8 a.m. and 5 p.m. on every day of the week except Saturdays and Sunday (hereinafter called "the reserve time") the land shall be reserved solely and exclusively for the use of the school or for such other use in connection with the Education Service as shall be required by the Grantor and during the reserve time the land shall not be available for enjoyment by the Committee or persons authorised by it pursuant to this Agreement

SR1AEM

3. At all times outside the reserve time that is during the school holidays and on Saturdays and Sundays during term time and between the hours of 5 p.m. and 8 a.m. during weekdays in term time (hereinafter called "the relevant period") the land shall be available for enjoyment by the Committee and persons authorised by it pursuant to this Agreement provided the land is not required for the use of the school or the Grantor in connection with the Education Service as mentioned in Clause 2 hereof and in which circumstances the School or Education Service shall have the prior right

4. Without Prejudice to the prior right of the School and the Grantor under Clause 3 hereof to use the land at any time during the relevant period the Head Teacher for the time being of the School will so far as is reasonably practical endeavour to give the Committee at least 48 hour notice of any occasion on which the school or the Grantor intends to use the land during the relevant period

5. Apart from the rights of the School and the Grantor under Clause 3 hereof no person shall be permitted to enter upon and use the said land under this Agreement during the relevant period without the prior consent and authorisation of the Committee on each separate occasion and for the avoidance of doubt IT IS HEREBY AGREED AND DECLARED between the parties hereto that nothing in this Agreement shall prevent the Grantor or the Police from taking proceedings against any person or persons under the provisions of Section 40 of the Local Government (Miscellaneous Provisions) Act 1982

6. The Committee undertakes as follows:-

(a) Co-operate a system of regulation in respect of the user of the land during the relevant period so as to avoid any nuisance disturbance or damage to the land and School

(b) Not to permit the land to be used by any Club or Organisation unless

SR1AEM

the Grantor has consented to such user by that particular Club or Organisation such consent not to be unreasonably withheld

(c) To submit to the Grantor every three months a detailed account of the persons Clubs and Organisations using the land

7. The Committee further undertakes as follows:-

(a) To use its best endeavours to expel any persons trespassing on the land during the relevant period

(b) To use its best endeavours to keep the land clean and tidy and clear of litter

(c) Not to bring and to ensure that persons authorised by it under this Agreement do not bring horses dogs or motorised vehicles on to the land other than any vehicle required in connection with the maintenance or repair of the land or school

(d) So to conduct its activities and to ensure that all persons authorised by it under this Agreement conduct their activities so as not to interfere with or adversely affect in any way the enjoyment of the land by the Grantor

(e) To exercise the rights hereby granted and to ensure that the same shall be exercised by all persons authorised by it under this Agreement so as to do as little damage as possible to the land and to make good any damage nevertheless caused and to indemnify the Grantor in respect thereof

8. The Committee shall make to the Grantor a payment in respect of any increase maintenance costs for the land the amount of such payment to be determined in accordance with the formula set out in the Schedule to this Agreement.

9. The Committee shall indemnify the Grantor against all liabilities cost claims demands and losses whatsoever arising out of or in the course of or as a consequence of the use of the land at all times during the relevant period apart from such times when the land is being used by

SRIAEM

the School or the Grantor under Clause 3 hereof and shall indemnify the Grantor whether such liability cost claims demands and losses are in respect of death or injury to persons or damage to property save that this Clause shall not apply in respect of death and injury to persons where such death or injury to persons is caused directly by the proven negligence of the Grantor its servants or agents.

10. Without prejudice to its liability to indemnify the Grantor under this Agreement the Committee shall at all times during the continuance of this Agreement at its own expense maintain to the satisfaction of the Grantor an Insurance Policy covering the liabilities of the Committee under this Agreement and the interest of the Grantor shall be noted on such policy.

11. The Committee shall within a period of fourteen days on demand produce to the Grantor the policy or policies of insurance effected in accordance with Clause 10 of this Agreement and the receipt for each premium paid in respect thereof

IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first hereinbefore written

THE SCHEDULE

The maintenance of the land comprises gang mowing rotary mowing painting and repair of goal-posts marking out of pitches and fertilizing the land. In the financial year 1988/89 the costs of maintaining the land was £ (hereinafter called the "bac cost")

The formula referred to in Clause 8 of this Agreement is as follows:-

On the first day of October each year the bac cost will be adjusted to

reflect the annual movement in inflation. The Committee will pay the Grantor any sum exceeding the bid cost as adjusted above

THE COMMON SEAL of the COUNTY COUNCIL
OF CLEVELAND was herewith affixed in the
presence of

SIGNED SEALED AND DELIVERED by
on behalf of
the HART VILLAGE HALL COMMITTEE in
the presence of:

SIGNED SEALED AND DELIVERED by
on behalf
of the HART VILLAGE HALL COMMITTEE in
the presence of:

SR1AEM





Your Ref:

Our Ref: AJH/AF



AGENDA ITEM NO. 46 (iii)

Please reply to
County Secretary
P.O. Box 100A
Municipal Buildings
Middlesbrough, Cleveland TS1 2QH

When telephoning please ask for

Mr. A.J. Hodgkinson

Tel [0642] 248155 Ext. 2001

Fax [0642] 224558

The Chairman and Members of
**THE DIRECT SERVICES SUB-COMMITTEE
OF THE EDUCATION COMMITTEE**

Hart Village School Playing Field

1. To consider the future use and control of the Hart Village School playing field.
2. Recommendation
 - 2.1 ✓ That the County Education Officer discuss with the Governors of the Hart Primary School ways of enabling the people of Hart to continue to have use of the playing field in ways which do not conflict with its use by the children attending the school.
 - 2.2 That prior to any specific restriction being imposed on use by residents, consultations take place with the Hart Parish Council.
3. Background
 - 3.1 Some Members will be only too well aware of the background to this long running matter. However, I have taken the liberty of reproducing a report which went to the Finance and Staffing Sub-Committee of the Education Committee in September, 1985 as this sets out most of the background.
 - 3.2 As the result of the consideration of that report attempts were made to agree a draft Agreement with the Village Hall Committee's Solicitor.
 - 3.3 Because of a lack of response we had to inform the Solicitor that the draft which we had prepared would have to be submitted direct to the Chairman of the Village Hall Association. Eventually, the Village Hall Association told us that they were not willing to sign any such agreement and that they would continue to rely on the letter from Durham County Council dated 28th January, 1955 which is set out in full in paragraph 4 of the attached report.
 - 3.4 This matter came before the school governors at a recent meeting where the Chairman of the Village Hall Association (who is also a school governor) indicated that he was willing to reconsider entering into the agreement. A copy of the draft Agreement was forwarded to



him and he subsequently telephoned to say that as far as he was concerned nothing has changed and that the Village Hall Association was therefore not willing to sign any agreement and that in these circumstances there was nothing to formally negotiate between the Village Hall Association and the County Council.

- 3.5 The governors of the School have requested that the Committee be informed of their concern at the long and protracted delay in formalising the shared use arrangement with the Village Hall Association. The governors had hoped that some amicable agreement could be reached along the lines of what appeared to be mutually acceptable in 1985.

4. The Current Position

- 4.1 Clearly the problem in resolving this matter rests on the letter from the County Education Officer of Durham County Council dated 28th January, 1955.

- 4.2 That letter agreed that the school field should be controlled by the Village Hall Committee for the benefit of the community. As far as I can ascertain the Village Hall Committee (subsequently the Village Hall Association) has never exercised any control over the use of the field since 1955. They have now said that they are unwilling to enter into any agreement with the County Council relating to their control of the field.

- 4.3 In these circumstances I think it is perfectly proper now for the County Council to take the view that the Village Hall Association no longer wish to exercise any rights of control over this field. That does not mean of course that the desires of the people of Hart to use this field should be denied so long as that use is compatible with the reason why the County Council own the field and that is to provide facilities for the children attending the school.

5. Suggested Course of Action

- 5.1 The school governors are also concerned about certain activities taking place on the school field outside of school hours. In the past they have been concerned about vandalism to the boundary wall and fascia of the school building, nuisance and damage to the field through golfing, horse riding and motor cycling together with the health risk from dogs fouling the field. The governors had requested that any agreement with the Village Hall Association should specifically exclude activities that would constitute a nuisance or danger to pupils or which may threaten damage against the school building.
- 5.2 It is suggested that discussions should take place with the governors of the school to ensure that the field is available for use by residents of Hart provided that that use does not adversely affect the use of the field by the school children.
- 5.3 It may be that restrictions should be imposed and if this is to happen then I consider that it would be sensible for the governors to consult the Parish Council before implementing such restrictions.

A.J.HODGKINSON
COUNTY SECRETARY

REPORT FOR THE FINANCE AND STAFFING SUB-COMMITTEE OF
THE EDUCATION COMMITTEE

DUAL USE OF HART PRIMARY SCHOOL PLAYING FIELD

INTRODUCTION

1. At the meeting of this Sub-Committee on the 3rd November 1983 (Minute 2589) you agreed that a meeting be arranged with representatives of the Hart Village Hall Committee at which you would be represented by the Chairman, Vice-Chairman and County Councillor Price (or substitutes) and that the Ward Councillor concerned be invited to be present.
2. It proved extremely difficult to get the Village Hall Committee to agree to this meeting but the meeting was eventually held on the 8th July, 1985 when you were represented by County Councillors Waller and Price and County Councillor Mrs. Mean attended as the local Ward Member.

BACKGROUND

3. The background to this problem is complicated and has been considered by the Sub-Committee on three previous occasions in 1978, 1979 and 1982.
4. Our researches found a letter from the County Education Officer of Durham County Council dated the 28th January, 1955 to the Honorary Secretary of the Village Hall Committee which read as follows:-

"HART VILLAGE HALL PLAYING FIELD

In reply to your letter dated the 20th January, 1955, the above named playing field has been provided by the Education Authority as a village playing field and it is agreed that the field shall be controlled by the Village Hall Committee for the benefit of the community.

The playing field will be maintained by the Authority's Superintendent of Playing Fields.

The only stipulation made by the Education Authority is that the Hart County Primary School shall be allowed the use of the field for school purposes during normal school hours in school terms; that the school shall be allowed to use the playing field for school activities at any other time by arrangement between the Headmaster and the Village Hall Committee.

- 2 -

In the circumstances a formal agreement does not appear to be necessary but if the arrangement set out above is satisfactory and you will let me have a formal reply to this effect this correspondence will be placed with the documents relating to this property as a permanent record".

The Village Hall Committee replied in April 1955 to say that they were "agreeable with the arrangement".

5. Before this letter was found the Hart Parish Council had asked for a formal agreement with the County Council for the joint use of this field with the school. Although an Agreement was prepared and agreed by the Sub-Committee the Parish Council then took independent legal advice and were advised not to sign the Agreement as the Parish Council "had by custom established a right to enter on the field for the purpose of recreation".
6. In view of the statement claiming customary rights a great deal of research took place. It was accepted by all concerned that the field was owned by the County Council as successor Education Authority to Durham County Council. It was understood that in 1952 when the field was owned by Durham County Council the then Head Teacher of the school requested the Hart Village Hall and Playing Fields Association to level, drain and seed the field. Monies were raised for this purpose by public subscription and the work was carried out. Since that time the field has been used during school hours by the school and by the villagers at other times.
7. The 1955 letter then came to light and the Parish Council stated that they were still prepared to ~~enter into an Agreement but the Parish Council~~ considered that the Agreement should specify the existence of the customary right and make no provision for termination. The Parish Council also considered that ~~any reference to maintenance will clearly be inappropriate~~.
8. This was reported to you at your meeting on the 13th May, 1982 (Minute 459) when you resolved as follows:-
 - (i) That the County Council be recommended not to recognise that there was a customary right for the villagers of Hart to use this field for recreational purposes or otherwise.

- 3 -

8. (contd....)

(ii) That the County Council be recommended to enter into an agreement with the Parish Council in the same form as the draft Agreement approved in 1979 including the provision relating to termination.

(iii) That consideration be given to the making of a financial contribution by the Parish Council towards the increased costs of maintenance arising from the proposed Agreement.

9. The Solicitors who act for both the Parish Council and the Village Hall Committee then stated that "they confirmed that the Agreement entered into in 1955 is binding on the parties".

THE MEETING

10. At the meeting with the Village Hall Committee on the 8th July, 1985. The County Councillors and Officers from the County Council stressed that it was not the intention to deprive the village of a facility it had enjoyed for many years; in fact it was the County Council's policy to positively encourage community use of the school facilities. However the County Council's concern was the welfare of the children in its charge and safeguards for itself in view of its overall responsibility for this field. It was therefore considered that there was a need for an agreement.

The Village Hall Committee and their Solicitor, Mr. Hall, accepted the need for an agreement although they stated that there had been no problems since the 1950's when the Durham County Council gave their consent to joint usage. The Village Hall Committee's main objection to the proposed agreement put forward by the County Council was the inclusion of a Termination Clause which they felt undermined the villagers' future right to use this field.

County Councillor Waller pointed out that if there were to be an Agreement with the Village Hall Committee the Village Hall Committee must accept liability for their use of the field and must take out appropriate insurance to cover this. Both he and County Councillor Price were also concerned about the implications of any future national legislation which the County Council might find difficult to implement if it had not got total control of this field.

- 4 -

11. It was considered that now the matters had been clarified it should be possible to draw up an agreement for consideration by the Village Hall Committee and the County Council and which would adequately cover the concerns of the Village Hall Committee and the Education Authority.

RECOMMENDATION

That the County Secretary be authorised to prepare a draft Agreement in consultation with the Village Hall Committee's Solicitor which protects the interests of the County Council and those of the Village Hall Committee as outlined at the meeting and that such Draft Agreement be presented to this Sub-Committee for consideration.

A.J. HODGKINSON
County Secretary

DWA/MC
11.9.85

To be submitted to a meeting of the Governors of Hart Primary SchoolHART PRIMARY SCHOOL - PLAYING FIELD

1. Governors are aware that following a meeting in 1985 between members of the County Council and members of the Hart Village Hall association, the County Secretary was requested to prepare a draft agreement that formalised the arrangement over the shared use of the school playfield. The agreement was intended to protect the interests of both the County Council and the Village Hall association.
2. Governors have previously been informed of the difficulties encountered by the County Secretary in progressing the matter. Consequently, it has now been necessary to report this impasse to the Education Committee.
3. A report on the matter by the County Secretary, which was submitted to the Direct Services Sub-Committee on 6th February, 1991, is attached. The recommendations contained in paragraph 2 of the report were accepted by the Education Committee and subsequently approved by the County Council. The full resolution, contained in Minute No. 4118 of the Education Committee, dated 20th February, 1991, is as follows:-
 1. that the County Education Officer discuss with the Governors of Hart Primary School ways which would enable the people of Hart to continue to have use of the playing field in ways which would not conflict with its use by children attending the school.
 2. that prior to any specific restrictions being imposed on use by residents, consultation take place with Hart Parish Council.
4. The Governors are requested to consider the resolution of the Education Committee.

A.H.R. Calderwood
County Education Officer.

CLEVELAND

COUNTY COUNCIL
an equal opportunity employer

Our Ref: 35/SE2CZX/1

Please reply to:

County Education Officer

Education Offices,
Woodlands Road,
Middlesbrough, Cleveland, TS1 3BN

When telephoning please ask for

W.R. Emmerson.....
Tel (0642) 248155 Ext 2037
Fax (0642) 247265

24th April, 1991.

Dear Governor,

Further Use and Control of Hart School Playing Field

You will recall that governors gave consideration to the above item of business at their meeting on 21st April, 1991.

It was agreed that the matter should be the subject of further consideration at a 'special' meeting of the governing body to be held at the school on Thursday, 2nd May 1991 commencing at 4.00 p.m.

It was further agreed that governors should be circulated with a copy of the draft agreement prepared by the County Secretary to formalise the shared use of the school field with the Village Hall Association. A copy of this document is enclosed. It should be stressed that this document was based on the joint meeting in 1985 and does not refer to any specific restrictions which the governors may wish to impose on use by residents to safeguard the interests of pupils and the school premises. It is hoped next weeks meeting can address these issues and attempt to progress matters.

Yours sincerely,

County Education Officer.
(Clerk to the Governors)

To: Members of the Governing
Body of Hart Primary
School.



CLEVELAND

COUNTY COUNCIL
an equal opportunity employerFacsimile
TELEPHONE

Please reply to:

County Education Officer

Education Offices,
Woodlands Road,
Middlesbrough, Cleveland, TS1 3BN

When telephoning please ask for

Mr. W. R. Remerson.....

Tel. (0642) 248155 Ext. 2937

Fax (0642) 247265

Our Ref: 35/SE2DAK/1

7th May, 1991

Dear Sir,

Hart Primary School Playing Field

You will be aware that the Hart Primary School playing field is also used by the community, although there is no formal agreement covering the arrangement.

At a recent meeting of the Governing Body of Hart Primary School, the Governors gave consideration to the future use and control of the school playing field and expressed a wish to arrange some degree of regulated control in the mutual interests of all concerned.

In the circumstances, I have been requested to approach you with a view to convening a meeting between the Parish Council and the Governing Body to discuss the matter.

It is noted that there is a meeting of the Parish Council scheduled for the evening of Monday, 10th June, 1991, and perhaps this would be a convenient time for a meeting. However, I look forward to your reply.

Yours faithfully,

f. County Education Officer
(Clerk to the Governor)

Mr. E. Milner,
Clerk to Hart Parish Council,
19 Lowdale Lane,
Hart Station,
Hartlepool,
Cleveland,
TS24 9RL.



CLEVELAND



Our Ref: 35/a79/B/91

Please reply to:

County Education Officer

Education Offices,
Woodlands Road,
Middlesbrough, Cleveland, TS1 3BN

When telephoning please ask for

Mr. W.R. Emmerson
Tel (0642) 248155 Ext 2937
Fax (0642) 247285

24th June, 1991.

Dear Governor,

Hart Primary School Playing Field

You will recall that at the special meeting of the governing body held on 2nd May, 1991, I was asked to extend an invitation to the Hart Parish Council to discuss the matter of the school playing field.

I have corresponded with the Clerk to the Hart Parish Council and also, as requested, informed the Village Hall Committee of the reasons for the governors decision to pursue the matter with the Parish Council.

At its meeting on 10th June, 1991, the Parish Council directed their Clerk to submit copies of all recent letters on the matter to the Village Hall Committee and resolved to wait for an invitation from the Hall Committee to attend a meeting with them and the governors to discuss the matter.

Your Chairman, Mr. A.D. Jackson, has been advised of this response from the 'Parish Council' and I will keep you informed of developments.

Yours sincerely,

County Education Officer
(Clerk to the Governors)

To members of the
Governing Body of
Hart Primary School.



To be presented to a meeting of the Governors of Hart Primary School to be held on 23rd September, 1991.

Hart Primary School Playing Field

1. Purpose of the Report

The purpose of this report is to update governors on the matter of the school playing field.

2. Action from Previous Meeting

Following the 'special' governors meeting on 2nd May, 1991, an invitation was extended to Hart Parish Council to discuss the matter. At the same time a letter was sent to the Village Hall Committee outlining the reasons why the Governing Body considered it necessary to pursue the matter with the Parish Council.

3. Responses

(i) Village Hall Committee

A communication was received from the Secretary of the Village Hall Committee. A copy of the letter is attached and governors will note that its content relates to events surrounding the advent of the shared use arrangement and expresses the pre-1985 view of the VHC that no formal agreement is necessary.

(ii) Hart Parish Council

At its meeting on 10th June, 1991, the Parish Council directed its Clerk to submit copies of all recent letters on to the Village Hall Committee and

RESOLVED to wait for an invitation from the VHC to attend a meeting with them and the Governors.

There have been no further communications from the Parish Council or the Village Hall Committee. However, a letter was received from J.P. Hall Solicitors (copy attached) stating that they acted for both the Parish Council and the Village Hall Committee and could not recommend their clients to enter into any agreement.

4. Other Action

Governors may be aware of the subsequent action by the Village Hall Committee in erecting a notice prohibiting the exercising of dogs/animals and the playing of unauthorised ball games on the field.

The Chairman of Governors has been kept informed of developments and there will be an oral update on the situation at the Governors meeting.

A.H.R. Calderwood
County Education Officer

BOTTINGTON - C.C.S.,
 HART VILLAGE,
 HARTLEPOOL,
 CLEVELAND TS 273.3X
 21.5.1991

Dear Mr Jackson,

Re Hart Villages Playing Field.

I am in receipt of a copy of your letter to Mr. K. Armstrong, dated 16/5/91, concerning the above noted subject. Some of the information contained in your letter is not quite correct & I would wish to correct this in the first instance.

HART VILLAGE PLAYING FIELD

Your letter refers to the HART PRIMARY SCHOOL PLAYING FIELD which is incorrect. The field in question was previously known as the MANOR HALL FIELD or it was owned by Durham County Council. In 1952, on following discussion between the D.C.C. & the HART VILLAGE HALL COMMITTEE the name of the field was changed to HART VILLAGE PLAYING FIELD. In these discussions or in recognition of the efforts & expense of the VILLAGERS, it was agreed by the parties that the field in question would be designated by the D.C.C., to the VILLAGE HALL COMMITTEE, to be used by the people of the Village for the benefit of the community.

The discussion between the D.C.C. & the V.H.C. resulted in the VILLAGERS collecting several hundred pounds, which in conjunction with voluntary labour by the Villagers, the field was drained levelled & needed & it was in recognition of the Villagers' money & the Villagers' voluntary endeavours that the D.C.C. Education Authority wrote to the V.H.C. & provided the said field as a Village Playing Field. This agreement worked satisfactorily until 1974 when, under the Local Government Organisation, Cleveland County Council commenced to have the field re-designated only as a School Playing Field. The V.H.C.

have made no secret of their suspicions of the C.C.C. efforts to renegotiate the terms of the agreement made in 1955 between the D.C.C. & the V.H.C.

CONTROL OF FIELD UNREGULATED

The V.H.C. deny that the field is unregulated. Clearly this statement is a deliberate attempt to discredit the excellent control of the field exercised by the V.H.C. For example, when it was brought to the attention of the V.H.C. that some idiots had used the field to practice golf, this activity was stopped forthwith by the committee. Similarly, the allegations of villagers using the field to exercise their dogs is incorrect. It is the villagers' children who attend the Primary School & their parents do not carry out any activity which would conflict with the interests of their own children. It may be that stray dogs or cats may wander occasionally onto the field, but that is another matter. Anything short of a deliberate simulation by the C.C.C. will not stop this activity or to suggest that this activity presents the governor with potential liabilities is nothing short of self-defeating.

VILLAGERS USE OF PLAYING FIELD

It seems clear to our committee that the C.C.C. have every intention to deny VILLAGERS the use of the HART VILLAGES PLAYING FIELD, despite their statement to the contrary. The C.C.C. have used every endeavour to deny the VILLAGERS the use of the field since 1970 when they made Local Government Re-Organisation they assumed responsibility from Dudley County Council. The agreement made in 1955 between the D.C.C. & the V.H.C. is considered by this committee as fair & reasonable - should therefore be honoured by the C.C.C.

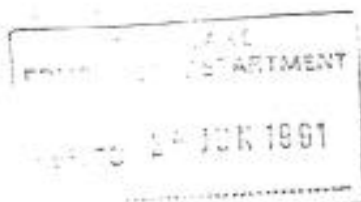
Yours sincerely
R. P. Jones

Secretary, V.H.C.

1. Dudley County Council

2. Birmingham County Council

3. Birmingham City Council



Partners:
J.P. Hall
J.T. Maine Ltd
J.C. Wood Ltd
J. Watson Ltd, Law

J.P. HALL

SOLICITORS AND
COMMISSIONERS FOR OATHS

20 High Street,
Spennymoor,
Co. Durham DL16 6DE
Telephone: Spennymoor (0388) 811811
Fax: (0388) 420275
Telex: 60465 SPENNYMOOR

JPH:CP

35/SE2/DAK/1

24 June 1991

Dear Sirs

Re: Hart Playing Field

As you know we act for the Hart Parish Council in this matter and we have been handed the recent correspondence in this case.

We have advised our clients that so far as we are concerned there has been no change in the situation and we cannot recommend them entering into any agreement simply for the benefit of your Council and to their detriment.

We also represent the Village Hall Association in this matter and for the avoidance of doubt we reiterate the same views on their behalf.

We are advised that the observations in this fourth paragraph of your letter of the 28th May are inaccurate and exaggerated and our clients are not to relinquish their rightful position simply because there has been a change in legislation which might impose upon your Council some additional responsibilities.

Yours faithfully

J.P. Hall & Co

County Education Officer
Cleveland County Council
Woodlands Road
Middlesbrough
Cleveland

*Copy sent to ASD Jackson
14/6/91*

HM Land Registry



Title Number : CE55807

Edition Date : 20 May 2002

A: Property Register*This register describes the land and estate comprised in the title.*

HARTLEPOOL

1. (24 September 1938) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Hart Village Primary School, Hart.
2. The mines and minerals are excepted.
3. (30 March 1983) The land edged and numbered in green on the filed plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.

4. (13 May 2002) A Transfer of the land coloured yellow and coloured blue on the plan thereto dated 9 May 2002 made between (1) Hartlepool Borough Council and (2) Lisa Marianne Steel contains the following provision:-

"The boundary wall between points B and C on the plan attached shall remain in the freehold ownership of the Transferor"

NOTE: Copy plan in certificate. Copy plan filed under DU46334.

5. (13 May 2002) A Deed dated 9 May 2002 made between (1) The Council of the Borough of Hartlepool and (2) Lisa Marianne Steel contains a provision as to boundary structures.

NOTE: Copy in certificate. Original filed under CE140775.

6. (13 May 2002) A new filed plan based on the latest revision of the Ordnance Survey Map has been prepared.

Title Number : CE55807

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title Absolute

1. (15 October 1981) PROPRIETOR: THE COUNCIL OF THE BOROUGH OF
HARTLEPOOL of Civic Centre, Hartlepool, TS24 8AY.

END OF REGISTER

NOTE A: A date at the beginning of an entry is the date on which the entry was made in the Register.
NOTE B: This is a copy of the register on 20 May 2002 at 14:40:46.



