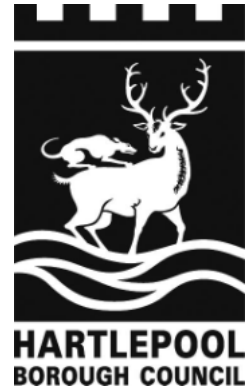


# PLANNING COMMITTEE AGENDA



**Friday 4 March 2011**

**at 10.00 a.m.**

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

## **MEMBERS OF PLANNING COMMITTEE:**

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

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. TO CONFIRM THE MINUTES OF THE MEETING HELD ON 4 FEBRUARY 2011**
- 4. ITEMS REQUIRING DECISION**
  - 4.1 Planning Applications – *Assistant Director (Regeneration and Planning)*
    1. H/2008/0001 Brierton Moorhouse Farm, Dalton Back Lane, Hartlepool
    2. H/2010/0680 Land adjacent to The Cliff, Seaton Carew, Hartlepool
    3. H/2011/0019 Land at Windermere Road, Hartlepool
    4. H/2010/0668 Main Gate House, Camerons Brewery, Waldon Street, Hartlepool
  - 4.2 Emerging Affordable Housing Policy in the Core Strategy – *Assistant Director (Regeneration and Planning)*
  - 4.3 Appeal – Erection of A Single Storey Side and Rear Extensions to Provide Garage and Kitchen Extension and Canopy to front 15 Ruskin Grove (H/2010/0483) – *Assistant Director (Regeneration and Planning)*

- 4.4 Appeal – Former Garages Site Land to Rear of Stanmore Grove, Seaton Carew (H/2010/0067) – *Assistant Director (Regeneration and Planning)*
- 4.5 Appeal by Mr William Morgan Site at Sylvan Mews, The Wynd, Wynyard – *Assistant Director (Regeneration and Planning)*
- 4.6 Appeal by Mr Kelly, The Laurels, Blakelock Road, Hartlepool – *Assistant Director (Regeneration and Planning)*
- 4.7 Update on Current Complaints – *Assistant Director (Regeneration and Planning)* – *Assistant Director (Regeneration and Planning)*

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

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

**EXEMPT ITEMS**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in 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

**7. ITEMS REQUIRING DECISION**

- 7.1 Enforcement Action – 4 Park Square, Hartlepool (paragraphs 5 and 6) – *Assistant Director (Regeneration and Planning)*
- 7.2 Enforcement Action – Sandgate Recycling, Mainsforth Terrace, Sandgate Industrial Estate, Hartlepool (paragraphs 5 and 6) – *Assistant Director (Regeneration and Planning)*
- 7.3 Enforcement Action – 1A Hillcrest Grove, Elwick, Hartlepool (paragraphs 5 and 6) – *Assistant Director (Regeneration and Planning)*

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

**9. FOR INFORMATION**

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of Friday 1 April, 2011 at 9.00 a.m.

Next Scheduled Meeting - Friday 1 April, 2011 at 10.00 a.m.

# **PLANNING COMMITTEE**

## **MINUTES**

4 February 2011

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

### **Present:**

Councillor Rob Cook (In the Chair)

Councillors Jonathon Brash, Kevin Cranney, Marjorie James, Trisha Lawton, Geoff Lilley, Francis London, John Marshall, Dr George Morris, Carl Richardson, Hilary Thompson, Paul Thompson, Ray Wells and Edna Wright.

Also Present: In accordance with Council Procedure Rule 4.2;

Councillor Christopher Akers-Belcher as substitute for Councillor Stephen Akers-Belcher.

Councillor Sarah Maness as substitute for Councillor Pamela Hargreaves

Councillor Mary Fleet as substitute for Councillor Stephen Thomas.

Officers: Damien Wilson, Assistant Director, Economic Development and Regeneration  
Chris Pipe, Development Control Manager  
Richard Trow, Planning Officer  
Adrian Hurst, Principal Environmental Health Officer  
Peter Frost, Traffic Team Leader  
Andy Carter, Senior Planning Officer  
Kate Watchorn, Commercial Solicitor  
David Cosgrove, Democratic Services Team

### **116. Apologies for Absence**

Councillors S Akers-Belcher, Hargreaves, Sutheran and Thomas.

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

Councillor James declared a personal interest in Minute No.119, application no. H/2010/0717.

Councillor H Thompson declared a personal interest in Minute No.119, application no. H/20100609.

Councillor Wells declared a personal interest in Minute No.119, application no. H/2010/0602

Councillors James and Richardson declared a personal interest in Minute No.119, application no. H/2010/0654

Councillor Cranney declared a prejudicial prejudice interest in Minute No.119, application no. H/2010/0654 and left the meeting during its consideration.

## 118. Confirmation of the minutes of the meeting held on 7 January 2011

Confirmed

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

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

**Number:** H/2010/0672

**Applicant:** Mr Ed Alder, Ben Bailey Homes Investor House Colima Avenue SUNDERLAND

**Agent:** Ben Bailey Homes Mr Ed Alder Investor House Colima Avenue SUNDERLAND

**Date received:** 25/11/2010

**Development:** Residential development comprising 17 three and four bedroomed dwellings and associated works (resubmitted application)

**Location:** Throston Grange Court Monmouth Grove HARTLEPOOL

**Decision:** **Withdrawn from the agenda prior to the committee**

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**Number:** H/2010/0648

**Applicant:** Endeavour Housing Association Endeavour House St. Mark's Court THORNABY

**Agent:** Ben Bailey Homes Mr Chris Dodds Investor House Colima Avenue Sunderland Enterprise Park SUNDERLAND

**Date received:** 24/11/2010

**Development:** Erection of four two storey dwellinghouses and a bungalow with associated works (Further amended plans received - alteration to site layout)

**Location:** Land to the rear of St Marks Church and Community Centre Clavering Road HARTLEPOOL

**Decision:** **Withdrawn from the agenda prior to the committee**

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**Number:** H/2010/0717

**Applicant:** Mr Richard Harlanderson  
Hartlepool Borough Council Parks and Countryside  
Department 1 Church Street HARTLEPOOL

**Agent:** Groundwork North East Miss Leah Remington Linthorpe  
Cemetery Lodge Burlam Road MIDDLESBROUGH

**Date received:** 10/01/2011

**Development:** Creation of a play area with associated landscaping

**Location:** Land opposite Glamis Walk HARTLEPOOL

**Decision:** **Minded to APPROVE subject to the following conditions but a final decision was delegated to the Development Control Manager in consultation with the Chair of Planning Committee for the consideration of any further representations received after the committee date**

## CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 24/12/2010 (TITLED: Owton Play Area, Groundwork North East TV 055 and site location plan File Ref: TV05/001), unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
3. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced, this shall include a scheme of low level planting around the perimeter of the site. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, and 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.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out 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 visual amenity.

5. The hereby approved mounding upon which the embankment slide will be located upon as shown on approved plan 'TV055 002' (Received by the Local Planning Authority on 24/12/2010) shall not exceed 2 metres in height from existing ground level.

In the interests of visual amenity and adequate surveillance.

The Committee considered written representations in relation to this matter.

The applicant, Liz Allen (Groundwork North East), was present and addressed the meeting. An Objector, Mr D Rutherford, was also present and addressed the meeting.

<b>Number:</b>	H/2010/0609
<b>Applicant:</b>	Mr M Crosbie Holyrood Crescent Hart HARTLEPOOL
<b>Agent:</b>	Mr M Crosbie 11 Holyrood Crescent Hart HARTLEPOOL
<b>Date received:</b>	03/11/2010
<b>Development:</b>	Erection of a wooden shed to the rear of the premises for the storage of cleaning equipment and low value stock (retrospective application)
<b>Location:</b>	The Workshop White Hart Court Hart HARTLEPOOL
<b>Decision:</b>	<b>Planning Permission Approved subject to the following conditions</b>

## CONDITIONS AND REASONS

1. The development hereby permitted shall be carried out in accordance with the plans and details 'Existing Rear Elevation', 'Erection of Garden Shed' and location plan received by the Local Planning Authority on 13 10 10, and the plans 'Rear Elevation', and 'Side Elevation' received by the Local Planning Authority on 03 11 10. For the avoidance of doubt.
2. The development hereby approved shall only be used for storage in connection with workshop use of the main building and shall not be used for any other purpose. In the interests of the amenities of the occupants of neighbouring properties.
3. The development hereby approved shall be accessed via the internal door from the existing building only and at no time shall be accessed via the external door. The external door in the development hereby approved shall remain closed at all times and shall be used only in an emergency. The external door shall not be used as a service or general access to and from the building. In the interests of the amenities of the occupants of neighbouring properties.
4. The development hereby approved shall only be accessed and/or occupied between the hours of 08.00 and 17.00 Mondays to Fridays inclusive, and 09.00 and 13.00 Saturdays. In the interests of the amenities of the occupants of neighbouring properties.

5. There shall be no outside storage within the rear yard area at any time unless otherwise agreed in writing by the Local Planning Authority. In the interests of visual amenity.
6. The existing rear gate onto Clevecoat Walk shall only be used in the event of an emergency or for the maintenance/improvement of the property and shall be kept closed at all other times. The gate shall not be used as a service or general access to or from the building. In the interests of the amenity of the occupants of adjacent residential property.

The Committee considered written representations in relation to this matter.

The applicant, Mr Crosbie, was present and addressed the meeting. An Objector, Alison Butterworth, was also present and addressed the meeting.

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<b>Number:</b>	H/2010/0716
<b>Applicant:</b>	Mr Richard Harlanderson Hartlepool Borough Council Parks and Countryside department 1 Church Street HARTLEPOOL
<b>Agent:</b>	Groundwork North East Miss Leah Remington Linthorpe Cemetery Lodge Burlam Road MIDDLESBROUGH
<b>Date received:</b>	10/01/2011
<b>Development:</b>	Creation of play area with associated mounding and landscaping
<b>Location:</b>	Land opposite Sure Start North Main Centre Hindpool Close HARTLEPOOL
<b>Decision:</b>	<b>Minded to APPROVE subject to the following conditions but a final decision was delegated to the Development Control Manager in consultation with the Chair of the Planning Committee for the consideration of any further representations received after the committee date</b>

## CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the plans 'TV056-003' and 'TV056-001A' received by the Local Planning Authority on 20 01 11. For the avoidance of doubt.
3. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes,

- types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. In the interests of visual amenity.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the 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.
  5. The hereby approved mounding as shown on approved plan 'TV056-003' shall not exceed 1 metre in height from ground level. To ensure the site is adequately overlooked from surrounding areas.
  6. The development hereby approved shall be carried out having regard to the following:
    1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: a. human health, b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, c. adjoining land, d. groundwaters and surface waters, e. ecological systems, f. archeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
    2. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
    3. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
    4. Reporting of Unexpected Contamination In the event that contamination is found at any time when

- carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.
5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
6. Extensions If as a result of the investigations required by this condition landfill gas protection measures are required to be installed at the site, 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 proposal hereby approved shall not be extended or altered in any way, and no additional equipment shall be erected on the site without prior planning permission. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
7. Prior to the commencement of the development, details of a scheme for the erection of fencing on the northern boundary of the site adjacent to the existing car park shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the agreed details prior to the use of the site and retained as such for the lifetime of the development. In the interests of highway safety.

The Committee considered written representations in relation to this matter.

The applicant, Liz Allen (Groundwork North East), was present and addressed the meeting.

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**Number:** H/2010/0654

**Applicant:** Mrs Nichola Wilson 35 Arncliffe Gardens Hartlepool

**Agent:** Mrs Nichola Wilson 35 Arncliffe Gardens Hartlepool

**Date received:** 15/11/2010

**Development:** Change of Use from Shop (A1) to Cafe /Sandwich Shop (A3)

**Location:** 103 PARK ROAD HARTLEPOOL

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

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans 'Existing Layout' and 'Site Location Plan' received by the Local Planning Authority on 23 11 10, and 'Proposed Plan' and 'Current Plan', and details in letter received by the Local Planning Authority on 15 11 10. For the avoidance of doubt.
3. The premises shall only be open to the public between the hours of 08.00 and 18.00 Mondays to Saturdays inclusive and between the hours of 10.00 and 16.00 on Sundays and at no other time. In the interests of the amenities of the occupants of neighbouring properties.
4. 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.
5. The use hereby approved shall not commence until details of the existing party wall with 101 Park Road have been submitted to the Local Planning Authority. Thereafter the use hereby approved shall not commence until details of any attenuation measures to the party wall deemed necessary in relation to odour filtration by the Local Planning Authority have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed measures shall be implemented and retained in accordance with the agreed details prior to the commencement of the use hereby approved. In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered written representations in relation to this matter.

The applicant, Mrs Nichola Wilson, was present and addressed the meeting. An objector, Mrs Claire Herring, was also present and addressed the meeting.

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**Number:** H/2010/0602

**Applicant:** Mr Ian Butler 42 Egerton Road HARTLEPOOL

**Agent:** Cad-Link Architectural Services Ltd Alan Roberts 26 Mountston Close HARTLEPOOL

**Date received:** 22/11/2010

**Development:** Erection of first floor extension and alterations at front to provide utility room/cloak room and study with bedroom above, provision of an entrance canopy, garden room at rear and detached garage and garden store

**Location:** 42 EGERTON ROAD HARTLEPOOL

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

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 13/10/2010 (Existing ground floor layout - project number 10/12: Drawing number 001, existing first floor layout - project number 10/12: Drawing number 002, existing elevations - project number 10/12: Drawing number 003, proposed ground floor layout - project number 10/12: Drawing number 004, proposed first floor layout - project number 10/12: Drawing number 005, proposed elevations - project number 10/12: Drawing number 006, proposed detached garage - project number 10/12: Drawing number 007, proposed site layout - project number 10/12: Drawing number 008, proposed boundary wall - project number 10/12: Drawing number 012, 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 including an external brick, render and timber sample. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
4. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows shall be inserted in the elevation of the extensions facing 40 and 44 Egerton Road without the prior written consent of the Local Planning Authority. To prevent overlooking.
5. The garage hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein. In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered written representations in relation to this matter.

The applicant, Mrs Butler, was present at the meeting and addressed the meeting.

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<b>Number:</b>	H/2010/0558
<b>Applicant:</b>	Mr M Ashman Catcote Road HARTLEPOOL
<b>Agent:</b>	Mr M Ashman Owton Fens Community Association Cadcote Road HARTLEPOOL
<b>Date received:</b>	26/11/2010
<b>Development:</b>	Change of use to mixed use development comprising mattress recycling, tyre recycling and end of life vehicle depollution, provision of recycling bays and siting of a portacabin
<b>Location:</b>	Cliff House Foundry Ainsley Street HARTLEPOOL
<b>Decision:</b>	<b>Planning Permission Approved subject to the following conditions</b>

#### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans 280/206 and 300/47F/2002 Rev A received by the Local Planning Authority on 08 11 10. For the avoidance of doubt.
3. The permission hereby granted relates to the recycling of waste mattresses, waste tyres and end of life vehicles only and no other waste material shall be brought onto the site at any time. In the interests of the amenities of the occupants of the surrounding area.
4. Waste material brought onto the site in accordance with condition 3 shall be deposited or stored within the defined bays hereby approved as shown on approved plan 300/47F/2002 Rev A received on the 8 November 2010 only and on no other part of the site at any time. In the interests of the amenities of the occupants of the surrounding area.
5. Waste material brought onto the site in accordance with conditions 3 and 4 shall not be deposited or stored to a height exceeding 2m. In the interests of the amenities of the occupants of the surrounding area.
6. Waste mattresses and end of life vehicles brought onto the site in accordance with condition 3 shall be worked on/processed only within the recycling shed as shown on approved plan 300/47F/2002 Rev A received on 8 November 2010 only and on no other part of the site at any time. In the interests of the amenities of the occupants of the surrounding area.
7. The site shall only operate between the hours of 08.00 and 17.00 Mondays to Fridays inclusive and at no other time or any time Saturdays, Sundays or Bank



- Holidays. In the interests of the amenities of the occupants of neighbouring properties.
8. There shall be no burning of any materials or waste on the site.  
In the interests of the amenities of the occupants of the surrounding area.
  9. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct or via soakaways. To prevent pollution of the water environment.
  10. Notwithstanding the submitted details, within 1 month of the date of this permission, final details of the construction of the external storage bays shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, within 1 month of the date of the Local Planning Authority's agreement, the bays shall be implemented in accordance with the agreed details and thereafter retained as such for the lifetime of the development. To ensure the site is developed in a satisfactory manner.
  11. Within 2 months of the date of this permission, the following components of a scheme to deal with risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority: 1) A preliminary risk assessment which has identified: a) all previous uses; b) potential contaminants associated with those uses; c) a conceptual model of the site indicating sources, pathways and receptors; d) potentially unacceptable risks arising from contamination at the site. 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Thereafter, the scheme shall be implemented in accordance with the agreed details and within a timescale to be first agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. No waste material shall be brought onto the site until the above has been submitted to and agreed in writing by the Local Planning Authority. The information provided with the application indicates that the site has been subject to the potentially contaminative land-use (i.e. foundry and End of Life Vehicle operation). The environmental setting of the site is sensitive as it lies on the Sherwood Sandstone principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the development.
  12. No material or waste shall be brought onto the site and no development shall commence until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

The information provided with the application indicates that the site has been subject to the potentially contaminative land-use (i.e. foundry and End of Life Vehicle operation). The environmental setting of the site is sensitive as it lies on the Sherwood Sandstone principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the development.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained approval in writing from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. Unsuspected contamination may exist at the site which may pose a risk to controlled waters.
14. No development shall be carried out and no further materials shall be brought onto the site until a scheme for the disposal of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented and retained in accordance with the agreed details throughout the life of the development unless otherwise agreed in writing by the Local Planning Authority. To ensure that proper means are provided for the disposal of foul and surface water from the development.
15. Notwithstanding the submitted details, final details of the proposed hard surfaces on site shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the date of this permission. The development shall thereafter be carried out in accordance with those details and retained as such for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. To ensure the site is developed in a satisfactory manner.
16. Within 1 month of the date of this permission, a wheel wash scheme to prevent mud or waste being deposited on the highway by vehicles leaving the site shall be submitted to and agreed in writing by the Local Planning Authority and implemented within 2 months of the date of the Local Planning Authority's agreement. Thereafter the approved scheme shall be available and be used for its intended purpose at all times during the life of the development. In the interests of highway safety.
17. Unless otherwise agreed in writing by the Local Planning Authority dust suppression equipment shall be provided in accordance with a scheme to be first agreed in writing by the Local Planning Authority within 2 months of the date of this permission. Once installed the equipment shall be retained for the life of the development and shall be available for use at all times while the facility is operational. In the interests of the amenities of the occupants of the surrounding area.
18. Unless otherwise agreed in writing by the Local Planning Authority screen fencing and litter catch fencing of a height and design to be first submitted to and approved in writing by the Local Planning Authority shall be placed around the boundaries of the working areas of the site within 2 months of the date of this permission. The approved fencing shall be implemented in accordance with the agreed details within 1 month of the date of the Local Planning Authority's agreement. The screen and litter catch fencing or similar replacement fencing in the event that the approved fencing is damaged and cannot fulfil its function shall thereafter be retained during the life of the life of the development unless

otherwise agreed in writing by the Local Planning Authority. In the interests of the amenities of the occupants of the surrounding area.

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<b>Number:</b>	H/2010/0703
<b>Applicant:</b>	Euro Property Management Limited 93 Park Road Hartlepool
<b>Agent:</b>	Howson Developments Mr Steve Hesmondhalgh Thorntree Farm Bassleton Lane Thornaby Stockton on Tees
<b>Date received:</b>	20/12/2010
<b>Development:</b>	Demolition of Station Hotel and erection of retail unit (Use Class A1) with associated car parking (resubmitted application)
<b>Location:</b>	STATION HOTEL 132 STATION LANE HARTLEPOOL
<b>Decision:</b>	<b>APPROVE with the <i>exact</i> wording of <i>the</i> conditions to <i>be applied to the approval being</i> delegated to the Development Control Manager in consultation with the Chair of the Planning Committee.</b>  <b>The Planning Committee acknowledged the policy position however after considering all material planning considerations they concluded that on balance the regeneration benefits outweighed the policy concerns.</b>

The Committee considered written representations in relation to this matter.

The applicant's representative, Mr John Whitfield, was present and addressed the meeting. An objector, Mr A Carter, was present and addressed the meeting.

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## **120. Emerging Affordable Housing Policy in the Core Strategy** (*Assistant Director (Regeneration and Planning)*)

### **Decision**

Due to the length of the meeting, the report was deferred for consideration at the next meeting of the Committee.

- 121. Appeal – Erection of A Single Storey Side and Rear Extensions to Provide Garage and Kitchen Extension and Canopy to front 15 Ruskin Grove (H/2010/0483)**  
(Assistant Director (Regeneration and Planning))

**Decision**

Due to the length of the meeting, the report was deferred for consideration at the next meeting of the Committee.

- 122. Appeal – Former Garages Site Land to Rear of Stanmore Grove, Seaton Carew (H/2010/0067)** (Assistant Director (Regeneration and Planning))

**Decision**

Due to the length of the meeting, the report was deferred for consideration at the next meeting of the Committee.

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

**Decision**

Due to the length of the meeting, the report was deferred for consideration at the next meeting of the Committee.

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

**Decision**

Due to the length of the meeting, the report was deferred for consideration at the next meeting of the Committee.

- 125. Local Government (Access to Information) (Variation Order) 2006**

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

Minute 126 – Enforcement Action – 4 Park Square, Hartlepool – namely

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (para 5) and, Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6).

Minute 127 - Enforcement Action – Sandgate Recycling, Mainsforth Terrace, Sandgate Industrial Estate, Hartlepool – namely Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (para 5) and, Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6).

Minute 129 - Niramax, Seaton Carew – Judicial Review - namely Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (para 5) and, Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6)

## **126. Enforcement Action – 4 Park Square, Hartlepool** (Assistant Director (Regeneration and Planning)) (paragraphs 5 and 6)

### **Decision**

Due to the length of the meeting, the report was deferred for consideration at the next meeting of the Committee.

## **127. Enforcement Action – Sandgate Recycling, Mainsforth Terrace, Sandgate Industrial Estate, Hartlepool** (Assistant Director (Regeneration and Planning)) (paragraphs 5 and 6)

### **Decision**

Due to the length of the meeting, the report was deferred for consideration at the next meeting of the Committee.

## **128. Any Other Items which the Chairman Considers are Urgent**

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

**129. Niramax, Seaton Carew – Judicial Review** (*Development Control Manager*)

The Development Control Manager updated the Committee on events at the initial hearing in relation to the Judicial Review brought by Public Interest Lawyers.

**Decision**

That the report be noted.

The meeting concluded at 2.10 p.m.

CHAIR

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

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## **Background**

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

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

1.3 The plans originally considered showed visibility splays (4.5m x 90m) at the entrance onto Dalton Back Lane. The visibility splays crossed the land of neighbouring landowners and therefore these parties needed to be party to the required legal agreement to ensure the splays were maintained. In subsequent negotiations between the applicant and the neighbouring landowners however, though the landowner to the north was agreeable to enter into the agreement the landowner to the south was not. The legal agreement and therefore the application could not progress on the basis of the original plans. In subsequent discussions it also became apparent that there was also a dispute in relation to the precise location of the boundaries of the applicant's and the southern neighbour's holdings.

1.4 In an attempt to address this issue the applicant amended the proposed access arrangements eventually to show a 2.4 X 90m splay. Traffic & Transportation were satisfied with this visibility, though hedges along the highway boundary to the south

and north, abutting land in separate ownership, would need to be trimmed regularly to ensure the splay were maintained. However again the hedge to the south forms the eastern boundary of the neighbouring holding and this neighbour is unwilling to enter into any legal agreement securing the visibility splay. The application was subsequently brought back to committee on several occasions, the last time on 16<sup>th</sup> June 2010 (**Committee Report attached**), however in light of the apparent impasse it was unable to progress.

1.5 The applicant has resurveyed the site and submitted a further amended plan showing the provision of a 2.4m X 90m visibility splay at the access onto Dalton Back Lane.

### **Publicity**

1.6 The amended access proposals has been re-advertised by neighbour notification (22). The time period for representations has expired.

One response was received. The respondent did not indicate their views.

### **Consultations**

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

**Dalton Parish Council** The parish council reiterates what their views have been throughout this planning application. The access under consideration is far too dangerous as it is, without further caravan traffic. The back lane has a national speed limit, there are blind bends at both sides and hedgerows in summer will make siting of traffic even worse. There is very little, if any, signage on the road. There are also possibilities that the back lane could be used as a feeder road if the development at Claxton goes ahead under the core strategy document now under review. The outcome of this is not known but some 2000 houses are in the pipeline.

### **Planning Policy**

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

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



and hedgerows are adequately protected during construction. The Borough Council may prosecute if there is damage or destruction of such protected trees.

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

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

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

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

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

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

## **PLANNING CONSIDERATIONS**

1.8 Members have previously resolved that they are minded to approve the application and the matter now before members relates to solely to the access arrangements. The main planning considerations therefore relate to highway issues.

1.9 The original plans showed an access arrangement with a visibility splay of some 4.5m x 90m. The current proposals are for a 2.4m X 90m visibility splay the Council's Highway Team considers that this is acceptable. It is apparent however that the maintenance of the splay will requires ongoing work to part of neighbour's hedges which abut the highway boundary. However the neighbouring landowner to the south has declined to enter into a legal agreement securing the visibility splay.

1.10 It is apparent however that in 2007 when the neighbouring landowner to the south obtained planning permission to vary an earlier permission for a livery and

associated residential caravan on his land, a condition was imposed requiring a scheme for the provision of a 4.5 x 90m visibility splay, south of the access, to be submitted, implemented and retained for the lifetime of the development. (H/2007/0425). This condition has not been complied with though discussions with the neighbouring landowner are ongoing to ensure its implementation it is understood he is willing to provide the required splay. If this scheme were implemented and maintained it would effectively ensure that adequate visibility to the south of the access were provided for all users of the access including the proposed caravan/camping site.

1.11 It is normally the case that any planning permission should secure any required works, for example visibility splays, on its own terms, through conditions or a legal agreement, and not be dependent on an unrelated permission. It is apparent however that this is not achievable in this case in relation to the southern side of the visibility splay as the neighbouring landowner is not amenable. It would be preferable, and more secure, if the continued maintenance of the splay were agreed by all owners involved and secured by an appropriate legal agreement for the benefit of all. However, it would be unfortunate if a scheme which potentially offers significant economic benefits, in terms of jobs, investment and tourist potential, and which is otherwise acceptable, were to fail. At the same time the implementation of the condition on the unrelated permission (H/2007/0425) will secure the splay to the south as long as that permission remains extant. Traffic & Transportation have advised that provided the condition on the unrelated permission can be enforced, which at this time it can be, this is satisfactory. In the event that at some time in the future this is not the case, i.e. for example the neighbouring unit reverts to agriculture which would mean the condition could not be enforced, a clause could be added to the legal agreement requiring traffic calming or other agreed access improvements, on Dalton Back Lane.

1.12 In relation to the other claims of ownership, this may ultimately be a matter that will need to be resolved outside the remit of Planning. In light of these claims however it is considered prudent to impose Grampian Conditions requiring the completion of the access and access lane improvements prior to the commencement of any works on the caravan/camping site and prior to it being brought into use.

1.13 It is recommended that the application be approved subject to the completion of a legal agreement under section 106 of the Planning Act to ensure adequate sightlines are maintained to the north of the main access to the site, requiring a scheme of additional traffic calming/access improvements on Dalton Back Lane in the event that at sometime in future the visibility splay to the south cannot be enforced through planning condition and that Tees Forest planting is secured for the lifetime of the development.

**RECOMMENDATION: APPROVE** subject to the completion of a legal agreement under section 106 of the Planning Act to ensure adequate sightlines are maintained to the north of the main access to the site, requiring a scheme of additional traffic calming/access improvements on Dalton Back Lane in the event that at sometime in future the visibility splay to the south cannot be enforced through planning condition and that Tees Forest planting is secured for the lifetime of the development and the following conditions.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with plans and details received at the Local Planning Authority at the time the application was made valid on 7th March 2008 (BIG/IC/TB/286-101, BIG/IC/TB/286-103, BIG/IC/TB/286-105) as amended in relation to the site layout by the drawing BIG/IC/TB/286-102C received at the Local Planning Authority on 10th April 2008, as amended in relation to the proposed access track between the site and Dalton Back Lane by the drawing BIG/IC/TB/286-104B received at the Local Planning Authority on 25th February 2010, as amended in relation to the existing and proposed junction plan by the drawing BIG/IC/TB/286-106F received at the Local Planning Authority on 19th January 2011, as amended in relation to the site location plan and red line by the plan received at the Local Planning Authority on 21<sup>st</sup> February 2011, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
3. The touring caravan pitches (157) and the camping area shall be restricted to the area shown on the approved layout plan unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of visual amenity.
4. i) Any caravans on/brought onto site are to be occupied for holiday purposes only;  
ii) Any caravans on/brought onto site shall not be occupied as any person's sole, or main place of residence;  
iii) No individual may be in residential occupation of the site or any caravan thereon for more than 28 days (whether cumulatively or continuously) in any six month period; AND  
iv) the owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site at any time, and of their main home addresses, and shall make this information available upon reasonable request to the Local Planning Authority  
For the avoidance of doubt/to ensure that the site operates only as a touring caravan and camping site in the interests of visual amenity and the site is not considered suitable for residential occupancy.
5. Prior to its installation details of any play equipment to be installed in the childrens play area shall be submitted to and approved in writing by the Local Planning Authority.  
In the interests of visual amenity.
6. Unless otherwise agreed in writing with the Local Planning Authority the amenities building (incorporating the function room) shall only be open to the public between the hours of 07:00 and 24:00 on any given day.  
In the interests of the amenities of the occupants of neighbouring properties.
7. The site including the amenities building and other facilities shown on the submitted plans shall only operate between the months of March to November inclusive in any year.  
As indicated in the application and in the interests of visual amenity.
8. The bars and function room in the amenities building shown on the submitted plans shall only be open to residents of the caravan and camping site. The

amenities building shall be used only in association with the caravan and camping site and shall not be used as an independent facility.

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

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

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

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

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

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

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - a. human health,
  - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - c. adjoining land,
  - d. groundwaters and surface waters,
  - e. ecological systems,
  - f. archeological sites and ancient monuments;

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

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the

remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

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

#### 5. Long Term Monitoring and Maintenance

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

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

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

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

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

To reduce the risk of flooding

13. Prior to the development being brought into use details of (i) signage to be erected on the site and (ii) promotional literature for the operation shall be agreed with the Local Planning Authority in order to promote safe routes to and from the site for caravan related traffic. These routes shall be actively promoted to all users of the site in accordance with a scheme first agreed in writing with the Local Planning Authority. The route restrictions in question for caravan related traffic using the A19 shall be as follows:

Arriving from the North - No restrictions

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

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

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

To ensure that the A19 trunk road might continue to fulfil its purpose as part of national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980, and to maintain the safe free flow of traffic on the trunk road.

14. The improvements to the access (detailed on drawing BIG/IC/TB/286-106F received at the Local Planning Authority on 19<sup>th</sup> January 2011) and the access road (detailed on drawing BIG/IC/TB/286-104B) shall be completed in accordance with the approved details, unless some variation is subsequently agreed in writing with the Local Planning Authority, before any other part of the development hereby approved is commenced. The access and access track shall thereafter be retained as approved for the lifetime of the development unless some variation is subsequently agreed in writing by the Local Planning Authority.  
In the interests of highway safety.
15. The development hereby approved shall be used as a touring caravan site and camping site only and under no circumstances for the siting of static caravans. Neither shall it be used for the storage of caravans.  
In line with planning policies and in order to protect the visual amenity of the area.
16. Unless otherwise agreed in writing with the Local Planning Authority the individual caravan pitches and associated car parking areas shall be retained in grass and no hardstandings shall be formed.  
As stated in the application and in the interests of visual amenity.
17. No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the visual amenity of the area.
18. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
19. Details of the construction of the access, access roads including surfacing materials shall be submitted to and approved by the Local Planning Authority before development commences.  
In the interests of visual amenity and highway safety.
20. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.  
In the interests of visual amenity.
21. Prior to the commencement of development details of any excavation, leveling or earthworks proposed shall be submitted to and approved in writing by the Local Planning Authority.  
In the interests of visual amenity.
22. Notwithstanding the submitted details a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be

undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

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

In the interests of visual amenity.

24. The details of provisions for supervision and any managers/staff accommodation shall be submitted to and approved in writing by the Local Planning Authority prior to the site being brought into use.

In order to ensure these matters are clarified.

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

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

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

To prevent pollution of the water environment.

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

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

H/2008/0001 - Brierton Moorhouse Farm Dalton Back Lane Hartlepool

Attachments



## APPENDIX

**No:** 2  
**Number:** H/2008/0001  
**Applicant:** Mr Terry Bates 7 Brinkburn Court Hartlepool TS25 5TF  
**Agent:** BIG-Interiors Ltd. Mr Ian Cushlow 73 Church Street  
 Hartlepool TS24 7DN  
**Date valid:** 07/03/2008  
**Development:** Provision of a touring caravan and camping site with  
 associated amenity facilities  
**Location:** BRIERTON MOORHOUSE FARM DALTON BACK LANE  
 HARTLEPOOL

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

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

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

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

2.5 In subsequent discussions it became apparent that there was also a dispute in relation to the precise location of the boundaries of the applicant's and the southern neighbouring landowners, holdings. In order to address these issues the applicant met with the owner of the land to the south “to discuss and agree the area of land of

## APPENDIX

which the ownership is in dispute”. Following these discussions he submitted an amended plan relating to the access track as it approaches the Dalton Back Lane and the access onto the same which excludes the disputed land. However, the neighbouring landowner maintains that the visibility splay and access lane continue to require the use of his land. Subsequent to the last meeting the applicant has met with Traffic & Transportation and submitted a further amended plan.

**The amendment for consideration**

2.6 The amended plan originally showed a reduced access track width of 5.5m to 5.8m (originally 6m) and the provision of a visibility splay of 3.5m x 90 (originally 4.5m x 90m) to that originally proposed. The plans identify what the applicant considers as “the area of land of which the ownership is in dispute” and show that the amended access arrangements can be accommodated without incursion into this land. Subsequent to the last meeting of the Committee the applicant has met with Traffic & Transportation and submitted a further amended plan which shows a 2.4 x 90m visibility splay.

**Publicity**

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

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

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

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

2.11 In addition a letter has been recently been received from the solicitor of the neighbour to the south which amongst other matters maintains that the land owned by his client is more extensive than that shown on the applicant's plan extending at least one metre further to the northwest and reiterating his claim to ownership of land within the visibility splay.

**Copy letters D****Consultations**

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

## APPENDIX

**Greatham Parish Council** : Greatham PC reiterates its opposition to the caravan park, as clearly stated during the original application. The back lane is now in a far worse condition and it is impossible to keep to one side of the road due to severe potholes. To have further traffic of the size and scale proposed would make matters far worse and inevitably lead to severe problems. There are no markings on the road, no signage and a national speed limit; all of which create a recipe for disaster. The parish council also expresses concerns that it appears that many interested parties were not informed of the re-application and some not informed at all. There are also plans for much housing in the area, leading to further traffic on the road in question which will also highlight the complete inadequacy of Dalton Back Lane. Policing the area will also be much hampered.

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

**Traffic & Transportation** : Following a discussion it was agreed that the minimum sight line acceptable would be a 2.4 x 90 metres.

We met Mr Bates on site to determine whether the 2.4 metre sight line could be obtained, as you were aware from our meeting it was considered that 2.1 metres was the maximum achievable given the position of the hedges, however following this most recent meeting it was agreed that a 2.4 metre sight line was achievable particularly due to the position of the ghost island in the centre of the junction. Mr Crow reiterated that it was possible to extend the hedge row in area of land he owns, if this is the case the sight lines would be unobtainable. Mr Bates has since brought in an amended drawing showing the 2.4 metre sight line, I would suggest that the drawings are not entirely accurate as it shows that the sight line can be easily achieved, this was certainly not the case as it was very much border line.

**Highways Agency** : No comments received.

## Policy

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

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

## APPENDIX

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

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

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

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

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

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

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

To10: States that proposals for touring caravan sites will only be approved where they do not intrude into the landscape and subject to highway capacity

APPENDIX

considerations, the provision of substantial landscaping and availability of adequate sewage disposal facilities.

**Planning Considerations**

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

2.15 The amendments have sought to address the issue of the reluctance of the neighbouring landowner to enter into the legal agreement securing the visibility splay. However even with the amended plans the neighbouring landowner, to the south, continues to maintain that their land is being used to accommodate the access lane and to achieve the visibility at the access.

2.16 Notwithstanding the concerns regarding the accuracy of the latest submitted drawing, observations by Traffic & Transportation indicate that even with the reduced visibility splay, which they feel is acceptable, the applicant must rely on visibility across the disputed land there remains therefore a question as to whether it can be secured. There is also the question of the access lane, where the neighbour is also claiming part ownership though this might be addressed through passing places with the cooperation of the land owner to the north.

2.17 Legal advice has been sought on these matters and an update report will follow.

**RECOMMENDATION: UPDATE** report to follow.

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

### The Application and Site

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

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

### Other Relevant Planning History

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

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

### Publicity

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

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

1.6 The persons objecting raise the following concerns

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

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- road. The road is used on a daily basis by wagons from the farms, neighbouring businesses, livery yards, saddle and Pony clubs and overflow from the A19 on occasion. It is frequently used by walkers, joggers, cyclists, horse riders and adding more traffic (especially towing caravans) would create great danger.
- xv) Noise during the day but also at night with the club and general outdoor activities.
  - xvi) In the last few years the agricultural land has been divided into sections and had various developments at the expense of the beauty of the idyllic countryside.
  - xvii) Concerns Hartlepool might be target for travellers, which will be costly for all.
  - xviii) Large caravan site would be out of keeping with the area, incompatible with its rural surroundings and contrary to Local Plan policies.
  - xix) The buildings might be designed to compliment the area but the caravans will be intrusive.
  - xx) No need for caravan site here. No local attractions etc or accessible footpaths.
  - xxi) Not farm or agricultural diversification as the applicant is not involved in any farming or agricultural activities.
  - xxii) Noise, disturbance, littering and trespass.
  - xxiii) No opening hours specified, if the site intended for tourism it would normally be closed 3 months a year especially as caravan plots are not hardstandings.
  - xxiv) No supervision indicated.
  - xxv) Concerned if commercial vehicles associated with touring caravans allowed on to the site.
  - xxvi) Concerned if any night-time lighting detrimental to local biodiversity.
  - xxvii) The proposal is contrary to policies To10, Rur7 and Rur 16 of the Hartlepool Local Plan.
  - xxviii) No Environmental Impact Assessment has been submitted. Concerns at the impact of competing uses which take place on Dalton Back Lane, joggers, horses walkers, farm traffic.

#### Copy letters D

The time period for representations has expired.

#### Consultations

1.7 The following consultation replies have been received:

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

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

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

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

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

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

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

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

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

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

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

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

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

**Police** - Make various recommendations in relation to crime prevention.

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

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

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

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

**National Grid** - No objections

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

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

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

**Northumbrian Water** – No objections.

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**Planning Policy**

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

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

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

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

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

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

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

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

### Planning Considerations

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

### Policy

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

### Impact On The Visual Amenity Of The Area

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

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

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

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

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

#### Impact On The Amenity Of Neighbouring Properties

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

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

#### Flooding

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

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

#### Ecology

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

#### Drainage

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

#### Highways

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

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

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Conclusion

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

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

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

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Planning Committee – 11 June 2008

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9. No amplified music shall be played or relayed outside of the amenities building.
10. In the interests of the amenities of the occupants of neighbouring properties. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority. To ensure that any site contamination is addressed.
11. Details of the proposals for the disposal of surface water shall be submitted and approved by the Local Planning Authority prior to the commencement of development. A surface water drainage system shall be designed in accordance with the conclusions of the flood risk assessment, and agreed with the Local Planning Authority. The agreed system shall be fully installed before any impermeable surfaces designed to drain to that system are constructed.  
To reduce the risk of flooding
12. Prior to the development being brought into use details of (i) signage to be erected on the site and (ii) promotional literature for the operation shall be agreed with the Local Planning Authority in order to promote safe routes to and from the site for caravan related traffic. The route restrictions in question for caravan related traffic using the A19 shall be as follows:  
Arriving from the North - No restrictions  
Departing to the North - Turn right onto Dalton Back Lane, turn right onto A689 to A19 junction.  
Departing to the South - Turn right onto Dalton Back Lane, right turn onto A689 to A19 junction.  
Arriving from the South - Leave A19 at A689, follow A689, turn left onto Dalton Back Lane.  
To ensure that the A19 trunk road might continue to fulfil its purpose as part of national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980, and to maintain the safe free flow of traffic on the trunk road.
13. Prior to the site being brought into use the access track and access onto Dalton Back Lane shall be improved in accordance with the approved details.

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The 4.5m X 90m visibility splay indicated on the approved drawing shall thereafter be maintained at all times in accordance with the approved drawing. No object, building structure or enclosure, nor any part of the hedgerow, tree, bush or plant within the visibility splay shall be allowed to exceed one metre in height.

In the interests of highway safety.

14. The development hereby approved shall be used as a touring caravan site and camping site only and under no circumstances for the siting of static caravans. Neither shall it be used for the storage of caravans.  
In line with planning policies and in order to protect the visual amenity of the area.
15. Unless otherwise agreed in writing with the Local Planning Authority the individual caravan pitches and associated car parking areas shall be retained in grass and no hardstandings shall be formed.  
As stated in the application and in the interests of visual amenity.
16. No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the visual amenity of the area.
17. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
18. Details of the construction of the access, access roads including surfacing materials shall be submitted to and approved by the Local Planning Authority before development commences.  
In the interests of visual amenity and highway safety.
19. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.  
In the interests of visual amenity.
20. Prior to the commencement of development details of any excavation, leveling or earthworks proposed shall be submitted to and approved in writing by the Local Planning Authority.  
In the interests of visual amenity.
21. Notwithstanding the submitted details a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interests of visual amenity.
22. Any trees/shrubs required to be planted in association with the development hereby approved, and which are removed, die, are severely damaged, or become seriously diseased, shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted. All approved tree planting shall be retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.  
In the interests of visual amenity.

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



**Application No** H/2008/0001

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

**Location** BRIERTON MOORHOUSE FARM DALTON BACK LANE HARTLEPOOL

**PS Code:**6

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

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**Rainwater drainage**

- H3. (1)** Adequate provision shall be made for rainwater to be carried from the roof of the building
- (2)** Paved areas around the building shall be so constructed as to be adequately drained.
- (3)** Rainwater from a system provided pursuant to sub-paragraphs (1) or (2) shall discharge to one of the following, listed in order of priority -
- (a) an adequate soakaway or some other adequate infiltration system; or, where that is not reasonably practicable,
  - (b) a watercourse; or, where that is not reasonably practicable,
  - (c) a sewer.

As can be seen the preferred solution in the Building Regulations is to use a soakaway or infiltration system or into a watercourse (if suitable - so if prone to flooding then it would seem not to be suitable!).

It should be noted that we would only be looking at the surface water from the buildings that require approval under the Building Regulations and not hard standing, exempt buildings or roadways.

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

<b>3) Neighbour letters needed</b>	Y
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<b>4) Parish letter needed</b>	Y
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<b>5) Policy</b>	
GEP1: General Environmental Principles	
GEP12: Trees, Hedgerows and Development	
GEP2: Access for All	
GEP3: Crime Prevention by Planning and Design	
Rur1: Urban Fence	
Rur14: The Tees Forest	

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Rur7: Development in the Countryside To10: Touring Caravan Sites Comments: Not applicable	
<b>6) Planning Considerations</b>	
<p>This application was considered at the Planning Committee of 11<sup>th</sup> June 2008 members were minded to approve the application "subject, to the satisfactory conclusion of discussions about the handling of surface water and sewage at the site, to the completion of a legal agreement under section 106 of the Planning Act to ensure adequate sightlines are maintained at the main access to the site and the Tees Forest planting is secured both during the lifetime of the development and the following conditions. However a final decision was delegated to the Development Control Manager in consultation with the Chair of the Planning Committee. Officers are to liaise with the Council's Highway Engineers and officers of the Highway Agency to ensure agreed information about safe routes to and from the site is provided to the applicant.</p> <p>Discussion in relation to foul and surface water have been concluded. It is considered that these matters can be conditioned. After further consideration an additional Grampian condition, condition 26, covering foul drainage has been added. A Grampian condition in relation to the disposal of surface water was previously proposed and an amended version to take account of the Engineering Consultancy comments is restated below (12).</p> <p>After further consultation with Traffic &amp; Transportation &amp; the Highways Agency the safe route has been amended. Condition 13 has therefore been amended to reflect changes to the route.</p> <p>After further consideration a further condition is also proposed in relation to the provision of water supply, Condition 27.</p> <p>The other conditions are as approved at the meeting of the Planning Committee on 11<sup>th</sup> June 2008 and are restated below.</p> <p>The recommendation remains to approve the application subject to the completion of a section 106 agreement, which is being progressed and the conditions set out below.</p>	
<b>7) Chair's Consent Necessary</b>	<b>Y</b>
<b>8) Recommendation</b>	<b>APPROVE</b> subject to the completion of a legal agreement under section 106 of the Planning Act to ensure adequate sightlines are maintained at the main access to the site and the Tees Forest planting is secured both during the lifetime of the development
<b>CONDITIONS/REASONS</b>	
<p>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.</p> <p>2. The development hereby approved shall be carried out in accordance with plans and details received at the time the application</p>	

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

For the avoidance of doubt.

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

In the interests of visual amenity.

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

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

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

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

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

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

In the interests of visual amenity.

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

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

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

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

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

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

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

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

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

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

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

- A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study,
- The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority,
- 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,
- The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme,
- If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.

To ensure that any site contamination is addressed.

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

To reduce the risk of flooding

13. Prior to the development being brought into use details of (i) signage to be erected on the site and (ii) promotional literature for the operation shall be agreed with the Local Planning Authority in order to promote safe routes to and from the site for caravan related traffic. The route restrictions in question for caravan related traffic using the A19 shall be as follows:

Arriving from the North - No restrictions

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

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

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

To ensure that the A19 trunk road might continue to fulfil its purpose as part of national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980, and to maintain the safe free flow of traffic on the trunk road.

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

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

In the interests of highway safety.

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

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

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

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

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

In the interests of the visual amenity of the area.

18. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.

In the interests of visual amenity.

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

In the interests of visual amenity and highway safety.

20. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.

In the interests of visual amenity.

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

In the interests of visual amenity.

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

In the interests of visual amenity.

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

In the interests of visual amenity.

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

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

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

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

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

To prevent pollution of the water environment.

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

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

**INFORMATIVE NON-STD**

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

**Signed:**

**Dated:**

Assistant Director (Planning and Economic Development)  
Development Control Manager

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

**Signed:**

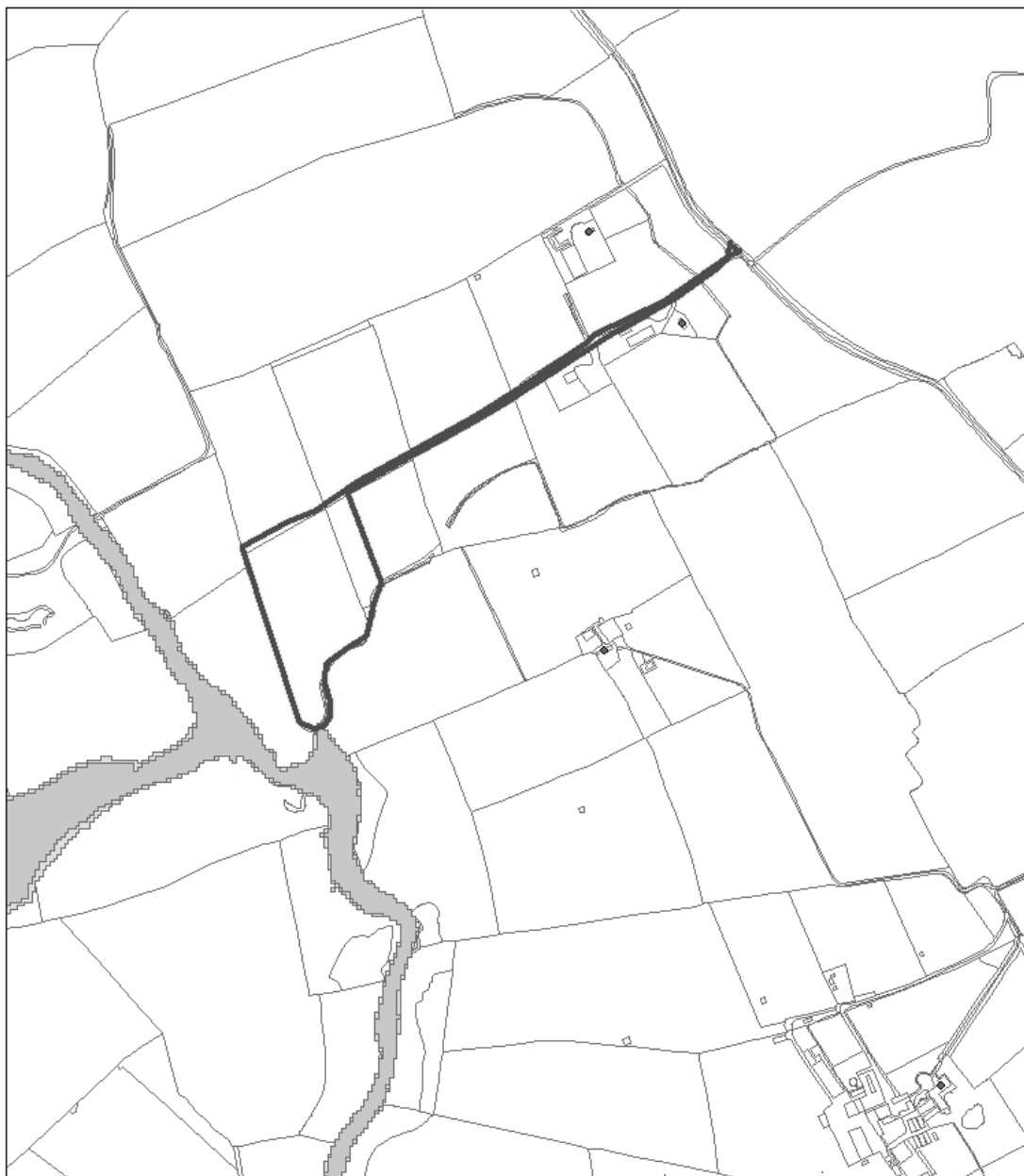
**Dated:**

Chair of the Planning Committee

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H/2008/0001  
Brierton Moorhouse Farm



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

**HARTLEPOOL BOROUGH COUNCIL**

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

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**Scale: 1:7,078**

**Date :**

**Drg No:**

**Drawn: JT**

**No:** 2  
**Number:** H/2010/0680  
**Applicant:** Mr Brendon Colarossi Engineering Consultancy Hanson House HARTLEPOOL TS24 7BT  
**Agent:** Hartlepool Borough Council Mr Brendon Colarossi Engineering Consultancy Bryan Hanson House HARTLEPOOL TS24 7BT  
**Date valid:** 06/12/2010  
**Development:** Seaton Carew coastal protection scheme - Rock armour protection to existing wave wall, removal of a lower platform level on Promenade (North Shelter) and installation of new wave wall at this location, replacement of existing staircase to beach and provision of additional staircase  
**Location:** Land adjacent to The Cliff Seaton Carew HARTLEPOOL

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## Background

2.1 This application relates to the first phase of the Seaton Carew Coastal Strategy (SCCS) which is currently awaiting a recommendation for approval from the Environment Agency's National Review Group. The Seaton Carew Coastal Strategy comprises a series of coastal processes, environmental and economic studies which have been carried out by the Council in consultation with key stakeholders to develop a coastal strategy for the area from Newburn Bridge to the Tees Estuary. The strategy identifies strategic options to achieve recommended policies for the coast as set out in the North East Shoreline Management Plan (SMP) 2 (2007). The SMP2 (2007) is a document produced for the North East Coastal Authorities Group (NECAG) which sets out risks associated with coastal evolution and presents a policy framework to address these risks over an area stretching from the River Tyne to Flamborough Head.

2.2 The recommendation from the SMP2 (2007) for the Seaton Carew management area is to 'hold the line' in the short, medium and long term (up to 100 years). The SCCS indicates that the frontage in management area MA13.1a is in urgent need of upgrade. The SCCS advises that as the frontage will continue to be affected by undermining, overtopping and breach incidents, reactive maintenance is unlikely to be sufficient to ensure that the 'hold the line' policy is maintained. Consequently the SCCS recommends that protection works are carried out in this management area urgently. The urgent need for the works has resulted in the Environment Agency agreeing to consent being sought for planning permission for the works prior to their approval of the SCCS.

## The Application and Site

2.3 The site to which this application relates is identified in the SMP2 and the SCCS as management area MA13.1a which is an area of the existing sea wall stretching some 520m from the coastline opposite the Staincliffe Hotel to the north, down to the

coastline opposite the junction of The Cliff and Station Lane to the south, adjacent to the existing slipway. The site comprises two distinct areas. The first being the main sea wall and promenade, and the second comprising a lowered section of sea wall and promenade known as the North Shelter.

2.4 The sea wall within MA13.1a forms the boundary of the Seaton Carew Conservation Area. To the north of the site are the non-statutory local designated sites of the Long Scar and Little Scar Local Geological Site (LGS) and Carr House Sands and West Harbour Local Wildlife Site (LWS).

2.5 The site lies to the north of, and outside the boundary of, the internationally designated Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site, and also the nationally designated Seaton Dunes and Common Site of Special Scientific Interest (SSSI).

2.6 Existing defences on this section of coast line are provided in the form of the existing sea wall. The sea wall comprises vertical concrete sections with a curved parapet feature, sitting approximately 6.6m AOD. The wall fronts on to Seaton Carew beach which shows low crest levels where the beach meets the wall. Due to wave and weather conditions, the beach level has fallen further to expose the wall's foundations. Reduced beach levels have resulted in undermining of the defence toe and wall foundation which poses a risk to the stability of the wall.

2.7 The existing sea wall benefits from one set of active steps from the promenade down to the beach which are in poor condition. Emergency works were carried out on the steps in 2008, however, the measures were temporary in nature and considered inappropriate to rely upon on a permanent basis.

2.8 The North Shelter area is a section of the sea wall and promenade which sits lower than the remainder at approximately 4.5m AOD. The north shelter is particularly vulnerable to overtopping and breaching, as demonstrated on two instances in 2006 and 2007 where the two sets of steps serving the North Shelter (both now closed) were severely damaged, one set subsequently having been lost.

2.9 The application seeks consent for a range of works designed to protect the sea wall from coastal erosion. The existing emergency rock revetment will be formalised and enhanced with the provision of new sheet piling to be installed in front of the walls foundations along the entire length of the MA13.1a area. The sheet piling will be anchored to the toe of the sea wall to aid stability. The gap between the piling and the toe will be filled with concrete, and the rock armour reinstated on a geotextile and covered with a single layer of armour stone. The rock armour protection area will also be extended to the south to the access ramp.

2.10 The width of the proposed revetment will increase to a 10m projection at its northern end to a 3m projection at its southern end as it approaches the slipway.

2.11 Additional works will include the raising of the North Shelter area sea wall to 6.6m AOD to match the remainder of the sea wall. The level of the promenade will also be raised to match the revised wall height. The new promenade will accommodate new surfacing, lighting, handrails, seating and soft landscaping.

2.12 Finally, the two existing steps (Beacon Steps and North Shelter) will be replaced with reinforced concrete structure steps, designed to be in keeping with the existing Beacon Steps. The existing steps at the North Shelter will be removed and replaced with new steps, re-located towards the centre of the North Shelter area.

2.13 It is intended in the event that planning permission is granted to undertake construction works between April and September 2011. Works will be undertaken on a north to south basis, with a construction compound temporarily located just north of the slipway at the Station Lane/The Cliff junction. Access to the beach from the promenade will be closed during construction. Access on the promenade will be maintained.

2.14 In accordance with regulation 5 of the Town and Country (Environmental Impact Assessment (EIA)) (England and Wales) Regulations 1999 (as amended), the Local Planning Authority adopted a screening opinion on 11 June 2010 (H/2010/0341) which concluded that the proposed works were considered to fall within Schedule 2 development and that subject to the consideration of Schedule 3, the works constituted EIA development.

2.15 An EIA scoping opinion was issued on 9<sup>th</sup> September 2010 (H2010/0438) which stated that the following potential impacts should be assessed as part of an Environmental Statement:

- Landscape and visual amenity;
- Heritage;
- Biodiversity and ecology;
- Water quality;
- Noise and vibration, and;
- Traffic and transportation.

2.16 The applicant has submitted an Environmental Statement in support of this application in accordance with the provisions of the EIA regulations (1999) and having regard to the initial scoping opinion issued by the LPA in September 2010.

### **Publicity**

2.17 The application has been advertised by way of neighbour letters (6), site notice and press advert. To date, there have been no objections.

The period for publicity is ongoing and expires following the meeting.

### **Consultations**

2.18 The following consultation replies have been received:

**Environment Agency – No objections.**

**Government Office for North East – Comments awaited.**

**Hartlepool Water** – No objections.

**Landscape Architect** – Comments awaited.

**Marine Management Organisation** – Comments awaited.

**Natural England** – Construction works between April and September only to avoid impacts on over-wintering bird species which are interest features of the nearby SPA and SSSI. Insufficient evidence has been provided to demonstrate impacts on air quality of the SSSI. Advise that controls are implemented during construction, particularly to reduce vehicle and plant exhaust. Control measures should be presented to the appropriate authority for agreement prior to the granting of permissions.

The Environmental Statement identifies coastal squeeze is expected to occur however the severity of this or options to address this have not be included. Although the impacts of coastal squeeze are not in a designated site, the LPA should have regard to the issue and implement the mitigation, compensation or offset identified in the Coastal Strategy.

Mitigation controls placed as conditions in any permission granted for protection on water quality. Controls should be clearly identified in the Construction Environmental Management Plan which should be submitted to LPA before the commencement of the works.

Natural England requests further details and clarification with regard to any changes in lighting and impacts of light spill upon ecology or landscape.

**Northumbrian Water** – No objections. NWL has a pumped sewage rising main within 15m inland of the sea wall, it is 900mm in diameter. The main could be damaged during construction works if heavy machinery is used on shore.

**Parks and Countryside** – Comments awaited.

**Public Protection** – The closest residential property is 100m away. No objections subject to a condition restricting construction to day time hours only.

**RSPB** – No comments.

**Tees Archaeology** – No objections.

**Teesmouth Bird Club** – No objections.

**Traffic and Transportation** – No objections.

## Planning Policy

2.19 National Planning Guidance is set out in Planning Policy Guidance (PPG) and Planning Policy Statements (PPS). The relevant guidance is set out below:

- PPS1: Delivering Sustainable Development (2005)
- PPS1: Planning and Climate Change – Supplement to PPS1 (2007)
- PPS5: Planning for the Historic Environment (2010)
- PPS9: Biodiversity and Geological Conservation (2005)
- PPG13: Transport (2001)
- PPG20: Coastal Planning (1992) (Saved policies only)
- PPS23: Planning and Pollution Control (2004)
- PPS24: Planning and Noise (1994)
- PPS25: Development and Flood Risk (2010)
- PPS25: Development and Coastal Change – Supplement to PPS25 (2010)

2.20 The statutory Development Plan comprises the adopted Hartlepool Local Plan (2006) and the Regional Spatial Strategy (RSS) for the North East (2008). Recent case law has indicated that the RSS remains intact, however, the Secretary of State's intention to revoke the RSS through the forthcoming Localism Bill is a material consideration in the determination of planning applications.

2.21 The following RSS (2008) policies are relevant in this instance:

- Policy 2: Sustainable Development
- Policy 3: Climate Change
- Policy 8: Protecting and Enhancing the Environment
- Policy 10: Tees Valley City Region
- Policy 31: Landscape Character
- Policy 33: Biodiversity and Geodiversity
- Policy 34: Aquatic and Marine Environment
- Policy 35: Flood Risk
- Policy 37: Air Quality

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

- GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.
- GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.
- GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.



- GN3: Strictly controls development of this area and states that planning permission will only be granted for developments relating to open space uses subject to the effect on visual and amenity value and character of the area, on existing uses, the continuity of the green network and on areas of wildlife interest.
- 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.
- Rec9: States that a network of recreational routes linking areas of interest within the urban area will be developed and that proposals which would impede the development of the routes will not be permitted.
- To5: Identifies this area for small scale commercial/leisure purposes associated with the beach. Development should respect the quiet nature of The Green and the surrounding esplanade gardens.
- WL1: States that development likely to have a significant adverse effect on an international nature conservation site will be subject to the most rigorous examination and will be refused unless there is no alternative solution or there are imperative reasons of over-riding public interest for the development. Where development is permitted, the use of planning conditions or obligations will be considered to avoid and minimise harm to the site, to enhance its interest and to secure any necessary compensatory measures.
- WL2: States that developments likely to have a significant adverse effect on SSSIs will be subject to special scrutiny and may be refused unless the reasons for development clearly outweigh the harm to the special nature conservation interest of the site. Where development is approved, planning obligations or conditions will be considered to avoid and minimise harm to the site, to enhance its interest and to secure any necessary compensatory measures.
- WL5: States that development likely to have an adverse effect on a local nature reserve will not be permitted unless the reasons for development outweigh the harm to the substantive nature conservation value of the site.
- WL7: States that development likely to have a significant adverse effect on locally declared nature conservation, geological sites or ancient semi-natural woodland (except those allocated for another use) will not be permitted unless the reasons for the development clearly outweigh the particular interest of the site. Where development is approved, planning conditions and obligations may be used to minimise harm to the site, enhance remaining nature conservation interest and secure ensure any compensatory measures and site management that may be required.

## **Planning Considerations**

2.23 The main issues for consideration in this instance is the appropriateness of the proposal in relation to the relevant Development Plan policies as set out above, including the principle of development, the impact on visual and residential amenity, landscape visual impact, the impact on the character and appearance of the Seaton Carew Conservation Area, ecology and biodiversity, coastal impact, drainage and water quality, flood risk, air quality, traffic and transportation, cumulative impact, noise and vibration, and public access.

2.24 A number of key consultation responses are awaited and publicity in respect of the application is outstanding. It is therefore considered prudent to address all relevant planning considerations and any representations received in a comprehensive update report to follow.

## **RECOMMENDATION – UPDATE TO FOLLOW**



## SEATON CAREW COASTAL PROTECTION SCHEME



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>18/02/11</b>
	SCALE <b>1:3000</b>	
<b>Regeneration and Neighbourhoods</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2010/0680</b>	REV

**No:** 3  
**Number:** H/2011/0019  
**Applicant:** Mr John Sweeney 12a Market Hill CAMBRIDGE Cambs CB2 3NJ  
**Agent:** GL-AD Global Advertising Ltd. Mr John Sweeney 12a Market Hill CAMBRIDGE CB2 3NJ  
**Date valid:** 18/01/2011  
**Development:** Display of poster panel on Virgin Media cabinet  
**Location:** Land at Windemere Road HARTLEPOOL

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### The Application and Site

3.1 In 2009 fourteen applications for advertisement consent were submitted for the display of non-illuminated commercial directional poster panels on Virgin Media cabinets within the commercial area of York Road, and the industrial areas of Longhill, Usworth Road and Park View West including the current application site. The applications were reported to Committee with an Officer recommendation that advertisement consent be refused for reasons relating to the detrimental impact on the visual amenity of the area. Instead Members resolved to grant a temporary 1 year permission to enable the Authority to review the position in the light of experience.

3.2 This application seeks to renew the advertisement consent for the display of a non-illuminated advertisement on the Virgin Media cabinet in Windemere Road within the Longhill Industrial Area. The advertisement will be in the form of a laminated sticker applied to the front of the cabinet.

3.3 Whilst normal procedure would allow for delegation of the decision on this application in consultation with the Chair, it is considered prudent in this instance, given that the previous applications were determined by Members, to report this application to Committee for determination.

### Publicity

3.4 The application has been advertised by way of site notice. No representations have been received.

The period for publicity has expired

### Consultations

3.5 The following consultation replies have been received:

The following consultation replies have been received:

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

**Economic Development** – Object. Concerns in relation to the potential proliferation of advertising that will have a detrimental effect on the environment.

**Neighbourhood Services (Environmental issues)** – Do not support because an abundance of signs would be unsightly and have a detrimental effect on the area. It also encourages additional fly posting in other areas of the town.

### Planning Policy

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

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

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

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

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

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

### Planning Considerations

3.7 The main planning considerations in this instance are the appropriateness of the proposal in relation to the relevant Hartlepool Local Plan (2006) policies. In particular advertisement control is exercised in the interests of visual amenity and highway safety.

### Amenity

3.8 In policy terms, it is considered that the proliferation of such advertising could have a detrimental effect on the character and appearance of the street scene. The display of this type of advertising has the potential to set a precedent in terms of

attracting pressures for increased levels of advertisement signs to the further detriment of the visual amenity of the area.

3.9 The Council's Economic Development section and Neighbourhood Services have objected to the proposal on the grounds that such signs have a detrimental effect and also encourage additional fly posting in other areas of the town.

3.10 Guidance in PPG 19 'Outdoor Advertisement Control', and in advice given in English Heritage's 'Streets for All' indicate that regard should be had to the visual amenity in the immediate area and the cumulative effect which there may be in the surrounding area. The Council recently adopted a de-clutter policy based on the principles of 'Streets for All' and 'Manual for Streets'. Whilst the policy does not separate out advertising in particular it does discuss the presence of such street furniture as an element of clutter.

3.11 It is accepted that the cabinets in question are an essential element of street furniture. The principle of the cabinets, however, is that they are designed, painted and sited to minimise their visual impact. They are not specifically designed for displaying advertisements. It is clear that in all cases such advertising will make the cabinets appear more prominent within the street scene.

3.12 It is considered that the proposed sign will detract from the visual amenity of the area. It will also set a precedent and result in pressure for further advertisements of this type, or of a similar nature, to the further detriment of the visual amenity of the area.

## Highways

3.13 No objections have been raised on highway safety grounds to the proposals by the Council's Traffic and Transportation team. The proposed signs are considered acceptable in highway safety terms.

## Conclusions

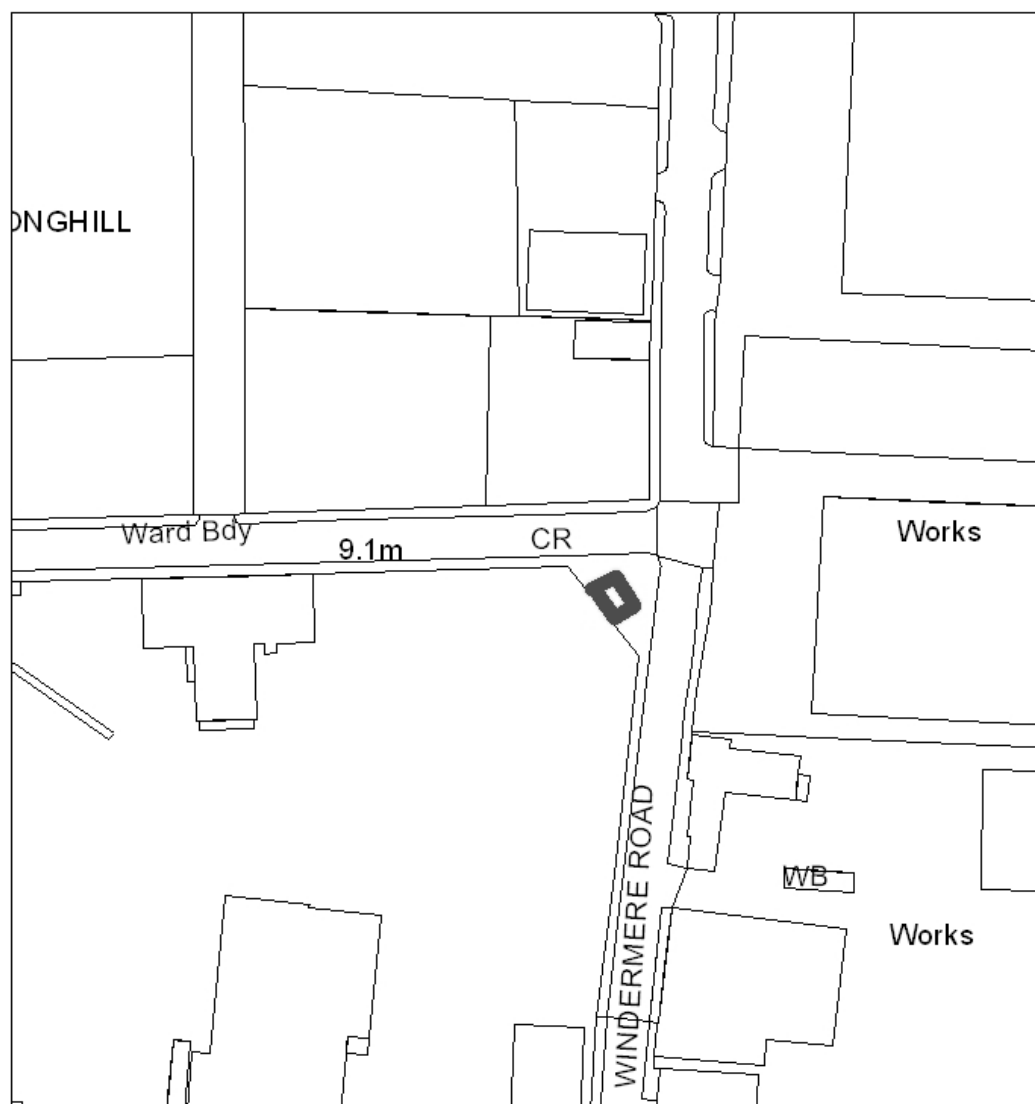
3.14 It is considered that the application should be refused for reasons of visual amenity.

## RECOMMENDATION – REFUSE for the following reasons:

1. It is considered that the proposed advertisement(s) would detract from the visual amenity of the area and would set a precedent and result in pressure for further advertisements of this type, or of a similar nature, to the detriment of the visual amenity of the area contrary to policy GEP1 of the adopted Hartlepool Local Plan (2006) and PPG 19 Outdoor Advertisement Control.



# LAND AT WINDERMERE ROAD



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>18/02/11</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2011/0019</b>	REV

**No:** 4  
**Number:** H/2010/0668  
**Applicant:** Mr Barry Cuthbert Main Gate House Waldon Street  
HARTLEPOOL TS24 7QS  
**Agent:** Camerons Brewery Ltd Mr Barry Cuthbert Main Gate  
House Waldon Street HARTLEPOOL TS24 7QS  
**Date valid:** 17/12/2010  
**Development:** Erection of waste yeast storage vessel  
**Location:** Main Gate House Camerons Brewery Waldon Street  
HARTLEPOOL HARTLEPOOL

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## The Application and Site

4.1 The application site is located to the rear of the Cameron's Brewery Visitors Centre and is located on the Camerons Brewery Site which is located to the south of the town centre and fronts onto Stockton Street to the east. The site is located within the Stranton Conservation Area and within close proximity to two listed bollards and a lion sculpture which are all grade II listed.

4.2 This application seeks consent for the installation of a waste yeast storage vessel. Camerons Brewery currently discharges all of its trade effluent via 7 discharge points located within the wider brewery site to the main sewerage system managed by Northumbrian Water. The application has been submitted following discussions between Camerons and Northumbrian Water to develop a programme of works to reduce the number of trade effluent discharges. The proposed new tank is cylindrical, will be approximately 6.5m in height with a diameter of 2.4m. The capacity of the tank will be some 25000 litres. The proposed plan indicates that an existing hot liquid tank in close proximity will be removed.

## Publicity

4.3 The application has been advertised by way of neighbour letters (53), site notice (x2) and press advert. To date, there has been one letter of objection received.

4.4 The concerns raised are:

1. The proposal would be detrimental to Stranton, in what is actually a Conservation Area. In addition to Stranton, Burbank and Seaton areas would also be affected by this development.
2. Residents in the Conservation Area have already made substantial efforts to accommodate the initial modernisation plans for the brewery.
3. The brewery appears to want to force the remaining residents out of their homes due to ever expanding, and inappropriate, building plans.
4. The obnoxious smells would also increase which we could imagine would put people off shopping in the nearby Middleton Grange Shopping Centre thus having a detrimental effect upon the fiscal standing of Hartlepool as a whole.



The period for publicity expires on 22 February 2011.

Copy Letters A

4.5 A Councillor has requested the application be considered by the Planning Committee.

### **Consultations**

4.6 The following consultation replies have been received:

#### **Public Protection – No objections**

**Landscape and Conservation** - This proposal is located in the Stranton Conservation Area. The proposal lies inside the existing brewery complex with an existing tank removed and replaced with a new waste yeast tank in an adjacent area. This is a minor change in the wider context of the brewery which will have a minimal impact on the character of the Conservation Area.

#### **Northumbrian Water – No objections**

**Engineering Consultancy** – Whilst the brewery abstract and utilise ground water from the underlying Principal Aquifer, I consider that a PRA won't be required. The proposal includes placing the yeast storage vessel onto a concrete plinth – with this in mind, no significant groundworks are expected; therefore a minimum risk to controlled waters from the land contamination is envisaged.

**Traffic and Transportation** – No objections. The developer should contact the Traffic & Transportation Section a minimum 8 weeks in advance of the Vessel Installation if any road closures/traffic management is required on the public highway.

### **Planning Policy**

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

Com4: Defines 10 edge of town centre areas and indicates generally which range of uses are either acceptable or unacceptable within each area particularly with regard to A1, A2, A3, A4, A5, B1, B2, & B8 and D1 uses. Proposals should also accord with related shopping, main town centre uses and recreational policies contained in the plan. Any proposed uses not specified in the policy will be considered on their merits taking account of GEP1.

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.

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.

### **Planning Considerations**

4.8 The main considerations in this instance is the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan 2006 in particular the effect of the development upon the character of the brewery, the streetscene and the Stranton Conservation Area and the potential effect upon amenity by way of noise and disturbance and highway safety.

4.9 The proposed tank will be partially visible from outside of the site upon Stockton Street which constitutes a main approach route into the Town Centre covered by policy GEP7 (Frontages of Main Approaches) of the Local Plan. The tank is of a modest size in comparison to vessels already in situ within the brewery site and it is considered unlikely that when set against the backdrop of the existing brewery buildings that it will appear unduly large or incongruous in relation to the existing character of the site and the surrounding areas as a whole.

4.10 It is not considered that the tank would significantly detract from the character and appearance of the Conservation Area or the individual character or setting of the grade II listed lion sculpture and bollards. The Conservation Officer has raised no objection to the proposal.

4.11 As the majority of the views from the Stranton Conservation Area upon the structures are likely to be screened by way of the existing visitor centre and brewery buildings directly to the east and south of the application site it is considered unlikely that a detrimental effect upon the character of the setting of the Stranton Church or indeed the character of the Stranton Conservation Area and wider areas in general, will be created as a result of the proposal. The plans submitted in support of the application outline that a larger hot liquid tank in close proximity to the proposed tank location will be removed.

4.12 Whilst the supporting documentation submitted states that the vessel would be painted red in line with the current hot water storage and liquid nitrogen storage tanks prior to installation, it is considered prudent to attach a planning condition requiring the final colour of the tank to be agreed in writing with the LPA.

### **Amenity**

4.13 The Head of Public Protection has raised no objection to the scheme. Given the commercial nature of the immediate surrounding buildings, the physical separation between Park Tower (Former Co-Op) and the residential properties at Stranton and Burbank Street and the sites location upon a busy dual carriageway it is considered unlikely that the development would lead to a detrimental effect upon the amenities of the occupants of the surrounding properties.

4.14 With regard to the concerns raised by the objector in terms of the creation of obnoxious smells, it is not considered that the provision of the vessel would create a considerable and significant increase to the smells and odours currently generated by way of brewing operations which would result in reduced numbers of shoppers visiting Middleton Grange.

#### Contamination

4.15 The Council's Engineering Consultancy Section have stated that a preliminary risk assessment will not be required and have raised no objections to the proposed development.

#### Highway Safety

4.16 The Head of Traffic and Transportation have raised no objection to the proposed scheme. An informative has been attached requesting that the developer contacts Peter Nixon of the Council's Traffic and Transportation Section with regards to any temporary traffic management required on Stockton Street for construction/delivery purposes

#### Conclusion

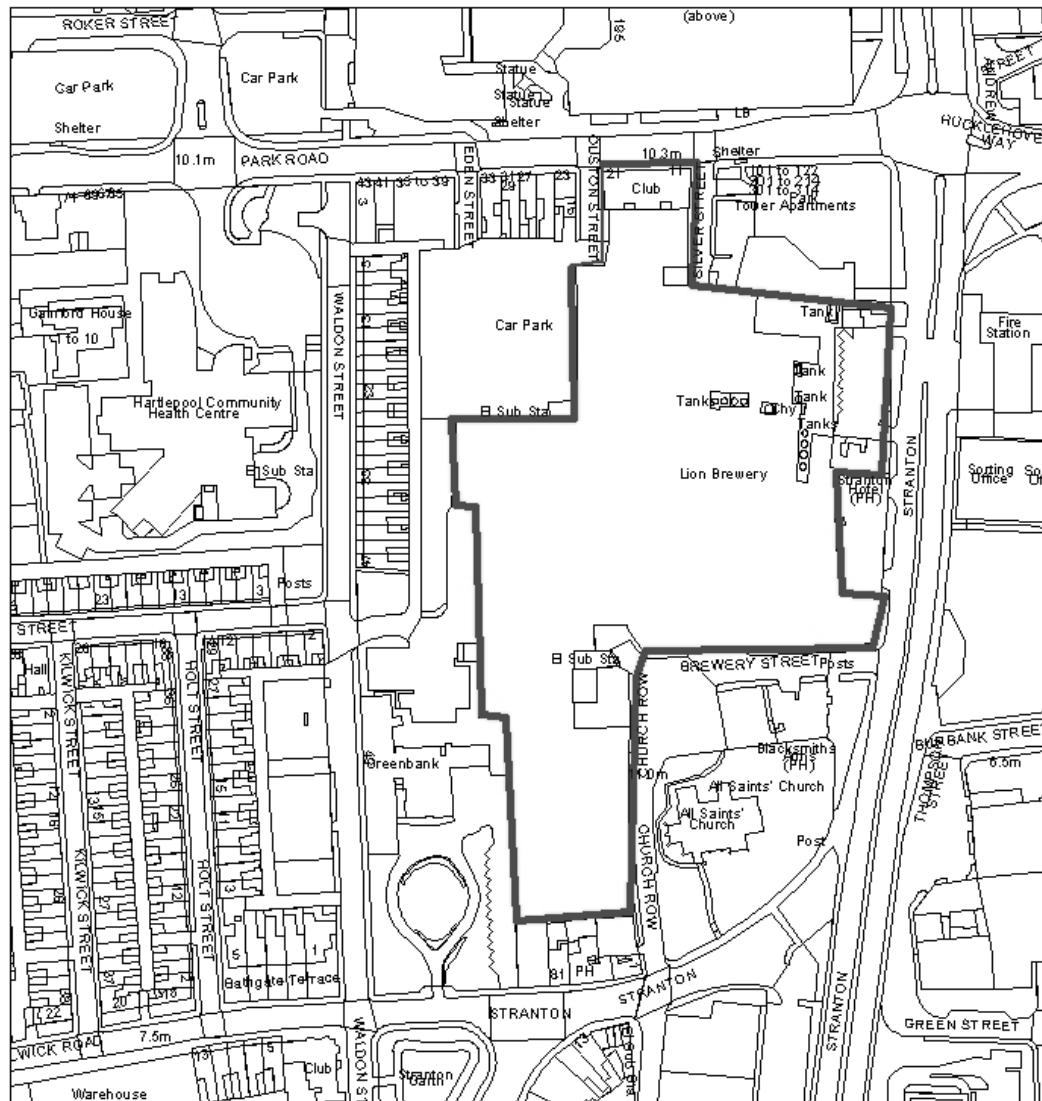
4.17 The tank will be located within a longstanding active brewery. It is considered that, given the existing surrounding brewery buildings and other vessels, it will not have a detrimental impact upon the character of the streetscene, the brewery, the surrounding Conservation Area and/or on the amenities of neighbouring properties or the general public as a whole.

### **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 development hereby permitted specifically relates to the erection of a waste yeast storage vessel and shall be carried out in accordance with the plans and details received by the Local Planning Authority on 23/11/2010 (Title: Camerons Lion Brewery Proposed Expansion Plans, DRG. NO: MODS 13/11/09 RH) and 17/12/2010 (Title: Effluent and Waste Yeast Storage Tanks Planning Proposal Plan and Elevations, DRG. No:2894/M/002), unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.

3. Notwithstanding the details submitted the waste yeast storage vessel hereby approved shall have a red coloured finish the details of which shall be first agreed in writing by the Local Planning Authority. Thereafter the tank shall be finished in the agreed colour and retained in the agreed colour for the lifetime of the tank.  
In the interests of visual amenity and the character and appearance of the conservation area.
4. Notwithstanding the submitted plans and information final details of the concrete plinth upon which the hereby approved waste yeast storage tank will be positioned upon shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. Thereafter the scheme shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of visual amenity and the character and appearance of the conservation area.

## CAMERONS BREWERY



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>18/02/11</b>
	SCALE <b>1:2000</b>	
<b>Regeneration and Neighbourhoods</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2010/0448</b>	REV

# UPDATE

4.1

**No:** 2  
**Number:** H/2010/0680  
**Applicant:** Mr Brendon Colarossi Engineering Consultancy Hanson House HARTLEPOOL TS24 7BT  
**Agent:** Hartlepool Borough Council Mr Brendon Colarossi Engineering Consultancy Bryan Hanson House HARTLEPOOL TS24 7BT  
**Date valid:** 06/12/2010  
**Development:** Seaton Carew coastal protection scheme - Rock armour protection to existing wave wall, removal of a lower platform level on Promenade (North Shelter) and installation of new wave wall at this location, replacement of existing staircase to beach and provision of additional staircase  
**Location:** Land adjacent to The Cliff Seaton Carew HARTLEPOOL

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## Background

2.1 This application appears as item 2 on the main agenda. Responses from the outstanding consultees have been received and are set out below. The period for publicity is ongoing and expires following the meeting. No letters of objection have been received to date. Any further representations received will be tabled at the meeting.

## Consultations

2.2 The following consultation replies have been received:

**GONE** – Comments awaited.

**Landscape Architect** – No objections.

**Marine Management Organisation** – No objections to proposals from MMO consultees. Licence from MMO close to being issued.

**Parks and Countryside** – No comments received.

## Planning Considerations

2.3 The main planning considerations in this instance is the appropriateness of the proposals in relation to the relevant Development Plan policies as set out in the original committee report, including the principle of development, the impact on visual impact and residential amenity, landscape impact, the impact on the character and appearance of the Seaton Carew Conservation Area, highway safety, flood risk, air quality and dust,

# UPDATE

## 4.1

water quality and drainage, noise and vibration, coastal and cumulative impact, ecology and biodiversity and public access.

### Principle of Development

2.4 PPS25: Planning and Flood Risk aims to ensure that the risk of flooding is taken into account at all stages of the planning process. It is indicated that the Seaton Carew Coastal Strategy (SCCS) has assessed the existing sea wall as having a residual life of five years due to the exposed foundations. Compounded by a reduction in beach level, the sea wall is a potentially unstable condition, it is indicated that there is a high risk of collapse. It is therefore considered that the provision of new flood defences in this location is acceptable in principle in terms of the prevention of flood risk in accordance with PPS25 principles. In terms of the policies of the Hartlepool Local Plan 2006 the development is also considered acceptable. Detailed considerations are discussed below.

### Visual Impact and Residential Amenity

2.5 In terms of the proposed rock revetment works, it is unlikely that the works will be visible from the closest residential properties which are in excess of 60m away from the frontage. The existing sea wall will remain as is for the most part. The only visual alteration will be the increased wall at the North Shelter area from 4.5m AOD to 6.6 AOD. It is considered unlikely that works to the sea wall and the provision of revised steps from the promenade to the beach will have a significant impact on the amenity of residential properties. The works to raise the North Shelter and provide street furniture, lighting and landscaping is likely to be visible from the closest residential properties. It is considered prudent to attach a condition to any approval requiring final details of the lighting to be agreed to ensure there is no significant impact on amenity in terms of light spill. It is considered unlikely that the works to the North Shelter area will have a significant impact on the amenity of residential properties.

2.6 There is the potential for amenity impacts from the construction phase in terms of potential noise and disturbance. Given the distance between the site and the closest residential properties, subject to a condition restricting construction works to daytime hours only, it is considered unlikely that the construction works will have a significant impact on residential amenity.

2.7 In terms of visual impact, it is considered that the construction phase of the proposed scheme is likely to be the element of the proposal most likely to give rise to visual impacts in terms of the temporary site compounds, construction plant and temporary lighting, the full details of which can be satisfactorily dealt with by suitably worded planning conditions. Those areas within which the construction works are likely to be most visible are to the west, particularly on the promenade area and to the east on Seaton Carew beach. It is considered that their impact will be of a temporary nature and it is considered therefore that the construction works are unlikely to have a significant adverse impact on visual amenity.

2.8 In terms of the visual impact of the defence works upon completion, the majority of the works are similar in visual terms to the existing defences (i.e. rock revetment and sea wall). Furthermore, the works to the North Shelter area, whilst increasing the height of the existing level, will only increase to the same height as the remainder of the promenade and therefore will be in keeping with the existing promenade feature. In light of the above it is considered unlikely that the works will have a significant impact on the visual amenity of the area.

### Landscape Impact

2.9 The surrounding landscape is a mix of coastal and urban elements, with rural elements largely to the south. In the absence of the proposed scheme, the landscape is likely to change dramatically with coastal erosion meaning the existing sea defences are likely to fail within the next 5 years. It is considered that given the temporary nature of construction works, it is unlikely they will have a significant impact on the landscape. Furthermore, given the extent of the works, when viewed against the existing sea defence, it is considered that the scheme itself is unlikely to have a significant landscape impact.

### Impact on the character and appearance of the Seaton Carew Conservation Area

2.10 Policy HE1 of the adopted Local Plan (2006) states that proposals for development in Conservation Areas will only be approved where it can be demonstrated that the development will preserve or enhance that character and/or appearance of the area. It is considered that the proposed scheme is likely to enhance the character and appearance of the Seaton Carew Conservation Area. A condition requiring materials to be submitted for agreement prior to development i.e. paving, railings, lighting and seating, will ensure that the works are appropriate within the context of the Conservation Area. The design and appearance of the works are considered appropriate with the setting and in keeping with the character and appearance of the Conservation Area.

2.11 It is considered that the construction works will have a minor adverse impact on the setting of the Marine Hotel (Grade II Listed Building), however, the impact will be of a temporary nature during the construction period, and therefore unlikely to be significant.

### Highway Safety

2.12 The only potential highway impacts in respect of the scheme will arise from the construction phase and associated vehicle movements. It is indicated that vehicle movements are to be few, indeed it is indicated that they will be less than 30 two-way movements per hour. The Council's Traffic and Transportation section have raised no concerns with the proposals. It is considered therefore that the proposals are unlikely to have a significant impact on highway safety.



### Flood Risk

2.13 The proposed scheme is unlikely to give rise to flood risk concerns. Indeed the scheme will contribute towards the reduction in the risk of flooding of Seaton Carew from coastal flooding. On that basis the scheme is considered acceptable in respect of flood risk. The Environment Agency have raised no objections to the scheme.

### Air Quality and Dust

2.14 The Environmental Statement states that the closest residential and commercial properties are in excess of 100m from the frontage, however, measurements taken by Officers show that the closest residential properties are in excess of 60m away. Impacts in terms of air quality and dust are most likely to arise from the construction phase. Given the location the closest properties it is considered unlikely that there will be any significant impact.

2.15 It is considered that the proposal is unlikely to have a significant impact in terms of air quality and dust. However, it is considered prudent in this instance to impose a condition requiring measures to reduce vehicle and plant exhaust emissions to be agreed and implemented. Further, it is indicated that stockpiles of materials during the construction phase will be covered to prevent wind blown material. It is considered that this can be adequately controlled by a suitably worded planning condition.

### Water Quality and Drainage

2.16 Potential receptors in terms of water quality are surface water in terms of the North Sea and groundwater in terms of a superficial layer of beach deposits of sand and gravel, raised marine deposits of sand, silt and clay. The deposits are classed as a secondary A aquifer. This superficial drift is underlain by solid geology comprising Sherwood Sandstone which is a principal aquifer. There is one licensed abstraction within 2km located at Seaton Carew Golf Course, and fourteen discharges within 2km. The North Sea in this location is considered important for recreation and biodiversity and groundwater for water supply at Seaton Carew Golf Course.

2.17 The loss of the promenade and erosion of the land behind it in the absence of the scheme would have a significant detrimental impact on a water quality. Potential impacts on water quality itself are most likely to arise from the construction period rather than the operational stage. Potential impacts would arise from leakages or spillages of materials or pollutants migrating to surface or groundwater, or from run-off containing elevated suspended sediment levels resulting from the movement and storage of material.

2.18 In order to address these concerns it is indicated that materials will be stored on hardstanding with isolated drainage systems in order to prevent discharge to water. Rock stockpiles will be held on the beach during construction, however, they are unlikely to give rise to run-off. Containment measures will be implemented for fuels, oils

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and chemicals. Plans to deal with accidental pollution shall be drawn up and agreed with the Environment Agency prior to commencement, as will plans for the discharge of contaminated water. It is considered that in light of the above mitigation measures, the proposal is unlikely to give rise to significant impacts on water quality in terms of both surface and ground water.

2.19 In terms of drainage, at present any overtopping water is drained directly back to the sea, with highways drains also being present along the frontage. It is considered that the proposed scheme will reduce overtopping to the benefit of the existing drainage systems. Details of the disposal for foul water include it being tankered away for disposals. Details are to be agreed with the Environment Agency. It is indicated that there is a sewer close to the application site. Northumbrian Water has raised no objections to the scheme. Any damage case by construction would be a private matter and is not material to the consideration of this application. In terms of any drainage implications the proposal is considered acceptable.

### Noise and Vibration

2.20 Given the proximity and distance of the site from the closest residential properties, it is considered unlikely that the scheme will give rise to significant levels of noise and vibration from the construction phase. The scheme itself is unlikely to give rise to any significant noise and vibration issue itself. Noise and vibration in respect of biodiversity and ecological impacts are discussed later. The Head of Public Protection has raised no objections to the scheme.

### Coastal Impact/Cumulative Impact

2.21 The proposed scheme is in accordance with planned measure for combating coastal erosion set out in the Shoreline Management Plan 2 (2007). The policy in this instance is to 'hold the line'. The proposed scheme is in line with the policy set out in SMP2. It is considered that the proposed works will contribute towards protecting Seaton Carew from coastal erosion. Furthermore, the works will ensure that the coast line is retained in its current form.

2.22 There are implications arising from coastal squeeze in two respects – biodiversity/ecology and recreation. Issues in respect of biodiversity are discussed below. In terms of recreation, coastal squeeze will result, in the long term, in a loss of beach, mainly as a result of coastal erosion, squeezing the beach against the sea wall. A small element of beach will also be lost by the increase in the depth of the rock revetment. It is considered, that given the necessity of the works in the interests of resisting coastal erosion, the proposal is considered acceptable.

2.23 The SCCS indicates that the compensation for the potential negative impact on recreation and tourism caused by the long term loss of elements of beach could be provided for in the long term through a regeneration strategy for Seaton Carew.

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Furthermore the beach will be retained in this location to a large extent notwithstanding potential losses from coastal squeeze and the increased footprint of the rock revetment.

### Ecology and Biodiversity

2.24 The site lies outside of the Teesmouth and Cleveland Coast SPA and Ramsar site and the Seaton Dunes SSSI. However, regard must be had to the potential impacts on biodiversity given the proximity to the designations, the proximity to local wildlife designations of the Long Scar and Little Scar LGS and Carr House Sand LWS and the potential use of the site for wildlife.

#### *Habitats*

2.25 A phase 1 habitat survey has been undertaken which has concluded that the site of the works is not suitable to support most protected species. Mean High Water level varies along the length of the site and there are no areas of shoreline or coastal vegetation within the application site. In terms of both construction and operation, given the distance of the site from the protected sites to the south, and given the temporary nature of the construction works, it is considered unlikely that it will have a significant adverse impact on the integrity of the SPA/Ramsar and SSSI in terms of either loss or damage of habitat.

2.26 The promenade includes short amenity grassland and 'coastal grassland' planted in the North Shelter area. It is considered that there is the potential for disturbance to the grassland during construction works. The grassland is considered to have minimal conservation value and whilst it will be subject to disturbance during construction, it is considered that there will be no impact in biodiversity terms.

2.27 There is the potential, however, for damage to the Local Wildlife Sites (LWS). The Environmental Statement indicates that 0.05% of the LWS will be lost due to the increase in rock revetment. It is considered that this level of habitat is not significant and the works will therefore not unduly compromise the integrity of the LWS.

#### *Breeding, Passage, and Wintering Birds*

2.28 It is considered that there is no suitable habitat for any breeding birds within the site area. Breeding birds are a feature of the SPA and Ramsar site to the south, however. The Council's Ecologist has indicated that there will not be an impact on breeding birds. On that basis, given the absence of suitable habitat, it is considered unlikely that the scheme will have a significant impact on breeding birds.

2.29 In terms of wintering and passage birds, it is considered that there is the potential for minor disturbance on a local scale. Whilst the site is not of national or international importance for wintering and passage birds, there are records of the birds feeding on the shoreline in the vicinity of the application site. The birds have the potential to be affected by noise and visual disturbance from construction works. Given the localised and temporary nature of the disturbance it is considered unlikely that the proposal will have significant impacts on birds. It is indicated that there is no record to suggest that

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the existing rock revetment supports birds at high tide. It is considered therefore the temporary disturbance during construction is unlikely to have a significant impact on passage and wintering birds. The Council's Ecologist has indicated that, at worst, the scheme will result in minor disturbance to wintering and passage birds, given that bird usage of the area is relatively low.

2.30 It is considered that disturbance to wintering birds can be mitigated through a suitable worded planning condition requiring construction works to be carried out during the period April to September. Furthermore, sections of the beach will be closed to public access during construction. The Council's Ecologist has indicated that has the potential to have a minor positive effect on wintering and passage birds as use of the beach by humans will be reduced, subsequently decreasing potential disturbance to the birds during construction.

2.31 It is considered prudent to agree details of proposed lighting both during construction and the permanent street lighting at the North Shelter through condition to ensure light spill does not significantly impact on birds.

2.32 Machinery, vehicles and plant will be confined to a small working area at the sea wall and will not be dispersed across the beach. Again this will help mitigate against potential impacts on the small levels of passage and wintering birds.

2.33 In terms of coastal squeeze, it is noted this is unavoidable in such instances where defences cannot be relocated landward and offer a solid barrier against coastal erosion. However, again it is considered that the area adjacent to the application site is not heavily used by passage and wintering birds. Furthermore, sufficient beach will be retained to ensure that impacts of coastal squeeze on birds will not be significant. Given the low usage of the area by birds, the absence of suitable habitats for breeding birds, and the necessity of the works in the interests of resisting coastal impacts, on balance, the proposal is considered acceptable in terms of its impact on biodiversity/ecology.

### Public Access

2.34 The construction phase of the proposal will result in the beach and promenade being close to the public during the works. However, closure will be only on a temporary basis during construction. Once the works are implemented public access will remain, indeed the works to strengthen the defences, in particular to the North Shelter area will help safeguard and promote increased usage of the area for public access.

### **Conclusions**

2.35 With regard to the relevant national, regional and local planning policies, and the relevant material planning considerations as discussed above, the proposals are considered acceptable and recommended for approval subject to the comments of

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GONE, consideration of any further representations received and the conditions set out below.

**RECOMMENDATION** - APPROVE subject to the comments of GONE and the relevant conditions set out below, with the final decision delegated to the Development Control Manager in consultation with the Chair of Planning Committee to allow for the consideration any further representations received within the outstanding time period for representations.

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. Construction of the development hereby approved shall be carried out during the months of April to September inclusive only and at no other time unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of biodiversity.
3. The construction of the development hereby approved shall only be carried out between the hours of 7.30 and 19.00 Mondays to Fridays inclusive, 7.30 and 16.00 Saturdays and at no other time on Sundays or Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties.
4. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
  - (1) the parking of vehicles of site operatives and visitors;
  - (2) loading and unloading of plant and materials;
  - (3) storage of plant and materials used in constructing the development;
  - (4) the erection and maintenance of security hoarding;
  - (5) wheel washing facilities;
  - (6) measures to control the emission of dust and dirt during construction;
  - (7) turning on site of vehicles;
  - (8) the location of any site huts/cabins/offices.
  - (9) the phasing of construction and subsequent access routes for HGVs, including estimated number of movements and duration together with the installation of temporary signage as appropriate on the highway network to direct construction traffic.
  - (10) details of timescales for closure of the beach and promenade to the public.
  - (11) details of proposed temporary lighting
  - (12) details of isolated drainage systems for foul water to prevent discharge to surface or groundwater.
  - (13) details of containment measures for fuels, oils and chemicals
  - (14) plans to deal with accidental pollution.To ensure the site is developed in a satisfactory manner.
5. The development hereby permitted shall be carried out in accordance with the following plans received by the Local Planning Authority on 01 12 10: (i)

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PR401/PA/01 and (ii) PR401/PA/02, and the 'Design and Access Statement' received by the Local Planning Authority on 06 12 2010.

For the avoidance of doubt.

6. Final and large scale details of all external materials including paving and edging materials, details of replacement railings, details of lighting and seating, cross sections of the proposed wall and piers to the proposed steps shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity and the character and appearance of the Conservation Area.

7. Prior to the commencement of the development hereby approved, details of public information signage to raise awareness of the importance of the beach to birds, including size, design and siting of the signage, shall be submitted to and agreed in writing in the Local Planning Authority. Thereafter the signage shall be erected prior to the commencement of development and retained as such for the lifetime of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

In the interests of biodiversity.

8. Prior to the commencement of the development hereby approved, measures to ensure reductions in vehicle and plant exhaust emissions from the construction phase shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the identified measures shall be implemented and retained throughout the construction phase of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interests of air quality.

9. Prior to the commencement of the development hereby approved, final details of the proposed street lighting, including details of light spill, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the character and appearance of the Conservation Area, residential amenity and biodiversity.

## PLANNING COMMITTEE

4 March 2011



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

**Subject:** EMERGING AFFORDABLE HOUSING POLICY IN  
THE CORE STRATEGY

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### 1. PURPOSE OF REPORT

- 1.1 The purpose is to advise members of the emerging planning policies in the Core Strategy Preferred Options regarding affordable requirements concerning private housing developments.

### 2. INTRODUCTION

- 2.1 Affordable housing is housing designed for those, whose income generally denies them the opportunity to purchase houses on the open market. Affordable housing is either outright Socially Rented or Intermediate Tenure housing in the form of Shared Ownership or Shared Equity schemes whereby the affordable units are retained and managed in the long term. Affordable houses are generally owned and managed by Registered Providers such as Housing Hartlepool.
- 2.2 Affordable housing can be delivered either as a 100% affordable development or as part of a private market housing development, where a smaller percentage of the overall dwellings are affordable in tenure and the majority are private.
- 2.3 In the future it may be difficult to secure grant funding for subsidised 100% affordable housing and as a result other mechanisms need to be utilised to secure ongoing affordable housing provision. Securing affordable housing as part of private residential developments provides perhaps the most realistic way of securing new affordable housing developments in the future.
- 2.4 Planning Policy Statement 3 Housing (PPS3), sets out the national planning policy framework for delivering the Government's housing objectives with regard to new housing provision.
- 2.5 Using guidance established in paragraphs 21, 21, 22, 27, 29 and 30 in PPS3 the Borough Council has drawn together various sources of evidence to establish an affordable housing target, what type and tenure of affordable

housing is required, when it will be required and how it will be managed in the future.

- 2.6 The affordable housing policy is proposed in the Core Strategy Preferred Options document, currently out to public consultation. The closing date for comments is Friday 11<sup>th</sup> February 2011.

### **3. AFFORDABLE HOUSING REQUIREMENT THRESHOLD**

- 3.1 Affordable housing is proposed to be required on all residential developments that consist of a gross addition of 15 dwellings or more. This will include lapsed or renewals of unimplemented planning permissions, changes of use and conversions.
- 3.2 PPS3 states that a minimum site size threshold of 15 dwellings should be used. There is no local evidence to suggest that a lower or greater threshold should be set, therefore the minimum threshold of 15 dwellings is seen as being appropriate.

### **4. AFFORDABLE HOUSING TARGET**

- 4.1 A minimum affordable housing target of 10% will be delivered on all sites. Higher percentages of affordable housing will be subject to negotiation on a site-by-site basis where there is an identified local need and/or the economic viability of schemes allows for a greater provision. The following paragraphs summarise the evidence behind reaching the minimum 10% target.

#### *Hartlepool Strategic Housing Market Assessment 2007 (SHMA)*

- 4.2 The SHMA identified the current and future housing need in the Borough. An analysis of the current and future housing markets concluded that market demand was exceeding supply in most areas and that a degree of pressure in the current housing market was a result of considerable uplift in house prices across the Borough over the past five years. A shortfall of affordable units was identified; this affordable need was heightened by the limited capacity of the social rented sector with low vacancy rates and long waiting lists.

- 4.3 The report suggested a target for affordable housing on new developments of 30% of which 80% should be social rented and 20% intermediate tenure.

#### *Tees Valley Strategic Housing Market Assessment 2008 (TVSHMA)*

- 4.4 The TVSHMA identified the current and future housing need in the Tees Valley and the Borough. The assessment supported the affordable housing need identified within the Hartlepool SHMA. In addition to this it suggested a 20% affordable housing requirement for housing developments across the Tees Valley. This 20% figure was viewed as achievable and reasonable figure to expect private developers to contribute to, based on a comparison of sensible affordable housing policies in place across the North East of England and local needs within the Tees Valley.



- 4.5 Since the two SHMA's were completed there have been profound changes in the housing market with specific consequences for the economic viability of new housing developments. Government and Planning Inspectors guidance and successful challenges by housebuilders, on non-flexible affordable housing policies resulted in the Borough Council needing to pay close attention to the subject of economic viability. Based on this concern the Borough Council carried out an Affordable Housing Economic Viability Assessment in 2009

*Affordable Housing Economic Viability Assessment 2009 (AHEVA)*

- 4.6 The results of the economic viability assessment show that in current market conditions, the development of residential property is generally economically unviable, regardless of affordable housing.
- 4.7 The results suggest that any policy put in place will need to be flexible and perhaps have built in trigger points or similar mechanisms which enable more affordable housing to be delivered as market conditions improve.
- 4.8 The assessment states that setting a policy at 0% based on the results of the baseline analysis is unsustainable across the course of the plan period and will not meet the identified housing need of people across the Borough. In order to ensure that any future developments are viable and not stifled by an onerous affordable housing requirement, the policy should be flexible enough to have regard to prevailing market conditions. This method will allow both for the maximisation of affordable housing on site and the viability of schemes aiding delivery in the long term.
- 4.9 The assessment shows that on the sites assessed, in certain market conditions, schemes including 10% affordable housing are viable. It is the aim of the Local Authority to maximise the number of affordable homes delivered across the Borough, regardless of market conditions. Therefore a policy which builds in both some certainty for landowners and developers and flexibility to account for differing market conditions and allows for the establishment of viability on a scheme by scheme basis would seem to be the best way of meeting this role.
- 4.10 If the affordable housing policy was not designed to be flexible in terms of setting a target that it economically viable it may be viewed as being undeliverable and subsequently found unsound by a Planning Inspector. This has been proven by successful legal challenges against inflexible Local Plan and Core Strategy affordable housing policies, and successful planning application appeals, by developers, especially national housebuilders.

## **5. WHERE AFFORDABLE HOUSING WILL BE PROVIDED**

- 5.1 It is expected that affordable housing will be delivered through on-site provision and where appropriate be pepperpotted. However in certain circumstances it will be acceptable for provision to be made off-site, where:

- Applicants can provide sound, robust evidence why the affordable housing cannot be incorporated on-site, and/or
- The Borough Council is satisfied that off site provision or a commuted sum will benefit the wider housing regeneration agenda in the Borough.

5.2 The flexibility in the policy with regard to off-site provision and/or the provision of a commuted sum is crucial when considering the potential for continuing the delivery of housing regeneration, enabling new houses to be more affordable or acquiring properties in renewal schemes in the centre of town, without significant public money subsidy.

## 6. TYPE OF AFFORDABLE HOUSING PROVIDED

6.1 Applicants will be expected to achieve a target of 80% social rented and 20% intermediate tenure mix on each site. Housing type and tenure split will be negotiated on a site-by-site basis, having regard to the most up-to-date evidence of need, mix of tenures of existing housing nearby, the desire to create balanced communities and the constraints and requirements of providing on-site provision.

6.2 The proposed 80/20 tenure split and the size/type of affordable dwellings required is informed by both the Hartlepool SHMA and the Tees Valley SHMA; reflecting the predominant housing need in the local area.

## 7. AFFORDABLE HOUSING DELIVERY AND MANAGEMENT

7.1 Unless in exceptional circumstances, all affordable units will be delivered in partnership with a Registered Provider by means of a Legal Agreement, and appropriate provision to secure long term availability.

## 8. WORKED EXAMPLE

8.1 A worked example of a theoretical planning application is detailed below, to demonstrate how affordable housing could be secured:

<b>Application</b>	Residential development consisting of 79 dwellings
<b>Location</b>	Fens Ward
<b>Date</b>	2011
<b>Total Affordable Target</b>	10%
<b>On Site Provision</b>	5% (4 affordable dwellings)
<b>Off Site Provision</b>	5% (4 affordable dwellings)
<b>Fens Affordable Housing Need</b>	19% 1-2 bed 66% 3+ bed 15% Older Persons

<b>Tenure Split</b>	80 Social Rented (SR) 20 Intermediate (INT)
<b>On Site Affordable Provision</b>	1 x 2 bed dwellings (1 x SR) 2 x 3 bed dwellings (1 x SR, 1 x INT) 1 x Older Persons Bungalow (1 x SR)  4 x Total Affordable Dwellings (3 X SR, 1 x INT)
<b>Off Site Affordable Commuted Sum</b>	Market Sale Price = £120,000 Commuted Sum = 60% of Market Price  4 x £72,000 Commuted Sum  Commuted Sum = £288,000

8.2 For the worked example above, the off-site commuted sum could be used to:

- Build 3 affordable dwellings on Council owned land, or
- Acquire 4 units on a housing regeneration site, or
- Put into an equity share scheme to encourage private home ownership and sales (done with success at Headway), or
- Put into an existing private or Housing Hartlepool scheme to secure more affordable housing.

## 9. RECOMMENDATION

9.1 That Members note the report and the Core Strategy Preferred Options document.

## PLANNING COMMITTEE

4 March 2011



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

**Subject:** APPEAL – ERECTION OF A SINGLE STOREY SIDE AND REAR EXTENSIONS TO PROVIDE GARAGE AND KITCHEN EXTENSION AND CANOPY TO FRONT, 15 RUSKIN GROVE (H/2010/0483)

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### 1.0 PURPOSE OF REPORT

- 1.1 To advise members of the outcome of an appeal lodged against the refusal of planning consent for the erection of a single storey side and rear extension to form a garage and kitchen extension at 15 Ruskin Grove.

### 2.0 THE APPEAL

- 2.1 The application was refused on the grounds that the proposed development would be to the detriment of highway safety and visual amenity.
- 2.2 The appeal was decided by written representations and the Inspector subsequently allowed the appeal.
- 2.3 The appeal decision is attached.

### 3. RECOMMENDATION

That Members note the decision.



The Planning  
Inspectorate

## Appeal Decision

Site visit made on 20 December 2010

**by Kevin Ward BA (Hons) MRTPI**

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

**Decision date: 30 December 2010**

**Appeal Ref: APP/H0724/D/10/2140254**

**15 Ruskin Grove, Hartlepool TS25 5PR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Luke Evans against the decision of Hartlepool Borough Council.
- The application Ref H/2010/0483, dated 12 July 2010, was refused by notice dated 6 October 2010.
- The development proposed is a single storey side and rear extension forming garage and kitchen extension.

### Decision

1. I allow the appeal and grant planning permission for the erection of a single storey front, side and rear extension to provide garage and kitchen extension and canopy to front at 15 Ruskin Grove, Hartlepool TS25 5PR in accordance with the terms of the application Ref H/2010/0483, dated 12 July 2010 subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2010/01, 2010/02, 2010/03, 2010/04.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

### Procedural Matter

2. The description of the proposed development set out in the heading above is taken from the application form. However, I have adopted the description used by the Council in its decision notice in the interests of clarity.

### Main Issue

3. The main issue is the effect of the proposed development on highway safety.

### Reasons

4. The appeal property does not currently have any provision for off-street parking. I saw from my site visit that whilst there are some dedicated parking bays along the street, there is also some on-street parking, including at the head of the cul-de-sac, near the appeal property. In order for vehicles to

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Appeal Decision APP/H0724/D/10/2140254

access the proposed garage, they would need to cross over the footway outside the appeal property and part of the grass verge at the end of the cul-de-sac. The driveway in front of the garage would be significantly less than the 5m minimum guideline referred to in Supplementary Note 4 to the Hartlepool Local Plan.

5. Vehicles parked in front of the garage would overhang onto the footway and beyond. However, given the position of the appeal property at the end of the cul-de-sac, this would not cause an obstruction to passing motorists or pedestrians and given the width of the road, it is not likely to have any significant effect on vehicle turning and manoeuvring. Furthermore, the demand for on-street parking is likely to be reduced with the provision of the garage.
6. The Council's Highway Section has indicated that it would have no objections to a vehicle crossover in principle. Although this would be likely to involve the loss of part of the grass verge, I consider that it would not have any significant effect on the character and appearance of the street scene.
7. I consider therefore that the proposed development would not have an adverse effect on highway safety.
8. I have imposed a condition to require matching materials in the interests of the character and appearance of the area and a condition to ensure that development is carried out in accordance with approved plans for the avoidance of doubt and in the interests of proper planning.

#### **Conclusion**

9. For the above reasons and taking account of other matters raised I conclude that the proposed development would accord with Policy GEP1 of the Hartlepool Local Plan and that the appeal should succeed.

*Kevin Ward*

INSPECTOR

## PLANNING COMMITTEE

4 March 2011



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

**Subject:** APPEAL – FORMER GARAGES SITE LAND TO  
REAR OF STANMORE GROVE, SEATON CAREW  
(H/2010/0067)

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### 1.0 PURPOSE OF REPORT

- 1.1 To advise members of the outcome of an appeal lodged against the refusal of planning consent for outline planning permission for the erection of two detached dwellings with detached garages at the former garages site, land to the rear of Stanmore Grove, Seaton Carew.

### 2.0 THE APPEAL

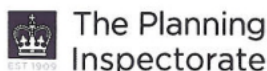
- 2.1 The Appeal was decided by written representations. The Inspector dismissed the appeal on the following grounds:-
- a) the proposal would be contrary to Hartlepool Local Plan Policy
  - b) detrimental impact on existing residential properties due to shape and size of the site together with the substandard access road in terms of noise and disturbance.
  - c) the living conditions of future occupants would be 'less than ideal' in terms of the narrow access to the site and the existing flood alleviation scheme equipment.

- 2.2 The appeal decision is attached.

### 3. RECOMMENDATION

- 3.1 That Members note the decision.





## Appeal Decision

Site visit made on 21 December 2010

**by Ruth V MacKenzie BA(Hons) MRTPI**

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

**Decision date: 10 January 2011**

**Appeal Ref: APP/H0724/A/10/2137486**

**Former garages site, land at rear of Stanmore Grove, Seaton Carew, Hartlepool TS25 1DP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr John Turner against the decision of Hartlepool Borough Council.
- The application (Ref No H/2010/0067, dated 4 February 2010) was refused by notice dated 31 March 2010.
- The development proposed is the erection of 2No dwellings and detached garages.

### Application for costs

1. An application for costs was made by Hartlepool Borough Council against Mr John Turner. The application is the subject of a separate Decision.

### Decision

2. I dismiss the appeal.

### Main Issues

3. I consider that the main issues in this appeal are firstly, the effect of the proposed dwellings on the character and appearance of the site; and, secondly, the impact on the living conditions of nearby residents and the future occupants of the proposed dwellings themselves, with particular reference to access and noise.

### Inspector's Reasons

4. The application has been made in outline, with all matters of detail reserved for later determination. A site layout plan has been submitted, but it is purely for indicative purposes.

#### *The first issue – effect on the character and appearance of the site*

5. The site lies within the urban area of Seaton Carew and is in a sustainable location. The principle of residential development would normally be acceptable for sites such as this. However, largely because of nearby allotments, the appeal site is designated as a Key Green Space. Policy GN3 of the adopted Hartlepool Local Plan (LP) seeks to protect Key Green Spaces from development which is unrelated to their use or amenity. The proposed residential development would fall into this category.

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6. Unlike the informal parking that takes place on the site at present, I consider that the 2 dwellings and the garage block would permanently diminish the openness of this Key Green Space. I accept that recent developments by Northumbrian Water on adjoining land have affected the site's setting. I also accept that, apart from its openness, the site itself adds little to the visual amenity of the Key Green Space of which it is a part. Nevertheless, I consider that the proposed residential development would fly in the face of LP policy GN3 because it would have a materially adverse effect on the site's open character and appearance.

*The second issue – living conditions*

7. The access to the site would be via a narrow track which connects at a sharp angle to the turning circle at the end of Stanmore Grove. The track passes between the side wall of No 35 Stanmore Grove and the rear garden fence of No 55 Glentower Grove. Its width falls short of the 4.1m advised in the Council's *Design Guide and Specification*. Indeed, I saw that much of the track is little more than 3m wide.
8. Furthermore, because of the site's shape and size, and the position of the access track, I consider that there is a strong likelihood that the proposed block of 4 garages and the associated parking and hardstanding area would be near to the neighbouring houses in Glentower Grove, as shown on the indicative layout plan. The houses have short rear gardens under 10m long and I anticipate that the noise of vehicles coming and going from the garages could be disturbing to residents in their rear gardens and rear-facing rooms.
9. The narrowness of the access track and the noise of vehicles manoeuvring in and out of the garages would, in my opinion, unacceptably worsen the living conditions of the nearby residents of Stanmore Grove and Glentower Grove.
10. I now turn to the living conditions of the future occupants of the 2 proposed dwellings. I consider that the site's proximity to a 7m vent stack and other equipment which forms part of a flood alleviation scheme, together with the inconveniences of the narrow access, would lead to living conditions which, although tolerable, would be less than ideal.
11. LP policy Hsg9 requires, amongst other things, that development should not have a significant detrimental effect on the occupiers of proposed and existing dwellings. LP policy GEP1 incorporates the same objective in its list of general environmental principles. For the reasons given above, I have decided on the second issue that the proposed development would fail to satisfy these policies because it would lead to unacceptable living conditions for nearby residents and the future occupants of the proposed dwellings themselves.

*Conclusion*

12. For the above reasons, and taking into account all other matters raised, I have concluded that the proposed development is unacceptable. The appeal is therefore dismissed.

*Ruth V MacKenzie*

INSPECTOR

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