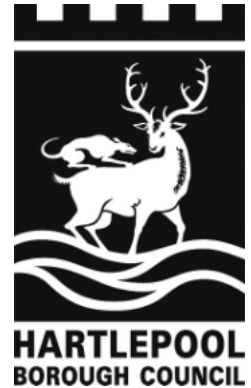


# PLANNING COMMITTEE AGENDA



Friday 5th November 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, Lawton, G Lilley, 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. **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 8 OCTOBER 2010**
4. **ITEMS REQUIRING DECISION**
  - 4.1 Appeal By Mr Richard Taylor - Appeal Ref: APP/H0724/D/10/2137194: Site at 43 Ruswarp Grove, Hartlepool, TS25 2BA - *Assistant Director (Regeneration and Planning)*
  - 4.2 Appeal by Mr William Morgan Site at Sylvan Meadows, The Wynd, Wynyard, TS22 5BF - *Assistant Director (Regeneration and Planning)*
  - 4.3 Appeal by Mr John Turner - Site At Former Garages Site, Land at Rear Of Stanmore Grove, Seaton Carew, Hartlepool - *Assistant Director (Regeneration and Planning)*
  - 4.4 Introduction of Charges for Pre-Application Advice and Monitoring of Planning Legal Agreement - *Assistant Director (Regeneration and Planning)*

- 4.5 Consultation Paper by Department for Communities and Local Government, 'Tree Preservation Orders: Proposals for Streamlining' - *Assistant Director (Regeneration and Planning)*
- 4.6 Update on Current Complaints - *Assistant Director (Regeneration and Planning)*

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

**6. 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 paragraph 5 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006: namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (para 5) and, information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6).

**7. ITEMS REQUIRING DECISION**

- 7.1 Enforcement Action – Car Park to the Rear of Tower Street Apartments, Tower Street, Hartlepool - *Assistant Director (Regeneration and Planning)*
- 7.2 Enforcement Action – Vacant Land on Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool - *Assistant Director (Regeneration and Planning)*
- 7.3 Enforcement Action – 37 Waverley Terrace, Hartlepool - *Assistant Director (Regeneration and Planning)*

**8. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

**9. FOR INFORMATION**

Any site visits requested by the Committee at this meeting will take place at 9.00 am on the morning of the next Scheduled Meeting to be held on Friday 3 December 2010.

# PLANNING COMMITTEE

## MINUTES RECORD

8 October 2010

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

### **Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Kevin Cranney, Pamela Hargreaves, Marjorie James, Trisha Lawton, Geoff Lilley, Francis London, Dr George Morris, Carl Richardson, Lillian Sutheran, Stephen Thomas, Hilary Thompson, Paul Thompson and Ray Wells.

Officers: Damien Wilson, Assistant Director (Regeneration and Planning)  
Chris Pipe, Development Control Manager  
Jim Ferguson, Principal Planning Officer  
Sarah Scarr, Landscape Planning and Conservation Manager  
Heather Deane, Environmental Health Officer  
Steven Wilkie, Landscape Architect Team Leader  
Andrew Carter, Senior Planning Officer  
Kate Watchorn, Commercial Solicitor  
David Cosgrove, Democratic Services Team

### **62. Apologies for Absence**

Councillors Brash and Wright.

### **63. Declarations of interest by members**

Councillor Dr Morris declared a personal interest in Minute No. 65, application H/2010/0426.

Councillor Cranney declared a personal interest in Minutes No. 77

### **64. Confirmation of the minutes of the meeting held on 10 September 2010**

Confirmed.

## **65. Planning Applications** (*Director of Regeneration and Neighbourhoods*)

The Development Control Manager submitted the following applications for the Committee's determination.

The Chairman advised Members that application H/2010/0448 42 Bilsdale Road, Seaton Carew, Hartlepool had been withdrawn by the applicant.

|                       |                                                                                                                             |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------|
| <b>Number:</b>        | H/2010/0426                                                                                                                 |
| <b>Applicant:</b>     | Euro Property Management Limited, 93 Park Road, Hartlepool                                                                  |
| <b>Agent:</b>         | DKS Architects, Mr Craig Stockley, The Design Studio, 22 Ellerbeck Court, Stokesley Business Park, Stokesley, Middlesbrough |
| <b>Date received:</b> | 21/07/2010                                                                                                                  |
| <b>Development:</b>   | Demolition of Station Hotel and erection of two retail units and associated car parking                                     |
| <b>Location:</b>      | STATION HOTEL, STATION LANE HARTLEPOOL                                                                                      |
| <b>Decision:</b>      | <b>Planning Permission Refused</b>                                                                                          |

### **REASONS FOR REFUSAL**

1. On the basis of the information provided and the evidence of the Hartlepool Retail Study 2009 it is considered that the development would be likely to have a significant detrimental impact on the vitality and viability of the Elizabeth Way local centre contrary to policies EC14, EC16 and EC17 of PPS4 and policies Com8 and Com9 of the adopted Hartlepool Local Plan 2006.
2. On the basis of the information provided the applicant has failed to provide a robust sequential assessment to demonstrate that the development, or at least part of it, cannot be accommodated in a sequentially preferable site contrary to policies EC14, EC 15, and EC17 of PPS4 and policies Com8 and Com9 of the adopted Hartlepool Local Plan 2006.

The Committee received representations in relation to this application.

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## 66. Declarations of interest by members

Councillor Hargreaves declared a personal and prejudicial interest in Minute No. 67, application H/2010/0486, and left the meeting during its consideration.

The Committee requested clarification on the declaration of interests when Councillors were appointed to external bodies by Council by way of a report from the Chief Solicitor.

## 67. Planning Applications *(Director of Regeneration and Neighbourhoods)*

The Development Control Manager submitted the following applications for the Committee's determination.

|                       |                                                                                                                                                                                                                                                                                                                  |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Number:</b>        | H/2010/0486                                                                                                                                                                                                                                                                                                      |
| <b>Applicant:</b>     | HOUSING HARTLEPOOL<br>MR STEPHEN BELL, STRANTON, HARTLEPOOL                                                                                                                                                                                                                                                      |
| <b>Agent:</b>         | ARCUS CONSULTING LLP MR, BOBBY CHAKRAVARTHY, 8 RIVERSIDE STUDIOS, AMETHYST ROAD, NEWCASTLE BUSINESS PARK.                                                                                                                                                                                                        |
| <b>Date received:</b> | 18/08/2010                                                                                                                                                                                                                                                                                                       |
| <b>Development:</b>   | Amendment to planning application H/2010/0292 to allow for the re-siting of the dwellinghouses on plots 36 and 37 and the relocation of parking bays                                                                                                                                                             |
| <b>Location:</b>      | LAND AT EASINGTON ROAD, HARTLEPOOL                                                                                                                                                                                                                                                                               |
| <b>Decision:</b>      | <b>Planning Permission Approved subject to the consideration by the Development Control Manager of any further responses received from outstanding consultees and the following conditions. The final decision and consideration of appropriate conditions was delegated to the Development Control Manager.</b> |

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (1520/001G, 1520/004A, 1520/005A, 1520/003A, 1520/012C) and details received by the Local Planning Authority at the time the application

was made valid on 18th August 2010 unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

3. This permission relates to the part of the site identified by the red line shown on plan 1520/004A.  
For the avoidance of doubt.
4. Unless otherwise agreed in writing with the Local Planning Authority no development shall take place unless in accordance with the mitigation detailed within the reports 'Application for a Natural England Bat Licence - Bats Method Statement, Document 1 and Document 2" prepared by E3 Ecology Ltd and submitted to the Local Planning Authority on 4th May 2010 including, but not restricted to; a) adherence to timing and spatial restrictions; b) adherence to precautionary working methods; c) provision of an updated timetable of works; and d) provision of alternative/compensatory roost opportunities.  
To conserve bats and their habitat.
5. Unless otherwise agreed in writing with the Local Planning Authority no development shall commence until a detailed scheme for the diversion, or other means of protection of the public sewers which cross the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved.  
In order to ensure that the public sewers which cross the site are appropriately dealt with.
6. Unless otherwise agreed in writing with the Local Planning Authority a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interests of visual amenity.
7. Any trees/shrubs required to be planted in association with the development hereby approved, and which are removed, die, are severely damaged, or become seriously diseased, within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.  
In the interests of visual amenity.
8. 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.
9. 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 outbuildings other than those expressly authorised by this permission 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.
10. 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 order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
- To enable the Local Planning Authority to exercise control in the interests of visual amenity and highway safety.
12. Unless otherwise agreed in writing with the Local Planning Authority the area(s) indicated for car parking on the plans hereby approved shall be provided before any of the dwellinghouses are occupied and shall 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.
13. Notwithstanding the details submitted, unless otherwise agreed in writing with the Local Planning Authority, details of all bollards, walls, gates, 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 security and visual amenity.
14. In the event that the development is phased, a phasing plan shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter proceed in accordance with the approved phasing plan.
- In order to ensure that any phased development can proceed in an orderly manner and with due regard to the amenity of the occupants of any neighbouring properties.
15. Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development a scheme to incorporate embedded renewable energy generation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details at the time of development.
- In the interests of the environment.
16. Unless otherwise agreed in writing with the Local Planning Authority details of the proposed sheds shall be submitted to and approved in writing by the Local Planning Authority before their erection. Thereafter the development shall be carried out in accordance with the approved details.
- These details were not included in the interests of visual amenity and the amenity of neighbours.

17. Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved a scheme of security measures incorporating 'secured by design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of crime prevention.
18. Unless otherwise agreed in writing with the Local Planning Authority no development shall commence until details of the proposed means of disposal of surface water arising from the development have been submitted to and approved in writing by the Local Planning Authority. The approved development shall thereafter proceed in accordance with the details so approved.  
In order to ensure that surface water is adequately dealt with in the interests of the amenity of the area.

**Number:** H/2010/0524

**Applicant:** Ms Maxine Crutwell  
Hartlepool Borough Council, Civic Centre, Victoria Road,  
Hartlepool

**Agent:** Hartlepool Borough Council, Mr Steven Wilkie, Bryan  
Hanson House, Lynn Street, Hartlepool

**Date received:** 03/09/2010

**Development:** Provision of a concrete in-ground skatepark facility on the  
site of existing five-a-side football court with associated  
lighting, security fencing and landscape works

**Location:** ROSSMERE CENTRE, ROSSMERE WAY,  
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. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 03 09 10 (Drawing No(s) 760/24 L001, 760/24 L002, 760/24 L003), the plans and details received by the Local Planning Authority on 28 09 10 (Drawing No(s) UKS6670), and the floodlighting details received by the Local Planning Authority on 03 09 10 (Drawing No (s) T107RLH/FP and Document Ref:



T107RLH Sheet 1 and 2, Challenger 1 AL5760).

For the avoidance of doubt.

3. The Skate Park and floodlighting hereby approved shall only operate between the hours of 08.30 and 21.00. The Skate Park hereby approved shall be kept locked between the hours of 21.00 and 8.30.

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

4. Notwithstanding the submitted details, prior to the installation of the floodlighting hereby approved details of back shields to be fitted to the floodlights shall 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 and shall be retained as such for the lifetime of the development.

In the interests of highway safety.

The Committee received representations in relation to this matter.

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### **68. Appeal by Easy Skips, Thomlinson Road, Hartlepool (H/2009/0689)** *(Assistant Director (Regeneration and Planning))*

The Development Control Manager reported that a planning appeal had been lodged against the refusal of Hartlepool Borough Council for the variation of condition 3 of planning permission H/2006/0394 to allow the height of the stockpiles on site to extend to a maximum height of 6 metres at Easy Skips, Thomlinson Road. The appeal was to be decided by written representations.

The Environment Agency previously served revocation notices on Easy Skips (NE) Ltd in relation to the waste carrier licence and environmental permit. Easy Skips (NE) Ltd appealed against both notices. Since the submission of the appeal against Hartlepool Borough Council's refusal the two appeals against the Environment Agency had been dismissed which had resulted in the revocation of the companies waste carrier licence and environmental permit being upheld.

The appeal against Hartlepool Borough Council's refusal to allow the height of the stockpiles on site to extend above those previously allowed had therefore been withdrawn as the appellant considers it no longer prudent to pursue this appeal.

#### **Decision**

That the report be noted.

### **69. Easy Skips Enforcement Appeal** *(Assistant Director (Regeneration and Planning))*

The Development Control Manager reported that Easy Skips (NE) Ltd lodged an appeal against the enforcement notice issued by Hartlepool Borough Council. The enforcement notice referred to the unauthorised use of the land

for the deposit and storage of waste materials.

The Planning Inspectorate had timescales for lodging appeals and Easy Skips (NE) Ltd did not submit the appeal in time to arrive before the timescale expired. There was no power to accept a late appeal, or to extend the time for making an appeal. Therefore the Planning Inspectorate refused to accept the appeal against the enforcement notice.

In response to Member questions, the Development Control Manager indicated that the council was investigating some alleged nighttime activity on the site.

**Decision**

That the report be noted.

**70. Locally Important Buildings** (*Assistant Director (Regeneration and Planning)*)

The Landscape Planning and Conservation Manager reported that Hartlepool has some 200 listed buildings. These were properties which had been designated by the Government as structures which were of 'special architectural or historic interest'. English Heritage and the Department for Culture Media and Sport (DCMS) have encouraged the development of Local Lists. While no formal guidance exists for the development and production of a Local List planning guidance encouraged the development of such lists. Locally important buildings were not of national significance, however, they may merit protection because, for example, they are the work of a local architect or have a link to a locally significant historical figure which, although not nationally noteworthy, nevertheless make a contribution to the local sense of place.

It was proposed to develop a list of locally important buildings and the criteria and consultation process to be utilised were set out in the report. It was proposed that the selection of buildings would be carried out by an independent panel. The panel would comprise individuals with specialist knowledge in the field of conservation, architecture or history. Once the panel had compiled the final list owners and occupiers would be notified that their properties were on this list and given an opportunity to comment. The final list would be presented to this Committee for comment prior to being taken to the Portfolio Holder for Community Safety and Housing for agreement.

Members welcomed the proposal to develop the list of locally important buildings. There was, however, concern that such a list should not fetter the council in dealing with untidy and/or derelict buildings that require action or demolition.

**Decision**

That the report be noted.

## **71. Declarations of interest by members**

Councillor Wells declared a personal interest in Minute No. 70, TERRC Facility – Annual Environmental Audit (2009).

## **72. TERRC Facility – Annual Environmental Audit (2009)** *(Assistant Director (Regeneration and Planning))*

Dr Adrian Milton of Scott Wilson, the consultants that had been appointed by the Council to provide planning and environmental advice in respect of Able UK Limited's TERRC site, was present at the meeting and outlined to the Committee the contents of the Annual Environmental Audit for 2009. It was acknowledged that this audit was now ten months old but it had taken some time to confirm some matters with Able UK. The 09/10 audit had already commenced and would be produced much more quickly.

The 2009 report covered the period of construction, rather than dismantling at the Teesside Environmental Reclamation and Recycling Centre ("TERRC site"). Scott Wilson had gained access to much more of the site than was necessary to complete the required report and it was reported that generally, the site and operations were good. There had been some observations made through the inspection and the company had taken on board the recommendations. The only issue that still needed rectifying was drainage as it appeared that no one understood how the drainage system from the old part of the site tied in with the new.

### **Decision**

That the report be noted.

## **73. Update on Current Complaints** *(Assistant Director (Regeneration and Planning))*

Members' attention is drawn to twenty current ongoing issues, which were being investigated. Any developments would be reported to a future meeting if necessary.

### **Decision**

That the report be noted.

## **74. 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 paragraphs 5 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006, namely, (para. 5) information in respect of which a claim to legal professional privilege could be maintained in legal

proceedings; and (para. 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Minute 75 – Enforcement Action – Manor House, Owton Manor Lane, Hartlepool.

Minute 76 – Enforcement Action – 2 St. Pauls Road, Hartlepool.

Minute 77 – Niramax, Thomlinson Road, Hartlepool.

**75. Enforcement Action – Manor House, Owton Manor Lane, Hartlepool** (*Assistant Director (Regeneration and Planning)*) (Para. 5 & 6)

The Development Control Officer reported on potential enforcement action, should this be required, in respect of the untidy condition of the Manor House, Owton Manor Lane, Hartlepool, by way of issuing a Section 215 Notice. Further details were set out in the exempt section of the minutes.

**Decision**

That a period of two months from the date the notice takes effect be given for compliance with the steps specified in the exempt section of the minutes.

**76. Enforcement Action – 2 St Pauls Road, Hartlepool** (*Assistant Director (Regeneration and Planning)*) (Para. 5 & 6)

The Development Control Officer reported on potential enforcement action should this be required in respect of the untidy condition of 2 St. Paul's Road, Hartlepool, by way of issuing a Section 215 Notice. Further details were set out in the exempt section of the minutes.

**Decision**

That a period of two months from the date the notice takes effect be given for compliance with the steps specified in the exempt section of the minutes.

**77. Niramax, Thomlinson Road, Hartlepool** (*Assistant Director (Regeneration and Planning)*) (Para. 5 & 6)

The Assistant Director (Regeneration and Planning) updated members on the current position with regard to ongoing consideration of matters in relation to the Niramax operations at the Longhill Landfill site, Thomlinson Road. Further details were set out in the exempt section of the minutes.

**Decision**

That the approach taken by officers be endorsed and that authority be given to the Development Control Manager, in consultation with the Chair of the Committee, to commence enforcement proceedings, should they be deemed

necessary, to ensure the cessation of waste disposal at and the restoration of the site.

The meeting concluded at 12.30 p.m.

CHAIR

## PLANNING COMMITTEE

5 November 2010



**Report of:** Assistant Director (Regeneration and Planning)

**Subject:** APPEAL BY MR RICHARD TAYLOR  
APPEAL REF: APP/H0724/D/10/2137194  
SITE AT: 43 RUSWARP GROVE, HARTLEPOOL,  
TS25 2BA

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### 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 to side to provide garage with master bedroom, dressing room and en suite and erection of a single storey extension at side/rear to provide lounge, dining room, kitchen, utility and store extension and provision of canopy to front.

2.1 The appeal is to be determined by the Householder Appeals Service and the authority is therefore requested to contest the appeal.

### 3. RECOMMENDATION

3.1 Authority be given to contest the appeal.

## PLANNING COMMITTEE

5 November 2010



**Report of:** Assistant Director (Regeneration and Planning)

**Subject:** APPEAL BY MR WILLIAM MORGAN SITE AT SYLVAN MEWS, THE WYND, WYNYARD, TS22 5BF

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of an appeal against the refusal of an application (H/2010/0339) for the use of four apartments at Sylvan Mews, currently restricted to occupation by persons aged 55 years and over, for general occupation.
- 1.2 The appeal will be dealt with by written representations. Authority to contest the appeal is requested.

### 2. RECOMMENDATION

- 2.1 That members authorise officers to contest this appeal.

## PLANNING COMMITTEE

5 November 2010



**Report of:** Assistant Director (Regeneration and Planning)

**Subject:** APPEAL BY MR JOHN TURNER  
SITE AT FORMER GARAGES SITE, LAND AT REAR  
OF STANMORE GROVE, SEATON CAREW,  
HARTLEPOOL

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### 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 has been lodged against the refusal of Hartlepool Borough Council to allow outline planning consent for the erection of two detached dwellings with detached garages at land to the rear of Stanmore Grove.

2.2 The appeal is to be determined by written representations procedure.

### 3. RECOMMENDATION

3.1 Authority be given to contest the appeal.



## PLANNING COMMITTEE

5 November 2010



**Report of:** Assistant Director (Regeneration and Planning)

**Subject:** Introduction of Charges for Pre-Application Advice & Monitoring of Planning Legal Agreement

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### 1. PURPOSE OF REPORT

- 1.2 To seek approval in principle to the introduction of a charging policy for pre-application advice and for the monitoring of legal agreements associated with planning consents.

### 2. BACKGROUND

#### Pre-Application Advice

- 2.1 In the current financial climate and with the Government encouraging pre-application discussions between developers and the Council it is considered that an ever increasing workload is putting pressure on Development Control Teams. It should be noted that a significant amount of Councils are now charge for pre-application advice.
- 2.2 The Development Control Team currently offers a free advisory service (the 'One Stop Shop') to enable proposals to be considered informally before applications are submitted. The advisory service identifies any consent's required for the development proposed and how to apply for them. The Council strongly encourages use of the service as it may help to 'iron out' any potential problems and therefore deal with an application more efficiently. The service also provides a letter should planning permission not be needed this can be useful should a property/piece of land be sold in the future. The One Stop Shop is part of a positive and proactive planning process, although it is non-statutory.

- 2.3 The workload associated with the provision of this service is significant (approximately 50% of planning officers workload), for example in 2009/2010 there were 780 planning applications received and 791 One Stop Shop enquiries. To date informal enquiries again outnumber formal planning applications.
- 2.4 Potential applicants are not obliged to seek pre-application advice, although the Government does encourage early discussions. Pre-application advice cannot bind the local planning authority to a particular outcome, in the event of a formal planning application. Any pre-application advice that has been given will be taken into account if a subsequent planning application is made, however any advice given is not legally binding upon the Local Planning Authority and does not constitute a formal decision.
- 2.5 The benefits of obtaining informal advice include the following:
- Assisting in the preparation of proposals before formal submission, which, if the advice is followed, should reduce any unexpected delays and be more likely to result in a positive outcome;
  - Gain a clear understanding of the objectives of and constraints on development;
  - Raise the quality of proposals;
  - Save time and money thereby increasing efficiency;
  - Reduce the number of invalid applications;
  - Reduce the need for planning conditions that could delay implementation;
  - Establish a degree of certainty to developers over their proposal;
  - Indicating those proposals that are completely unacceptable, so saving the cost of pursuing a formal application;
  - Identify if specialist input will be required.
- 2.6 Although there are benefits of obtaining informal advice it is considered that there could be both positive and negative implications in terms of charging for such a service. Positive implications could include an increase in income generation and a potential decrease in workload which is currently considered to be over capacity for officers. Negative implications could include an increase in unauthorised development, thus leading to an increase in planning enforcement workload, an increase in invalid applications, an increase in poor quality application submissions, potential impact on timescales for determination of application and a potential increase in appeals. These factors would need to be carefully monitored to ensure that the other functions associated with Development Control would not be compromised.
- 2.7 It is considered that the service Development Control currently offer is very good and benefits developers substantially, however it is also considered that the cost of providing this service could be recovered directly and not fall as a general cost to the Council taxpayer. The current statutory planning fees do not cover the cost of pre-application planning advice. A consultation paper for a new draft planning policy statement prepared in December 2009 reiterated the usefulness of pre-application advice and proposes charging for a pre-application service, however a decision has not yet been made.

- 2.8 A local planning authority has the power to charge for services provided in the form of pre-application discussions under Section 93 of the Local Government Act 2003. Where a local authority opts to charge a fee for the pre-application phase, any charge must be on a not for profit basis and over the course of each year, the income from charges for such services must not exceed the cost of providing them.
- 2.9 A schedule of fees will be prepared for Member approval should Members agree in principle to charging for pre-application advice. It is anticipated that the scale of charges would reflect the nature of the development i.e. a householder wishing to erect a conservatory would not be expected to pay the same amount as a proposed scheme for a major industrial development, however further thought is needed as to the potential scale of fees.

#### Monitoring of Legal Agreements

- 2.10 Circular 05/2005: Planning Obligations (Para B50) advises local authorities to carefully monitor all legal agreements. Once planning obligations have been agreed, it is important that they are implemented or enforced in an efficient and transparent way, in order to ensure that contributions are spent on their intended purpose and that the associated development contributes to the sustainability of the area. This will require monitoring by local planning authorities, which in turn may involve joint-working by different parts of the authority.
- 2.11 There are two aspects to monitoring and managing legal agreements (section 106 agreements) these being:
- Financial monitoring and management of the monies associated with receiving the income, and;
  - Physical monitoring.
- 2.12 The Development Control Team currently has the post of a Monitoring Officer in place for monitoring of the fulfilment of the obligations. This post also monitors compliance with planning conditions, which are already subject to statutory discharge of planning condition charge.
- 2.13 As with pre-application advice other Councils have implemented a charge for the monitoring and management of legal agreements. A schedule of fees will be prepared for Member approval should Members agree in principle to charging for this service.

### **3. RECOMMENDATION**

- 3.1 Members agree in principle to charging for pre-application advice and monitoring of legal agreements.

## PLANNING COMMITTEE

5 November 2010



**Report of:** Assistant Director (Regeneration and Planning)

**Subject:** CONSULTATION PAPER BY DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT, 'TREE PRESERVATION ORDERS: PROPOSALS FOR STREAMLINING'

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### 1. PURPOSE OF REPORT

- 1.1 To provide information regarding the consultation paper by the Department for Communities and Local Government (DCLG), 'Tree preservation orders: proposals for streamlining', and details of the response by Officers.

### 2. BACKGROUND

- 2.1 The consultation paper seeks views on proposals to consolidate the provisions currently contained in regulations and tree preservation orders (TPOs) in England into one universal set of new regulations. At the same time it is proposed to introduce revisions to streamline the regime, reduce the administrative burden of the TPO system (particularly on local authorities) and make it a fairer system which is easier for tree owners to use.
- 2.2 The TPO system has provided the principal regulatory means for protecting trees since 1947. Tree preservation orders are made and managed locally by the relevant local planning authority. The aim is to protect trees, largely those of amenity value to local communities, including but not exclusively those under threat from new development.
- 2.3 Tree preservation orders mainly relate to trees on private property, including domestic gardens, and therefore can limit what landowners want to do with a tree or trees on their property. Over time, the TPO system has become cumbersome and fragmented as changes have been made that apply only to certain TPOs, depending on when they were made.
- 2.4 This consultation does not change the level of protection provided to trees but consolidates and simplifies existing provisions. The Department does not want the process for making and administering TPOs to be any more

complicated or costly than it has to be, either for those affected by TPOs or their local Council.

### 3. THE PROPOSED CHANGES

#### 3.3 The main changes are:

- Simplify all existing TPOs by bringing them into line with the new model order.
- A new, shorter and easier to understand model order for all future TPOs – comprising a list of trees and a map identifying the trees protected.
- Scrapping the requirement for a separate direction to provide urgent protection for threatened trees – by giving all new TPOs immediate provisional effect.
- Reduced requirements on authorities to publicise new TPOs – to be limited to owners and occupiers of the land where the trees are situated and anyone else known to have the right to cut or fell the trees.
- Clarifying the exemptions for making an application for works to a protected tree – to remove ambiguity and reduce disputes between owners and local planning authorities.
- Adopting one system for the duration of consents for works to protected trees and for the revocation of consents.
- Increased local flexibility to provide consents for regular work to protected trees – to save the need for repeat applications from tree owners.
- Using conditions, rather than directions, to secure any necessary replacement planting in woodlands.
- Bringing all compensation provisions into line with the provisions in the 1999 Regulations.

3.2 Questions on which input is sought are raised throughout the consultation document, and are repeated on a questionnaire contained in Annex E of the document. A full copy of the consultation document and questionnaire can be downloaded at <http://www.communities.gov.uk/publications/planningandbuilding/treestreamliningconsult>

Attached at Appendix 1 is a copy of the Officer responses to the questions posed.

- 3.3 In summary Officers agreed with the proposals to consolidate and streamline the tree preservation order system.

#### **4 RECOMMENDATION**

- 4.1 That the Committee notes the paper and the response.

**APPENDIX 1**

# Consultation response form

## Tree preservation orders: proposals for streamlining

The questions on which we would particularly like your views are repeated below. This form is available on the CLG website, with an electronic version of the consultation paper at: [www.communities.gov.uk](http://www.communities.gov.uk)

|                 |                                                                                                    |
|-----------------|----------------------------------------------------------------------------------------------------|
| Name:           | Derek Wardle<br>Tony Dixon                                                                         |
| Organisation:   | Hartlepool Borough Council                                                                         |
| Address:        | Landscape Planning & Conservation<br>Bryan Hanson House<br>Hanson Square<br>Hartlepool<br>TS24 7BT |
| E-mail address: | landscape.planning@hartlepool.gov.uk                                                               |

| <b>Section 2: Consolidating the tree preservation order system</b>                                                                          |     |          |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----|----------|
| Q.1 Will the proposal to consolidate legislation and introduce one system for TPOs benefit tree owners and local planning authorities?      | Yes | <b>X</b> |
|                                                                                                                                             | No  |          |
| Explanation/comment:                                                                                                                        |     |          |
| Q.2 Will bringing all existing and future TPOs into the same shorter format be clearer for tree owners and help local planning authorities? | Yes | <b>X</b> |
|                                                                                                                                             | No  |          |
| Explanation/comment:                                                                                                                        |     |          |



|                                                                                                                                                                                                                        |     |          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------|
| <b>Section 3: Streamlining the system</b>                                                                                                                                                                              |     |          |
| <b><i>Provisional effect of a TPO</i></b><br>Q.3 Is the proposed provisional protection helpful to local planning authorities and, given the interests of tree owners, fair and reasonable?                            | Yes | <b>X</b> |
|                                                                                                                                                                                                                        | No  |          |
| Explanation/comment:                                                                                                                                                                                                   |     |          |
| <b><i>Informing interested parties</i></b><br>Q.4 Is the proposed minimum notification of new or varied TPOs targeting the right people?                                                                               | Yes | <b>X</b> |
|                                                                                                                                                                                                                        | No  |          |
| Explanation/comment:                                                                                                                                                                                                   |     |          |
| <b><i>Exceptions to the need for obtaining consent</i></b><br>Q.5 Are the proposals to remove the current exemption for work to dying trees and limiting work to dangerous trees useful clarification, and reasonable? | Yes | <b>X</b> |
|                                                                                                                                                                                                                        | No  |          |
| Explanation/comment:                                                                                                                                                                                                   |     |          |

|                                                                                                                                                           |     |          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------|
| <p><b>Consents</b></p> <p>Q.6 Do you agree that the power to vary or revoke consents for work under TPOs made before 2 August 1999 should be removed?</p> | Yes | <b>X</b> |
|                                                                                                                                                           | No  |          |
| <p>Explanation/comment:</p>                                                                                                                               |     |          |
| <p>Q.7 Is a default period of one year for the duration of consents reasonable?</p>                                                                       | Yes | <b>X</b> |
|                                                                                                                                                           | No  |          |
| <p>Explanation/comment:</p>                                                                                                                               |     |          |
| <p>Q.8 Will the opportunity to consider repeated operations, or programmes of work, assist tree owners in their management of protected trees?</p>        | Yes | <b>X</b> |
|                                                                                                                                                           | No  |          |
| <p>Explanation/comment:</p>                                                                                                                               |     |          |

|                                                                                                                                                           |     |          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------|
| <p><b>Planting replacement trees</b></p> <p>Q.9 Is the proposed change to secure planting of replacement trees in woodlands by conditions reasonable?</p> | Yes | <b>X</b> |
|                                                                                                                                                           | No  |          |
| <p>Explanation/comment:</p>                                                                                                                               |     |          |
| <p><b>Compensation</b></p> <p>Q.10 Are the proposed changes with regard to compensation fair and reasonable?</p>                                          | Yes | <b>X</b> |
|                                                                                                                                                           | No  |          |
| <p>Explanation/comment:</p>                                                                                                                               |     |          |
| <p><b>General</b></p> <p>Q.11 Do you have any further comments to make about the draft regulations?</p>                                                   | Yes |          |
|                                                                                                                                                           | No  | <b>X</b> |
| <p>Comment:</p>                                                                                                                                           |     |          |

| <b>Section 4: Draft impact assessment</b>                                                                                           |     |          |
|-------------------------------------------------------------------------------------------------------------------------------------|-----|----------|
| Q.12 Do you have any general comment of the outcomes predicted in the impact assessment, particularly about the costs and benefits? | Yes |          |
|                                                                                                                                     | No  | <b>X</b> |
| Explanation/comment:                                                                                                                |     |          |
| Q.14 Are there any benefits to the 'do nothing' option of not consolidating regulations and creating a unified system for TPOs?     | Yes |          |
|                                                                                                                                     | No  | <b>X</b> |
| Explanation/comment:                                                                                                                |     |          |

## PLANNING COMMITTEE

5 November 2010



**Report of:** Assistant Director (Regeneration and Planning)

**Subject:** UPDATE ON CURRENT COMPLAINTS

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### 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 Councillor's complaint regarding the erection of a boundary fence to the side of a property on Jaywood Close.
- 2 Officer monitoring recorded the untidy condition of a car park to the rear of rented apartments on Tower Street.
- 3 A resident complaint regarding the extraction of trees and shrubs from an existing greenbelt located within a housing development on Middle Warren.
- 4 Officer monitoring recorded the untidy condition of a vacant residential property on St Pauls Road.
- 5 Officer monitoring recorded the untidy condition of a fire damaged property on Owton Manor Lane.
- 6 A Councillor's complaint regarding a takeaway on Oxford Road open to customers outside its permitted opening hours.
- 7 Officer monitoring recorded the erection of a retaining wall to the rear of a property on Egerton Road.
- 8 Officer monitoring recorded a double garage and kitchen extension under construction not in accordance with approved plans at a property on Stockton Road.
- 9 A neighbour complaint regarding the erection of brick wall to the rear of a property in Pinewood Close. The permitted development rights have been removed on this estate.

- 10 Officer monitoring recorded the display of a development signboard in breach of a three year temporary time limit linked to advertisement consent on land at the entrance to Queens Meadow Business Park Stockton Road.
- 11 A neighbour complaint regarding the erection of 1.8m (6ft) high wall to the front of a property on South Parade.
- 12 Officer monitoring recorded a captive balloon moored at a commercial property on Park Road.
- 13 A neighbour complaint regarding the untidy condition of a nursing home site on West View Road.
- 14 Officer monitoring recorded the linking of three commercial properties into one on Raby Road.
- 15 A neighbour complaint regarding the erection of a large garage/workshop to the rear of a property on Glendale Avenue.
- 16 Officer monitoring recorded the increase of advert and directional signs displayed in the gardens and carpark of a public house on Stockton Road.
- 17 A neighbour complaint regarding the construction of a new chimney on the flat roof of a property on Wooler Road.
- 18 Officer monitoring recorded the erection of a marquee within the rear garden of a public house in Hart.

## **2. RECOMMENDATION**

- 2.1 Members note this report.