

PLANNING COMMITTEE AGENDA



**Wednesday, 17th May, 2006
at 10.00 a.m.**

in the Council Chamber

MEMBERS: PLANNING COMMITTEE:

Councillors Allison, Belcher, Clouth, Cook, Hall, Iseley, Kaiser, Lilley, Morris, Richardson, M Waller, R Waller, 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 26th April 2006 (*to follow*)

4. ITEMS REQUIRING DECISION

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

1. H/2006/0219 7-10 The Green
2. H/2006/0206 71 Elwick Road
3. H/2005/5387 34 Grange Road
4. H/2005/5411 86 Clifton Avenue
5. H/2005/5639 17 Grange Road
6. H/2006/0050 98 Grange Road
7. H/2006/0228 Barley Close, Meadowgate Drive and Hayfield Close
8. H/2006/0269 Seaton Meadows
9. H/2006/0179 Norton House
10. H/2006/0191 Potter Farm

4.2 Creation of a New Public Footpath at Amerston Hall, Elwick Parish – *Director of Adult and Community Services*

- 4.3 Update on Current Complaints – *Head of Planning and Economic Development*
- 4.4 Appeal by EK Investments – Site at Elizabeth Way Shops, Seaton Carew – *Assistant Director (Planning and Economic Development)*
- 4.5 Appeal Site at 65 Seaton Lane – *Head of Planning and Economic Development*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

26th April, 2006

Present:

Councillor Bill Iseley (In the Chair)

Councillors Rob Cook, Bob Flintoff, Gerard Hall, Stan Kaiser, Jean Kennedy, Geoff Lilley, Dr George Morris, Carl Richardson, Maureen Waller and Ray Waller.

Officers: Richard Teece, Development Control Manager
Peter Devlin, Legal Services Manager
Roy Merrett, Principal Planning Officer
Adrian Hurst, Principal Environmental Health Officer
Chris Roberts, Development and Co-ordination Technician
Chris Scaife, Countryside Access Officer
Alec Gough, Local Transport Plan Coordinator
Dennis Hancock, Senior Engineer
Garry Hutchison, Building Control Manager
Richard Dumbleton, Principal Engineer (Structural)
Julia Pinchin, Business Liaison Manager NDC Commercial Areas
Russell Hall, Planning Officer
Pat Watson, Democratic Services Officer
Jo Wilson, Democratic Services Officer

137. Apologies for Absence

Apologies for absence were submitted for Councillors Derek Allison, Stephen Belcher and Edna Wright

138. Declarations of interest by members

Councillor Ray Waller declared a personal and private interest in items H/2006/0073 Middlethorpe Farm and H/2004/1047 Middlethorpe Farm.

139. Confirmation of the minutes of the meeting held on 29th March, 2006

Confirmed

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

The Committee considered the following applications for planning permission to carry out developments under the Town and Country Planning legislation and in accordance with their delegated powers, made the decisions indicated below :-

Alistair Hare (Representative of the Applicant), Alison Tate (Tilly Bailey and Irvine, representing the Objectors) and Mr J Bell (Objector) addressed the Committee in respect of the following application.

Number: H/2006/0228

Applicant: Shepherd Homes Ltd
Huntington House, Jocket Lane Huntington York

Agent: BSCP Smeaton House Holt Park District Centre Leeds

Date received: 21/03/2006

Development: Replacement piling and related works

Location: 4,5,6,7,9,10 and 11,32,40 and 2,3,18 BARLEY CLOSE, MEADOWGATE DRIVE AND HAYFIELD CLOSE HARTLEPOOL

Decision: **Deferred for additional information about the monitoring exercise(s) undertaken by the applicant.**

The Committee considered representations in relation to this matter.

Number: H/2005/5639

Applicant: Mr S Maxwell
17 GRANGE ROAD HARTLEPOOL

Agent: Malcolm Smith & Partners Havelock House 24 Victoria Road HARTLEPOOL

Date received: 06/01/2006

Development: Installation of UPVC windows to front elevation and door and provision of downpipe and guttering (retrospective application)

Location: 17 GRANGE ROAD HARTLEPOOL

Decision: **Deferred to enable the Conservation Advisory Committee to review the merits of the Article 4 Direction in the Grange Conservation Area.**

Number: H/2005/5387

Applicant: Mr I Miah
34 GRANGE ROAD HARTLEPOOL

Agent: Mr I Miah 34 GRANGE ROAD HARTLEPOOL

Date received: 11/07/2005

Development: Provision of UPVC windows and door (retrospective application)

Location: 34 GRANGE ROAD HARTLEPOOL

Decision: **Deferred to enable the Conservation Advisory Committee to review the merits of the Article 4 Direction in the Grange Conservation Area.**

Number: H/2006/0050

Applicant: Mr A TTravis
98 GRANGE ROAD HARTLEPOOL

Agent: Mr A TTravis 98 GRANGE ROAD HARTLEPOOL

Date received: 23/01/2006

Development: Replacement of wooden sash windows to front elevation with UPVC

Location: 98 GRANGE ROAD HARTLEPOOL

Decision: **Deferred to enable the Conservation Advisory Committee to review the merits of the Article 4 Direction in the Grange Conservation Area**

Number: H/2005/5411

Applicant: Mr DCook
86 CLIFTON AVENUE HARTLEPOOL

Agent: Mr D Cook 86 CLIFTON AVENUE HARTLEPOOL

Date received: 20/05/2005

Development: Retention of UPVC windows to front elevation

Location: 86 CLIFTON AVENUE HARTLEPOOL

Decision: **Deferred to enable the Conservation Advisory Committee to review the merits of the Article 4 Direction in the Grange Conservation Area.**

Number: H/2006/0269

Applicant: ALAB ENV Able House Billingham Reach Ind Estate
Billingham TS23 1PX

Agent: Able House Billingham Reach Ind Estate Billingham
TS23 1PX

Date valid: 03/04/2006

Development: Installation of treatment plant for the
solidification/stabilisation of liquid wastes (revisions to
approved scheme H/FUL/0043/03) (RESUBMITTED
APPLICATION)

Location: Seaton Meadows Brenda Road Hartlepool

Decision: **Deferred to enable the period for publicity and public
comment to expire.**

Number: H/2006/0112

Applicant: Hartlepool Borough Council
Neighbourhood Services Bryan Hanson House Hartlepool

Agent: Engineering Consultancy HBCB. Colarossi Bryan Hanson
House Hanson Square HARTLEPOOL

Date received: 10/02/2006

Development: Formation of a car park

Location: Land To The North Of Hartley Street Murray Street
Hartlepool

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) PR162/1/PA rev A, unless otherwise agreed in writing by the Local Planning Authority
For the avoidance of doubt

The Committee considered representations in relation to this matter.

Ian Fenny (Applicant) addressed the Committee in respect of the following application

Number: H/2006/0124

Applicant: Alab Env Services Ltd
Able House Billingham Reach Industrial Est Haverton Hill Rd Billingham

Agent: Alab Environmental Services Ltd Able House Billingham Reach Industrial Est Haverton Hill Road Billingham

Date received: 16/02/2006

Development: Provision of a tyre recycling centre

Location: Seaton Meadows Brenda Road Hartlepool

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

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 storage height of whole and shredded tyres within the site shall be restricted to a height of no more than 3 metres to ensure that stockpiles of such material can at no time be seen from anywhere along Tees Road and / or Brenda Road. Poles 3m in height shall be erected within the storage areas in locations to be first agreed in writing by the Local Planning Authority to enable the height restriction to be measured on site before the use commences and the poles shall thereafter be retained during the lifetime of the development.
In the interests of visual amenity.
3. No part of the surface area of the site shall be less than 5 metres A.O.D.
To protect the site from the risk of flooding

The Committee considered representations in relation to this matter.

Mr Proudlock (on behalf of the Applicant) and Mr Irvin (Objector) addressed the Committee in respect of the following application.

Number: H/2006/0019

Applicant: Mr & Mrs Haggan
24 CAMPBELL ROAD HARTLEPOOL

Agent: Mr & Mrs Haggan 24 CAMPBELL ROAD HARTLEPOOL

Date received: 11/01/2006

Development: Erection of a two-storey playroom, utility, w.c., bedroom and bathroom extension to side

Location: 24 CAMPBELL ROAD HARTLEPOOL

Decision: Planning Permission Approved

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
3. Unless otherwise agreed in writing with the Local Planning Authority the first floor windows on the rear elevation for the bathroom and study shall be obscurely glazed at the time of their insertion and retained as such thereafter.
In the interests of the amenities of the occupants of neighbouring properties.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows(s) shall be inserted in the elevation of the extension facing 3 Cullen Road without the prior written consent of the Local Planning Authority.
To prevent overlooking
5. The development hereby approved shall be carried out in accordance with the amended plan(s) received on 24 February, unless otherwise agreed in writing by the Local Planning Authority
For the avoidance of doubt
6. The extension hereby approved shall not be brought into use until the proposed hardstanding area at the front of the property is in place. The

hardstanding shall thereafter be retained during the lifetime of the development.

To make adequate provision to off street car parking.

The Committee considered representations in relation to this matter.

Mr Jewson (Objector) addressed the Committee in respect of the following application.

Number: H/2006/0169

Applicant: The Mandale Group
Mandale House Sedgwick Way Portrack Interchange
Business Park Stockton

Agent: Brown Smith Baker 1st Floor Morton House Morton Road
Darlington

Date received: 03/03/2006

Development: Erection of two restaurants and a bar

Location: FORMER BATHS SITE CORONATION DRIVE
HARTLEPOOL

Decision: **Minded to APPROVE subject to a legal agreement under S106 of the Planning Act securing improvements to local bus stops the provision of an art feature and the following conditions**

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
3. Prior to the development being commenced the highway shall be altered in order to provide a reservation area for vehicles seeking to turn right into the site from Coronation Drive in accordance with a scheme to be previously agreed by the Local Planning Authority.
In the interests of highway safety
4. Prior to the development being brought into use a risk assessment in relation to servicing within the site shall be undertaken.
In the interests of highway safety.

5. Prior to the development hereby approved being brought into use a scheme for cycle storage on the site shall be i) submitted and approved by the Local Planning Authority and ii) implemented in accordance with the approved details.
In the interests of encouraging access to the site by means other than the private car.
6. The development hereby approved shall not be open to the public outside the hours of 8.00am and 11.30pm.
In order to protect nearby residents from potential noise and disturbance.
7. The development hereby approved shall incorporate noise insulation measures in accordance with a scheme to be previously agreed with the Local Planning Authority.
In order to protect nearby residents from potential noise and disturbance.
8. No music shall be played anywhere on the site which would be audible at the boundaries of the site.
In order to protect nearby residents from potential noise and disturbance.
9. There shall be no external storage of empty bottles awaiting collection.
In order to protect nearby residents from potential noise and disturbance.
10. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details in relation to the development hereby approved for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used whenever food is being cooked on the premises. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details in relation to the development hereby approved for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties..
11. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interest of security and visual amenity.
12. The development hereby approved shall not be commenced until such time as a detailed study has been submitted to and approved by the LPA to determine the extent of any enhancements which may be required to the existing coast protection structure. No part of the development shall be inhabited until any recommendations contained with the aforementioned detailed study with respect to coast protection have been incorporated into the design and are substantially complete on site.
To safeguard the site against flooding.
13. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and

hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

To prevent pollution of the water environment.

14. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

To prevent pollution of the water environment.

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

16. The applicant shall provide details of the flood protection measures to be used in the design of the property. Thereafter the measures shall be incorporated in the construction of the property.

To reduce the risk of flooding.

17. No development shall proceed until a flood management plan has been submitted to and agreed by the LPA.

To reduce the risk of flooding.

18. The development hereby permitted shall not be commenced until:

- a) A desk-top study has been carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works / Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority.

If identified as being required following the completion of the desk-top study,

- b) The application site shall be subject to a detailed scheme for the investigation and recording of contamination, and remediation objectives shall be determined through risk assessment, and agreed in writing with the Local Planning Authority
- c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') shall be submitted to and approved in writing by the Local Planning Authority.
- d) The works specified in the Reclamation Method Statement shall be completed in accordance with the approved scheme.

- e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.
To safeguard users of the site from the risk of contamination.
- 19. There shall be no collection or deliveries of bottles to the premises outside the hours of 8a.m. and 8p.m.
In order to protect nearby residents from potential noise and disturbance.
- 20. Any signage on the building shall be subject to the prior approval of the LPA.
In the interests of visual amenity in this important gateway location.

The Committee considered representations in relation to this matter.

Councillors Kaiser and Kennedy requested that their votes against the above application be recorded.

Number:	H/2006/0096
Applicant:	Mr/Mrs Khan 26-27 Front Street Concord Washington
Agent:	Andrew Davison 118 Chaucer Close Gateshead
Date received:	06/02/2006
Development:	Alterations and use as a hot food takeaway
Location:	33 Chatham Road Hartlepool
Decision:	Planning Permission Approved

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The premises shall only be open to the public between the hours of 08.00 and 20.00 Mondays to Saturdays inclusive and shall remain closed at all other times including Sundays and Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
3. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed.
Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.

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

Councillor Ray Waller declared a private and prejudicial interest in the following application and left the meeting during its consideration.

Number: H/2006/0073

Applicant: Hartlepool Borough Council
Bryan Hanson House Hanson Square Hartlepool

Agent: Hartlepool Borough Council Bryan Hanson House Hanson Square Hartlepool

Date received: 31/01/2006

Development: Alterations and extension of public right of way to provide footpath/cycle route including embankment works to facilitate access onto Hart/Haswell walkway

Location: Middlethorpe Farm Hart Hartlepool

Decision: Planning Permission Approved

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than five years from the date of this permission.
To clarify the period for which the permission is valid.
2. Unless otherwise agreed in writing with the Local Planning Authority no development (including any tree felling, embanking, excavations, ground clearance or preparations) shall commence in the wooded area adjacent to the Hart to Haswell walkway until a method statement and timetable for the works and the subsequent restoration of the site, has been submitted to and agreed in writing with the Local Planning Authority. The works shall thereafter be carried out in accordance with the agreed method statement and timetable.
In order to limit the impact of the development on the fauna and flora.
3. Prior to the commencement of development the precise route of the footpath/cycleway in the wooded area adjacent to the Hart to Haswell walkway shall be agreed on site with the Local Planning Authority.
In order to limit the impact of the development on the fauna and flora.
4. 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).

5. Unless otherwise agreed in writing with the Local Planning Authority a detailed landscaping scheme of planting, reseeded and tree planting for the embankment sides in the wooded area adjacent to the Hart to Haswell walkway 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 of planting, 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 the visual amenity of the area and nature conservation.

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

In the interests of the visual amenity of the area and nature conservation.

The Committee considered representations in relation to this matter.

Councillor Ray Waller declared a private and prejudicial interest in the following application and left the meeting during its consideration.

Number:	HFUL/2004/1047
Applicant:	Mr TBrown Middlethorpe Farm HartHartlepool
Agent:	Bums Architects Castle Eden Studios Castle Eden County Durham TS24 4SD
Date received:	20/12/2004
Development:	Alterations to and conversion of barns to provide 5 studio dwellings
Location:	Middlethorpe Farm Hart HARTLEPOOL

Decision: Subject to the submission of a satisfactory bat/barn owl survey and the completion of a legal agreement securing the provision of a cycleway/footpath across the applicant's land, grilles on the tunnel under the Hart to Haswell walkway to protect the bat roost, a contribution of £20,000 towards the surfacing of the access road, and restricting the provision of new farm buildings on the applicant's holding APPROVE subject to the following conditions and any other conditions arising from the outstanding bat/barn owl survey:

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

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 20 December 2005 (Proposed site plan, Drawing No 0340/01, 0340/02, 0340/03, 0340/S2) 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.
In the interests of visual amenity.
4. Windows and doors shall be constructed in timber and shall be painted or stained a colour previously submitted to and approved in writing by the Local Planning Authority.
In the interests of visual amenity of the area.
5. Prior to the commencement of development details of the proposed rooflights shall be submitted to and approved in writing by the Local Planning Authority. The rooflights shall thereafter be installed in accordance with the approved details.
In the interests of visual amenity.
6. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
7. A detailed scheme of landscaping and tree and shrub planting including planting adjacent to the proposed footpath/cycleway to the north of the site shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
9. The development shall incorporate bat roosting features in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The approved bat roosting features shall be installed at the time of development and shall be retained for the lifetime of the development.
In the interests of nature conservation and biodiversity.
10. Prior to the commencement of the development hereby approved a scheme for the disposal of foul sewage and surface water generated as a result of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any of the approved dwellinghouses.
In the interests of amenity and in order to prevent pollution.
11. The existing agricultural buildings shown to be demolished on the approved site plan shall be demolished and removed from the site at the time of development.
For the avoidance of doubt
12. The studio elements of the premises shall be used for B1 uses only and for no other purpose (including any other Class in the Schedule to the Town & Country Planning (Use Classes) (Amendment) (England) Order or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification. The studios shall only be occupied in association with the approved dwellinghouse.
In the interests of the amenities of the occupants of neighbouring properties.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) or other outbuildings other than those expressly authorised by this permission shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Authority to exercise control in the interests of the amenities of the occupants of adjacent residential property and the visual amenity of the area.
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), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.

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

15. 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, 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 and the visual amenity of the area.

16. 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 additional windows(s) doors or other openings shall be inserted in the external elevations of the dwellinghouses nor shall any windows, doors or openings be enlarged without the prior written consent of the Local Planning Authority.

In the interests of the visual amenity of the area and to prevent overlooking

17. No development shall take place until a scheme for the provision of passing places for vehicles visiting the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any of the dwellinghouses.

In the interests of highway safety.

18. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.

In the interests of highway safety.

19. Unless otherwise agreed in writing by the Local Planning Authority the vehicular access to the development shall be from the A1086 Coast Road only. The vehicular access from Middlethorpe Farm, Middlethorpe Farm Cottage and Deneside Cottage shall be from the Hart Village only. No development shall take place until a scheme for the demarcation and separation of these access arrangements has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any of the dwellinghouses and thereafter retained for the lifetime of the development.

In the interests of highway safety.

20. Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development either: i) a test for the presence of landfill gas shall be made in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. If landfill gas is detected then a scheme to incorporate appropriate landfill gas protection measures shall be submitted to and approved in writing by the Local Planning Authority. The landfill gas protection measures so approved

shall be incorporated into the development at the time of development; or
 ii) a scheme to incorporate appropriate landfill gas protection measures shall be submitted to and approved in writing by the Local Planning Authority. The landfill gas protection measures so approved shall be incorporated into the development at the time of development.

To ensure the extension is adequately protected from the ingress of landfill gases.

The Committee considered representations in relation to this matter.

141. Creation of a new Public Bridleway at North Hart Farm, Hart Parish *(Director of Adult and Community Services)*

The Director of Adult and Community Services sought approval for the Creation of a new Public bridleway between the northern end of the adopted highway known as North Hart Lane and the southern end of the public footpath known as No 11, Hart Parish. This would create an important link in a larger access initiative to create a network of access routes linking the town to more of the countryside. This new public right of way would be a public bridleway, pursuant to Highways Act 1980 section 25. Detailed information on the background and legal considerations was given.

Members were informed that the costs, which would be covered by the Rights of Way budget, were expected to be £550 approximately. Any future maintenance costs would be covered through Local Transport Plan Funding.

Decision – That the creation of an new section of public rights of way between the northern end of the adopted highway known as North Hart Lane and the southern end of the public footpath known as No 11, Hart Parish be approved.

142. Update on Current Complaints *(Head of Planning and Economic Development)*

Members were advised that during the four week period prior to the meeting twenty four (24) planning applications had been checked, requiring site visits resulting in various planning conditions being discharged by letter.

Members' attention was drawn to eight (8) current ongoing issues detailed in the report.

Decision – The report was noted

143. Appeal by Mr and Mrs Hopper, Meadowcroft,

Hartlepool (*Assistant Director (Planning and Economic Development)*)

Members were advised that a planning appeal lodged against the refusal of the Planning Authority to grant outline planning permission for the erection of four detached dwellings at the above site had been withdrawn. No further action was required.

Decision – The withdrawal of the appeal was noted.

144. Appeal by Mr M Almond, Plot A, Overlands, High Throston, Hart Lane, Hartlepool (*Assistant Director (Planning and Economic Development)*)

A planning appeal had been lodged against the refusal of the Local Planning Authority for the approval of reserved matters for the erection of a detached dwelling with integral garages. Notification had now been received from the Planning Inspectorate that the appeal had been allowed. The Inspector had concluded that the bulk of the proposal was acceptable and entirely consistent to what had already been built locally. In addition the development would not unacceptably harm the living conditions of the future occupiers of the development to the east, in terms of possible overshadowing and loss of open outlook. A copy of the decision letter was submitted as an appendix.

Decision – The decision was noted

145. Local Government (Access to Information) Act 1985

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

Minute 146 – Church of the Nazarene, Lowthian Road, Hartlepool (Para 6) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information which reveals that the authority proposed to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment

Minute 147 – Complaints Review (Para 6) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information which reveals that the authority proposed to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment.

146. Church of the Nazarene, Lowthian Road, Hartlepool

(Assistant Director (Planning and Economic Development)) (Para 6) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information which reveals that the authority proposed to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment

Purpose of Report

To enable members to consider the need for further action in respect of the above premises

Issue(s) for the consideration by the Committee

The issues considered by members are set out in the exempt section of the minutes.

Decision

The decision is set out in the exempt section of the minutes.

147. Complaints Review) - Assistant Director (Planning and Economic

Development)) (Para 6) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information which reveals that the authority proposed to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment

Purpose of report

To consider complaints that are outstanding

Issue(s) for consideration by the Committee

The issues considered by members are set out in the exempt section of the minutes.

Decision

The decision is set out in the exempt section of the minutes.

BILL ISELEY

CHAIRMAN

No: 1
Number: H/2006/0219
Applicant: The Hospital Of God Greatham Estate Office Greatham Hartlepool
Agent: Estate Office Greatham Hartlepool
Date valid: 17/03/2006
Development: Provision of replacement windows
Location: 7,8,9 and 10 THE GREEN GREATHAM HARTLEPOOL HARTLEPOOL

The Application and Site

1.1 The application site is located in the centre of Greatham Village opposite the village green.

1.2 The two-storey building which dates from around 1985 is sited within the Conservation Area and provides accommodation in the form of four, rented flats for older residents.

1.3 The proposal involves the removal of the existing timber sliding sash windows and their replacement with double glazed, timber casements. The existing windows have become difficult to open and close for the elderly residents.

Publicity

1.4 The application has been advertised by way of letters to neighbours and also by site and press notices. Two letters of objection have been received from the Hartlepool Civic Society and Greatham Parish Council. Both object on the grounds that the replacement windows should be timber, sliding sash windows.

The period for publicity has expired.

Consultations

1.5 The following consultation replies have been received:

Greatham Parish Council - objections

Planning Policy

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

GEP1: states that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings,

effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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

HE1: states that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

HE2: encourages environmental improvements to enhance conservation areas.

Planning Considerations

1.7 The main considerations in this case are the appropriateness of the proposal in terms of the policies and proposals within the Hartlepool Local Plan and the impact of the development on the Greatham Conservation Area in forms of visual amenity.

1.8 The properties, which are fairly modern and of no particular historic or architectural interest, are not listed, although they are within the Greatham Conservation Area. If the building was a pair of houses rather than flats, no consent would be required to replace the windows.

1.9 The adjacent house, 6 The Green, has upvc windows as do four other properties within this street (nos 12, 14, 20 and 21).

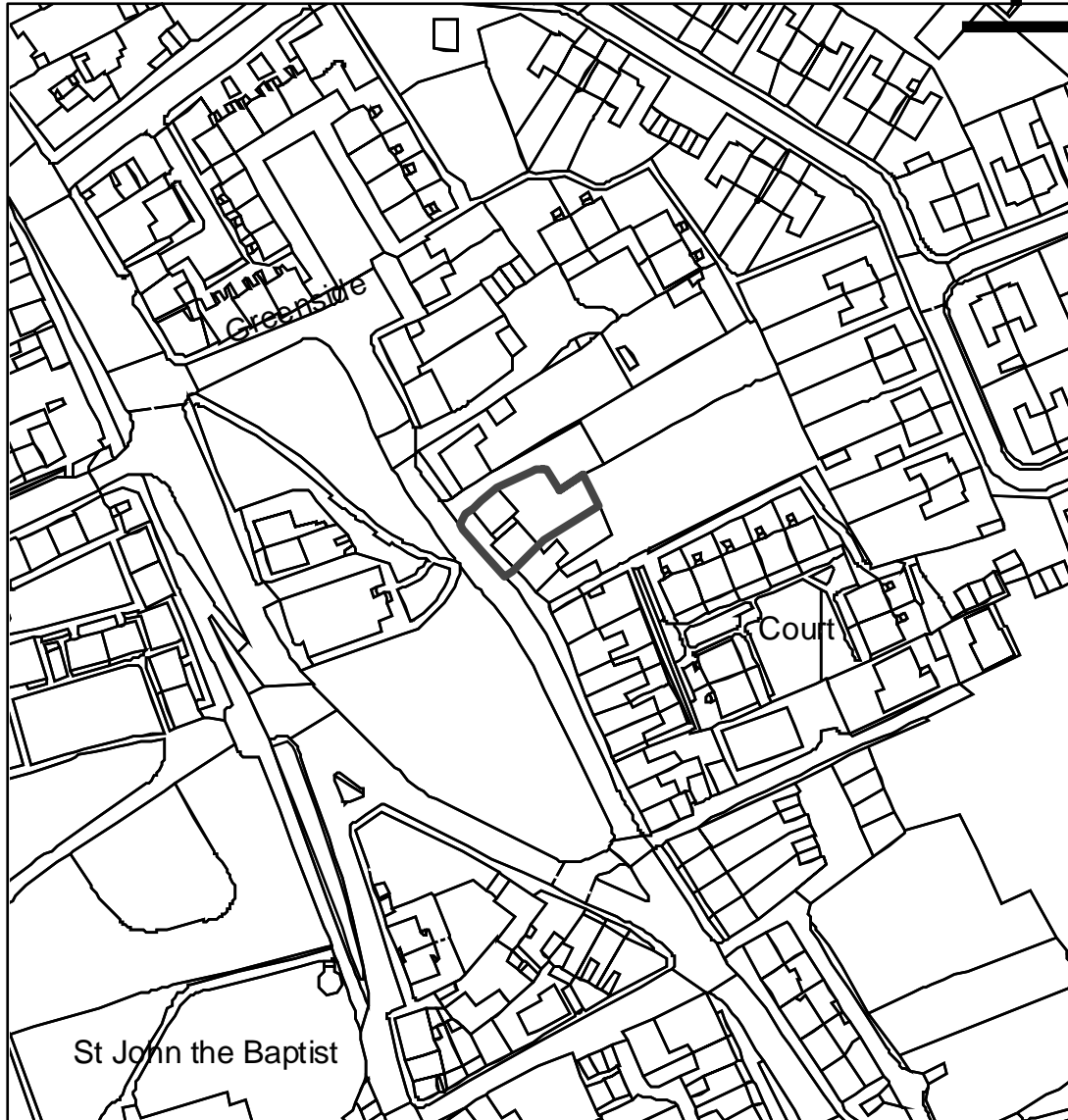
1.10 The Councils Conservation Officer has no objections to the new windows in this type of property.

1.11 In view of the fact that the replacement windows are to be timber framed and would have the appearance of sliding sash windows it is unlikely that an objection could be sustained to the proposal.

RECOMMENDATION – APPROVE subject to the following condition.

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.

7-10 The Green



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 02.05.06
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2006/0219	REV

No: 2
Number: H/2006/0206
Applicant: Mr C Morgan 30 Forester Close Seaton Carew Hartlepool
Agent: 30 Forester Close Seaton Carew Hartlepool
Date valid: 27/03/2006
Development: Erection of a three storey building comprising 2 flats with integral garages
Location: Land At 71 Elwick Road Hartlepool

The Application and Site

2.1 The application site is located at the south side of Elwick Road on the corner with Ellison Street.

2.2 The site which has been undeveloped for many years, accommodates a large advert hoarding.

2.3 The surrounding area comprises of a number of uses including shops, houses, flats, a church and a health centre. Immediately to the west is the Elwick Road Co-op store.

2.4 The proposal involves the erection of a 2 storey building which also makes use of the roof space for living accommodation.

2.5 The ground floor plan shows a small, one bedroom flat, with adjacent garage.

2.6 The second flat, which is much larger, makes use of the roof space to provide a third bedroom with en-suite facilities and storage. This flat also has a garage.

2.7 Planning consent was granted in 1992 for the erection of 2 flats with integral garages on the same site (H/FUL/0497/92)

Publicity

The application has been advertised by way of neighbour letters (13) and a site notice. Three letters of objection were received on the following grounds:

- a). Noise and dust during construction.
- b). Storage of building materials may impede paths/highways.
- c). Safety/security – will attract teenagers and lead to vandalism and noise.
- d). Parking – existing problems in area will be made worse.
- e). Existing security gates – concerned that the existing position of the alley gates could create an area for mis-use and should be moved once the development is built.
- f). The land should be used as a car park for the shops.

Copy letters B

The period for publicity has expired.

Consultations

2.8 The following consultation replies have been received:

Traffic and Transport – Awaited but informally no objections.

Engineering Consultancy – No objections / comments.

Public Protection – No objection.

Northumbrian Water – No objection.

Planning Policy

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

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

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

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

Hsg12(A): sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space and 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.

HsgXX: states that the Council will seek to meet the regional target for development on previously developed land and through conversions of 60% by 2008 and to exceed the regional target of 65% by 2016 by setting a local target of 75%. A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing

requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments.

Planning Considerations

2.10 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, the impact of the development on the amenities of the area and on highway safety.

2.11 In terms of its relationship with the adjacent uses in the area, the development is considered to be compatible with the existing residential properties in this mixed use area.

2.12 The existing alley gates to the rear of the site (behind the Co-op) may have to be re-located, but this would be at the applicant's expense.

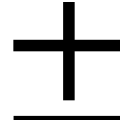
2.13 With regard to the comments that building works would create noise and dust, it may be possible to restrict the storage of materials and times when work can take place. This could be by the use of planning conditions.

2.14 Whilst it is acknowledged that this particular area it is very busy for most of the day, the highway engineer has informally commented that the two garages provided would meet parking standards and is in line with government advice.

2.15 In view of the above it is unlikely that an objection could be sustained to the proposed development.

RECOMMENDATION - APPROVE

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 area(s) indicated for car parking on the plans hereby approved shall be provided before the use of the site commences and thereafter be kept available for such use at all times during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties and highway safety.
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.
In the interests of visual amenity.
4. No machinery shall be separated on site or construction work take place before 0800 or after 1800 Monday to Friday or before 0800 or after 1300 on Saturday. There shall be no construction work, deliveries or machinery operated on the site at all on Sundays.
In the interests of the amenities of the occupants of neighbouring properties.
5. No materials shall be stored on the public highway (including back street)
In the interests of the amenities of the occupants of neighbouring properties and highway safety.



71 Elwick Road



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 02.05.06
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2006/0206	REV

No: 3
Number: H/2005/5387
Applicant: Mr I Miah 34 GRANGE ROAD HARTLEPOOL TS26 8JB
Agent: 34 GRANGE ROAD HARTLEPOOL TS26 8JB
Date valid: 11/07/2005
Development: Provision of UPVC windows and door (retrospective application)
Location: 34 GRANGE ROAD HARTLEPOOL

UPDATE: -

Members deferred the application at the last Committee on the 26th of April 2006 to enable the Conservation Advisory Committee (CAC) to review the merits of the Article 4 Direction within the Grange Conservation Area.

The Hartlepool Conservation Advisory Committee (CAC) is due to meet on the 11th of May. Due to restrictive timescales the outcome of the meeting is not available to Officers prior to writing this report.

Following the meeting of the CAC an update report will be provided.

RECOMMENDATION – Final update to follow

34 Grange Road



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15.8.05
	SCALE 1:1200	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2005/5387	REV

No: 4
Number: H/2005/5411
Applicant: Mr D Cook 86 CLIFTON AVENUE HARTLEPOOL TS26 9QP
Agent: 86 CLIFTON AVENUE HARTLEPOOL TS26 9QP
Date valid: 20/05/2005
Development: Retention of UPVC windows to front elevation
Location: 86 CLIFTON AVENUE HARTLEPOOL HARTLEPOOL

UPDATE: -

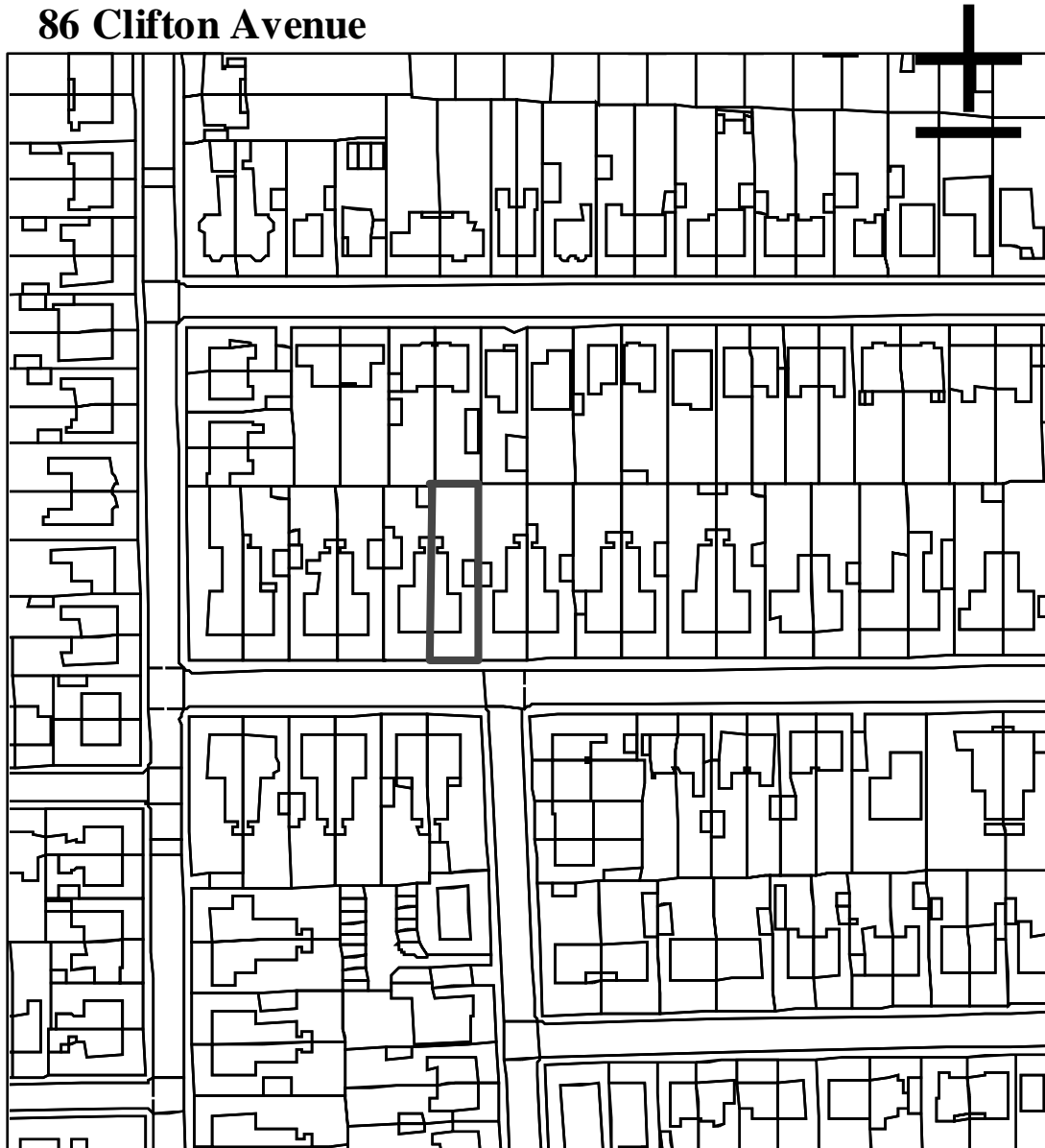
Members deferred the application at the last Committee on the 26th of April 2006 to enable the Conservation Advisory Committee (CAC) to review the merits of the Article 4 Direction within the Grange Conservation Area.

The Hartlepool Conservation Advisory Committee (CAC) is due to meet on the 11th of May. Due to restrictive timescales the outcome of the meeting is not available to Officers prior to writing this report.

Following the meeting of the CAC an update report will be provided.

RECOMMENDATION – Final update to follow

86 Clifton Avenue



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 3.2.06
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2005/5411	REV

No: 5
Number: H/2005/5639
Applicant: Mr S Maxwell 17 GRANGE ROAD HARTLEPOOL TS26 8JE
Agent: Malcolm Smith & Partners Havelock House 24 Victoria Road HARTLEPOOL TS26 8DD
Date valid: 06/01/2006
Development: Installation of UPVC windows to front elevation and door and provision of downpipe and guttering (retrospective application)
Location: 17 GRANGE ROAD HARTLEPOOL

UPDATE: -

5.1 Members deferred the application at the last Committee on the 26th of April 2006 to enable the Conservation Advisory Committee (CAC) to review the merits of the Article 4 Direction within the Grange Conservation Area.

5.2 The Hartlepool Conservation Advisory Committee (CAC) is due to meet on the 11th of May. Due to restrictive timescales the outcome of the meeting is not available to Officers prior to writing this report.

5.3 Following the meeting of the CAC an update report will be provided.

RECOMMENDATION – Final update to follow

17 Grange Road



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 3.2.06
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2005/5639	REV

No: 6
Number: H/2006/0050
Applicant: Mr A T Travis 98 GRANGE ROAD HARTLEPOOL TS26 8JQ
Agent: 98 GRANGE ROAD HARTLEPOOL TS26 8JQ
Date valid: 23/01/2006
Development: Replacement of wooden sash windows to front elevation with UPVC
Location: 98 GRANGE ROAD HARTLEPOOL

UPDATE: -

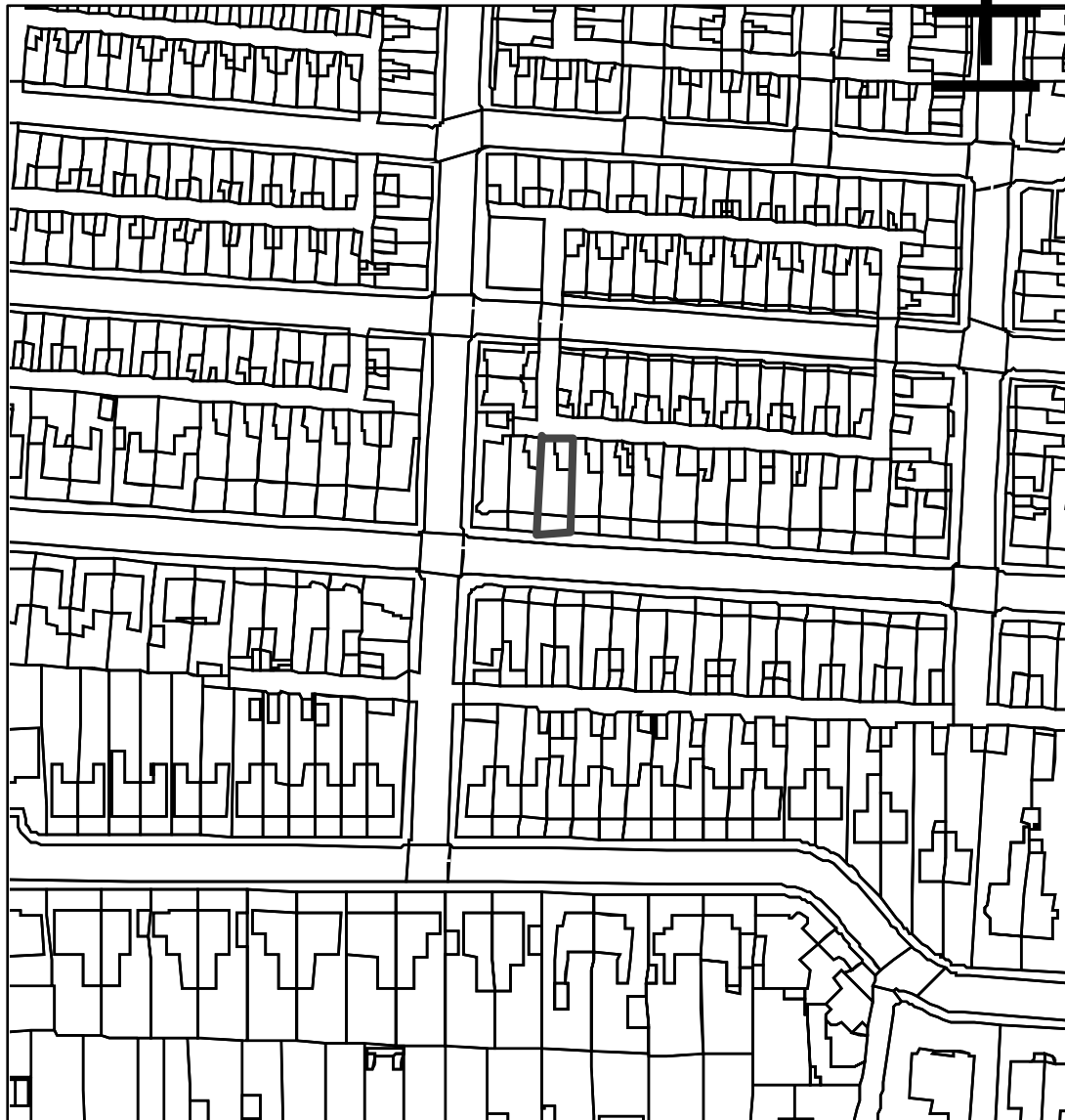
6.1 Members deferred the application at the last Committee on the 26th of April 2006 to enable the Conservation Advisory Committee (CAC) to review the merits of the Article 4 Direction within the Grange Conservation Area.

6.2 The Hartlepool Conservation Advisory Committee (CAC) is due to meet on the 11th of May. Due to restrictive timescales the outcome of the meeting is not available to Officers prior to writing this report.

6.3 Following the meeting of the CAC an update report will be provided.

RECOMMENDATION – Final update to follow

98 Grange Road



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 3.2.06
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2006/0050	REV

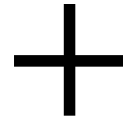
No: 7
Number: H/2006/0228
Applicant: Shepherd Homes Ltd Huntington House, Jocket Lane
 Huntington York
Agent: BSCP Smeaton House Holt Park District Centre Leeds
Date valid: 21/03/2006
Development: Replacement piling and related works
Location: 4,5,6 7, 9,10,11 and 32 & 40 and 2,3 &18 BARLEY
 CLOSE, MEADOWGATE DRIVE AND HAYFIELD
 CLOSE HARTLEPOOL HARTLEPOOL

Background:-

7.1 The application was deferred by members at the previous Planning Committee of the 26th of April 2006 for further information about the monitoring exercise(s) undertaken by the applicant.

7.2 At the time of writing this report, further information has yet to be submitted. A further updated report will be provided before the committee meeting.

Eden Park



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 12.04.06
	SCALE 1:2000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2006/0228	REV

No: 8
Number: H/2006/0269
Applicant: ALAB ENV Able House Billingham Reach Ind Estate
 Billingham TS23 1PX
Agent: Able House Billingham Reach Ind Estate Billingham
 TS23 1PX
Date valid: 03/04/2006
Development: Installation of treatment plant for the
 solidification/stabilisation of liquid wastes (revisions to
 approved scheme H/FUL/0043/03) (RESUBMITTED
 APPLICATION)
Location: Seaton Meadows Brenda Road Hartlepool

Background

8.1 At its meeting on 29 March 2006, the Committee refused consent for amendments to a waste treatment / solidification plant at Seaton Meadows on grounds that insufficient information had been made available by the Health and Safety Executive (Nuclear Safety Directorate).

8.2 This application is an identical re-submission. A reconsultation exercise has been undertaken. Consultees have been informed that their previous responses will be taken as applicable to this application unless they indicate otherwise within 14 days. That 14 day period has now expired

The Application and Site

8.3 In June 2003 the Planning Committee granted planning permission for the installation of a treatment plant for solidification / stabilisation of liquid wastes at Seaton Meadows subject to conditions.

8.4 The current application seeks a number of changes to the layout of the site and its structures along with an increase in the site area to 0.95 hectares. There are no alterations to the waste treatment processes including the method by which the plant will operate, means of access to the site and vehicle traffic flows and hours of operation already approved by virtue of the previous planning permission.

8.5 In essence the process involves entrapping waste in a concrete matrix utilising fly ash before disposal to the adjoining landfill site.

8.6 The principal changes are the separation of the consolidation plant from the tank farm so as to aid vehicle movement and the provision of steel profiled and concrete bunded enclosures for waste storage and drum storage bays. There would also be a bund around the drum and vehicle washing bay. The tank farm would comprise of 8 liquid storage tanks, 4 more than previously approved. The tanks would have a maximum height of approximately 8 metres. An oil water separator, some 3.5

metres in height has been relocated to an above ground location. A further change is the deletion of the acid processing element of the scheme.

8.7 The consolidation / mixing plant would be connected to two powder silos containing the material used in the solidifying process. The silos in question are to be reduced in height from 25 metres to 10 metres above ground level. The mixing plant would be the same height and is to be enclosed in green plastic coated profiled metal sheeting.

8.8 The waste and drum stores would be contained by an enclosing structure comprised of a concrete bund and profiled cladding. The roof of the enclosure would slope from front to back to allow convenient access for lorries to reverse up to the respective bays before depositing their loads. The maximum height of the enclosing structures would be some 8.5 metres and 9 metres respectively.

8.9 The site comprises a rectangular area situated adjacent to the screen embankment which runs alongside Brenda Road.

The applicant states that noise emitted from the mixing plant would be 87dba at source and that the apparatus is sealed therefore ensuring no emissions to air.

Publicity

8.10 The application has been advertised by way of press notice and site notice.

8.11 One letter of objection in relation to the current application and three letters in relation to previously refused application. The following points are raised

- 1) Insufficient information provided to assess health and safety implications including on users of the adjacent cycle way and footpath.
- 2) Concern that development could cause accidental release of dust and contaminants into the atmosphere which could be harmful to local residents and workers on the nearby industrial estate. There is insufficient information with regard to how pollutants will be contained.
- 3) Policy GEP 1 states that this development should be on previously developed land. The area should still be regarded as a greenfield site.
- 4) The development is far taller than the 'shielding' bund wall. There is therefore concern about adverse effects due to noise emissions both from the plant and flows of traffic.
- 5) Increase in traffic will inevitably create a dust nuisance.

Copy letters C

The period for publicity expires before the meeting.

Consultations

8.12 The following consultation replies have been received:

Environment Agency – Previously stated that operator of the plant will require a permit. This will contain all the necessary controls to prevent or minimise an environmental impact of the plant and its operation. It is understood that this application does not involve any discharge of liquid waste outside the site boundary. No further comments submitted following from this consultation.

English Nature – Confirm that their response remains the same as for the previous application i.e that the proposal would not be likely to have a significant effect on the interest features of the Teesmouth and Cleveland Coast SPA and Ramsar sites nor cause damage or disturbance to the Seaton Dunes and Common SSSI.

Health and Safety Executive (Hazardous Substances Installation) – Previously stated no objections. No further comments submitted following from this consultation.

Health and Safety Executive (Nuclear Safety Directorate) – Comments awaited although comments are expected in time for the meeting.

Northumbrian Water – Previously stated no objections. No further comments submitted following from this consultation.

Head of Traffic and Transportation – Previously stated no major highway safety implications. No further comments submitted following from this consultation.

Head of Public Protection – Confirm that their response remains the same as for the previous application i.e that this application is a revision of the scheme that was approved in 2003 and the process has not changed. All that has changed is the size and layout of the plant and some of the storage bays are now enclosed. The noise level from the mixing plant will not be a problem in this location as the site is well separated from any noise sensitive properties. Therefore no objections to this application.

Planning Policy

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

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

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

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

Planning Considerations

8.14 The main issues for consideration in this case are those that arise from changes to what has already been approved on the site i.e. changes to the scale and layout of the development which could give rise to visual amenity or noise emission issues.

8.15 The principle of this development has already been accepted by virtue of the previous 2003 permission. The method for dealing with the storage and solidification of waste would be as approved and in any event will be regulated by an Environment Agency permit.

8.16 The proposed development area is part of the Seaton Meadows landfill site. There is planning permission to remove clay from this part of the site and to use the resulting void as part of the landfill operation. Indeed when the original planning permission was granted for the waste treatment plant in 2003, this was subject to a planning condition requiring the relevant apparatus to be removed in advance of extraction / landfilling. Given that the site is integral to and will eventually be utilised as part of the landfill operation the question of whether the site has greenfield status is considered not to be relevant.

Emissions

8.17 Planning Policy Statement 23 (PPS 23) which is concerned with planning and pollution control states that the controls under planning and pollution control regimes should complement rather than duplicate each other.

The Environment Agency has stated that their own permitting regime would contain all the necessary controls to prevent or minimise any environmental impact of the plant and its operation.. The applicant has also confirmed that there are to be no discharges of liquid / water outside the boundary of the facility which therefore satisfies the Environment Agency's second point.

8.18 With respect to impact of the proposed plant the Council's Public Protection officer recognises that noise impact from the mixing plant, which is stated to be 87 dba at source, would not cause a problem given that it is well separated from the nearest noise sensitive properties. With respect to concerns about the general risk of emissions from the site, this would be controlled through the Environment Agency's regulating powers.

It is important for Members to take into account that the principle of the proposed development has already been established by virtue of the earlier 2003 permission. The proposed methods for treating the liquid waste i.e treating it with pulverised fly ash and cement has already been accepted by virtue of the previous consent.

8.19 It is for the Health and Safety Executive to raise any concerns regarding risk to health and safety or workers on the site. Whilst the hazardous substances division have not objected the comments of the nuclear safety directorate are currently awaited.

Visual impact

8.20 The enlarged scale of the site and the separation of the tank farm from the consolidation equipment is not considered to be out of keeping with the wider Seaton Meadows site.

8.21 The proposed waste storage bay enclosure structure would at a height of 9 metre be quite tall but not out of keeping with the surrounding industrial landscape. The enclosure can be coloured to help reduce its impact. The adjacent perimeter embankment would also help to mitigate its impact.

8.22 The proposed mixing / consolidation plant and tallest storage silos would be some 10 metres in height. Their visual impact would however be less from Brenda Road as they are sited further into the site and from certain viewpoints would be screened by the bay enclosure structures.

Other matters

With regard to traffic movements the site already receives deliveries of waste and as such a material increase in the level of traffic entering Seaton Meadows would not be anticipated. Even if there were to be an increase it is unlikely that the effects would be significant.

8.23 Given that there is an outstanding consultation response an update report will be provided in advance of the Committee. In the event that there are no further objections received it is likely that the recommendation will be to approve subject to conditions.

RECOMMENDATION – APPROVE subject to the the views of the H.S.E (nuclear safety directorate) and to the following conditions.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be commenced until: a) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing by the Local Planning Authority; b) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, c) The works specified in the Redamation Method Statement have been completed in accordance with the approved scheme, d) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.

REASON: For the avoidance of doubt

3. The development shall only be operated in accordance with the principles outlined in Environmental Statement Appendix II submitted in support of application H/FUL/0043/03. Waste materials shown to be precluded from the site in that Statement shall not be treated at the plant.

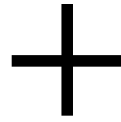
REASON: In the interests of the amenities of the area.

4. The permission hereby granted shall permit the operation of the plant on the site during the lifetime of the tipping and land reclamation scheme approved under planning application H/FUL/0683/97. The plant shall be removed from the site when clay is due to be extracted from that part of the site where the plant is to be located, unless otherwise agreed in writing by the Local Planning Authority. Should the extraction of clay from the part of the site where the plant is to be located be delayed by more than 6 months, the plant hereby approved shall be removed within 6 months and the land reinstated to its former condition.

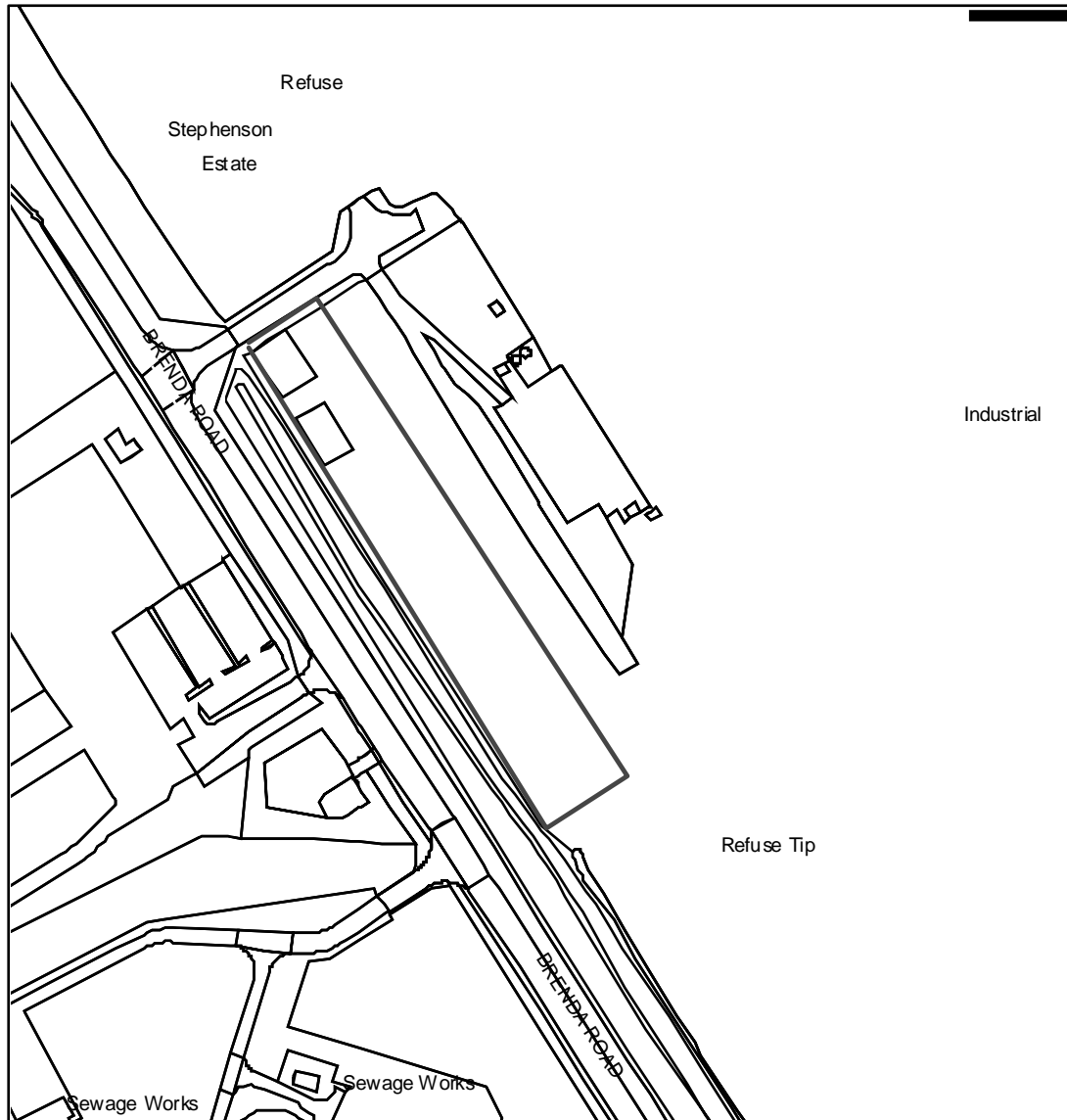
REASON: For the avoidance of doubt

5. The waste storage and and drum storage bay enclosures shall have a coloured finish in accordance with details to be previously agreed with the Local Planning Authority prior to the development hereby approved coming into use.

REASON:- In the interests of visual amenity



Seatons Meadows



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 12.04.06
	SCALE 1:2000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2006/0269	REV

No: 9
Number: H/2006/0179
Applicant: Goodname Estate Co Cleveland House Queens Square
Middlesbrough
Agent: David Stovell & Millwater 5 Brentnall Centre Brentnall
Street MIDDLESBROUGH TS1 5AP
Date valid: 07/03/2006
Development: Reserved matters application for the erection of 2 houses
and details of conversion of coach house and existing
house
Location: NORTON HOUSE THETFORD ROAD HARTLEPOOL
HARTLEPOOL

The Application and Site

9.1 This application seeks permission for the matters reserved by condition attached to the outline planning approval granted in January 2005 for conversion of Norton House and Coach house to provide 3 dwellings and provision of 2 new dwellings in the rear garden of the building.

9.2 Norton House is a large Victorian residence built within its own grounds of about 1 acre. It was formerly known as Owton Fens Hostel before its use as a residential home for the elderly. The site is bounded by housing; to the south (Aldeburgh Close and Thetford Cottage) and north (Thetford Road), gardens to the west (Crowland Road) and a rear garden of a house in Thetford Road to the east.

Publicity

9.3 The application has been advertised by way of neighbour letters (36) and site notice. To date, there have been 4 letters of no objection 10 objecting to the scheme. The concerns raised are:

- a) Increase of traffic on Black Path, therefore safety and noise issues.
- b) Black Path maintenance/repair issues
- c) Disturbance by additional traffic
- d) New development does not complement existing Norton House, they appear large
- e) The access to the development is a path not a road
- f) Verbal comments from resident of 14 Aldeburgh Close seeking assurance that tree no 52 was to be removed because it was unsafe and presented a risk to his property & children. He would also like the conifer tree trimmed back because children climb on the boundary fence to collect conkers.

Copy letters D

The period for publicity has expired.

Consultations

9.4 The following consultation replies have been received:

Greatham Parish Council – No objections

Head of Technical Services - The condition that there are no more than 5 properties should remain, as there are highway safety concerns with the possible conflict between vehicles and pedestrians/cyclists using the Black Path if there is an increase in the number of properties on this site.

Northumbrian Water - The authority has made a number of detailed comments that have been passed onto the applicants' agent. No objections.

Planning Policy

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

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

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

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

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

Hsg12(A): sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space and 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.

Hsg7: states that conversions to flats or houses in multiple occupation will be approved subject to considerations relating to amenity and the effect on the character of the area. Parking requirements may be relaxed.

Planning Considerations

9.6 The principle of the conversion of Norton House and Coach House to provide 3 dwellings and provision of 2 new dwellings in the rear garden of the building has been accepted following outline planning approval granted in January 2005. It is only the reserved matters (siting, design external appearance and landscaping), which are under consideration.

9.7 The conversion works to Norton House and Coach house have been completed and the coach house is now occupied.

9.8 The main planning considerations in this case are the impact of the development on the amenity of the occupiers of nearby residential properties.

9.9 The site is located to the rear of properties in Thetford Road. To the south and separated by a footpath are properties on Aldeburgh Close and Thetford Cottage. It is considered the siting of the two new dwellings comply with minimum distances as set out in the Hartlepool Local Plan 2006. The finished floor levels will be controlled by condition.

9.10 Concerns from residents in Thetford Road have been raised about planting on their rear garden boundaries. In light of these concerns the applicant has amended the landscaping scheme to address these concerns by removing the particular planting. It is not considered the amended scheme will have negative impact on the development.

9.11 Objections have also been raised in relation to highway safety due to the conflict between pedestrians, cyclists and vehicles using the Black path. These issues were given full consideration at the outline application stage and are not relevant to the consideration of the reserved matters.

9.12 Particular concerns have been raised about the increase of traffic on the Black Path and because of this its maintenance and repair. Whilst these issues cannot be addressed through planning conditions, they have been brought to the attention of the Head of Technical Services and Countryside Access Officer because the Black Path is classified as a Public Right of Way to monitor.

9.13 In conclusion, the submitted details satisfy those identified at the outline stage to provide 2 new dwellings of appropriate size, scale & design in comparison to the surrounding dwellings and locality. The scheme is therefore considered acceptable for this site and therefore recommended for approval.

RECOMMENDATION - APPROVE

1. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
2. The window frames to be installed in the new dwellings shall be timber and shall be painted white or such colour as may be agreed in writing with the Local planning Authority before this part of the development commences.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) or other outbuildings other than those expressly authorised by this permission shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
5. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
6. No construction work or deliveries on any part of the project shall take place outside the hours 8am - 6pm.
In the interests of the amenities of the occupants of neighbouring properties.
7. Before the development hereby approved is commenced, the dwelling(s) shall be pegged out on site and its/their exact location agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
8. The landscaping, tree and shrub planting shall be implemented in accordance with the plans and programme of works to be undertaken as originally submitted.
9. 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.
10. 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).

11. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

In the interests of visual amenity.

12. Prior to the commencement of the 2 houses, site sections showing the finished floor levels of the houses and the parking and garden areas in relation to existing site levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the levels shall be strictly in accordance with the agreed scheme.

For the avoidance of doubt

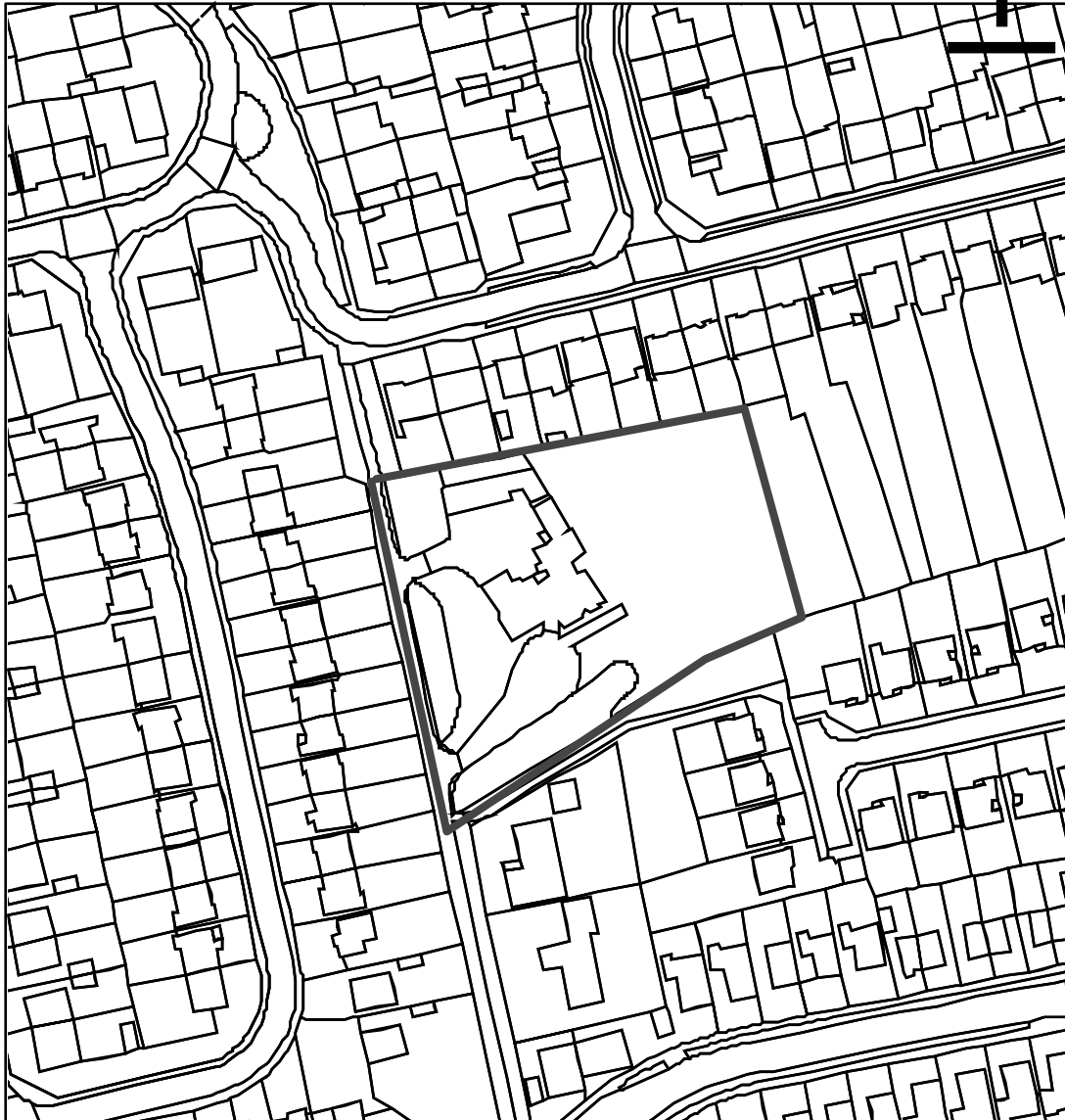
13. Tree no. 52 identified on drawing no. HL/03/002/050 shall be removed in accordance with relevant recommendation of BS 3998:1989

In the interests of the health and appearance of the preserved tree(s).

14. No development shall commence until details of the proposed means of the disposal of foul and surface water have been submitted to and approved in writing with the Local Planning Authority. The details so approved shall be implemented as approved at the time of development.

To prevent pollution of the water environment.

Norton House



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 12.04.06
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2006/0179	REV

No: 10
Number: H/2006/0191
Applicant: Mr B Claughan 9 The Green Elwick
Agent: 9 The Green Elwick
Date valid: 08/03/2006
Development: Use of land for the storage of 20 caravans
Location: Potter Farm 9 The Green Elwick Hartlepool

The Application and Site

10.1 This application seeks planning permission for a change of use from agricultural land to land for the storage of 20 caravans.

10.2 The site to which this application relates is an area of land to the north of properties fronting The Green. The land is to the eastern side of the access track that runs from The Green along the west of the farmhouse (no 9 The Green) to the east of the properties on Manor Close and Martindale Close up to the open agricultural fields to the north.

10.3 The site is boarded along the eastern and western boundaries by mature substantial hedging.

Publicity

10.4 The application has been advertised by way of neighbour letters (16), site notice and press notice. To date, there have been 3 letters of no objection and 2 letters of objection received.

10.5 The concerns raised are:

1. The 20 caravans would extend the whole of the western boundary of our garden and would spoil the current outlook.
2. Privacy issues
3. Security problems from people going to caravans being able to look into rear gardens
4. De-value properties
5. Spoil outlook from rear of property on 8 Manor Close

Copy letters E

The period for publicity has expired.

Consultations

10.6 The following consultation replies have been received:

Head of Traffic and Transportation – No objection

Head of Public Protection – No objection

Elwick Parish Council – Comments regarding the current state of the access road and current hedging/fence screening upon the views of the caravans from neighbouring properties

Planning Policy

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

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

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

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

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

Rur10a: states that farm diversification schemes will be permitted where any adverse effects on the best and most versatile agricultural land are minimised, existing farm buildings are reused, there is no significant detrimental effect on amenity and they do not generate significant additional traffic onto rural roads and are consistent in their scale with their rural location.

Rur2: states that expansion beyond the village limit will not be permitted.

Rur6: sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements of agriculture and forestry and viability of a farm enterprise, proximity of intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

Planning Considerations

10.8 The main considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan and the impact of the proposal upon the character and appearance of the Conservation Area, the impact on the amenity of neighbours and highway safety issues.

Policy

10.9 The majority of the land to which this application relates is within the defined limits to development.

10.10 National Planning Policy Statement 7 (Sustainable development in rural areas) and Local Plan Policy Rur10a make provision for farm diversification schemes where any adverse effects upon the best and most versatile agricultural land is minimised.

10.11 The area of land to which this application relates is relatively small in comparison to the large open agricultural fields to the north of the site (within the applicants ownership). As the site is surrounded by residential properties to the east and west and is close to the rear courtyard of the farmhouse to the south, the land has a more urbanised feel in comparison to the open countryside. It is not considered that the proposal will compromise the best and most versatile agricultural land of the holding.

Character and Appearance of the Conservation Area

10.12 Although the application site is located outside the Elwick Conservation Area it is within close proximity its boundaries and therefore consideration must be given to the potential effects of the development upon the character of the Conservation Area.

10.13 Both the physical layout of the surrounding properties and the existing boundary hedging running along the eastern and western boundaries of the site will adequately screen views of the application site from the Conservation Area to the south and surrounding public roads. It is considered unlikely that the proposal would create any detrimental effects upon the character of the surrounding street scenes and the Conservation Area as a whole.

10.14 The applicant has confirmed that there will be no signage associated with the proposed use to advertise caravan storage.

Amenity

10.15 Two letters of objection have been raised regarding the potential effect the proposal could have upon the outlook from the rear/side windows of the surrounding residential properties. The separation distances associated with the proposed development are approximately 17m to the east and 34m to the west to the rear and side windows respectively. Given the existing substantial mature hedging running

along both boundaries it is considered unlikely that the proposal would create any dominance effects upon the outlook currently enjoyed by the surrounding residential properties. The applicant has indicated that it is his intention to allow the eastern boundary hedging to grow to a height of approximately 1.8m to screen the view further (a planning condition will be attached to any approval to ensure this). Even in winter views are likely to be softened.

10.16 The Council's Public Protection Officer has raised no objection to the proposed use. It is felt that the noise and disturbance issues associated with the movement of caravans to and from the site will not exceed that of the noise created by typical agricultural vehicles upon a working farm. A planning condition restricting the hours of movement of caravans to and from the site can be attached to any approval in the interests of the amenities of nearby residents.

10.17 The applicant has indicated that the application is for the storage of caravans only and that no person will occupy the caravans whilst at the site. It is considered that this could be suitably controlled through a restrictive planning condition.

10.18 As stated previously the location of the proposed site is within close proximity to the built environment. It is adequately screened from surrounding roads and the Conservation Area to the south by residential properties and high boundary hedging. It is not considered that the proposal will spoil the existing views and vistas around Elwick Village given the proposals discrete siting and the clear physical separation from the open agricultural fields to the north.

Highway Safety

10.19 The existing access to the rear of the farm is taken from a small piece of road directly from the High Street, which leads into the rear courtyard of the farmhouse. The area of land to which the application relates is considered wide enough to allow adequate turning of caravans within the site and the ability to leave in a forward gear. The Council's Highway Engineer has raised no objection to the proposed use.

10.20 Given the relatively infrequent nature of caravan usage it is not considered that traffic movements to and from the site will create significant additional traffic upon the surrounding rural roads.

Conclusion

10.21 Given the sites surrounding residential properties, notwithstanding the existing screening and separation distances, members may wish to consider a temporary 1-year planning permission in the first instance to allow the Local Planning Authority the opportunity to monitor the use to ensure the use is compatible.

RECOMMENDATION – APPROVE (Subject to conditions)

1) The use hereby approved shall be discontinued and the land restored to its former condition on or before 31 May 2007 unless the prior written consent of the Local Planning Authority has been obtained to an extension of this period.

REASON: To enable the Local Planning Authority to assess the use in the light of experience.

2) The hedging along the eastern and western boundary of the site (marked blue on the approved plan) shall be allowed to grow and thereafter be maintained at a height of no less than 1.8m whilst the use hereby approved exists.

REASON: In the interests of visual amenity.

3) There shall be no movement of caravans to and from the site outside the hours of 8am to 8pm any day of the week, unless otherwise agreed in writing by the Local Planning Authority.

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

4) There shall be no more than 20 touring caravans upon the site at any one time without the prior planning approval of the Local Planning Authority.

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

5) The site shall be used for the storage of caravans only and not for occupation upon the site.

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



Potter's Farm



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 02.05.06
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2006/0191	REV

No: 3
Number: H/2005/5387
Applicant: Mr I Miah 34 GRANGE ROAD HARTLEPOOL TS26 8JB
Agent: 34 GRANGE ROAD HARTLEPOOL TS26 8JB
Date valid: 11/07/2005
Development: Provision of UPVC windows and door (retrospective application)
Location: 34 GRANGE ROAD HARTLEPOOL

Further Update

The minutes of the recent Hartlepool Conservation Advisory Committee meeting regarding the review of the merits of the Article 4 direction within the Grange Conservation Area have yet to be formulated.

A further update report will be tabled at the Committee meeting.

No: 4
Number: H/2005/5411
Applicant: Mr D Cook 86 CLIFTON AVENUE HARTLEPOOL TS26 9QP
Agent: 86 CLIFTON AVENUE HARTLEPOOL TS26 9QP
Date valid: 20/05/2005
Development: Retention of UPVC windows to front elevation
Location: 86 CLIFTON AVENUE HARTLEPOOL HARTLEPOOL

Further Update

The minutes of the recent Hartlepool Conservation Advisory Committee meeting regarding the review of the merits of the Article 4 direction within the Grange Conservation Area have yet to be formulated.

A further update report will be tabled at the Committee meeting.

No: 5
Number: H/2005/5639
Applicant: Mr S Maxwell 17 GRANGE ROAD HARTLEPOOL TS26 8JE
Agent: Malcolm Smith & Partners Havelock House 24 Victoria Road HARTLEPOOL TS26 8DD
Date valid: 06/01/2006
Development: Installation of UPVC windows to front elevation and door and provision of downpipe and guttering (retrospective application)
Location: 17 GRANGE ROAD HARTLEPOOL

Further Update

The minutes of the recent Hartlepool Conservation Advisory Committee meeting regarding the review of the merits of the Article 4 direction within the Grange Conservation Area have yet to be formulated.

A further update report will be tabled at the Committee meeting.

No: 6
Number: H/2006/0050
Applicant: Mr A T Travis 98 GRANGE ROAD HARTLEPOOL TS26 8JQ
Agent: 98 GRANGE ROAD HARTLEPOOL TS26 8JQ
Date valid: 23/01/2006
Development: Replacement of wooden sash windows to front elevation with UPVC
Location: 98 GRANGE ROAD HARTLEPOOL

FURTHER UPDATE:-

The minutes of the recent Hartlepool Conservation Advisory Committee meeting regarding the review of the merits of the Article 4 direction within the Grange Conservation Area have yet to be formulated.

A further update report will be tabled at the Committee meeting.

No: 7
Number: H/2006/0228
Applicant: Shepherd Homes Ltd Huntington House, Jocket Lane
Huntington York
Agent: BSCP Smeaton House Holt Park District Centre Leeds
Date valid: 21/03/2006
Development: Replacement piling and related works
Location: 4,5,6 7, 9,10,11 and 32 & 40 and 2,3 &18 BARLEY
CLOSE, MEADOWGATE DRIVE AND HAYFIELD
CLOSE HARTLEPOOL HARTLEPOOL

Background:-

Final Update:-

1. Following a deferral at the previous Planning Committee for additional information, the applicant has submitted a summary of the reporting and monitoring regime which has been, and is currently being carried out upon the Shepherd Homes properties on the Eden Park Estate. A copy of the summary report is attached.
2. The committee report from the previous meeting, updated as necessary, together with suggested conditions and reasons for approval is set out below.
3. There has been one additional objection since the last meeting, which raises similar concerns to those, identified in the report.

The Application and Site

10.1 The application relates to 12 two-storey detached dwellings located upon the recently built Eden Park housing estate. It is located to the south side of Hart Lane, close to the junction with Dunston Road. The properties are located upon Barley Close, Meadowgate Drive and Hayfield Close.

10.2 The original site received full planning approval for the erection of 123 detached houses (H/FUL/0308/99) in 1999. As the site had been a former landfill, specific planning conditions relating to gas protection measures and gas monitoring protocols were attached to the approval. Permitted development rights were removed from the site to ensure that any development has the necessary gas protection measures.

10.3 A number of different planning applications were subsequently submitted by different developers to supersede the original approval. All of the applications receiving planning approval have been subject to similar planning conditions to those which were placed upon the original approval.

10.4 Shepherd Homes Ltd constructed the properties to which this application relates under planning application H/FUL/0335/02 between 2001 and 2003.

10.5 The properties to which this application relates have shown visible signs of settlement problems. The applicant states that these issues were brought to their

attention soon after completion of the properties in 2003. Initially works were undertaken upon the superstructure to repair damage, which was thought to be from shrinkage movement 'drying out' of the properties. It became apparent that the problems were associated with the settlement of the piles, which the applicant feels is a combination of factors including inadequate penetration of the piles into the boulder clay beneath.

10.6 The application seeks full planning approval for the re-piling of the properties to which this application relates. The proposed works involve the full internal underpinning of the properties into the underlying gravel beds (approx 18m depth) and the re-creation of the gas membranes underneath the properties.

Publicity

10.7 The application has been advertised by way of neighbour letters (59), 3 site notices. To date, there have been 29 letters of objection/comments and 1 letter of no objection:-

The concerns raised are:

1. The noise and disturbance associated with the proposed works.
2. Safety of children in the close whilst works are being carried out.
3. Access to properties will be restricted from the parking of commercial vehicles.
4. How will the sites be secured?
5. The foundations of nearby properties will be disrupted by the piling works.
6. Will there be compensation for living on a building site?
7. Dissatisfied with lack of information from the applicants.
8. That the gas membrane cannot be satisfactorily installed.
9. That the gas membrane under surrounding occupied properties may have been compromised.
10. That existing underground services have been damaged through continual ground movement.
11. Length of the proposed works
12. Future applicants should not be dealt with under delegated powers as requested by the Applicant
13. Feel that works should not be carried out in a piecemeal fashion.

The period for publicity expires before the meeting.

Consultations

10.8 The following consultation replies have been received:

Northumbrian Water – No objections

Head of Public Protection and Housing – No objections subject to condition regarding hours of operation

Building Control – No objections subject to conditions

Engineering Consultancy – No objections subject to conditions

Chief Solicitor - Comments awaited

Planning Policy

10.9 The following policies in the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2005 are relevant to the determination of this application:

Gen 1 – lists criteria against which all applications will be assessed. Those, where relevant, are appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, trees, landscape features, wildlife and habitats, and the need for high standards of design and landscaping.

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.

GEP18 – states that development on potentially contaminated land will be encouraged where the extent of the contamination has been verified, remedial measures have been identified and where there will be no significant risk to occupiers of adjacent properties or adverse effect on the environment.

Se13 – states that development on notified landfill sites and on adjoining areas affected by them will only be approved where there will be no demonstrable harm. Safeguarding measures, will, where appropriate be required to control emission of land fill gas and other contaminants.

Planning Considerations

10.10 The main considerations in this case are the appropriateness of the proposal in terms of the policies and proposals within the Hartlepool Local Plan, impact of the works upon the amenities of nearby residential properties, the integrity of gas membranes and highway safety. A site visit was undertaken by members on Monday 24 April 2006.

Piling works

10.11 The Council's Structural Engineer and Building Control Surveyors have viewed the proposed plans and are satisfied that the proposed piling works can be carried out without having an adverse effect upon the foundations of the surrounding properties.

Gas membrane

10.12 The Council's Engineering Consultancy and Building Control Surveyors have viewed the proposed plans and methodologies and are satisfied that there is sufficient scope within the proposal to re-create suitable gas protection measures. Five of the twelve houses to which this application relates have been subject to gas monitoring over a five day consecutive period. The results have shown that none of the properties investigated appear to be at risk from harmful landfill gas.

10.13 The applicant has clarified a number of points raised by the Council's Technical Officers with regard to the proposed gas monitoring protocol and ventilation of the proposed sub floor void. The Council's Building Control Surveyors, Contamination Engineer and Principal Structural Engineer have viewed the original and subsequent information with regard to the proposed methodologies and have raised no objections. It is considered that the works can be suitably controlled through a number of planning conditions.

10.14 Planning conditions can be attached to any approval to ensure that the proposed works are carried out to a satisfactory standard and that the works are subject to gas monitoring tests pre and post construction. It is considered that pre-development testing is required to establish whether the existing gas membrane has been compromised due to the settlement.

10.15 The proposed works will be subject to a Building Regulation application; this will take into account the situation of existing underground services to the property.

Noise and disturbance

10.16 A number of concerns have been raised by nearby residents regarding the potential noise and disturbance associated with the proposed works. It is acknowledged that such works would be unlikely to be carried out without a certain degree of noise and associated traffic movement.

10.17 Additional Information has also been received with regard to the noise levels produced by the proposed piling operations. The drilling and piling operations at previous sites have created levels of 90db(A) and 83db(A) respectively. Given that the works are to be carried out within the properties and within typical daytime hours (controlled through planning condition) it is not considered that the noise created will be excessive in relation to typical external piling techniques. The piling and drilling equipment will be powered by a diesel engine power pack from outside the property of which the noise creation is compared to that of a diesel van on idle. The Council's Public Protection Officer has raised no objection to the proposed works providing they are carried out between the hours of 8am and 6pm Monday to Friday and not on Bank Holidays.

10.18 A planning condition can be attached to any approval to restrict the hours of working.

Highway safety

10.19 Nearby residents have also raised the traffic movements associated with the proposed works as a cause for concern. Whilst it is expected that there will be an increase in the movement of commercial vehicles this will be for a temporary period only and could not be sustained as a reason for refusal. It is also not considered that the number of vehicles upon the site at one time could be suitably enforced through planning condition. However, a condition can be attached to any approval to restrict the hours of delivery to the properties.

Conclusion

10.20 In conclusion, it is for the reasons stated above that the application is recommended for approval.

RECOMMENDATION:- Approve subject to conditions:-

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
REASON:- Clarification of permission
2. All works shall be carried out in accordance with the submitted details and revisions received on the 21st of March and 25th of April 2006 unless otherwise agreed in writing by the Local Planning Authority.
REASON:- for the avoidance of doubt
3. Prior to the commencement of replacement piling works, each property shall be tested for the presence of landfill gases in accordance with the 'Protocol for Gas Monitoring of sub floor void'. The results of which shall be submitted to the Local Planning Authority. Should landfill gases be present in any house a revised scheme for the protection of that property shall be submitted to and approved in writing by the Local Planning Authority before re-piling takes place.
REASON:- To ensure the property is adequately protected from the ingress of landfill gases.
4. No dwellinghouse shall be re-occupied unless gas monitoring in accordance with the approved gas monitoring protocol has been carried out and any additional necessary precautionary measures, which have been identified, have been fully implemented. Details of any additional precautionary measures shall be first agreed in writing by the Local Planning Authority. Results of the post construction gas monitoring shall be submitted to the Local Planning Authority.
REASON:- To ensure the property is adequately protected from the ingress of landfill gases.
5. Should the post construction pre occupation gas monitoring be undertaken at an ambient barometric pressure exceeding 1000mb a further round of post construction monitoring shall be carried out in accordance with the approved protocol. Any additional necessary precautionary measures, which may be

required shall be fully implemented. Details of any additional precautionary measures shall be first agreed in writing by the Local Planning Authority. Results of the post re-occupation gas monitoring shall be submitted to the Local Planning Authority.

REASON:- To ensure the property is adequately protected from the ingress of landfill gases.

6. Prior to commencement of the piling works a detailed ventilation scheme to control the dilution and dispersion of any landfill gases from within the sub floor void (including working drawings and calculations for the free flow of air) for each individual property shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented in the final works.

REASON:- To ensure the property is adequately protected from the ingress of landfill gases.

7. A validation report of each individual property shall be submitted to the Local Planning Authority by an appropriately experienced and independent person prior to the occupation of the properties demonstrating the works have been carried out in accordance with the submitted plans, drawings and method statements. A final validation report shall be submitted on the completion of all works.

REASON:- To ensure a satisfactory form of development

8. No deliveries shall be accepted at the site outside the hours of 8am and 5:30pm Monday to Friday (inclusive) unless agreed in writing by the Local Planning Authority.

REASON:- In the interests of the amenities of occupants of neighbouring properties

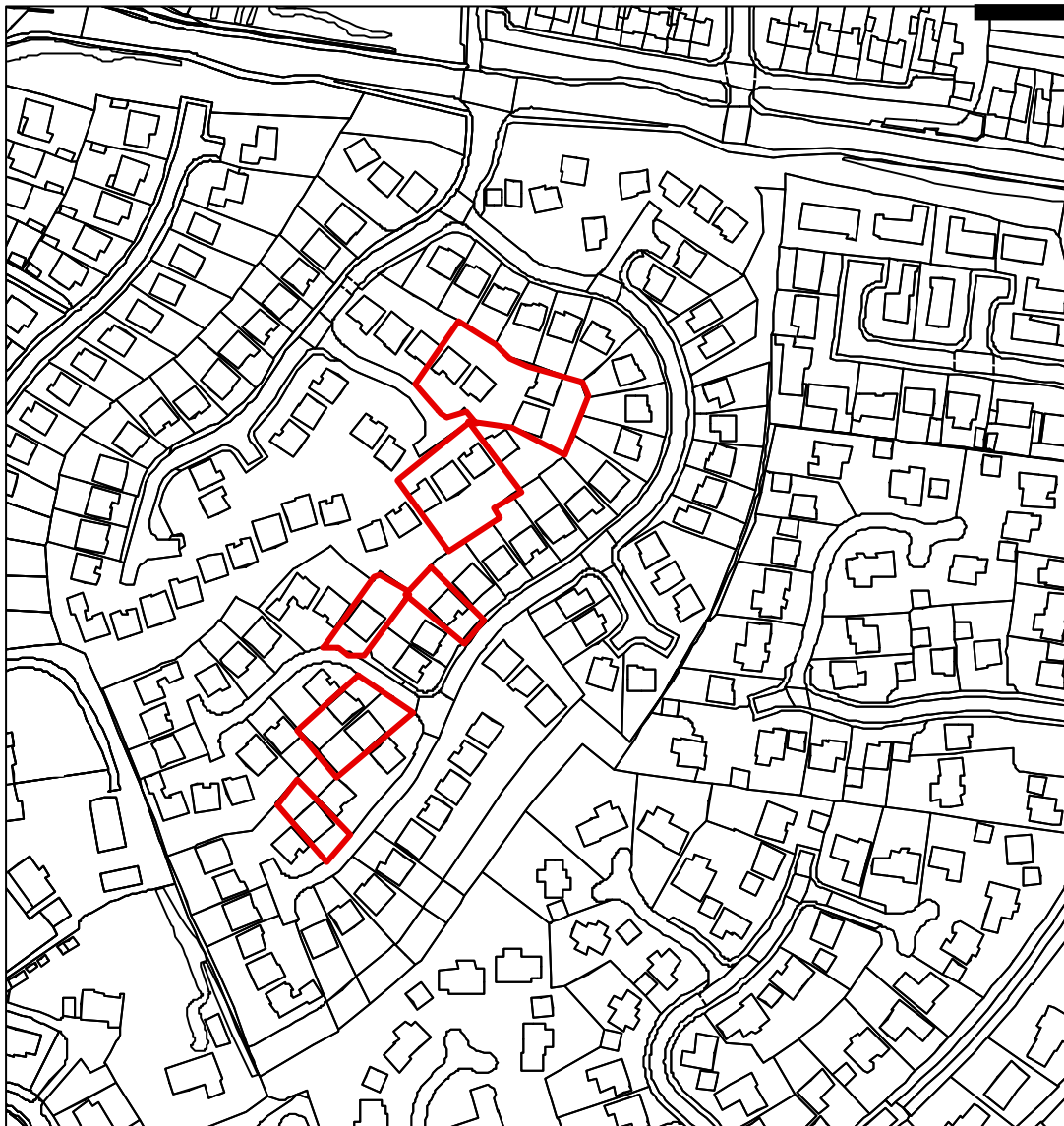
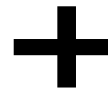
9. No works shall be carried out upon the site outside the hours of 8am and 5:30pm Monday to Friday (inclusive) unless agreed in writing by the Local Planning Authority.

REASON:- In the interests of the amenities of occupants of neighbouring properties

10. A materials storage area/compound shall be established in an area to be first agreed in writing with the Local Planning Authority. Thereafter all bulk storage of materials shall take place in the storage area/compound.

REASON:- In the interests of the amenities of occupants of neighbouring properties

Eden Park



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 12.04.06
	SCALE 1:2000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2006/0228	REV



Eden Park, Hartlepool

Summary of Reporting & Monitoring Regime

BSCP were first instructed in April 2004 by Shepherd Homes to inspect and appraise the condition of several properties following reports of settlement problems. This followed delays in providing inspection reports by Knowles who had been engaged by Encia who carried out the original piling works.

In April 2005 Shepherd Homes further instructed BSCP to undertake inspections on all properties at Eden Park. The inspections comprised ongoing close visual inspection of the external masonry for cracking and other indications of settlement, as well as an inspection of the internal plasterboard ceilings and internal faces of masonry where exposed. Masonry at high level was observed, but it was not necessary to inspect the roof spaces, carpets and furniture were not moved.

Homeowners were issued with a brief condition reports which were written in non-technical language. Comments on the structural condition, particularly in respect of settlement, and recommendations on further inspections where appropriate, were made.

Properties were categorised as either being:

- a) Free of settlement cracking
- b) Requiring re-inspection in 6 months' time (later reduced to 4 months at Shepherd's instruction and following requests from homeowners) or
- c) Requiring re-inspection in 2 months' time.

The inspections took place in May and June 2005 and reports were issued in late June/early July 2005. Re-inspections have been undertaken on the prescribed basis and comprise a thorough visual inspection, principally of external masonry and also of internal ceilings. Some properties have been re-categorised according to their condition at the time of inspection, where cracking has been considered to have worsened, or where movement has ceased.

/2

There are 94 properties on the development, all of which have at various points in time been monitored by BSCP. 54 show no signs of settlement, a total of 12 have been deemed in need of remedial underpinning, 13 properties appear stable, but continue to be monitored, the remainder have shown varying signs of settlement and will continue to be monitored and assessed accordingly.

There are no intentions to monitor any of the properties which have not shown any signs of settlement. However, if an owner wants a further inspection for any reason we do make visits and will continue to do so, if requested.

In addition, we would like to point out that Nathan Nabarro solicitors, acting on behalf of Shepherd Homes, have written to Tilly Bailey & Irvine offering to hold a meeting between our experts and their own advisor in advance of the Planning Committee meeting on May 17th.

Alistair Hare

Project Director

Report of: Director of Adult and Community Services

Subject: CREATION OF A NEW PUBLIC FOOTPATH AT
AMERSTON HALL, ELWICK PARISH

1. PURPOSE OF REPORT

- 1.1 To seek approval for the creation of a new public footpath between Public Footpath No. 20, Elwick Parish and Public Footpath No 22, Elwick Parish. (**See Appendices 1 and 2**)

2. BACKGROUND

- 2.1 The dedication of the Public footpath would create an important and useful link between the two existing public footpaths. (**See Appendix 2**)
- 2.2 The route of the new footpath would run through a newly planted woodland, adding a more enjoyable aspect to the Public Right of Way Network of that area.
- 2.3 As part of a recent Public Path Diversion Order, it was agreed that this link would be of benefit to the public. ~The new footpath would not only act as a link between two existing footpaths but would also access a Countryside Stewardship Scheme Access Area.
- 2.4 Tees Archaeology was consulted regarding the above diversion and the creation of the new path. They welcomed more access and interpretation for the local area, as part of the Countryside Stewardship Scheme. Within this area (a pasture field) are the archaeological remains consisting of medieval manorial habitation (possibly moat and fish pond) as well as well preserved medieval ridge and furrow field systems.
- 2.5 Also as part of the diversion application, the Ramblers Association welcomed the proposed creation as it would provide “a very useful link between FP’s 20 and 21”.
- 2.7 In the case of a public footpath, the legal users are: Walkers – this includes those who use wheelchairs and pushchairs, as these are classed ‘as a usual accompaniment’. The Landowner, who owns Amerston Hall, agrees to this dedication as it would provide improved access onto his land.

3. SECTION 17

- 3.1 Section 17 of the Crime and Disorder Act 1988 requires local authorities and police authorities to consider the community safety implications of all their activities.
- 3.2 Section 17 states:
‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’.
- 3.3 The Community Safety Implications, in respect of the creation of the new Public Footpath at Amerston Hall, have been taken into account and that all has been reasonably done to prevent crime and disorder

4. DIVERSITY

- 4.1 It is believed that there are no Diversity issues or constraints in relation to the creation of the new Public Footpath, at Amerston Hall.

5. ACCESS

- 5.1 Hartlepool Access Group and Hartlepool Borough Council Access Forum have been consulted. In their opinion all reasonable steps have been taken to create a path that suits the needs of Mobility and Visually Impaired Groups.

6. FINANCIAL IMPLICATIONS

- 6.1 The Council is therefore proposing to pay for the costs related to the verification, completion and publishing of the creation agreement. The Rights of Way Budget would fund these costs. The costs for this agreement are likely to be approximately £550.00
- 6.2 The breakdown for this sum would be:-
- | | |
|---|---------|
| 1. Solicitors Fees, excluding VAT and Disbursements | £300.00 |
| 2. Publishing costs, excluding VAT | £250.00 |
- 6.3 This new footpath will become a vital and more interesting link for the public right of way network. The only annual budgetary implication would be the regular twice yearly vegetation clearance along the line of the new footpath. This clearance would form, part of the ongoing vegetation clearance that already occurs

7. LEGAL CONSIDERATIONS

- 7.1 Legally, all public rights of way must either join another public right of way or start/finish at an adopted highway. The length of the footpath would be 390 metres and would have a minimum width of 2 (two) metres.

- 7.2 There are no legal tests to be examined or met. The Council's Legal Section will, however, need to look at the Landowners title Deeds to verify that the land over which the route of the proposed bridleway runs is within the boundary of the Landowner's property curtilage.
- 7.3 As this dedication would be with the agreement of both parties – The Council and The Landowner - it is recognised that there has been no need to have consulted with the normally recognised group of consultees. However as a matter of courtesy, the Council would inform the nationally recognised consultees at the same time as the order would be published.
- 7.4 The needs for agriculture and forestry have been taken into account, in accordance with Highways Act 1980 section 29.
- 7.5 The creation agreement is made pursuant to Section 25 of Highways Act 1980 and is in consideration of the Council undertaking the maintenance of the footpath as with the rest of Hartlepool Borough Council's public rights of way network.

8. RECOMMENDATIONS

That the Planning Committee approves of the Council entering into an agreement to create a new section of public rights of way between Public Footpath No. 20, Elwick Parish and Public Footpath No 22, Elwick Parish. This new public right of way would be a public footpath, pursuant to Highways Act 1980 section 25. (See Appendix 2).

CONTACT OFFICER: Chris Scaife, Countryside Access Officer

Background Papers

Highways Act 1980

This document is also available in other languages, large print and audio format upon request.

এই ডকুমেন্ট অন্য ভাষায়, বড় প্রিন্ট আকারে এবং অডিও টেপ আকারেও অনুরোধে পাওয়া যায়। (Bengali)

本文件也可應要求，製作成其他語文或特大字體版本，也可製作成錄音帶。(Cantonese)

अनुरोध पर यह दस्तावेज़ अन्य भाषाओं में, बड़े अक्षरों की छपाई और सुनने वाले माध्यम पर भी उपलब्ध है (Hindi)

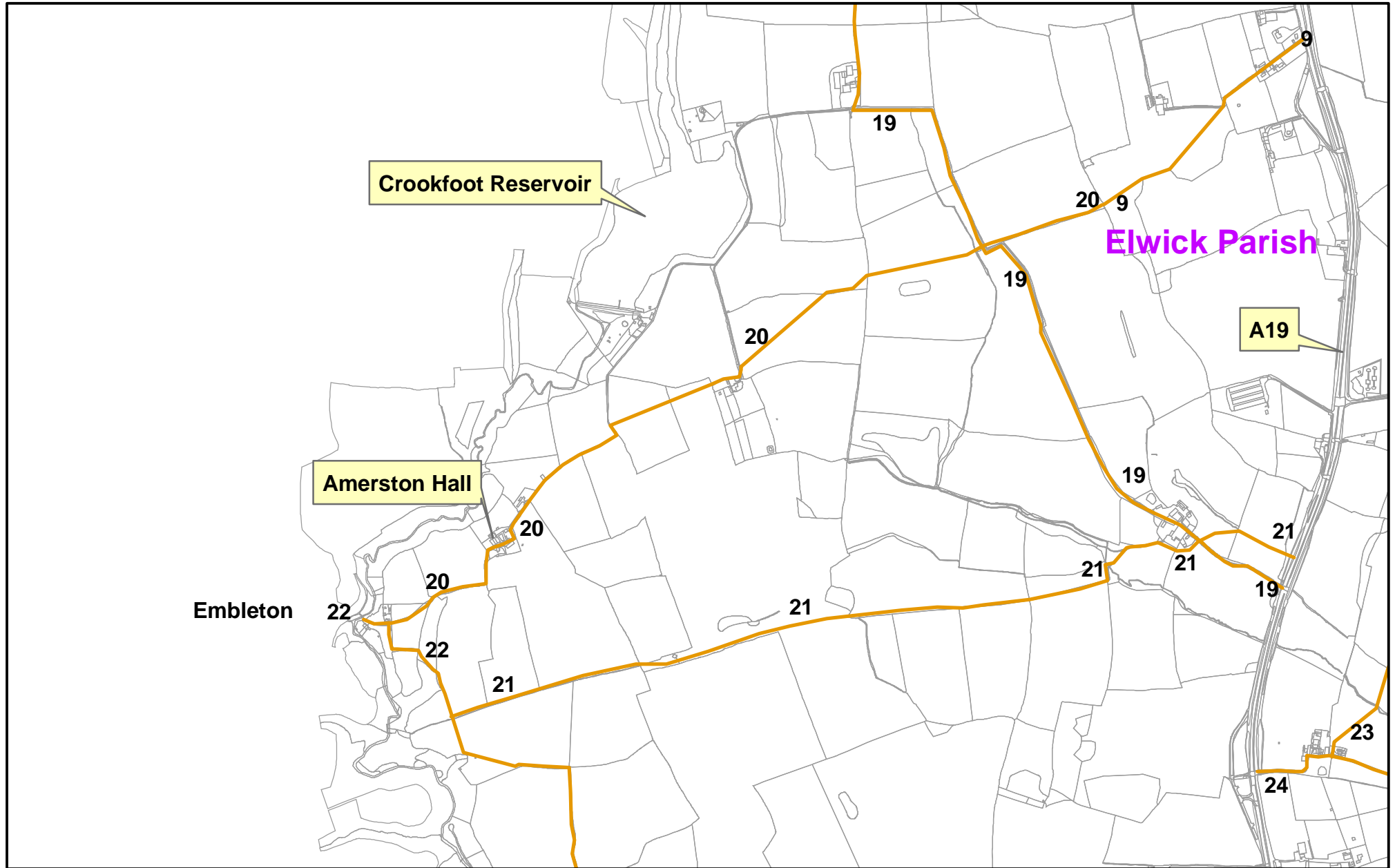
ئەم بەلگەییە ھەروەھا بە زمانەکانی کە، بە چاپی درشت و بە شێڕینی تەسجیل دەس دەکەوێت (Kurdish)

本文件也可应要求，制作成其它语文或特大字体版本，也可制作成录音带。(Mandarin)

ਇਹ ਦਸਤਾਵੇਜ਼ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ, ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਅਤੇ ਆਡੀਓ ਟੇਪ 'ਤੇ ਰਿਕਾਰਡ ਹੋਇਆ ਵੀ ਮੰਗ ਕੇ ਲਿਆ ਜਾ ਸਕਦਾ ਹੈ। (Punjabi)

درخواست پر یہ دستاویز دیگر زبانوں میں، بڑے حروف کی چھپائی اور سننے والے ذرائع پر بھی میسر ہے۔ (Urdu)

Location Map - Appendix 1

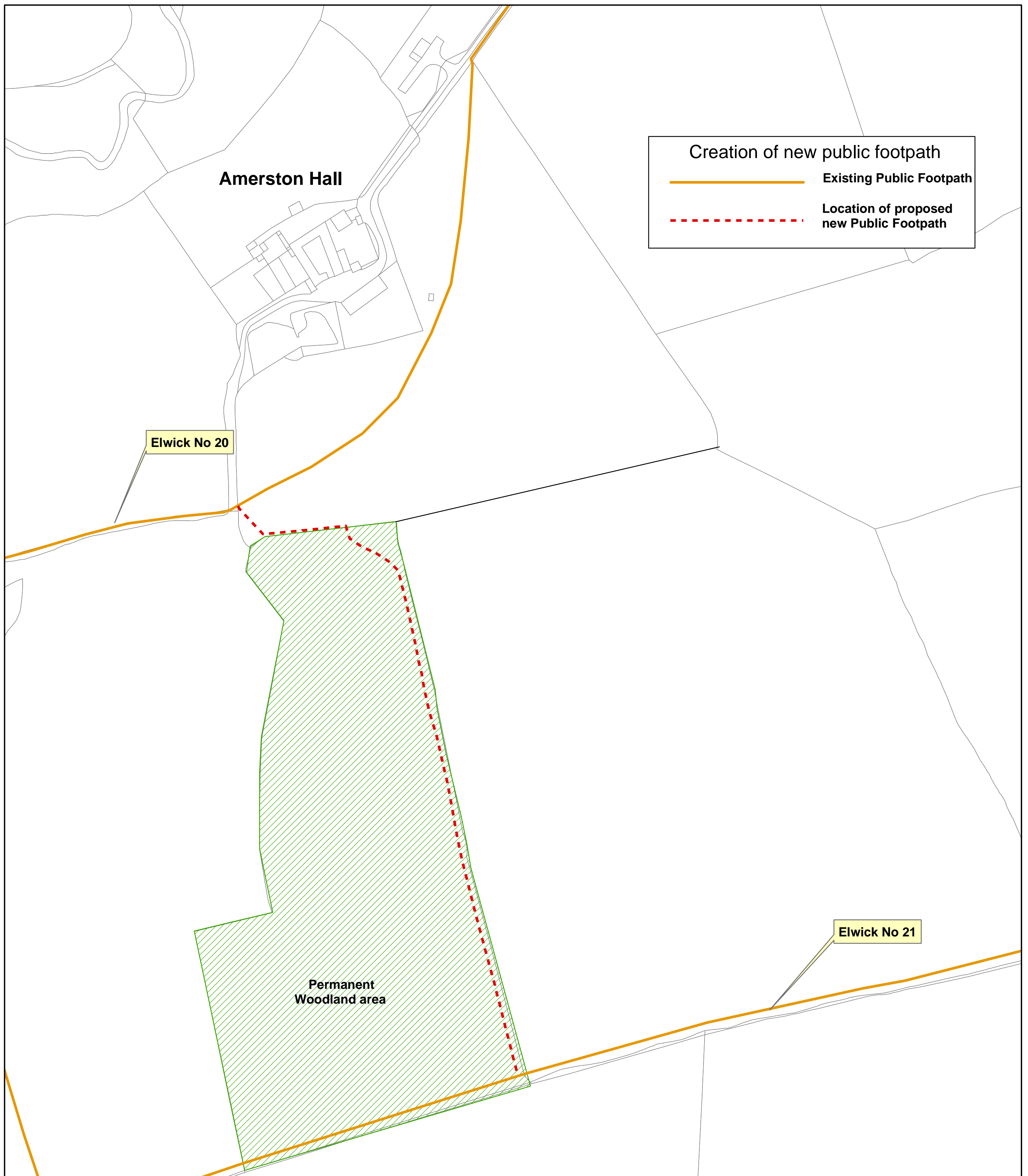


This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Hartlepool.B.C. LA09057L 1999

Sub Title: Location of Amerston Hall
Scale: 1:15,000
Date: 3rd May 2006
Drawn By: Parks and Countryside

Hartlepool Borough Council
 Community Services, Parks and Countryside
 Suite 8, Municipal Buildings
 Church Square
 Hartlepool, TS24 7EQ
 Tel: 01429 266522
 Fax: 01429 523538

Appendix 2 - Location of proposed new Public Footpath - Amerston Hall



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Hartlepool.B.C. LA09057L 1999

Sub Title: Amerston Hall Footpath Creation
Scale: 1:1,500
Date: 3rd May 2006
Drawn By: Parks and Countryside

Hartlepool Borough Council
Parks and Countryside Section
Suite 8, Municipal Buildings
Church Square
Hartlepool, TS24 7EQ
Tel: 01429 523524
Fax: 01429 523450

Report of: Head of Planning and Economic Development

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

- 1.1 During this four (4) week period, thirty (30) planning applications have been registered as commencing and checked. Eighteen (18) required site visits resulting in various planning conditions being discharged by letter.

2. BACKGROUND

- 2.1 Your attention is drawn to the following current ongoing issues:

1. Eleven cases regarding the discharging of conditions attached to planning approvals are being checked. These are developments at Holyrood Crescent, Abbots Lea, Dalton Piercy, Greenlea, Elwick, Friar Terrace, Wasdale Close, Fareham Close, Milton Road, Gainford Street, Town Wall, Sedgewick Close, and Olive Street. Relevant details are in the process of being checked with some already discharged by letter. Developments will be reported to a future meeting if necessary.
2. A Parish Councillor complaint about a boundary wall being demolished at a development consisting of a farmhouse conversion and new housing in Dalton Piercy has been investigated. The developer's agent has clarified the matter and no planning breach had occurred.
3. A neighbour complaint about a rear extension being erected on land not in the applicant's ownership at a property in Dunbar Road Gardens has been investigated. The matter is a civil dispute and will be concluded by the two parties involved.
4. A neighbour complaint about the erection of a rear extension at a property in Hampstead Gardens has been investigated. The property owner has been written to and the submission of a planning application is expected. Developments will be reported to a future meeting if necessary.
5. A neighbour complaint about the running of a cat breeding business from a residential property in Fens Crescent is being investigated. Developments will be reported to a future meeting if necessary.

6. A neighbour complaint about a motorcycle repair business operating from a commercial unit in Whitburn Street without the benefit of planning permission is being investigated. The owner has been written to and has agreed to submit further information regarding the level and nature of activity. Developments will be reported to a future meeting if necessary.
7. A neighbour complaint about the erection of a rear extension being erected at a property in Dowson Road has been investigated. The extension benefited from 'permitted development' rights and did not require planning permission.
8. A Councillor complaint about the erection of metal site security fencing along the Serpentine Road boundary of Tuntstall Court, has been investigated. It was reported that the fence had been knocked down in part and creating highway safety concerns to pedestrians using the footpath. The site owner's agent is to speak to his client and have the problem resolved as a matter of urgency. Developments will be reported to a future meeting if necessary.

Report of: Assistant Director (Planning & Economic Development)

Subject: APPEAL BY EK INVESTMENTS – SITE AT ELIZABETH WAY SHOPS, SEATON CAREW

1. PURPOSE OF REPORT

1.1 To advise members of a planning appeal decision.

2. BACKGROUND

2.1 An appeal against the Council's refusal to grant planning permission for the erection of two single storey shop units at Elizabeth Way shops, has been decided by written representations and allowed by the Planning Inspectorate. A copy of the decision is attached.

3. RECOMENDATION

3.1 Members note the decision



Appeal Decision

Site visit made on 13 March 2006

by Michael Hurley BA DipTP MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gov.uk

Date **5 APR 2006**

Appeal Ref: **APP/H0724/A/05/2005329**

Elizabeth Way Shopping Centre, Elizabeth Way, Seaton Carew, Hartlepool, TS25 2AX

- 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 E K Investments against the decision of the Hartlepool Borough Council.
- The application (Ref: H/2005/5521) dated 24 June 2005, was refused by notice dated 22 August 2005.
- The development proposed is the erection of 2 single-storey shop units and alterations to car parking areas.

Summary of Decision: The appeal is allowed and planning permission granted, subject to conditions set out in the Formal Decision below.

Main Issues

1. From my inspection of the appeal site and its surroundings, and from the representations made, I consider that the main issues in this case are, first the adequacy of the proposed parking arrangements; and second, the effect on residential amenity

Parking Arrangements

2. The Elizabeth Way Shopping Centre dates from the 1960s. It stands at the junction of Elizabeth Way and Westerdale Road, in a mainly residential part of Seaton Carew. It consists of a parade of small shop units and a larger Spar supermarket, with residential flats above. In front of the shops, there is a surface car park, having capacity for about 38 vehicles, with access from both Elizabeth Way and Westerdale Road. A separate access from Elizabeth Way leads to a rear service yard. There are no restrictions on on-street parking on the roads fronting the shopping centre.
3. The proposed shop units would have an aggregate floor area of 182m². They would abut the northern flank wall of the Spar supermarket, occupying an area that currently provides some 7 parking bays. However, proposed alterations to the car park would include the relocation of some recycling bins; and the creation of some additional parking spaces in an existing grassed area, between the site of the proposed shop units and No 3 Commondale Drive. The effect would be to restore the car park to its present capacity. The parking spaces would be marked out in white paint; and a one-way system would be introduced, with access from Elizabeth Way and egress to Westerdale Road.
4. A series of 13 "snapshot" parking surveys, commissioned by the appellants, were undertaken during October 2005. These surveys were made at various times on weekdays

Appeal Decision APP/H0724/A/05/2005329

and a Saturday, and are supported by photographic evidence. It seems to me that they covered a reasonably representative period. The number of vehicles in the car park ranged from 20 to 37. There was spare capacity at all times. There was little evidence of on-street parking associated with use of the shopping centre.

5. An alternative survey undertaken by local residents between 21 and 27 January 2006 records that the car park was full on 30 occasions during that period, and that parked cars overflowed onto the adjacent thoroughfares on 19 occasions. However, there is no information about the total number of observations made, or the dates and times at which the capacity of the car park was exceeded.
6. At the time of my visit there was ample free space available within the car park. The proposed development might add to the number of cars visiting the Elizabeth Way Shopping Centre. However, in view of the limited size of the proposed shop units, I would not expect the effect to be more than marginal.
7. Policy Gen1 of the Hartlepool Local Plan indicates that, in general, development will normally incorporate adequate parking facilities. However, paragraph 51 of PPG13 states that local authorities should not require developers to provide more parking spaces than they themselves wish, except in exceptional circumstances. In the present case, I have seen no technical evidence to suggest that a modest increase in kerbside parking would give rise to a significant road safety hazard. My conclusion on the first issue is that the proposed car parking arrangements would be adequate, consistent with development plan policy and national planning policy guidance.

Residential Amenity

8. Policy Gen1 of the Local Plan indicates that, in determining planning applications, account must be taken of the effect on the amenities of the occupiers of neighbouring properties, particularly through general disturbance, loss of privacy and visual intrusion. Policy Gen4 refers to the need for new development to incorporate features that will reduce crime and the fear of crime.
9. Apart from the flats above the Elizabeth Way Shopping Centre, the nearest residential property to the proposed development is the dormer bungalow at No 3 Commondale Drive. At present there is a small, grassed area within the appeal site, immediately adjacent to the walled garden of this property. The proposed development would entail the replacement of part of the grassed area with parking spaces, and the removal of an existing apple tree. However, additional planting is proposed on the remainder of the grassed area. The apple tree is not protected and could be removed at any time.
10. The proposed single-storey shop units would be more than 12m away from the boundary wall of No 3 Commondale Drive. I do not consider that they would give rise to an unacceptable degree of enclosure. The Council are concerned that the intervening area might be an attractive place for young people to congregate, causing disturbance, and engendering a fear of crime among neighbouring residents. I recognise that this is a matter of some local concern. However, I have seen no evidence to persuade me that that concern is well founded. The area in question would be visible from Westerdale Road; and it would be overlooked from various residential properties. In addition, the appellants intend that it

Appeal Decision APP/H0724/A/05/2005329

would be lit, and would be within the range of a CCTV camera. It seems to me that these factors should reduce any risk of anti-social behaviour.

11. My conclusion on the second issue is that the proposed development would be unlikely to detract significantly from residential amenity

Other Matters

12. I have considered the planning conditions submitted by the Council. I do not accept the need for any modification to the proposed parking arrangements. Otherwise, I shall impose conditions along the lines suggested.
13. I have taken account of all the other matters raised, including the concerns expressed about the safety of pedestrians crossing the car park. However, I do not find any of these factors to be sufficient to outweigh the considerations that have led me to the conclusion that the appeal should succeed.

Formal Decision

14. I hereby allow the appeal and grant planning permission for the erection of 2 single-storey shop units and alterations to the car parking areas at the Elizabeth Way Shopping Centre, Elizabeth Way, Seaton Carew, Hartlepool, TS25 2AX, in accordance with the terms of the application (Ref: H/2005/5521) dated 24 June 2005, and the plans submitted therewith, subject to the following conditions:
- 1) The development hereby permitted shall be begun before the expiration of 5 years from the date of this decision.
 - 2) Samples of all external finishing materials to be used shall be submitted to and approved in writing by the local planning authority before the development hereby permitted commences.
 - 3) The development hereby permitted shall not be carried out other than in accordance with the plans and details received by the local planning authority on 27 June 2005, unless otherwise agreed in writing by the local planning authority.
 - 4) A detailed scheme of landscaping shall be submitted to and approved in writing by the local planning authority before the development hereby permitted commences. The scheme must specify the sizes, types and species of trees and shrubs, 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.
 - 5) The shop units hereby permitted shall be used only for general retail purposes falling within Class A1 of the Schedule to the Town and Country Planning Use Classes Amendment Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
 - 6) Notwithstanding the approved plans, improvements to the car park, including the provision of a one-way system, shall be completed before the shop units hereby

Appeal Decision APP/H0724/A/05/2005329

permitted are constructed. All parking spaces within the car park shall be marked out in white paint.

Information

8. Attention is drawn to the requirements of section 76 of the Town & Country Planning Act 1990, concerning provisions for the benefit of persons with disabilities.

Michael Hurdley

INSPECTOR

Report of: Head of Planning and Economic Development

Subject: APPEAL SITE AT 65 SEATON LANE

1. PURPOSE OF REPORT

- 1.1 To advise members of an appeal against refusal of permission for a house at 65 Seaton Lane.

2. BACKGROUND

- 2.1 Earlier this year Committee refused permission for a house in the rear garden of this property on Seaton Lane.
- 2.2 An appeal has been lodged against this decision. Authority to contest the appeal, which will be dealt with under the written procedure, is requested.

3. RECOMMENDATION

- 3.1 Members authorise officers to contest this appeal.