

PLANNING COMMITTEE AGENDA



Friday 16 July 2010

at 10.00 a.m.

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

MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Brash, Cook, Cranney, Hargreaves, James, G Lilley, Lawton, London, J Marshall, Morris, Richardson, Sutheran, Thomas, H Thompson, P Thompson, Wells 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 16 June 2010.

4. **ITEMS REQUIRING DECISION**

4.1 Planning Applications – *Director of Regeneration and Neighbourhoods*

- | | | |
|----|-------------|--|
| 1. | H/2010/0191 | Land Adjacent to Hartfields Retirement Village |
| 2. | H/2010/0339 | 16, 19, 21 and 22 Sylvan Mews, The Wynd, Wynyard, Billingham |
| 3. | H/2010/0274 | Norton House, Thetford Road, Hartlepool |
| 4. | H/2010/0277 | The Woodcutter, Waverley Terrace, Hartlepool |
| 5. | H/2010/0250 | 36A Catcote Road, Hartlepool |

6. H/2010/0338 Teesbay Retail Park, Brenda Road, Hartlepool
 7. H/2010/0234 Abbey Hill Farm, Dalton Piercy Road, Dalton Piercy, Hartlepool
 8. H/2010/0375 Fox Covert, Three Gates, Dalton Piercy Road, Dalton Piercy, Hartlepool
 9. H/2010/0390 Dyke House Secondary School, Mapleton Road, Hartlepool
- 4.2 Appeal Ref APP/H0724/A/10/2124360/NWF: H/2009/0671 Formation of new access road and associated works. Crows Meadow Farm, Dalton Back Lane, Hartlepool - *Director of Regeneration and Neighbourhoods*
 - 4.3 Appeal By Michael Liddle Appeal Ref: APP/H0724/D/09/2126463 Site at: 273 Stockton Road, Hartlepool - *Director of Regeneration and Neighbourhoods*
 - 4.4 Appeal Ref: APP/H0724/D/10/2131140 H/2010/0007 Erection of a Rear Single Storey Extension to Provide Garden Room, Bathroom and Lobby 35 The Green, Elwick, Hartlepool - *Director of Regeneration and Neighbourhoods*
 - 4.5 Appeal by Mrs Allison Willis Appeal Ref: APP/H0724/D/09/2131143 Site at: 15 Warwick Grove, Hartlepool - *Director of Regeneration and Neighbourhoods*
 - 4.6 Appeal by Mr Pennick Appeal Ref No: APP/H0724/H/10/2123858 Site at: Tail End Fisheries, Church Street, Seaton Carew, Hartlepool - *Director of Regeneration and Neighbourhoods*
 - 4.7 Update on Current Complaints - *Director of Regeneration and Neighbourhoods*
 - 4.8 Monitoring Of the MARAD Contract ABLE UK Ltd, Graythorp - *Director of Regeneration and Neighbourhoods*

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

EXEMPT ITEMS

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

6. ITEMS REQUIRING DECISION

- 6.1 Complaints File to be Closed - *Director of Regeneration and Neighbourhoods* (para 6)
- 6.2 Enforcement Action – 5 Mayflower Close, Hartlepool - *Director of Regeneration and Neighbourhoods* (paras 5 and 6)

7. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

8. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of Friday 13 August, 2010 at 9.00 am

Next Scheduled Meeting - Friday 13 August, 2010 at 10.00 am

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

16 June 2010

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

Present:

Councillor Rob Cook (In the Chair)

Councillors Jonathan Brash, Kevin Cranney, Trisha Lawton, Francis London, Dr George Morris, Steve Thomas, Hilary Thompson, and Paul Thompson.

Also Present: In accordance with Council Procedure Rule 4.2;
Councillor A E Lilley as substitute for Councillor G Lilley,
Councillor Richardson as substitute for Councillor Hargreaves.

Officers: Richard Teece, Development Control Manager
Linda Wright, Senior Planning Officer
Peter McIntosh, Schools Transformation Project Manager
Mike Blair, Highways, Traffic and Transportation Manager
Adrian Hurst, Principal Environmental Health Officer
Kate Watchorn, Commercial Solicitor
David Cosgrove, Democratic Services Team

1. Apologies for Absence

Councillors Hargreaves, James, Sutheran and Wright.

2. Declarations of interest by members

Councillor Cook declared a private and prejudicial interest in Minute No. 4, specifically application No.H/2010/0191 and in accordance with the Code of Conduct, left the meeting during its consideration.

3. Confirmation of the minutes of the meeting held on 19 May 2010

Confirmed.

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

Number: H/2008/0001

Applicant: Mr Terry Bates 7 Brinkburn Court Hartlepool

Agent: BIG-Interiors Ltd. Mr Ian Cushlow 73 Church Street Hartlepool

Date received: 07/03/2008

Development: Provision of a touring caravan and camping site with associated amenity facilities (AMENDMENT RELATES TO ALTERATIONS TO ACCESS)

Location: BRIERTON MOORHOUSE FARM DALTON BACK LANE HARTLEPOOL

Decision: **Withdrawn from the agenda**

Number: H/2010/0274

Applicant: Cleveland House Queens Square Middlesbrough

Agent: ASP Associates 8 Grange Road HARTLEPOOL

Date received: 22/04/2010

Development: (Amendments to previously approved scheme H/2006/0179) for erection of two detached dwellings with associated detached garages (retrospective application)

Location: NORTON HOUSE THETFORD ROAD HARTLEPOOL

Decision: **Withdrawn from the agenda**

Councillor Dr Morris in the Chair.

Number: H/2010/0191

Applicant: LEEBELL DEVELOPMENTS LTD
MR GRAHAM MEDCALFE MAIN STREET
PONTELAND

Agent: MR GRAHAM MEDCALFE, LEEBELL DEVELOPMENTS LTD PEEL HOUSE MAIN STREET PONTELAND

Date received: 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

Decision: **Deferred for additional information**

Councillor Cook in the Chair.

Number: H/2010/0231

Applicant: Mr P Todd, 17 NEWQUAY CLOSE HARTLEPOOL

Agent: Mr P Todd, 17 NEWQUAY CLOSE HARTLEPOOL

Date received: 04/05/2010

Development: Construction of pedestrian access by installation of gate in existing boundary wall (retrospective application)□

Location: 17 NEWQUAY CLOSE HARTLEPOOL

Decision: **Subject to no significantly different objections from outstanding publicity Minded to APPROVE subject to the following conditions but the final decision was delegated to the Development Control Manager in conjunction with the Chair of the Planning Committee.**

CONDITIONS AND REASONS

1. The development hereby permitted shall relate to the description of proposed works outlined in the application form received by the Local Planning Authority on 03/06/2010, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.

2. The gate hereby approved shall be used only for pedestrian access and for no other purpose unless otherwise agreed in writing with the Local Planning Authority.
In the interests of the amenities of the occupants of nearby housing.

The applicant (Mr P Todd) was present at the meeting and addressed the Committee.

An objector (Mrs Wilkinson) was present at the meeting and addressed the Committee.

Number: H/2010/0284

Applicant: Mr Peter McIntosh
Hartlepool Borough Council Schools Transformation
Team The Borough Hall Hartlepool

Agent: England & Lyle Ltd Mr Jeremy Good, Morton House
Morton Road, Darlington

Date received: 29/04/2010

Development: Re-modelling of existing school, provision of Multi
Use Games Area, landscaping, car parking, and
associated works

Location: DYKE HOUSE SECONDARY SCHOOL
MAPLETON ROAD HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Unless otherwise agreed in writing, the development hereby approved shall be carried out in accordance with the drawings:
 - PL-DHS-A-022; Site Location Plan
 - PL-DHS-A-023; Existing Ground Floor Plan
 - PL-DHS-A-024; Existing First Floor Plan
 - PL-DHS-A-025; Existing Elevations Sheet 1
 - PL-DHS-A-026; Existing Elevations Sheet 2
 - PL-DHS-A-001; Proposed Ground Floor Plan
 - PL-DHS-A-002; Proposed First Floor Plan
 - PL-DHS-A-003; Proposed Roof Plan
 - PL-DHS-A-004; Proposed Elevations Sheet 1
 - PL-DHS-A-005; Proposed Elevations Sheet 2
 - PL-DHS-A-006; Proposed GA Sections

PL-DHS-L-001; Existing Site Survey (whole site)
PL-DHS-L-002; Existing and proposed playing fields
PL-DHS-L-003; Site Plan Overview
PL-DHS-L-004; Site plan Area around building
PL-DHS-L-005; Proposed contours including Indicative levels and tree retention
PL-DHS-L-006; Site Sections
PL-DHS-L-007; Fencing Strategy New/Existing
PL-DHS-L-008; Fencing types - new & existing
PL-DHS-L-009; Circulation Plan
PL-DHS-L-010; Soft Landscape Strategy Plan
PL-DHS-E-001; Proposed External Lighting

For the avoidance of doubt

3. Prior to their use during the construction process samples of the materials to be used in the construction of the external surfaces (buildings and paving) shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
To ensure a satisfactory form of development
4. Unless otherwise agreed in writing, the landscaping scheme shall be implemented in accordance with approved details. All planting, seeding or turfing comprised shall be carried out by the first planting season following the completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of 5 years from the implementation of the landscaping scheme, shall be replaced in the next planting season with others of similar size and species.
To ensure a satisfactory form of development
5. Boundary treatments shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. Prior to its erection, further details of the acoustic fencing shall be submitted and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details and the acoustic fence shall be retained for the lifetime of the development.
To ensure a satisfactory form of development
6. 1. Site Characterisation
An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:

- human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with 3.

5. Long Term Monitoring and Maintenance

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

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

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

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

7. Unless otherwise agreed with the Local Planning Authority, prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.
To prevent pollution of the water environment.
8. For the avoidance of doubt construction access should be taken from Milbank Road only, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
9. Prior to the commencement of the use of the refurbished school a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.
In the interests of providing suitable well managed community facilities for sport and recreation.
10. Prior to the commencement of works on the swimming pool building, details of the elevational treatments shall be submitted to and approved by the Local Planning Authority. Thereafter the swimming pool building shall be constructed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
To ensure a satisfactory form of development
11. Prior to the installation of any satellite dish, antenna, or plant (not already shown on the approved plans) details of such equipment

should be submitted to and approved the Local Planning Authority. Thereafter the equipment shall be provided in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority

To ensure a satisfactory form of development

12. Prior to the installation of any bio fuel heating system further details of the specification and location of the bio fuel boiler, shall be submitted to, and approved in writing by, the Local Planning Authority. This will include an assessment of the likely local air quality impact of the bio fuel boiler. The assessment shall also provide details, for the approval by the Local Planning Authority, of any proposed mitigation measures required to ensure that there is no significant adverse impact on local air quality from the bio fuel boiler. The approved measures shall thereafter be retained on site at all times and the mitigation measures shall be implemented prior to the operation of the biomass plant. All equipment installed shall thereafter be operated and maintained in accordance with the manufacturers instructions at all times.
In the interests of sustainability and to ensure there is no significant adverse impact on local air quality or likely breach of national air quality standards as a result of the proposals.
13. Construction work shall only be carried out between the hours of 08:00 and 18:00 on Mondays to Fridays, 08:00 and 13:00 on Saturdays; and at no time on Sundays, Bank or Public Holidays unless first agreed in writing by the Local Planning Authority.
To protect residential and local amenities from noise and disturbance.
14. Prior to the commencement of development, details of the construction compound, material storage and site offices for the duration of the construction period shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
To protect the amenities of local residents.
15. Final details of the hereby approved cycle storage areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details and retained for the lifetime of the development.
In the interests of visual amenity.
16. Car and cycle parking, as shown on the approved plans, shall be provided, including drop off, disabled and electric charging spaces, prior to the occupation of the redeveloped school buildings unless otherwise agreed in writing by the Local Planning Authority.
To ensure the provision of an appropriate standard of cycle parking facilities.
17. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures, including CCTV shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.
In the interests of crime prevention.
18. The permission hereby granted shall not relate to the provision of floodlights at the multiuse games area.

Floodlighting was not identified as part of the application and any such proposal should be subject to separate consideration in the interests of the amenities of the occupiers of adjoining housing.

The Committee considered representations in relation to this matter

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

Officers drew Members attention to a series of on-going issues that were being investigated by Development Control officers.

Decision

That the report be noted.

6. Monitoring of the MARAD Contract, ABLE UK Ltd, Graythorp *(Director of Regeneration and Neighbourhoods)*

The Development Control Manager updated the committee on the results of ongoing Environmental Inspections of the Marad contract at the Able UK site Graythorp. It was also highlighted that the updates sent to the committee earlier in the week contained some appendices that had been missed from the original report. An e-mail had also been received from the Friends of Hartlepool group which alluded to some further incidents at the site which the monitoring report did not refer to. In light of the late receipt of the e-mail, the Development Control manager indicated that he had forwarded the e-mail to Scott Wilson, the company carrying out the monitoring on behalf of the council requesting their comments on its contents.

Members expressed some concern at the reports of fires in the Friends of Hartlepool e-mail. The Development Control Manager indicated that he was aware that there had been at least one fire on the site that required the attendance of the Fire Brigade; the question was where the fire was and was it on one of the Marad ships. A response had therefore been sought from Scott Wilson and this would be reported to the next meeting of the committee.

Some of the newly appointed members to the Committee requested that they be able to visit the Graythorp site to have a clear understanding of their role in the monitoring of the Marad contract. The Chair agreed that a site visit should be arranged which should be open to all members of the council. The Chair commented that in his experience, member site visits to the site had been very useful in witnessing first hand the levels of safety and management on the site. The Chair commented that he found that nothing had been hidden from Members and the site appeared to be well managed.

Decision

That the report be noted.

7. Any Other Business (*Development Control Manager*)

The Development Control Manager reported verbally on the following items at the meeting –

Garden Grabbing

The development of larger gardens has long been a contentious issue, primarily due to the previous government declaring such land to be 'brown field' land making the gaining of planning permission much easier. The new government has issued a letter to local authorities indicating that garden land will now be seen as green field land thus making the development of such land much more difficult, though not impossible. Once full details of the amendment to the appropriate Planning Policy Statement 3 had been issued, a report would be submitted to the committee.

Hartlepool College of Art – Church Square Buildings

The Development Control Manager indicated that as Members were aware, the Council had sold the Leadbitter Buildings to the college. As part of the works they wished to undertake prior to moving into the buildings, a new entrance had been proposed from Church Square. At the meeting of the committee held on 28 April 2010 members had commented that they did not consider the proposed design of the new entrance to be in keeping with the listed buildings in Church Square. The architect has revisited the proposals and while not making significant changes to the design of the entrance, a new cladding for the entrance has been proposed. A representative sample of the material was shown to Members. The terracotta cladding would echo the terracotta bricks used in elements of the design of the buildings, most notably the Municipal Buildings. The Development Control Officer indicated that should Members see the proposed material to be more in keeping with the existing buildings, then it would be incorporated into the revised designs to be submitted to a future meeting of the committee for formal approval. Members commented positively about the cladding material displayed, though there were still some adverse comments to the overall design of the new entrance. The Development Control Manager indicated that he would communicate these to the applicants.

Decision

That the items be noted and the Development Control Manager be authorised to proceed accordingly.

8. 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 No. 9 “Enforcement Action – Easy Skips, Thomlinson Road, Hartlepool”.

Minute No. 10 “Enforcement Action – Land Adjacent to the Church of the Nazarene, Lowthian Road, Hartlepool”.

Minute No. 11 “Enforcement Action – Longscar Centre, Seaton Carew, Hartlepool”.

9. Enforcement Action – Easy Skips, Thomlinson Road, Hartlepool *(Director of Regeneration and Neighbourhoods)*

The Development Control Manager presented a report which sought Members approval to enforcement action in relation to the Easy Skips site on Thomlinson Road.

Decision

Details of the decision are set out in the exempt section of the minutes.

10. Enforcement Action – Land Adjacent to the Church of the Nazarene, Lowthian Road, Hartlepool *(Director of Regeneration and Neighbourhoods)*

The Development Control Manager presented a report which sought Members approval to enforcement action in relation to the land Adjacent to the Church of the Nazarene, Lowthian Road.

Decision

Details of the decision are set out in the exempt section of the minutes.

11. Enforcement Action – Longscar Centre, Seaton Carew, Hartlepool *(Director of Regeneration and Neighbourhoods)*

The Development Control Manager presented a report which sought Members approval to enforcement action in relation to the Longscar Centre, Seaton Carew.

Decision

Details of the decision are set out in the exempt section of the minutes.

The meeting concluded at 12.15 p.m.

CHAIR

No: 1
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

Background

1.1 The application was deferred from the May Planning Committee to enable Members to undertake a site visit. The application was then deferred from the June Planning Committee to allow discussion between Joseph Rowntree and the applicant regarding options for the proposed park.

1.2 A meeting has been arranged prior to the Planning Committee facilitated by the Council, it is hoped that an update can be presented to the Planning Committee for consideration.

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: 2
Number: H/2010/0339
Applicant: MR W MORGAN WITTON LE WEAR BISHOP
AUCKLAND CO DURHAM DL14 0AZ
Agent: MR W MORGAN WITTON HALL WITTON LE WEAR
BISHOP AUCKLAND DL14 0AZ
Date valid: 24/05/2010
Development: Use of four apartments approved under the provision of
planning permission H/2006/0338, currently restricted to
occupation by persons aged 55 years and over, for
general occupation
Location: 16, 19, 21 AND 22 SYLVAN MEWS THE WYND
BILLINGHAM

The Application and Site

2.1 The application site is a block of apartments and associated car parking area forming part of a care home and apartment development located on the Wynyard Estate at the junction of The Wynd and Wynyard Woods. To the west/north west is the Care Home and a parking area. To the west beyond the parking area is the public road beyond which is housing which fronts onto Amerston Close. To the south west is a block of apartments. To the north east is another block of apartments with a further block beyond. To the east/south east is a small copse beyond which is housing which fronts onto Spring Bank Woods.

2.2 Planning permission was originally granted for the erection of a 50 bed residential carehome and 4 blocks of apartments comprising 30 dwellings for occupation by people aged over 55 in April 2007 (H/2006/0338). A legal agreement was completed in connection with the permission (dated 23rd April 2007). The legal agreement secured the provision of a minibus service, restricted the occupancy of the apartments to people aged 55 years and over, secured access for the occupiers of the apartments to the facilities and services of the care home, provided for the residents of the apartments to be notified and have first option on any vacancies in the care home, required the clauses of the legal agreement to be included in any sales/renting particulars and allowed for the construction of overflow car parking facilities if the Local Planning Authority considered it necessary. The development was subsequently implemented.

2.3 The applicant is seeking permission to allow for the general occupation of four apartments within a block of nine apartments. This will mean that the occupation of the four apartments will not be restricted to persons 55 years and over.

RELEVANT PLANNING HISTORY

2.4 H/2006/0138 Erection of a residential care home (50 beds) and 4 blocks of apartments (30 units). Withdrawn.

2.5 H/2006/0338 Erection of a 50 bed residential care home and 4 blocks of apartments comprising 30 dwellings for occupation by people aged over 55. Approved 23/04/2007.

2.6 H/2009/0518 Use of six apartments approved under the provision of planning permission H/2006/0338, currently restricted to occupation by persons aged 55 years and over, for general occupation. This application was withdrawn in favour of the below application when the Case Officer noted that the development as built had deviated from the approved scheme (H/2009/0633).

2.7 H/2009/0633 Retention of amendments to the approved design and layout and use of six apartments (25-30), currently restricted to use by persons 55 and over, for general occupation. This application to allow six of the apartments to be used for general occupation by persons of any age and to retain various minor amendments to the approved design and layout was approved in January 2010.

Publicity

2.8 The application has been advertised by site notice and neighbour notification (35).

Eight letters of objection have been received. The objectors raise the following issues.

1. Contrary to original permission granted for over 55s. It was submitted at the time that there was no demand for such accommodation but this was ignored.
2. If allowed would not be possible to return to original restriction.
3. It would be unfair to existing residents, who moved to the complex on the understanding that there was an age limit. Moved to Sylvan Mews for peace & tranquillity this will change if children and families allowed?
4. Not informed of intentions to open up occupancy before signed lease, would not have done so.
5. Parking inadequate. There is no bus service. Car parking is already occupied at near capacity at times causing visitors to park on verges.
6. Families likely to require additional parking and there is already insufficient.
7. Recent relaxation on blocks 25-30 has already added to traffic & congestion problems. Landlord has little regard to implications for parking arrangements when letting apartments.
8. Residents who have businesses park large vans and cause problems perhaps a restriction on the type and number of vehicles could be considered?
9. Inconsiderate parking could restrict access for emergency vehicles including to elderly/vulnerable residents in care home.
10. Noise.
11. Traffic.
12. Waste arrangements are inadequate. Bins are already full before collection day if more people in flats then this will be exacerbated.
13. Flats unsuitable for children.
14. Precedent. Second such application. Applicant is seeking a progressive relaxation of the age restriction. Considerable opposition to original

application. Raises question as to whether the original permission would have been allowed in absence of restriction? Why was restriction imposed?

15. Alleged commercial vehicles/operations occurring on site.

16. Alleged one of apartments already occupied by person under 55.

2.9 Additional neighbours have been consulted. The time period for representations from these neighbours will expire after the meeting. Members will be updated on any additional responses received at the meeting.

COPY LETTERS D

Consultations

2.10 The following consultation replies have been received:

Head of Public Protection: No comments received.

Traffic & Transportation : The apartments share the 60 space car park with the neighbouring care home. Therefore parking requirements are as follows:-

30 apartments @1.5 spaces per property = 45.

50 bed care home

1 space per 8 residents = 6

2 spaces per residential staff = 2

1 space for professional visitor =1

1 space per 3 members of staff = The remaining spaces would allow up to 18 staff to be on duty at any one time.

The original parking provision would therefore normally be acceptable, however considering the objections to the scheme based on the car park being at capacity I would consider it necessary to implement the contingency parking area in the land adjacent the site.

Stockton Borough Council : Wynyard Village has been identified in the recently produced Planning the Future of Rural Villages In Stockton on Tees Borough as an unsustainable location and a such no further development would be supported. However given that the residential units are existing, providing that the required car parking and amenity space can be provided no objections are raised to the removal of the condition..

Grindon Parish Council : No comments received.

Elwick Parish Council : No comments received.

Planning Policy

2.11 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.

Hsg5: A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility, range and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

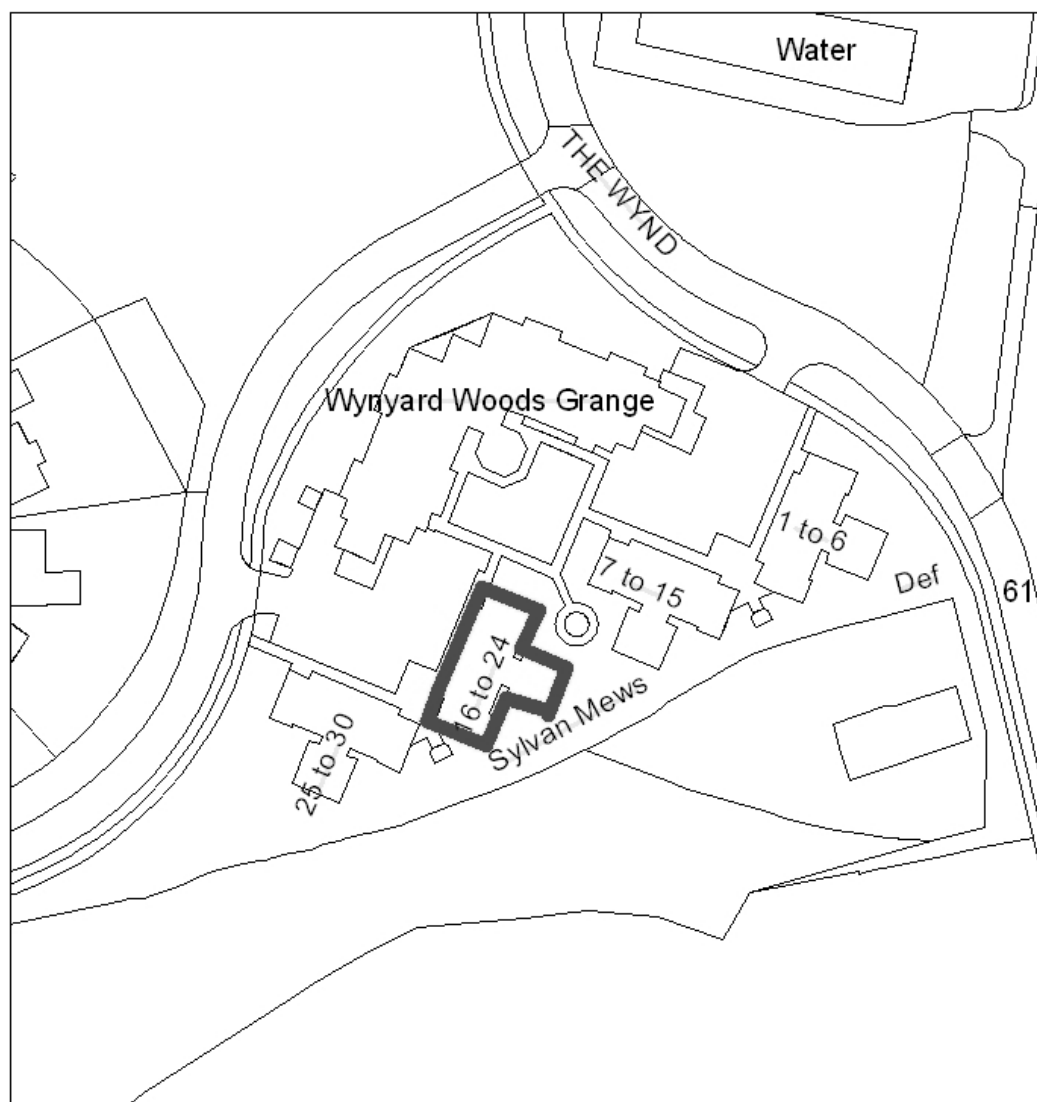
Rur2: States that housing and employment land is identified within the Wynyard limit to development but that expansion beyond that limit will not be permitted.

Planning Considerations

2.12 The main planning considerations are policy, highways and the impact on the amenity of neighbours. A number of consultations are outstanding and an update report will follow.

RECOMMENDATION- UPDATE – to follow

SYLVAN MEWS



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 05/07/11
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0339	REV

No: 3
Number: H/2010/0274
Applicant: Cleveland House Queens Square Middlesbrough TS2 1AA
Agent: ASP Associates 8 Grange Road HARTLEPOOL TS26 8JA
Date valid: 22/04/2010
Development: (Amendments to previously approved scheme H/2006/0179) for erection of two detached dwellings with associated detached garages (retrospective application)
Location: NORTON HOUSE THETFORD ROAD HARTLEPOOL

Background

3.1 Members may recall that this application was withdrawn from the agenda for the previous meeting on 16th June 2010 as a number of issues had yet to be resolved and for a members' site visit.

The Application and Site

3.2 The application site is the grounds of a large Victorian property which was formerly a residential home for the elderly. The property is now converted to residential, as is the adjacent coach house, by virtue of planning permission H/2006/0179. The site is bounded by housing, to the south Aldeburgh Close and Thetford Cottage, to the north, Thetford Road. To the west are the gardens of Crowland Road and a rear garden of a property on Thetford Road to the east. The site is accessed via the Black Path.

3.3 That permission also allowed for the erection of two detached dwellings with associated detached garages in the grounds of Norton House. The dwellings were subsequently developed not in accordance with the approved plans. On that basis this application is subsequently submitted retrospectively for the erection of two detached dwellings with associated detached garages.

Publicity

3.4 The application has been advertised by way of site notice and neighbour letters (32). To date, there have been 7 letters of objection.

3.5 The concerns raised are:

- a) Too close to surrounding houses;
- b) Unduly large and out of keeping;
- c) Restrict sunlight
- d) Little wildlife now the houses have been constructed, no bats seen;
- e) Construction has restricted sunlight to garden;
- f) Property directly overlooks our property;

- g) Enough traffic along the Black Path, another two dwellings will make more traffic;
- h) Drainage problems;
- i) Concern that original plans were not followed;
- j) Completely overlooked;
- k) Privacy has been eroded;
- l) Why was this not picked up at an earlier stage of development;
- m) House and garage too close to property;
- n) Dominates area to the rear of properties;
- o) Flooding during winter months;
- p) Dwelling closest to Thetford Road is some 4-5m closer;
- q) The horse chestnut tree (TPO) has been cut back substantially because of the error;
- r) Have the finished floor levels been checked?
- s) The new property is well above original garden levels;
- t) Additional traffic and noise disturbance.

3.6 The period for publicity has expired.

Copy Letters B

Consultations

3.7 The following consultation replies have been received:

Engineering Consultancy – Previous comments on last application requested further details, design calculations and methodology in respect of soakaway construction details, storage details etc. This information has not been received and previous comments still apply.

Greatham Parish Council – Serious mistakes have been made whilst the buildings were being constructed and serious consideration should be given to the rejection of the retrospective application because the dwellings are in wrong place, the issues surrounding the “change” of building site should be enforced and perhaps, replaced by new or the original plans.

Head of Public Protection – Comments awaited.

Northumbrian Water – No objections.

Traffic and Transportation – There are no highway or traffic concerns.

Planning Policy

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

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

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

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

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

GEP6: States that developers should seek to incorporate energy efficiency principles through siting, form, orientation and layout of buildings as well as through surface drainage and the use of landscaping.

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.

Hsg5: A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility, range and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

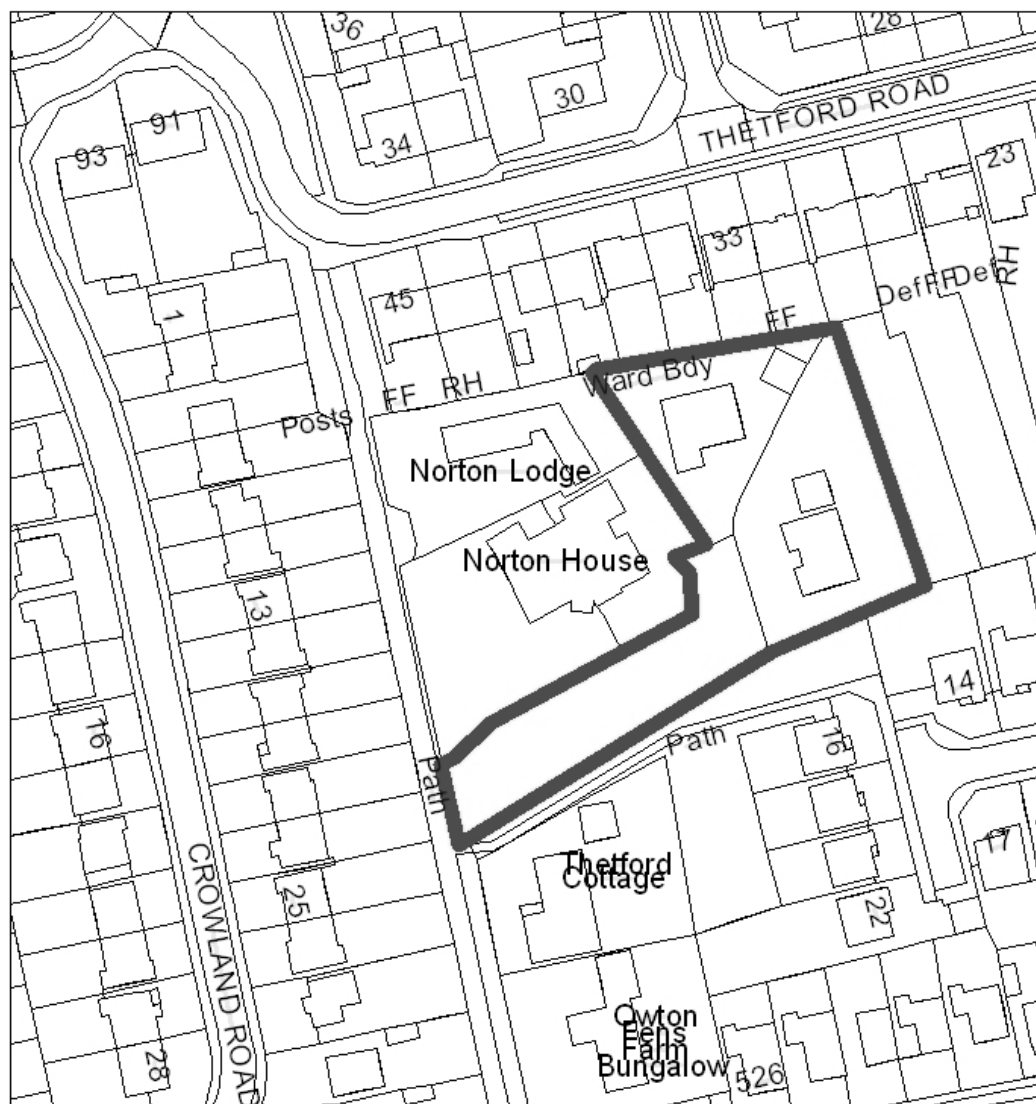
Planning Considerations

3.9 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies with particular regard to, the principal of the development in policy terms, the effect of the proposal on the amenity of surrounding properties, design and the effect on the character of Norton House and the wider area, highway safety, drainage/flooding issues, ecology and trees.

3.10 Discussions are ongoing in relation to a number of key issues of the development including trees, drainage and ecological issues. Arrangements are also being made to facilitate a Member's visit to the site. On that basis it is considered prudent to provide a comprehensive update report fully addressing all the relevant planning issues.

RECOMMENDATION – Update report to follow.

NORTON HOUSE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 05/07/11
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0274	REV

No: 4
Number: H/2010/0277
Applicant: Mrs Brenda Farrow WAVERLEY TERRACE
HARTLEPOOL TS25 5ND
Agent: Mrs Brenda Farrow THE WOODCUTTER WAVERLEY
TERRACE HARTLEPOOL TS25 5ND
Date valid: 27/05/2010
Development: Erection of boundary fence to create beer garden
Location: THE WOODCUTTER WAVERLEY TERRACE
HARTLEPOOL

The Application and Site

4.1 The application site is the Woodcutter Public House located on the east side of Kingsley Avenue just to the north of the Rift House Recreation Ground.

4.2 There is housing immediately to the east and north of the site with Kingsley Primary School and housing to the west.

4.3 The building, which has a car park to the north, has a fenced yard to the rear and an open grassed area to the front and side. This area is currently used as a beer garden.

4.4 The proposal involves the erection of a timber post and rail fence around the edge of this grassed area. The fence would be 1.525m in height (4'11") and be sited in an L-shape to the back of the public footpath on Kingsley Avenue and along the emergency access lane (bollarded) which links Waverley Terrace to Kingsley Avenue.

4.5 The fence will provide screening for the area currently in use for outside drinking. It should be noted that this use as an outside drinking area does not need planning consent.

Publicity

4.6 The application has been advertised by way of site notice and letters to neighbours (12). To date there have been 3 letters of no objection and 3 letters of objection.

The concerns raised are:

- a) additional noise outside
- b) increase in litter and empty bottles/broken glass
- c) external doors are left open to allow the outside to hear music
- d) the structure will be an eyesore

- e) the gap left between the fence and neighbours property will allow rubbish to be dumped and for 'yob element' to hide behind
- f) noise will greatly effect neighbours when relaxing in gardens
- g) concerns re shouting and foul language

The period for publicity has expired before the meeting.

Copy letters A

Consultations

4.7 The following consultation replies have been received:

Public Protection – no objections

Traffic and Transport – no objections

Planning Policy

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

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

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

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

Planning Considerations

4.9 The main considerations in this instance are the appropriateness of the development in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, the impact of the development on neighbouring properties and the street scene in terms of visual amenity and on highway safety.

4.10 As the use of the land does not require planning consent and no change of use is involved, the issues in this case, revolve around the visual amenities of the fence itself in terms of siting and design, and its impact on highway safety.

4.11 The Highway Engineer has in this case offered no objections in terms of highway safety.

4.12 Whilst the objections revolve around the use of the grassed area as a beer garden and problems with noise, disturbance and litter, the application is only for the erection of a fence around the existing 'beer garden'. Whilst it is acknowledged that outside drinking areas, particularly in good weather, can cause problems with noise and disturbance to residential properties, these are issues that can and should be dealt with under Public Health Legislation.

4.13 One comment from the occupier of 73 Waverley Terrace does relate to the fence and its impact on the street scene in terms of visual amenity and its potential for attracting 'yobs'. 73 Waverley Terrace shares its side boundary with the public house and the new fence would be approximately 28m to the west of the front garden of this house. A fairly large triangular area of grass between the pub, the new fence and Waverley Terrace would be left open.

4.14 Notwithstanding this, there is no evidence to suggest that this unfenced area would lead to misuse; particularly as the main windows of the pub directly overlook this piece of land.

4.15 After further discussions, the applicant has not agreed that the fence would be set back one metre from the back of the footpath on Kingsley Avenue and the restricted access road to the south of the site.

4.16 The strip of land outside the fence will be planted with appropriate plants/shrubs, which would help to soften the impact of the new fence on the visual amenities of the area.

4.17 It should be noted that a fence up to 2m in height could be erected if set back 2m from the back of the footpath.

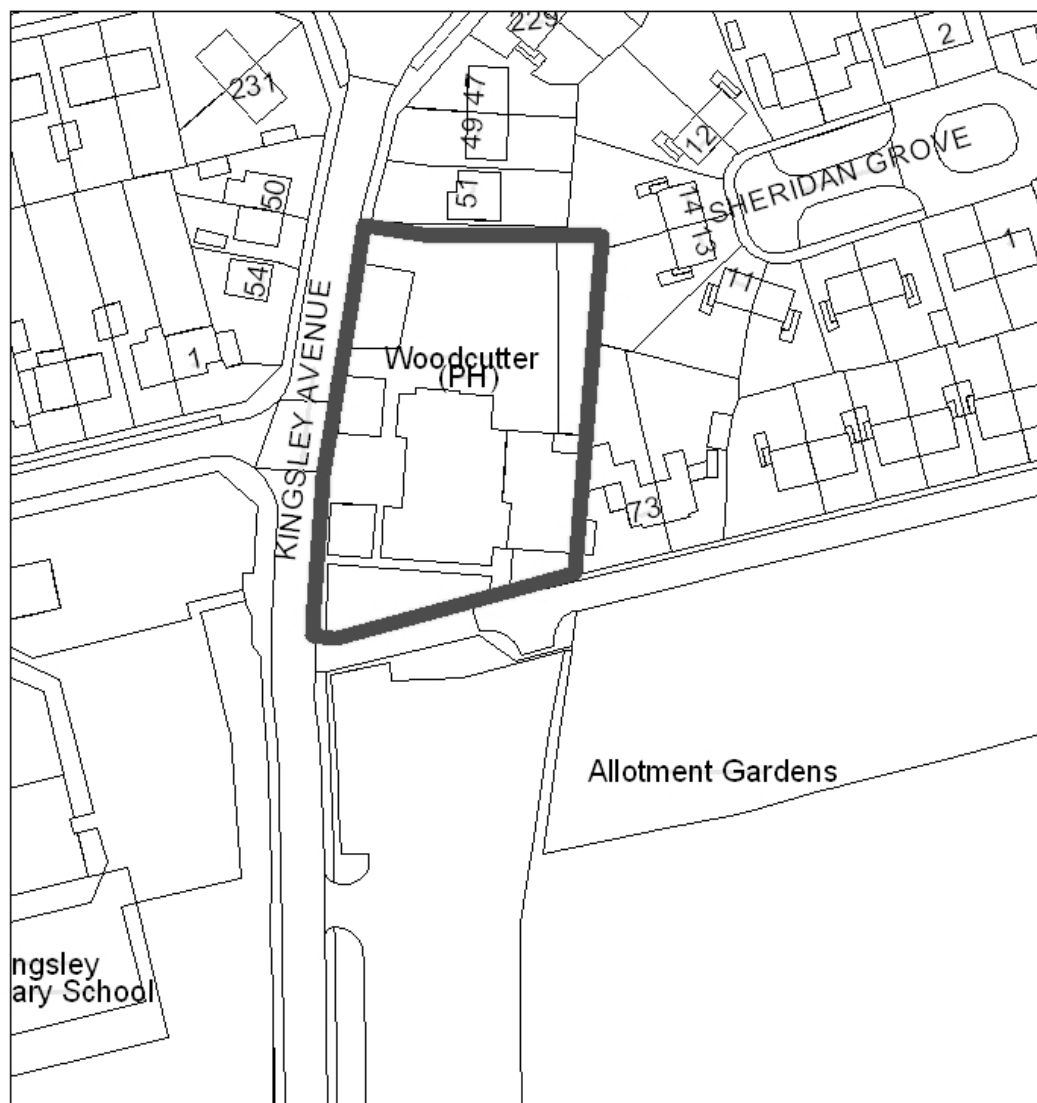
4.18 In view of the applicants willingness to amend the plans it is considered that it would be difficult to sustain an objection to an amended scheme and approval is therefore recommended.

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. No development shall commence until a detailed scheme for the resiting of the fence and scheme for planting has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme of planting shall be implemented in the first planting season following completion of the development.
In the interests of visual amenity.
3. The landscaped area shall be retained at all times while the fence exists.
In the interests of visual amenity.

4. The fence and posts shall be set back one metre from the footpath and restricted access lane to the south, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
5. Unless otherwise agreed in writing by the Local Planning Authority the fence shall be painted/stained in a colour to be agreed by the Local Planning Authority within two months of the date of approval.
In the interests of visual amenity.

WOODCUTTER PH



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 05/07/11
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0277	REV

No: 5
Number: H/2010/0250
Applicant: Euro Property Management 93 Park Road Hartlepool
TS26 9HP
Agent: Mr Jon Whitfield Euro Property Management Euro House
93 Park Road Hartlepool TS26 9HP
Date valid: 05/05/2010
Development: Change of use from A1 Retail to A5 Hot Food Takeaway
Location: 36A CATCOTE ROAD HARTLEPOOL

The Application and Site

5.1 The application site is a single storey end terraced unit located within a modern commercial development located on the site of a former public house. The development was approved in August 2008 (H/2008/0164). One of the units is occupied by a supermarket, with another occupied by a tanning, hair and beauty studio (H/2009/0063) and one by a hot food takeaway (H/2009/0085). The remaining two units (including the application site) remain vacant.

5.2 To the west is a rear service yard, accessed from Walpole Road, beyond which are the rear gardens of residential properties. The boundary is screened by a high fence and in part by planting. To the east is Catcote Road beyond which is the junction of Oxford Road with residential properties either side. To the north is a car park serving the development and beyond that a residential property which is gable ended onto the car park. To the south of the new retail block is the large mixed use block containing retail and commercial premises at ground floor and residential accommodation at first floor. In this original retail block located to the south are a sandwich shop, a hot food takeaway, a fish and chip shop, a bookmaker and a range of retail uses.

5.3 Planning permission is sought to change the use of the premises to a hot food takeaway shop (A5). The applicant has indicated that no external alterations are proposed and requested that internal alterations to the layout are conditioned.

Publicity

5.4 The application has been advertised by way of neighbour letters (2) and site notice. To date, there have been no letters of objection. The period for publicity has expired.

Consultations

5.5 The following consultation replies have been received:

Public Protection - I have no objections to this application subject to an hours condition restricting the hours to those in the application and an extract ventilation condition.

Head of Traffic and Transportation - No objections.

Community Safety Officer – There are already other hot food outlets during evening hours. However none trade to excessively late hours. We note that this application quotes closing hours of 23.00. In consultation with Police Neighbourhood Team we do not feel that ASB and crime levels are a major issue. The area is well patrolled by Neighbourhood Police officers; there is a main frame HBC CCTV camera, monitored live, at junction of Marlow Rd/Catcote Rd; the development has its own CCTV system recording on. In addition some of the units have their own CCTV/security systems and the nearby Catholic Club CCTV system has been enhanced to afford exterior coverage of the area surrounding their premises and to the rear of shops. We would see no reason to oppose this application.

Planning Policy

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

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

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

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

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

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

Rec13: States that late night uses will be permitted only within the Church Street mixed use area, or the southwest area of the Marina subject to criteria relating to amenity issues and the function and character of these areas. Developer contributions will be sought where necessary to mitigate the effects of developments.

Planning Considerations

5.7 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 the principal of the development in policy terms, the impact on the character of the area, the impact on the amenity of surrounding occupiers and on highway safety, and the effect on crime/anti-social behaviour.

Policy

5.8 Policy Com12 prohibits hot food takeaways in predominantly residential areas where they adjoin residential premises. The application site is located within an existing local centre (policy Com5), amongst commercial premises, where proposals for A5 hot food takeaways are acceptable in principle provided that there is no significant adverse impact on the amenities of the occupiers of adjacent properties or on the highway network and the scale, function, character of the area is maintained.

5.9 Amenity and highways issues are discussed below. In relation to the impact of the development on the scale, function, character and appearance of the area, the units occupying the new development contain one hot food takeaway at present.

5.10 The proposal would result in 2 of the 5 of the units being in A5 use. It should be noted that one of the occupied retail units is twice the floor space of the others. This would leave the new development with approximately 33% of floor space occupied by A5 use. Whilst it is acknowledged that such a degree of A5 use has the potential to have a detrimental impact on the character and function of a local centre, in this instance it is considered that the new development cannot be considered in isolation, and must be considered within the context of the adjoining Catcote Road shopping parade. Whilst two units within that parade are in A5 use, it offers far greater retail floor space than the new development. That shopping parade comprises a range of retail facilities alongside other uses that would expect to be found in a local centre, such as a bookmaker.

5.11 On that basis it is considered that the change of use in this instance would not significantly alter the character and function of the local centre. Whilst the centre as a whole would contain 4 units offering hot food takeaway facilities, it is considered that the scale and character of the centre is such that the change of use is unlikely to have a significant impact.

Amenity

5.12 The site is located within an existing local centre with commercial properties either side. The residential properties in the vicinity are flats located above the shops located some distance to the south, houses on the other side of Catcote Road and houses to the rear beyond the service yard where activity associated with the takeaway will be limited.

5.13 The units will be accessed from Catcote Road and given the relationship with the surrounding residential properties it is not considered that the use of the premises will unduly affect the amenity of these neighbours in terms of noise and disturbance.

5.14 The car park to the north is bounded by residential properties and its use has the potential lead to indirect noise and disturbance. However, the car park is existing and serves the existing units including the supermarket which opens late (23:00). In this instance the proposed opening hours are 10:30 to 23:00 and so any activity will not extend beyond the hours currently experienced.

5.15 Public Protection have raised no objections to the proposals subject to an hours restriction and a condition relation to ventilation which should alleviate any potential nuisance arising from cooking smells

5.16 It is also proposed to limit servicing arrangements and deliveries to and from the rear service area of the unit in accordance with the original approval for the development. It is considered that the proposal is acceptable in terms of its impact on the amenity of neighbouring properties.

Highways Safety

5.17 The site is located within an existing modern range of shops served by an adjacent car park which is conveniently located nearby. Traffic & Transportation have raised no objections to the proposal and in highway terms the proposal is considered acceptable.

Crime/Anti-Social Behaviour

5.18 The applicant has sought closing hours of 23.00 in line with the existing units within the development. Comments from the Community Safety Officer in liaison with the Police Neighbourhood Team indicated that there is not a major issue with crime and anti-social behaviour in this location. In addition there is a Council CCTV camera at the junction of Marlowe Road and Catcote Road, and also independent CCTV coverage as part of the development. In addition a number of the units have internal CCTV coverage and there is coverage covering the wider area. It is considered that given the existing measures in place, and the proposed opening hours, that the proposals is unlikely to give rise to unacceptable levels of crime and/or anti-social behaviour.

Conclusions

5. 19 With regard to the relevant Hartlepool Local Plan (2006) policies, and with regard to the relevant planning considerations as discussed above, the proposal is considered acceptable and therefore recommended for approval subject to the condition as 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 premises shall not be operate outside the following times 10:30 to 23:00 on any day.
In the interests of the amenities of the occupants of neighbouring properties.
3. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
4. Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development details of the proposed internal layout of the premises shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
These details were not available at the time the application was submitted.
5. Servicing of the unit shall be restricted as follows:
 - 1) Between 7am and 9pm daily from the rear service yard;
 - 2) Between 5:30am and 7am from the approved car parking area.
 In the interests of the amenities of the occupants of neighbouring properties.
6. Any delivery of takeaway meals from the premises shall take place via the front entrance onto Catcote Road and not via the rear service yard.
In the interests of the amenities of the occupants of neighbouring properties.
7. The details and location of any additional external lighting proposed to that approved under the provisions of planning approval H/2008/0164, shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The scheme shall thereafter be implemented in accordance with the approved details and thereafter retained during the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties and crime prevention.

36A CATCOTE ROAD



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 05/07/11
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0250	REV

No: 6
Number: H/2010/0338
Applicant: Chase Property Dev Limited C/O Agent
Agent: Savills Fountain Court 68 Fountain Street Manchester M2 2FE
Date valid: 24/05/2010
Development: Extension of the time limit for the submission of reserved matters and implementation of outline planning permission H/2005/5921 for alterations to existing units, erection of additional units and associated infrastructure and landscape works
Location: TEESBAY RETAIL PARK BRENDA ROAD
 HARTLEPOOL HARTLEPOOL

The Application and Site

6.1 The application site is an existing retail park located on the west side of Hartlepool close to the junction of the A689 and Brenda Road. It currently accommodates some 12,821 square metres of retail floorspace and a 2498 square metre bowling facility. At the northern and north eastern end of the park are a range of buildings currently occupied by B & Q, Storey/WalterWall Carpets, Aldi, Poundstretcher and UK Bowling with the remaining units currently vacant. At the south western end of the Park is a former filling station and a building occupied by Halfords. The south east corner of the site is open and undeveloped.

6.2 The park is bounded to the south and east by an area of raised waste ground which is allocated in the Local Plan for outdoor recreation and sporting development. To the north is a landscape buffer beyond which passes the A689. To the western side of the site is a pond and Brenda Road beyond which are commercial premises on the Usworth Road Industrial Estate a garage, bus depot and a vacant site.

6.3 The application seeks planning permission to extend the time limit of a planning permission previously approved on the site. This permission H/2005/5921 expired on 22nd June 2010. Notwithstanding this legislation allows applicant's to apply for such extensions of time provided the application was submitted before the relevant application expired, as was the case here. The original permission was for alterations to existing units, erection of additional units and associated infrastructure and landscape works. It provided for an expansion of retail development at Teesbay to provide 6,480 sq metres gross of additional retail floor space together with associated landscape and infrastructure works at the Teesbay Retail Park. An indicative plan showed the proposed floorspace accommodated within 8 new units. The new development would enclose the south east corner of the park with 2 additional more centralised units. An existing unit situated adjacent to Halfords would be demolished. It was also proposed to refurbish existing units within the site, provide an additional 195 car parking spaces, a revised internal road layout and new service access road. A scheme of landscaping was also proposed including

additional soft planting at the entrance and throughout the retail park. The application was in outline with access and siting of units to be considered and all other matters reserved for later consideration.

Relevant Planning History

6.4 The planning history of the site is complex. The most relevant recent applications listed below.

6.5 Outline planning permission was original granted for a non food retail centre on the site in April 1986 (EZ2/3/OUT/519/85). A condition (4) on this “principal permission” restricted the sale of food from the premises other than confectionery, hot snacks or meals. A legal agreement dated 10th April 1986, the “principal agreement”, completed in connection with the planning permission further restricted the range of goods which could be sold from the site to bulky specialised goods not generally expected to be found in the town centre, for example, timber and other products, hardware, plumbing, electrical, building maintenance and construction, insulation, furniture, flooring, glass, decorating equipment, D.I.Y, leisure, autocentre, gardening, pet products, related books and publications, food and drink (in a restaurant/snack bar). This was varied on 7th August 1986 to allow for the sale of ready made furniture and the sale or hire of other specific goods (electrical, hi-fi, tapes, cassettes, cartridges films optical and photographic equipment watches and clocks) by a specified retailer/retail group (Harris Queensway Plc) in part of the development (up to 25% of the whole or 2000 square metres whichever is the greater).

6.6 In Nov 1986 reserved matters were granted for the erection of non food retail units (H/EZ2/0479/86).

6.7 In June 2007 outline planning permission was granted for alterations to existing units, erection of additional units and associated infrastructure and landscape works. (H/2005/5921). This application is the one for which permission is now being sought and is included to identify conditions of that permission and for completeness. A condition on the approval (4) restricted the total new retail warehouse floorspace to 6,480 square metres gross. A condition (5) restricted the minimum size of unit to not less than 929 square metres. A condition (6) restricted the range of goods which could be sold. Specifically the permission did not allow the units to sell, food and drink, clothing and shoes (including sports clothing), books and stationery, CDs and other recorded audio-visual material, toys and children's goods, jewellery, clocks and watches, sports equipment and accessories, china and glassware, musical instruments, medical, chemist and opticians goods and pet products. These conditions were imposed to protect the viability of the town centre. The permission was subject to a legal agreement securing employment opportunities for local people, a travel plan and a financial contribution to secure a cycleway link which was completed on 28th June 2007. This later legal agreement superseded that completed in connection with the original outline approval effectively removing most of the restrictions on the types of goods which could be sold from the site, save in case of some units for food.

6.8 In June 2010 an application to vary conditions on earlier approvals on the site to provide additional floorspace, to vary the size of units and to extend the range of goods that can be sold (H/2009/0390) was approved against officer recommendation. This permission effectively allowed for the provision of some 11017 square metres of additional retail floorspace, and removed conditions restricting food retailing and in relation to minimum unit sizes. New conditions restricting the maximum amount of retail floorspace to (23,838 square metres), restricting the minimum size of unit to 465 square metres (save for three standalone units) and restricting the minimum and maximum amounts of various types of retail floorspace were reimposed to attempt to limit the impact of the development on the vitality and viability of the town centre.

Publicity

6.9 The application has been advertised by site notice, neighbour notifications (16) and in the press. The time period for representations has not expired. A single letter of objection has been received from a resident of Seaton Carew. The writer does not state why she objects to the proposal.

Consultations

6.10 The following consultation responses have been received:

Head of Public Protection – No objections.

Northumbrian Water – No objections.

Economic Development – No objections.

Neighbourhood Services – No objections.

Traffic & Transportation – No objections.

Tees Valley JSU – Comments awaited.

Environment Agency – Comments awaited.

Engineering Consultancy – I request that both contaminated land and land drainage conditions (Conditions 7 and 8 respectively) as outlined in the 2005 Decision Notice for Application Number H/2005/5921 are imposed on the scheme.

Natural England – Consider that the proposal poses no risk to designated sites (Hartlepool Submerged Forest SSSI being over 1km distant) and there is only limited possibility of damage or disturbance being caused to protected species, in this case breeding birds. Recommends that the applicant undertake any works outside the bird nesting season and suggests it would be beneficial if the development incorporated measures to restrict access by motorbikes to the adjacent land.

One North East – Thank you for requesting the Agency's comments on the above application as part of One North East's statutory consultee role in accordance with the

provisions of the Town and Country Planning (General Development Procedure)(England)(Amendment) Order 2003.

It is considered that the proposed development falls within Criterion C of the Agency's notification criteria, which were sent to local authorities in October 2005, namely:

- C. All retail, casino and leisure, theme park, sports venues, employment or industrial and commercial development of over 10 hectares and / or 2,500 sq m floor space.

As you are aware One North East is responsible for the development, delivery and review of the Regional Economic Strategy (RES) on behalf of North East England. The RES sets out how greater and sustainable prosperity will be delivered to all of the people of the North East over the period to 2016.

The following comments reflect the view of One North East acting in its role as a statutory consultee. As such they are provided only in accordance with the provisions of the above regulations and relate to the effects that the proposals are considered to have upon the Regional Development Agency's strategic regional investment or employment policies.

The application seeks to extend the time limit by three years for submitting reserved matters and implementing development for which planning permission was granted by the Council in June 2007 to Chase Property Developments Ltd. (ref: H/2005/5921) for the development outlined above. That application was submitted in 2005 and, as such, pre-dated the commencement of One North East's statutory planning consultation role and therefore the Agency did not comment on the original outline application.

There have been two subsequent applications and One North East has commented on both. The first (ref: H/2008/0495), for which planning permission was refused in June 2009, related to the removal of restrictions imposed by the 2005 permission in respect of allowing additional floorspace to vary the size of units and extending the range of goods that can be sold. Similarly, the second application (ref: H/2009/0390) sought to broaden the range of goods permitted to be sold in the Retail Park and, through implementing a comprehensive upgrade of the entire Park, provide premises across a range of unit sizes. I understand that, to date, no decision has been made regarding this application.

I confirm that One North East raises no objection to this current application to extend the time limit by three years for reserved matters and outline application implementation of the approved development.

It is noted that the applicants have also included a series of draft conditions which have been discussed with the Local Planning Authority (LPA). These draft conditions appear to 'update' those conditions imposed by the permission granted for the original H/2005/5921 application to take into account changes since permission was granted in 2007. Draft condition 15 relates to the incorporation of efficiency measures and embedded renewable energy generation measures.

The Agency welcomes this intention. In light of the time which has lapsed since the original application a range of policies, guidance and standards have emerged with regard to achieving sustainable design and construction. With this in mind, the Agency urges the LPA to encourage the applicant to give due consideration to the viability to achieve quality standards such as 'Secured by Design' and 'BREEAM'. As well as consideration being given as to whether renewable energy can be incorporated into the scheme.

Any renewal of permission should seek to ensure that adequate renewable energy measures are incorporated within the scheme, in line with Government objectives to generate 10% of electricity from renewable energy sources by 2010. The Agency recommends that this requirement is only waived in exceptional circumstances where a compelling body of evidence is available to justify why renewable energy should not be used. It should be noted that the introduction of the Feed-in-Tariff from April 2010 is expected to lead to significant investment in the microgeneration sector. The Feed in Tariff makes renewable technologies much more commercially viable and should be factored into testing the use of various technologies. Maximising energy efficiency measures and renewable energy generation regardless of the end user will contribute to limiting carbon emissions and maintaining the regional reputation as a leading player in the development of a low carbon economy.

As you may be aware there is major activity in the North East to ensure the region is the first to have a comprehensive electric vehicle charging infrastructure in place. Clearly, it would be beneficial if the developer was to consider installing charging points in this development. Should you require further information regarding this aspect please contact Alex Fowler within the Agency's Strategic Economic Change team who can provide guidance in this respect.

Tees Valley JSU – Comments awaited.

Association Of NE Council's – Comments awaited

Planning Policy

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

Com1: States that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. The town centre presents opportunities for a range of commercial and mixed use development subject to policies Com2, Com8 and Com9. Proposals for revitalisation and redevelopment should improve the overall appearance of the area, and also public transport, pedestrian and cycleway facilities and linkages. The Borough Council will encourage the enhancement of existing or creation of new open spaces and will seek to secure the reuse of vacant commercial properties including their use for residential purposes. Proposals for A3, A4 and A5 uses will be subject to policies Com12 and Rec13 and will be controlled by the use of planning conditions.

Com7: Identifies this area for mixed uses comprising non food retail, leisure and business uses. Developments attracting large numbers of visitors should comply with policies Com8 and Rec14.

Com8: States that the sequentially preferred locations for shopping development are firstly within the town centre, then edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Retail proposals over 500 square metres located outside the primary shopping area will be required to demonstrate need, to justify appropriate scale and to demonstrate that a sequential approach has been followed. All retail proposals over 2500 square metres gross to be accompanied by a Retail Impact Assessment. For proposals between 500 and 2499 sq metres applicants should agree with the Council whether

retail impact assessment is required. Legal agreements may be sought to secure rationalisation of retail provision and the improvement of accessibility and conditions will be attached to control hours of operations.

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.

Hartlepool Retail Study

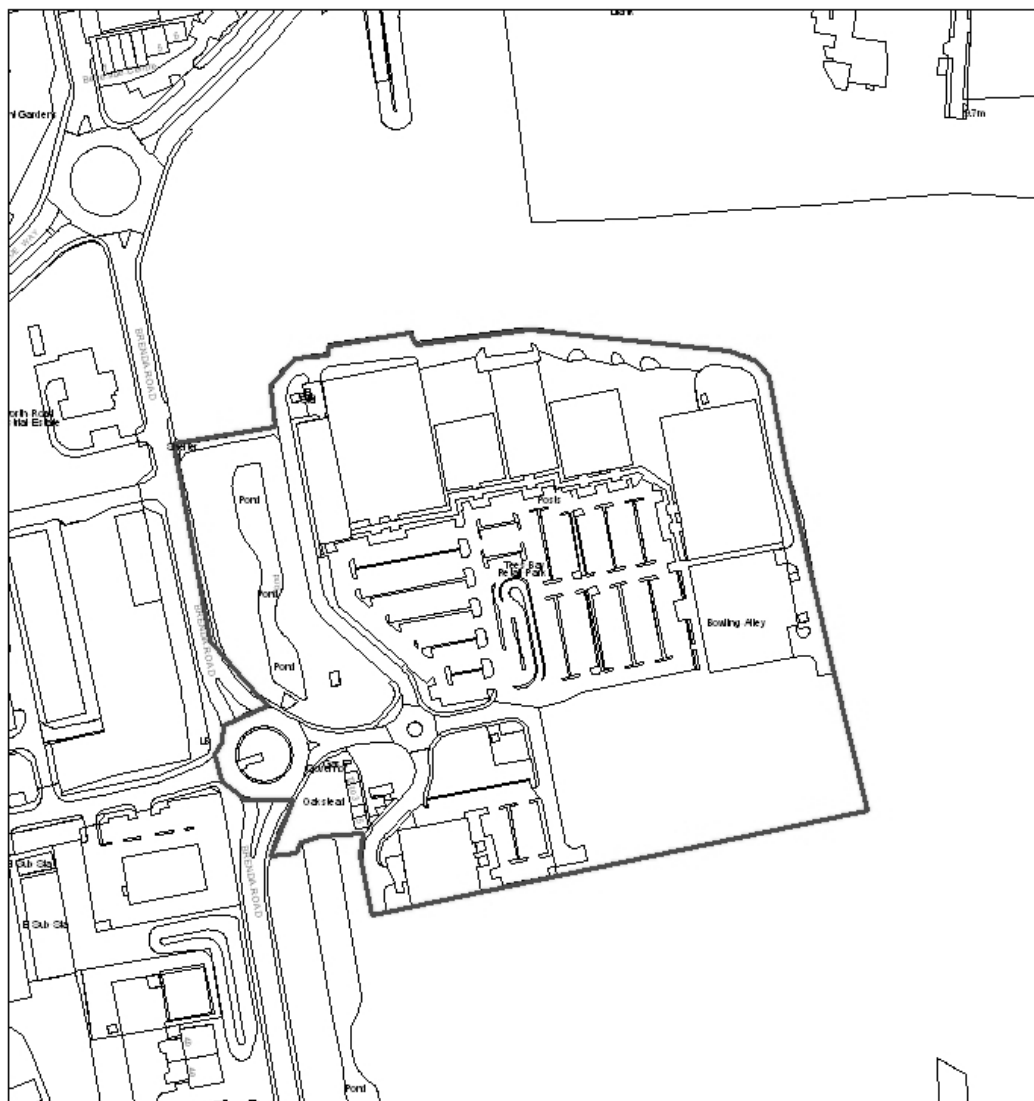
6.12 The 2009 Hartlepool Retail Study undertaken by Drivers Jonas on behalf of Hartlepool Borough Council was completed in August 2009. It concluded:

- There is a higher than average number of vacant units in the Town Centre.
- There is insufficient expenditure in order to justify further retail floorspace.
- Extreme caution should be exercised in permitting new floorspace in locations outside the Town Centre and Local Centres within Hartlepool.

Planning Considerations

6.13 The main planning considerations are considered to be policy in particular the suitability of the development in terms of national and local retail policies, highways, flooding, impact on the amenity of neighbours and conservation Issues.

RECOMMENDATION – A number of consultation responses are outstanding an update report will follow.

TEESBAY RETAIL PARK

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 05/07/11
	SCALE 1:3000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0338	REV

No: 7
Number: H/2010/0234
Applicant: Mr P Reed Dalton Piercy Hartlepool TS27 3HY
Agent: David Stovell & Millwater 5 Brentnall Centre Brentnall Street MIDDLESBROUGH TS1 5AP
Date valid: 21/05/2010
Development: Formation of two fishing ponds erection of six holiday chalets and reception building, associated works and access road
Location: ABBEY HILL FARM DALTON PIERCY ROAD DALTON PIERCY HARTLEPOOL

The Application and Site

7.1 The application site comprises a field, hardstanding and access track which forms part of a larger holding of some 19 acres at Petersbrooke. The field is currently used for horse grazing and for the production of hay. Petersbrooke is an established equestrian centre whose facilities include stables, a haybarn, an indoor riding school and an associated dwellinghouse. It is located some 1km as the crow flies to the north east of Dalton Piercy. Also included within the holding is a barn at Abbey Field where permission was approved in 2002 for its use as tourist accommodation (H/FUL/0255/01). To the north of the site is a residential property which is gable ended onto the site beyond which are agricultural fields. To the east of the site is field which is also in the applicant's ownership and beyond this a caravan site, the boundary here is formed by a dense Hawthorn hedge. The caravan site shares the access onto the Dalton Road. To the west is a field beyond which is the public road to Dalton Piercy. The boundary here is formed by an intermittent hedge. To the south of the site is the barn conversion which is also in the applicant's ownership and a residential property.

7.2 Planning permission is sought for the formation of two fishing ponds, the erection of six holiday chalets, a reception building associated works and access road. The access to the site will be taken via the existing access in the north west corner of the site and along an existing track which runs along the western boundary of the site. This will lead to a parking area for twenty vehicles and the reception building which will be formed on an area of existing hardstanding located at the southern end of the site. The chalets, save for one sited at the southern end of the site, will be sited along the western side of the field. The chalets will accommodate two bedrooms, a wc/shower room and a living room/kitchen. They will be single storey, some 4.9m by 11m in size, and have timber external walls and a tiled roof. (The materials are to be conditioned). The reception building will be single storey some 7.65m by 4.92m. It will accommodate a reception, toilet changing areas, shower and sauna and be constructed in similar materials to the chalets. The two lakes (some 48m by 24m & some 38m by 20m) will be sited on the eastern side of the field. Excavated materials will be mounded and grades to form the banks of the lakes. The southern lake incorporates a wetland area for wildlife. Fishing pegs including provision for disabled fishermen will be provided around the lakes. The plans submitted by the applicant

indicate that a possible overflow pipe will be provided connecting the lake to an adjacent watercourse however the applicant has advised that alternatively overflow could be directed to an on site soak-away. (The applicant has asked that the final arrangements be conditioned). An access track to the chalets will also be provided within the site and an emergency access at the north west corner of the field. The submitted plan indicates that extensive landscaping will be provided along the western and northern sides of the site. Surface water from the chalets will pass into the Lake. Foul water will pass to a sewage treatment plant and then to a soakaway.

Publicity

7.3 The application has been advertised by neighbour notification, site notice and in the press. The time period for representations has expired.

7.4 Two letters of no objection and a letter of support from the proprietor of the adjacent caravan site have been received. The latter raises the following points

- 1) It will bring people in to the area which would benefit local business
- 2) We have lots of enquiries about fishing lakes in the area and unfortunately there is not much to choose from, there is a demand for this kind of leisure activity.
- 3) From past experience of Mr Reed being in business I know it will be a smart and successful venture.

7.5 A letter has also been received from a neighbour which whilst not stating whether they object has alleged that holiday cottages on the site are permanently occupied and that the area should be kept in agricultural use.

Copy letters **B**

Consultation Responses

Hartlepool Water: Comments awaited

Public Protection & Housing : Comments awaited.

Economic Development : Comments awaited.

Cleveland Police : No objections. Consideration should be given to all aspects of on site security to the holiday chalets and reception buildings : boundary treatments on site CCTV security lighting and good quality doors and windows.

Tees Valley Wildlife Trust : No comments received.

Dalton Piercy Parish Council : The parish council have no objection to this application in principle but make the following comments: the information on the website is not too clear, the actual siting of the ponds being difficult to place. the council would hope that the planning dept. put in place severe restrictions on the use of the chalets and they must not be allowed to be permanent homes. there has been

occasion when other "enterprises" have opened, subsequently closed and the chalets used for purposes other than those permitted.

Engineering Consultancy : I note on the portal that the applicant has submitted information entitled 'Preliminary Assessment of Land Contamination'. Please note that this does not form a Preliminary Risk Assessment in accordance with the minimum requirements of PPS23. Whilst the information presented within the 'Preliminary Assessment of Land Contamination' may be valid, I request that the applicant submits details proving the source of this information, whether this is from Landmark, anecdotal etc. I therefore await further information.

I note the statement that any discharge from the two ponds would be released in a controlled manner at a rate that would be no more than that expected at present. I would concur with this statement – the present Greenfield run-off rate must not be exceeded for any new storm drainage serving the new development (chalets, buildings and road) and final drainage design details (including soakaways, if proposed) should be provided for approval.

Bankside gradients for the pond should ideally be no steeper than 1:3.

Traffic & Transportation : No objections. I have no concerns with the revised parking layout. I would consider that the 20 parking spaces would be appropriate for the fishing lakes and chalets. The applicant should make provision for three disabled spaces.

Environment Agency : We have reviewed the information submitted in support of this application and have no objection to the development as proposed. The applicant should note however the under the terms of the Environmental Permitting Regulations (England and Wales) 2010, anyone intending to discharge volumes of sewage effluent of 5 cubic metres per day or less to surface waters or 2 cubic metres per day or less to ground may be eligible for an exemption and will need to register before they commence making the discharge. An Environmental Permit from the Environment Agency is normally required for discharges above this volume. It is illegal to discharge sewage effluent without either an exemption registration or an environmental permit. The site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water. With regards to the creation of the fishing ponds, should the applicant intend to fill the ponds using water from the nearby watercourse, they should contact us to discuss whether an abstraction licence would be required.

Teesmouth Bird Club : No objections. Recommend that the pond is not connected to the adjacent water course to avoid contamination, that fishless ponds are created elsewhere on site or/and part of the ponds be inaccessible and naturalised to encourage native species, that mature hedgerows should be retained and maintained sensitively, only native species be stocked, mounding should be sensitive to the landscape with steep sides avoided, additional conservation work could greatly enhance the value of the site to birds (Owl boxes, nesting boxes, Raptor posts).

Tees Archaeology : There are no known archaeological sites in the area indicated. I therefore have no objection to the proposal and have no further comments to make.

Ramblers Association: No comment

Parks & Countryside : I would be grateful for more information regarding the good Public Footpath links, from the site. As far as the plans show, there are no direct access points to the public footpaths, apart from the entrance. This would therefore involve pedestrians walking along the roadside either northwards or to the south, to access the public rights of way network. A point to clarify is that the public footpaths are for pedestrian use only and not for the use of cyclists.

Relevant Planning History

The holding has complicated planning history. The most relevant applications are listed below.

In March 1995 planning permission was granted for the erection of a stable block providing 8 stables, a hayshed, tackroom and the formation of a hardstanding to provide 2 parking spaces (H/FUL/0530/94).

In December 1999 planning permission was granted for the retention of a residential caravan on a temporary basis; retention of tack room, one additional stable, horse menage area and erection of four new stables and access improvements for commercial riding centre. (H/FUL/0482/98). Permission for the residential caravan was subsequently renewed in December 2003 (H/FUL/0777/02).

In February 2001 planning permission was granted for the erection of a reception office and tack room/implements store. (H/FUL/0563/00)

In September 2002 planning permission was granted for alterations and conversion of redundant farm buildings to form tourist accommodation at Abbey Hill. (H/FUL/0255/01). This building forms part of the holding and is located immediately to the south of the application site.

In December 2003 planning permission was granted for the use of part of a building as an indoor riding school and associated car parking. (H/FUL/0510/03).

In May 2004 an application for the extension of a reception office and tack room/implements store to form a 3 bedroom dwellinghouse, office, toilet, mess room and tack room/implement store was approved. A section 106 agreement was completed in connection with the approval to ensure that the occupation of the residential accommodation approved was tied to the unit and its occupation restricted to a person solely or mainly or last employed prior to retirement in the adjacent equestrian business, or in the locality in agriculture. (H/FUL/0570/03).

In November 2008 an application was received for the retention of external alterations to the indoor riding school and part change of use to form storage, staff facilities, training and overnight accommodation (H/2008/0646). This application was considered under delegated powers, through the chairman. The decision was to approve the application subject to, satisfactory comments from the Environment

Agency and the completion of an appropriate legal agreement restricting the occupation of the overnight accommodation to customers attending then riding school and controlling the length of stays. The legal agreement is awaiting completion.

Planning Policy

7.6 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.

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.

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.

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.

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

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.

To9: Identifies the town centre and Marina, Victoria Harbour, the Headland and Seaton Carew as areas for new accommodation and promotes the enhancement of existing facilities.

Planning Issues

7.7 The main issues in relation to this application are considered to be policy, the impact of the development on the amenity of neighbours, impact on the visual amenity of the area, highways and drainage.

7.8 The application appears to be broadly in line with policy. However information is currently awaited from the applicant in particular in relation to queries raised by the Engineering Consultancy in relation to the risk assessment for contamination and in relation to the applicant's comments regarding links to public rights of way queried by the Parks & Countryside Section. Consultation responses are also awaited from Public Protection and Economic Development.

Given the outstanding matters an update report will follow.

RECOMMENDATION – UPDATE to follow

ABBEY HILL FARM, DALTON PIERCY



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 05/07/11
	SCALE 1:3000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0234	REV

No: 8
Number: H/2010/0375
Applicant: Mrs O Calvert DALTON PIERCY ROAD DALTON
PIERCY HARTLEPOOL TS27 3HW
Agent: Mrs O Calvert FOX COVERT THREE GATES FARM
DALTON PIERCY ROAD DALTON PIERCY
HARTLEPOOL TS27 3HW
Date valid: 14/06/2010
Development: Erection of a detached bungalow
Location: FOX COVERT THREE GATES DALTON PIERCY ROAD
DALTON PIERCY HARTLEPOOL HARTLEPOOL

The Application and Site

8.1 The application site is an existing livery located to the south west of Dalton Piercy. The accommodation currently consists of portable living accommodation, stable blocks and a lean to straw store arranged around a small yard. It is understood the applicant owns five acres of land which accommodates the livery and rents an additional ten acres from a neighbouring farmer. The site is located in open countryside and is surrounded by fields. Access is taken from the minor road to the north of the holding which links Dalton Piercy to the A19. High hedges along the road effectively screen the site from the road.

8.2 Planning permission is sought for the erection of a permanent dwelling house on the site to serve the business. The proposed house is a single storey bungalow accommodating two bedrooms, a study, kitchen, lounge and bathroom. The building will be rendered (painted white) and have a tiled roof. A curtilage of some 15m by 20m is proposed around the house. Foul water will be disposed of via a septic tank with surface water to a soak-away. It will be located to the north of the stable complex and its associated parking area.

8.3 In support of the application the applicant has provided various supporting documentation including details of income and expenditure, a business plan including cash flow projections, and a letter of support from a customer whose racehorses use the site.

8.4 The details of income and expenditure indicate that the business returned a profit of some 15,933 in 2009 and 15,354 in 2010. The business plan indicates that the business was first established in February 2005 following the grant of planning permission and has operated some five years. The yard has 10 stables and offers a range of livery services from DIY to full livery. The yard also provides services to the racing industry including training and the accommodation of injured horses. The cash flow forecast anticipate that annual profits will rise to £19,510 in 2013.

Planning History

8.5 Planning permission was originally granted for the use of the land for stables, livery and breeding of horses and birds and for the siting of a residential unit in February 2005. (H/FUL/0881/04). The permission for the residential unit was temporary and a condition on this approval required the removal of the accommodation on or before 16th February 2008. This was in accordance with local and national policy which advises that when new enterprises are seeking to establish themselves in the first instance any residential accommodation should be provided in temporary accommodation in order that the viability of the enterprise can be clearly established before any permanent accommodation is considered.

8.6 In July 2008 an application was received for the provision of a permanent detached dwelling in connection with the livery business (H/2008/0350). It became apparent during the consideration of the application, that the business, whilst it had been established for some three years, was returning only a modest profit of some £4,500 per annum. The applicant considers the low profit margin was due to the fact that the pheasant breeding programme which formed part of the original proposals, was thwarted by concerns in relation to Avian Flu. In light of this low profitability it was not considered that the business could support a dwelling and the applicant was advised that Officer's could not support the application for a permanent dwelling at that time. The applicant therefore resolved to withdraw the application and instead pursue an application for the retention of the temporary accommodation for a further period, to seek to establish the economic viability of the business.

8.7 In November 2008 a further planning permission was granted for the retention of portable living accommodation in connection with the livery business. (H/2008/0545).

Publicity

8.8 The application has been advertised by site notice and neighbour notification (4). The time period for representations has not expired. To date no representations have been received.

Consultations

8.9 The following consultation responses have been received.

Public Protection : No objections.

Chief Accountant : No comments received.

Parish Council : No comments received.

Environment Agency : No comments received.

Hartlepool Water : No comments received.

Northumbrian Water : No comments received.

Traffic & Transportation : No comments received.

Engineering Consultancy : No comments received.

Planning Policy

8.10 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.

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.

Hsg5: A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility, range and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

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

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.

Rur12: States that isolated new dwellings in the countryside will not be permitted unless essential for the efficient functioning of viable agricultural, forestry, or other approved or established uses in the countryside and subject to appropriate siting, design, scale and materials in relation to the functional requirement and the rural environment. Replacement dwellings will only be permitted where existing accommodation no longer meets modern standards and the scale of the development is similar to the original. Infrastructure including sewage disposal must be adequate.

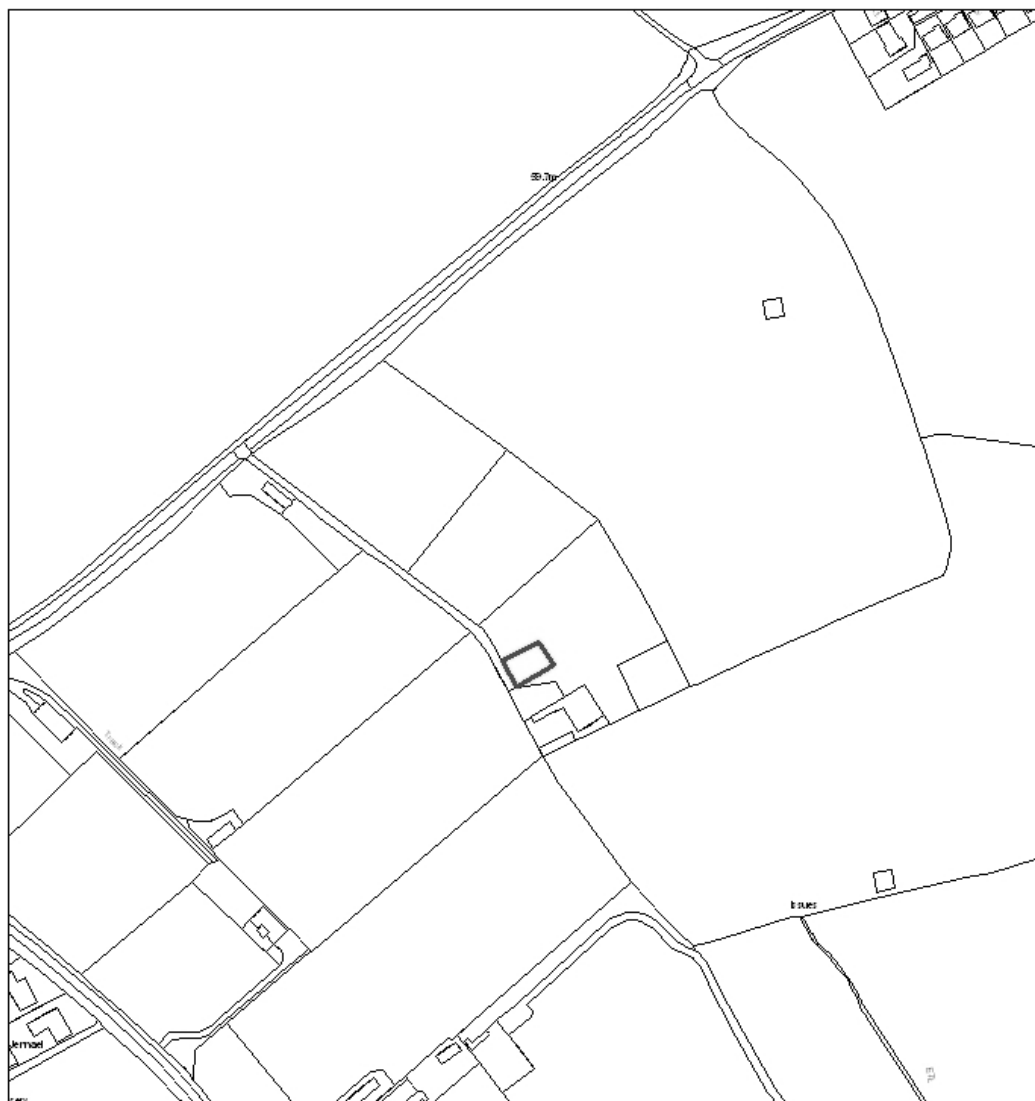
Rur7: Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements agriculture and forestry and viability 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

8.11 The main issues are considered to be policy, impact on the visual amenity of the area, drainage and highways. As consultation responses are awaited an update report will be provided.

RECOMMENDATION - As consultation responses are outstanding an **update** report will follow.

FOX COVERT. DALTON PIERCY



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 05/07/11
	SCALE 1:3000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0375	REV

No: 9
Number: H/2010/0390
Applicant: Mr Peter McIntosh Schools Transformation Team The
Borough Hall Hartlepool TS24 0JD
Agent: England & Lyle Mr Steven Longstaff Morton House
Morton Road Darlington DL1 4PT
Date valid: 21/06/2010
Development: Erection of floodlights to multi use games area
Location: DYKE HOUSE SECONDARY SCHOOL MAPLETON
ROAD HARTLEPOOL

The Application and Site

9.1 The application site is situated within the existing grounds of Dyke House Comprehensive School. The site is currently in use. A recent proposal to remodel the school, under the Building Schools for the Future (BSF) programme; was approved by Members at the June 2010 Planning Committee. This proposal included the provision of a Multi Use Games Area (MUGA).

9.2 The application proposes the installation of 8 flood lighting columns to compliment the previously approved MUGA. The columns are proposed at 8 metres in height and would be approximately 65metres away from the rear of residential properties on Raby Road, approximately 95metres away from residential properties on Milbank Road and 125metres away from residential properties on Powlett Road.

9.3 The northern half of the site is primarily used as external sports area and there is an existing all weather pitch which already comprises flood lighting at an approximate height of 10 metres.

Publicity

9.4 The application has been advertised by way of neighbour letters (70), and site notice (2). To date, there have been 9 letters of no objection one with comments from the school itself which states that the lighting is essential for community use of the Multi Use Games Area on an evening. It is planned to operate no later than 9pm.

9.5 The period for publicity expires on the day of the Planning Committee, should any further representations be received these will be reported to the Planning Committee accordingly.

Consultations

9.6 The following consultation replies have been received:

Public Protection – I have no objections to these proposals subject to an hours restriction on the use to between the hours of 9:00am and 9:00pm. This is consistent with the conditions that apply to the current floodlit pitch.

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

Community Services – No objections

Traffic and Transportation (Lighting Manager) – The proposed lighting levels shown would have no affect on the highway, however a small amount of light would shine on the properties in Raby Road and Avondale Street but they are in the guidelines.

Sport England – comments awaited.

Planning Policy

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

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

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

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

Rec4: Seeks to protect existing areas of outdoor playing space and states that loss of such areas will only be acceptable subject to appropriate replacement or where there is an excess or to achieve a better dispersal of playing pitches or where the loss of school playing field land does not prejudice its overall integrity. Where appropriate, developer contributions will be sought to secure replacement or enhancing of such land remaining.

Rec6: Seeks the wider community use of school sports and playing field facilities. Developers contributions may be sought in this respect.

Planning Considerations

9.8 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan outlined above and in particular the impact of the proposals upon neighbouring properties in general.

Policy

9.9 Dyke House School is the sample school of Hartlepool's Building Schools for the Future Programme. The proposal to incorporate floodlighting to compliment the anticipated MUGA with the aim to improve school and community use of the sports facilities at Dyke House is considered acceptable in principle.

9.10 Dyke House already offers a degree of community use on the site; however the additional floodlighting would enhance this facility. During the process of determination for the recently approved application for the redevelopment of Dyke House Sport England did comment that:

9.11 The proposed MUGA is not shown as floodlit. It is poor use of resources to build a sports facility that can be used in most types of weather, but cannot be used when darkness falls.

9.12 Sport England's comments are awaited with regard this to application, however it is anticipated that these will be favourable towards the proposal, given their previous comments.

9.13 The Council's Community Services Team has assessed the scheme and offer no objection.

Impact on the surrounding area

9.14 It is considered that the 8 floodlight columns at a height of 8metres will not be dominant, it should be noted that there are already floodlights to the all weather pitch at a height of approximately 10 metres which are not considered dominant in the context of the school and surrounding residential properties.

9.15 The existing floodlighting on the all weather pitch has a time limit restricting its use to between the hours of 9:00am and 9:00pm; the Public Protection Team has assessed this proposal and offers no objection on the basis that the same time restriction is applied to these floodlights.

9.16 The proposed floodlights are directional and inclined downward with reduced light overspill, upward light and glare, the details of which have been assessed by the Council's Street Lighting Team who considered that the proposed lighting levels shown would have no affect on the highway. However it should be acknowledge that a small amount of light would shine on the properties in Raby Road and Avondale Street but they are within the guidelines to avoid light pollution and therefore it would be difficult to sustain an objection on these grounds.

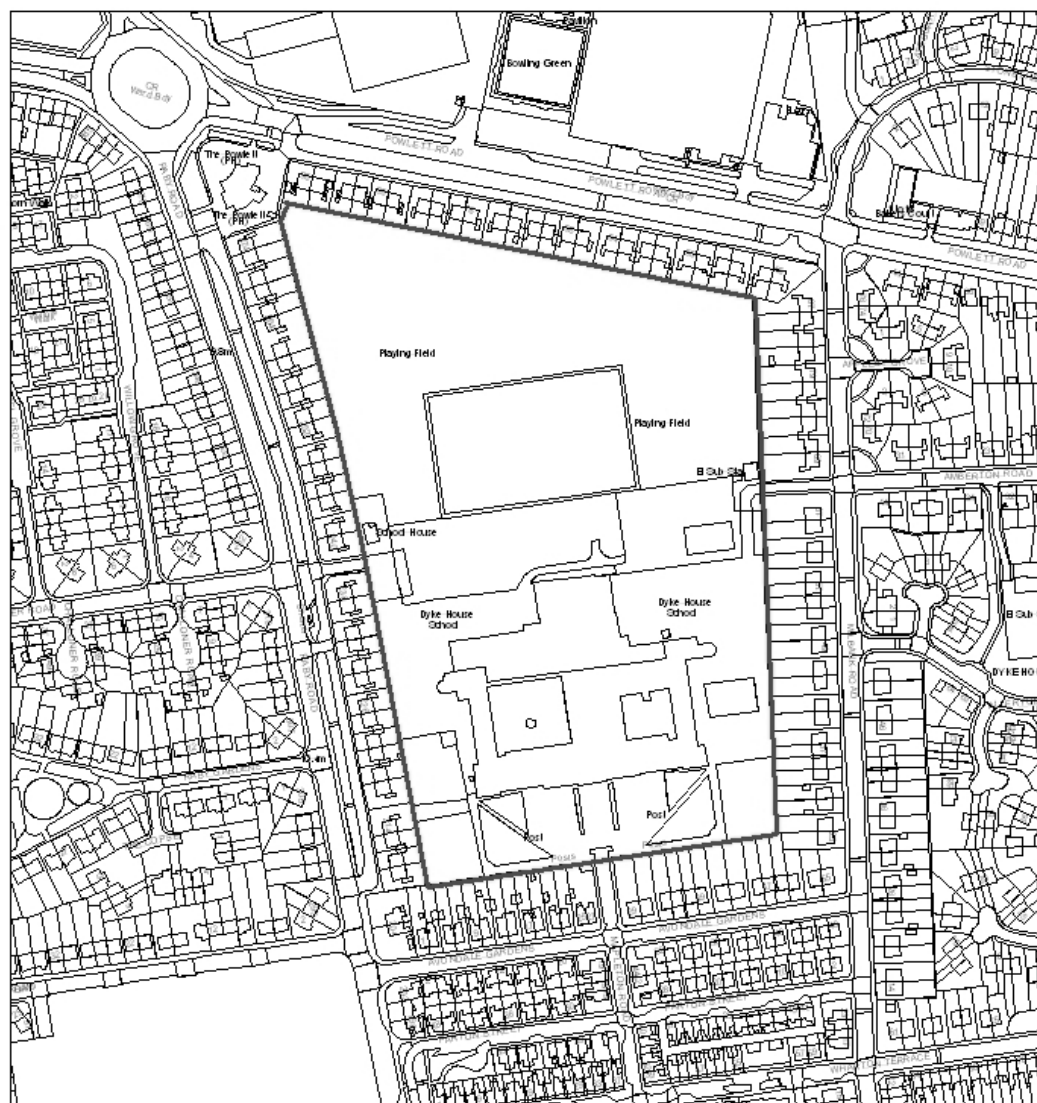
9.17 It is considered that the floodlighting will not have a significant detrimental affect on the surrounding residential properties or area in general.

Conclusion

9.18 A response is awaited from Sport England, it is anticipated that these will be provided prior to the Planning Committee therefore an update will be provided accordingly.

RECOMMENDATION – UPDATE to follow.

DYKE HOUSE SCHOOL



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 05/07/11
	SCALE 1:3000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0390	REV

No: 1
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

Background

1.1 The item appears as item 1 on the Planning Committee agenda.

1.2 Discussions are ongoing between Joseph Rowntree and the applicant regarding options for the proposed park. However it is unlikely that these will be progressed by the time of the Planning Committee and therefore it is advised that Members defer the item.

RECOMMENDATION – Defer to allow further discussions.

No: 2
Number: H/2010/0339
Applicant: MR W MORGAN WITTON LE WEAR BISHOP
AUCKLAND CO DURHAM DL14 0AZ
Agent: MR W MORGAN WITTON HALL WITTON LE WEAR
BISHOP AUCKLAND DL14 0AZ
Date valid: 24/05/2010
Development: Use of four apartments approved under the provision of
planning permission H/2006/0338, currently restricted to
occupation by persons aged 55 years and over, for
general occupation
Location: 16, 19, 21 AND 22 SYLVAN MEWS THE WYND
BILLINGHAM

Background

2.1 This application appears on the main agenda at item 2.

2.2 The recommendation was left open as a number of consultation responses were outstanding.

2.3 Further consultation responses received

Public Protection & Housing : No objections

No further consultation responses have been received.

Planning Considerations

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

POLICY

2.5 The application site is an existing residential apartment block located within the limits to development for Wynyard and the proposal to extend its occupancy to include persons under 55 years is considered acceptable in policy terms.

HIGHWAYS

2.6 The applicant has indicated that 6 of the existing parking spaces will be retained to serve the apartments in line with the Highway Authority's requirement that 1.5 spaces are retained per dwelling. Across the rest of the site some 54 spaces will be retained for the use of the other apartment blocks and the care home.

2.7 A number of objections have been received in relation to the impact the development might have on the parking situation. A clause in the section 106 relating to the original permission also requires that additional parking be provided if

required by the Local Planning Authority. Traffic & Transportation have not objected to the proposal but given the concerns expressed regarding the capacity of the car park have recommended that the additional car parking area be provided. The original approved layout plans for the development showed that this additional overspill parking area for eleven spaces might be accommodated at the south west corner of the site. (Accounting for the loss of a space to accommodate access this would result in some ten additional spaces). It is proposed that the final details of the additional parking spaces be conditioned.

2.8 In addition in response to concerns raised by objectors in relation to inconsiderate parking the applicant has advised that he has written to all occupants of the apartments to ask them to use their allocated parking space and that visitor spaces are to be retained for visitors. In addition relevant signage is proposed. He has also indicated his intention to introduce a traffic management plan to monitor any abuse of the parking facilities.

2.9 In highway terms the proposal is considered acceptable.

IMPACT ON THE AMENITY OF NEIGHBOURS

2.10 A number of objectors have raised concerns in relation to the impact opening up the occupancy of the apartments to younger people might have on the amenity of the care home and neighbouring apartments. The apartments are small two bedroom apartments and it is difficult to see that they would be an attractive option for large families. It might be the case however that younger occupants might be expected to attract additional activity to the site. The Head of Public Protection has not objected to the proposal and it is not considered that the proper use of the premises would necessarily unduly disturb the amenity of any elderly neighbours, or the neighbours outwith the site. Any issues of antisocial behaviour would need to be addressed by the appropriate authorities.

OTHER MATTERS

2.11 A number of objectors have raised concerns that existing residents have taken apartments on the understanding that occupancy of the site would be limited to persons aged 55 and over. The applicant has advised that since the age restriction was first proposed ongoing issues with the economy have made it almost impossible to sell properties with such a restriction with lenders reluctant to lend on properties so restricted. This has led him to reconsider his position.

2.12 Objectors have raised concerns regarding the adequacy of the refuse arrangements the applicant has advised in light of this he has contacted Stockton Borough Council, who collect from the site, to arrange for additional refuse facilities.

2.13 Objectors have suggested that one of the apartments is already being occupied by a person under the age of 55. The applicant has advised that whilst this is the case the occupant is the daughter of the tenant who is over 55. This will be considered further in the light of members decision on the application.

Objectors have suggested that a business is operating from the site. The applicant has advised that this is not the case. The matter will be investigated further.

CONCLUSION

2.14 The application is recommended for approval. The current legal agreement will also need to be amended to allow for the general occupation of the units in question.

2.15 Additional neighbours have been consulted the time period for representations for these additional neighbours expires after the meeting. The recommendation allows for the consideration of any additional representations received.

RECOMMENDATION: **APPROVE** subject to no substantially different objections being received and subject the following conditions. The final decision to be delegated to the Development Control Manager in consultation with the Chair of the Planning Committee.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 1st July 2010, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Unless otherwise agreed in writing with the Local Planning Authority the area(s) indicated for car parking on the plans hereby approved shall be kept available for the use of the apartments to which this application relates at all times during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties and highway safety.
4. Unless otherwise agreed in writing with the Local Planning Authority within 6 months of the date of this permission, or such longer period as may be agreed in writing with the Local Planning Authority, an additional parking area shall be provided in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The scheme shall include where required by the Local Planning Authority measures to protect the amenity of nearby residents. The scheme shall thereafter be retained as approved for the lifetime of the development.
In the interests of highway safety and amenity.
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.

Members are also requested to authorise the amendment to the legal agreement to allow for the general occupation of these units.

No: 3
Number: H/2010/0274
Applicant: Cleveland House Queens Square Middlesbrough TS2 1AA
Agent: ASP Associates 8 Grange Road HARTLEPOOL TS26 8JA
Date valid: 22/04/2010
Development: (Amendments to previously approved scheme H/2006/0179) for erection of two detached dwellings with associated detached garages (retrospective application)
Location: NORTON HOUSE THETFORD ROAD HARTLEPOOL

Background

3.1 This application appears as item 3 on the original agenda for Committee. Since the original report was created, a number of outstanding issues have been resolved. In addition, arrangements have been made to facilitate a member's visit to the site.

3.2 No additional letters of objection/comment have been received.

History

3.3 As set out in the original report, the site was previously the subject of a planning permission (H/2010/0179) which granted approval for the erection of two detached dwellings and the associated detached garages. That permission was granted subject to a number of conditions, including a condition for the dwellings to be pegged out on site and their exact location agreed in writing by the Local Planning Authority prior to the commencement of development. A number of communications from the applicant's agent indicated that the dwellings were pegged out on site and the relevant distances measured and agreed by the relevant officer at the time. However, despite requests for written evidence to be provided to that effect, no such evidence appears to have been forthcoming. Furthermore, the Local Planning Authority holds no such evidence of the pegging out condition having been agreed in writing.

3.4 In late 2009 discussions were undertaken with the agent in relation to the outstanding conditions which required discharging, which included the pegging out condition. File notes indicate that on 5th November 2009, the applicant's agent indicated verbally that the pegging out condition would not be straightforward as the dwellings had been erected in differing locations to the approved plans.

3.5 In terms of the Building Control position, an initial site visit was carried out on 7 July 2006 upon commencement of the building works and various visits undertaken thereafter throughout the build. There is no indication that the positioning of the dwellings was checked on those visits as the siting of a property does not form part of the checks carried on site under the Building Regulation requirements.

3.6 Notwithstanding the above position, the current application for determination proposes to seek retrospective permission for the development of the two dwellings in their current locations on the site. Planning law allows for the submission of a retrospective planning application in instance where planning control has been breached.

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, the principal of the development in policy terms, the effect of the proposal on the amenity of surrounding properties, design and the effect on the character of Norton House and the wider area, highway safety, drainage issues, ecology and trees.

Principle of Development

3.8 The principle of the development of two dwellings in the rear garden of Norton House is established by virtue of the previous approval (H/2006/0179) and prior to that the outline consent granted in January 2005 (HOUT/04/0934). In policy terms, Policy Hsg9 sets out design criteria for new residential development, indicating that it will be permitted provided a number of criteria are met including scale, provision of amenity space, and impact on the occupiers of new and existing development. The proposals are considered against the criteria in further detail below.

Amenity

3.9 The main considerations in amenity terms are the effect of the proposals on surrounding occupiers in terms of overlooking, dominance, overshadowing/loss of light, and outlook.

3.10 In terms of the dwelling on plot 2 (4 Norton Houses), the main relationships for consideration are those with the properties to the rear on Thetford Road. The separation distance with the closest property, 35 Thetford Road is 20m main rear wall to main rear wall. That property has been extended at ground floor to the rear and the separation distance with the rear wall of the extension is 17.5m. Separation distances to 33 and 37 Thetford Road are offset and are approx 19m at the closest. Supplementary Note 4 of the Hartlepool Local Plan (2006) indicates that separation distances of 20m between habitable windows should be attained in new housing developments. However, the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 makes provision for the erection of two-storey rear extensions with separation distances of 14m. It is therefore considered that given such statutory provisions, an objection to separation distances as existing could not be sustained and the distances are therefore deemed acceptable on that basis. On that basis, it is considered that in overlooking terms, the proposals are acceptable and unlikely to have a significant effect in such terms. Concerns expressed by residents on the previous application indicated objection to the provision of planting to the rear of that property. A condition requiring such planting was not included on the previous permission. It is therefore considered in this instance that a condition requiring such planting would not be appropriate in this

instance. A condition precluding extensions to the property is however recommended.

3.11 Whilst it is accepted that the property features more prominently in the outlook of the properties on Thetford Road, it is considered that the back-to-back relationship between the properties is not an unusual one, and whilst it is acknowledged that the dwelling is a substantial detached house, in massing terms it is little different to a pair of semi-detached houses, and on that basis the relationship is considered acceptable. The proposal is unlikely to give rise to significant issues of dominance, overshadowing or outlook.

3.12 In terms of the dwelling on plot 1 (5 Norton House), whilst the property is located closer to the properties on Aldeburgh Close, it is considered that the relationship is such that it is unlikely the dwelling will cause significant amenity issues in terms of overlooking, overshadowing, dominance or outlook. The separation distances with the closest properties 14 and 16 Aldeburgh Close are in excess of 20m from habitable room to gable.

3.13 In terms of the relationship with Norton House itself, it is considered that subject to a condition requiring obscure glazing of those windows in the side elevation of the dwelling on plot 1, the proposal is considered acceptable in amenity terms.

3.14 In terms of the garages, it is acknowledged that the garages sit closer to the surrounding residential properties, in particular in relation to the dwelling plot 1. It is considered however that the garages are unlikely to give rise to significant amenity issues in terms of overshadowing, outlook, dominance or overlooking.

Design/Character of Area

3.15 The design largely reflect the design of the dwellings as approved by H/2006/0179. Minor amendments have been made to the windows in the front elevation of the property on plot 1 from the design previously approved. The previous application agreed for elevation details of Norton House to be reflected in the design of the new properties. It is apparent that such details have not been reflected to a large extent. However, it is considered that the design is appropriate within the context of the provision of two modern detached dwellings and in this instance the design is considered acceptable. The size and character of the dwellings are considered appropriate within the context of the immediate site and the wider surrounding area.

Highway Safety

3.16 The dwellings are accessed via private drive. Sufficient provision has been made within the curtilage of the property for off-street parking. The Council's Traffic and Transportation section have indicated that there are no highway or traffic concerns in relation to the proposal. On that basis it is considered that the proposal is acceptable in terms of the impact on highway safety.

Drainage

3.17 It is indicated that foul drainage is to be dealt with by a small pumping station and rising main leading into the main drainage of Norton House itself. Northumbrian Water have raised no objection to the proposal. Discussions with Building Control have indicated, however, that provision of foul drainage has yet to be incorporated into the development, and it is considered prudent therefore to attach a planning condition requiring the a full scheme for foul drainage to be agreed and implemented prior to the occupation of the dwellings.

3.18 It is indicated that surface water is to be dealt with by soakaway located in the front gardens of the properties. It is indicated that insufficient detail on the design and methodology of the soakaways have been provided in support of the application. It is therefore considered necessary to attach a condition requiring full details of the proposed soakaways to be provided to the LPA, including designs and calculations, and agreed and implemented prior to the occupation of the dwellings.

Ecology

3.19 The previous application (H/2006/0179) indicated the requirement for bat bricks to be incorporated into the development to aid roosting bats. It is indicated that such bricks were incorporated into the development, however, full details and clarification of their installation have not been provided. Checks are being made to ensure that bat bricks have been incorporated and have been done so to the required standards.

Trees

3.20 The site is covered by a number of TPO trees. The Council's Arboricultural Officer has indicated that the majority of those trees were protected adequately during construction works. One TPO tree, however, is potentially affected by the property constructed on plot 1 (5 Norton House). The dwelling has encroached a further 3m from that previously approved and is now sited below the branch canopy. It is indicated that in accordance with BS5837, the dwelling can be accommodated without detriment to the root system and stability of the tree as a sufficient root protection area can be accommodated in the surrounding garden. It is considered therefore that the development does not have a significant impact on the health and stability of the tree.

3.21 Nonetheless the BS indicates that height and spread of the tree canopy can also be a constraint as it may result in additional requirements for pruning works. However, it is considered that pruning works required by the presence of the dwelling would not be to the detriment of the amenity value of the tree.

3.22 Replacement planting was required under the previous application to offset some of the trees that were removed. It is indicated that such planting has not occurred and it is therefore recommended to add a condition requiring a replacement planting scheme to be submitted to and agreed by the LPA and implemented in accordance with the details.

Other Issues

3.23 In planning terms, an application can not be refused simply on the basis it is retrospective and in this instance simply because the dwellings were built in the wrong location. Consideration must be given to the impacts of the dwellings as built with regard to the relevant planning policies and material planning considerations as discussed above. Planning law makes allowances for applicants to apply retrospectively for works which have been completed.

3.24 It is considered that the dwellings are unlikely to give rise to significant noise or disturbance issues. The Council's Head of Public Protection have raised no objections to the scheme.

3.25 A condition was imposed on the previous permission requiring finished floor levels to be submitted to and agreed by the LPA. That condition was satisfactorily discharged. It is considered that the finished floor levels of the dwellings as built are acceptable and do not give rise to any significant flooding or amenity concerns.

Conclusions

3.26 With regard to the relevant Hartlepool Local Plan (2006) policies as set out above, and with regard to the relevant material planning considerations discussed above, the proposal is considered acceptable and recommended for approval subject to the condition set out below.

RECOMMENDATION – APROVE subject to the resolution of the outstanding issue regarding bat boxes and to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following plans received by the Local Planning Authority on 22 04 2010:

1. 1416/1
2. 1416/2
3. 1416/2-1
4. 1416/2-4
5. 1416/3
6. 1416/4
7. 1416/5

And plan number 1416/2-5 received 13 July 2010

For the avoidance of doubt.

2. 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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that

Order with or without modification), no additional garage(s) shall be erected without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

4. Notwithstanding the submitted details, prior to occupation of the dwellings hereby approved, a scheme for disposal of surface water shall be fully implemented in accordance with final details of the drainage scheme, including design calculations and methodology in respect of the soakaway design, permeability tests, soakaway construction details, and storage details first to be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details for the lifetime of the development.
To ensure the site is developed in a satisfactory manner.
5. Notwithstanding the submitted details, prior to occupation of the dwellings hereby approved, a foul drainage scheme shall be fully implemented in accordance with final details first to be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details for the lifetime of the development.
To ensure the site is developed in a satisfactory manner.
6. A detailed scheme of replacement tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the date of this permission. The scheme must specify sizes, types and species, 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.
7. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
In the interests of visual amenity.
8. The window(s) in the west elevation of 4 Norton House (plot 2) which are glazed with obscure glass shall be retained as such at all times while the window(s) exist(s).
To prevent overlooking.
9. The window(s) in the south elevation of 5 Norton House (plot 1) which are glazed with obscure glass which shall be retained as such at all times while the window(s) exist(s).
To prevent overlooking.

No: 6
Number: H/2010/0338
Applicant: Chase Property Dev Limited C/O Agent
Agent: Savills Fountain Court 68 Fountain Street Manchester M2 2FE
Date valid: 24/05/2010
Development: Extension of the time limit for the submission of reserved matters and implementation of outline planning permission H/2005/5921 for alterations to existing units, erection of additional units and associated infrastructure and landscape works
Location: TEESBAY RETAIL PARK BRENDA ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

Background

6.1 This application appears on the main agenda at item 6.

6.2 The application has been withdrawn at the applicant's request. No further action is therefore required.

RECOMMENDATION – That members note that the application has been withdrawn.

No: 7
Number: H/2010/0234
Applicant: Mr P Reed Dalton Piercy Hartlepool TS27 3HY
Agent: David Stovell & Millwater 5 Brentnall Centre Brentnall Street MIDDLESBROUGH TS1 5AP
Date valid: 21/05/2010
Development: Formation of two fishing ponds erection of six holiday chalets and reception building, associated works and access road
Location: ABBEY HILL FARM DALTON PIERCY ROAD DALTON PIERCY HARTLEPOOL

Background

7.1 This application appears on the main agenda at item 7.

7.2 The recommendation was left open as a number of issues and consultation responses were outstanding.

Further Consultation Responses Received

7.3 **Parks & Countryside** : The access from the proposed caravan/camping site to existing public footpath, to the south, is part of a network of private access paths/tracks/lanes. These are part of all the access routes in and around this collection of farms and other businesses/private dwellings.

7.4 If the developer wished to provide access then this would be a permissive path as to become a public right of way it must run from one highway to another highway (whether road or another right of way).

7.5 Any permissive path that might be considered would need to be only for the use of the campsite users (this is quite legal). To open up a permissive path to the general public would cause major problems as to security of the camp users and owners.

7.6 I do feel that due to the numerous businesses and private premises in the area, it would be impractical to consider any creation of a public right of way, unless all the relevant landowners were in agreement of its creation.

7.7 I don't wish to see extra rights of way created just for the sake of it. Rights of way creation should be of a benefit to the rest of the local network.

Planning Issues

7.8 The main issues in relation to this application are considered to be policy, the impact of the development on the amenity of neighbours, impact on the visual amenity of the area, highways and drainage

POLICY

7.9 The site lies in open countryside outside the limits to development. The proposal relates to the provision of outdoor recreation facilities and tourist accommodation. Policies support the diversification of the rural economy and appropriate outdoor recreation facilities. Policies in relation to permanent residential accommodation are restrictive. However the proposal relates to tourist accommodation and on this basis is considered acceptable. Appropriate conditions and a legal agreement are proposed to ensure that the tourist accommodation is occupied as such.

IMPACT ON THE AMENITY OF NEIGHBOURS

7.10 The closest neighbours to the application site are individual dwellings located to the north and south of the application site and the caravan park located to the east. It is not considered that the activities associated with the fishing enterprise or holiday accommodation will unduly affect the neighbours. Given the relationships, in terms of the built development proposed it is not considered that the proposal will unduly affect the amenity of these neighbours in terms of loss of light, outlook, privacy or in terms of any overbearing effect. In conclusion it is not considered that the proposed development will unduly affect the amenity of the occupiers of any neighbouring properties.

IMPACT ON THE VISUAL AMENITY OF AREA

7.11 The site is located within open countryside. Existing boundary treatments in particular dense hedgerows mean that the development will be well screened in views from the south and east. Distant views of the site are possible from footpaths and the public road to the north/south west and through gaps in the existing hedgerow from the west however extensive landscaping is proposed in these areas to address this issue. Given the landscaping and the nature of the built accommodation proposed, single storey and of timber construction, it is not considered that the development will have a significant impact on the visual amenity of the area.

HIGHWAYS

7.12 The proposal will make use of the existing access to the north west corner of the site. This access also serves the adjacent caravan and, applicant's holiday accommodation, riding school and house. On site parking is also accommodated. Traffic & Transportation have raised no objection to the proposal and in highway terms the development is considered acceptable.

DRAINAGE

7.13 The site has no mains drainage and foul water will be disposed of through a package treatment plant and soak-away. The Environment Agency have raised no objections to the proposal. At this time the applicant is proposing that the lakes would be left to fill naturally the Agency have advised however that any proposal to

fill the lakes via abstraction from the nearby stream would require their consent. At the current time the applicant has advised that any overflow from the lake will either be directed to the adjacent watercourse or be directed to an on site soak-away however they have asked that this matter be conditioned. In order that any issues arising can be addressed it is proposed to condition the precise details of the drainage arrangements.

OTHER MATTERS

7.14 An allegation has been received that holiday accommodation within the holding is being occupied full time. This matter is currently the subject of a separate investigation.

CONCLUSION

7.15 The proposal is considered acceptable and is recommended for approval subject to conditions and an appropriate legal agreement limiting the occupation of the holiday chalets to tourist accommodation including the period of any stay. The final comments of the Engineering Consultancy, Economic Development, Public Protection and Hartlepool Water are however awaited and the recommendation is subject to the consideration of any matters being raised by these outstanding consultees.

RECOMMENDATION – APPROVE subject to no objections from outstanding consultations to the conditions listed below and any further conditions arising from outstanding consultation responses, the completion of an appropriate legal agreement limiting the occupation of the holiday chalets to tourist accommodation and the period of any stay, and subject to the consideration of the outstanding consultee responses.

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 (HL/10/002/22c, HL/10/002/41, Standard 07, HL/10/002/11, HL/10/002e) and details received by the Local Planning Authority at the time the application was made valid on 21st May 2010, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. The occupation of the residential accommodation hereby approved shall be restricted to tourist visitors. The residential accommodation shall not be occupied by any individual(s) as their main residence and shall not be occupied by any individual(s) for more than twenty eight days (whether cumulatively or continuously) in any six month period.
The residential accommodation has been allowed as tourist accommodation its permanent occupation as a main residence would not be acceptable.
4. Unless otherwise agreed in writing with the Local Planning Authority the reception building hereby approved shall be used only as a reception office, wc, changing facility, sauna and shower for purposes ancillary to the use of the lakes/ponds and holiday chalets hereby approved and by persons visiting

the site to use the lakes/ponds or staying at the holiday chalets. For the avoidance of doubt it shall not be used as a bar, public house, cafe, restaurant or other licenced premises.

For the avoidance of doubt and in the interests of the amenity of neighbouring properties.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the chalet(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 visual amenity of the area.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) or other outbuildings shall be erected without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the visual amenities of the area.

7. 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 chalets without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the visual amenity of the area.

8. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

To prevent pollution of the water environment.

9. The area(s) indicated for car parking on the plans hereby approved shall be provided before the use of the site commences and thereafter be kept available for such use at all times during the lifetime of the development.

In the interests of the amenities of the occupants of neighbouring properties and highway safety.

10. A detailed scheme of landscaping, and tree and shrub planting, including pond/lake 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.

11. 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.
12. 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. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
13. The use hereby approved shall not commence until proposals for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority and all such approved details have been implemented.
In the interests of the amenities of the occupants of neighbouring properties.
14. 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. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
15. Details of all external lighting proposed shall be submitted to and approved in writing by the Local Planning Authority prior to its installation.
In the interests of the visual amenity of the area.
17. Notwithstanding the details submitted no development shall commence until a scheme for the disposal of surface water arising from the site, (including where appropriate drainage design details, soakaway details and proposed flow rates), has been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented and operational prior to the accommodation hereby approved being brought into use and shall be retained for the lifetime of the development.
In order to ensure that the proposals for the disposal of surface water are acceptable.
18. Notwithstanding the details submitted no development shall commence until a scheme for the disposal of foul water arising from the site has been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented and operational prior to the accommodation hereby approved being brought into use and shall be retained for the lifetime of the development.
In order to ensure that the proposals for the disposal of foul water are acceptable.
19. Notwithstanding the details submitted unless otherwise agreed in writing with the Local Planning Authority the gradients of the banks of the pond/lakes shall not exceed 1 in 3.
In the interests of safety
20. Prior to the commencement of works on the lakes/ponds details of the proposed method to deal with any water overflow arising from them shall be

submitted to and approved in writing with the Local Planning Authority. The details shall include, where appropriate, measures to attenuate the discharge to agreed levels, detailed drainage/soakway design, measures to prevent contamination and to prevent fish/invertebrates entering the natural water course. The agreed measures shall be implemented at the time of development and thereafter shall be retained for the life time of the development.

In order to ensure that the proposals means to deal with overflow from the ponds/lakes are agreed and in place and to ensure that the health and biodiversity of adjacent water courses are not unduly affected.

21. Prior to their installation details of the surfacing of all tracks or hardstandings shall be submitted to and approved in writing by the Local Planning Authority. The tracks and hardstandings thereafter installed shall be in accordance with the details so approved.

In the interests of visual amenity.

22. Vehicular access to the site shall be taken only from the access point to the north west corner of the site as indicated on the approved site plan.

In the interests of highway safety and the amenity of neighbouring residents

23. Prior to any part of the site being brought into operation for the approved uses three parking spaces suitable for persons with disabilities shall be provided within the proposed car parking area in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The spaces shall thereafter be retained as approved for the lifetime of the development.

In order to ensure provision is made for persons with disabilities

24. Prior to the commencement of development a scheme of secured by design measures shall be submitted to and approved in writing by the Local Planning Authority. The measures so approved shall be implemented prior to the occupation of any of the chalets hereby approved and retained for the life time of the development.

In the interests of crime prevention.

25. Unless otherwise agreed in writing prior to any of the uses hereby approved on the site coming into operation a scheme to enhance the wildlife potential of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposed measures and a timetable for their implementation. It shall be implemented in accordance with the agreed timetable and thereafter maintained for the lifetime of the development.

In the interests of enhancing and maintaining the biodiversity of the site.

No: 8
Number: H/2010/0375
Applicant: Mrs O Calvert DALTON PIERCY ROAD DALTON
PIERCY HARTLEPOOL TS27 3HW
Agent: Mrs O Calvert FOX COVERT THREE GATES FARM
DALTON PIERCY ROAD DALTON PIERCY
HARTLEPOOL TS27 3HW
Date valid: 14/06/2010
Development: Erection of a detached bungalow
Location: FOX COVERT THREE GATES DALTON PIERCY ROAD
DALTON PIERCY HARTLEPOOL HARTLEPOOL

Background

8.1 This application appears on the main agenda at item 8.

8.2 The recommendation was left open as consultation responses were outstanding.

8.3 Further Consultation Responses Received

Chief Accountant : I have reviewed the attached Statement of Accounts for 2009/10 and current year financial plan and am satisfied that a viable business exists based on the information provided. The statements show she has made a modest profit for the last 2 years and is on track to do so again.

Northumbrian Water : No objections

Environment Agency : We have no objection to the development as proposed. We would also like to offer the following informatives:

Proposed septic tank: Under the terms of the Environmental Permitting Regulations (England and Wales) 2010, anyone intending to discharge volumes of sewage effluent of 5 cubic metres per day or less to surface waters or 2 cubic metres per day or less to ground may be eligible for an exemption and will need to register before they commence making the discharge. An Environmental Permit issued by us is normally required for discharges above this volume. It is illegal to discharge sewage effluent without either an exemption registration or an environmental permit.

Drainage: The site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.

Traffic & Transportation : I have no objections to the development overall, however I would like to make the following comments. A 2.4 x 90 metre sight line should be provided at the junction with Dalton Road. The access should be a minimum 4.1 metres wide.

Planning Considerations

8.4 The main planning considerations are policy, the impact on the visual amenity of

the area, drainage and highways.

POLICY

8.5 The site is located in open countryside outside the limits to development. Policies in relation to new housing development is restrictive unless the housing is required to support existing activities on well established units suitable to a rural location. Policy requires that there is a clearly established functional need (The need for a residential presence might arise for example for animal welfare reasons), the need relates to a full time worker, the unit has been established for at least three years, profitable for one and has a clear prospect of remaining so, and the functional need could not be met by other accommodation in the area. It is a requirement that where a need is established, but the viability of a business has not been demonstrated, then this need should in the first be met by temporary accommodation on site in order that it can be established that a viable business exists.

8.6 The applicant has confirmed that she is employed at the business full time and the residential accommodation is required to provide care for the horses, as customers would be reluctant to leave horses at an unattended site and for security reasons. The applicant first obtained permission for temporary accommodation on site in February 2005, renewed in November 2008, and since 2005 has sought to establish a viable business. The accounting information provided by the applicant indicates that in the last two years the business has returned a profit of some £15,000 to £16,000 per annum, enough to support a modest living. The information has been examined by the Chief Accountant who has advised that he is satisfied, based on the information provided, that a viable and sustainable business exists.

8.7 In policy terms the proposal for a permanent dwellinghouse on site is considered acceptable.

IMPACT ON THE VISUAL AMENITY OF THE AREA

8.8 The site accommodates an existing livery business including stables blocks. The proposed dwelling house is single storey, is relatively modest in scale and in terms of its proposed location is close to the existing buildings on site. It is set well back from the road from which views are screened by roadside hedgerows. It is not considered that the proposal will have any significant impact on the visual amenity of the area.

DRAINAGE

8.9 The site is not connected to the public sewers and foul water from the dwelling-house will be disposed of to a septic tank and soak-away arrangement. Surface water will be disposed of to an on site soak-away. The Environment Agency have raised no objection to the proposals. The final details will be conditioned. The comments of the Engineering Consultancy are awaited however it is anticipated that the proposed arrangements will be considered acceptable in principle.

HIGHWAYS

8.10 The site is served by an existing access on to the public road. No alterations to

the access are proposed however Traffic & Transportation have advised that a visibility splay of 2.4m x 90m and an access track width of 4.1m should be accommodated. The applicant however does not own the land at the western side of the access and discussions on this matter are ongoing. It is hoped that these will be concluded before the meeting.

CONCLUSION

8.11 Consultation responses from the Parish Council, Engineering Consultancy, and Hartlepool Water are awaited, discussions with Traffic & Transportation, are ongoing, subject to consideration of these outstanding responses/matters the proposal is considered acceptable and is recommended for approval.

RECOMMENDATION: APPROVE subject to the consideration of outstanding consultation responses/discussions, subject to the following conditions and any conditions arising from outstanding consultation responses and subject to the completion of a legal agreement restricting the occupation of the dwellinghouse to an employee of the equestrian/livery business on the site. However it is recommended that the final decision be delegated to the Development Control Manager in consultation with the Chair of the Committee.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (Existing Site Plan, Proposed Site Plan and the plans showing elevations and floor plans of dwellinghouse) and details received by the Local Planning Authority on 14th June 2010, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. The occupation of the dwelling(s) hereby approved shall be limited to a person solely or mainly, or last employed prior to retirement, in the commercial equestrian/livery business located on the holding (Fox Covert), or a dependent of such a person residing with him or her, or a widow or widower of such a person.
The site of the proposed dwelling(s) is in an area where the Local Planning Authority considers that the new housing should only be allowed where it is essential in the interests of agriculture or forestry, unless exceptional circumstances prevail.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
5. 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. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.

6. 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.
7. 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.
8. Notwithstanding the details submitted prior to the commencement of development details of the proposed methods for the disposal of foul and surface water arising from the site shall be submitted to and approved in writing with the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved.
To prevent pollution of the water environment.
9. 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.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s)/outbuildings shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

PLANNING COMMITTEE

16 July 2010



Report of: Director of Regeneration and Neighbourhoods

Subject: APPEAL REF APP/H0724/A/10/2124360/NWF:
H/2009/0671 Formation of new access road and
associated works. CROWS MEADOW FARM,
DALTON BACK LANE, HARTLEPOOL TS24 9PB

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of the above appeal.
- 1.2 The appeal was dismissed. The Inspector concluded that the proposal would have a detrimental impact on the character and appearance of the countryside. A copy of the decision letter is **attached**.
- 1.3 A claim by the appellant for costs was also refused.

2. RECOMMENDATION

- 2.1 That members note the outcome of the appeal.



Appeal Decision

Site visit made on 21 June 2010

by Graham Edward Snowden BA BPhil
Dip Mgmt MRTPI

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

The Planning Inspectorate
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Decision date:
25 June 2010

Appeal Ref: APP/H0724/A/10/2124360

Crows Meadow Farm, Dalton Back Lane, Dalton Piercy, Hartlepool TS22 5PG

- 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 J Crow against the decision of Hartlepool Borough Council.
- The application Ref H/2009/0671, dated 24 November 2009, was refused by notice dated 21 January 2010.
- The development proposed is an access road and associated works.

Application for Costs

1. An application for costs was made by Mr J Crow against Hartlepool Borough Council. This application is the subject of a separate decision.

Preliminary Matter

2. The appellant's agent has disputed whether the development in question requires planning permission. Whilst, I am not convinced by the arguments put forward, this is not a matter before me for determination. A valid application has been submitted and permission refused. It is now the subject of this appeal and I shall determine the matter accordingly.

Decision

3. I dismiss the appeal.

Main issue

4. The main issue is the effect of the proposal on the character and appearance of the countryside.

Reasons

5. The proposal involves the creation of a new access linking Dalton Back Lane with livery stables, operated by the appellant. These are currently accessed from a shared access further north. The appeal site is located in an area of rolling countryside occupied by mixed farmland. The boundaries of Dalton Back Lane, a meandering rural thoroughfare, are tightly defined by mature hedgerows, interspersed with trees, which are a characteristic of this attractive rural landscape.
6. Policy GEP1, saved from the Hartlepool Local Plan (Local Plan) sets out general considerations when determining all applications, including the effect on trees,

Appeal Decision APP/H0724/A/10/2124360

hedgerows and other landscape features. Local Plan Policy Rur7 states that, in addition, factors, which should be taken into account in determining applications for planning permission in open countryside, should include the visual impact on the landscape. These local policies reflect government advice in PPS7 Sustainable Development in Rural Areas, which advises that, whilst planning authorities should have a positive framework for facilitating sustainable development, they should also "ensure that the quality and character of the wider countryside is protected and, where possible, enhanced".

7. Whilst the use of "wheelings" would, I accept, minimise the visual impact of the new access track itself, the creation of a new bellmouth adjacent to the highway and the splaying of the fenceline, would interrupt the continuous hedgerow fronting the roadway and introduce an additional "hard" element to the detriment of the rural feel of the area. Whilst a new hedge is proposed, this would take some time to establish and the setback would introduce discontinuity in the continuous hedgeline. I share the Council's concerns regarding the visual impact of this.
8. It is claimed, on the part of the appellant, that the continued use of the existing shared access to the north, will be inadequate, if the latter gives access to proposed camping and caravan development at Brierton Moorhouse. However, the evidence that this arrangement would lead to conflict is, in my view, unconvincing. The existing access is fairly wide and visibility is good, particularly in respect of oncoming nearside traffic from the south. From my observations, Dalton Back Lane is only lightly trafficked and its meandering nature and frequent bends discourages speed. I am also informed that the camping and caravan development would only be permitted if improvements to the existing access are secured through a legal agreement. I do not consider, therefore, that the case put forward for a separate access on the grounds of need or safety are sufficient to outweigh the clear harm to the rural scene, which the proposal would engender.
9. I, therefore, conclude that the proposal would have a detrimental effect on the character and appearance of the countryside at this point, in conflict with Local Plan Policies GEP1 and Rur7.
10. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Graham E Snowdon

INSPECTOR

PLANNING COMMITTEE

16 July 2010



Report of: Director of Regeneration and Neighbourhoods

Subject: APPEAL BY MICHAEL LIDDLE
APPEAL REF: APP/H0724/D/09/2126463
SITE AT: 273 STOCKTON ROAD, HARTLEPOOL,
TS25 5AZ

1. PURPOSE OF REPORT

1.1 To advise members of a planning appeal decision.

2. THE APPEAL

2.1 A planning appeal had been lodged against the refusal of the Local Planning Authority to allow the erection of a first floor extension above the existing garage to the side of the above address.

2.2 The appeal was decided by written representations and dismissed by the Planning Inspectorate. A copy of the decision is set out below.

3. RECOMMENDATION

3.1 That Members note the decision.



Appeal Decision

Site visit made on 1 June 2010

by **Jacqueline North BSc MSc**

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

The Planning Inspectorate
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Decision date:
11 June 2010

Appeal Ref: APP/H0724/D/10/2126463
273 Stockton Road, Hartlepool, TS25 5AZ

- 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 Michael Liddle against the decision of Hartlepool Borough Council.
- The application Ref H/2010/0001, dated 27 December 2009, was refused by notice dated 1 March 2010.
- The development proposed is an extension to the side of the property above an existing garage.

Decision

1. I dismiss the appeal.

Procedural matter

2. There were two sets of plans within the case file, one set showing a series of pencil drawn amendments. The Council has confirmed that these plans were not submitted with the application nor were they taken into consideration in determining the application. Accordingly I shall determine the appeal on the basis of the plans numbered liddle/01 received by the Council on 4 January 2010.

Main issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of adjacent dwellings with particular regard to outlook and potential loss of light.

Reasons

4. No. 273 Stockton Road is a semi-detached dwelling with an attached garage to the side. The proposed extension would be sited above the garage and would taper in from a width of around 3.6m at the front to approximately 1.8m at the rear, following the line of the boundary fence and existing garage. It would project about half way along the depth of the dwelling, and would have a pitched roof. A new flat roof would be added to the remaining area of garage to the rear.
5. Policy GEP1 of the Hartlepool Local Plan, 2006 (LP) sets out general principles for all types of new development and lists matters that will be taken into account when determining planning applications. These include the effect on the living conditions of the occupiers of nearby properties. Similarly LP Policy

Appeal Decision APP/H0724/D/10/2126463

Hsg9 also requires that residential extensions should not significantly affect the amenities of nearby residential occupants.

6. The rear elevations of 2 and 4 Haswell Avenue, containing the windows serving the kitchens and rear bedrooms of these dwellings, face directly onto the site of the proposed extension. There is an existing separation distance of about 7m between the rear windows of No. 2 and the side walls of 273 Stockton Road; this would reduce to approximately 4.5m if the extension was erected. The separation distance between the rear windows of No. 4 and the proposed extension would be about 7m. These distances are well below those recommended in the Council's Supplementary Note 4: *Guidelines for House Extensions* (SN4).
7. At this short distance the considerable scale and height of the extension and its proximity to the boundary would lead it to appear as a large and unpleasantly overbearing addition when seen from the rear windows of 2 and 4 Haswell Avenue. This change in outlook, and the significant reduction in the level of natural light entering the rear windows of Nos. 2 and 4, would be harmful to the living conditions of the occupiers of the adjacent dwellings and would not accord with LP Policies GEP1 and Hsg9.
8. A first floor extension has been erected over the garage at 2 Haswell Avenue. This extension differs from the appeal proposal in that the existing separation distance between the dwellings has not been reduced and the extension faces the blank gable end of 273 Stockton Road. Accordingly it does not significantly affect outlook or the level of daylight at No. 273.
9. Having taken all of the above matters into consideration, I conclude that the proposed extension would be harmful to the living conditions of the occupiers of the adjacent dwellings and would not comply with LP Policies GEP1 and Hsg9 and guidance in SN4.

Jacqueline North

Inspector

PLANNING COMMITTEE

16 July 2010



Report of: Director of Regeneration and Neighbourhoods

Subject: **APPEAL REF: APP/H0724/D/10/2131140**
H/2010/0007
ERECTION OF A REAR SINGLE STOREY
EXTENSION TO PROVIDE GARDEN ROOM,
BATHROOM AND LOBBY
35 THE GREEN ELWICK HARTLEPOOL TS27 3EF

1. PURPOSE OF THE REPORT

1.1 To notify members of a notification of a planning appeal.

2. APPEAL

2.1 To inform Members that a planning appeal has been lodged against the refusal of the Local Planning Authority to grant planning permission for the 'erection of a rear single storey extension to provide garden room, bathroom and lobby at 35 The Green, Elwick, Hartlepool, TS27 3EF.

2.2 The application was refused for the following reason:

"It is considered that the proposed extension, by virtue of its scale and massing, would be unduly large and out of keeping with that of the existing property and as such would be detrimental to the character and appearance of the existing property and would not preserve or enhance the character and appearance of the Elwick Conservation Area, contrary to Policies GEP1, HE1 and Hsg10 of the Hartlepool Local Plan (2006)."

2.3 The appeal is to be decided by the written representations procedure.

3. RECOMMENDATION

3.1 That authority be given to officers to contest the appeal.

PLANNING COMMITTEE

16 July 2010



Report of: Director of Regeneration and Neighbourhoods

Subject: APPEAL BY MRS ALLISON WILLIS
APPEAL REF: APP/H0724/D/09/2131143
SITE AT: 15 WARWICK GROVE, HARTLEPOOL,
TS26 9ND

1. PURPOSE OF REPORT

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

2. THE APPEAL

- 2.1 A planning appeal had been lodged against the refusal of Hartlepool Borough Council to allow the erection of a two storey extension at side to provide garage and utility with bedroom and en suite above (single storey extension to provide kitchen extension at rear and retention of wall and fence to side and front - WITHDRAWN)
- 2.2 The appeal is to be determined by the written representations procedure and authority is therefore requested to contest the appeal.

3. RECOMMENDATION

- 3.1 Authority be given to contest the appeal.

PLANNING COMMITTEE

16 July 2010



Report of: Director of Regeneration and Neighbourhoods

Subject: APPEAL BY: MR PENNICK
APPEAL REF NO: APP/HO724/H/10/2123858
SITE AT: TAIL END FISHERIES, CHURCH STREET,
SEATON CAREW, HARTLEPOOL TS25 1BX

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal decision and to seek authority to secure the removal of the advertisement in question.

2. THE APPEAL

- 2.1 A planning appeal had 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 Planning Inspector dismissed the appeal concluding that the sign is detrimental to the visual amenity of the area, having regard to the location of the site within the Seaton Conservation Area. The decision letter is attached.
- 2.3 In the light of this decision and the fact that the application was for the retention of an existing sign officers will contact the developer in this case to seek the removal of the advertisement by agreement in the first instance. Should this fail authorisation is requested for the Chief Solicitor and Development Control Manager to use any powers necessary to secure its removal.

3. RECOMENDATION

- 3.1 Authority be given to officers to the Chief Solicitor and Development Control Manager to use any powers necessary to serve the removal of the advertisement should negotiations fail to secure its removal by agreement in the first instance.



Appeal Decision

Site visit made on 21 June 2010

**by Graham E Snowdon BA BPhil Dip
Mgmt MRTPI**

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

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**Decision date:
30 June 2010**

Appeal Ref: APP/H0724/H/10/2123858

Tail End Fisheries, Church Street, Seaton Carew, Hartlepool, Teesside TS25 1BX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent
- The appeal is made by Mr Lee Pennick against the decision of Hartlepool Borough Council.
- The application ref H/2009/0530, which was undated, but was received by the Council on 24 September 2009, was refused by notice dated 26 January 2010.
- The advertisement proposed is a wooden sign, advertising Trinity Guest House, types of rooms, contact details and web address.

Decision

1. I dismiss the appeal.

Main Issue

2. The Regulations require that decisions are made only in the interests of amenity and public safety and this is reflected in Policy GEP8, saved from the Hartlepool Local Plan 2006 (Local Plan). There are no arguments before me that the sign, which is already displayed, would be harmful to public safety and I accept this. The main issue, therefore, is the effect of the sign on the visual amenity of the area, having regard to the location of the site within the Seaton Conservation Area.

Reasons

3. Since the site is within the Seaton Conservation Area, I am required to give special attention to the desirability of preserving or enhancing the character or appearance of the area, a duty, which is reflected in Local Plan Policy HE1.
4. The Conservation Area includes much of The Front, facing the sea, which is characterised by modern commercial activity typical of a seaside resort, with a plethora of signage, often colourful and brash and not always confined to fascia areas. In contrast, Church Street, which links The Front with the parish church, is lined with brightly painted C19 terraced housing, taking off the back of footway, and has a distinctive traditional feel. Despite the presence of a few "bed and breakfast" establishments, the street is largely residential in character and signage is generally of a discreet nature. In that context, I consider that the sign is out-of-character and a jarring element in the street scene.

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5. It is also located on the Church Street façade of an attractive, though badly maintained, three storey, three bay property, which retains much of its original C19 character. The sign is a large and prominent feature on the façade and makes little attempt to respect its fenestration pattern or to relate sensitively to the architectural features of the building.
6. I can appreciate the desire of the appellant to advertise his bed and breakfast establishment in a location readily visible to potential patrons on the sea front. However, this desire cannot justify causing harm to the character and appearance of this area, which enjoys special protection.
7. I, therefore, conclude that the sign is detrimental to the visual amenity of the area, having regard to the location of the site within the Seaton Conservation Area, and that the appeal should fail.

G E Snowden

INSPECTOR

PLANNING COMMITTEE

16 July 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 are being investigated. Developments will be reported to a future meeting if necessary:

- 1 A complaint regarding an untidy front garden of a residential property on Hylton Road.
- 2 A neighbour complaint regarding an untidy front garden of a residential property on Farndale Road.
- 3 A complaint regarding erection of stables, commercial equestrian facilities, and outside training arena at a farm on Dalton Back Lane.
- 4 Officer monitoring recorded that a development of new residential properties on Owton Manor Lane had not been carried out in accordance with the approved plans.
- 5 Officer monitoring recorded the erection of a front boundary wall, covered store to the side and various window advertisements on a business premises on Grange Road.
- 6 A neighbour complaint regarding a change of use from commercial to residential of a property on Lowthian Road.
- 7 A neighbour complaint regarding the storage of steel containers and building materials on a car park of a commercial office on Loyalty Road.
- 8 A neighbour complaint regarding a planning condition breach inhibiting the age of tenants occupying apartments on Wynyard.
- 9 A complaint regarding the fixing of razor wire to the top of an existing rear boundary wall of a property on Chatham Road.

- 10 A neighbour complaint regarding the fixing of bamboo sheeting to the top of an existing rear garden fence of a property on Grassholme Road.
- 11 A neighbour complaint regarding the erection of a conservatory to the rear of a property on Ingham Road.
- 12 A neighbour complaint regarding the erection of front porch, canopy and bay window of a property on Claymore Road.
- 13 Officer monitoring recorded the display of banner signs, signs and floodlights on the façade of a Listed Building on Whitby Street.
- 14 A neighbour complaint regarding the increased number of storage steel containers stored on untidy land on Summerhill.
- 15 Officer monitoring recorded the failure to comply with the requirements of a tree planting condition as part of an improved town centre off-street car park.
- 16 A neighbour complaint regarding obscured windows and noise issues at a development at St Hilds School on King Oswy Drive has been investigated. The developer has complied with the requirements of the issued planning approval.
- 17 A neighbour complaint regarding a bouncy castle hire, lawnmower service and repair business operating from a residential property on Nightingale Close.
- 18 Officer monitoring recorded a scrap metal merchant business operating from a residential property on Durham Street.

2. RECOMMENDATION

- 2.1 That Members note the report.