

PLANNING COMMITTEE AGENDA



Friday 1 April, 2010

at 10.00 a.m.

in the Council Chamber, Civic Centre, Hartlepool.

MEMBERS OF PLANNING COMMITTEE:

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

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. TO CONFIRM THE MINUTES OF THE MEETING HELD ON 4 MARCH 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/2011/0064 23 Silverbirch Road, Hartlepool.
 3. H/2011/0059 Navigation Point, Marina, Hartlepool.
 4. H/2011/0068 St Andrew's Church, York Place, Hartlepool.
 5. H/2010/0569 27 Jaywood Close, Hartlepool.
 - 4.2 Appeal by BNP Paribas Securities Services Trust Company (Jersey) Limited and BNP Paribas Securities Services Trust Company Limited as Trustees of The Threadneedle Property Unit Trust, Site At Units 1 And 2 Burn Road Hartlepool TS25 (H/2010/0245) - *Assistant Director (Regeneration and Planning)*

- 4.3 Appeal by BNP Paribas Securities Services Trust Company (Jersey) Limited and BNP Paribas Securities Services Trust Company Limited as Trustees of The Threadneedle Property Unit Trust, Site At Units 1 And 2 Burn Road Hartlepool TS25 (H/2010/0592) - *Assistant Director (Regeneration and Planning)*
 - 4.4 Update on Current Complaints - *Assistant Director (Regeneration and Planning)*
 - 4.5 Hartlepool Tree Strategy - *Assistant Director (Regeneration and Planning)*
5. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**

EXEMPT ITEMS

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

6. ITEMS REQUIRING DECISION

- 6.1 Update on Enforcement Actions – *Assistant Director (Regeneration and Planning)*
- 6.2 Longscar Centre, Seaton Carew , Hartlepool – *Assistant Director (Regeneration and Planning)*
- 6.3 Enforcement Update – Easy Skips - *Assistant Director (Regeneration and Planning)*

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

8. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of Wednesday 20 April, 2011 at 9.00 am

Next Scheduled Meeting - Wednesday 20 April, 2011 at 10.00 am

PLANNING COMMITTEE

MINUTES

4 March 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, Pam Hargreaves, Marjorie James, Trisha Lawton, Geoff Lilley, Francis London, John Marshall, Dr George Morris, Carl Richardson, Stephen Thomas, Hilary Thompson, Paul Thompson and Ray Wells.

Officers: Jim Ferguson, Principal Planning Officer
Jason Whitfield, Planning Officer
Adrian Hurst, Principal Environmental Health Officer
Mike Blair, Highways, Traffic and Transportation Manager
Dennis Hancock, Senior Engineer (Environmental Issues)
Andy Carter, Senior Planning Officer
Kate Watchorn, Commercial Solicitor
David Cosgrove, Democratic Services Team

130. Apologies for Absence

Councillors Stephen Akers-Belcher, Sutheran and Wright.

131. Declarations of interest by members

Councillor H Thompson declared a personal interest in Minute 133 (H/2008/0001) and Minute No. 143.

Councillor P Thompson declared a personal interest in Minute 137.

Councillor Cranney declared a personal interest in Minute 142.

132. Confirmation of the minutes of the meeting held on 4 February 2011

Councillor P Thompson indicated that he had declared a personal interest in application H/2010/0654 which had not been recorded.

An amendment to the decision relating to application H/2010/0703 Station Hotel was tabled at the meeting. The amendment proposed that first part of the Decision in the minute be amended to read. "Approve with the exact

wording of the conditions to be applied to the approval being delegated to the Development Control Manager in consultation with the Chair of the Planning Committee”

Subject to the amendments above, the minutes were confirmed.

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

The Principal Planning Officer submitted the following applications for the Committee's determination.

Number:	H/2008/0001
Applicant:	Mr Terry Bates, 7 Brinkburn Court, Hartlepool
Agent:	BIG-Interiors Ltd., Mr Ian Cushlow, 73 Church Street, Hartlepool
Date received:	07/03/2008
Development:	Provision of a touring caravan and camping site with associated amenity facilities
Location:	BRIERTON MOORHOUSE FARM, DALTON BACK LANE, HARTLEPOOL
Decision:	The application was deferred for consideration at the next Planning Committee meeting following a site visit on 1 April 2011 commencing at 8.30 a.m.

Number:	H/2010/0668
Applicant:	Mr Barry Cuthbert, Camerons Brewery Ltd, Main Gate House, Waldon Street, HARTLEPOOL
Agent:	Camerons Brewery Ltd, Mr Barry Cuthbert, Main Gate House, Waldon Street, HARTLEPOOL
Date received:	17/12/2010
Development:	Erection of waste yeast storage vessel
Location:	Main Gate House, Camerons Brewery, Waldon Street, 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 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.

The Committee considered representations in relation to this matter.

The applicant, Mr Barry Cuthbert, was present and addressed the meeting. An objector, Mrs Jean Kennedy, was also present and addressed the meeting.

Number:	H/2011/0019
Applicant:	Mr John Sweeney, GL-AD Global Advertising Ltd., 12a Market Hill, CAMBRIDGE
Agent:	GL-AD Global Advertising Ltd., Mr John Sweeney, 12a Market Hill, CAMBRIDGE
Date received:	18/01/2011
Development:	Display of poster panel on Virgin Media cabinet
Location:	Land at Windermere Road HARTLEPOOL
Decision:	Planning Permission Refused for the following reason

REASONS FOR REFUSAL:

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.

The applicant, Mr John Sweeney, was present and addressed the meeting.

Number:	H/2010/0680
Applicant:	Mr Brendon Colarossi, Hartlepool Borough Council Engineering Consultancy, Hanson House, HARTLEPOOL
Agent:	Hartlepool Borough Council, Mr Brendon Colarossi, Engineering Consultancy, Bryan Hanson House, HARTLEPOOL
Date received:	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
Decision:	Minded to 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 of any further representations received within the outstanding time period for representations

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. 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 HGV's, 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) 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.

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

The Senior Planning Officer presented a report advising the Committee of the emerging planning policies in the Core Strategy Preferred Options regarding affordable requirements concerning private housing developments.

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.

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.

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.

Using guidance established in paragraphs 21, 21, 22, 27, 29 and 30 in Planning Policy Statement 3 (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. The affordable housing policy was proposed in the Core Strategy Preferred Options document, the public consultation for which closed on Friday 11th February 2011.

Affordable housing is proposed to be required on all residential developments that consist of a gross addition of 15 dwellings or more. This would include lapsed or renewals of unimplemented planning permissions, changes of use and conversions. 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 was seen as being appropriate.

A minimum affordable housing target of 10% would 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. In reaching this suggested target, evidence had been taken from the Hartlepool Strategic Housing Market Assessment 2007 (SHMA) which identified the current and future housing need in the Borough and suggested a target for affordable housing on new developments of 30% of which 80% should be social rented and 20% intermediate tenure and also the Tees Valley Strategic Housing Market Assessment 2008 (TVSHMA) which supported the affordable housing need identified within the Hartlepool SHMA and in addition to this suggested a 20% affordable housing requirement for housing developments across the Tees Valley.

Since the two SHMA's were completed there had been profound changes in the housing market with specific consequences for the economic viability of new housing developments. The Borough Council carried out an Affordable Housing Economic Viability Assessment in 2009. The results of the economic viability assessment showed that in current market conditions, the development of residential property was generally economically unviable, regardless of affordable housing. The results suggest that any policy put in place would 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.

The assessment showed 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. It was expected that affordable housing would be delivered through on-site provision and where appropriate be pepper-potted. However in certain circumstances it would be acceptable for provision to be made off-site, where:

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

Applicants would be expected to achieve a target of 80% social rented and 20% intermediate tenure mix on each site. Housing type and tenure split would 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. The proposed 80/20 tenure split and the size/type of affordable dwellings required was informed by both the Hartlepool SHMA and the Tees Valley SHMA; reflecting the predominant housing need in the local area.

The report went on to set out an examples of development site applications with the figures for affordable housing based on the 10% figure and 80/20 split and the commuted sum variation for members information.

Members expressed some concern at the potential for off-site 'commuted sum' developments as this gave developers an opportunity to opt out of providing affordable housing on-site. There was concern that this could happen on sites that developers saw as being of higher value or 'executive' and not where they believed affordable housing should be provided and could lead to a segregation of those that could afford to buy and those that couldn't which was what the policy was aiming to avoid.

Officers highlighted that at present there was no specific policy, so currently negotiations with developers relied on goodwill. The rationale behind the 'commuted sum' proposal was that it was unlikely that there would be any central government money for neighbourhood renewal for many years to come. Utilising commuted sums could give the authority the means to redevelop urban renewal areas, or assist other organisations such as social landlords in such schemes. It could also be difficult for some developers to build affordable housing on some sites.

Members were also concerned with the tenure split and felt that this needed to be more flexible. Members highlighted the problems already being experienced in selling shared tenure housing in the central area due to the difficulty that first time buyers were having in getting mortgages. The Senior Planning Officer did indicate that the 80/20 split was aspirational and could be varied between different sites. One Member also expressed the view that developers may front load the value of the houses on a site to cover the costs of the affordable housing. The Senior Planning Officer indicated that developers were used to this type of requirement already as many other local authority areas had similar; what Hartlepool was proposing to do was not new. It was also advised that it was the landowner through the residual land value who would usually bear the cost.

Members were also concerned at the level of commuted sum set out in the report and considered that the full value should be required from developers.

Members considered that the issues raised in their debate at this meeting had much wider implications that just for the Planning Committee. It was

moved and seconded that the Affordable Housing Policy should be discussed at full Council. Members acknowledged that the policy did form part of the wider Core Strategy and as such would be presented to Council when that policy document came forward. However, Members did feel that considering the Affordable Housing Policy in isolation would not be to the detriment of the Core Strategy and would allow focus on an element that was of great importance in its own right.

Decision

That consideration of the Affordable Housing Policy element of the Core Strategy be forwarded to full Council for detailed consideration and debate.

135. 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))

The Principal Planning Officer reported on 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. The application had been refused on the grounds that the proposed development would be to the detriment of highway safety and visual amenity. The appeal was decided by written representations and the Inspector subsequently allowed the appeal. A copy of the Inspector's decision letter was submitted for the Committee's information.

Decision

That the report be noted.

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

The Principal Planning Officer reported on 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 on the former garages site on land to the rear of Stanmore Grove, Seaton Carew.

The Appeal was decided by written representations and 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.

A copy of the Inspector's decision letter was submitted for the Committee's information.

Decision

That the report be noted.

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

The Principal Planning Officer advised members of the result of an appeal against the refusal of an application (H/2010/0339) for the use of four apartments at Sylvan Mews, restricted to occupation by persons aged 55 years and over, for general occupation and requested members authority to vary the legal agreement controlling the use of the site to allow for the general occupation of the same apartments.

The Principal Planning Officer reported that at the meeting of the Committee in January members requested clarification as to whether there was a right of appeal in the event that members declined to vary a legal agreement relating to the development. The matter was deferred to allow the Solicitor to clarify the situation regarding rights of appeal.

The Solicitor had looked into the matter and confirmed that there was a right of appeal to the Secretary of State in the event that a request to modify or discharge a planning obligation was refused. Such an appeal would likely be in the form of a public inquiry or hearing. As with Planning Appeals there was also a provision for costs to be awarded against a Local Planning Authority where the Authority was seen to be acting unreasonably. In this case, it was advised that should members decline to vary the agreement they may be seen to be attempting to frustrate the decision of the Planning Inspectorate thus the Authority could be seen to be acting unreasonably.

In this case, the appeal was allowed by the Inspector and a copy of the decision letter was submitted for Members information. The Inspector considered that the main issues arising from the appeal were concerns that the proposal could lead to the occupation of the apartments by young families resulting in additional noise and disturbance for existing residents and that parking problems could be exacerbated by the scheme. The Inspector concluded that the proposal would not result in any additional noise and disturbance for existing residents. In terms of parking the Inspector considered it prudent that the provision of additional parking should be conditioned and imposed an appropriate condition. He concluded that the proposal would not seriously exacerbate any existing parking problems. No claim for costs against the Council was made.

Members considered that in light of the developer changing a condition and agreement that had been part of the original application, it seemed reasonable to them that a fee should now be charged for the change requested, if that was permitted. The Solicitor indicated that a fee could be

charged for the change to the legal agreement.

Decision

1. Members noted the Inspector's decision and authorised the variation of the legal agreement to allow for the general occupation of apartments 16, 19, 21, and 22 Sylvan Mews.
2. That an appropriate fee be levied for the changes to the legal agreement sought by the developer.

138. Appeal by Mr Kelly, The Laurels, Blakelock Road, Hartlepool *(Assistant Director (Regeneration and Planning))*

The Principal Planning Officer reported that a planning appeal had been lodged against the refusal of Hartlepool Borough Council for an application for the erection of a detached bungalow with integral garage at The Laurels, Blakelock Road, Hartlepool. The application was refused as it was considered that the development would detract from the visual amenities of the area and because of its impact on the neighbouring dwelling. The appeal was to be determined by the written representations procedure and authority was therefore sought to contest the appeal.

Members noted that this was not an application that had been before the Committee and Principal Planning Officer confirmed that the application had been dealt with through delegated authority. Some Members were concerned that it was difficult to assess whether the authority to contest the appeal should be given without full knowledge of the application. It was highlighted that all Members did receive on a weekly basis details of all the applications that had been received. The Solicitor commented that should authority not be given to contest the appeal, costs could be awarded against the authority.

Decision

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

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

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

Councillor H Thompson sought further information in relation to issues 11, 12, 17 and 19 as set out in the report.

Decision

That the report be noted.

140. 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 141 – 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 142 - 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 143 – Enforcement Action – 1A Hillcrest Grove, Elwick, 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)

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

The Committee was informed of proposed enforcement action relating to an apparent breach of planning control at 4 Park Square, Hartlepool.

Decision

The proposed enforcement action was approved.

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

The Committee was informed of proposed enforcement action in respect of the non-compliance with a specific planning condition for a waste transfer facility in Mainsforth Terrace, Hartlepool.

Decision

The proposed enforcement action was approved.

143. Enforcement Action – 1A Hillcrest Grove, Elwick, Hartlepool (*Assistant Director (Regeneration and Planning)*) (paragraphs 5 and 6)

The Committee was informed of proposed enforcement action in respect of, the provision of a second vehicular access and sitting of a steel container on land adjacent to a property in Hillcrest Grove, Elwick.

Decision

The proposed enforcement action was approved.

The meeting concluded at 1.25 p.m.

CHAIR

No: 1
Number: H/2008/0001
Applicant: Mr Terry Bates, 7 Brinkbum 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

Background

1.1 This application was considered at the March meeting of the Planning Committee when it was deferred for a site visit. The site visit is anticipated to take place before the 1st April Planning Committee.

1.2 This application was originally considered at the Planning Committee of 11th 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).

1.3 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.

1.4 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.

1.5 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 16th June 2010 (**Committee Report attached**), however in light of the apparent impasse it was unable to progress.

1.6 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

1.7 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

1.8 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.

The Parish Council of Dalton Piercy, the Farmers, the Businesses, the Cyclists, the Walkers, the Joggers and all the Residents in the area oppose the opening of the large Caravan Site. This is because of the potential health and safety issues and traffic hazards. We would like to also point out the following:-

Road

1. Entrance and exit to caravan site is a blind corner with limited view to oncoming traffic and potential traffic hazard

2. Dalton Back lane road is less than 4m in place, single track road, lots of high hedges and blind corners – national speed limit 60 mph.
3. Areas along the road were, if pull off any faster than crawling speed, drop off 6-12 inches would cause damage to vehicle.
4. Pot holes are large, deep and getting so bad that to avoid them people are driving on wrong side of the road to avoid them – potential of head on collision.
5. Road is currently a rat run providing a short cut from A689 to A19 and visa versa and at certain times of the day lot of traffic. Traffic surveys have been carried out but later in day so does not provide a true picture.
6. Gain store so 44 ton Artic Lorries and farm vehicles. If these should meet and caravan width at wrong place the only way to pass is for one to reverse on to the blind bends??

In the last 18 months there has been the following:-

1. 5 accident-collisions resulting in injury -1 fatal, 4 slight
2. None recorded accident due to none injury in last 18 months
3. 2 lorries pulled into side of road so far ended up partially turned over
4. 3 cars turned over near spring well farm
5. 2 separate cars went through fence at entrance to caravan park application – 1 police, 1 cause all horses to escape
6. 1 police officer was run off the road by a transit van whilst taking a driving test
7. 1 horse was run over and later destroyed
8. Total 14 accidents
9. Cyclists, joggers, walker and horse riders use back road.

Horses

From A689 to ½ mile beyond D P village there are 19 stable yards, some livery, some private but totals to 217 horses. There are no bridle paths and due to incidents with horses and Lorries on Brierton Lane to grain storage the farmers involved have added a no horse sign there.

Peak time Caravan Park used clashes with busy periods of farming and grain being transported to the ports so we feel it is an accident waiting to happen.

As people use satellite navigation for their travel they take the shortest routes. Therefore they cannot be dictated which route to take with their caravans.

We plead to the Chairman and Committee of the Council to refuse this planning.

Greatham Parish Council Greatham Parish Council write further to their correspondence of 2010. They reiterate their opposition to this application as stated previously. Even with the amended site entrance it is still a very dangerous point in the lane with very limited sight lines. The core strategy document currently under

review mentions that Dalton Back Lane could be used as a feeder road for development in the Claxton area. This, if adopted, could well put much more traffic onto the lane.

Planning Policy

1.9 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.

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

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

1.11 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 require ongoing work to part of the 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.

1.12 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.

1.13 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.

1.14 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.

1.15 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 21st 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 19th 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.

APPENDIX

No:
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

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 11th 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

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 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.

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 harmed.

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:

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 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.

Planning Committee – 11 June 2008

4.1

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/2007/0683). 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/2007/0683).

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 2008 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.

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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 tourers 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/Elswick 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 A889 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 A889 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, highways 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 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/Ehwick 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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9. 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.
10. 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 splays 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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4.1

- 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

DELEGATION ISSUES	Neighbour letters:	Not applicable
1) Publicity Expiry	Site notice:	Not applicable
	Advert:	Not applicable
	Weekly list:	Not applicable
	Expiry date:	Not applicable
2) Publicity/Consultations		
<p>Engineering Consultancy : 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>Building Control : 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

- M3. (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 385. 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).

3) Neighbour letters needed	Y
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4) Parish letter needed	Y
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5) Policy	
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 Trees Forest	

Source: adopted RB Council Code

Rur7: Development in the Countryside To10: Touring Caravan Sites Comments: Not applicable	
6) Planning Considerations <p>This application was considered at the Planning Committee of 11th 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 & Transportation & 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 11th 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>	
7) Chair's Consent Necessary	Y
8) Recommendation	APPROVE 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
CONDITIONS/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 plans and details received at the time the application	

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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/288-102C 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.

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

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/2011/0064
Applicant: Mr I MEDFORTH 23 SILVERBIRCH ROAD
HARTLEPOOL TS26 0BA
Agent: The Planman Mr S Pinches 8 Dryden Close Billingham
TS23 3TT
Date valid: 07/02/2011
Development: Erection of a single storey garden room at the rear and
alteration to garage doors
Location: 23 SILVERBIRCH ROAD HARTLEPOOL

The Application and Site

2.1 The application site is a large detached house located on the south side of Silverbirch Road at the northern end of the Middle Warren estate. The area is predominantly residential in character with a variety of houses and flats.

2.2 The house, which has garages to the front, has a small front garden and average size rear garden.

2.3 The current application involves the erection of a single storey extension to the rear to enlarge the existing kitchen. This extension which would be 4m in length, 4.9m in width and 3.7m in height, would be finished in materials to match the existing dwelling with a pitched roof.

2.4 The proposal would normally be considered to be permitted development. However, in this instance permitted development rights have been removed from this part of the estate by condition on the original permission.

2.5 Minor works to widen the garage doors are also included on the plans.

Publicity

2.6 The application has been publicised by way of neighbour letters (6). To date, 4 letters of objection (2 from the same household) have been received.

2.7 The following issues have been raised:

- (i) the extension will significantly affect the light levels to my property
- (ii) the description as a 'single storey garden room' is misleading
- (iii) will over dominate the surroundings
- (iv) concerns with the proximity of the extension to the boundary
- (v) wants confirmation that the foundations are for a single storey extension and cannot be used to increase the height of the extension
- (vi) the existing house already blocks out most of winter sun and light from rear windows
- (vii) will give an overpowering appearance of more brickwork and roofing

(viii) will create shade and reduce daylight

Copy letters (A)

The period for publicity has expired.

Consultations

2.8 None

Planning Policy

2.9 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.

Hsg10: Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

Planning Considerations

2.10 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals within the adopted Hartlepool Local Plan 2006, the impact of the development on the amenity of neighbouring properties in terms of visual amenity and the impact of the development on the street scene in general.

Residential amenity

2.11 The proposed extension would be sited at the eastern side of the dwelling, close to the side boundary (shared with properties in Thistle Close to the east). Because of the site layout, the properties in Thistle Close back onto the side of the application site. Separation distances in this instance adequately meet current Council guidelines set out in the Hartlepool Local Plan, ie 20m separation distance between main elevations (main windows) and 10m between main elevations and side elevations (not including main windows). The relevant distances in this case range between 15.7m down to 12m. As there are no side windows in this single storey extension, a 10m separation distance would normally be the minimum required. This guideline relates to both two storey and single storey developments.

The properties are separated by a 1.8m high timber fence when measured from the application site. The three dwellings which have objected are approximately 1m lower than the application site and have brick retaining walls on which the boundary fence is erected. Notwithstanding this the relationships are considered to be acceptable and as previously mentioned meet the Council's guidelines in terms of separation.

2.12 Further, the extension would be 3.7m in height with a roof pitched away from the boundary. At its closest point to the shared boundary the height at the eaves would be approximately 2.5m; just over 0.7m higher than the existing timber fence.

2.13 In view of the above, it is considered that the proposed extension by reason of its size and location would be unlikely to have a significant impact on neighbouring properties in terms of overlooking, loss of light/sunlight or overshadowing. As the extension is to the rear of the property it is also unlikely to impact on the street scene in general.

2.14 The alterations to the garage doors to the front of the property are acceptable, however, it should be acknowledged that these do not need planning permission.

2.15 In view of the above approval is recommended.

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
3. 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 windows(s) shall be inserted in the elevation of the extension facing east towards Thistle Close without the prior written consent of the Local Planning Authority.
To prevent overlooking.
4. The development hereby permitted shall be carried out in accordance with plans (Drawing Nos. 1-4 and site location plan) and details received on the 7 February 2011.
For the avoidance of doubt.



23 SILVERBIRCH ROAD



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/03/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO h/2011/0064	REV

No: 3
Number: H/2011/0059
Applicant: Mr Alan Henderson Lock Office Slake Terrace
HARTLEPOOL TS24 0RU
Agent: England & Lyle Mr Gary Swarbrick Morton House Morton
Road DARLINGTON DL1 4PT
Date valid: 03/02/2011
Development: Demolition of existing amenity building and erection of a
two storey building comprising commercial unit (Use
Classes A1, A3 and A4) at ground floor and yacht club
and amenity facilities at first floor (resubmitted application)
Location: NAVIGATION POINT MARINA

The Application and Site

3.1 The application site is the single storey amenity block located at the south end of Navigation Point in Hartlepool Marina.

3.2 The building, which currently provides facilities for boat and yacht owners, is sited a few metres from the quayside and to the north west of the main lock entry to the Marina from the sea.

3.3 Directly opposite the site to the east is Abdiel House, which houses The Moorings Eaterie café with flats above. Navigation Point to the north east comprises a number of cafes, restaurants, bars offices and shops with apartments above.

3.4 There is a large pay and display, privately owned car park immediately to the north of the site. This serves a large number of existing business uses and apartments.

3.5 The proposal involves the demolition of the existing single storey amenity block and its replacement with a larger, two storey building. The ground floor is shown as commercial unit (A1 retail/A3 café/restaurant/A4 bar) with yacht club and amenity facilities at first floor including male/female changing facilities, kitchen, bar area and café. The new building, which is modern in design with a curved-profile roof, would be predominantly red brick with upvc windows and doors.

3.6 The design also includes glazed canopies, balcony and an external spiral staircase (escape).

3.7 As the new building is on a larger footprint than the existing amenity block, parking spaces will be lost at the south end of Navigation Point. No additional parking spaces are included within the scheme.

History

3.8 Planning consent was refused for a similar development (part three storeys) in June 2010 on the grounds of siting and design, parking and highway safety and on

drainage. A planning appeal was subsequently lodged and dismissed on the grounds that the development would be unacceptably harmful to the character and appearance of the locality.

3.9 The Inspector found that there would be no unacceptable harm to the living conditions of nearby residents, the amenities of visitors, parking supply or highway safety. He also stated that drainage could be dealt with by condition provided that additional information was provided. (The Inspectors decision letter is attached).

Publicity

3.10 The application has been advertised by way of neighbour letters (26), site notice and press advert. To date, there have been 2 letters of no objection and 5 letters of objection. The objections include:-

- a) The development would affect daylight/sunlight to Moorings Eaterie
- b) It will appear unduly large and out of keeping
- c) Insufficient parking and loss of disabled parking adjacent to Moorings Eaterie
- d) Totally unsuitable outlook
- e) Not in keeping with the look of the Marina
- f) Would block out light
- g) Would add to ever increasing problems with drains
- h) Overdevelopment of Navigation Point

Copy letters B

The period for publicity has expired.

Consultations

3.11 The following consultation replies have been received:

Environment Agency – objects on the grounds that the Flood Risk Assessment is inadequate and fails to demonstrate satisfactory surface water management. Proposed floor levels were previously considered to be acceptable provided that an emergency evacuation plan is formulated; however, this was based on surface water discharging to NWL sewers. It is now known that the drainage network in this location is privately owned and that there are capacity issues. As such the Environment Agency cannot confirm that the surface water from the site can be adequately disposed of without increasing or exacerbating the risk of flooding to the site and adjacent areas. Further information would be required to ascertain this.

Although not forming part of the objection the Environment Agency has reminded the Local Planning Authority that PPS25 “Development and Flood Risk” requires all new major and non major development proposed in flood zones 2 and 3 be subject to the sequential test and exception test as applicable.

Traffic and Transportation – final comments awaited

Property Services – awaited

Northumbrian Water (NWL) – no objections as the works affect private drainage

Engineering Consultancy – there are serious concerns with the drainage details provided. Requests that further information and survey work is carried out to prove that the proposed development would not adversely impact on the existing system. A Section 80 notice will be required for the demolition of the existing building. Tests for landfill gas will be required and the appropriate measures taken if necessary.

Public Protection – no objections subject to the following conditions:- hours restriction to midnight closing, extract ventilation, no playing of amplified music in any external areas, installation and maintenance of grease traps to drainage system, separate sanitary accommodation for staff will be required for food businesses.

Planning Policy

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

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

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.

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

Com9: States that main town centre uses including retail, office, business, cultural, tourism developments, leisure, entertainment and other uses likely to attract large number of visitors should be located in the town centre. Proposals for such uses outside the town centre must justify the need for the development and demonstrate that the scale and nature of the development are appropriate to the area and that the vitality and viability of the town centre and other centres are not prejudiced. A

sequential approach for site selection will be applied with preferred locations after the town centre being edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Proposals should conform to Com8, To9, Rec14 and Com12. Legal agreements may be negotiated to secure the improvement of accessibility.

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.

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.

To1: States that this area will continue to be developed as a major tourist attraction and that the Borough Council will seek to protect the areas of water from development.

Planning Considerations

3.13 The main planning considerations in this case are the appropriateness of the proposal of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, National Policy guidance, the design of the building and its impact on the surrounding area, impact of the development on drainage within the area together with the risk of flooding.

3.14 In this particular case, the planning Inspectors comments in the recent planning appeal should also be taken into account.

Policy

3.15 The following National Policies are relevant to the determination of this application:

PPS4: Planning for Sustainable Economic Growth sets out the Government's objectives with regard to economic development and details how planning

applications should be approached when the proposed development impacts on existing centres.

PPS4 Policy EC14 requires that a sequential assessment is carried out by the applicant. Whilst this has been done, the applicant has not provided any evidence that there are no available sites within the town centre. This is further complicated by the speculative nature of this application. Notwithstanding this, the agent has now agreed that the retail element of the ground floor will be restricted to convenience goods only and will not therefore at this location, be in competition with the Hartlepool Town Centre.

PPS4 Policy EC15 requires the sequential test to assess sites for their availability, suitability and viability and to thoroughly assess all in-centre options before less central sites are considered.

PPS4 Policy EC17 states that planning applications for main town centre uses that are not in an existing centre should be refused where the applicant has not demonstrated a sequential approach and/or that the proposal will lead to significant adverse impacts on the town centre. As mentioned above, the retail element of the ground floor is to be restricted to convenience goods only.

3.16 In terms of local policies, the Hartlepool Local Plan policy Com8 states that the preferred location for shopping development is within the town centre, then edge of town centre such as the Marina. Policy Com9 also states that main town centre uses likely to attract large numbers of visitors should be located in the town centre.

3.17 It is considered therefore that should the A1 use be restricted to convenience shopping only, given the local nature of the development, any small level of trade drawn from the town centre is unlikely to have a significant impact on the vitality and viability of the town centre.

3.18 PPS25, Annex E sets out minimum requirements for flood risk assessments. The Environment Agency have objected on the grounds that the flood risk assessment does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular the submitted flood risk assessment fails to demonstrate satisfactory surface water management.

Design and impact on the surrounding area

3.19 The proposed building is located directly to the west of Abdiel House, one of the oldest buildings in the area, at a distance of approx 25m. Abdiel House contains the Moorings Eaterie on the ground floor with flats above. There is an open-decked seating area to the front of the cafe which is 16m from the east elevation of the new building.

3.20 The new building is rectangular with a curved-profile roof of composite insulated panels. The plans indicate a red brick finish with upvc windows and doors together with an L-shaped balcony on the south west corner overlooking the dock.

3.21 There are large windows on all four sides with close boarded timber bin stores to the south. A spiral escape staircase is to be located on the west elevation accessed from the first floor balcony.

3.22 The design is fairly plain and functional with no particular theme or style. Notwithstanding this, it is not considered to be out of keeping in this mixed use area.

3.23 Although the new building is close to Abdiel House and the Moorings Eaterie, it would appear to meet the separation distances required for new development.

3.24 Whilst the Planning Inspector had no objections to the size and ground coverage of the previous rejected scheme, he considered that the second floor addition would appear 'contrived and top heavy' resulting in an unbalanced appearance and that the external appearance would be unacceptably harmful and would introduce a jarring feature in the locality. This was the main reason for dismissal even though this was not considered to be the overriding issue when considered at planning application stage.

3.25 However, the revised scheme is considered to be an improvement in design terms and at two storeys in height it is unlikely to have a significant impact on neighbouring properties or the area in general in terms of visual amenity.

Parking

3.26 The submitted plans indicate 14 parking spaces for the new development, 14 space having been lost. When considering the previous application, the Council's Highway Engineer raised concerns regarding the loss of parking and the lack of formal servicing and cycle parking. However at appeal, the Inspector concluded that parking and highway safety were not grounds for refusal. It would appear that from his site visit and from information presented in the form of parking surveys, that the proposed development would not lead to the adjacent car parking being exceeded by demand or for servicing to introduce undue difficulty and as a result, there would be no unacceptable impact on highway safety. The Council's Highway Engineers are assessing this and final comments are awaited. It is anticipated that these will be available at the Planning Committee.

Drainage

3.27 The Council's Drainage Engineer has stated that although additional information has been provided regarding drainage, in that the foul drainage calculations submitted with this application are relevant to the proposed development, there are still serious concerns with increased flows. The previous application included calculations that referred to a different development albeit on the same site.

3.28 The Drainage Engineer has examined the Planning Inspector's report and comments as follows:-

‘ In the Planning Inspector's letter when discussing the drainage proposals associated with the previous application Section 21 states that *"It has clearly been assumed that base conditions are the same, and that the current proposal, at a*

lesser scale than previously proposed, must necessarily also be within capacity of the drainage network. However, I am not certain that must follow. Even if it does follow, the fact that there is theoretical capacity does not mean that the network would perform adequately. I have noted reference to lack of grease traps, and to inadequate falls. These matters suggest that there may be fundamental problems which would, in reality, restrict capacity".

I would concur with this statement and whilst I acknowledge that the JNP Group Report now focuses on flows generated by the proposed development, I note that the proposed development generates flows approximately 5 times in excess of that of the existing development into a system where existing problems are well documented. I would re-iterate my previous comments that:-

- the calculations identify that the existing foul system (both primary and secondary runs) are barely adequate with pipes bordering on substandard gradients and low design flow velocities which could be the cause of the recurring blockages and overflowing manholes;
- the calculations do not include details of the existing pumping station in terms of flow from the pumping station, its adequacy to accept increased flows and the inspection and maintenance regime currently operated for the pumping station;
- a detailed CCTV survey covering the whole system both north and south of the lock downstream to the Warrior Quay Pumping Station is necessary before final judgement can be made in order to ascertain current levels of build up of fats, oils and greases in the system which are causing blockages and reducing flow capacity, additionally the system should then be cleaned and jetted and a further physical CCTV survey carried out to identify any physical defects or other poor workmanship such as hogging or sagging of pipes, displaced joints, poor benching etc. and proposals are in place for repair

and state that the information presented within the application does not address any of these previous comments and concerns.

Section 22 of the letter states that *"In addition there is no assessment before me of whether circumstances have changed, either in the quantum of development currently connected to the drains, or in the uses connected to the network. Secondly, there is no further evidence of whether identified problems have been addressed and whether causes have been dealt with".* Whilst the information provided with the application does look at the quantum of development connected it does not answer the serious concerns relating to whether identified problems have been addressed nor whether causes have been dealt with.

Whilst I note the Inspectors conclusion that drainage could be dealt with by condition I would express my concerns in this respect. I have serious reservations about the practical adequacy of the system and I am concerned that generating additional flows into this drainage system will exacerbate the current problems being experienced. Indeed when composing this response I am aware of recent events (Saturday 5th March 2011 and Monday 7th March 2011) whereby manholes in front of restaurants immediately downstream of the lock

and the manhole into which the pumping station discharges were all surcharging raw foul sewage onto the car-parking area and into the waters of the Marina (photographs will be displayed at the Planning Committee). The information provided with the application does not allay my concerns in this respect.'

3.29 The Environment Agency has also commented on the proposal and objects on the grounds that the Flood Risk Assessment provided does not demonstrate satisfactory surface water management.

3.30 As the drainage network in this area is privately owned, it is the responsibility of the Environment Agency to advise the Local Planning Authority whether the surface water from the site can be adequately disposed of without increasing or exacerbating the risk of flooding to the site or adjacent areas.

3.31 In order to do this, further information would be required to satisfy the EA that the proposed development would be acceptable.

Conclusion

3.32 From the above information and in the light of recent incidents, it is apparent that there are a number of serious concerns regarding foul and surface water drainage. In view of this refusal is therefore recommended. Final Highway comments are awaited which may impact on the proposed reason for refusal; this will be presented to Members and discussed at the Planning Committee.

RECOMMENDATION – Refuse for the following reason

It is considered that the applicant has failed to demonstrate that the additional foul drainage and surface water generated by the proposed development would not have a significant impact on the existing drainage system where there are known problems with blockages and overflows contrary to Policy GEP1 of the adopted Hartlepool Local Plan 2006 and Planning Policy Statement 25.



The Planning
Inspectorate

Appeal Decision

Site visit made on 19 October 2010

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 8 November 2010

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

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr A Henderson against the decision of Hartlepool Borough Council.
- The application Ref: H/2010/0098, dated 15 February 2010, was refused by notice dated 11 June 2010.
- The development proposed is the demolition of the existing single storey amenity building and erection of a mixed use building including A1/A3/A4 commercial use (retail/café/restaurant/pub/bar) at ground floor; café, kitchen, shower and toilet facilities at first floor; and a second floor glazed café/restaurant and roof terrace.

Application for costs

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

Preliminary Matter

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

Decision

Main Issues

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

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Appeal Decision APP/H0724/A/10/2131873

Reasons

Character and Appearance

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

Living Conditions and Amenities

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

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Appeal Decision APP/H0724/A/10/2131873

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

Car Parking and Highway Safety

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

Drainage

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

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

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

Other Matters

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

Overall Conclusion

25. The proposed development would be unacceptably harmful to the character and appearance of the locality and therefore in conflict with the objectives of Local Plan Policy GE1. I do not find that there would be unacceptable harm to the living conditions of nearby residents, the amenities of visitors, parking supply, or highway safety. Drainage could be dealt with by condition. However, the lack of harm elsewhere does not outweigh the harm in relation to the first issue. For that reason I conclude that the appeal should be dismissed.

Philip Major

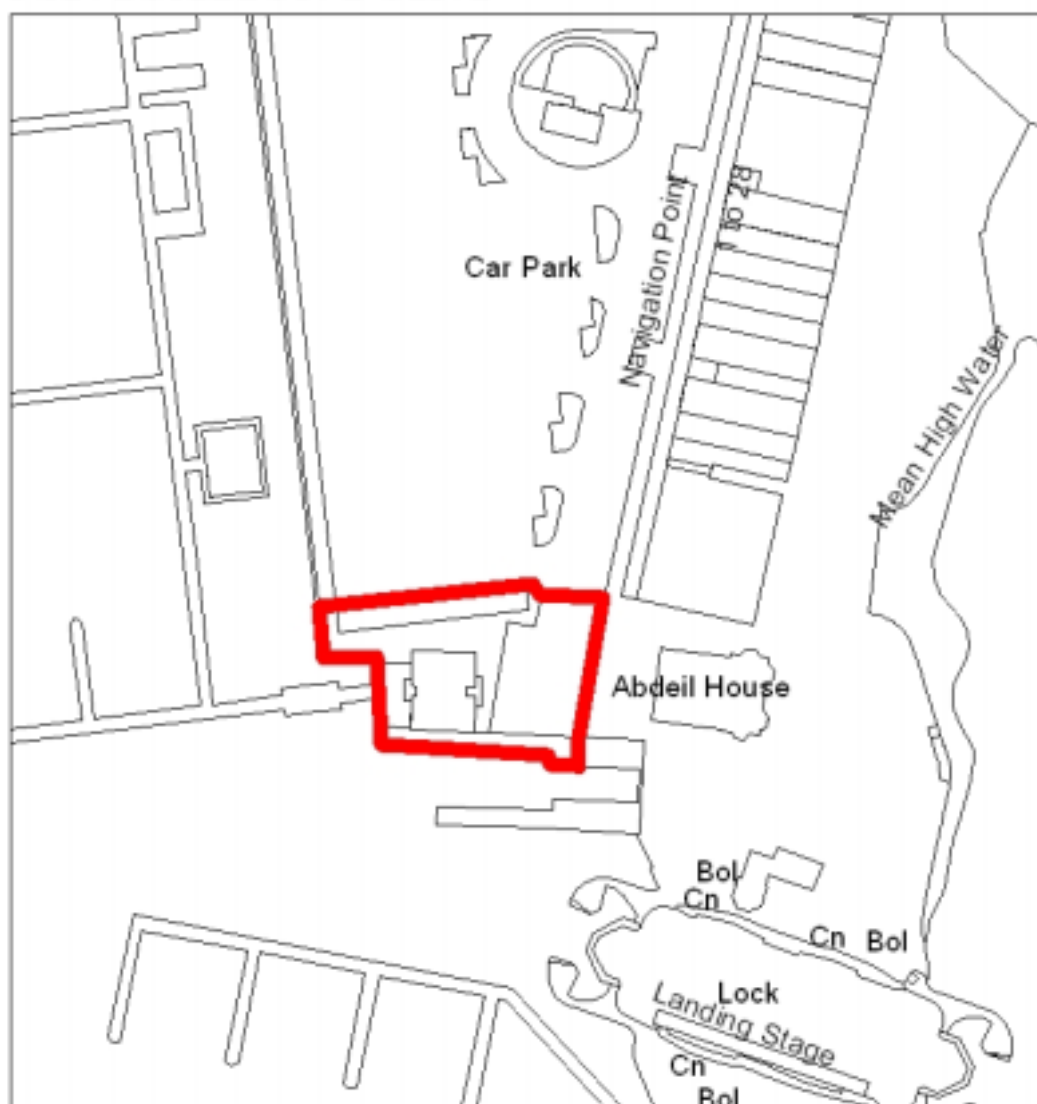
INSPECTOR

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4



NAVIGATION POINT



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/03/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2011/0059	REV

No: 4
Number: H/2011/0068
Applicant: John O'Connor Brigandine Close Seaton carew
 Hartlepool TS25 1ES
Agent: Mr John OConnor 22 Brigandine Close Seaton Carew
 HARTLEPOOL TS25 1ES
Date valid: 11/02/2011
Development: Change of use of tea room to licensed restaurant
 including use for functions (weddings, christenings etc)
 and extension of opening hours to 09.00 to 23.00 Monday
 to Saturday and 09.00 to 22.00 Sundays
Location: ST ANDREWS CHURCH YORK PLACE HARTLEPOOL

The Application and Site

4.1 The application site is a former Church located on the north side of York Place. It is within the Headland Conservation Area and is grade II listed. The listing describes the building as "Chapel-of-ease; 1886 brick with sandstone dressings; Welsh slate roof. Terms used are ritual. Nave with north aisle Chancel; later porch adjoins West End. 3-bay nave and 2-bay chancel, divided externally by gabled buttress with offsets. Rectangular, hollow-chamfered window openings with perpendicular tracery. Blocked, pointed, chamfered arch in west gable, with later pointed window in middle of blocking. Diminutive porch has chamfered south doorway with quoin surround. Interior has been altered and all fittings removed; now used as parish hall". The site adjoins a terrace of residential properties. To the rear is a single lane access and beyond the rear of residential properties which front onto Londonderry Street. To the north is a small green beyond which is the Harbour of Refuge PH. To the south and west is York Place beyond which is the sea front promenade and pier.

4.2 Planning permission was granted in 2007 for the change of use and alterations to the building to provide a tea room (H/2007/0009). Listed building consent was also granted for the alterations to the building (H/2007/0024). Conditions on the planning permission restricted the use to a tea room use and the hours of operation to 08:00 to 21:00. In 2010 planning permission and listed building consent were granted for the installation of a dormer window to the front elevation and the provision of a mezzanine floor, stairs and serving area (part retrospective). (H/2010/0354 & H/2010/0355). The building has been altered and restored by the applicant over many years to a high specification in accordance with the above permissions but has yet to open to the public.

4.3 Planning permission is now sought to change the use of the tea room to a licensed restaurant including its use for functions (weddings, christenings etc) and to extend the opening hours of the premises to 09.00 to 23.00 Monday to Saturday and 09.00 to 22.00 Sundays. No further alterations are proposed to the building.

4.4 In support of the application the applicant states that he bought the building some 16 years ago as a vacant building. He has obtained various planning consents and painstakingly restored the building to a high specification and it is nearing completion. However the applicant feels that in the current economic climate, and in light of public demand and practicality he wants to extend the use to include a restaurant/function room use. He has also collated a petition in support of his proposal.

Publicity

4.5 The application has been advertised by neighbour notification, site notice and in the press. The time period for consultation responses expires after the meeting. To date two letters of objection and one letter of no objections have been received.

Those objecting to the proposal raise the following concerns:

- Noise/late night disturbance.
- Traffic congestion/parking.

The applicant has also submitted a 574 signature petition, with comments, in support of the application.

COPY Letters C

Consultations

4.6 The following consultation replies have been received:

Public Protection : This premises is located directly adjacent to the Harbour of Refuge Public House which has a licence until midnight Monday-Thursday and up to 2:00am on a Friday and Saturday. The use of this premises as a licensed restaurant would in my opinion have less potential impact on neighbouring properties than a public house and I would therefore have no objections to this application. Can you please ensure that the extract system is installed and maintained as approved on the previous application.

Landscape Planning & Conservation : The policy advice (PPS5) relating to listed buildings and conservation areas states that all development should be considered against the criteria of whether the significance of a heritage asset is sustained and enhanced by a proposed development or change. The heritage asset is the grade II listed St Andrews Church located in the Headland Conservation Area. The legislation relating to conservation areas states that proposed development should be considered against the criteria of whether preservation or enhancement of the conservation area is achieved.

As the applicant indicates that no physical alterations are proposed to St Andrews Church I have no comments to make on the proposed change of use.

Estates : No comments apart from the land to the rear of the property is owned by the Borough Council.

Headland Parish Council : At the recent Headland Parish Council meeting considered that this application should be limited to St Andrews Church being opened as a tea room / unlicensed restaurant with hours of opening Monday - Sunday 9.00 am - 7.00 pm.

Economic Development : With reference to the planning application for St Andrews Church, Economic Development would support such an application as it would

- a) provide an additional visitor facility to the mix at the Headland – the current eating out offer being more limited in choice than in other areas of the town which target the visitor economy
- b) support private sector investment in opening up to the public a listed building
- c) supporting the economic climate by providing job opportunities
- d) provide an element of the visitor economy which will enhance as oppose to displace business in the area.

Traffic & Transportation : The existing and previous uses of the building would have similar parking demands to the proposed use. There are therefore no objections to the change in use.

Planning Policy

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

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

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

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

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.

HE8: States that traditional materials and sympathetic designs should be used in works to listed buildings and to adjoining or nearby properties affecting the setting of the building. These should be in keeping with the character and special interest of the building. Those internal features and fittings comprising an integral part of the character of the building should be retained where practical. Alterations to part of a listed building will only be approved where the main part of the building is preserved or enhanced and no significant features of interest are lost.

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.

To2: Supports appropriate visitor-related developments which are sensitive to the setting, character and maritime and christian heritage of this area.

Planning Considerations

4.8 The main issues are considered to be policy, impact on the amenity of neighbouring properties, highways, the impact on the character and appearance of the listed building and conservation area.

POLICY

4.9 Policy TO2 supports appropriate visitor related development in the Headland where they are sensitive to the setting, character, and maritime and Christian Heritage of the area. Policy HE1 advises that proposals for development in Conservation Areas will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the area and where development does not adversely affect the amenities of the occupiers of adjoining or nearby properties. Policy HE8 advises alterations to listed buildings should be in keeping with the character and special interest of the listed building. The proposed use is considered appropriate in this location. It is hoped it will finally bring the building back into use to the benefit of the listed building/Conservation area and to support the Headland's tourism aspirations.

IMPACT ON THE AMENITY OF NEIGHBOURING PROPERTIES

4.10 The site adjoins a residential property and there are also residential properties to the north east. No external alterations are proposed however it is proposed to change the use of the tea room to a licensed restaurant/functions room use and to extend the approved opening hours of the premises to 23:00 and to 22:00 on Sundays. Clearly these changes to the use of the building have potential to impact on the nearby residents and objections have been received relating to concerns around late night noise and unruly behaviour. In terms of its use, it is considered a restaurant use (with functions) is likely to be one of the more benign late night uses. It is also the case that the entrance to the property is located at the opposite end of the building to the adjoining residential property and the main windows of the

property face towards the sea or the adjacent public house. Finally, it is understood that the public house to the north has a license to open later than is proposed and there will therefore be a degree of late night activity already in the area. The Head of Public Protection & Housing has raised no objection to the proposal. In terms of its potential impact on the amenity of neighbours the proposal is considered acceptable.

IMPACT ON THE CHARACTER & APPEARANCE OF THE LISTED BUILDING & CONSERVATION AREA

4.11 The building benefits from an extant use as a tea room. No additional alterations are proposed and no concerns have been raised by the Landscape Planning & Conservation Section. It is not considered that the proposal will not have an adverse impact on the character and appearance of the listed building or the Conservation Area on the contrary finally bringing the building into productive use will have a positive impact on the building and the areas character.

HIGHWAYS

4.12 The premises has no dedicated parking and objectors have raised concerns that the proposal will lead to traffic congestion and parking problems. It is acknowledged that given the lack of on site parking patrons may well be tempted to park on the nearby streets. Traffic & Transportation however consider that the previous and existing approved use would give rise to similar parking demands and have raised no objection to the proposal. In highway terms the proposal is considered acceptable.

Conclusion

4.13 The applicant has clearly spent a great deal of time and resources to restore the building to a high specification turning what was a vacant and decaying listed building into a significant asset to the Headland. The current economic climate and perceived public demand have led him to rethink his original proposal for a tea room. It is considered that the proposed restaurant/function room use is appropriate in this location. It is hoped that the building will be brought into use and the venture contribute to the attractiveness of the Headland as a visitor destination thereby supporting the development of a key section of the local economy. The application is recommended for approval.

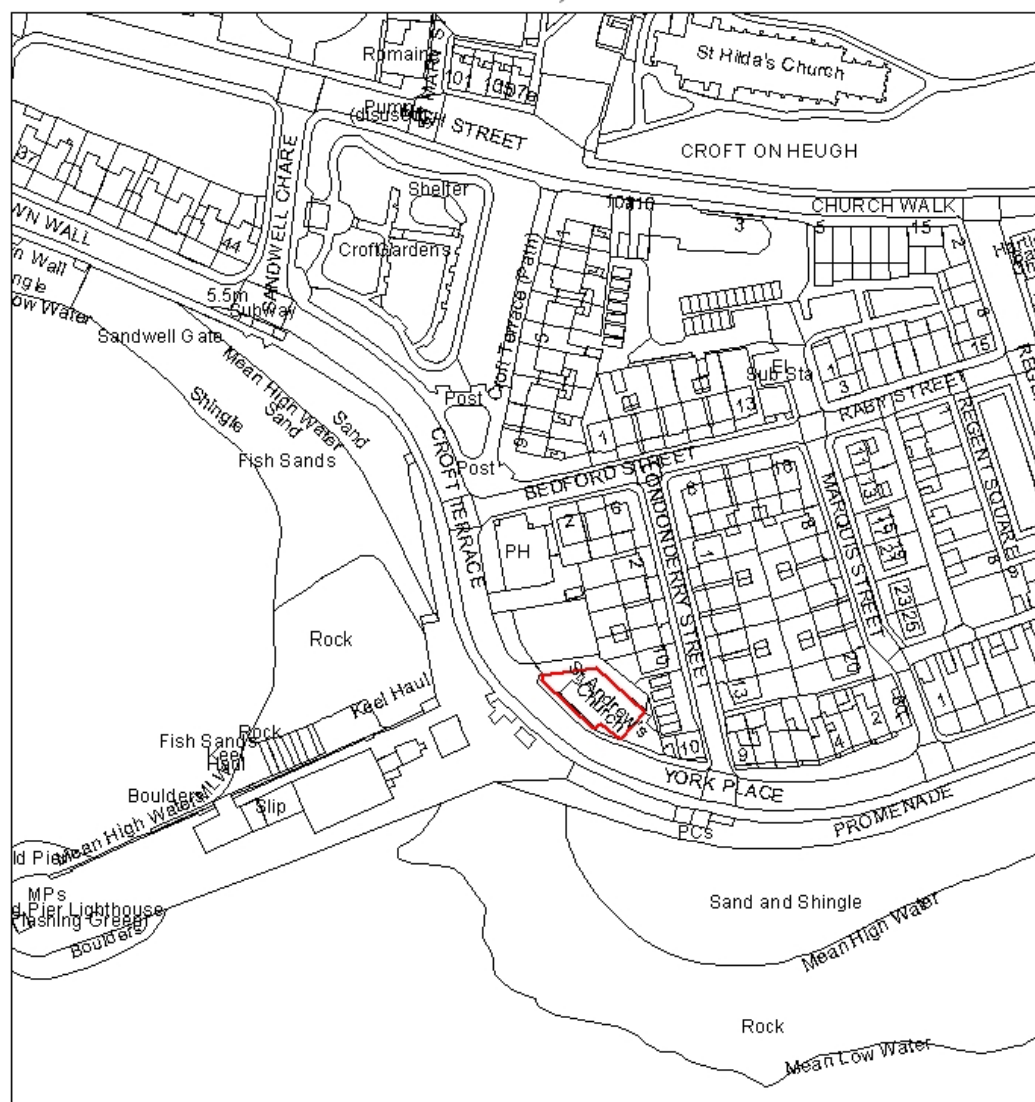
RECOMMENDATION – APPROVE subject to the consideration by the Development Control Manager in consultation with the Chairman of the Planning Committee of any further representations arising during the outstanding consultation period and subject to the following conditions.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (site plan) and details received by the Local Planning Authority at the time the application was made valid on 11th February 2011, unless otherwise

- agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Notwithstanding the details submitted this permission does not authorise any physical alterations to the building.
For the avoidance of doubt.
 4. Unless otherwise agreed in writing with the Local Planning Authority the use shall not commence unless the ventilation filtration and fume extraction equipment to reduce cooking smells, approved under the provision of condition 6 attached to planning permission H/2007/0009 has been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions for the lifetime of the development at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties and the character and appearance of the listed building/Conservation Area.
 5. The refuse storage arrangements shall be in accordance with the details approved under the provisions of condition 5 attached to planning permission H/2007/0009.
For the avoidance of doubt.
 6. No external eating/drinking or seating areas shall be provided within the site.
In the interests of the amenities of the occupants of neighbouring properties.
 7. The premises shall be used as a restaurant (A3)/function room and for no other purpose.
For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.
 8. The premises shall only be open to the public between the hours of 09:00 and 23:00 Mondays to Saturdays inclusive and 09:00 to 22:00 on Sundays and at no other times.
In the interests of the amenities of the occupants of neighbouring properties.



ST ANDREWS CHURCH, YORK PLACE



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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/03/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2011/0068	REV

No: 5
Number: H/2010/0569
Applicant: Mr P Marsh JAYWOOD CLOSE HARTLEPOOL TS27
3JG
Agent: Mr P Marsh 27 JAYWOOD CLOSE HARTLEPOOL TS27
3JG
Date valid: 25/02/2011
Development: Erection of 1.8 metre high fence, incorporation of land into garden, erection of a garden shed
Location: 27 JAYWOOD CLOSE HARTLEPOOL

The Application and Site

5.1 The site to which this application relates is a detached two-storey dwelling, located on a corner plot on Jaywood Close. The application seeks consent for the incorporation of an element of land to the side of the property into the garden area of the house, the erection of a 1.8m high fence to the side of the property and the erection of a garden shed. The fence is set 1.8m back from the highway which partially incorporates public footpath, and a service strip. The incorporated land extends 1.4m from the existing garden at the rear to 4.1m where the fence abuts the side wall of the house. The proposed shed is to be located to the side of the property within the incorporated land.

5.2 The application is retrospective in terms of the incorporation of land and erection of the fencing.

Publicity

5.3 The application has been advertised by way of neighbour letters (4). To date, there have been no objections, however, the period for publicity is ongoing.

The period for publicity expires prior to the meeting.

Consultations

5.4 The following consultation replies have been received:

Traffic and Transportation – Comments awaited.

Property Services – Comments awaited.

Planning Policy

5.5 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.

Hsg10: Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

Planning Considerations

5.6 The main planning considerations in this instance are the appropriateness of the proposal in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the effect on the amenity of neighbouring properties in terms of dominance or outlook, the effect on the character and appearance of the street scene, the existing property and highway safety.

5.7 Publicity of the application is outstanding and responses from neighbour notifications are awaited. Publicity expires before the meeting on that basis it is considered prudent to address all relevant planning considerations and any comments received from publicity in an update report to follow.

RECOMMENDATION – UPDATE TO FOLLOW



27 JAYWOOD CLOSE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/03/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House Hanson Square Hartlepool TS24 7BT	DRG.NO H/2010/0569	REV

UPDATE

4.1

No: 3
Number: H/2011/0059
Applicant: Mr Alan Henderson Lock Office Slake Terrace
HARTLEPOOL TS24 0RU
Agent: England & Lyle Mr Gary Swarbrick Morton House Morton
Road DARLINGTON DL1 4PT
Date valid: 03/02/2011
Development: Demolition of existing amenity building and erection of a
two storey building comprising commercial unit (Use
Classes A1, A3 and A4) at ground floor and yacht club
and amenity facilities at first floor (resubmitted application)
Location: NAVIGATION POINT MARINA

Background

3.1 Since the original committee report was written, 2 further objections have been received.

3.2 The Council's Principal Environmental Health Officer has provided additional comments in which he expresses serious concerns regarding the existing drainage system at Navigation Point. The drains have been blocked twice in the last 3 weeks and have had to be cleared at considerable expense to the Council. Adding further units to the system is likely to make the situation worse.

3.3 A letter of objection has also been received from a business in close proximity to the application site (attached). The letter revolves around the following:-

- a) A Section 106 Agreement should be entered into to limit the use of the building. If this does not occur, the Highway Authority should apply maximum standards of car parking.
- b) The 2 storey structure is within 15m of the canopy of the nearby café. This would reduce the amenities currently enjoyed by patrons of the café and also residents of the flats above the café.
- c) The proposed design fails to understand the principles of the Marina as a whole.
- d) Will inhibit the use of the boat hoist.
- e) Serious problems with current drainage system will be made worse.
- f) Is it desirable to erect such a structure so close to the edge of the Marina?
- g) Car parking issues. As a result of introducing parking charges, people are parking vehicles on Middleton Road to the detriment of highway safety.

3.4 The contents of the latest correspondence does not alter the recommendation to refuse the application however they do endorse the view that there are serious issues with the drainage infrastructure.

UPDATE

4.1

Mrs L Wright
Dep. Of Regeneration & Planning
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

Our Ref: R0106.1

Your Ref: H/2011/0059

Date: 2nd March 2011

Dear Ms Wright

**PROPOSED DEMOLITION OF EXISTING SINGLE STOREY AMENITY BUILDING AND ERECTION OF TWO STOREY BUILDING COMPRISING COMMERCIAL UNIT (USE CLASS A1/A2/A3) AT GROUND FLOOR LEVEL AND YATCH CLUB AND AMENITY FACILITIES T FIRST FLOOR LEVEL. AT NAVIGATION POINT, MIDDLETON ROAD.
L.P.A. REF. NO. H/2011/0059**

I refer to your letter dated February 2011, concerning the above application. On behalf of D Rezai, the owner of the adjacent café and residential accommodation in Abdeil House, I would make the following observations:

1 Due to the apparent in-built 'flexibility of uses' being proposed, I would request that before any decision is taken by the local planning authority in respect of the proposal, the applicant be requested to offer a S 106 Unilateral Obligation restricting/limiting the proposal to the specific uses described in the supporting literature. If this does not occur, then the Highway Authority, when giving consideration to the car parking required to support such a proposal should err on the side of caution, and apply the maximum standards of car parking to the building as a whole.

2 The proposed two storey structure would be within 15m of the canopy over the sitting area at the front of the existing café in Abdeil House to the east. Such a structure would greatly reduce the amenities currently enjoyed by the patrons of the existing café. It would also reduce the amenities of the residential occupants of the existing residential flats over the café.

3 In design terms the proposal fails to understand the fundamental design principles of the Marina as a whole, where the Marina is enclosed by development comprising a variety of land uses most of which enjoy almost uninterrupted views of the marina facilities.

In proposing a two storey building of a questionable design so close to the entrance to the marina dock gates, and within 15m of an existing café facility at the southern end of Navigation Point, the applicant is showing little interest in the original design principles, and even less interest in the existing needs of visitor/patron requirements to the neighbouring enterprises. As an example, the proposal would:

UPDATE

4.1

6 In terms of car parking provision of communal in the area, the applicant effectively maintains that no further car parking is required to support the proposal, and indeed, eight existing car parking spaces, including disabled car parking are being removed to accommodate the proposed building. This needs to be compared with the reality on site, where, on a regular basis through the last winter it has been extremely difficult to obtain a parking space in the area on an evening. Car parking therefore began taking place on the adopted highway serving Navigation Point, Middleton Road. As a direct consequence of the owner of the private car parking area, introducing parking charges in the area of Navigation Point, the on street parking on Middleton Road has increased to a level that has resulted in the Highway Authority approving car parking restrictions on Middleton Road, close to its junction with Navigation Point, in the interests of highway safety.

It is therefore asserted that the application proposal will result in a lack of on site parking to the detriment of the area as a whole and its much needed visitors in particular. It is therefore considered that if approved, the proposal would adversely impact on the economic viability of the area as a whole.

Yours faithfully

Ted Jackson
MRTPI (Rtd)

UPDATE

4.1

No: 5
Number: H/2010/0569
Applicant: Mr P Marsh 27 JAYWOOD CLOSE HARTLEPOOL TS27
3JG
Agent: Mr P Marsh 27 JAYWOOD CLOSE HARTLEPOOL TS27
3JG
Date valid: 25/02/2011
Development: Erection of 1.8 metre high fence, incorporation of land into garden, erection of a garden shed
Location: 27 JAYWOOD CLOSE HARTLEPOOL

Background

5.1 This application appears on the main agenda as item 5. The recommendation was left open as publicity was outstanding and a number of consultation responses were awaited.

5.2 The period for publicity has now expired. No letters of objection have been received.

5.3 The comments of the Council's Traffic and Transportation section have now been received and they have raised no objections to the proposals. The Council's Property Services section has not raised any comments.

Planning Considerations

5.4 The main planning considerations in this instance are the appropriateness of the proposal in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the effect on the amenity of neighbouring properties in terms of dominance or outlook, the effect on the character and appearance of the street scene, the existing property and highway safety.

5.5 In terms of amenity, the main relationship for consideration is that with 7 Jaywood Close. That property is in excess of 16m from the application site. It is considered unlikely that the incorporation of the additional land, and the provision of the 1.8m high fence, given the distance involved, would be significantly dominant or significantly affect the outlook of the neighbouring property.

5.6 In terms of the property to the rear, 25 Jaywood Close, the siting of the garden and fence, and the relationship between the two properties is such that it is unlikely that the proposal will have a significant impact on the amenity of that property.

5.7 The fence is set back approximately 1.8m from the highway, allowing for the retention of the public footpath and service strip to the side of the property. It is considered that the set back provides a sufficient buffer in so far as the fence does not directly abut the highway, and does not appear unduly obtrusive or out of keeping with the street scene. The design and appearance of the proposed fence is considered acceptable in respect of its impact on the street scene.

UPDATE

4.1

5.8 The increase in the curtilage, the proposed fence and shed are considered in keeping with the character and appearance of the existing property and do not appear unduly obtrusive or dominant.

5.9 It is considered prudent to require final details of the shed to be agreed prior to its erection to ensure that it is acceptable in terms of its impact on visual and residential amenity. This can be controlled by condition.

5.10 The Council's Traffic and Transportation section have raised no concerns in respect of highway safety. The set back of the fence ensures that sufficient visibility is retained for cars using the drive to the rear at 25 Jaywood Close. Furthermore, the proposal does not infringe on the public footpath to the side of the property.

Conclusions

5.11 With regard to the relevant Hartlepool Local Plan (2006) policies, and the relevant planning considerations as discussed above, the proposals is considered acceptable and therefore recommended for approval subject to the conditions set out below.

RECOMMENDATION – APPROVE subject to the following conditions:

1. Notwithstanding the submitted details, prior to the erection of the hereby approved shed, final details of the shed 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.
To ensure a satisfactory form of development.

PLANNING COMMITTEE

1 April 2011



Report of: Assistant Director (Regeneration and Planning)

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

1. PURPOSE OF REPORT

- 1.1 To advise members of that a decision in relation to the above appeal has been received from the Planning Inspectorate.

2. THE APPEAL

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

3. THE INSPECTOR'S DECISION

- 3.1 The appeal was allowed. The Inspector concluded that the proposal would not harm the character and appearance of the Conservation Area or the listed Church. The appeal decision is **attached**.

4. RECOMMENDATION

- 4.1 That members note the outcome of the appeal.



Appeal Decision

Site visit made on 22 February 2011

by John L Gray DipArch MSc Registered Architect

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

Decision date: 3 March 2011

Appeal Ref. APP/H0724/A/10/2139134

Units 1 and 2, Burn Road, Stranton, Hartlepool, TS25 1QQ

- 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 BNP Paribas Services Trust Company (Jersey) Limited and BNP Paribas Securities Services Trust Company Limited as Trustees of the Threadneedle Property Unit Trust against the decision of Hartlepool Borough Council.
- The application, ref. H/2010/0245, dated 8 April 2010, was refused by notice dated 14 July 2010.
- The development proposed is external alterations to elevations, internal works to create three new retail units and associated works to the car park.

Decision

1. I allow the appeal, and grant planning permission for external alterations to elevations, internal works to create three new retail units and associated works to the car park at Units 1 and 2, Burn Road, Stranton, Hartlepool, TS25 1QQ, in accordance with the terms of the application, ref. H/2010/0245, dated 8 April 2010, subject to the conditions in the attached schedule.

Main Issue

2. The main issue in the appeal is the effect the altered design, materials and appearance of the building would have on the character and appearance of the Stranton Conservation Area and on the setting of the adjacent All Saints Church, which is listed in Grade II*.

Reasons

3. Units 1 and 2 constitute an existing retail warehouse building, vacant and somewhat run-down, in the north-western angle of the roundabout junction of Stranton, Belle Vue Way and Burn Road. Belle Vue Way is the main approach from the south to Hartlepool town centre. The existing building has a sham mansard roof, apparently designed to make the single-storey building appear less high than it actually is. The stone-coloured slates on this mansard help reduce the visual prominence that the building might otherwise have had.
4. To the east, north and south of the roundabout, is commercial and industrial development, mainly modern, including a Tesco Extra superstore and a McDonald's. The existing building fits in with this style of development. To the south, set back to the west of Belle Vue Way, is residential development of modest architectural quality. To the north-west, the scene is rather different. The appeal building stands within the Stranton Conservation Area, despite being a clearly modern type of development of very little architectural merit, and, on higher ground close to its north, stands the grade II* All Saints

<http://www.planning-inspectorate.gov.uk>

Appeal Decision APP/H0724/A/10/2139134

-
- Church. To the north and west of the church, also within the Conservation Area, stand the buildings of Cameron's Brewery, with traditional origins but also with a significant amount of utilitarian modern extension.
5. On the face of it, the appeal site has little in common with the character and appearance of the Conservation Area. It seems from Local Plan Supplementary Note 5 that the brewing history of Stranton was important to the designation of the Conservation Area. Even so, in the context of the appeal site, the brewery buildings as they stand now offer little as a background of any real architectural interest. And the more traditional streets and buildings just to the west comprise a relatively discrete area of townscape. Thus, All Saints Church appears to stand virtually on its own amidst a variety of modern development. It does, though, stand on higher ground in a grassed and treed churchyard, which gives it a sense of standing apart from the humdrum of modern life around it.
 6. There are two aspects to what is proposed. One is the reorganisation of the building from the existing two units into three smaller ones. There is no objection to that (subject to what I say below about conditions and the conditions I attach to planning permission). The other is the visual refurbishment of the building. To my mind, the result of that would be a significant visual improvement.
 7. The existing building represents a then fashionable attempt to integrate a modern building type (the retail warehouse) into more traditional surroundings. The sham mansard, though, is an alien building form. Its only benefit lies in the apparently traditional nature of the slates. What would emerge would be a building of greater architectural quality, more modern in style and more expressive of its function. Little about the mass, form and scale of the building would change. It would be more rectilinear – but only because the almost vertical slope and overhang of the sham mansard would disappear. The cladding would be modern – but in keeping with the architectural expression. There would be change to the appearance of the Conservation Area – but only from one commercial idiom to another, which entails no change in character. Similarly, the setting of the listed Church would see the change from one commercial idiom to another – but a better-designed one which would be seen in the context of the utilitarian modern development of the brewery buildings and on the east side of Stranton.
 8. All told, I find no harm to the character or appearance of the Conservation Area or to the setting of the listed church that would conflict with Local Plan Policy HE1 and warrant dismissal of this appeal. Similarly, I find no conflict with Policy GEP7 on the quality of design to be sought along the main approaches to the town centre.

Conditions

9. The Council suggests eight conditions in the event that the appeal is allowed. With one exception, I consider them to be reasonable and necessary. The exception is what is termed "replacement tree planting". There is no suggestion on the plans that any trees are to be replaced. Also, the Council is critical, not without reason, of the scope for the new tree planting shown on the proposed site plan. New trees would be beneficial but more important is that part of the existing hedge along the Stranton boundary would almost certainly disappear and ought to be replaced. A condition to secure landscaping rather tree planting would be more useful.

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Appeal Decision APP/H0724/A/10/2139134

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10. The Council also, in its statement, seeks a section 106 obligation to restrict the range of goods that could be sold from the site, in similar vein to the legal agreement completed in relation to the original 1985 planning permission. It seems to me that that agreement would remain in force, because I do not consider that the permission I shall grant would be, in the words of its Clause 5, "inconsistent with the covenants contained in Clause 4". That is also the view of the appellant's agent. However, for the avoidance of doubt, I shall attach a condition having a very similar effect.

John L Gray

Inspector

<http://www.planning-inspectorate.gov.uk>

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Appeal Decision APP/H0724/A/10/2139134

Appeal Ref. APP/H0724/A/10/2139134
Units 1 and 2, Burn Road, Stranton, Hartlepool, TS25 1QQ
Schedule of conditions attached to planning permission

- 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: 10973-100-A (location plan), 10973-101-A, 102-A and 103-A (existing site plan, floor plan and elevations) and 10973-110-C, 111-A and 112-B (proposed site plan, floor plan and elevations).
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include hard surfacing materials, signs, lighting and schedules of trees and plants (noting species, plant sizes and proposed numbers/densities), together with an implementation programme.
- 5) No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The landscaping approved under condition 4) above shall be carried out in accordance with the approved schedule.
- 6) No part of the building shall be occupied until car parking space has been laid out within the site in accordance with drawing no. 10973-110-C.
- 7) The existing building shall be sub-divided into three retail units in accordance with drawing no. 10973-111-A. Thereafter, no further sub-division of units shall take place, nor shall any mezzanine floor be constructed in any unit, without the prior written consent of the local planning authority.
- 8) The sale of goods from the three units hereby approved shall be restricted to:
 - motor parts and accessories;
 - furniture, beds, home furnishings, floor coverings and household textiles;
 - DIY products for the maintenance and improvement of the home and garden (including DIY-related electrical goods);
 - domestic electrical and gas household appliances;
 - photographic equipment;
 - any goods ancillary to the above.

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PLANNING COMMITTEE

1 April 2011



Report of: Assistant Director (Regeneration and Planning)

Subject: **APPEAL BY BNP PARIBAS SECURITIES SERVICES TRUST COMPANY (JERSEY) LIMITED AND BNP PARIBAS SECURITIES SERVICES TRUST COMPANY LIMITED AS TRUSTEES OF THE THREADNEEDLE PROPERTY UNIT TRUST SITE AT UNITS 1 AND 2 BURN ROAD HARTLEPOOL TS25 (H/2010/0592)**

1. PURPOSE OF REPORT

- 1.1 To advise members of the receipt of a planning appeal.

2. THE APPEAL

- 2.1 A planning appeal has been lodged against the refusal of Hartlepool Council to allow alterations to elevations and works to create three retail units and associated works to car park at units 1 & 2 Burn Road. The application was a resubmitted application following an earlier refusal on the site (H/2010/0245). The application was refused under delegated powers through the chairman of the Planning Committee. It was considered that the proposal by reason of its design, materials and appearance would have a detrimental impact on the character and appearance of Stranton Conservation Area, the setting of the grade II* listed All Saints Church and on the visual amenities of an area which is located on one of the main gateways to the town. The proposal was considered therefore to be contrary to national and local planning policy, in particular PPS 5 Planning for the Historic Environment and associated practice guidance and policies HE1 and GEP7 of the Hartlepool Local Plan 2006.

- 2.2 The appeal is to be decided by written representations.

3. RECOMMENDATION

- 3.1 Members will note, from a report also on this agenda, that an appeal against the refusal of an earlier application on the site (H/2010/0245) was recently allowed by the Planning Inspectorate. The current application followed that

earlier refusal and whilst it was still not considered acceptable for the reasons outlined above, it is acknowledged to be an improved scheme to the earlier one now approved on appeal and it is understood the appellant favours this scheme.

- 3.2 In light of the above, whilst the appeal must proceed, it is not considered expedient to contest the appeal. The authority of members is therefore requested not to contest the appeal beyond making recommendations to the Planning Inspectorate in relation to conditions which should be attached to any approval, as is the usual protocol in such matters.

PLANNING COMMITTEE

1 April 2011



Report of: Assistant Director (Regeneration and Planning)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:

- 1 A neighbour complaint regarding non-compliance with a condition linked to a planning approval for an agricultural business regarding the painting of an agricultural shed on land in Dalton Piercy.
- 2 Officer monitoring recorded the conversion of an existing garage to form sensory and bay changing area without the benefit of planning permission at a childcare premises on Warrior Drive.
- 3 A neighbour complaint regarding the carrying out of building works to a commercial property on Stockton Road.
- 4 A neighbouring business complaint regarding the change of use from showroom to fish spa of an industrial unit on Tomlinson Road.
- 5 Officer monitoring recorded the installation of upvc casement windows to a property on Hutton Avenue. The property is located within the Grange Conservation Area.
- 6 Officer monitoring recorded the display of a double sided advertisement display board on vacant land on Easington Road.
- 7 Officer monitoring recorded the erection of a timber clad extension to the rear of a residential home on Elwick Road. The property is located within the Park Conservation Area.
- 8 A neighbour complaint regarding the erection of an out building in the rear garden of a property on Belmont Gardens. The building has been inspected and is due to the site considered to be permitted development.

- 9 A neighbour complaint regarding non compliance with an obscured glazing planning condition linked to consent for alterations and extensions to the rear of a property on Egerton Road has been investigated. The original obscure glazing had been replaced with a different type of obscure glazing and therefore this is not in breach of the condition in question.
- 10 A neighbour complaint regarding a pet grooming and walking business operating from a residential property on John Howe Gardens.
- 11 Officer monitoring recorded the erection of shed in the front garden of a property on Spurn Walk.
- 12 A neighbour complaint regarding the raising the height of an existing detached garage to a property on Verner Road.
- 13 A neighbour complaint regarding the placing of spikes along top of a rear boundary fence to a property on Park Road.
- 14 A neighbour complaint regarding a car repair business operating from a residential property on Lazenby Road.
- 15 A neighbour complaint regarding the erection of a boundary wall to the front garden of a property on Kesteven Road has been investigated. The wall was determined as 'permitted development' not requiring planning permission, it was not higher than one metre. .
- 16 A neighbour complaint regarding a car repair business operating from a residential property on Fernwood Avenue.
- 17 A neighbour complaint regarding a rear extension under construction not in accordance with the terms of the approved plans to a property on Hillston Close.
- 18 A Councillor complaint regarding alterations and change of use to residential use of stables on Dalton Back Lane has been investigated. The stables are being refurbished and brought back into use. No change of use and no breach of planning control had occurred.

2. RECOMMENDATION

- 2.1 Members note this report.

PLANNING COMMITTEE

1 April 2011



Report of: Assistant Director (Regeneration and Planning)

Subject: HARTLEPOOL TREE STRATEGY

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to update members of the committee on the Hartlepool Tree Strategy 2011 – 2016.

2. BACKGROUND

- 2.1 In November 2005 'A Strategy for Trees in Hartlepool' was adopted by Cabinet. This provided a position statement based on what was known to date and set out a number of aims and objectives with regard to the borough's trees.
- 2.2 Since the adoption of this first tree strategy there have been significant developments in the guidance and research relating to trees at a national level.
- 2.3 During 2009 a review of the 2005 strategy was conducted and it was found that many of the key actions contained in the strategy had been successfully implemented.
- 2.4 This has led to the development of a new Hartlepool Tree Strategy containing a renewed set of objectives which build on previous achievements as well as seeking to address any failures.
- 2.5 It also advocates a more integrated and planned approach to the management of the boroughs publicly owned trees. By adopting this approach and implementing a systematic tree inspection and maintenance regime, Hartlepool Borough Council will have made significant progress towards meeting its duty of care in relation to its publicly owned trees.
- 2.6 The document sets out Hartlepool Borough Council's guiding principles on tree related issues and aims to enhance the role and status of trees in the borough for the benefit of all.

3. PUBLIC CONSULTATION

3.1 The draft document was taken out to public consultation in September and October 2010. Various methods of consultation were used and included the following;

- A presentation to Neighbourhood Forums
- Correspondence with Parish Councils
- An article in Hartbeat magazine
- A local press release
- Your Town, Your Say e-consultation
- A dedicated page on the Council's website
- A public display in central library and Christ Church Art Gallery

3.2 Printed copies of the draft document were also made available for public inspection at reception areas at the Civic Centre, Bryan Hanson House, The Central Library and the Members room at the Civic Centre.

3.3 On completion of the consultation period the comments and representations that were received were collated and incorporated into the document where appropriate.

4. ADOPTION OF THE HARTLEPOOL TREE STRATEGY 2011 - 2016

4.1 The Hartlepool Tree Strategy 2011 – 2016 was formally adopted by Cabinet on 7th February 2011.

4.2 Copies of the document are available to download from the Council's website at www.hartlepool.gov.uk/trees

5. RECOMMENDATION

5.1 It is recommended that the Committee notes the adoption of the Hartlepool Tree Strategy 2011 – 2016.