

PLANNING COMMITTEE AGENDA



Friday, 3 December 2010

At 10.00 am

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. MINUTES

3.1 To confirm the minutes of the meeting held on 5 November 2010

4. ITEMS REQUIRING DECISION

4.1 Planning Applications (*Assistant Director (Regeneration and Planning)*)

1. H/2010/0543 Cecil House, Loyalty Road, Hartlepool
2. H/2010/0625 Ashfield Farm, Dalton Piercy Road, Dalton Piercy, Hartlepool
3. H/2008/0675 Easy Skips, Thomlinson Road, Hartlepool

4.2 Appeal by BNP Paribas Securities Services Trust Company (Jersey) Limited and BNP Paribas Securities Services Trust Company Limited As Trustees Of The Threadneedle Property Unit Trust Site At Units 1 And 2 Burn Road Hartlepool TS25 (H/2010/0245) (*Assistant Director (Regeneration and Planning)*)

- 4.3 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)*)
- 4.4 Appeal by Mr A Henderson, Navigation Point, Hartlepool Marina (*Assistant Director (Regeneration and Planning)*)
- 4.5 Update on Current Complaints (*Assistant Director (Regeneration and Planning)*)
- 4.6 Permitted Development Changes 2008 (*Assistant Director (Regeneration and Planning)*) – to follow

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

EXEMPT ITEMS

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

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

7. **FOR INFORMATION**

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of Friday, 3 December 2010 at 9.30 am

Next Scheduled Meeting – Friday, 7 January 2011 at 10.00 am in the Council Chamber, Civic Centre, Hartlepool

PLANNING COMMITTEE

MINUTES

5 NOVEMBER 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, Hilary Thompson, Paul Thompson and Edna Wright.

Also Present: In accordance with Council Procedure Rule 4.2;
Councillor Sheila Griffin as substitute for Councillor Stephen Thomas,
Councillor Sarah Maness as substitute for Councillor Stephen Akers-Belcher.

Officers: Chris Pipe, Development Control Manager
Jim Ferguson, Principal Planning Officer
Tony Dixon, Arboricultural Officer
Adrian Hurst, Principal Environmental Health Officer
Kate Watchorn, Commercial Solicitor
David Cosgrove, Democratic Services Team

78. Apologies for Absence

Councillors Stephen Akers-Belcher, Jonathan Brash, Stephen Thomas and Ray Wells.

79. Declarations of interest by members

None.

80. Confirmation of the minutes of the meeting held on 8 October 2010

Minute 66 'Declarations of Interest by Members'. Members commented that the minute did not reflect that the declaration was incorrect following the advice given to the Member. Subject to that amendment the minutes were confirmed.

81. Appeal By Mr Richard Taylor - Appeal Ref: APP/H0724/D/10/2137194: Site at 43 Ruswarp Grove, Hartlepool (*Assistant Director (Regeneration and Planning)*)

The Committee was advised that a planning appeal had been lodged against the refusal of Hartlepool Borough Council to allow the Erection of a two storey extension to the side of the property to provide a 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. The appeal was to be determined by the Householder Appeals Service and the authority was, therefore, requested to contest the appeal.

Decision

That the Assistant Director (Regeneration and Planning) be authorised to contest the appeal.

82. Appeal by Mr William Morgan Site at Sylvan Mews, The Wynd, Wynyard (*Assistant Director (Regeneration and Planning)*)

The Committee was advised that 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. The appeal would be dealt with by written representations and authority to contest the appeal was requested.

Decision

That the Assistant Director (Regeneration and Planning) be authorised to contest the appeal.

83. Appeal by Mr John Turner - Site At Former Garages Site, Land at Rear Of Stanmore Grove, Seaton Carew, Hartlepool (*Assistant Director (Regeneration and Planning)*)

The Committee was advised that a planning appeal had been lodged against the refusal of the Council to allow outline planning consent for the erection of two detached dwellings with detached garages at land to the rear of Stanmore Grove. The appeal was to be determined by the written representations procedure and authority to contest the appeal was requested.

Decision

That the Assistant Director (Regeneration and Planning) be authorised to contest the appeal.

84. Introduction of Charges for Pre-Application Advice and Monitoring of Planning Legal Agreement (*Assistant Director (Regeneration and Planning)*)

The Development Control Manager sought the Committee's 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.

In the current financial climate and with the Government encouraging pre-application discussions between developers and the Council it was considered that an ever increasing workload was putting pressure on Development Control Teams. A significant number of other local Councils were now charging for pre-application advice.

Hartlepool's Development Control Team currently offered a free advisory service (the 'One Stop Shop') to enable proposals to be considered informally before applications were submitted. While encouraging the use of the One Stop Shop, pre application work currently accounted for 50% of planning officers workloads.

Applicants were not obliged to seek pre-application advice and indeed departments were not statutorily bound to provide a service like the 'one stop shop'. There were, however, distinct benefits to providing such a service and these were highlighted within the report. While charging for such a service could bring in additional income to the authority, it could have a number of negative affects, including unauthorised development and poor quality applications being submitted.

A decision in principle only was requested as further detailed investigation needed to be undertaken including the drafting of a potential scale of charges.

The Development Control Manager also reported that the Development Control Team currently had a post of Monitoring Officer which monitored and managed legal agreements attached to planning applications (S.106 Agreements). It was proposed in the report that a 'in principle' approval be given to charging for this work with a schedule of fees being submitted to a future meeting.

Members questioned if the pre-application advice could be subsequently discounted from the planning application fee. Officers indicated that that would need to be investigated further as the fees were set by statute. Several Members voiced concern at the introduction of pre-application fees particularly for householders as they were concerned that there would be an increase in planning enforcement and unregulated building work. There was support for the introduction of fees for larger developments as members considered that developers should contribute for the advice they received, rather than using the council as a free planning advice consultant.

There was a question of whose actual decision the implementation of fees was; this committee or the relevant portfolio holder. Members did feel that in any event, the Planning Committee should comment on whatever fees were proposed.

In relation to the introduction of fees for the monitoring and management of legal agreements, Members indicated their support for such an approach. Members particularly noted that this service frequently ensured the gaining of finance for other sections of the authority without any financial benefit for the Development Control Team.

After debating the potential benefits and costs of the proposals, members supported the recommendation in principle subject to the submission of a further detailed report on the charging structures and the fees charged by other authorities and the income raised to provide comparator information.

Decision

That the Committee supports, in principle, the introduction of charges for pre-application planning advice and for the monitoring of legal agreements, subject to a detailed report being submitted to a future meeting of the committee setting out the potential charges, anticipated income and comparisons with other authorities that had already introduced similar fees.

85. Consultation Paper by Department for Communities and Local Government, ‘Tree Preservation Orders: Proposals for Streamlining’ (*Assistant Director (Regeneration and Planning)*)

The Development Control Manager outlined the main aspects of a consultation paper issued by the Department for Communities and Local Government (DCLG), ‘Tree preservation orders: proposals for streamlining’, and details of the response by proposed by officers. The consultation paper sought 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 was 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 was easier for tree owners to use.

Members suggested that the council should have been more proactive in the past in instigating TPO’s and should be using new technology now to identify trees that should be preserved. With the process being left in the hands of landowners it was frequently too late to issue a TPO as ‘significant’ trees had already been felled. Members did comment that trees tended to be at risk when properties were bought and sold. Officers did indicate that any TPO’s would be highlighted during a property land search, so buyers would be made aware of their existence. Ignorance of a TPO was not a defence in a prosecution against those who had felled or damaged a protected tree.

There was also concern expressed at the reduced publicity required through the new regulations. Officers indicated that neighbouring properties would be advised it would be the wider consultation burden that would be reduced.

Decision

That the report be noted and the consultation response approved for submission.

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

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

Councillors James and London sought further details of the issue of the takeaway on Oxford Road opening to customers outside its permitted hours.

Decision

That the report be noted.

87. 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 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).

Minute 88 – Enforcement Action – Car Park to the Rear of Tower Street Apartments, Tower Street, Hartlepool.

Minute 89 – Enforcement Action – Vacant Land on Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool.

Minute 90 – Enforcement Action – 37 Waverley Terrace, Hartlepool.

88. Enforcement Action – Car Park to the Rear of Tower Street Apartments, Tower Street, Hartlepool (*Assistant Director (Regeneration and Planning)*)

The Development Control Manager reported on potential enforcement action, should it be required, in respect of an untidy car park to the rear of Tower Apartments, Tower Street, by way of issuing a Section 215 Notice.

Decision

Details of the Committee' decision is set out in the exempt section of the minutes.

89. Enforcement Action – Vacant Land on Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool
(Assistant Director (Regeneration and Planning))

The Development Control Manager reported on potential enforcement action, should it be required, in respect of the untidy condition of vacant land on Sandgate Industrial Estate, Mainsforth Terrace, by way of issuing a Section 215 Notice.

Decision

Details of the Committee' decision is set out in the exempt section of the minutes.

90. Enforcement Action –37 Waverley Terrace, Hartlepool
(Assistant Director (Regeneration and Planning))

The Development Control Manager reported on urgent enforcement action was authorised by the Chair of Planning Committee and Director of Regeneration and Neighbourhoods in respect of the sitting of a partial stripped caravan and untidy front garden at 37 Waverley Terrace, by way of issuing a Section 215 Notice.

Decision

That the report be noted.

91. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B)(4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

92. Odeon Cinema, Raby Road – Emergency Works
(Development Control Manager)

The Development Control Officer requested that the Committee consider authorising officers to not exercise powers under the Planning (Listed Buildings and Conservation Areas) Act 1990, and note that Section 77 of the 1984 Building Act powers could be used as an alternative, if they were required, to request that works were carried out to the Odeon Cinema, Raby Road.

Decision

Details of the Committee' decision is set out in the exempt section of the minutes.

The meeting concluded at 11.00 a.m.

CHAIR

No: 1
Number: H/2010/0543
Applicant: CECIL M YUILL LTD LOYALTY ROAD HARTLEPOOL TS25 5BD
Agent: CECIL M YUILL LTD CECIL HOUSE LOYALTY ROAD HARTLEPOOL TS25 5BD
Date valid: 22/09/2010
Development: Demolition of office building and erection of 25 detached, semi detached and terraced dwellings with associated roads, sewers and landscaping AMENDED PLANS RECEIVED
Location: CECIL HOUSE LOYALTY ROAD HARTLEPOOL

The Application and Site

1.1 Full planning permission is sought for the erection of 25 detached, semi detached and terraced houses. The properties will consist of 6 four bed houses, 11 three bed houses, 5 two bed houses and one two bed room bungalow suitable for a wheelchair user. The houses will largely be arranged around a spine road with access taken from Loyalty Road in the north west corner of the site. Houses fronting onto Loyalty Road will have direct vehicular access onto Loyalty Road. The site will accommodate on site parking on drives and in garages.

1.2 The application site is currently occupied by an office building, associated landscaping and car parking. It is the head office of Yuill Homes Ltd. The office block is located on the western side of the site fronting onto Loyalty Road. In front (west) of the office building is a landscaped area of grass, shrubs, trees with an existing vehicular access and some visitor parking. To the rear (east) of the office block is the main parking area which benefits from mature well-established landscaping which includes semi mature trees, shrubs and hedges. The site also encompasses an area of land outside the boundary fence of the car park which fronts onto Belle Vue Way to the south and south east corner of the site. This part of the site is a landscaped area of grass and trees between the public road/footpath and the car park boundary fence. No development is proposed in this area. The site also encompasses a grassed area adjacent to 11 Burnaby Close upon which it is proposed to erect a bungalow.

1.3 The application site is bounded to the west by Loyalty Road on the other side of which are two-storey dwellinghouse, to the north and east by the rear gardens of bungalows fronting Burnaby Close, to the south by Belle Vue Way and to the southwest by the rear gardens of dwellinghouses fronting onto Travellers Gate.

1.4 A supporting statement submitted with the application advises that the application has arisen out of the need for the applicant to consider the operational future of Cecil House. The building is outdated and is becoming increasingly unsustainable in terms of maintenance, space requirements, cost effectiveness and energy efficiency. Of the options open to the applicant, modernisation, rebuilding, or relocating preferably within Hartlepool (with Cecil House redeveloped for housing)

the applicant considers the latter the most feasible. The applicant considers the proposal for housing is the most appropriate land use in this residential area and that the relocation of the companies Headquarters will have positive regeneration benefits.

Recent Planning History

1.5 In June 2005 an application for the erection of 19 detached houses on the site was approved. This application was not implemented and expired in June 2010. (H/2005/5245)

1.6 An application for the erection of 32 dwellings on the site was withdrawn on 7th February 2005 when concerns were raised in relation to the principle of the development, design, density and layout, the loss of trees, highway issues and amenity. (H/FUL/1024/04).

Publicity

1.7 The original proposed plans were advertised by way of neighbour letters (32), site and press notices. Eight representations were received. Three letters of no objection. Five letters of objection. The period for publicity has expired.

1.8 One of those not objecting asks for reassurance in relation to the maintenance of the trees and a hedge within the site

1.9 The objectors raise the following issues:

1. Highway safety/increased traffic/congestion.
2. Request parking restrictions
3. Could access for properties fronting loyalty road be from rear or Loyalty road made one way.
4. Bungalow out of character should be turned with access provided from Burnaby
5. Close for amenity and safety reasons.
6. Overlooking/visual intrusion
7. Contamination
8. Loss of incidental open space used by children, developer should provide play area.
9. Adequacy of infrastructure (drainage/flood risk and poor water pressure)
10. Encroachment due to movement of fence along A689.
11. Loss of trees.

Copy letters B

1.10 Amended plans have subsequently been received and neighbours have been re-consulted.

Consultations

1.11 The following consultation replies have been received:

Hartlepool Water : Comments awaited.

Landscape Planning & Conservation : Given the relatively modern age of the building and its location it would fall outside of the requirement for a bat survey though as it involves the demolition of a large building then it would be sensible to issue an informative with any permission which flags up the potential for bats to be present in most buildings and gives guidance on what to do if they are found.

I have seen several schemes for this site previously and my only concern was that any small trees that were lost to accommodate the new layout would be replaced with species of a similar size and character within the same vicinity so as not to deprive existing residents of any amenity that they provide and to provide for the long term tree cover in this area.

My views are still the same and whereas I accept the loss of some of the trees on this site to accommodate the new layout, it is important that suitable landscaping is also included within this development and in this respect the following landscape conditions should be implemented.

Engineering Consultancy : I have reviewed the Ground Investigation Report submitted with the application. Based on this review, I request that our standard contaminated land condition is imposed on any permission. I have provided further details below:

- The Report (Scott Doherty Associated, dated October 2009 Ref SDA/09088/FINAL) includes a combined desk study and site investigation report.
- The desk study includes a site walkover study, consideration of the site history and environmental setting.
- The site investigation includes the drilling of 8no. boreholes to depths of between 3 to 4m below ground level. Gas monitoring standpipes were installed in four of the boreholes and monitoring of gas levels was undertaken on one occasion.
- 4no. topsoil, 6no. made ground and 3no. natural ground samples were subject to a suite of chemical tests including heavy metals, inorganic and organic determinants including speciated PAH/TPH. The report compares the testing levels in accordance with current industry guidance. From the assessment, raised benzo(a)pyrene (considered carcinogenic) was recorded in both existing topsoil and made ground materials. Scott Doherty subjected the results to statistical analysis which showed benzo(a)pyrene levels still above an unacceptable level.
- The report concludes stating that further investigation work is required to characterise the topsoil further. The report suggesting a series of exploratory trial pits and a further 6no. topsoil samples subject to analysis. The report also states that further ground gas monitoring is required in order to make a meaningful risk assessment.

I would agree with the assessment/discussion provided in the report. The formulation of the conceptual site model and consideration of the various pollution linkages identifies potential unacceptable risks with existing subsoil/made ground materials

and uncertainties regarding existing topsoil materials. The report makes plausible recommendations for further site investigation works. Given that the report recommends utilising a capping system, and given the uncertainties of utilising existing topsoil materials, a degree of remediation and validation is likely (subject to the findings of any further investigation works). A section 80 notice will be required covering the demolition of the building.

Traffic & Transportation : There are concerns with the parking arrangements for the section of terraced housing on this development.

There have been 13 parking spaces provided for 10 properties, this will lead to future parking problems, HBC design guide specifies 2 parking spaces per property. The drive lengths should be a minimum 6 metres.

All the road and footways built to an adoptable standard according to Council's Design Guide and Specification either through a Section 38 agreement or Advance Payment Code agreement.

Northumbrian Water : Request condition requiring a detailed scheme for the disposal of surface water from the development to be submitted to and approved in writing by the Local Planning Authority.

Public Protection : I would have no objections to this application subject to the provision of an acoustic fence to the boundary of the site with the A689.

Planning Policy

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

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

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

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

GEP9: States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the

development. The policy lists examples of works for which contributions will be sought.

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.

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

Planning Considerations

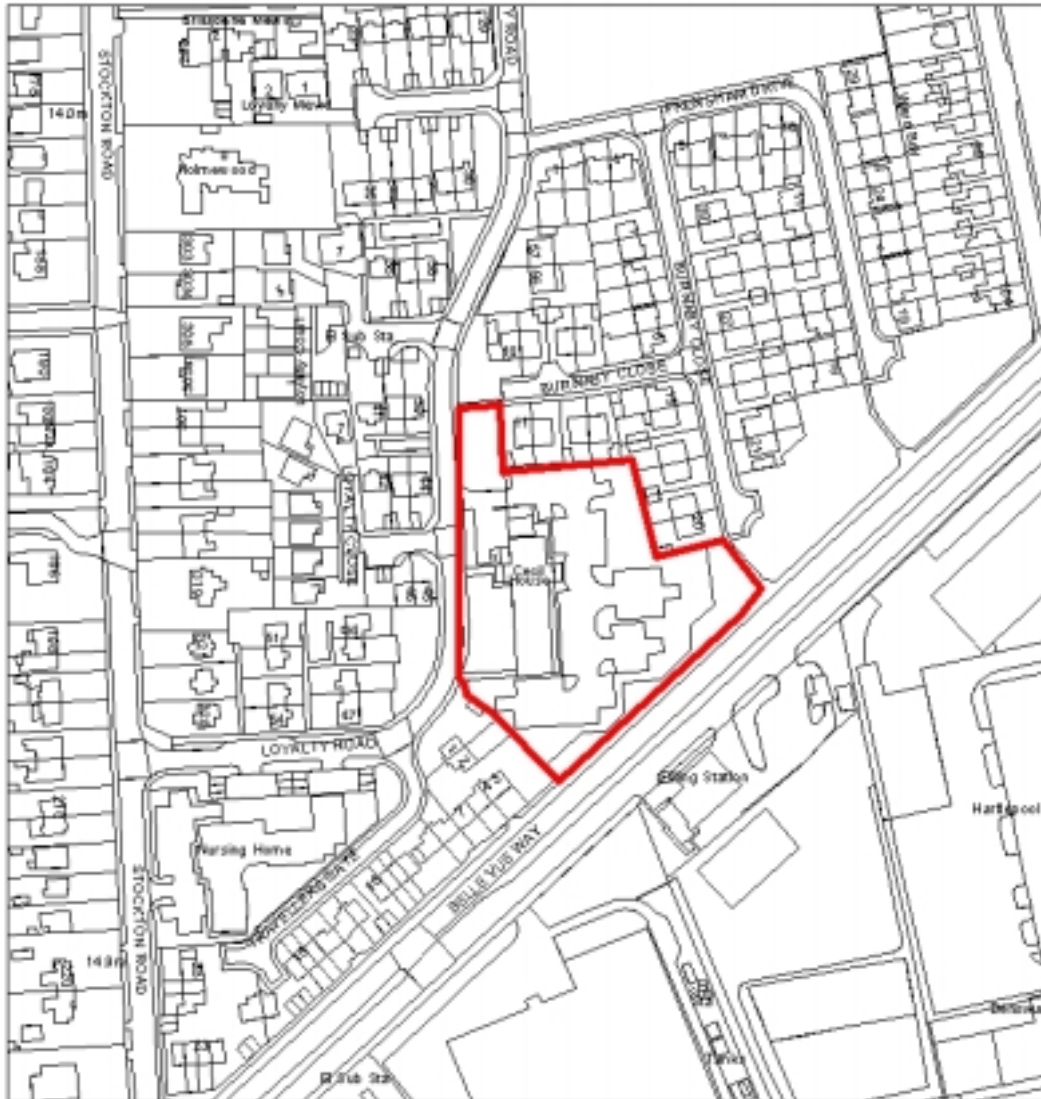
1.13 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals within the Hartlepool Local Plan, design and layout, trees, the impact of the development on the amenity of the occupiers of nearby residential properties, noise, highways and drainage.

1.14 Amended plans have been received to address concerns raised by the case officer and traffic & transportation. These plans are currently out to consultations and under consideration. An update report will be presented accordingly.

RECOMMENDATION – UPDATE report to follow



CECIL HOUSE, LOYALTY ROAD



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<p>HARTLEPOOL BOROUGH COUNCIL</p>	DRAWN GS	DATE 17/11/10
	SCALE 1:2000	
<p>Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT</p>	DRG.NO H/2010/0543	REV

No: 2
Number: H/2010/0625
Applicant: Mr Mark Ashton Hillcrest Grove Elwick HARTLEPOOL TS27 3EH
Agent: CLC Construction Services LTD Mr Chris Linton 1a Hillcrest Grove Elwick HARTLEPOOL TS27 3EH
Date valid: 01/11/2010
Development: Erection of a single storey extension to clubhouse and variation of condition on approved application H/2008/0558 to allow the consumption of food and drink on land surrounding the clubhouse
Location: Ashfield Farm Dalton Piercy Road Dalton Piercy HARTLEPOOL

The Application and Site

2.1 Ashfield Farm is located approximately 1km to the north east of Dalton Piercy. The site adjoins a paddock along its eastern boundary, also in the applicant's ownership. The overall site is part of a cluster of holdings which are being used for various commercial and rural related enterprises. The site is accessed from Dalton Piercy Road via a track some 300m in length.

2.2 The application site is an operating touring caravan and camping site, which was approved by Members on the 8th August 2006. This was approved with some 13 conditions including that the site be restricted to the months of March to October and the requirement for the erection of an acoustic fence. An application to provide a licensed clubhouse on the site was refused by Members on the 1st August 2007, however this was allowed on appeal on 13th December 2007, subject to conditions.

2.3 An application was granted on the 5th March 2009 to vary a planning condition to allow the caravan and camping park and clubhouse to be open between 1st April and 31st January. Permission was also sought and granted within the same application to remove a condition to provide an acoustic fence.

2.4 On the 26th January 2010 planning permission was granted to change the use of a sheep paddock to provide storage for touring caravans as well as the provision of a residential caravan.

2.5 The application proposes the erection of a single storey extension to the existing clubhouse measuring some 6m x 14m. In addition, permission is sought to vary condition 7 and 8 attached to H/2008/0558 which restricts the consumption of food and drink on land surrounding the clubhouse.

Publicity

2.6 The application has been advertised by way of neighbour letters (10), site notice and press advert. To date, there have been no representations received.

2.7 The time period for publicity expires following the meeting. Should any representations be received prior to the meeting they shall be presented accordingly.

Consultations

2.8 The following consultation replies have been received:

Head of Public Protection – No objections subject to the following conditions. No amplified or piped music is provided to the external seating areas. The use of the external seating areas shall cease at 22:00 or sunset whichever is the earliest and that the external sliding/folding doors shall be closed and kept closed after these hours.

Traffic and Transportation – Comments awaited

Landscape and Conservation – A single storey extension to the existing dubhouse would make little difference to the effects on visual amenity in the wider area, therefore I have no objection to this proposal.

Economic Development – Comments awaited

Dalton Parish Council – The Parish Council has no comments on the application.

Planning Policy

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

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.

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

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

Planning Considerations

2.10 The main planning considerations in this instance are the appropriateness of the proposal in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the effect of the proposal on the amenity of neighbouring properties, the effect on the character and appearance of the surrounding area and the effect on the highway network and the potential for significant levels of noise and disturbance.

2.11 A number of key consultation responses are awaited and the period for publicity is outstanding. It is considered appropriate therefore to address all consultation and neighbour responses received in a comprehensive update report to follow.

RECOMMENDATION – UPDATE TO FOLLOW



ASHFIELD FARM



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<p>HARTLEPOOL BOROUGH COUNCIL</p>	DRAWN GS	DATE 17/11/10
	SCALE H/2010/0625	
<p>Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT</p>	DRG.NO .	REV

No: 3
Number: H/2008/0675
Applicant: Mr K Brough THOMLINSON ROAD HARTLEPOOL TS25 1NS
Agent: Mr K Brough EASY SKIPS (NE) LTD THOMLINSON ROAD HARTLEPOOL TS25 1NS
Date valid: 20/11/2008
Development: Variation of condition 2 of planning approval H/2006/0394 to allow handling of onsite putrescible and hazardous waste
Location: EASY SKIPS THOMLINSON ROAD HARTLEPOOL

The Application and Site

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

3.2 The site was granted planning permission in August 2006 for use as a waste transfer station; a number of conditions were attached to the permission. One of the conditions restricted the type of waste that the site could accommodate, the condition stated:

3.3 The site shall be used for the transfer of inert, non-hazardous and non-putrescible industrial commercial and construction waste only and no special waste as defined in the Special Waste Regulations 1994 (as amended), noxious sludge, chemical or toxic forms of waste or contaminated liquids should be handled or recycled thereon.

3.4 This application seeks to allow putrescible and hazardous waste to be handled onsite.

3.5 Members should note that a Stop Notice and Enforcement Notice have been served on the site earlier this year, and it is understood that the company is now in receivership. Although the site is currently inactive, the Local Planning Authority have a duty to determine the pending planning application.

Publicity

3.6 The application has been advertised by way of site notice, press notice and neighbour letters (39). 38 letters of objection have been received.

The concerns raised are:

1. drains are from Victorian Times, they will back up extremely easily, causing problems.

2. health grounds, odours, flies, rats, health impact on humans.
3. environmental grounds, water contamination getting into food chain.
4. smell and windblown materials would affect premises.'
5. increase in processing waste could increase the number of vehicle movements to the site.
6. received complaints regarding poor state of industrial estate and mud on the roads.
7. concerns regarding management of the site.
8. encroachment of current waste into adjacent sites.
9. offensive odours from uncovered putrescible waste as all waste is stored outside as there are no storage buildings on site.
- 10.vermin.
- 11.environmental damage, risk to watercourses, water systems etc from potential pollution caused by hazardous leachate etc as all waste is stored outside as there are no storage buildings on site.
- 12.unduly large and out of keeping for the area.
- 13.close to resident housing.
- 14.dust.
- 15.unsightly.
- 16.company should not be allowed to be involved in this type of waste due to management record.
- 17.no waste sorting taking place on the site.
- 18.already congested with traffic and parked vehicles.

Copy Letters A

Consultations

3.7 The following consultation replies have been received:

Public Protection – It is acknowledged that incidental putrescible waste could be handled within the site, however concerns have been expressed by the Public Protection Team in terms of the turn around of putrescible waste within the site, particularly given the current site arrangements.

The applicant has not demonstrated sufficiently that hazardous materials could be handled safely within the site, it is therefore considered that the handling of hazardous materials should not be allowed on this site due to the proximity of the site to neighbouring premises and residential properties in Belle Vue.

Traffic & Transportation – No highway or traffic concerns so long as number of vehicles operating from the site does not increase.

Engineering Consultancy – no objection

Waste & Environmental Services – The management of the site, which involves the processing of non-putrescible and non-hazardous waste, has been carried out in a way that does not meet the requirements of respective permissions/permits. On the contrary, there is little evidence of any wastes being treated or processed at this

facility, which has resulted in the unacceptable and illegal accumulation of a large waste stockpile.

Cleveland Fire and Rescue Service and the HSE are concerned that the quantities of wastes on this site which present a significant risk to people and the environment if a fire were to occur.

There is evidence of this company's poor management and violation of respective permissions and permits at its neighbouring facility on Casebourne Road, Hartlepool. It is clear this company does not have credibility where the treating of controlled waste is concerned and the Council's Waste & Environmental Services section would have further grave reservations should permission be granted for it to handle hazardous and putrescible wastes.

Economic Development – Concerns regarding potential abuse of the site and significant detriment to the surrounding area. Strict conditions would need to be attached should the application be approved.

Northumbrian Water – no objection to this proposal.

Environment Agency – The EA has revoked Easy Skips waste carrier's registration and environmental permit as the operators repeatedly did not comply with requirements of the permit. The EA have not objected to the application, however have raised concerns regarding the site and also suggested that should the application be granted a condition should be attached to control the waste types in the site.

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.

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

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

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

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

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

Planning Considerations

3.9 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 development on the surrounding area, on the environment, nearby residential properties and on highway safety.

3.10 Also to be taken into account is current government guidance as provided in PPS10: Planning for Sustainable Waste Management and PPS23: Planning and Pollution Control.

Policy Considerations

3.11 This is an approved waste transfer station. Planning Policy Statement 10 (PPS10) Planning for Sustainable Waste Management states that waste planning authorities should identify in development plan documents sites and areas suitable for new or enhanced waste management facilities, but must take into account existing and proposed neighbouring land uses and the well being of the local community, including any significant adverse impacts on environmental quality. Planning operates in the public interest to ensure that the location of proposed development is acceptable and health can be material to such decisions. Waste management facilities should be well designed so that they contribute positively to the character and quality of the area in which they are located.

3.12 It is considered that the proposals would be contrary to Local Plan Policy Ind5 as there is potential to have a significant detrimental effect on the amenities of the occupiers of adjoining or nearby premises and potentially prejudice the development of adjacent sites. The proposals would be contrary to PPS10 as the site would not be suitable as a result of the potential impact on the local environment.

PPS23 advises that the planning system plays a key role in determining the location of development which may give rise to pollution. Any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to an impact on health, is capable of being a material planning consideration. Pollution issues should be taken into account as appropriate in planning decisions, having regard to development plan documents and all material considerations.

3.13 In view of the above, having consideration for all policies and government guidance it is concluded the proposed variation of condition is considered contrary to policies GEP1 and Ind5 of the Hartlepool Local Plan.

Effect on the Surrounding Area

3.14 There are concerns regarding the operation of this site by the applicant, it should be noted that:

1. Revocation Notices of the waste carriers license and environmental permit have been served on the applicant by the Environment Agency, these were upheld on appeal by the Planning Inspectorate.
2. The applicants have been prosecuted in the past for stockpiling waste on an unlicensed site. At present there is no evidence of any recycling operations being carried out on the mound of waste that is already present on site.
3. Although it is the LPA's responsibility to assess the impact on health and safety with regard to proposed development and whether planning permission should be granted, the EA have previously expressed several concerns along these lines.
4. The LPA have prosecuted the operators on this site for Breach of Condition, have served a Stop Notice and Enforcement Notice on the site and it should be noted that the site is not operational and it is understood that the company is in receivership.
5. In addition, the Fire Brigade has sent the EA a letter expressing their concerns over the volume of waste stored in the site as it poses a significant fire risk that would be deep seated and long lasting as there would be no space to spread out the waste to damp it down effectively. The fire would produce large volumes of potentially toxic smoke and contaminated run off.
6. The HSE have sought to prosecute the operators for use of a machine on top of the existing stockpile of waste.

3.15 There are also concerns from the Public Protection Team regarding the time taken to sort putrescible waste on site, particularly given the current site arrangements. The agent has indicated that 21 days would be taken to turn around putrescible waste in the site, this is not considered acceptable and has potential to have an adverse effect on the surrounding area in terms of odours, etc. Although this can be controlled by condition there are concerns regarding compliance.

3.16 It is also considered that the applicant has not demonstrated sufficiently that hazardous materials could be handled safely within the site, it is therefore considered that the handling of hazardous materials should not be allowed on this site due to the proximity of the site to neighbouring premises and residential properties in Belle Vue.

3.17 It is considered that the concerns of the Public Protection Team can be supported by the revocation notices which the Environment Agency has served on the applicant. The revocation notice revoked the Environmental Permit for the applicants (Easy Skips (NE) Ltd), reason 3 of the notice states: "You are storing waste on the permitted site in quantities which cause a risk of serious pollution".

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

3.19 Concerns have also been raised by the Waste and Environmental Services team regarding the management of the site, which has previously involved the processing of non-putrescible and non-hazardous waste, have been carried out in a way that does not meet the requirements of respective permissions/permits.

3.20 There is evidence of this company's poor management and violation of respective permissions and permits at its neighbouring facility on Casebourne Road, Hartlepool. It is clear this company does not have credibility where the treating of controlled waste is concerned and the Council's Waste & Environmental Services section would have further grave reservations should permission be granted for it to handle hazardous and putrescible wastes.

3.21 Although the application site does not have planning permission to store putrescible waste, which this application seeks it should be noted that on previous site visits putrescible waste has been visible onsite.

3.22 Concerns raised by members of the public, the Council's Public Protection Team, the Waste and Environmental Services Team and the Environment Agency indicate that the site was not being operated correctly and that the allowing of this application could exacerbate the situation.

Highways

3.23 The agent has confirmed that there would not be an increase in the number of vehicle movements to the site and the Council's Traffic and Transport Team have commented that there are no highway or traffic concerns so long as number of vehicles operating from the site does not increase.

Conclusion

3.24 The potential for pollution to the neighbouring properties could be significant given the nature of the site, where most storage and processing will be carried out in the open air.

3.25 It is considered that whilst the provision of waste recycling facilities is to be encouraged it is equally important that such uses are located in appropriate locations and that the potential impact on adjoining occupiers is given full consideration. The proposal would not therefore accord with current local plan policies which aim to protect amenity and the environment.

RECOMMENDATION – REFUSE for the following reason:

1. It is considered that the variation of condition 2 of application H/2006/0394 to allow the handling of putrescible and hazardous waste would be detrimental to the amenities and general environment of nearby premises contrary to policies GEP1 and Ind5 of the adopted Hartlepool Local Plan 2006.



EASY SKIPS



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<p>HARTLEPOOL BOROUGH COUNCIL</p>	DRAWN GS	DATE 17/11/10
	SCALE 1:2000	
<p>Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT</p>	DRG.NO H/2008/0675	REV

UPDATE

No: 1
Number: H/2010/0543
Applicant: CECIL M YUILL LTD LOYALTY ROAD HARTLEPOOL
TS25 5BD
Agent: CECIL M YUILL LTD CECIL HOUSE LOYALTY ROAD
HARTLEPOOL TS25 5BD
Date valid: 22/09/2010
Development: Demolition of office building and erection of 25 detached,
semi detached and terraced dwellings with associated
roads, sewers and landscaping
Location: CECIL HOUSE LOYALTY ROAD HARTLEPOOL

Background

1.1 This application appears on the main agenda at item 1.

1.2 The recommendation was left open as amended plans had been received and were under consideration.

Further Publicity

1.3 The amended plans have been advertised by neighbour notification. The time period for representations expires on the day of the meeting. No further representations had been received at the time of the writing of this update report.

1.4 Two additional neighbours, commercial properties on the opposite side of Belle Vue Way, have also been consulted. The time period for representations for these additional neighbours expires on 10th December 2010.

1.5 Members will be updated on any further representations received at the meeting.

Consultation Responses

1.6 The following additional consultation responses have been received or are awaited.

Environment Agency: The Agency has no objections.

An acceptable method of foul drainage disposal would be connection to the foul sewer. The Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

The Environment Agency recommend visiting <http://www.environment-agency.gov.uk/research/planning/82584.aspx> for standing advice regarding general

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surface water drainage issues.

Sustainable Energy Use / Renewable Energy Generation
We consider any future planning application should incorporate Sustainable Energy Use / Renewable Energy Generation principles. Nationally, the Government seeks to minimise energy use and pollution, and move towards a higher proportion of energy generated from renewable resources. In line with the Regional Spatial Strategy for the North East, we consider the proposed development should incorporate Policies 39 (Sustainable Energy Use) and 40 (Renewable Energy Generation).

In conforming to these policies the proposed development should be designed to ensure energy consumption is minimised and meets the Building Research Establishment's Environmental Assessment Method (BREEAM) "excellent" ratings. In addition, we consider the proposed development should have embedded a minimum of 10% energy supply from renewable resources.

Hartlepool Water: Comments awaited.

Planning Considerations

1.7 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals within the Hartlepool Local Plan, design and layout, trees, the impact of the development on the amenity of the occupiers of nearby residential properties, noise, highways and drainage.

Policy

1.8 The site is located in an area of existing housing and within the limits to development and its redevelopment for housing is considered acceptable.

1.9 In normal circumstances current policy would require that 10% of the houses to be provided (i.e. two) were affordable. The applicant however proposes instead to provide a single two person bungalow suitable for a person in a wheelchair. It is recognised that there is a shortage of such accommodation in the town and it is understood that the developer has been in negotiations with a registered social landlord who is ready to acquire the property. As all the accommodation is provided on a single level, bungalows are land hungry, and the proposed bungalow site could accommodate two affordable dwellinghouses therefore in terms of the area of land within the site the developer is offering for affordable housing, this would be the same in either case. The applicant has provided evidence that demonstrates that there is no financial benefit in providing the bungalow instead of the two houses on the site. The site proposed for the bungalow is bounded to the east by a row of existing bungalows and it is considered a bungalow would be more appropriate here than a pair of dwellinghouses. In light of above in the current case the provision of a single two bedroom wheelchair accessible bungalow to meet the affordable housing requirement is considered acceptable.

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1.10 In accordance with current local plan policies the developer has agreed to provide a developer contribution of £250.00 per dwellinghouse towards off site play and £50.00 towards green infrastructure or housing regeneration.

1.11 In policy terms the proposal is considered acceptable.

Design & Layout

1.12 The design of the individual dwellings is considered acceptable. The applicant has amended the proposed layout to address officer concerns in relation to relationships within and without the site.

1.13 In terms of the relationship with properties outside the site the revised layout meets or exceeds the Council's guideline separation distances. It is not considered that the proposed development will unduly affect the amenity of neighbouring properties in terms of loss of light, privacy, outlook or in terms of any overbearing effect.

1.14 It is also considered that within the site the separation distances and relationships are acceptable.

1.15 The proposed housing development will replace an existing large office building on the site which is somewhat incongruous structure in what is essentially a residential area. It is acknowledged that a number of small trees will be lost on the Loyalty Road frontage, and that a small area of incidental open space will be lost adjacent to 11 Burnaby Close however it is considered that the proposal overall will have an acceptable impact on the visual amenity of the area.

Trees

1.16 The site contains a good deal of mature landscaping. The revised proposals indicate that a number of small trees will be removed particularly on the Loyalty Road frontage. However, within the site others will be retained and the landscaping on the Belle Vue Way frontage retained and enhanced. The arboriculturalist has raised no objections to the proposal but requested that a landscaping condition, be imposed and this is proposed.

1.17 A resident has raised the issue of responsibilities for the future maintenance of trees and bushes on site. The responsibility will lie with the relevant landowners.

The impact of the development on the amenity of the occupiers of nearby residential properties

1.18 In terms of the impact on neighbouring properties the layout has been revised to address officer concerns and now meets or exceeds the required separation distances in terms of neighbours. It is not considered that the proposed development will unduly affect the amenity of neighbouring properties in terms of loss of light, privacy, outlook or in terms of any overbearing effect.

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Noise

1.19 The Head of Public Protection has requested that an acoustic fence be provided onto the A689 frontage to address any potential noise nuisance which might arise when the site is occupied. The applicant has requested instead a condition requiring an acoustic study with agreed measures identified, agreed, and implemented if necessary. This is acceptable and a relevant condition is proposed.

Highways

1.20 The layout has been revised to address the concerns raised by Traffic & Transportation in relation to parking arrangements within the site. Objections have been received on highways grounds to the proposal from neighbouring properties. In particular that the development will contribute to congestion in the area, encourage on street parking on a blind bend and that the additional accesses onto Loyalty Road will be dangerous. The proposal accommodates adequate parking for the scale of development. Following the revisions to the layout Traffic & Transportation have advised that they have no objections to the development. It should also be remembered that the proposed housing will replace an existing large office building. It is not considered that the objections on highway grounds could be sustained.

Drainage

1.21 Objections to the proposal have been received from neighbouring properties on the grounds that properties in the area have experienced drainage problems. The applicant has advised that foul and surface water will be to the public sewers. Northumbrian Water have not objected to the proposal but have requested a condition which will require the approval of the details for the disposal of surface water arising from the site. It is considered that with the proposed condition any concerns raised in relation to drainage can be satisfactorily addressed.

Other Matters

1.22 Objectors have raised the issue of water pressure. The views of Hartlepool Water have been sought and are awaited. It is hoped that these will be available before the meeting.

1.23 An objector has raised concerns that fences have been moved on the site. It is understood that the position of fencing on the Belle Vue Way side of the site was altered when panels were recently replaced. The proposed layout reflects this change. The layout retains a landscaped area onto Belle Vue Way which will be enhanced the arrangement is considered acceptable.

1.24 An objector has raised concerns that his recent informal enquiry which included amongst other things the provision of an access onto Loyalty Road received an unfavourable response. This is the case however each proposal must be considered on its own merits and in the context of highway advice received at the time. Traffic &

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Transportation have raised no objections to the current proposal and a similar number of accesses onto Loyalty Road were approved as part of the originally approved scheme on this site. (H/2005/5245)

Conclusion

1.25 The proposal is considered acceptable and is recommended for approval subject to the consideration of outstanding consultation and neighbour responses, relevant conditions and the completion of a legal agreement securing developer contributions.

RECOMMENDATION – APPROVE subject to the completion of a legal agreement securing developer contributions (an affordable wheelchair bungalow, a play contribution of £250 per dwellinghouse, a green infrastructure/housing regeneration contribution of £50 per dwellinghouse), the consideration of any further responses received from consultees and neighbours, the following conditions and any other conditions arising from the outstanding consultations. The final decision, and proposed conditions, to be delegated to the Development Control Manager.

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 22 September 2010 as amended by the plans (VER 20 01, VER 20 02A, LIN 20 01, LIN 20 02, HYL 20 01, HYL 20 02, HOM 20 01, HOM 20 02, HAM 20 01, HAM 20 02, CAN 20 01, CAN 20 02, DET 07 11B, DET 07 10C, DET 08 03A, DET 08 01A) received by the Local Planning Authority on 16th November 2010, by the drawing R1 20 01 received by the Local Planning Authority on 19th November 2010, and by the drawing 290:02:01.J received by the Local Planning Authority on 22nd November 2010, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. The area(s) indicated for car parking on the plans hereby approved shall be provided before the use of the part of the site they serve 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.
4. 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.

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5. 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.
6. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the preserved tree(s).
7. Notwithstanding the details submitted 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 and highway safety.
8. Prior to the commencement of development an acoustic survey shall be undertaken by an appropriately qualified person in accordance with a methodology to be first submitted to and agreed in writing with the Local Planning Authority. It shall including recommendations on any necessary measures to protect the occupants of the new development from any noise nuisance arising from the proximity of the A689. The measures required shall thereafter be agreed in writing with the Local Planning Authority and implemented prior to the occupation of any part of the development to which they relate. Thereafter the agreed measures shall be retained for the life time of the development.
In order to protect future occupiers of the development from any noise nuisance arising from the proximity of the A689.
9. Development shall not commence until a scheme for the disposal of surface water arising from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the details so approved.
To ensure that the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS 25 " Development and Flood Risk" and complies with the Hierachy of Preference contained within Revised Part H of the Building Regulations 2000.

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10. The development hereby approved shall be carried out in accordance with the following:

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:

a. human health,

b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

c. adjoining land,

d. groundwaters and surface waters,

e. ecological systems,

f. archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development 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 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

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assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

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

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

11. 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.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
13. 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

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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.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

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

15. Notwithstanding the details submitted, revised details showing the position of bin store on plot 1, shall be submitted to and approved in writing prior to its erection on site. The bin store shall thereafter be erected and retained in the approved location.

In the interests of highway safety.

16. Prior to the commencement of development the boundary treatments of plot 1, including the details of any proposed gates shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be provided and retained as approved for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority. No plant, shrub or tree in the rear (south) curtilage of this property to the west side of the vehicular access shall be allowed to grow to a height in excess of one metre, nor shall any object/structure greater in height than one metre above ground level be placed or erected in this area, unless otherwise agreed in writing with the Local Planning Authority.

In the interests of highway safety.

UPDATE

No: 2
Number: H/2010/0625
Applicant: Mr Mark Ashton Hillcrest Grove Elwick HARTLEPOOL TS27 3EH
Agent: CLC Construction Services LTD Mr Chris Linton 1a Hillcrest Grove Elwick HARTLEPOOL TS27 3EH
Date valid: 01/11/2010
Development: Erection of a single storey extension to clubhouse and variation of condition on approved application H/2008/0558 to allow the consumption of food and drink on land surrounding the clubhouse
Location: Ashfield Farm Dalton Piercy Road Dalton Piercy HARTLEPOOL

Background

2.1 Since the previous report was prepared the responses of the Council's Economic Development Team and Traffic and Transportation Section have been received. These are discussed below. No neighbour responses have been received for this application to date.

Traffic and Transportation – There are no highway or traffic concerns with this application, so long as the development is restricted to caravan site users.

Economic Development – Economic Development would have no objection to the proposed expansion. It is felt that there can only be positive outcomes from investment in rural diversification.

Tourism Officer – With reference to the above application, I see no reason not to support the application. The proposal aims to enhance their current facilities and therefore improve the visitor experience, which in turn may encourage more repeat visitors and new visitors to the site.

Planning Considerations

2.2 The main planning considerations in this instance are the appropriateness of the proposal in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the effect of the proposal on the amenity of neighbouring properties, the effect on the character and appearance of the surrounding areas and the effect on the highway network and the potential for significant levels of noise and disturbance.

2.3 Planning Policy Statement 4 (Planning for Sustainable Economic Growth) states that, local planning authorities should support sustainable rural tourism and leisure development that benefits rural businesses, communities and visitors and which

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utilise, enrich rather than ham, the character of the countryside, its towns, villages, buildings and other features.

2.4 The principle of the development and the varying of the conditions, in terms of allowing the consumption of food and drink on land surrounding the clubhouse are considered to be appropriate subject to the detailed consideration of the aforementioned issues, these are discussed in the remainder of the report.

Visual Amenity

2.5 The site lies within the open countryside where there are strict controls over new development. The design and access statement submitted alongside the planning application states that, with around 68 caravans plus tents, a busy night can see the existing clubhouse servicing around 180 people. It is considered that there is a clear argument to suggest that the proposed extension is required in order to meet the needs of the touring caravan and camping site. Planning Policy Statement 4 states that Local planning authorities should:

- A. Support the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres, carefully weighing the objective of providing adequate facilities or enhancing visitors' enjoyment or improving the financial viability of the facility with the need to protect landscapes and environmentally sensitive sites, and*
- B. Wherever possible, locate tourist and visitor facilities in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings in the countryside should, where possible, be provided in, or close to, service centres or villages but may be justified in other locations where the required facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available for re-use*
- C. Support extensions to existing tourist accommodation where the scale of the extension is appropriate to its location and where the extension may help to ensure the future viability of such businesses*
- D. Ensure that new or expanded holiday and touring caravan sites and chalet developments are not prominent in the landscape and that any visual intrusion is minimised by effective, high-quality screening and examine the scope for relocating any existing, visually or environmentally-intrusive sites away from sensitive areas or from sites prone to flooding or coastal erosion*

2.6 With regard to the above the Council's Economic Development Team have raised no objections to the proposed expansion and consider the works to only be positive outcomes from investment in rural diversification.

2.7 It is not considered that the proposals would give rise to any significant concerns of loss of outlook to neighbouring properties and land users owing to the distance

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between the site and those properties which lie closest to the application site. The proposed design and materials of the clubhouse extension are unlikely to be visually prominent in the surrounding landscape and are well related to the existing clubhouse premises. In view of this the development is unlikely to result in any significant material impact on the character and appearance of the surrounding countryside.

Residential Amenity

2.8 There are considerable separation distances between the application site and the closest neighbouring properties as outlined above. Notwithstanding this, the potential for significant increases in levels of noise and disturbance is a material planning consideration to be taken into account when determining the application.

2.9 The application proposes the variation of planning conditions which restricts the consumption of food and drink on land surrounding the clubhouse. It is considered that the screening around the site by way of a mature hedgerow and planting, along with changes in levels on site will assist in reducing any noise carry towards neighbouring properties. The Head of Public Protection has no objections to the proposed development subject to conditions.

2.10 It is considered prudent to attach planning conditions restricting the following:

1. Any external amplified or piped music.
2. The cessation of external areas for the consumption of food and drink after 22:00 hours or sunset whichever is the earliest.
3. The external sliding/folding doors to the clubhouse extension shall be closed and kept closed after the hours outlined above.

2.11 It is not considered that the proposed development along with the use of the external areas as defined on the proposed plans for the consumption of food and drink would have a significant effect on the amenity of neighbouring properties.

Highways Issues

2.12 The Traffic and Transportation Team have confirmed that there are no major highway or traffic implications with regard to this application provided that the development is restricted to caravan site users. Therefore, there are no objections to the variation of the conditions or the extension to the existing clubhouse. An appropriate condition has been attached regarding the users of the caravan site.

Conclusion

2.13 It is not considered that allowing the consumption of food and drink on land surrounding the clubhouse or the provision of an extension to the existing clubhouse would have a detrimental impact on the Countryside or the amenity of neighbouring properties in general by way of poor outlook or noise and disturbance.

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2.14 Having regard to the policies identified in the Hartlepool Local Plan 2006 and Planning Policy Statement 4 with particular regard to the effect of the proposal on the amenity of neighbouring properties, the effect on the character and appearance of the surrounding area and countryside in general and the effect on the highway network and noise and disturbance the development is considered satisfactory and recommended for approval subject to the conditions set out below. However as publicity expires on the day of the Planning Committee it is recommended that the final decision is delegated to the Development Control Manager.

RECOMMENDATION – Minded to approve with the final decision delegated to the Development Control Manager for the consideration of any representations received prior to the expiry of publicity.

1. The development to which this permission relates (erection of a single storey extension to dubhouse) 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 29/10/2010 (Drawing Title: Existing, Drawn By: AJH, Drawing Title: Proposed, Drawn By: AJH, Drawing Title: Licenced Areas Ex. & Pr, Drawn By: AJH) , unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Any trees, plants or shrubs implemented as part of the previously approved landscaping details under condition 4 of H/2006/0333 and which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation
In the interests of visual amenity.
5. The caravan and campsite shall be restricted to the part of the site outlined in red on the Location Plan submitted with application H/2008/0558.
For the avoidance of doubt
6. The site outlined in red on the Location Plan submitted with application H/2008/0558 shall be used as a touring caravan site and camp site only and under no circumstances for the siting of static caravans. Neither shall it be used for the storage of caravans.
In order to protect the visual amenity of the surrounding area.
7. The touring caravan and camp site shall only be open to the public between the 1st April and 31st January inclusive and shall be closed at all other times.
In the interests of visual amenity and the site is not considered suitable for occupation throughout the year.
8. The existing licensed dubhouse and the extension hereby approved for the touring caravan and camp site permitted shall not be used by members of the

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general public and shall not be used by anyone other than the resident occupants of touring caravans and tents on the site at any particular time and shall be used only for that purpose and no other.

In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.

9. The license clubhouse and the extension hereby approved shall not be open other than at the times that the touring caravan and camp site is in operation and shall not be open other than between the months of April to January inclusive between the hours of 11:00 hours and 23:00 hours Mondays to Saturdays and between 11:00 hours and 22:00 hours on Sundays.

In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.

10. Customers of the licensed clubhouse shall not purchase or consume drink or food or other refreshments anywhere other than within the area of the licensed clubhouse and the extension hereby approved and within the area shown hatched yellow on the plan: Drawing Title: Licenced Areas Ex. & Pr. submitted with this application reference H/2010/0625 and no food or drink shall be consumed by customers anywhere else within the site. In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.

11. None of the land within the site and outside of the area hatched yellow on the plan: Drawing Title: Licenced Areas Ex. & Pr. submitted with this application reference H/2010/0625 shall be used as an amenity area or for any form of outside drinking/eating area without the prior written consent of the Local Planning Authority.

In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.

12. No music shall be piped or relayed to the outside from within the existing building or the extension to the clubhouse hereby approved.

In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.

13. The use of the external areas hatched yellow on the plan Drawing Title: Licenced Areas Ex. & Pr. submitted with this application reference H/2010/0625 for the consumption of drink or food or other refreshments shall cease at 22:00 hours Mondays to Sundays or sunset whichever is the earliest and the external sliding/folding doors shall be closed and shall not be used (kept closed) after these hours.

In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.

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

In the interests of the visual amenity of the area.

15. The drainage and the surface water treatment details approved under planning application H/2006/0333 shall be implemented and retained in working order, unless otherwise agreed in writing by the Local Planning Authority.

To ensure the site is adequately drained.

PLANNING COMMITTEE

3 December 2010



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL BY BNP PARIBAS SECURITIES SERVICES TRUST COMPANY (JERSEY) LIMITED AND BNP PARIBAS SECURITIES SERVICES TRUST COMPANY LIMITED AS TRUSTEES OF THE THREADNEEDLE PROPERTY UNIT TRUST SITE AT UNITS 1 AND 2 BURN ROAD HARTLEPOOL TS25 (H/2010/0245).

1. PURPOSE OF REPORT

1.1 To advise members of the receipt of a planning appeal and to request authority to contest the appeal.

2. THE APPEAL

2.1 A planning appeal has been lodged against the refusal of Hartlepool Council to allow alterations to elevations and works to create three retail units and associated works to car park at units 1 & 2 Burn Road. The application was refused under delegated powers through the Chair of the Planning Committee. It was considered that the proposal by reason of its design, materials and appearance would have a detrimental impact on the character and appearance of Stranton Conservation Area, the setting of the grade II* listed All Saints Church and on the visual amenities of an area which is located on one of the main gateways to the town. The proposal was considered to be contrary to national and local planning policy, in particular PPS 5 Planning for the Historic Environment and associated practice guidance and policies HE1 and GEP7 of the Hartlepool Local Plan 2006.

2.2 The appeal is to be decided by written representations.

3. RECOMMENDATION

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

PLANNING COMMITTEE

3 December 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

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 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 at 43 Ruswarp Grove.

2.2 The appeal was decided by written representations and dismissed by the Planning Inspectorate. The Inspector agreed with the LPA that the scheme would have a harmful effect on the occupiers of the adjacent bungalow 133 Elizabeth Way due to its height, scale and reduced separation distances. A copy of the decision is set out below.

3. RECOMMENDATION

3.1 That Members note the decision.

	<h2 style="margin: 0;">Appeal Decision</h2> <p style="margin: 0;">Site visit made on 2 November 2010</p> <p style="margin: 0;">by D R Cullingford BA MPH MRTPI</p> <p style="margin: 0;">an Inspector appointed by the Secretary of State for Communities and Local Government</p>	<p>The Planning Inspectorate 4/11 Eagle Wing Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN</p> <p>☎ 0117 372 6372 email: enquiries@pins.gov.uk co.uk</p> <p>Decision date: 10 November 2010</p>
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Appeal Ref: APP/H0724/D/10/2137194

43 Ruswarp Grove, Seaton Carew, Hartlepool, TS25 2BA

- 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 Richard Taylor, against the decision of the Hartlepool Borough Council.
- The application (ref: H/2010/0346 and dated 25 May 2010) was refused by notice dated 23 August 2010.
- The development is described as the 'erection of a 2-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'.

Decision

1. For the reasons given below, and in exercise of the powers transferred to me, I dismiss the appeal.

Reasons

2. The Council are concerned that, due to the juxtaposition and limited distance between the 2-storey side extension and a neighbouring property at 133 Elizabeth Way, the design and scale of this 2-storey extension would appear unduly large and overbearing, thereby seriously impairing the prospect currently enjoyed by neighbouring residents, contrary to 'saved' policies GEP1 and Hsg10. As the Council accept, and I agree, that the scheme would be unlikely to appear incongruous in the street scene, the impact of this extension forms the issue on which this appeal turns.
 3. I saw that the bungalow at 133 Elizabeth Way had been extended to provide patio doors in a lounge facing the appeal site. There would be about 14m between those patio doors and the rear elevation of the 2-storey extension and, due to the layout of these dwellings, the patio doors would directly face the rear elevation of the proposed extension. I agree with the Council that that relationship would be tight. Adopted guidance indicates that minimum separation distances of 20m would normally be required where principal elevations face one another. The proposal would extend the principal rear elevation at the appeal property. Even though the windows at first floor level would be obscure glazed and serve a dressing room and en suite facilities, the façade would not be blank and it would not be analogous to a blank gable wall. Moreover, not only would the extension be substantially less than 20m from the principal rear elevation of No.133, but also, due to its height and scale, it would obscure almost all of the sky currently evident through the patio doors at No.133. I am afraid that such a structure in such a position would present a
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looming presence and, in obliterating much of the sky, create a bleak and confining prospect that would appear unpleasantly oppressive and dominant to the occupants of No.133. I think that those harmful effects would be exacerbated by the ground floor extensions encroaching to within roughly 11m of No.133, albeit that those structures would be partially screened by the intervening close boarded fence. Hence, I find that the proposal would seriously impair the prospect that neighbouring residents might reasonably expect to enjoy in a pleasant suburban area such as this and, consequently, that this scheme would contravene the requirements of 'saved' policies GEP1 and Hsg10.

4. I have considered all the other matters raised. I accept that, being to the north of No.133, the extension would have little effect on the light at the neighbouring property. But I find neither that, nor anything else, sufficiently compelling to alter my conclusion that this appeal should be dismissed.



INSPECTOR

PLANNING COMMITTEE

3 December 2010



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL BY MR A HENDERSON, NAVIGATION POINT, HARTLEPOOL MARINA

1. PURPOSE OF REPORT

1.1 To advise Members of a planning appeal decision.

2. THE APPEAL

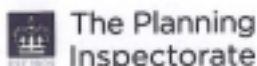
2.1 Members may recall that a planning appeal was lodged against the refusal of Hartlepool Borough Council for the demolition of the existing single storey amenity building and the erection of a new, mixed use building including A1/A3/A4 commercial use/retail (café/restaurant/pub/bar) at ground floor, café, kitchen, shower and toilet facilities at first floor together with 2nd floor glazed café/restaurant and roof terrace at Navigation Point.

2.2 The appeal has been dismissed on the grounds that the development would be unacceptably harmful to the character and appearance of the locality. The Inspector did not however agree with the Council's opinions regarding loss of parking and inadequate service facilities. In this particular instance, the Inspector awarded costs against the Council limited to those incurred in rebutting reason for refusal number 2. This relates to the loss of parking spaces and the impact of the development on highway safety and the free flow of traffic. The Inspector considered that insufficient evidence had been provided by the Council to warrant this reason for refusal.

2.3 The Inspector did acknowledge that there was a drainage issue but felt that it could be dealt with by planning conditions. The agent has confirmed that a new application will be submitted to take account of the Inspector's comments regarding the design and appearance of the building.

3. RECOMMENDATION

3.1 That Members note the decision.



Appeal Decision

Site visit made on 19 October 2010

by **Phillip Major BA(Hons) DipTP MRTPI**

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

Decision date: 8 November 2010

Appeal Ref: APP/H0724/A/10/2131873

Land south of Navigation Point, Middleton Road, Hartlepool TS24 0YF.

- 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 A Henderson against the decision of Hartlepool Borough Council.
- The application Ref: H/2010/0098, dated 15 February 2010, was refused by notice dated 11 June 2010.
- The development proposed is the demolition of the existing single storey amenity building and erection of a mixed use building including A1/A3/A4 commercial use (retail/café/restaurant/pub/bar) at ground floor; café, kitchen, shower and toilet facilities at first floor; and a second floor glazed café/restaurant and roof terrace.

Application for costs

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

Preliminary Matter

2. I note that some representations have been made in relation to the principle of whether retail and leisure development of the scale proposed would be acceptable in this location. However I note that the Council did not refuse planning permission for that reason, and is content that appropriate controlling conditions could be imposed on any permission. Having read the policy extracts sent to me I have no reason to disagree that this small scale proposal would be in accordance with the objectives of those policies and would not harm the vitality or viability of the town centre.

Decision

Main Issues

3. The main issues in the appeal are:
 - (a) The effect of the proposed development on the character and appearance of the locality;
 - (b) The effect of the proposed development on the living conditions of nearby residents and on the amenities of visitors;
 - (c) The provision of car parking spaces and highway safety;
 - (d) Whether it has been shown that adequate drainage is available to serve the proposal.

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Reasons

Character and Appearance

4. The building which would be replaced is relatively modest and has little architectural merit. The proposed replacement would be far larger and of more striking design.
5. I do not consider that the design of the replacement would be too large in principle since many nearby buildings are of 2 storeys in height, and some rise much higher than that. Similarly the ground coverage of the proposal, though larger, would not be unacceptable per se; there is plenty of room available on which to erect the building without introducing any feeling that the locality would be cramped.
6. However, the design of the building is a different concept to the more traditional style hereabouts. The flat roof terrace area and monopitch of the 2nd floor addition would contrast with the predominant double pitched roofs of its neighbours. Although the monopitch, and even the flat roofed area, are acceptable in their own right as features, when the component parts of the building are put together it does not produce a successful design solution.
7. The concern centres principally on the fact that the 2nd floor addition would appear contrived. From the west it would appear as a top heavy block, notwithstanding the area of glazing. From north and south its position set to one side of the building would introduce an unbalanced appearance. Hence, whilst parts of the building are acceptable in themselves I do not agree that the whole composition would sit comfortably in this location.
8. Policy GEP1 of the Hartlepool Local Plan of 2006, which forms part of the development plan, indicates (amongst other things) that the Council will take account of the external appearance of development and its relationship with the surrounding area. In this instance it is my judgement that the external appearance would be unacceptably harmful and would introduce a jarring feature in the locality.

Living Conditions and Amenities

9. The building would be a reasonable distance from the nearest residential properties and, although there would be a change in outlook from some of these properties, that in itself would not be harmful. I am satisfied that there is sufficient distance between the proposed development and existing residential property for living conditions to be retained at an acceptable level with no adverse overbearing or overshadowing effects.
10. Visitors to the Marina may wish to make use of nearby facilities, including the Moorings Eaterie, located to the east. The premises have an external seating area quite close to the proposed building and there is no doubt that some overshadowing of the external seating area would occur if the proposal were to go ahead. Any overshadowing would take place when the sun moved into the west, late in the day. Whilst this, and the east wall of the building, would have some effect on the ambience at the Moorings Eaterie, that effect would not be likely to be so significant that it should result in the refusal of planning permission.
11. Public views over and around the Marina no doubt play a part in the visitor appreciation of the area. Those views would be changed by the erection of the proposed building. But the views would not be changed to the degree that it would materially harm the visitor experience.

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12. On this issue, therefore, I find that the proposal would not be unacceptably harmful to the living conditions of nearby residents, or to the amenities of visitors.

Car Parking and Highway Safety

13. I have noted the surveys carried out on behalf of the appellant. They indicate that the adjacent car park is not used to capacity and that spaces are available. The surveys included a bank holiday weekend when demand for spaces would be expected to be at a high level. There is no contradictory survey evidence from the Council. The car park is large, and the proposed development would reduce its capacity by some 17 spaces, or about 5%.
14. The Council's case is based on assertions that spaces have been difficult to find at certain times, that the development would normally be required to provide between 55 and 106 parking spaces, and that the loss of spaces combined with the likely attraction of more visitors would lead to demand exceeding capacity. But there is no substantive evidence before me which supports that view. In fact the level of availability of spaces as shown by the surveys would in any case provide for the degree of parking noted by the Council should it be required. I am satisfied that the evidence of the appellant is more compelling.
15. I note comments that a previous proposal for a 92 bedroom hotel and yacht club facilities (not progressed) was agreed not to be likely to generate demand which would exceed capacity in this locality. I understand that no formal Council position was taken on that scheme, but given the evidence before me, it seems strange that the current lesser scale proposal has apparently been assessed as likely to lead to a more detrimental impact. However, these unresolved circumstances, though material, mean that the previous scheme is a matter of limited weight in relation to the current case.
16. I have also noted the comments relating to the introduction of parking charges, but this is a matter for the car park owner. In addition, the premises formerly used as a call centre has dedicated parking, and I see no reason to believe, as asserted, that reoccupation of those premises would lead to parking demand in the Marina car park.
17. There has been a suggestion that service vehicles associated with the proposed building might cause difficulties. But that seems unlikely to me. There is sufficient space for service vehicles to gain access to the vicinity of the building without undue difficulty, and delivery times could in any event be controlled by condition.
18. On this issue, therefore, I conclude that the proposal would not lead to the adjacent car park capacity being exceeded by demand, or for servicing to introduce undue difficulty. As a result there would be no unacceptable impact on highway safety.

Drainage

19. Many representations refer to the drainage difficulties associated with existing drain runs, and the blockages which have occurred on occasion. It is my understanding that these drains are private, and connect 'downstream' to the public sewer.
20. I note that an appeal decision in respect of a different proposal near the site referred to the blockages as being a matter which could not be resolved in respect of that proposal. That seems logical, though I do not have the background of that case before me here. I have also read the Foul Drainage

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Discharge Calculation Report carried out in 2008 in relation to those different proposals, and note that the conclusion is that the network had the capacity to take the development then proposed.

21. It has clearly been assumed that base conditions are the same, and that the current proposal, at a lesser scale than previously proposed, must necessarily also be within capacity of the drainage network. However, I am not certain that that must follow. Even if it does follow, the fact that there is theoretical capacity does not mean that the network would perform adequately. I have noted reference to lack of grease traps, and to inadequate falls. These matters suggest that there may be fundamental problems which would, in reality, restrict capacity.
22. In addition there is no assessment before me of whether circumstances have changed, either in the quantum of development currently connected to the drains, or in the uses connected to the network. Secondly, there is no further evidence of whether identified problems have been addressed, and whether causes have been dealt with. For a new proposal in an area which has experienced documented difficulty with drainage, albeit only 2 years further on, I would find it difficult to accept that the situation remains the same without contemporary evidence that it is so. For that reason I cannot conclude that the drainage network has been shown to be acceptable in relation to the proposal before me. Hence, on the balance of probabilities, I am not satisfied that adequate drainage is currently available to serve the proposed development. That said, this is a technical matter which on its own would not result in the appeal being dismissed since conditions could be imposed requiring adequate drainage to be installed to serve the development prior to it coming into use.

Other Matters

23. I understand that the site is within Flood Zone 3, but the information provided is that the Environment Agency would be content with the imposition of suitable conditions in this case.
24. It has been suggested that the development would interfere with the use of the nearby boat hoist. Having seen the relationship between the two I cannot see how that would occur. The two sites are separate and the boat hoist would be well clear of the proposed building.

Overall Conclusion

25. The proposed development would be unacceptably harmful to the character and appearance of the locality and therefore in conflict with the objectives of Local Plan Policy GEP1. I do not find that there would be unacceptable harm to the living conditions of nearby residents, the amenities of visitors, parking supply, or highway safety. Drainage could be dealt with by condition. However, the lack of harm elsewhere does not outweigh the harm in relation to the first issue. For that reason I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR

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Costs Decision

Site visit made on 19 October 2010

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 8 November 2010

Costs application in relation to Appeal Ref: APP/H0724/A/10/2131873 Land south of Navigation Point, Middleton Road, Hartlepool TS24 0YF.

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr A Henderson for a partial award of costs against Hartlepool Borough Council.
- The appeal was against the refusal of planning permission for the demolition of the existing single storey amenity building and erection of a mixed use building including A1/A3/A4 commercial use (retail/café/restaurant/pub/bar) at ground floor; café, kitchen, shower and toilet facilities at first floor; and a second floor glazed café/restaurant and roof terrace.

Decision

1. I allow the application for an award of costs in the terms set out below.

Preliminary Matter

2. The application for a partial costs award was made on 14 September. It relates to 2 reasons within the Council's decision to refuse the planning application based on car parking and drainage. The Council responded on 25 October, and further comments were sent by the appellants on 29 October.

Reasons

3. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. Car parking. As will be seen from the appeal decision I have decided that on the basis of the evidence submitted the proposal would not lead to the adjacent car park being oversubscribed or to any detriment to highway safety. I have also referred to the fact that the Council has not produced substantive evidence to back up the assertions that there would be a shortage of parking if the development was to proceed. Whether or not the Council formally contested car parking provision on a previous proposal is of limited materiality to this case as it should provide evidence on the merits of the current scheme in any event. It has not done so. That the Council now (in response to the costs application) also seeks to widen its case by including reference to the effect on a public right of way is an unacceptable position to take given that it played no part in its decision to refuse planning permission.
5. Paragraph B16 of the Circular is clear – the local planning authority should be able to produce evidence which provides a respectable basis for its stance. I

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Costs Decision APP/H0724/A/10/2131873

do not regard the assertion of the Council's highways expert, or the report of that assertion in the Council's committee report (the only evidence supplied with the appeal documentation) as a respectable basis for its decision. Likewise the assertion that servicing would be problematic is not backed up by evidence, and the Council has in any event accepted that this is a matter which could be dealt with by condition imposed on a grant of planning permission.

6. The appellant provided parking surveys which clearly show that there is adequate capacity in the car park. The Council has not sought to bring any counter evidence or detail any times when parking was insufficient here. As a result I find that the Council's stance was wholly inadequate and failed to substantiate its reason for refusal. This amounts to unreasonable behaviour.
7. Drainage. In contrast, I am satisfied that the Council has brought evidence on this matter which is adequate to support its reason for refusal. The relevant officer of the Council has continued to express doubts about the adequacy of the drainage network, and about the adequacy of the report prepared. It is further noted that the drainage report was prepared in relation to a different scheme at an earlier time, and should have been modified for the current circumstances. As the decision on the appeal notes, that is a position with which I have some sympathy. The Council has produced evidence here which counters that of the appellant and provides a respectable basis for its stance. Hence I am satisfied that the Council has substantiated its case on drainage. There is no unreasonable behaviour here.
8. The unreasonable behaviour relating to the car parking reason for refusal required the appellant to provide rebuttal evidence at the appeal. This is unnecessary expense which could have been avoided.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009 has been demonstrated and that a partial award of costs is justified.

Costs Order

10. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers enabling me in that behalf, I HEREBY ORDER that Hartlepool Borough Council shall pay to Mr A Henderson, the costs of the appeal proceedings limited to those costs incurred in rebutting reason for refusal No 2, such costs to be assessed in the Senior Courts Costs Office if not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.
11. The applicant is now invited to submit to Hartlepool Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Philip Major

INSPECTOR

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PLANNING COMMITTEE

3 December 2010



Report of: Assistant Director (Regeneration and Planning)

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 Parish Council's complaint regarding the use of land in Dalton Piercy for the keeping of horses and erection of associated buildings.
- 2 A resident complaint regarding the erection of intruder spikes along the top of an existing rear boundary fence at a neighbourhood convenience shop on Wiltshire Way.
- 3 A neighbour complaint regarding the erection of a boundary fence to the rear of property on The Ashes.
- 4 A neighbour complaint regarding the erection of a shed in the front garden of a property on Hillston Close.
- 5 A Councillor's complaint regarding a property on Church Street, Seaton Carew has been painted a vivid colour.
- 6 A neighbour complaint regarding the demolition of a rear boundary wall and provision of driveway at a property on Hart lane.
- 7 A neighbour complaint regarding the erection of a breeze block boundary wall to the rear of property on Grantham Avenue.
- 8 A neighbour complaint regarding the installation of new window to the side of a property Ryehill Gardens.
- 9 A complaint by a neighbouring business regarding a hot food takeaway opening on Park Road.
- 10 A neighbour complaint regarding the erection of a high party wall to the front of a property on The Cliff.

- 11 A resident's complaint regarding the demolition of a boundary wall to the front of a property on Eldon Grove.
- 12 A neighbour complaint regarding the erection of a conservatory and summerhouse to the rear of a property on Newark Road.
- 13 A neighbour complaint regarding the raising of garden levels to the rear of a property on Egerton Road.

2. RECOMMENDATION

- 2.1 Members note this report.