

PLANNING COMMITTEE AGENDA



Friday 20 May 2011

at 10.00 am

in the Council Chamber, Civic Centre, Hartlepool

MEMBERS OF PLANNING COMMITTEE:

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

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the meeting held on 20 April 2011

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – Assistant Director (Regeneration and Planning)

- | | | |
|---|-------------|------------------------------------------------------------------------|
| 1 | H/2010/0589 | 54 Fernwood Avenue, Hartlepool (1) |
| 2 | H/2011/0031 | Land to the west of Eaglesfield Road, Hartlepool (7) |
| 3 | H/2011/0220 | Units 1 & 2, Burn Road, Hartlepool (17) |
| 4 | H/2011/0176 | 42 Bilsdale Road, Hartlepool (27) |
| 5 | H/2010/0296 | Unit 3 Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool (34) |
| 6 | H/2011/0055 | Joe's Skips, Brenda Road, Hartlepool (38) |
| 7 | H/2011/0014 | Land to the west of Eaglesfield Road, Hartlepool (50) |
| 8 | H/2011/0015 | Unit 4 Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool (63) |
| 9 | H/2010/0700 | Whitegates Garden Centre, Mainsforth Terrace, Hartlepool (74) |

- 4.2 Update on Current Complaints – *Assistant Director (Regeneration and Planning)*
- 4.3 Appeal by Mr Kelly The Laurels, Blakelock Road, Hartlepool – *Assistant Director (Regeneration and Planning)*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

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

EXEMPT ITEMS

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

7 ITEMS REQUIRING DECISION

- 7.1 Enforcement Action – 107 York Road, Hartlepool - *Assistant Director (Regeneration and Planning)*

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

9. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of the next Scheduled Meeting, the date of which is yet to be confirmed.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

20 April 2011

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

Present:

Councillor Dr George Morris (In the Chair)

Councillors: Pamela Hargreaves, Marjorie James, Trisha Lawton, Francis London, Stephen Thomas, Hilary Thompson and Paul Thompson.

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

160. Apologies for Absence

Councillors Brash, Cook, G Lilley, Richardson, Wells and Wright.

161. Declarations of interest by members

None.

162. Confirmation of the minutes of the meeting held on 1 April 2011

Confirmed.

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

The Planning Services Manager submitted the following applications for the Committee's determination.

Number: H/2010/0648

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

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

Date received: 24/11/2010

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

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

Decision: **Minded to APPROVE subject to the completion of a
legal agreement under S106 of the Planning Act
securing developer contribution of £1250 for green
infrastructure and the delivery of affordable units on
the site. The application is intrinsically linked to
application H/2010/0672**

CONDITIONS AND REASONS

- 1 The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
- 2 The development hereby permitted shall be carried out in accordance with the amended plans and details received by the Local Planning Authority on 20/01/2011 (Proposed Site Layout Re Design, DRG NO: CRH/SL/02, the house types, DRG NO's: LIN AS_PL_1, LIN OPP_PL_1, ALDER-ELEV (Det) Rev C) and the site location plan received on 24/11/2010, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
- 3 A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and

species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

- 5 Notwithstanding the details submitted further details of all fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

- 6 Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

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

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwellings hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

- 10 Prior to the commencement of development details of the proposed surfacing materials of all paths, roads, parking areas and hard-standings shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented at the time of development and, unless otherwise agreed in writing with the Local Planning Authority, retained for the lifetime of the development.

In the interests of highway safety and amenity.

- 11 Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved a scheme of security measures incorporating 'secured by design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interests of crime prevention.

- 12 Notwithstanding the submitted plans and details prior to the commencement of development final details of a scheme to incorporate embedded renewable energy generation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details at the time of development.
In the interests of the environment.
- 13 Prior to the occupation of the dwelling houses hereby approved an acoustic fence along the rear boundary shall be erected in accordance with details and in a location to be previously agreed in writing with the Local Planning Authority. Thereafter the fence shall be erected in accordance with the agreed details and retained at all times.
In order to safeguard the amenity of occupants from potential noise emissions.
- 14 Notwithstanding condition 4 prior to the occupation of the dwelling houses hereby approved a tree buffer shall be planted in accordance with a scheme and location to be previously agreed in writing with the Local Planning Authority. Thereafter the approved tree buffer shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.
In order to safeguard the amenity of occupants from potential noise emissions.
- 15 Notwithstanding the submitted details a scheme for the installation of a public footpath from the site entrance to the side of St Marks Church shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. Thereafter the footpath shall be implemented in accordance with the agreed details.
In the interests of highway safety and the amenities of the occupants of properties.

The Committee considered representations in relation to this matter.

Mr B Westbrook, Endeavour Housing, was present at the meeting and addressed the Committee.

Number:	H/2010/0672
Applicant:	Mr Ed Alder Ben Bailey Homes, Investor House, Colima Avenue, SUNDERLAND
Agent:	Ben Bailey Homes, Mr Ed Alder, Investor House, Colima Avenue, SUNDERLAND
Date received:	25/11/2010
Development:	Residential development comprising 17 three and four bedroomed dwellings and associated works (resubmitted application)
Location:	Throston Grange Court, Monmouth Grove, HARTLEPOOL

Decision: **Minded to APPROVE subject to the completion of a legal agreement under S106 of the Planning Act securing developer contributions of £250 per dwellinghouse towards off site play and £250 per dwellinghouse towards green infrastructure, the completion of a targetted training and employment charter and the delivery of 5 affordable houses to the rear of St Marks Church as per application H/2010/0648**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 25/11/2010 (Drawing Number: MG/SL/01, MG/LP/01, 410 EX GARAGE AS_PL1, 410 EX GARAGE OPP_PL1, 410 EX GARAGE AS_PL2, 410 EX GARAGE OPP_PL2, 371 AS_PL, 366 AS_PL, 366 OPP_PL, 371 OPP_PL, 410 AS_PL1, 410 AS_PL2, MGH_GD_01, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Notwithstanding the submitted plans 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. Thereafter the trees shall be retained unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
5. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are

seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

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

6. Notwithstanding the details submitted further amended details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
7. A ground gas risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the potential impacts on the development and end-users. The contents of the risk assessment are subject to the approval in writing of the Local Planning Authority. The ground gas 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 development hereby approved shall be carried out in accordance with the approved assessment.
To ensure that risks from ground gas risk to the future users of the land and neighbouring land are minimised.
8. Prior to the re-use of existing topsoil and subsoil on-site in the garden areas of the properties hereby approved all materials shall be screened to remove any fill materials including concrete, metal, plastic and bricks prior to its use.
In the interests of the occupiers of the dwellinghouses.
9. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwellings hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

- To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
13. Prior to the commencement of development details of the proposed surfacing materials of all paths, roads, parking areas and hardstandings shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented at the time of development and, unless otherwise agreed in writing with the Local Planning Authority, retained for the lifetime of the development.
In the interests of highway safety and amenity.
 14. Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved a scheme of security measures incorporating 'secured by design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interests of crime prevention.
 15. Unless otherwise agreed in writing by the Local Planning Authority the tree belt/buffer currently in situ to the west of the site as shown on the proposed site layout plan (DRG NO: MG/SL/01) shall be retained.
In the interests of visual amenity.
 16. Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development a scheme to incorporate embedded renewable energy generation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details at the time of development.
In the interests of the environment.

The Committee considered representations in relation to this matter.

Number:	H/2011/0002
Applicant:	Mr Tim Jennison, 19 Rillston Close, HARTLEPOOL
Agent:	Mr Malcolm Arnold, 2 Siskin Close, Bishop Cuthbert, HARTLEPOOL
Date received:	04/01/2011
Development:	Erection of a two storey extension to side to provide store, cloaks, utility, bedroom and en-suite
Location:	19 Rillston Close, HARTLEPOOL
Decision:	Planning Permission Refused

REASONS FOR REFUSAL

It is considered that the proposed extension, by virtue of its siting, design, scale and massing would appear unduly dominant and overbearing upon the outlook of the ground floor lounge and first floor bedroom of the neighbouring property 20 Rillston Close, to the detriment of the amenity of the occupants contrary to policies GEP 1 and HSG10 of the adopted Hartlepool Local Plan (2006).

The Committee considered representations in relation to this matter.

Mr Tim Jennison (Applicant) and Mr Bostock (Objector) were present at the meeting and addressed the Committee.

Number:	H/2011/0118
Applicant:	Mr William Morgan B&K Developments c/o Agent
Agent:	Prism Planning Ltd Mr Rod Hepplewhite 1st Floor Morton House Morton Road DARLINGTON
Date received:	02/03/2011
Development:	Use of six apartments (1,4,6,9,13 and 14 Sylvan Mews) approved by planning application H/2006/0338, currently restricted to occupation by persons aged 55 years and over, for general occupation
Location:	1, 4, 6, 9, 13 and 14 Sylvan Mews The Wynd Wynyard BILLINGHAM
Decision:	Planning Permission Approved subject to the consideration of any further representations received before the expiry of the consultation period and subject to the conditions below. The final decision was delegated to the Planning Services Manager in consultation with the Chair of Planning Committee. Authorisation was also given to amend the legal agreement to allow for general occupation of these units.

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (80825 /G2/001, 80825 /G2/002, 80825 /G2/003, 80825 /G2/004) and details received by the Local Planning Authority on 2nd March 2011, unless

otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.

3. Unless otherwise agreed in writing with the Local Planning Authority within one month of the date of this permission details of the parking spaces to be designated to each apartment for parking, including any shared visitor parking, shall be submitted to and approved in writing by the Local Planning Authority. The parking areas shall thereafter be kept available for the use of the apartments to which they are designated, or for visitor use, in accordance with the agreed details and retained for the approved use at all times during the lifetime of the development.
For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties and highway safety.

The Committee considered representations in relation to this matter.

Mr Rod Hepplewhite (Applicant's Agent) was present at the meeting and addressed the Committee.

Number:	H/2011/0031
Applicant:	Miss Louise Nicholson, Cecil M Yuill Ltd Cecil House Loyalty Road Hartlepool
Agent:	Cecil M Yuill Ltd, Miss Louise Nicholson, Cecil House, Loyalty Road, Hartlepool
Date received:	21/01/2011
Development:	Outline application for the erection of a residential nursing home
Location:	LAND TO THE WEST OF EAGLESFIELD ROAD HARTLEPOOL
Decision:	Deferred to enable Members to carry out a site visit

The Committee considered representations in relation to this matter.

Number: H/2011/0082

Applicant: Mr Richard Harlanderson
Regeneration and Neighbourhoods 1 Church Street

Agent: Mr Richard Harlanderson Hartlepool Borough Council
Regeneration and Neighbourhoods 1 Church Street

Date received: 14/03/2011

Development: Installation of CCTV camera

Location: ADJACENT TO 4 ARDROSSAN ROAD HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 7th March 2011, 24 March 2011 and 4 April 2011, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. The development hereby approved shall be carried out in accordance with the details provided on 7 and 24 March 2011 which show the proposed field of vision for the camera. Thereafter the camera shall not extend or alter this field of vision during its operation unless any variation is first agreed in writing by the Local Planning Authority.
To prevent overlooking.

The Committee considered representations in relation to this matter.

Mr Richard Harlanderson was present at the meeting and addressed the Committee.

Number: H/2010/0589

Applicant: Mrs Ellen Gardner, 54 Fernwood Avenue, HARTLEPOOL

Agent: Mrs Ellen Gardner, Haulfryn 54 Fernwood Avenue Hartlepool

Date received: 01/11/2010,

Development: Erection of a two storey extension at the side to provide access to loft space with room to accommodate physio equipment, toilet and shower facilities

Location: 54 Fernwood Avenue HARTLEPOOL

Decision: **Deferred to enable Members to carry out a site visit**

Mr. O'Connor (Representative of the Applicant) was present at the meeting and addressed the Committee.

Number: H/2011/0138

Applicant: Euro Property Management Limited c/o agent

Agent: Howson Developments, Mr Craig Stockley, Thorntree Farm, Bassleton Lane, Thornaby, STOCKTON ON TEES

Date received: 14/03/2011

Development: Variation of condition no. 12 of H/2010/0703 to allow trading on Sundays and Bank Holidays between the hours of 07:00 and 23:00

Location: 132 Station Lane, HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. This permission relates only to the variation of condition 12 attached to the original approval (H/2010/0703). All the other conditions on the original approval (H/2010/0703) remain extant and must be complied with unless a variation is otherwise approved by the Local Planning Authority.
For the avoidance of doubt.
2. The premises shall only be open to the public between the hours of 07:00 and 23:00 on any day.
In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

Number: H/2011/0160

Applicant: Euro Property Management Ltd, Euro House, 93 Park Road, Hartlepool

Agent: Euro Property Management Ltd, Euro House, 93 Park Road, Hartlepool

Date received: 22/03/2011

Development: Variation of condition No 13 on approved application H/2010/0703 to allow vehicles with a maximum length (tractor unit & trailer inclusive) of 11m to serve the development

Location: 132 STATION LANE, HARTLEPOOL

Decision: **The application was withdrawn by the applicant prior to the Planning Committee.**

Number: H/2011/0014

Applicant: Cecil M Yuill Ltd, Miss Louise Nicholson, Cecil House, Loyalty Road, Hartlepool

Agent: Cecil M Yuill Ltd, Miss Louise Nicholson, Cecil House, Loyalty Road, Hartlepool

Date received: 14/01/2011

Development: Residential development comprising 63 dwellings, associated access, roads, sewers and landscaping (Amended site layout received)

Location: LAND TO THE WEST OF EAGLESFIELD ROAD
HARTLEPOOL

Decision: **The application was withdrawn prior to the Committee due to ongoing discussions with Traffic and Transportation**

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

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

Decision

That the report be noted.

165. Site Visit Prior to next Meeting

The Planning Services Manager requested that as well as the site visits members had agreed to during the meeting to Femwood Avenue and the residential nursing home proposal on Eaglesfield Road; the Committee was also requested to visit the site of an application for residential development on Eaglesfield Road, Hartlepool which would be submitted to the next meeting. Members agreed to visit the site but considered that the departure time for the visits needed to be 8.30 a.m. to allow sufficient time for the visits.

The meeting concluded at 12.25 p.m.

CHAIR

No: 1
Number: H/2010/0589
Applicant: Mrs Ellen Gardner 54 Fernwood Avenue HARTLEPOOL TS25 5LU
Agent: Mrs Ellen Gardner Haulfryn 54 Fernwood Avenue HARTLEPOOL TS25 5LU
Date valid: 01/11/2010
Development: Erection of a two storey extension at the side to provide access to loft space with room to accommodate physio equipment, toilet and shower facilities
Location: 54 Fernwood Avenue HARTLEPOOL

Background

1.1 This application was reported to the previous Planning Committee on 20 April 2011, where Members were minded to defer the application to enable Members to carry out a site visit to the property. Further more the applicant intended to provide details of similar developments within the locality, and also amended plans showing a set back of the second floor extension to the rear.

1.2 Amended plans have been received. The revised plans are almost identical to the originals, apart from the second floor extension to the rear is set back 0.85m from the main rear wall of the side extension.

1.3 The applicant has also provided photos of properties in the immediate locality which have a varying range of extensions.

The Application and Site

1.4 The site to which this application relates is a two-storey, semi-detached dwelling, located on Fernwood Avenue, within a predominately residential area. The property has previously been extended single storey to the side, (HFUL/2002/0409) and single storey to the rear.

1.5 This application seeks consent for the erection of a two-storey extension to the side to facilitate the extension and conversion of the loft space to provide a treatment room and a bathroom at second floor level. It is indicated that the works are proposed to provide treatment facilities for the applicant's daughter. As discussed the proposal has been amended slightly to incorporate a set back at second floor to the rear.

Publicity

1.6 The application has been advertised by way of neighbour letters (6). It is considered unnecessary to re-advertise the application as the amended plans were not significantly altered from that originally proposed. To date, there have been two letters of objection.

1.7 The concerns raised are:

- a) Extension will overbear and dominate adjacent properties;
- b) Proposal will drastically alter the buildings lines and be out of character with the area;
- c) May set a precedent for similar developments;
- d) Loss of privacy and the amount of natural light available;
- e) Out of place and intrusive;
- f) Would welcome introduction of hipped roof rather than gable.

The period for publicity has expired.

Copy Letters F

Planning Policy

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

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

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

1.9 The main issues for consideration in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the effect of the proposal on the amenity of neighbouring properties by way of overlooking, overshadowing, dominance and outlook, the effect on the character and appearance of the existing property and the street scene in general.

Amenity

1.10 The main relationship for consideration in amenity terms is that with the neighbouring property, 56 Fernwood Avenue. The neighbouring property has three windows in the side elevation at first floor. Two are obscurely glazed and serve a bathroom. The third window is clear and serves a landing. At ground floor the property also has two windows (one obscure), which serve the kitchen. The main kitchen window, however, is located on the rear elevation of the property.

1.11 It is considered that, whilst the proposed extension will feature in the outlook of the clearly glazed windows in the side elevation of no. 56, given that they either serve non-habitable rooms (i.e. the landing) and the one at ground floor is a secondary kitchen window, it is not considered that the works will have a significant detrimental impact on the amenity of the neighbouring property by way of dominance or outlook.

1.12 The plans show that windows are to be located in the side elevation of the extension. The plans however, show the windows as being frosted glazing. It is considered that those windows can be maintained obscurely glazed through the use of planning condition, and the proposal is unlikely therefore to result in significant overlooking with no. 56.

1.13 The rear of the proposed extension will sit in line with the rear wall of the neighbouring property, which contains the main kitchen window. It is considered that the relationship is such that the extension is unlikely to result in significant levels of overshadowing to the habitable rooms of the neighbouring property.

1.14 Given the siting of the extension, it is unlikely the works will have a significant impact on the adjoining property, 52 Fernwood Avenue. Again, given the separation distances to the properties opposite, it is unlikely the proposal will have a significant impact on the amenity of those properties.

Existing Property and Street Scene

1.15 The existing house is hip-roofed and two-storey. The proposed extension will be pitched at the front, although will have a gable rather than hipped as per the original property. The rear element of the side extension, however, is to be flat-roofed to original ridge height, effectively resulting in a three-storey extension, although it will be set back 0.85m from the main rear wall of the extension, incorporating a small lean-to roof. This element of Fernwood Avenue is characterised by two-storey properties, with hipped roofs, although it is acknowledged there is a degree of variance in the design of the properties, some having hipped gables to the front elevation.

1.16 Policy Hsg10 of the adopted Hartlepool Local Plan (2006) states that proposals for extension to residential properties should be of a size, design and external appearance that harmonizes with the existing dwelling, and is unobtrusive and does not adversely affect the character of the street. Supplementary Guidance Note 4 of the Local Plan (2006) further states that most extensions relate to the original property and look better if finished with a pitched roof and two-storey extensions visible from the main street/road or other public viewpoint should usually have a pitched roof detail.

1.17 The applicant has pointed out that a number of nearby properties have unusual roof designs, and has provided details of some properties in the locality. Officers have undertaken visits to the area to ascertain examples of similar extensions. It is not clearly obvious that any instances of three-storey extension on two-storey properties exist in the area, although it is acknowledged that properties in and around Fernwood Avenue are varied in terms of design. Nevertheless, each

application must be determined on its merits. It is acknowledged that 58 Fernwood Avenue has been extended to the side (HFUL/1992/0197) however, that property is set back and has a hipped roof reflecting that of the existing house. The extension of 58 to the rear is set lower than the original height of the house and incorporates reflecting hipped roofs. Examples provided by the applicant, whilst varying in their design, are not directly comparable as they are either original gable designed properties or single storey extensions.

1.18 The Applicants have indicated that the resultant space from the extension would be utilised for the treatment of their daughter, who suffers from cystic fibrosis. As a result, the room is needed for a number of directly related factors, notably physiotherapy, including the use of varying machinery and equipment necessary to facilitate the necessary care. Furthermore, sufficient room is required to facilitate physical exercise as part of a treatment programme. As a result of the length of time spent within the treatment room, the applicant has indicated that it is necessary to provide associated bathroom facilities, given the symptoms of the disability and in the interests of hygiene.

1.19 The companion guide to PPS1 (PPS1: The Planning System, General Principles) states that personal circumstances may be material considerations in the determination of planning applications, however, they seldom outweigh general planning considerations.

1.20 Discussions have been undertaken with the applicant with regard to revisions to the proposal. It was suggested that the rear element of the extension be reduced in depth and height to allow it to appear subservient to the main property. It was also requested that a hipped roof be provided rather than the flat roof proposed. The applicant has indicated, however, that a reduction was not feasible as it would not provide sufficient internal ceiling height to accord with Building Regulations. Discussions with Building Control indicate that a minimum 1.8m internal height would need to be provided. The applicant thereafter provided plans which showed that whilst a 1.8m internal height could be provided, it would provide insufficient external height to facilitate a pitched roof.

1.21 The applicant has indicated that the property in its current form does not offer sufficient space to facilitate the treatment room and no suitable alternative properties are available. The applicant has further indicated that several options have been explored in order to achieve the requirement for a treatment room, however, has failed to provide details of any alternative options to facilitate the provision of a treatment room, particularly at ground floor level.

1.22 Notwithstanding the above, it is considered that the proposed extension in its current form would be harmful to the character, design and appearance of the property as it would appear out of keeping, excessively dominant and out of proportion with the existing dwelling. Furthermore it is considered that the extension would appear incongruous, and unduly discordant in respect of the design, character and appearance of its immediate surroundings within Fernwood Avenue.

1.23 Whilst regard is to be had to the above and weight is given to the exceptional circumstances of the case, it is considered that insufficient evidence has been

offered as to why the scheme in its current form is the only viable option to facilitate the required space as a result of the individual circumstances. It is further considered that a personal condition requiring the removal of the works when no longer required would be unreasonable, particular when regard is had to Circular 11/95 (The Use of Conditions in Planning Permission) which states that the imposition of a personal condition will seldom be justified in the case of a permission for a permanent building.

1.24 Having regard to all the above it is considered that the proposal would have a significant detrimental effect on the character and appearance of the existing property and the street scene in general.

Other Issues

1.25 It should be noted that the plans in some instances are not to scale and omit elements of the proposal, i.e. windows, from floor plans which are detailed on elevational plans. This however could be controlled by condition.

Conclusions

1.26 With regard to the relevant Hartlepool Local Plan (2006) policies as set out above (GEP1 and Hsg10), and with regard to all relevant considerations as discussed above, it is considered that the proposal will have a significant detrimental effect on the character and appearance of the existing property and the street scene in general.

RECOMMENDATION - REFUSE

1. It is considered that the proposed development by reason of its size, design, appearance and massing would have a significant detrimental impact on the character and appearance of the existing property and would appear incongruous and out of keeping with the street scene contrary to policies GEP1 and Hsg10 of the adopted Hartlepool Local Plan (2006).

54 FERNWOOD AVENUE

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 05/04/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House Hanson Square Hartlepool TS24 7BT	DRG.NO H/2010/0589	REV

No: 2
Number: H/2011/0031
Applicant: Miss Louise Nicholson Cecil House Loyalty Road
 Hartlepool TS25 5BD
Agent: Cecil M Yuill Ltd Miss Louise Nicholson Cecil House
 Loyalty Road Hartlepool TS25 5BD
Date valid: 21/01/2011
Development: Outline application for the erection of a residential nursing
 home

Location: LAND TO THE WEST OF EAGLESFIELD ROAD
 HARTLEPOOL

2.1 The application appeared on the Committee Agenda on 20th April 2011. The application was deferred to allow members to undertake a site visit. A site visit is scheduled prior to the May Planning Committee.

2.2 Since the meeting the applicant has agreed to implement a scheme of traffic calming measures on Eaglesfield Road which will firstly be agreed with the Local Planning Authority, an appropriately worded condition has been suggested.

The Application and Site

2.3 The application site is bound to the north by the upper end of Brierton Lane and to the east by Eaglesfield Road. The site comprises of agricultural land within the limits to development of Hartlepool. The land is approximately 1.4 acres (0.5 hectares) in area.

2.4 The application proposes outline consent the erection of an 80 bedroom nursing home with most of the detailed considerations reserved at this time, however the means of access to the site is to be considered at this stage. The access will open out onto Eaglesfield Road adjacent to Eriskay Walk and an area of green open space.

Publicity

2.5 The application has been advertised by way of neighbour letters (23), site notice (x4) and press advert. To date, there have been four letters of objection received.

2.6 The concerns raised are:

1. Concerns regarding building on agricultural land.
2. This country is the most densely populated country in Europe and this must be stopped
3. There are enough nursing homes in this area like Gardener House, Manor Park and Lindisfam for which is not full to capacity so that is why we object.
4. Increase in traffic resulted in noise and disturbance.

5. Concerns regarding width of Eaglesfield Road.
6. Visitors parking on Eaglesfield Road when car park is at capacity
7. Land is green belt and should not be destroyed.
8. View will be spoilt
9. Impact on wildlife
10. Concerns regarding ambulances coming in and out of site
11. There will be no countryside left

The period for publicity has expired.

Copy letters E

Consultations

2.7 The following consultation replies have been received:

Northumbrian Water – No objections

Public Protection – No objections subject to an extract ventilation condition to the kitchens

Tees Archaeology – No objections subject to a condition requiring a programme of archaeological work including a written scheme of investigation to be undertaken.

Landscape and Conservation – No objections subject to landscaping and tree location, protection and replacement conditions.

Cleveland Police – No objections. It is recommended that the development achieves Secured by Design accreditation

Traffic and Transportation – No highway or traffic concerns. The detailed car parking provision would have to be agreed following the submission of the full planning application.

Neighbourhood Services – No comments received

Tees Valley Unlimited – No comments received

Council's Ecologist – There are no ecological concerns with this site

Planning Policy

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

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will

be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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

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

GEP9: States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

GN5: Seeks additional tree and woodland planting in this area through the use of planning conditions and obligations.

Hsg12: States that proposals for residential institutions will be approved subject to considerations of amenity, accessibility to public transport, shopping and other community facilities and appropriate provision of parking and amenity space.

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.

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

Tra20: Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

Comments - There are no planning policy concerns with regard to the proposals providing (i) the development site is contained completely within the urban fence (Rur1) and (ii) £50 per bed is provided for green infrastructure (GEP9) to contribute to the urban/rural fringe (GN5d).

Planning Considerations

2.9 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, the impact of the proposals upon neighbouring properties, the streetscene in general, highway safety considerations and the general environment.

National Guidance

2.10 Also relevant to the proposed development is the advice contained within Planning Policy Statements 1 (Sustainable Development and Climate Change), 9 (Biodiversity and Geological Conservation), 22 (Renewable Energy) and Planning Policy Guidance Notes 13 (Transport) and 24 (Noise).

2.11 The principle of developing a nursing home in the proposed location on agricultural land is considered to be acceptable. It is not considered that the proposals would create any significant detrimental impact. The proposed site is within the urban fence of Hartlepool. The eastern elevation fronts onto Eaglesfield Road. The west elevation overlooks open fields with views towards Brierton. Whilst the layout as shown on the supporting plans is merely indicative, the separation distances between the bulk of the main building frontage and the properties located upon Eaglesfield Road is in excess of 40m. The proposed two storey building is predominantly “L” shaped. Vehicular access will be from a new access from Eaglesfield Road adjacent to Eriskay Walk.

2.12 The developer has agreed to enter into a planning agreement (S.106) to provide a financial contribution of £50 per bedroom (80 proposed) for green infrastructure.

Relevant Planning History

2.13 Following the completion of a legal agreement planning permission was granted for a two-storey residential/nursing home on land adjacent to Gardner House, Brierton Lane on 18 February 2009. The application site was to the north of the proposed site and incidentally forms part of the site for an application for residential development which appears on today's agenda (H/2011/0014). The previously approved scheme is similar to that which is proposed.

Effect on Neighbouring Properties and the Area in General

2.14 The plans and information provided do indicate the scale, layout and external appearance of the proposed two-storey nursing home however at this stage such information is provided for illustrative purposes only. With regard to the aforementioned it is considered prudent to state that there is a discrepancy between the proposed location of the nursing home as it appears on the planning layout plan and a drainage strategy plan. The discrepancy has been raised with the applicant who has confirmed that it is the drainage strategy plan which is inaccurate. With regard to this Northumbrian Water have been made aware and have again raised no concerns. Notwithstanding the above the scale, layout and external appearance are

reserved for future consideration in the event the application is successful and can therefore only be viewed as illustrative to give an indication of the development. As the access is to be considered for full permission, should the application be approved a planning condition will be attached requiring the access to be constructed in accordance with the plan showing the home and access in the accurate location.

2.15 The plans do indicate that the separation distances between the bulk of the front elevation of the building and the nearest residential properties is in excess of 40m. This distance demonstrates that adequate separation distances can be achieved. The separation distances between this proposal and the proposed residential development to the north are considered acceptable and meet current guidelines (20 mtrs).

2.16 The surrounding residential properties facing the application site are predominantly two storey. Notwithstanding this it is considered prudent to impose a planning condition requiring the development to be limited to two storey so as not to appear overbearing or dominant, and therefore in turn be detrimental to the character of the area. Whilst the building will appear prominent within the views of surrounding residential properties it is not considered that the impact upon outlook will be so significant to sustain a refusal, given the separation distances and the height of the building proposed and conditioned,

2.17 Whilst it is accepted that there are a number of existing residential/nursing homes within the immediate area and the town as a whole it is not considered that an additional nursing home would detract from the character of the area. The proposed development is considered to be an acceptable form of development on this site.

Highway Considerations

2.18 The applicant has submitted a Transport Statement with the application. The Council's Traffic and Transportation Section have assessed the proposals and the statement and in principle have raised no highway or traffic concerns.

2.19 Members raised concerns at the last Planning Committee regarding access to local amenities. This has been considered further and the applicant has agreed to a condition being imposed for a traffic calming scheme likely to be in the form of a pedestrian crossing being provided.

2.20 Concerns have been raised regarding increased traffic generation resulting in noise and disturbance. It is not considered that the traffic levels and associated vehicles created by way of developing an 80 bedroom nursing home will be of a level which would create undue levels of noise and disturbance upon the amenities of the occupiers of neighbouring properties so to sustain a refusal. The Head of Public Protection has raised no objections to the proposal.

2.21 In the interests of sustainable development it is considered prudent to condition a scheme for cycle storage to be provided on site.

Trees and Landscaping

2.22 With regard to landscaping, this is specified as a reserved matter for subsequent approval in this outline application. A condition relating to the reserved matters submission, as well as additional conditions relating to the provision of replacement planting to compensate for the loss of a piece of hedgerow created by way of the formation of the access to the site are recommended. It is considered that the conditions attached adequately address the comments made by the Council's Arboricultural Officer.

2.23 With regard to ecology concerns the Council's Ecologist has examined the potential effect on nature and has raised no concerns.

Drainage

2.24 Northumbrian Water have been consulted with regard to the proposed application and have raised no objections. The Council's Engineering Consultancy Section has requested that suitable land drainage measures are incorporated to deal with any overland flow. It is also considered prudent given the discrepancy between the layout plan and drainage strategy plan to condition details of foul drainage to be submitted to and agreed in writing by the Local Planning Authority. A suitably worded planning condition has been attached.

Renewable Energy

2.25 Planning Policy Statement 22 (PPS22) sets out the Government's policies for renewable energy, which planning authorities should have regard to when taking planning decisions. With this in mind, it is considered appropriate to attach a planning condition requested a scheme to incorporate energy efficiency measures and embedded renewable energy generation to be submitted to and agreed in writing by the Local Planning Authority.

2.26 Cleveland Police have raised no objections to the proposed development; however they have recommended that the development achieves Secured by Design accreditation. An appropriately worded planning condition has been attached with regard to this.

RECOMMENDATION – APPROVE subject to the completion of a legal agreement to secure a financial contribution of £50 per bedroom for green infrastructure and the following conditions:

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.

2. Approval of the details of the layout (including parking), scale, external appearance and landscaping (herein after called the " reserved matters") shall be obtained in writing from the Local Planning Authority.
To clarify the period for which the permission is valid.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. The access hereby permitted shall be carried out in accordance with the layout plan received by the Local Planning Authority on 21/01/2011 (Drawing No. Nursing: Outline Planning: 01.B - Plan Dated:23rd September 2010) unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
5. The access hereby approved shall not be constructed until a scheme of compensatory planting and landscaping has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details and implemented within one month of the commencement of works of the access.
In the interests of visual amenity
6. The access hereby approved as shown on the layout plan received by the Local Planning Authority on 21/01/2011 (Drawing No. Nursing: Outline Planning: 01.B - Plan Dated:23rd September 2010) is only for the access and does not include any hardstanding areas for car parking and storage.
For the avoidance of doubt
7. Notwithstanding the approved plans a scheme for refuse and cycle storage, lighting and boundary treatments shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.
In the interests of visual amenity and to promote sustainable transport
8. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.
In the interests of crime prevention
9. The proposed building shall not exceed 2 storeys in height
In the interests of visual amenity
10. No development approved by this permission shall be commenced until a scheme for the provision of land drainage measures have been submitted to and approved in writing by the Local Planning Authority. The drainage works

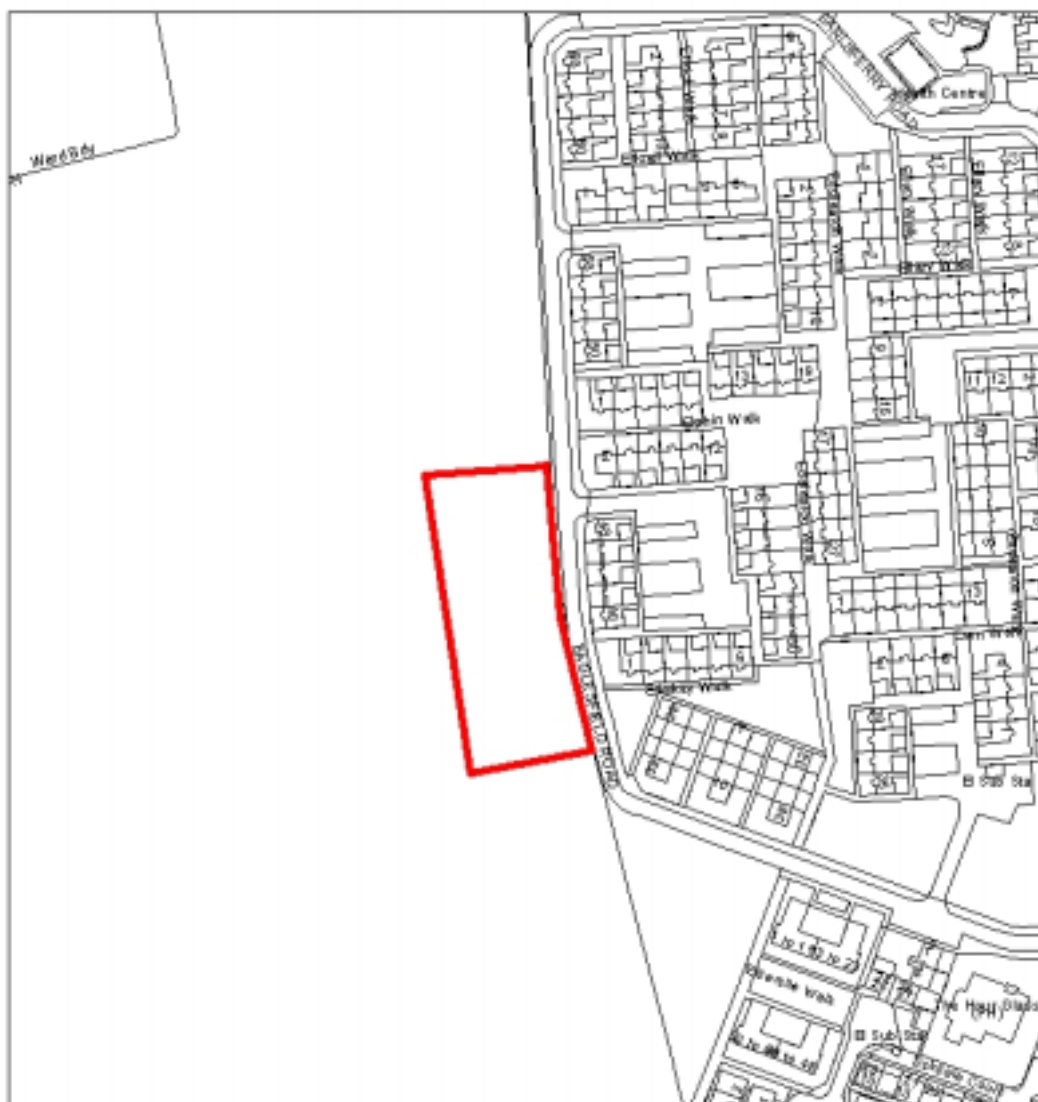
shall be completed in accordance with the approved details and a timetable agreed.

To prevent the increase risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

11. A scheme to incorporate energy efficiency measures and embedded renewable energy generation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
To encourage sustainable development
12. No development shall take place until details indicating existing and proposed levels, including finished floor levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall conform with the approved details.
In the interests of visual amenity
13. Prior to the commencement of works on site a scheme detailing a wheel washing facility for use during the construction period shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved scheme shall be used during the construction period, unless otherwise agreed in writing with the Local Planning Authority.
In the interests of amenity
14. No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. Once agreed the scheme shall be carried out in accordance with the approved scheme. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording;
 2. The programme for post investigation assessment;
 3. Provision to be made for analysis of the site investigation and recording;
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 5. Provision to be made for archive deposition of the analysis and records of the site investigation;
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.In the interests of preserving potential archaeological importance
15. No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 14.
In the interests of preserving potential archaeological importance
16. The development shall not be occupied until the site investigation and the post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under

condition 14 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
In the interests of preserving potential archaeological importance

17. The development shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
18. No development approved by this permission shall be commenced until a scheme for the provision of a foul drainage system shall be submitted and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details.
For the avoidance of doubt.
19. Unless otherwise agreed in writing by the Local Planning Authority the hereby permitted nursing home shall be occupied until traffic calming measures on Eaglesfield Road have been implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority. Once implemented the traffic calming measures shall be retained for the lifetime of the development.
In the interests of highway safety.
20. The development hereby approved shall not commence until a scheme for the removal of hedges has been submitted to and approved in writing by the Local Planning Authority. The hedges should not be removed during the bird breeding season, taken to be March-July inclusive unless they are first checked by a qualified ecologist and it is confirmed in a report to the LPA by that ecologist that no breeding birds are present. Once provided the hedges shall be removed in accordance with the agreed scheme.
In the interests of protecting the habitat of breeding birds

EAGLESFIELD ROAD

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 05/04/11
	SCALE 1:2000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2011/0031	REV

No: 3
Number: H/2011/0220
Applicant: C/O AGENT
Agent: Savills Commercial Limited Mr Timothy Price Fountain Court 68 Fountain Street MANCHESTER M2 2FE
Date valid: 15/04/2011
Development: External alterations to elevations and internal works to create 3 new units and associated works to the car park (resubmitted application)
Location: Units 1 and 2 Bum Road HARTLEPOOL HARTLEPOOL

The Application and Site

3.1 The application site is a relatively modern retail development prominently located at the junction of Stockton Road and Burn Road on one of the main routes into the town centre. It is a gateway site and is located in the Stranton Conservation Area. The building is currently vacant and is situated in the centre of the site with parking areas to the east, south and south west and a servicing area to the west. To the north is a public road beyond which is the Grade II* listed Church Of All Saints and its associated Church Yard. To east is Stranton beyond is a modern Macdonalds restaurant building. To the south east is a round-a-bout beyond which is the car park of Tesco's. To the west is a rear access road serving a terrace of mainly Victorian commercial properties, some with residential accommodation above, which face the site with their rear elevation. To the south is Bum Road beyond which is a wide grass verge and Vicarage Court a modern sheltered housing complex.

3.2 It is proposed to undertake alterations to the building to create three retail units with associated works to the car park. The application is a resubmission following the earlier refusal of a similar scheme on the site which was subsequently approved on appeal (H/2010/0245) and an identical scheme which is the subject of an outstanding appeal (H/2010/0592). In terms of the external works the proposed alterations include the alteration and replacement of the existing mansard style roof with dark grey micro rib cladding with pressed metal coping to introduce a more box like profile. Also proposed is the introduction of a new service entrance to the rear (west) elevation and a new entrance and relocation of an entrance on the front (east) elevation. The new entrances will accommodate brick piers and cedar boarding above the doorways. New entrance doors and screens will be incorporated and personnel doors repainted. Redundant existing openings will be infilled with red brick. New signage is also indicated though this would also need to be the subject of a separate application for advertisement consent. Internally the units will be subdivided into three retail units (743 sqm, 464 sqm, 451 sqm) with ancillary service areas removed. Externally a new service lay-by will be formed to the rear requiring the removal of several trees. New tree planting will be provided to the frontage (east) to compensate for the loss of trees. The pedestrian areas/pathways around the building will be relayed with concrete paving. Disabled parking (3) and parent and child parking (5) will be accommodated and the parking will be extended slightly into the landscaped area to the front of the building. The works will result in a net

reduction in the car parking of 5 spaces. The application does not seek to extend the range of goods which can be sold from the units.

Planning History

3.3 H/OUT/496/85 Outline planning application for the erection of non-food retail warehouse. Approved 11th December 1985. The approval was subject to a legal agreement dated 11th December 1985 which restricted the sale of goods at the site these are detailed in the agreement but fall under the broad headings of timber products, hardware, plumbing goods, electrical goods, building maintenance and construction materials, insulation materials, furniture, flooring, wall tiles, decorating materials, equipment, DIY, leisure products, DIY motorcar, Garden Products.

3.4H/RES/553/85 Approval of reserved matters relating to external appearance of the building and landscaping. Approved 13th February 1986.

3.5 H/ADV/0317/94 Display of a roof sign (retrospective application). Refused 27th June 1994. For reasons relating to the impact on the setting of the listed church, and that the sign would result in advertisement clutter detrimental to the visual amenities of the area and the church. A subsequent appeal was dismissed the Inspector concluding that the sign would be detrimental to amenity.

3.6 H/2010/0245 Alterations to elevations and works to create three retail units and associated works to car park. Refused 7th July 2010. For the following reasons“ It is 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 would therefore 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”. The applicant appealed against this refusal and the appeal was allowed (decision attached).

3.7 H/2010/0592 Alterations to elevations and works to create three retail units and associated works to the car park (re-submitted application). This application was submitted prior to the appeal decision on the above planning application being received. It was refused for the following reasons “It is 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 would therefore 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.” The applicant has appealed against this refusal of planning permission and the appeal is currently under consideration. In the meantime the applicant has resubmitted an application for the same scheme and it is this application which is currently under consideration.

Publicity

3.8 The application has been advertised by site notice, neighbour notification and in the press.

3.9 At the time of writing no representations had been received.

3.10 The time period for representations to the neighbour notification letters expires on 12th May 2011, the time period for representations to the site notice and in the press advert expire after the meeting.

Consultations

3.11 The following consultation replies have been received:

Economic Development - I support the proposals as the project will provide additional business space encouraging private sector investment and job creation.

Environment Agency - We have no objection to the development as proposed. Although given the nature of the development, we have not recommended this as a condition, you may wish to consult your emergency planners to consider whether this is an opportunity to request that an emergency evacuation plan be produced by the applicant given that this site is within a high risk flooding area (flood zone 3).

Arboriculturalist - The proposal involves the removal of four existing trees, which are located within the Stranton Conservation Area, from an area to the rear of the site to enable formation of a new service lay-by. I would not raise an objection to the removal of these trees as the proposal includes the provision of six new trees to be located to the front of the site which will adequately offset the resulting loss of amenity.

The positions, size and species of the new trees are shown on the submitted site layout plan and are considered appropriate; however insufficient detail of the landscaping proposal and subsequent maintenance is provided to enable a full assessment and therefore full details will be required by condition.

Public Protection - No objection

Conservation Officer - Comments awaited.

Head of Property Services - Comments awaited.

Northumbrian Water - Comments awaited.

NEDL - Comments awaited.

English Heritage - Comments awaited.

Planning Policy

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

Com13: States that industrial, business, leisure and other commercial development will not be permitted in residential areas unless the criteria set out in the policy relating to amenity, design, scale and impact and appropriate servicing and parking requirements are met and provided they accord with the provisions of Com8, Com9 and Rec14.

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, Com9, 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.

GEP7: States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

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.

Tra15: States that new access points or intensification of existing accesses will not be approved along this road. The policy also states that the Borough Council will consult the Highways Agency on proposals likely to generate a material increase in traffic on the A19 Trunk Road.

PLANNING CONSIDERATIONS

3.13 The main planning considerations are the impact of the development on the vitality and viability of the town centre and other centres, the impact on the character and appearance of the conservation area, the setting of the nearby listed building and the visual amenity of the area, highway considerations, economic/employment benefits, the impact on the amenity of neighbours and flooding.

3.14 As a number of consultee responses are outstanding an update report will follow. In light of the recent appeal history it is anticipated however that the recommendation will be to approve the application subject to conditions.

RECOMMENDATION : UPDATE REPORT to follow



The Planning
Inspectorate

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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2

Appeal Decision APP/H0724/A/10/2139134

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

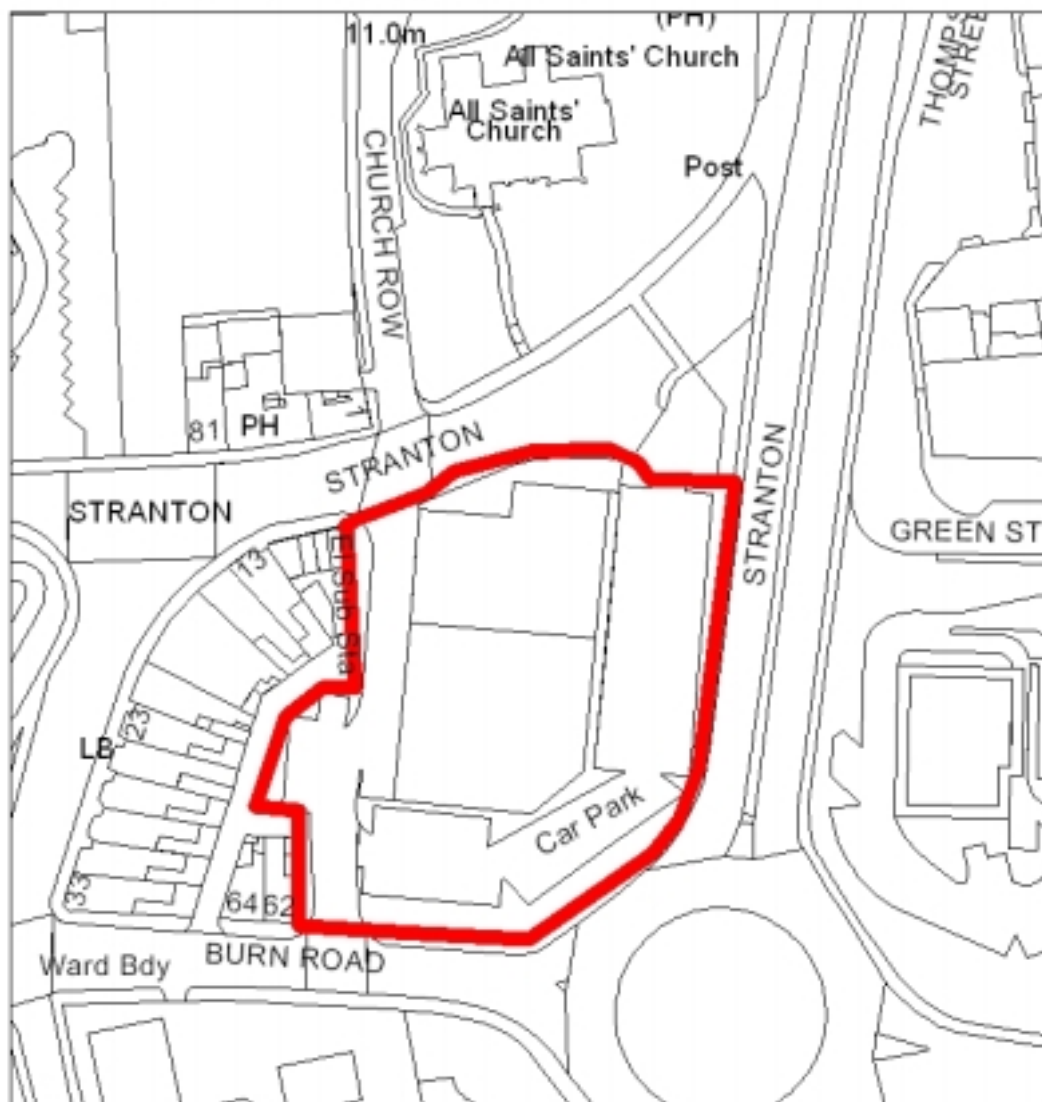
Appeal Decision APP/H0724/A/10/2139134

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.

UNITS 1 AND 2 BURN ROAD

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 06/04/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2011/0220	REV

No: 4
Number: H/2011/0176
Applicant: Mr T Horwood c/o Agent
Agent: SL Planning Ltd Mr Stephen Litherland 12 Cragston Close Hartlepool TS26 0ET
Date valid: 14/04/2011
Development: Erection of a detached single storey dwelling house for use in conjunction with existing dwelling house
Location: 42 BILSDALE ROAD HARTLEPOOL

The Application and Site

4.1 The application site is a semi-detached dwellinghouse with associated access and curtilage. It lies on the west side of Bilsdale Road. To the north and south are other residential properties and their associated gardens. To the west is a public right of way beyond which is a railway line and embankment.

4.2 The dwellinghouse (42) is located at the front (east) side of the site. To the rear is a relatively large parcel of land, largely laid to grass which was incorporated into the curtilage of number 42 under the provisions of a planning permission in 2005 (H/2005/5334). A paved access has subsequently been constructed under permitted development rights which connects this land to Bilsdale Road. The access passes between 42 and 40 Bilsdale Road and their associated rear gardens. Walls have also been constructed to enclose the sides of the gardens to the front and rear of number 42.

4.3 It is proposed to erect a detached single storey dwellinghouse on the land to the rear of the house. Access will be taken via the access described above. The dwellinghouse will accommodate three bedrooms (one en-suite) a kitchen/dining room, living room, bathroom, utility and pantry. Also indicated on the proposed site plan are an extended driveway/turning area and a garage, (these have not been constructed). The applicant indicates that the new dwellinghouse would be occupied by the applicant, his wife and their two children with the applicant's daughter and her family occupying the existing property (42 Bilsdale Road). It is understood that the applicant is willing to accept a planning condition or sign a section 106 agreement restricting the occupation of the new dwellinghouse.

Planning History

4.4 The site has a complicated planning history including a history of refusals and unsuccessful appeals for residential development.

4.5 In April 2004 planning permission for the demolition of 42 Bilsdale and the erection of 5 dwellings and associated garages and a private way was refused (H/FUL/0108/04). A subsequent appeal was dismissed in April 2005.

4.6 In June 2005 planning permission was approved for the incorporation of an area of land to the rear into the curtilage of 42 Bilsdale Road, subject to conditions (H/2005/5334). These conditions included a condition requiring the approval of means of boundary enclosure (2), a condition removing permitted development rights for outbuildings and hardstandings (3), a condition removing permitted development rights for the erection of fences, gates or other means of enclosure (4), and a condition removing rights to form a vehicular access onto Blackberry Lane (5). The applicant subsequently appealed against the imposition of conditions 3, 4 and 5 and the appeal was allowed. Consequently permitted development rights were not removed from the approved curtilage extension.

4.7 In September 2005 planning permission was granted for the erection of a garden shed in the north east corner of the site (H/2005/5613).

4.8 In November 2005 planning permission was refused for the erection of 4 dwellings with detached garages on the site (H/2005/5833). A subsequent appeal was dismissed in December 2006.

4.9 In February 2006 planning permission was refused for the erection of 2 dwellings with detached garages and a private driveway on the site (H/2005/5997). A subsequent appeal was dismissed in December 2006.

4.10 In March 2007 an application for the erection of a detached bungalow and detached double garage and a single detached garage including alterations to access was refused (H/2007/0006). A subsequent appeal was dismissed. The appeal decision is **attached**. The Inspector concluding that the proposal was an unacceptable form of tandem development which would have a significant adverse impact on the occupiers of no 42 Bilsdale Road in relation to noise and disturbance associated with the proposed drive by the applicant.

4.11 In May 2010 an application for a certificate of Lawfulness for a proposed development comprising erection of a detached double garage, associated driveway and front and rear walls was determined. On the basis of the information provided the council took the view that the developments were permitted development (H/2010/0038).

4.12 In August 2010 an application for the erection of a detached single storey dwelling for use in association with the existing dwellinghouse was received. (H/2010/0448). The application was identical to the application currently under consideration. A report with a recommendation of refusal was prepared to the October 2010 meeting of the Planning Committee but the application was withdrawn before it was considered.

Publicity

4.13 The application has been advertised by neighbour notification (12) and site notice.

The time period for representations by neighbours expires on 6th May 2011. The time period for representations to the site notice expires on 12th May 2011.

A single letter of objection has been received. The writer raises the following issues:

- Garden grabbing
- Wants a private estate on his land which street is not suited to.
- Why doesn't he build behind his house in Seaton Lane.
- Precedent, he will want more.

COPY LETTERS C

Consultations

4.14 The following consultation replies have been received:

Head of Public Protection - I cannot see any substantial difference regarding this application and the application made in 2007 which was dismissed on appeal. The single storey dwelling would appear for all intent and purpose as an independent dwelling. I am therefore of the opinion that this application should be resisted.

Traffic & Transportation – No comments received.

Northumbrian Water – No objections.

Parks & Countryside - To the rear of 42 Bilsdale Road, there runs a Public Footpath, namely No. 4, Seaton Parish. The Public Footpath is for the use of pedestrians only. There are no public rights for the use of vehicles of any description. The Property of 42 Bilsdale does not have any vehicular rights attached to it, relating to the access to and from the above named public footpath. At no time can any equipment, vehicles or materials be transported to and/or from the named property, via this public footpath, be they private or commercial. At no time must the public footpath be obstructed by the placement of any equipment, vehicles or materials, be they private or commercial.

Planning Policy

4.15 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.

Hsg11: States that extensions to provide accommodation for relatives will be approved where they are designed to enable incorporation into the existing dwelling when no longer required. Where extensions are not appropriate and a separate dwelling is provided within the curtilage, planning conditions will bind its occupation to that of the main dwelling.

Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

Planning Considerations

4.16 The main planning considerations are policy, impact on the amenity of neighbours and highways.

As key consultation responses are outstanding an update report will follow.

RECOMMENDATION – UPDATE REPORT to follow



Appeal Decision

Hearing held on 24 October 2007

Site visit made on 24 October 2007

by **Bern Hellier** BA(Hons) MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

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email: enquiries@pim.gov.uk
gov.uk

Decision date:
20 November 2007

Appeal Ref: APP/H0724/A/07/2039591

42 Bilsdale Road, Hartlepool, Cleveland, TS25 2AH

- 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 T Horwood against the decision of Hartlepool Borough Council.
- The application Ref H/2007/0006, dated 4 January 2007, was refused by notice dated 1 March 2007.
- The development proposed is the erection of a detached bungalow, double garage, single garage and new private drive.

Decision

1. I dismiss the appeal.

Application for costs

2. At the hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Main issue

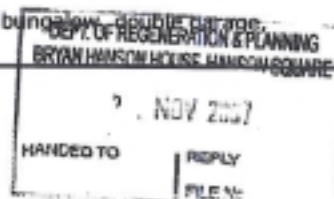
3. I consider the main issue is the effect of the proposal on the living conditions of the occupiers of 40 and 42 Bilsdale Road in relation to noise and disturbance associated with the proposed drive.

Reasons

4. The appeal site is a substantial area of garden land to the rear of a row of semi detached houses backing onto an unmade lane and railway line. The garage attached to the side of No 42 would be demolished and a shared drive would run alongside the boundary with No 40. A new garage and parking area for No 42 would be provided within the appeal site. The proposed bungalow would be a considerable distance from the street so that the drive would be used by the vehicles of visitors, delivery services and occupiers.
5. The lane to the rear of the site is little used. Apart from the occasional sound of trains on the adjacent railway the area of back gardens is quiet. The introduction of the noise of vehicles into this setting would be noticeable and uncharacteristic. The effect on No 40 would not be unreasonable since it would be mitigated by the noise buffer provided by its attached garage. However I consider the effect on No 42 would be unacceptable. The significantly reduced width of this plot would bring vehicles close to the rear windows of the property and the remaining narrow garden area. Whilst acoustic fencing would reduce

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22 NOV 2007



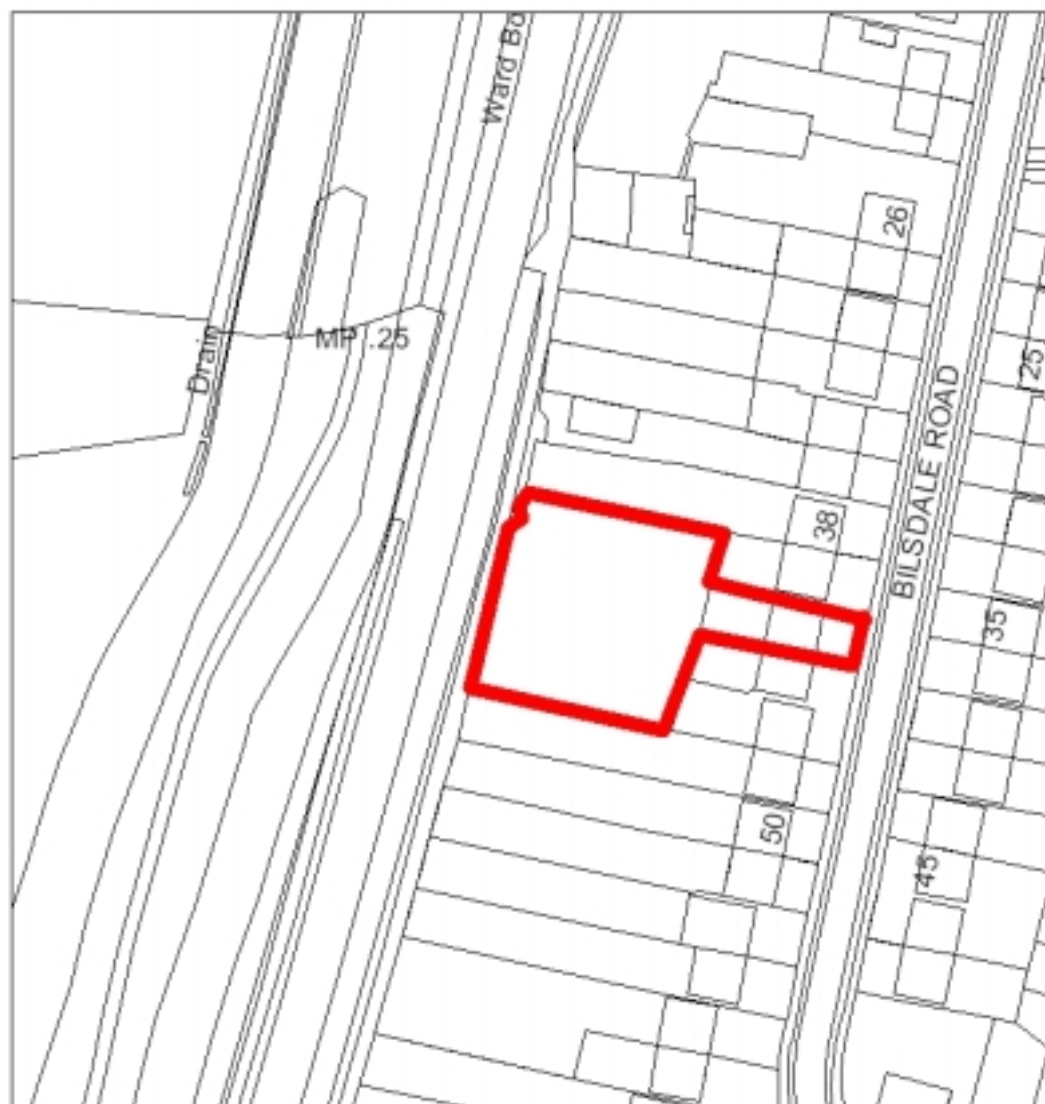
Appeal Decision APP/H0724/A/07/2039591

noise at ground level it would not be eliminated. It could break through or come over the fence, or be reflected from neighbouring structures. It would be unpredictable in timing and volume and could occur at unsocial hours.

6. Three previous appeals for residential development on the appeal site have been dismissed. One was for two dwellings and additional garaging with a shared drive similar to that now proposed (Ref APP/H0724/A/06/2010866). Whilst the decision in that case was finely balanced, it does not follow that a single dwelling would necessarily be acceptable. Indeed the Inspector implies that the proximity of the proposed drive to the reduced garden area of No 42 would result in an unsatisfactory layout.
7. I found no evidence of similar tandem development in the immediate neighbourhood. I visited examples elsewhere in Hartlepool. To the rear of 65 Seaton Lane a dwelling has been allowed on appeal served by a separate, parallel access. In Eldon Grove there is a short, narrow shared access, although I was unable to establish its impact on properties to the rear. Other developments have more space between frontage properties. None of these is directly comparable to the proposed development.
8. From measurements taken on site it was established that the appellant owns approximately 2.9 metres to the side of No 42. This would be the maximum width available for a drive and the actual width might well be less because of the need to take account of the change in level between the two existing properties and to protect the access rights of No 40. The drive narrows at a point where it would be hard up against the gable end of No 42. As a result those leaving the front or rear of the house could step out into the path of approaching vehicles. Whilst this would not happen frequently it would be a dangerous situation and reinforces my conclusion that the appeal should be dismissed.
9. I conclude that the proposal would be an undesirable form of tandem development which would have a significant adverse effect on the living conditions of the occupiers of 42 Bilsdale Road in relation to noise and disturbance associated with the proposed drive. As such it would be contrary to Policies GEP1 and Hsg9 of the adopted Hartlepool Local Plan.
10. I acknowledge that the proposal would make effective use of previously developed land within the development boundary of the town. It would also comply with required highway and building design standards. The Council's Public Protection Officer does not object, but his focus is on environmental health legislation. In this case I consider the noise and disturbance generated would be detrimental to residential amenity even though it might not amount to a statutory nuisance. I also note that, in the future, there is likely to be more traffic on the railway and therefore more associated noise. I have taken account of these and all other matters raised, including the previous appeal decisions, but they do not outweigh the harm the development would cause in relation to the main issue.

Bern Hellier

INSPECTOR

42 BILSDALE ROAD

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 27/04/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2011/0176	REV

No: 5
Number: H/2010/0296
Applicant: MR E BAKER MAINSFORTH TERRACE HARTLEPOOL
 TS25 1UB
Agent: MR E BAKER 37 OAKLAND AVENUE HARTLEPOOL
 TS25 5LD
Date valid: 09/06/2010
Development: Change of use to skip hire and skip storage site and
 alterations to garage (part retrospective)
Location: UNIT 3 SANDGATE INDUSTRIAL ESTATE
 MAINSFORTH TERRACE HARTLEPOOL

The Application and Site

5.1 The application site is an existing yard located off a cul-de-sac on the east side of Mainsforth Terrace on the Sandgate Industrial Estate. The site currently accommodates an office building and two garages. It is enclosed on the west, south and east side by a high enclosure formed by steel sheets. To the south west corner is an access gate. The site is bounded to the north and west by an adjoining commercial site which is occupied by an L-shaped building. This backs onto the site with a blank elevation on its north side but is set back slightly from the site on its west side, there are several windows in this elevation. To the east is another small yard. To the south is a roundabout located at the end of the cul-de-sac opposite which are various commercial properties.

5.2 It is proposed to use the site for skip hire and storage. It is not intended to store waste on the site with the skips brought back onto the site only after emptying at a licensed disposal or recycling site. Two skip vehicles will be garaged at the site. Twenty four skips will be stored on the site to a maximum of two skips high. Part retrospective permission is also sought for alterations to a single storey building on the site, these alterations including raising the roof height of the building and the insertion of a vehicular door in the south elevation.

Publicity

5.3 The application has been advertised by neighbour notification (8), site notice and in the press. The time period for representations has expired. No representations were received.

Consultations

5.4 The following consultation responses have been received.

Engineering Consultancy: I would have no contaminated land comments given that proposal will not include any significant earthworks.

Traffic & Transportation: No highway or traffic concerns.

Northumbrian Water: No objections.

Environment Agency: The Environment Agency has assessed this application as having a low environmental risk. We will not therefore be making any specific comments in relation to this application.

Public Protection: No objection.

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.

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

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

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

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

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

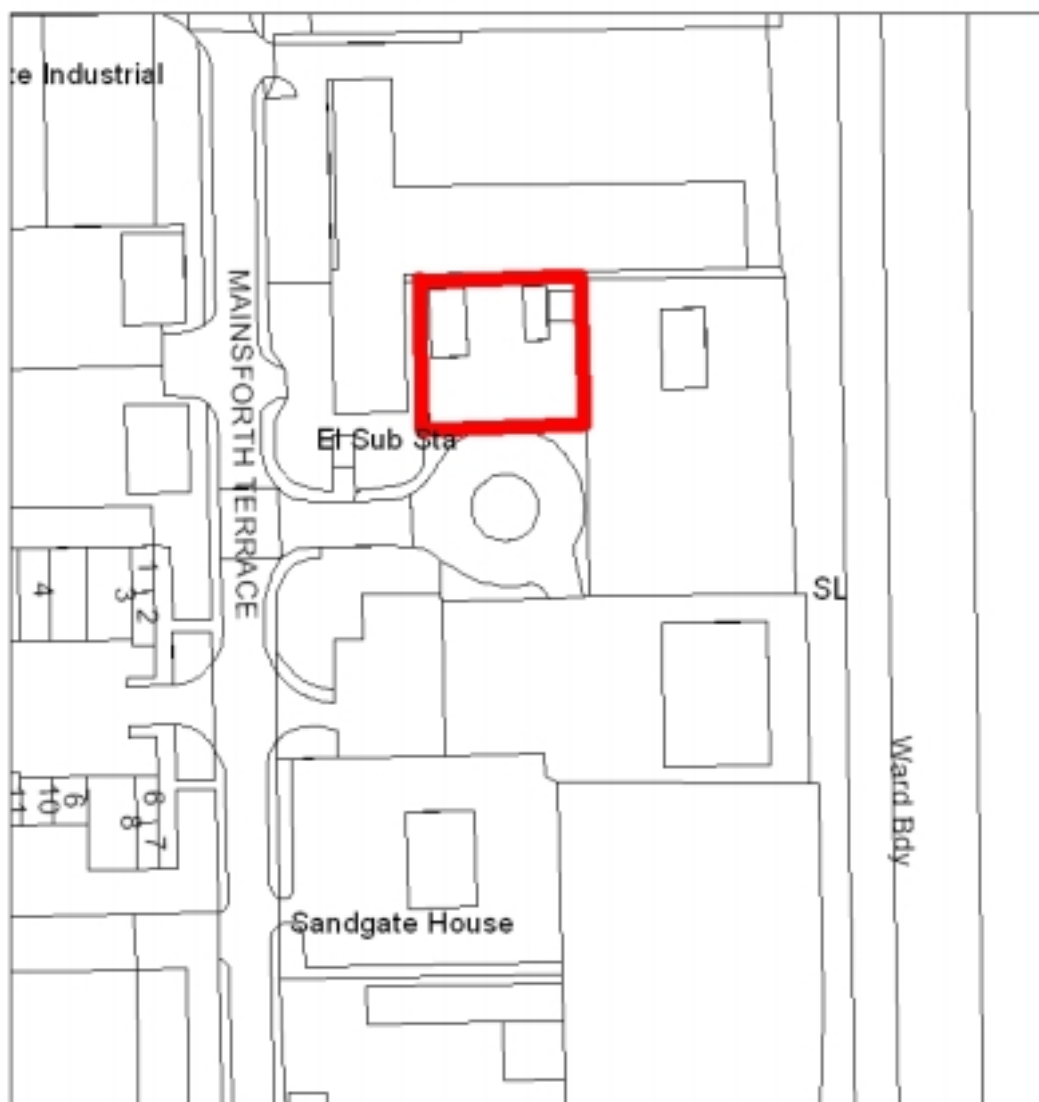
In terms of National Policy PPS 23 Planning and Pollution Control is relevant to the determination of this application.

Planning Considerations

5.6 The main planning considerations are policy, impact on the amenity of neighbouring businesses, visual amenity and highway safety.

An update report will follow.

RECOMMENDATION – UPDATE REPORT to follow

UNIT 3 SANDGATE

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 06/04/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0296	REV

No: 6
Number: H/2011/0055
Applicant: Mr Frederick Randall 17 Stanmore Grove HARTLEPOOL
 TS25 1DP
Agent: England & Lyle Morton House Morton Road
 DARLINGTON DL1 4PT
Date valid: 01/02/2011
Development: Change of use to a waste transfer station/recycling facility
 and associated works (resubmitted application)
Location: Joe's Skips Brenda Road HARTLEPOOL

The Application and Site

6.1 The application site is located on the west side of Brenda Road just to the north of the main entrance to Corus (steelworks). Neighbouring uses are a mix of industrial uses including steelworks, haulage yards and engineering works. The nearest residential property is 'The Gatehouse' located on Brenda Road approx 54m north of the application site. The site is 360m west of residential properties in Seaton Carew and 330m south of Seaton Lane and Golden Flatts School.

6.2 Planning consent was granted by Stockton Rural District Council (on behalf of Durham County Council) in February 1964 for the use of the site as a 'scrap metal dealers yard'. This use has been carried out since then by the same family.

6.3 The current proposal involves the change of use of part of the site to a waste transfer/recycling facility. The applicant intends to import mixed waste onto the site in association with a skip hire business. The waste will be sorted by type, bulked up and dispatched from the site, either sold as a commodity or taken to a licensed waste disposal site.

6.4 The waste brought onto the site will consist of materials such as brick, concrete, hardcore, wood, metals, plastic, textiles, rubber, soils, paper, cardboard, cans, foil, paints, plasterboard and green waste. This will be limited to materials specified in the European Waste Catalogue and dictated by the relevant Environmental Permit, regulated by the Environment Agency.

6.5 The applicant has stated that no putrescible, household or commercial kitchen waste will be brought onto site. Any such waste would be separated and removed from site.

6.6 It is expected that a max of 200 tonnes of waste will be processed each week.

6.7 In terms of plant and machinery, the business has a 360 grapple grab for the sorting of waste, a 15 tonne loading shovel, and 18 tonne tipper wagon and skip wagons. The maximum vehicle movement is expected to be no more than 20 (10 in and 10 out) per day.

6.8 Hours of operation are 6am to 6pm Monday to Friday and 7am to 2pm Saturdays with no Sundays or Bank Holidays.

6.9 The plan submitted with the application indicates that just less than half of the existing site area would be used in connection with the business and the rest laid to grass. The operational area of the site will comprise a parking area, a compound for garaging, office and vehicle/plant storage and an area for hard standing. This hard standing area will include an area for skip storage, 4 walled storage bays and a holding tank for drainage. The site is accessed directly from Brenda Road.

6.10 An impermeable hard standing with a sealed drainage system, leading into a holding tank will be provided to deal with liquids arising from the waste together with any surface water runoff. The sub surface holding tank will be emptied by tanker as and when required.

6.11 The applicant has stated the existing lawful use as a scrap metal yard will cease if planning consent is granted for this waste transfer station.

6.12 It should also be noted that the use of the site as a waste transfer station/recycling facility has commenced without planning consent or the relevant EA permits.

Publicity

6.13 The application has been advertised by way of site notice, press notice and neighbour letters (4). To date, there has been no response.

The period for publicity has expired.

Consultations

6.14 The following consultation replies have been received:

Head of Public Protection – no objections subject to a number of conditions regarding dust suppression, wheel washing, no burning, all waste materials to be stored within properly drained impervious storage bays with height restriction. Must also condition wastes to be stored in accordance with EU waste catalogue

Traffic and Transport – no objections

Northumbrian Water – no objections

Environment Agency – originally objected on the grounds that there was insufficient information provided to demonstrate that the risk of pollution to controlled waters is acceptable. This objection has now been withdrawn by the EA provided that the following condition is imposed :-

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with risk

associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- * All previous uses
- * Potential contaminants associated with those uses
- * A conceptual model of the site indicating sources, pathway and receptors
- * Potentially unacceptable risks arising from contamination at the site

2) A site investigation scheme based on (1) to provide detailed information for a detailed assessment of the risk to all receptors that may be affected including those off site

3) The results of the site investigation and detailed risk assessment referred to in (2) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require express consent of the Local Planning Authority. The scheme shall be implemented as approved.

With regard to general surface water drainage the EAs standard advice should be taken into account.

Reason:

The information provided with the planning application indicates that the site has been subject to potentially contaminative land use (ie scrap yard). The environmental setting of the site is sensitive as it lies on the Sherwood Sandstone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment. The submitted preliminary risk assessment suggests that there is likely to be a thick layer of clay within the development area protecting the Sherwood Sandstone. This needs to be validated using site specific information.

The EA has also advised that there are two types of waste transfer permit for this type of site. The standard permit does not allow activity to be carried out in the open air within 200m of a residential property or work place.

For a transfer station within a building, there is no requirement for a specified distance from a residential property or a work place. These permits do however allow specified wastes (soils, stones and glass) to be stored outside on a hard standing.

If unable to meet any of the conditions in the standard permits, a bespoke permit can be applied for. This will have conditions specific to the site, to address the areas of the abovementioned standard permit that has not been complied with. This will

include an additional site specific risk assessment that identifies the problems and explains how that issue will be addressed.

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

Traffic and Transport – no objections

Engineering Consultancy – has concerns regarding drainage. A condition is required which covers the disposal of storm water drainage as detailed designs are required before development. This may also impact on the consideration of controlled waters (contamination) if a soakaway solution is proposed.

Planning Policy

6.15 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.

GEP7: States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

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

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

6.16 The Joint Tees Valley Minerals and Waste DPDs (development plan documents) are in their final drafts and have been submitted to the Secretary of State (11-11-2010). An Examination in Public was held in February 2011. The Inspectors report is expected mid May. On adoption, these policies will form part of the development plan for the Borough and will specifically replace all the saved Mineral and Waste policies in the Hartlepool Local Plan 2006. At the time of the hearing, the Inspector requested no changes to be made to the documents.

These DPDs are therefore considered relevant to this application in particular policies:-

MWC6: Sets out the strategy for the sustainable management of waste arising in the Tees Valley through the provision of sufficient waste management capacity, promoting facilities and development that drive waste management up the waste hierarchy, distribute sites across the Tees Valley so they are related to source, market or related industry, safeguarding the necessary infrastructure, and development the regional and national role of the Tees Valley for the management of specialist waste streams.

MWC7: Identifies requirements for development waste management facilities to meet identified requirements for composting of MSW, recovery of MSW and C&I, recycling of C&D, and additional treatment and management of hazardous waste.

MWC8: Identifies general locations for waste management sites including land located around the Graythorp and Haverton Hill road areas. Small waste management sites will be provided throughout the plan area.

MWP12: States that proposals for small scale waste management operations involving sorting, recycling or recovery from municipal solid waste and commercial and industrial waste will be permitted where they are located on industrial land, well located in relation to the source or market, would create no unacceptable impacts on amenity or operational viability of land either in isolation or cumulatively, and would not lead to an unacceptable impact on the highway network.

Government policy and advice is found in the following Planning Policy Statements;

PPS 1 - General Principles

PPS 10 - Planning for Sustainable Waste Management

PPS 12 - Local Spatial Planning

PPS 23 - Planning and Pollution Control

PPS 25 - Development and Flood Risk

Regional Planning policies will also be considered in the determination of this application.

Planning Considerations

6.17 The main considerations in this case are the appropriateness of the proposal in terms of the policies and proposals within the relevant development plan policies, the Joint Tees Valley Minerals and Waste DPDs with particular regard to the principle of the development in policy terms, the impact of the development on the surrounding area, on the environment, nearby residential properties and on highway safety.

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

Policy

6.19 PPS1: General Principles (2005), building upon Section 38 of the Planning and Compulsory Purchase Act (2004), states that ***‘Local Planning Authorities must determine planning applications in accordance with the statutory development plan, unless material considerations indicated otherwise’***.

6.20 In this instance, the statutory development plan comprises the adopted Hartlepool Local Plan (2006) and the Regional Spatial Strategy for the North East (2007). Whilst the Government has indicated their intention to revoke Regional Strategies in forthcoming primary legislation, legal challenge to the Department of Communities and Local Government (DCLG) initial revocation is ongoing. The current advice from DCLG is that the Government's intended revocation should be regarded as a material consideration. Weight shall therefore be given to RSS where relevant.

6.21 Notwithstanding the above, paragraph 14 of PPS1: General Principles (2005) further states that ***‘emerging policies in the form of draft policy statements and guidance, can be regarded as material considerations’*** and ***‘where a DPD has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility they will be adopted’***. PPS12: Local Spatial Planning (2004) states that an Inspector's report made after examination of the plan will be binding.

6.22 The Hartlepool Local Plan (2006) contains the currently adopted waste policies for the Borough of Hartlepool. However, Hartlepool Borough Council, along with Tees Valley partner authorities have prepared the Joint Tees Valley Minerals and Waste DPDs, which upon adoption will supersede the waste policies within the Local Plan. The DPDs were submitted to the Secretary of State on the 11 November 2010, and the Examination in Public was held on the 8 and 9 February 2011. The Inspector's Report is expected mid May 2011. On that basis, it is considered that in light of the guidance set out above, significant weight will be given to those policies within the emerging DPDs.

6.23 The DPDs were developed with and underpinned by a detailed and thorough evidence base. Part of this evidence base was the consideration of the waste arisings across the Tees Valley for the expected plan period of 2011 – 2026. In the

DPDs this need has been met by allocating waste management sites for various streams of waste across the Tees Valley. In short the DPDs allocate enough sites to meet this capacity.

6.24 Policy MW6 of the emerging Minerals and Waste DPDs (2011) states that the management of waste arising in the Tees Valley will be delivered by making sufficient capacity for recycling of household waste, recovery of Municipal Solid Waste (MSW) and Commercial and Industrial (C&I), promote facilities which drive waste management up the waste hierarchy, ensure distribution of the sites across the Tees Valley having regard to the proximity principle, safeguarding necessary infrastructure and development the role of the region in waste management terms. The key aspect of policy MW6 is that it makes provision for waste management capacity.

6.25 In terms of household waste, table 5.1, section 5.2 of the M&W DPDs Core Strategy (2011) indicates that there is sufficient capacity over the plan period for the recycling of household waste. Capacity is required for recovery of household and commercial and industrial waste, however. There is a policy requirement for capacity for 99,000 tonnes per annum (tpa), reducing to 47,000 tpa by 2015 before rising to 76,000 tpa in 2021 due to increase in waste creation and the limitation in landfill capacity.

6.26 Paragraph 5.2.12 identifies that 1,594,000 tonnes of construction and demolition waste will need to be dealt with every year by 2021, and 80% of that will need to be recycled by 2016 onwards. Table 5.3 identifies a shortfall in capacity for recovery of construction and demolition waste and therefore identifies a policy requirement for an additional capacity of 700,000 tonnes per annum.

6.27 Policy MWC7 identifies the need for facilities to deal with the identified capacity shortfalls including the composting and recovery of MSW/C&I and the recycling of at least 700,000 tpa of commercial and industrial waste from 2016 onwards.

6.28 In order to make provision for dealing with the capacity deficit, sufficient land must be allocated to ensure suitable and sustainable waste management facilities. Policy MWC8 identifies general locations for large waste management sites formed by clusters of facilities within identified locations. Policy MWP4 specifically identifies Graythorp Industrial Estate for facilities to manage and recycle 65,000 tpa over the plan period.

6.29 Small-sites are identified as having capacities no higher than 25,000 tpa and generally under 1ha in size. The DPDs indicate that facilities such as waste transfer stations or material recovery facilities could be located on either large or small scale waste management sites.

6.30 Policy MWP12 of the DPDs deals with small scale waste management operations. Proposals for small scale waste management facilities may include sorting, recycling or recovery from MSW or C&I waste. Such facilities will only be allowed where they are:

- located on land allocated for industrial uses or where there is an existing industrial use;
- are well located in relation to the sources of waste to be managed or the markets for the materials being produced;
- would create no unacceptable impacts on the amenity or operational viability of neighbouring land uses either on their own or cumulatively, and;
- would not lead to an unacceptable impact on the local highway network from any traffic generated.

6.31 PPS10: Sustainable Waste Management, as well as relevant case law, indicates that management issues, such as annual tonnages, are matters for the control of Environment Agency through permitting. Any control of the LPA over tonnages would therefore result in unnecessary duplication of controls, contrary to PPS10. Therefore it is principally for the LPA's consideration on the appropriateness of the principle of a waste management facility use on this site be it deemed either a small or large site. Regard must therefore be had to the potential for a larger operation in terms of annual throughput than currently may be proposed or experienced on this site or adjacent sites.

6.32 Whilst it is acknowledged that the site has been in use as a scrap metal yard for many years it is located in an area allocated for general industry. Policy Ind5e states that proposals for business uses and warehousing (included within classes B1 and B8) will be permitted in this area. Proposals for general industrial development (included within class B2) and for other uses which are complementary to the dominant use of a development will be approved where the Borough Council is satisfied that they will not have a significant detrimental effect on the amenities of occupiers of adjoining or nearby properties or prejudice the development of adjacent sites. In this respect planning conditions may be imposed to restrict general industrial developments to appropriate operations within the B2 use class.

6.33 According to the adopted Local Plan 'Bad Neighbour' uses such as waste transfer/recycling sites should be located in the Sandgate Area where there are a number of existing uses similar to the use in question. Policy Ind6 states that this type of use will only be permitted where there will be no significant nuisance to adjacent premises or highway users by virtue of dust, smell, vibration, smoke, noise, mud or slurry. The site must not be visually prominent from a main access road or from the railway and that the site is adequately screened. The site must also be of a sufficient size for the operations proposed and there is adequate car parking and servicing for the site. The application site is not in or close to this area. Regardless of this the emerging policy position which is considered to be of significant weight is that allocations in the DPDs provide sufficient capacity for waste needs.

6.34 The site is also outside the area allocated for 'waste management' uses within the MWC8 (General Locations for Waste Management) of the emerging DPD (Development Plan Document). Although this site would be classed as a small site within the above DPD, it is considered to be unacceptable for a waste management facility as;

(1) the future projected need for waste management facilities is met through allocations elsewhere across the Tees Valley (MWC6, MWC7 & MWC8).

(2) there is no similar current use in this vicinity and there is concern over the potential effects of a waste management facility on the amenity or operational viability of neighbours. (Policies GEP1 & MWP12)

6.35 Insufficient evidence has been provided to justify this location for a new waste transfer facility and would therefore be contrary to the adopted Hartlepool Local Plan (Ind 6, and GEP 1). Future identified needs for waste management facilities are met through allocations elsewhere across the Tees Valley, this principle and evidence base have been considered at an Examination in Public as discussed earlier.

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

6.37 Annex E of the above PPS10 also states that in testing the suitability of sites and areas for this type of use, consideration will be given to the proximity of vulnerable surface and groundwater. The primary aim is to guard against new or increased hazards caused by development. The most important types of development in this respect include facilities intended for the handling, compaction, treatment and disposal of household and commercial wastes.

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

6.39 As previously mentioned, it is acknowledged that the application site is already within an industrial area, however it is not within the 'bad neighbour' area as allocated in the current local plan. Whilst the emerging DPD makes allowances for small sites, such as this, in general industrial areas, there is no evidence put forward that the proposed use would be 'well located' in relation to the source of waste. The proposed business would rely on importing waste in the form of skips which are for general hire.

6.40 The nature of the proposed facility would be significantly different from the existing use as a scrap metal yard. Stockpiles of materials such as soil, rubble and paper would be stored on site in the open air as no sheds or other buildings, other than open storage bays have been indicated within the application.

6.41 The site is within 54 m of the closest residential property and 360 metres of other residential properties and schools to the north and east and adjacent to

manufacturing businesses which could be affected by processes carried out in this type facility.

6.42 In view of the above, having consideration for all policies and government guidance it is concluded that there is insufficient evidence that the proposed use is in accordance with the aims of sustainable development and the Governments overall objections for waste management. The use is contrary to policies GEP1 and Ind6 of the Hartlepool Local Plan and the emerging policies within the Joint Tees Valley Minerals and Waste DPD.

Impact on the surrounding area

6.43 Whilst the Head of Public Protection has not raised any serious concerns regarding the proposed use, a number of conditions have been recommended should approval be recommended. The site, which has been in use for many years subject to potentially contaminative use i.e. scrap yard, is located in a sensitive environmental setting on the Sherwood Sandstone, a principal aquifer. The existing site appears to have an earth floor without any significant hard standings, concrete bases or drains. Although no new or existing drainage has been shown on the submitted plans other than the proposed holding tank in the area of proposed hard standing, the application form states that foul sewage will be disposed of in the mains sewer and it is unknown whether there will be a connection to the existing drainage system. Surface water is to be disposed of in a soak away.

6.44 It should be noted that there are a number of open drains and ponds within a few metres of the site boundaries. Whilst these water features have no special status in ecological terms, it is likely that they support a certain amount of local wildlife and would be vulnerable to additional amounts of pollution particularly to a site without an appropriate drainage system. The Council's Drainage Engineer has concerns regarding the lack of drainage plans for the proposal particularly as the site is within 17m of fluvial flood zone 3 (drainage channels to the north and west of the site)

6.45 Although the site is reasonably well screened from the main road, additional fencing and landscaping could be provided by condition.

6.46 In terms of the effects of the proposal on human health the nearest residential property is a single dwelling on Brenda Road approx 54m to the north. There is a large primary school to the north and major residential areas in Seaton Carew, Seaton Lane and the newly built ' South Beach' development at Golden Flatts.

6.47 The potential for pollution to these residential properties and schools (and indeed to workers in nearby industrial sites) could be significant given the nature of the site, where most storage and processing will be carried out in the open air.

6.48 Whilst it is acknowledged that there are measures which can be undertaken to deal with pollutants such as noise, odour, dust, vibration, litter, vermin etc, in this particular case it is considered that the risk is great given the proximity to residential properties. The current use as a scrap metal yard is unlikely to give rise to serious amounts of dust, litter or odours. Even though the applicant states that no

putrescible waste will be purposely brought onto site, the very nature of skips being left at the roadside or on driveways would be likely to attract a certain amount of food waste/household waste. This can of course be isolated and removed but not altogether prevented. Furthermore the Local Planning Authority would have little control over the source of waste and commercial streams by nature have the potential for increased levels of putrescibles.

Highway Safety

6.49 The site is located on Brenda Road and appears to have an adequate means of access. The Councils Highway Engineer has offered no objections on either parking or highway safety grounds.

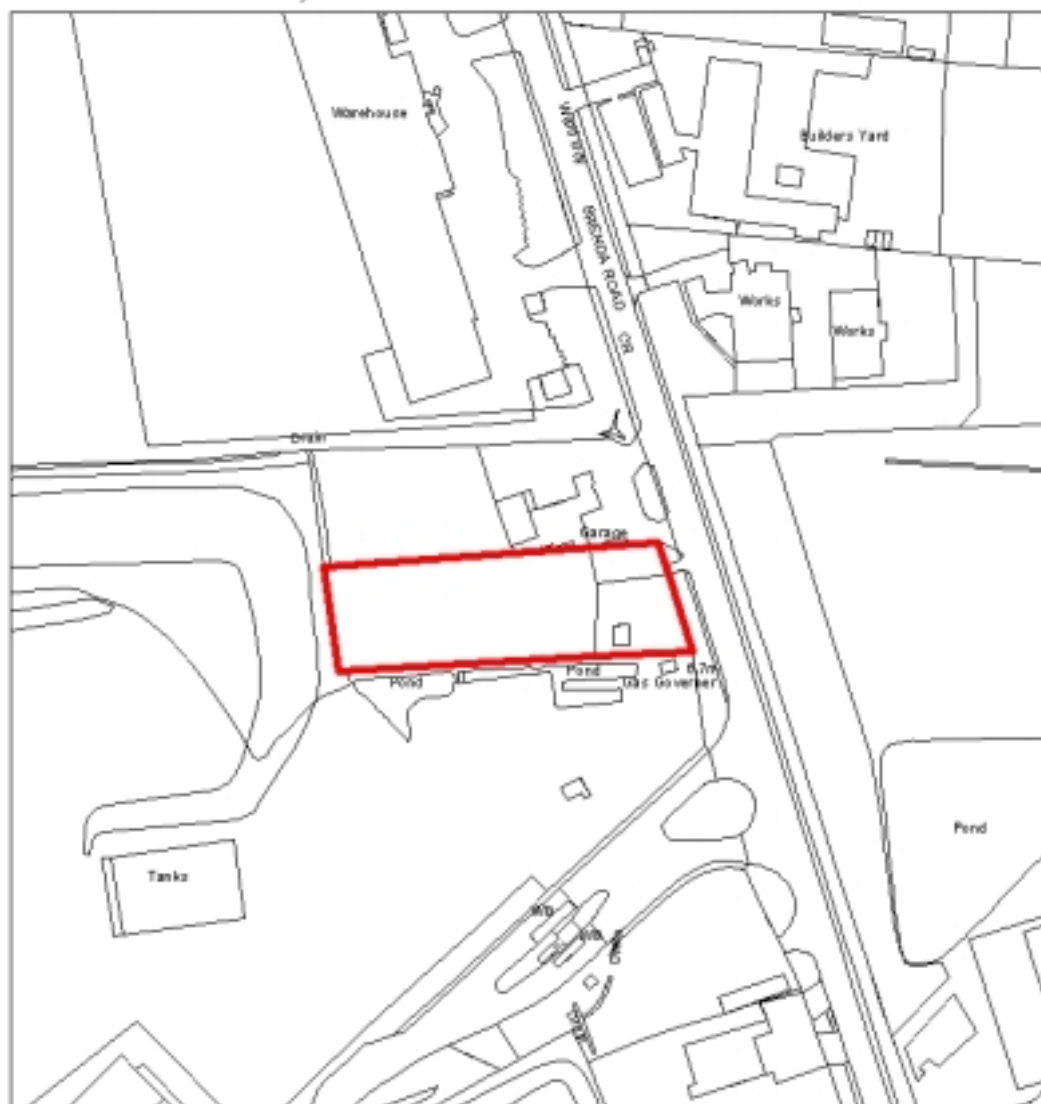
Conclusion

6.50 It is considered that whilst the provision of waste recycling facilities is to be encouraged it is equally important that such uses are located in appropriate locations and that the potential impact on adjoining occupiers, particularly on residential properties is given full consideration.

6.51 Having regard to relevant development plan and national planning policies, and the relevant material considerations discussed above, it is considered that the proposals are contrary to the strategic aims set out in the Tees Valley Minerals and Waste DPDs and would contribute towards an unacceptable cumulative impact on the neighbouring and visual amenity of the surrounding area.

RECOMMENDATION – Refuse for the following reasons:-

- 1 It is considered that the proposed waste transfer station/recycling facility is sited outside of the area allocated for ‘ Bad neighbour uses’ and would be detrimental to the amenities and living conditions of nearby residential properties contrary to policies GEP1, Ind5 and Ind6 of the adopted Hartlepool Local Plan 2006.
- 2 It is considered that the proposed development would compromise the strategic aims for sub-regional waste planning set out in the Tees Valley Minerals and Waste DPDs as there is sufficient provision for waste management capacity within existing sites, and the proposal would be contrary to Policy MWP4 and MWC8 of the Tees Valley Minerals and Waste DPDs (2011) which identifies the Graythorp area as the strategic location for the provision of waste management facilities within Hartlepool

JOE'S SKIPS, BRENDA ROAD

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 27/04/11
	SCALE 1:2000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2011/0055	REV

No: 7
Number: H/2011/0014
Applicant: Cecil M Yuill Ltd Cecil House Loyalty Road Hartlepool TS25 1GE
Agent: Cecil M Yuill Ltd Miss Louise Nicholson Cecil House Loyalty Road Hartlepool TS25 1GE
Date valid: 14/01/2011
Development: Residential development comprising 63 dwellings, associated access, roads, sewers and landscaping (Further amended site layout received - 21/04/2011)
Location: LAND TO THE WEST OF EAGLESFIELD ROAD HARTLEPOOL

7.1 The application appeared on the agenda for Planning Committee on 20th April 2011 but was withdrawn for further discussion with the applicant following the receipt of comments by the Traffic and Transportation Team with regard to levels of proposed parking provision. An amended site layout plan was received on 21 April 2011 and a full re-consultation exercise has been undertaken with regard to this.

The Application and Site

7.2 The application site is located on Brierton Lane, west of the junction with Masfield Road. The application site comprises of agricultural land predominantly within the limits to development of Hartlepool. To the north of the site lie residential properties on Brierton Lane, to the east Gardner House, a residential home for the elderly, further east are properties upon Eaglesfield Road. To the south and west of the site is further agricultural land.

7.3 The land is approximately 4.1 acres (1.6 hectares) on which 63 dwellings are proposed. The land is currently 'white' land in the adopted Hartlepool Local Plan. The site is generally level with a gentle slope from west to east with an outlook over open countryside to the west. Thirteen of the proposed plots have an area of their proposed curtilage which lies outside of the limits to development for Hartlepool. This includes rear and side garden areas as well as parts of houses in many instances. The site is proposed to be accessed by way of a new vehicular access off Brierton Lane. The application represents a departure from the adopted Hartlepool Local Plan 2006.

7.4 The proposal is for a mix of 2, 3 and 4 bedroom, 2 and 2½ storey dwellings. The development will incorporate 7 affordable homes that will be provided through an Regional Social Landlord. These properties will be both rented and shared ownership 2 and 3 bedroom homes.

Publicity

7.5 The application (amended plan received 21/04/2011) has been advertised by way of neighbour letters (33), site notices (x4) and press advert. To date, there has

been one letter of objection received. The application has been advertised previously in which 5 letters of no objection and 8 letters of objection, including a 12 signature petition of objection received

7.6 The concerns raised are:

1. The increased volume of traffic which could be up to 60 to 100 vehicles in and out of the one entrance.
2. The suggested parking bay with trees would restrict the view of our cars. A solution would be if the Council or Highways Department allocated the land at the front of the houses to the residents. This would solve parking problems and eliminate off road bikers and other vehicles using the road.
3. It is the only area of development that does not have a green belt between the existing houses and the new development. Currently the new development intends to start from the kerbside opposite the houses. I would prefer that the proposed development outside Eaglesfield Road be moved westward where the developer has available land.
4. The development will loom over the existing houses in Eaglesfield Road from the kerbside
5. The additional 650 houses is likely to equate to approximately 1300 vehicles which will use Brierton Lane in order to access both Catcote Road and the A689 which will cause congestion.
6. Concerns with regard to parking problems in front of properties on Brierton Lane. When it rains land gets boggy and residents are forced to park cars on side of road/Masefield Road which causes congestion. Could we purchase land in front of properties upon Brierton Lane? This will stop people turning on grass and anti-social behaviour concerns. Proposed parking bays by Yuills would not work.
7. Proposals will impact upon views
8. Concerns regarding wildlife
9. Concerns regarding impacts upon property values
10. Concerns regarding fence behind existing hedgerow which will make appearance of property very undesirable.
11. Suggestion to remove hedge and inset 20/30 foot grass verge which would prevent fly tipping.
12. Concerns regarding building on Greenfield Land
13. Concerns regarding environmental/social effect of disruption as well as construction will be considerable
14. Concerns regarding cost of hedge trimming and mess and the cost for the tax payer.
15. Concerns regarding proposed hedge then fence is not an appropriate layout
16. Design does not give the feeling of a community more an 'us and them' feeling.
17. Concerns regarding overlooking and crowding
18. Not an acceptable form of development
19. If planners/developers are so concerned for the environmental/wildlife that they feel they need to keep the hedge then why build there in the first place?
20. Concerns regarding lack of Countryside left.

21. I was bought up in a built up area when we moved here it was like moving to the heart of the country why cant my children grand children have the same opportunity.

The period for publicity is still outstanding and expires following the Committee meeting.

Copy letters D

Consultations

7.7 The following consultation replies have been received:

Engineering Consultancy – I note that the development site is positioned on Greenfield land. Historically from 1861, the land has been agricultural in use, with no former developments shown on the area. With this in mind, the site has a low contamination profile and I do not have any contaminated land concerns.

Landscape and Conservation:

Ecologist - The arboricultural report supplied with the application states that the proposal would see the removal of hedge 2, and the removal of two small sections of hedge 1. Section 9.2 of this report states that hedge 1 may meet sufficient criteria to be classed as important under the Hedgerow Regulations (1997). On inspection, the hedge did not meet the criteria nevertheless it is a well maintained and mature hedge which will provide valuable wildlife habitat and screening. However only two small sections of hedge 1 would be removed, which I do not consider would have a significant effect on the hedge. Hedge 2 contains more gaps than hedge 1 but would still provide wildlife habitat. The hedges should not be removed during the bird breeding season, taken to be March-July inclusive unless they are first checked by a qualified ecologist and it is confirmed in a report to the LPA by that ecologist that no breeding birds are present.

The arboricultural report further states in section 9.5 that overall these losses can be more than compensated for by the provision of new native hedges and trees as part of the landscaping for the site, which in turn would have a significant and long term positive long term effect on the local landscape. However the indicative soft landscaping plan does not appear to indicate new hedgerow planting.

I refer to my comments on the informal application for this proposal, which I have quoted below. In them I asked for a hedgerow or line of trees to be provided along the western boundary of the development to provide screening and habitat and as mitigation for the removal of the hedges. I would still like this to be provided as part of the submission of a detailed landscaping scheme which we would require as a condition of any approval.

The site of the proposal is currently under intensive arable production with the only features of ecological value being mature hedges on two sides with associated hedgerow trees and 2m grass margins. There is no need to provide an ecological

survey in this instance if the intention is to retain the hedges and the majority of the trees. The proposal to remove a section of mature hedge to provide access has the potential to disrupt bat flight lines but I am of the opinion that any such effects could be mitigated for in the landscaping proposals for the development so a bat survey would not be required.

The development would be very visible from the west as it would sit on the western boundary of a prominent ridge. Therefore I would like to see some significant landscaping along the western boundary of the development in terms of a hedge or a line of trees; this would also have the benefit of mitigating for the loss of part of the hedgerow and would improve the overall ecological value of the site.

Arboricultorist - I am pleased to see that this boundary treatment incorporates trees within the scheme but further details will need to be submitted to demonstrate how the hedge will be maintained once residents move in. My main concern is that once residents start to occupy their homes, they will want to enlarge their garden and any hedging plants will be gradually cut back or taken out altogether over a period of time. This also applies where fences are sited in front of hedges as it makes the garden even smaller.

Conditions need to be included if the existing and proposed landscaping is to be sustainable, otherwise I have no objections as it appears on plan.

Environment Agency – The EA have withdrawn their previous response with regard to proposed surface water drainage.

As the discharge is being directed to mains, discharge rates, attenuation and/or storage requirements must be agreed with NWL.

The applicant has shown where the NWL sewer discharges and that the discharge is directed eventually to the Greatham Beck. It has also been confirmed the maximum discharge rate will be attenuated to 6.3l/s. Due to the very small discharge rate, it should pose no increase in flood risk to the Beck.

Traffic and Transportation - There are no highway and Traffic concerns.

The scheme provides for 2 car parking spaces per property.

The Highway works should be carried out under a section 38 agreement or by advanced payment code.

Public Protection – No objection

Tees Archaeology – A number of conditions have been advised with regard to potential archaeological remains on site.

Cleveland Police – No objections to the development. It has been requested that the development achieves Secured by Design Accreditation.

Northumbrian Water – No objections

Hartlepool Civic Society - The Society would again implore the Council to retain the trees which remain in accordance with the report from the tree consultants.

Again as mentioned in our telephone conversation - it is bad enough for more countryside to be taken for housing but 63 dwellings, together with cars, services etc. seems a very dense development for such a site.

Cleveland Fire Brigade – No objections to amended scheme

Planning Policy

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

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

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

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

GEP9: States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

GN5: Seeks additional tree and woodland planting in this area through the use of planning conditions and obligations.

Hsg5: A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility, range and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

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.

Rur19: Reserves land on the western edge of the urban area for the creation of the Summerhill, Brierton to Cowpen Bewley greenway and requires that development in the vicinity takes account of the need to maintain an adequate through route for use by pedestrians, cyclists and horse riders.

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

Tra20: Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

Planning Considerations

7.9 The main issues for consideration in this case are the appropriateness of the proposals in terms of the policies and proposals contained within the Hartlepool Local Plan 2006, National Planning Policies, the design and layout, the impact of the development on the surrounding area and on the amenities of nearby residents, highway safety, parking, the break of the urban fence, the tenure breakdown of affordable housing, wildlife and archaeology.

National Planning Policy

7.10 National Policy in the form of PPS1 and PPS7 highlights the need to ensure that development proposals are based on sustainable development principles. Consideration needs to be given to: social inclusion - recognising the needs of everyone; effective protection and enhancement of the environment; prudent use of natural resources and maintaining high and stable levels of economic growth and employment.

7.11 Planning Policy Statement 3: Housing (PPS3) sets out the national planning policy framework for delivering the Government's housing objectives. PPS3 states: ' that the planning system should deliver:

- High quality housing that is well designed and built to a high standard.
- A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.
- A sufficient quantity of housing taking into account need and demand and seeking to improve choice.
- Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.
- A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.'

7.12 Both PPS1 and PPS3 advocate delivering sustainable development. Planning should facilitate and promote sustainable and inclusive patterns of urban development by ensuring that proposed developments support existing communities and contribute to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

7.13 In considering this application it is important to assess the principle of development related to a wider balance of material considerations when considering justification for this particular site. It is considered that there are more than adequate services and community facilities within close distance to the site and there are good transport links to neighbouring communities. The application site is therefore a sustainable location for development and in that respect the proposal is in accordance with guidance contained within PPS1 and PPS3.

7.14 The following extracts are outlined in Planning Policy Statement 3 are relevant to this application in terms of a potential lack of open space.

"Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted."

7.15 Concerns have been expressed with regard to the design of the proposals and whether the development is appropriate in its context. The adjoining Rift House residential area, and especially the Eaglesfield Road area, is characterised by the provision of areas of shared functional incidental open space, as well as private amenity space afforded to each dwelling curtilage.

7.16 The proposals do not offer a comparable level of provision of meaningful and useable areas of incidental open space. The areas of open space offered are essentially thin strips of planting and landscaping adjacent to the highway and are not suitable for informal recreation.

7.17 PPS 3 further states that “matters to consider when assessing design quality include the extent to which the proposed development:

- Provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies.
- Is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.”

7.18 Notwithstanding the above considerations and bullet points, on balance it is considered that the dwellings benefit from front and rear gardens, there are also areas of open space within the immediate vicinity which could be used for informal recreation by the occupants of the proposed dwellings. In addition, the developer has agreed to pay a contribution of £3150 towards green infrastructure. It is with regard to the aforementioned considerations that the amount of open space provided is considered acceptable.

7.19 The proposals are for 63 dwellings on a 1.67ha site; equating to a housing density of 38 dwellings per hectare (dph). The average for the urban edge residential areas is 28dph. The residential area, opposite the application site, at Eaglesfield Road, has a density of 29dph.

7.20 With regard to density considerations it is accepted that the proposed density is high. Notwithstanding this, PPS3 states:

“Density is a measure of the number of dwellings which can be accommodated on a site or in an area. The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form”

7.21 Given the above it is not considered that a refusal could be sustained based upon the high density of the site. The housing does not appear cramped on plan and the relationships between dwellinghouse within and without of the site comply with adopted guidance in terms of separation. Furthermore, the LPA have undertaken a viability appraisal on the proposal and it is appreciated and accepted that the proposal cannot be delivered at a lower density and still provide the 11% affordable housing and be considered economically viable.

Local Plan Policy

7.22 Concern has been raised with regard to a lack of open space provision within the application site. It is considered that this has been discussed previously in the report under the title National Planning Policy.

7.23 Further concerns have been expressed with regard to the encroachment beyond the Urban Fence (Rur1). The proposals are not entirely included within the limits of the urban fence. There are 14 dwellings and their curtilage outside the urban fence limit. It is considered that the site layout has been arrived at with regard to the general topography of the site. Notwithstanding this, there are proposals in the Core Strategy Preferred Options to allocate the land to the west of the established Rur1 urban fence, at Eaglesfield Road, as a new housing site. On

fine balance, it is considered that the deliverability of 7 affordable houses is of a benefit which outweighs the breaching of the existing urban fence and therefore the development is considered acceptable.

Design and Layout and Effect on Neighbouring Properties and the Area in General

7.24 The design of the individual dwellings is considered acceptable. In terms of the relationship with properties within and around the site the layout meets or exceeds the Council's guideline separation distances. It is not considered that the proposed development will significantly unduly affect the amenity of neighbouring properties in terms of loss of light or privacy. Whilst the development will appear prominent within the views of surrounding residential properties it is not considered that the impact upon outlook will be so significant to sustain a refusal. It is considered that the development will assimilate itself into the wider area over time.

7.25 A concern has been raised regarding the design of the development and that it does not give a feeling of a community. With regard to this, officers consider that the development represents a sustainable development which will support existing communities in line with both PPS1 and PPS3. There are linkages from the proposed site to the immediate area.

7.26 Concerns have been raised with regard to depreciation of property values however these concerns are not considered to be a material planning consideration.

7.27 A further concern has been raised with regard to social effects on disruption as well as construction. Whilst it is acknowledged that there will be an element of general disruption during construction it is not envisaged that the impact created will be a significant level which will disrupt people's lifestyles and amenity. The Head of Public Protection has raised no objections with regard to the proposed development.

Trees and Landscaping

7.28 A number of concerns have been raised with regard to the retention of the existing hedge to the eastern boundary of the application site. In short, a number of objectors have queried why the hedge is to be retained and why it can't be removed and a greenbelt inserted between the existing houses upon Eaglesfield Road and the rear boundaries of the proposed properties.

7.29 With regard to the above, officers consider the hedge to provide valuable screening and wildlife habitat. This view is supported by the Council's Ecologist. With regard to concerns suggesting alternative design and layout proposals, in terms of the boundary fronting Eaglesfield Road, it is considered prudent to state that the Local Planning Authority can only consider development on the site proposed. Whilst it is acknowledged that there is concern regarding the retention of the hedge the LPA do not consider its removal to be necessary. It is not considered that the appearance of the hedge with properties behind will appear undesirable.

7.30 In terms of maintenance issues, the applicant has confirmed that the landowner will keep ownership of the hedge, and ultimately liability of it. It is likely that the occupants of properties within the site facing the hedge will maintain their respective side and top of the hedge. The remaining side, as outlined above will be the responsibility of the land owner. Notwithstanding this, the hedge must be 'faced back' each year by the Council to prevent growth encroaching onto the roadway; this is required under the Highways Act. The Council's Horticulture Supervisor has advised that the landowner did cut the hedge on the last occasion prior to the Council carrying out any works. Should members decide to approve the application a suitably worded condition will be attached retaining the hedge for the lifetime of the development.

7.31 Both the Council's Ecologist and Arborist have requested the submission of a landscaping scheme by way of condition. Should members decide to approve the application an appropriately worded condition will be attached.

7.32 The site of the proposal is currently under intensive arable production with the only features of ecological value being the existing hedges. The Ecologist has stated that the proposal to remove a section of the mature hedge to the north of the site to provide access has the potential to disrupt bat flight lines but he is of the opinion that any such effects could be mitigated for in the landscaping proposals for the development so a bat survey would not be required. With regard to this the Ecologist has further stated that the hedges should not be removed during the bird breeding season, taken to be March-July inclusive unless they are first checked by a qualified ecologist and it is confirmed in a report to the LPA by that ecologist that no breeding birds are present. Should members decide to approve the application a suitably worded condition will be attached.

7.33 The Council's Arborist has advised a number of conditions with regard to the proposed development, again should members decide to approve the application there will be attached accordingly.

Affordable Housing

7.34 The proposals offer approximately 11% affordable housing contribution which is acceptable in planning policy terms and is welcomed. The 7 affordable units offered are of an appropriate house type and size, consisting of 2 and 3 bedroom houses; meeting the housing need in the local area. There are concerns however with regard to the tenure breakdown of the units offered detailed below:

3 x Social Rented (43%)
4 x Intermediate (57%)

7.35 Social rented housing is:

Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. The proposals set out in the Three Year Review of Rent Restructuring (July 2004) were implemented as policy in April 2006. It may also include rented housing owned or managed by other persons and provided under equivalent rental

arrangements to the above, as agreed with the local authority or with the Housing Corporation as a condition of grant.

7.36 Intermediate affordable housing is:

Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (eg HomeBuy), other low cost homes for sale and intermediate rent.

7.37 The preferred breakdown as outlined in the Tees Valley Strategic Housing Market Assessments (2007 and 2008) would be 80% social rented and 20% intermediate tenure. Notwithstanding this, there is no adopted local policy framework with which to be prescriptive regarding the units' tenure breakdown. Therefore, the proposed 11% affordable housing proposed is considered acceptable.

Drainage

7.38 Northumbrian Water have been consulted with regard to the proposed application and have raised no objections. The Environment Agency initially raised concern with regard to the proposed development in terms of surface water drainage. The EA have withdrawn the objection as the applicant has now shown that discharge is being directed to mains and all other considerations can be agreed with NWL.

Renewable Energy

7.39 Planning Policy Statement 22 (PPS22) sets out the Government's policies for renewable energy, which planning authorities should have regard to when taking planning decisions. With this in mind, and notwithstanding the provision of solar panels on the roofs of the proposed house types, should the proposal be recommended for approval it would be appropriate to attach a planning condition requesting a scheme to incorporate energy efficiency measures and embedded renewable energy generation to be submitted to and agreed in writing by the Local Planning Authority.

Police

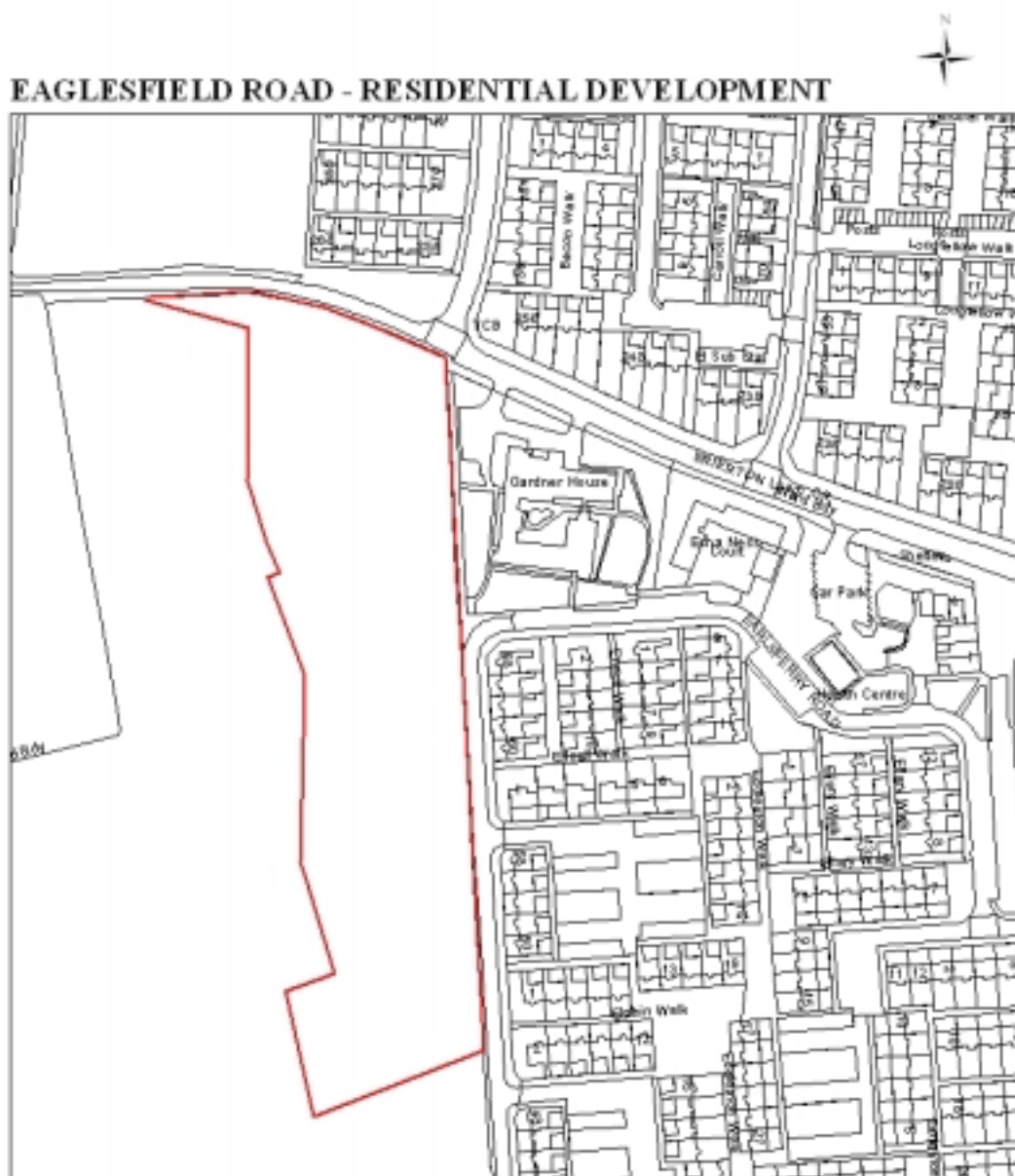
7.40 Cleveland Police have raised no objections to the proposed development however they have recommended that the development achieves Secured by Design accreditation. An appropriately worded planning condition would be attached to any recommendation for approval.

Highway Considerations

7.41 Access to the proposed development is from the western extremity of Brierton Lane. An amended site layout plan was received on 21st April 2011 following comments by the Traffic and Transportation Team with regard to levels of proposed parking provision. The amended scheme provides a minimum of 2 allocated car parking spaces per property. The Traffic and Transportation Team have raised no highway concerns with regard to this.

7.42 Concerns have been raised with regard to the volume of traffic created by way of the development. With regard to this, it is not considered that the increase in traffic upon the wider road network of the surrounding area will be so significant to create a detrimental impact upon highway safety.

RECOMMENDATION – Update report to follow to outline any further representations received.



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 27/04/11
	SCALE 1:2000	
Regeneration and Neighbourhoods Bryan Hanson House Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2011/0014	REV

No: 8
Number: H/2011/0015
Applicant: Mr I Bates 18 Malcolm Road HARTLEPOOL TS25 3QR
Agent: Mr I Bates 18 Malcolm Road HARTLEPOOL TS25 3QR
Date valid: 13/01/2011
Development: Change of use from vehicle dismantling yard to storage of skips, plant, brick rubble, stone, clay, top soil and wood
Location: Unit 4 Sandgate Industrial Estate Mainsforth Terrace
 HARTLEPOOL HARTLEPOOL

The Application and Site

8.1 The application site is situated on Sandgate Industrial Estate, to the east of Bridgeman IBC located on Greatham Street and to the south of Grab & Go Recycling Site which forms part of the same operation as the application site. The site borders land to the rear of Hartlepool Workshops which was granted planning permission for use as a waste transfer station in February 2010. The site is accessed by a small road which serves a number of sites from Mainsforth Terrace.

8.2 The site, is currently used for the informal storage of inert materials in associated with the recycling operation to the north. The site has previously been used for the storage and dismantling of vehicles. The site also had a previous planning permission (HFUL/1989/0208) for the use of the site for the repair and manufacture of timber pallets and erection of associated building and boundary fencing. The building has since been removed from the site.

8.3 The application seeks consent for the change of use of the site for the storage of skips and plant and the storage of inert waste material including bricks, rubble, stone, clay, soil and wood.

8.4 It is indicated that three vehicles will service the site, with designated storage areas for approximately 24 skips, stacked to a height of no more than 4 skips, and 6 skips designated for material storage. Access and egress to and from the site will be via the existing gated access. The plans also indicate the provision of a wheel wash facility.

8.5 The proposed hours of operation are 8.00 – 16.00 Monday to Friday and 8.00 – 12.00 Saturday.

Publicity

8.6 The application has been advertised by way of neighbour letters (11). To date, there have been two letters of objection.

8.7 The concerns raised are:

- a) To allow such developments to proliferate is totally against the wishes of the electorate of Hartlepool;
- b) Let common sense prevail for once;
- c) Potential impact on business through increased risk of fire;
- d) Impacts on amenity by way of smoke, vermin, loss of light and disease;
- e) The use of the land would not be in keeping with the area;
- f) The layout is unsatisfactory from a safety perspective, increasing risk to neighbouring businesses;
- g) Access for emergency services would be limited;
- h) Majority of neighbouring businesses are manufacturing and retail based;
- i) An increase in waste uses would be incompatible with those businesses;
- j) This development in combination with other developments within the area could seriously damage the character of the area and overload local services;
- k) Insufficient parking, cars may park on road causing traffic congestion and restricting emergency service access;
- l) May prejudice the proper planning of a large development land if proposal only takes account of a small section of a larger parcel of land this could result in incompatible, unplanned and unsympathetic development;
- m) Site would impact on tourism;
- n) Economic impact on local business through factors such as insurance, loss, lost production time, lost orders, reluctance to expand and potential relocation;
- o) Threat of industrial action from neighbouring employees based on health impacts;
- p) Specific regard to be had to fire risk with regards to impact on neighbouring businesses, loss of life and damage to property.

Copy Letters B

8.8 The period for publicity has expired.

Consultations

8.9 The following consultation replies have been received:

Engineering Consultancy – No significant earthworks are envisaged, no specific contaminated land comments other than the applicant is advised to meet any requirements of the EA.

Environment Agency – No objections. The development will require an Environmental Permit. Recommend standing advice for surface water drainage issues. Consider that controlled waters at this site are of low environmental sensitivity. Recommends that developers follow the risk management framework in CLR11 and refer to EA principles for land contamination reports for information required to assess risk to controlled waters.

Fire Brigade – County of Cleveland Act 1987 Part III imposes controls on stacked sizes and boundaries/separation. The Fire Brigade request that any stacks conform to the limits of the Act. The restricted nature of the site could mean that only small stacks/storage could be accommodated safely on the site.

Head of Public Protection – All materials should only be stored within properly constructed bays and the height of any stockpile should be restricted and contained within bays at all times. No open burning on site. All recycled wood shall be stored in a lockable steel container. Suitable means of dust suppression should be provided and maintained on the site. The site should be used only for that applied and not for waste transfer or general waste storage.

Northumbrian Water – No objections.

Traffic and Transportation – No objections in principle. It should be demonstrated that a skip wagon can operate in the turning head proposed, to ensure vehicles leave the site in a forward gear. Staff parking facilities should be identified to ensure that they are located safely and do not interfere with turning vehicles.

Economic Development – Sandgate Industrial Estate is characterised by industrial uses relating to waste management. There are in excess of ten sites operating waste and materials recovery and recycling facilities within the Sandgate area, notwithstanding this further similar operations are within the adjacent Longhill Industrial Estate. The area is experiencing problems in relation to these facilities such as burning on sites, odour, stockpiling, and the operation of some of the sites, although it is acknowledged that these are management issues accumulative effect of waste facilities within the area does have an adverse affect on the existing businesses within the area. There are concerns from an Economic Development perspective that further waste operations within the immediate area will exacerbate current problems and perceptions and also potentially stifle investment in the area.

Waste and Environmental Services --The Council plays a key role in a comprehensive and coordinated approach of action in relation to waste operations, along with the Environment Agency, Police, Fire Brigade. In recent years the amount of waste operations has significantly grown within the Sandgate Industrial Estate area. Problems with waste facilities have increased and the Council is responsive to problems rather than being pro-active. The Council is approaching the issue of waste through a number of routes and I would have significant concern with further waste facilities being approved within the town and in particular this area which is a problem area for waste management.

Planning Policy

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

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will

be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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

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

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

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

8.11 The following policies in the emerging Tees Valley Minerals and Waste DPDs (2011) are also relevant to the determination of this application:

MWP4: Identifies a site of 4ha at Graythorp Industrial Estate (Hartlepool) for the development of facilities to manage and recycle 65,000 tonnes of commercial and industrial wastes per year by 2021.

MWP10: States that proposals to recycle 700,000 tonnes of construction and demolition waste per year by 2016, rising to 791,000 tonnes per year in 2021 will be prioritised at Hart Quarry and Stockton Quarry, allocated wastes sites, and sites where construction and demolition waste is produced. Proposals for C&D recycling at other sites must be located close to the source, have sufficient space and would not lead to unacceptable traffic impacts. Proposals will only be permitted where there are no significant adverse impacts on amenity or environment and regard will be given to cumulative impacts.

MWP12: States that proposals for small scale waste management operations involving sorting, recycling or recovery from municipal solid waste and commercial and industrial waste will be permitted where they are located on industrial land, well located in relation to the source or market, would create no unacceptable impacts on amenity or operational viability of land either in isolation or cumulatively, and would not lead to an unacceptable impact on the highway network.

MWC6: Sets out the strategy for the sustainable management of waste arising in the Tees Valley through the provision of sufficient waste management capacity, promoting facilities and development that drive waste management up the waste hierarchy, distribute sites across the Tees Valley so they are related to source, market or related industry, safeguarding the necessary infrastructure, and

development the regional and national role of the Tees Valley for the management of specialist waste streams.

MWC7: Identifies requirements for development waste management facilities to meet identified requirements for composting of MSW, recovery of MSW and C&I, recycling of C&D, and additional treatment and management of hazardous waste.

MWC8: Identifies general locations for waste management sites including land located around the Graythorp and Haverton Hill road areas. Small waste management sites will be provided throughout the plan area.

National and Regional Planning policies will also be considered in the determination of this application.

Planning Considerations

8.12 The main planning considerations in this instance are the appropriateness of the proposal in relation to the relevant development plan policies, with particular regard to the principle of the development in policy terms, the effect of the development on the amenity of the surrounding area in terms of pollution aspects, the impact on visual amenity and highway safety.

Policy

8.13 PPS1: General Principles (2005), building upon Section 38 of the Planning and Compulsory Purchase Act (2004), states that ***‘Local Planning Authorities must determine planning applications in accordance with the statutory development plan, unless material considerations indicated otherwise’***.

8.14 In this instance, the statutory development plan comprises the adopted Hartlepool Local Plan (2006) and the Regional Spatial Strategy for the North East (2007). Whilst the Government has indicated their intention to revoke Regional Strategies in forthcoming primary legislation, legal challenge to the Department of Communities and Local Government (DCLG) initial revocation is ongoing. The current advice from DCLG is that the Government's intended revocation should be regarded as a material consideration. Weight shall therefore be given to RSS where relevant.

8.15 Notwithstanding the above, paragraph 14 of PPS1: General Principles (2005) further states that ***‘emerging policies in the form of draft policy statements and guidance, can be regarded as material considerations’*** and ***‘where a DPD has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility they will be adopted’***. PPS12: Local Spatial Planning (2004) states that an Inspector's report made after examination of the plan will be binding.

8.16 The Hartlepool Local Plan (2006) contains the currently adopted waste policies for the Borough of Hartlepool. However, Hartlepool Borough Council, along with Tees Valley partner authorities have prepared the Joint Tees Valley Minerals and

Waste DPDs, which upon adoption will supersede the waste policies within the Local Plan. The DPDs were submitted to the Secretary of State on the 11 November 2010, and the Examination in Public was held on the 8 and 9 February 2011. The Inspector's Report is expected mid May 2011. On that basis, it is considered that in light of the guidance set out above, significant weight will be given to those policies within the emerging DPDs.

8.17 The DPDs were developed with and underpinned by a detailed and thorough evidence base. Part of this evidence base was the consideration of the waste arisings across the Tees Valley for the expected plan period of 2011 – 2026. In the DPDs this need has been met by allocating waste management sites for various streams of waste across the Tees Valley. In short DPDs allocate enough sites to meet this capacity.

8.18 Firstly, consideration must be given to the relevant policies contained within the Local Plan (2006). Policy Ind6 states that proposals for the development of sites for bad neighbour uses, including sorting or storage of waste materials will be permitted only in the Sandgate area, provided that:

- there is no nuisance on adjacent users or highway by way of dust, smell, vibration, smoke, noise, mud or slurry;
- the site is not visually prominent from a main access road or railway;
- the site is adequately screened;
- the site is of sufficient size for the operations proposed;
- there is adequate car parking and servicing for the site.

8.19 Sandgate Industrial Estate is characterised by industrial uses, particularly uses relating to waste management. There are in excess of ten sites operating waste and materials recovery and recycling facilities within the Sandgate area, notwithstanding further operators in the adjacent Longhill Industrial Estate.

8.20 Policy MW6 of the emerging Minerals and Waste DPDs (2011) states that the management of waste arising in the Tees Valley will be delivered by making sufficient capacity for recycling of household waste, recovery of Municipal Solid Waste (MSW) and Commercial and Industrial (C&I), promote facilities which drive waste management up the waste hierarchy, ensure distribution of the sites across the Tees Valley having regard to the proximity principle, safeguarding necessary infrastructure and development the role of the region in waste management terms. The key aspect of policy MW6 is that it makes provision for waste management capacity.

8.21 In terms of household waste, table 5.1, section 5.2 of the M&W DPDs Core Strategy (2011) indicates that there is sufficient capacity over the plan period for the recycling of household waste. Capacity is required for recovery of household and commercial and industrial waste, however. There is a policy requirement for capacity for 99,000 tonnes per annum (tpa), reducing to 47,000 tpa by 2015 before rising to 76,000 tpa in 2021 due to increase in waste creation and the limitation in landfill capacity.

8.22 Paragraph 5.2.12 identifies that 1,594,000 tonnes of construction and demolition waste will need to be dealt with every year by 2021, and 80% of that will need to be recycled by 2016 onwards. Table 5.3 identifies a shortfall in capacity for recovery of construction and demolition waste and therefore identifies a policy requirement for an additional capacity of 700,000 tonnes per annum.

8.23 Policy MWC7 identifies the need for facilities to deal with the identified capacity shortfalls including the composting and recovery of MSW/C&I and the recycling of at least 700,000 tpa of commercial and industrial waste from 2016 onwards.

8.24 In order to make provision for dealing with the capacity deficit, sufficient land must be allocated to ensure suitable and sustainable waste management facilities. Policy MWC8 identifies general locations for large waste management sites formed by clusters of facilities with identified locations. Policy MWP4 specifically identifies Graythorp Industrial Estate for facilities to manage and recycle 65,000 tpa over the plan period.

8.25 Small-sites are identified as having capacities no higher than 25,000 tpa and generally under 1ha in size. The DPDs indicate that facilities such as waste transfer stations or material recovery facilities could be located on either large or small scale waste management sites.

8.26 Policy MWP12 of the DPDs deals with small scale waste management operations. Proposals for small scale waste management facilities may include sorting, recycling or recovery from MSW or C&I waste. Such facilities will only be allowed where they are:

- located on land allocated for industrial uses or where there is an existing industrial use;
- are well located in relation to the sources of waste to be managed or the markets for the materials being produced;
- would create no unacceptable impacts on the amenity or operational viability of neighbouring land uses either on their own or cumulatively, and;
- would not lead to an unacceptable impact on the local highway network from any traffic generated.

8.27 The application has provided no indication of an estimate annual tonnage. Furthermore, PPS10: Sustainable Waste Management, as well as relevant case law, indicates that management issues, such as annual tonnages, are matters for the control of Environment Agency through permitting. Any control of the LPA over tonnages would therefore result in unnecessary duplication of controls, contrary to PPS10. Therefore it is principally for the LPA's consideration on the appropriateness of the principle of a waste management facility use on this site be it deemed either a small or large site. Regard must therefore be had to the potential for a larger operation in terms of annual throughput than currently may be proposed or experienced on this site or adjacent sites.

8.28 In terms of the ad hoc provision of small scale facilities, in isolation the application could be considered acceptable having regard to the provisions of policy

MWP12 given the controls available through the use of conditions to control amenity and highway impacts and the necessity for a permit through EA legislation to control such nuisance impacts. This is dealt with in more detail in paragraphs 31-32.

Furthermore, the site is relatively close to the source of the majority of waste arising.

8.29 On a cumulative basis, however, it is considered that the provision of further waste management facilities in the Sandgate area would, when viewed in combination with the number of facilities on the adjoining Longhill Industrial Estate, has the potential to have a significant impact on the amenity of surrounding industrial and commercial uses by way of combined amenity impacts in terms of odours, noise and dust. Furthermore, it is considered that increased accumulation of waste sites on Sandgate Industrial Estate will significantly alter the character and function of the industrial estate as to potentially stifle the economic growth and broader function of a key employment location as it reduces the land available for alternative forms of development and also provides the potential for cumulative amenity impacts to the detriment of existing and proposed non-waste related users.

8.30 The continued accumulation of smaller sites within the relatively confined area of Sandgate Industrial Estate will effectively render the character and function of the area such that it will result in the creation of a larger, overarching waste management site. As previously discussed, larger sites for waste management facilities are dealt within the DPDs whereby policy MWC8 makes specific locational provision for those facilities. As discussed, policy MWP4 identifies the Graythorp area for large waste management sites. Sandgate is not included as an allocation for facilities within the DPDs. It is therefore considered that continued accumulation would result in the creation of a larger waste management area, contrary to the policies contained within the Minerals and Waste DPDs.

8.31 On that basis, consideration must further be given to the need for new facilities. The Minerals and Waste DPDs indicate that capacity in existing facilities, in combination with the capacity identified for within the allocation of new sites, sufficiently covers the anticipated levels of waste arising across the Tees Valley throughout the plan period. It is considered therefore that, despite the proximity of the site to waste arisings, the provision of further facilities within Hartlepool will result in an over provision of facilities across the plan period.

Amenity

8.32 As set out above, when considered in isolation, the proposed use of the site for the storage of waste material has the potential to give rise to significant levels of disturbance in terms of noise, odours, and dust. However, it is considered that through the use of suitably worded planning conditions and the controls of the Environmental Permitting regime operated by the Environment Agency, the operations can be controlled to prevent the majority of off-site amenity impacts.

8.33 The Head of Public Protection has raised no objection to the scheme, and conditions could ensure that waste is stored in defined locations and there is no burning of material on site.

8.34 PPS10 states that planning regimes should operate on the assumption that the pollution regime will be properly applied and enforced. As discussed, however, it is considered that, despite the controls offered through both pollution control and planning control measures, when regard is given to the potential cumulative impact within the context of waste operations already in the locality, there is the potential for unacceptable adverse impacts on the character and amenity of the surrounding area specifically by way of odour, dust, noise and visual impacts.

8.35 A number of waste management sites within the Sandgate Industrial Estate have experienced significant impacts on amenity by way of odours, dust, noise, fires and visual impacts. For instance, the operation of the former CCS site to the north-west of the application site has resulted in an accumulation of large waste stockpiles, which has had significant existing and continued impacts in visual and pollution terms. Whilst efforts are being undertaken to reduce the stockpiles, at present there is still a significant amount of waste material in situ on the site. There are also a number of smaller waste operators on Sandgate which have also recently been the subject of fires and alleged instances of waste burning.

8.36 Within the adjoining Longhill Industrial Estate (which is allocated for B1, B2 and B8 uses only), there are a number of waste operators, including a waste land filling operation which is nearing completion and is visually prominent within the context of the surrounding area, and two sites which have been the subject of prosecution due to the accumulation of large, intrusive stockpiles of waste material. It is considered that the introduction of an additional site for the management of waste would therefore have the potential to compound the existing harm associated with the neighbouring and surrounding waste sites, contrary to Local Plan (2006) policies GEP1 and Ind6, and policy MWP12 of the Tees Valley Minerals and Waste DPDs (2011). The Councils Waste and Environmental have endorsed these concerns.

8.37 The Council Economic Development team echo concerns regarding the cumulative effect of waste facilities within this area and raise concerns regarding the exacerbation of existing problem and potential to stifle investment.

Highway Safety

8.38 The Council's Traffic and Transportation section have raised no objections to the proposals. A scheme for staff car parking on site could be provided by way of condition, as could controls to ensure vehicles leave the site in a forward gear. It is considered that the use is unlikely to give rise to a significant increase in traffic levels beyond that associated with the existing use of the site. The proposal is considered acceptable in highway safety terms.

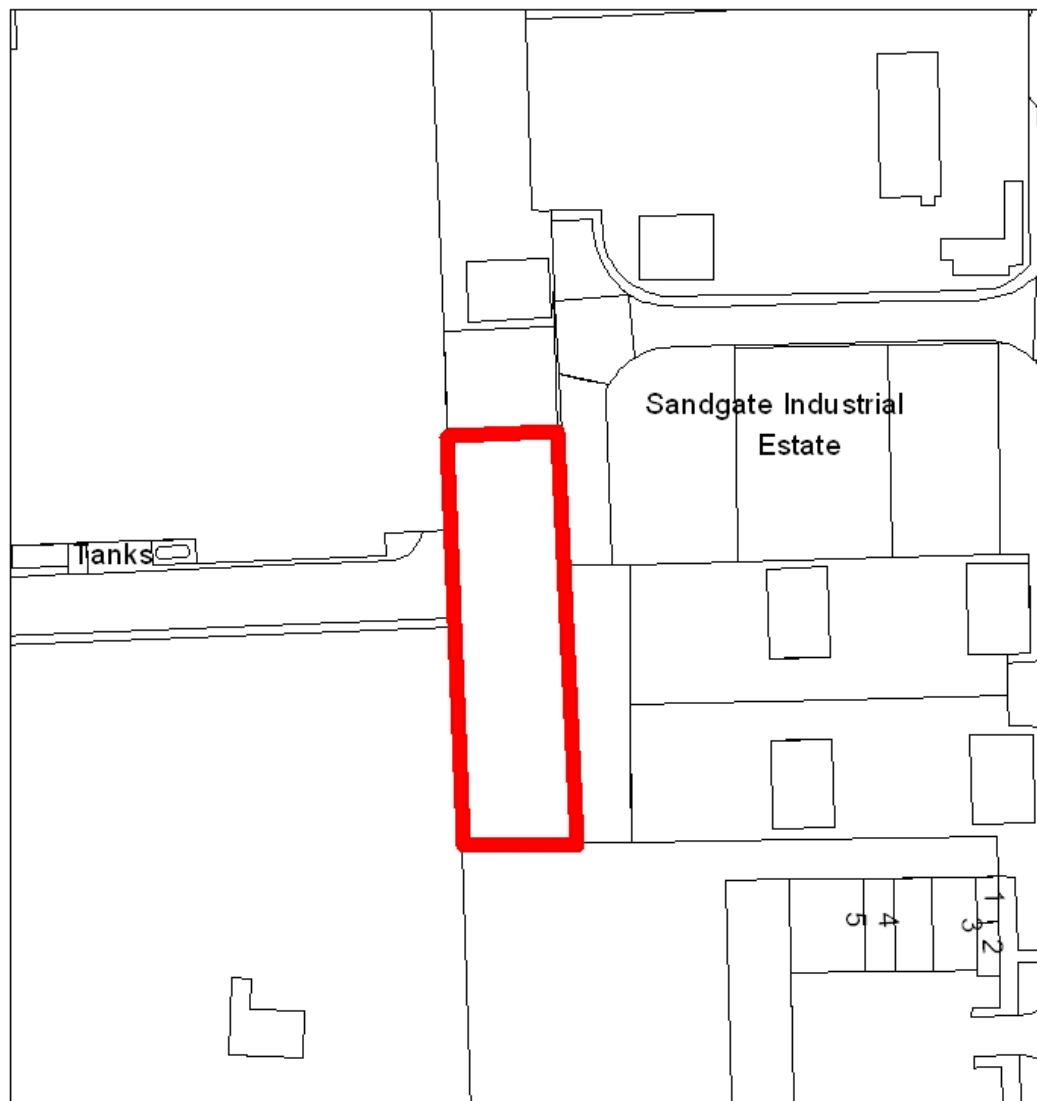
Conclusions

8.39 Having regard to relevant development plan and national planning policies, and the relevant material considerations discussed above, it is considered that the proposals are contrary to the strategic aims set out in the Tees Valley Minerals and Waste DPDs and would contribute towards an unacceptable cumulative impact on the neighbouring and visual amenity of the surrounding area.

RECOMMENDATION – REFUSE for the following reasons:

1. It is considered that the proposed development would compromise the strategic aims for sub-regional waste planning set out in the Tees Valley Minerals and Waste DPDs as there is sufficient provision for waste management capacity within existing sites, and the proposal would be contrary to Policy MWP4 and MWC8 of the Tees Valley Minerals and Waste DPDs (2011) which identifies the Graythorp area as the strategic location for the provision of waste management facilities within Hartlepool.
2. It is considered that the proposal, by way of odour, noise, dust and visual intrusion, would have an unacceptable detrimental impact on the amenity and viability of neighbouring and surrounding properties when considered cumulatively within the context of Sandgate Industrial Estate, resulting in an unacceptable concentration of waste facilities in the locality, contrary to policy GEP1 and Ind6 of adopted Hartlepool Local Plan (2006) and policy MWP12 of the Tees Valley Minerals and Waste DPDs (2011).

UNIT 4 SANDGATE INDUSTRIAL ESTATE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 03/05/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2011/0015	REV

No: 9
Number: H/2010/0700
Applicant: Mr B Wilkinson c/o 40 Relton Way HARTLEPOOL TS26 0BB
Agent: The Design Gap Mr Graeme Pearson 1 Scarborough Street HARTLEPOOL TS24 7DA
Date valid: 15/12/2010
Development: Extension of the time limit for the implementation of planning permission H/2007/0758 for the change of use from garden centre to a recycling and waste transfer station with provision of sorting and storage bays
Location: Whitegates Garden Centre Mainsforth Terrace HARTLEPOOL

The Application and Site

9.1 The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 brought into force the ability for applicants to apply to the Local Planning Authority (LPA) for a new planning permission to replace an existing consent which is in danger of lapsing, in order to obtain a longer period in which to begin the development. This power applies to permissions which remained extant on or after 1 October 2009. Applications for extensions of time must be submitted before the original permission has lapsed. They can be determined, however, after the original permission has lapsed. The effect of the procedure is to allow the granting of a new permission with a new period for implementation.

9.2 This application seeks consent under the above legislation for the extension of time limit for the implementation of planning permission H/2007/0758. That permission was granted for the change of use from a garden centre to a recycling and waste transfer station with the provision of sorting and storage bays. The approved development has yet to be implemented.

9.3 The site to which the application relates is a former garden centre site, located on Mainsforth Terrace in an area characterised by industrial and waste sites. The site is currently occupied by a large predominately glazed building and yard containing large quantities of building materials and equipment, vehicles and portable storage units.

9.4 The site is enclosed by approximately 2.4m high steel boundary fencing and is accessed directly from Mainsforth Terrace. To the north of the site is the OFCA recycling site and to the east the site adjoins the railway line.

9.5 Consent is sought for the use of the site for recycling and waste transfer. The plans indicate the demolition of two of the four buildings on the site and the provision of sorting and storage bays. The retained buildings are to be used as office/toilet accommodation and a workshop, storage and sorting facility.

Publicity

9.6 The application has been advertised by way of neighbour letters (9), site notice and press advert. To date, there have been 6 letters of objection.

9.7 The concerns raised are:

- a) Contravenes the planning strategy for this area;
- b) Graythorp is the place where all waste should be taken;
- c) People who live around or near these sites should not have to put up with this pollution any more;
- d) Appalled at the continued development of such sites;
- e) The area is quickly becoming an eyesore;
- f) We are being surrounded by waste transfer stations which stink;
- g) Another will compound the total decline of this area and Hartlepool in general;
- h) No need for another waste transfer station;
- i) One operator has recently had its EA licence revoked;
- j) Change of use would be detrimental to the amenities and general environment of nearby premises;
- k) This would fly in the face of the Core Strategy plan;
- l) Neighbouring businesses and residents have suffered from this activity for too long;
- m) It is time the Council started to clean up our town;
- n) Hartlepool is the dumping ground of the north east;
- o) Existing tips, dumps, landfills and waste transfer stations are poorly regulated;
- p) Industries are making people's lives a misery with dust, odours and vermin;
- q) Reduction in property prices;
- r) Will exacerbate problems of residents already experienced;
- s) Recent history suggests similar operators do not conform and flout regulations regularly;
- t) Lack of effective management to minimise environmental nuisance;
- u) Lack of control from EA and HBC.

9.8 The period for publicity has expired.

Copy Letters A

Consultations

9.9 The following consultation replies have been received:

Engineering Consultancy – No objections. Request clarification of the proposed method of surface water drainage. No suds or soakaway as it may open pollution pathways.

Environment Agency – No objections. Recommend condition 6 of H/2007/0758 is carried over. Given that part of the site lies within tidal flood zone 3, recommend the developer produces an evacuation plan. An environmental permit will be required.

Fire Brigade – County of Cleveland Act 1987 Part III imposes controls on stacked sizes and boundaries/separation. The Fire Brigade request that any stacks conform to the limits of the Act.

Head of Public Protection – No objections.

Neighbourhood Services – No comments received.

Northumbrian Water – No objections.

Traffic and Transportation – No highway or traffic concerns.

Economic Development – Sandgate Industrial Estate is characterised by industrial uses relating to waste management. There are in excess of ten sites operating waste and materials recovery and recycling facilities within the Sandgate area, notwithstanding this further similar operations are within the adjacent Longhill Industrial Estate. The area is experiencing problems in relation to these facilities such as burning on sites, odour, stockpiling, and the operation of some of the sites, although it is acknowledged that these are management issues accumulative effect of waste facilities within the area does have an adverse affect on the existing businesses within the area. There are concerns from an Economic Development perspective that further waste operations within the immediate area will exacerbate current problems and perceptions and also potentially stifle investment in the area.

Waste and Environmental Services --The Council plays a key role in a comprehensive and coordinated approach of action in relation to waste operations, along with the Environment Agency, Police, Fire Brigade. In recent years the amount of waste operations has significantly grown within the Sandgate Industrial Estate area. Problems with waste facilities have increased and the Council is responsive to problems rather than being pro-active. The Council is approaching the issue of waste through a number of routes and I would have significant concern with further waste facilities being approved within the town and in particular this area which is a problem area for waste management.

Planning Policy

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

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

high standards of design and landscaping and native species.

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

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

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

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

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

9.11 The following policies in the emerging Tees Valley Minerals and Waste DPDs (2011) are also relevant to the determination of this application:

MWP4: Identifies a site of 4ha at Graythorp Industrial Estate (Hartlepool) for the development of facilities to manage and recycle 65,000 tonnes of commercial and industrial wastes per year by 2021.

MWP10: States that proposals to recycle 700,000 tonnes of construction and demolition waste per year by 2016, rising to 791,000 tonnes per year in 2021 will be prioritised at Hart Quarry and Stockton Quarry, allocated wastes sites, and sites where construction and demolition waste is produced. Proposals for C&D recycling at other sites must be located close to the source, have sufficient space and would not lead to unacceptable traffic impacts. Proposals will only be permitted where there are no significant adverse impacts on amenity or environment and regard will be given to cumulative impacts.

MWP12: States that proposals for small scale waste management operations involving sorting, recycling or recovery from municipal solid waste and commercial and industrial waste will be permitted where they are located on industrial land, well located in relation to the source or market, would create no unacceptable impacts on amenity or operational viability of land either in isolation or cumulatively, and would not lead to an unacceptable impact on the highway network.

MWC6: Sets out the strategy for the sustainable management of waste arising in the Tees Valley through the provision of sufficient waste management capacity, promoting facilities and development that drive waste management up the waste hierarchy, distribute sites across the Tees Valley so they are related to source,

market or related industry, safeguarding the necessary infrastructure, and development the regional and national role of the Tees Valley for the management of specialist waste streams.

MWC7: Identifies requirements for development waste management facilities to meet identified requirements for composting of MSW, recovery of MSW and C&I, recycling of C&D, and additional treatment and management of hazardous waste.

MWC8: Identifies general locations for waste management sites including land located around the Graythorp and Haverton Hill road areas. Small waste management sites will be provided throughout the plan area.

National & Regional Planning Policies will also be relevant to the determination of this application.

Planning Considerations

9.12 The main planning considerations in this instance are the appropriateness of the proposal in relation to the relevant development plan policies, with particular regard to the principle of the development in policy terms, the effect of the development on the amenity of the surrounding area in terms of pollution aspects, the impact on visual amenity and highway safety.

Principle of Development/Policy

9.13 PPS1: General Principles (2005), building upon Section 38 of the Planning and Compulsory Purchase Act (2004), states that ***'Local Planning Authorities must determine planning applications in accordance with the statutory development plan, unless material considerations indicated otherwise'***.

9.14 In this instance, the statutory development plan comprises the adopted Hartlepool Local Plan (2006) and the Regional Spatial Strategy for the North East (2007). Whilst the Government has indicated their intention to revoke Regional Strategies in forthcoming primary legislation, legal challenge to the Department of Communities and Local Government (DCLG) initial revocation is ongoing. The current advice from DCLG is that the Government's intended revocation should be regarded as a material consideration. Weight shall therefore be given to RSS where relevant.

9.15 Notwithstanding the above, paragraph 14 of PPS1: General Principles (2005) further states that ***'emerging policies in the form of draft policy statements and guidance, can be regarded as material considerations'*** and ***'where a DPD has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility they will be adopted'***. PPS12: Local Spatial Planning (2004) states that an Inspector's report made after examination of the plan will be binding.

9.16 The Hartlepool Local Plan (2006) contains the currently adopted waste policies for the Borough of Hartlepool. However, Hartlepool Borough Council, along with

Tees Valley partner authorities have prepared the Joint Tees Valley Minerals and Waste DPDs, which upon adoption will supersede the waste policies within the Local Plan. The DPDs were submitted to the Secretary of State on the 11 November 2010, and the Examination in Public was held on the 8 and 9 February 2011. The Inspector's Report is expected mid May 2011. On that basis, it is considered that in light of the guidance set out above, significant weight shall be given to those policies within the emerging DPDs.

9.17 Firstly, consideration must be given to the relevant policies contained within the Local Plan (2006). Policy Ind6 states that proposals for the development of sites for bad neighbour uses, including sorting or storage of waste materials will be permitted only in the Sandgate area, provided that:

- there is no nuisance on adjacent users or highway by way of dust, smell, vibration, smoke, noise, mud or slurry;
- the site is not visually prominent from a main access road or railway;
- the site is adequately screened;
- the site is of sufficient size for the operations proposed;
- there is adequate car parking and servicing for the site.

9.18 Sandgate Industrial Estate is characterised by industrial uses, particularly uses relating to waste management. There are approximately ten sites operating waste and materials recovery and recycling facilities within the Sandgate area, notwithstanding further operators in the adjacent Longhill Industrial Estate.

9.19 Policy MW6 of the emerging Minerals and Waste DPDs (2011) states that the management of waste arising in the Tees Valley will be delivered by making sufficient capacity for recycling of household waste, recovery of Municipal Solid Waste (MSW) and Commercial and Industrial (C&I), promote facilities which drive waste management up the waste hierarchy, ensure distribution of the sites across the Tees Valley having regard to the proximity principle, safeguarding necessary infrastructure and development the role of the region in waste management terms. The key aspect of policy MW6 is that it makes provision for waste management capacity.

9.20 In terms of household waste, table 5.1, section 5.2 of the M&W DPDs Core Strategy (2011) indicates that there is sufficient capacity over the plan period for the recycling of household waste. Capacity is required for recovery of household and commercial and industrial waste, however. There is a policy requirement for capacity for 99,000 tonnes per annum (tpa), reducing to 47,000 tpa by 2015 before rising to 76,000 tpa in 2021 due to increase in waste creation and the limitation in landfill capacity.

9.21 Paragraph 5.2.12 identifies that 1,594,000 tonnes of construction and demolition waste will need to be dealt with every year by 2021, and 80% of that will need to be recycled by 2016 onwards. Table 5.3 identifies a shortfall in capacity for recovery of construction and demolition waste and therefore identifies a policy requirement for an additional capacity of 700,000 tonnes per annum.

9.22 Policy MWC7 identifies the need for facilities to deal with the identified capacity shortfalls including the composting and recovery of MSW/C&I and the recycling of at least 700,000 tpa of commercial and industrial waste from 2016 onwards.

9.23 In order to make provision for dealing with the capacity deficit, sufficient land must be allocated to ensure suitable and sustainable waste management facilities. Policy MWC8 identifies general locations for large waste management sites formed by clusters of facilities with identified locations. Policy MWP4 specifically identifies Graythorp Industrial Estate for facilities to manage and recycle 65,000 tpa over the plan period.

9.24 Small-sites are identified as having capacities no higher than 25,000 tpa and generally under 1ha in size. The DPDs indicate that facilities such as waste transfer stations or material recovery facilities could be located on either large or small scale waste management sites.

9.25 Policy MWP12 of the DPDs deals with small scale waste management operations. Proposals for small scale waste management facilities may include sorting, recycling or recovery from MSW or C&I waste. Such facilities will only be allowed where they are:

- located on land allocated for industrial uses or where there is an existing industrial use;
- are well located in relation to the sources of waste to be managed or the markets for the materials being produced;
- would create no unacceptable impacts on the amenity or operational viability of neighbouring land uses either on their own or cumulatively, and;
- would not lead to an unacceptable impact on the local highway network from any traffic generated.

9.26 The application has provided no indication of an estimate annual tonnage. Furthermore, PPS10: Sustainable Waste Management, as well as relevant case law, indicates that management issues, such as annual tonnages, are matters for the control of Environment Agency through permitting. Any control of the LPA over tonnages would therefore result in unnecessary duplication of controls, contrary to PPS10. Therefore it is principally for the LPA's consideration on the appropriateness of the principle of a waste management facility use on this site be it deemed either a small or large site. Regard must therefore be had to the potential for a larger operation in terms of annual throughput than currently may be proposed or experienced on this site or adjacent sites.

9.27 In terms of the ad hoc provision of small scale facilities, in isolation the application could be considered acceptable having regard to the provisions of policy MWP12 given the controls available through the use of conditions to control amenity and highway impacts and the necessity for a permit through EA legislation to control such nuisance impacts. This is dealt with in more detail in paragraphs 31-32.

9.28 On a cumulative basis, however, it is considered that the provision of further waste management facilities in the Sandgate area would, when viewed in

combination with the number of facilities on the adjoining Longhill Industrial Estate, has the potential to have a significant impact on the amenity of surrounding industrial and commercial uses by way of combined amenity impacts in terms of odours, noise and dust. Furthermore, it is considered that increased accumulation of waste sites on Sandgate Industrial Estate will significantly alter the character and function of the industrial estate as to potentially stifle the economic growth and broader function of a key employment location as it reduces the land available for alternative forms of development and also provides the potential for cumulative amenity impacts to the detriment of existing and proposed non-waste related users.

9.29 The continued accumulation of smaller sites within the relatively confined area of Sandgate Industrial Estate will as discussed, effectively render the character and function of the area such that it will result in the creation of a larger, overarching waste management site. As previously discussed, larger sites for waste management facilities are dealt within the DPDs whereby policy MWC8 makes specific locational provision for those facilities. As previously discussed, policy MWP4 identifies the Graythorp area for large waste management sites. Sandgate is not included as an allocation for facilities within the DPDs. It is therefore considered that continued accumulation would result in the creation of a larger waste management area, contrary to the policies contained within the Minerals and Waste DPDs.

9.30 On that basis, consideration must further be given to the need for new facilities. The Minerals and Waste DPDs indicate that capacity in existing facilities, in combination with the capacity identified for within the allocation of new sites, sufficiently covers the anticipated levels of waste arising across the Tees Valley throughout the plan period. It is considered therefore that, despite the proximity of the site to waste arisings, the provision of further facilities within Hartlepool will result in an over provision of facilities across the plan period.

Neighbouring and Visual Amenity

9.31 As set out above, when considered in isolation, the proposed development has the potential to give rise to significant levels of disturbance in terms of noise, odours, and dust. However, it is considered that through the use of suitably worded planning conditions and the controls of the Environmental Permitting regime operated by the Environment Agency, the operations can be controlled to prevent the majority of off-site amenity impacts.

9.32 The Head of Public Protection has raised no objection to the scheme, and conditions could ensure that sufficient screening is provided on the site boundaries and the provision of litter catch netting to restrict the escape of blown material from the site. Furthermore, the provision of dust suppression equipment, restrictions on the burning of material and limits on stack heights could help mitigate against potential off-site impacts.

9.33 PPS10 states that planning regimes should operate on the assumption that the pollution regime will be properly applied and enforced. As discussed above, however, it is considered that, despite the controls offered through both pollution control and planning control measures, when regard is given to the potential

cumulative impact within the context of waste operations already in the locality, there is the potential for unacceptable adverse impacts on the character and amenity of the surrounding area specifically by way of odour, dust, noise and visual impacts.

9.34 A number of waste management sites within the Sandgate Industrial Estate have experienced significant impacts on amenity by way of odours, dust, noise, fires and visual impacts. For instance, the operation of the former CCS site directly south-west of the application site has resulted in an accumulation of large waste stockpiles, which has had significant existing and continued impacts in visual and pollution terms. Whilst efforts are being undertaken to reduce the stockpiles, at present there is still a significant amount of waste material in situ on the site. There are also a number of smaller waste operators on Sandgate which have also recently been the subject of fires and alleged instances of waste burning.

9.35 Within the adjoining Longhill Industrial Estate (which is allocated for B1, B2 and B8 uses only), there are a number of waste operators, including a waste land filling operation which is nearing completion and is visually prominent within the context of the surrounding area, and two sites which have been the subject of prosecution due to the accumulation of large, intrusive stockpiles of waste material. It is considered that the introduction of an additional waste transfer station would therefore have the potential to compound the existing harm associated with the neighbouring and surrounding waste sites, contrary to Local Plan (2006) policies GEP1 and Ind6, and policy MWP12 of the Tees Valley Minerals and Waste DPDs (2011). The Councils Waste and Environmental have endorsed these concerns.

9.36 The Council Economic Development team echo concerns regarding the cumulative effect of waste facilities within this area and raise concerns regarding the exacerbation of existing problem and potential to stifle investment.

Highway Safety

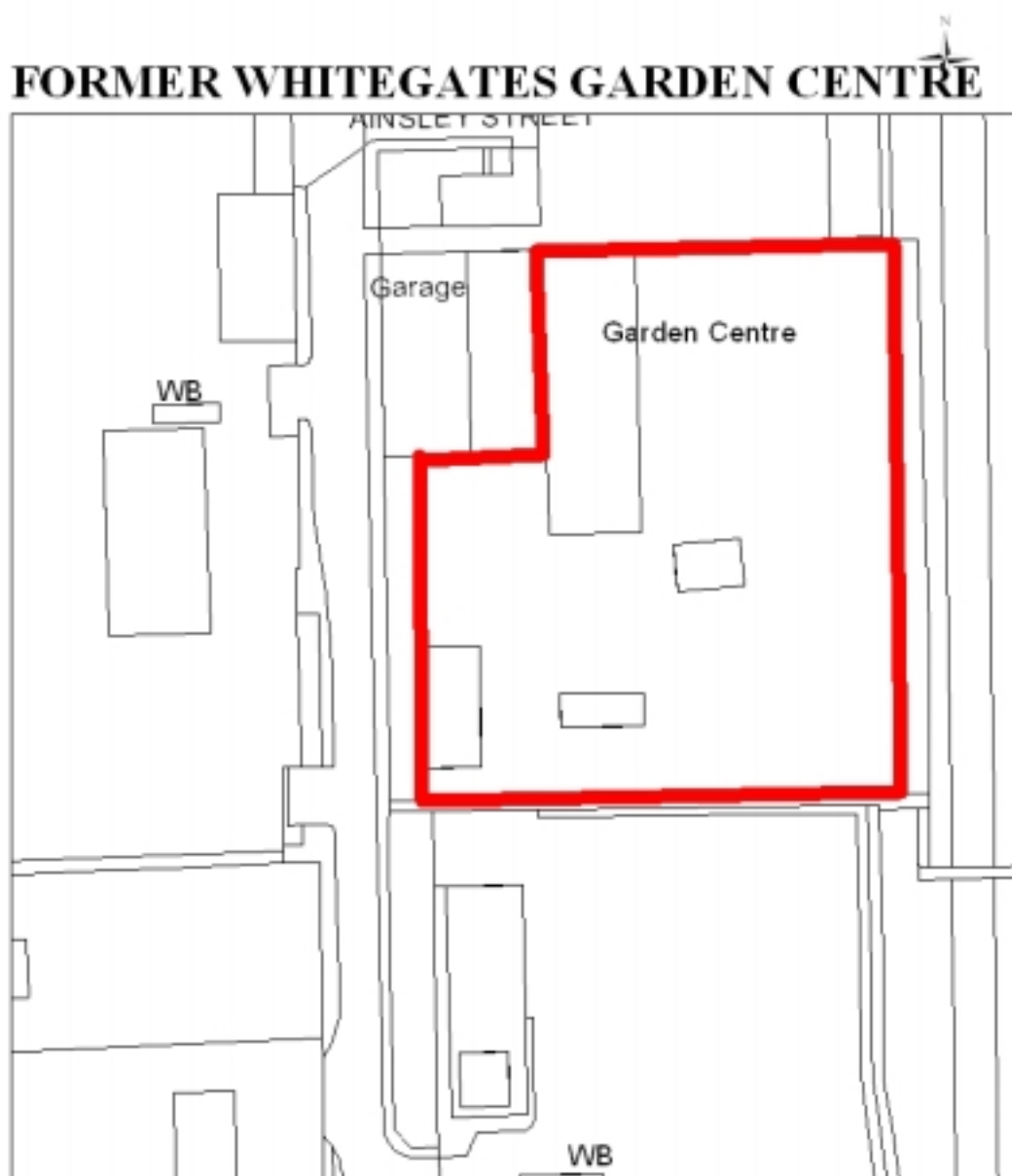
9.37 The Council's Traffic and Transportation section have raised no objections to the proposals. A scheme for car parking on site could be provided by way of condition. The use is unlikely to give rise to a significant increase in traffic levels beyond that associated with the existing use of the site. The proposal is considered acceptable in highway safety terms.

Conclusions

9.38 Having regard to relevant development plan and national planning policies, and the relevant material considerations discussed above, it is considered that the proposals are contrary to the strategic aims set out in the Tees Valley Minerals and Waste DPDs and would contribute towards an unacceptable cumulative impact on the neighbouring and visual amenity of the surrounding area.

RECOMMENDATION – REFUSE for the following reasons:

3. It is considered that the proposed development would compromise the strategic aims for sub-regional waste planning set out in the Tees Valley Minerals and Waste DPDs as there is sufficient provision for waste management capacity within existing sites, and the proposal would be contrary to Policy MWP4 and MWC8 of the Tees Valley Minerals and Waste DPDs (2011) which identifies the Graythorp area as the strategic location for the provision of waste management facilities within Hartlepool.
4. It is considered that the proposal, by way of odour, noise, dust and visual intrusion, would have an unacceptable detrimental impact on the amenity and viability of neighbouring and surrounding properties when considered cumulatively within the context of Sandgate Industrial Estate, resulting in an unacceptable concentration of waste facilities in the locality, contrary to policy GEP1 and Ind6 of adopted Hartlepool Local Plan (2006) and policy MWP12 of the Tees Valley Minerals and Waste DPDs (2011).



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 06/04/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0700	REV

UPDATE

No: 3
Number: H/2011/0220
Applicant: C/O AGENT
Agent: Savills Commercial Limited Mr Timothy Price Fountain Court 68 Fountain Street MANCHESTER M2 2FE
Date valid: 15/04/2011
Development: External alterations to elevations and internal works to create 3 new units and associated works to the car park (resubmitted application)
Location: Units 1 and 2 Bum Road HARTLEPOOL HARTLEPOOL

Background

3.1 This application appears on the main agenda at item 3.

3.2 The recommendation was left open as a number of consultation responses were outstanding.

Additional Consultation Responses Received

Conservation Officer : No objection to the current application in light of the recent planning appeal favourable to the applicant for a very similar development.

English Heritage : Do not wish to offer any comments on this occasion. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Traffic & Transportation : HBC Design guide and specification requires 5% disabled parking spaces, therefore 1 extra space should be provided, this can be achieved by reducing the number of parent parking bays. 8 No. secure cycle storage spaces should be provided and sited in an appropriately overlooked location.

Planning Considerations

3.3 The main planning considerations are the impact of the development on the vitality and viability of the town centre and other centres, the impact on the character and appearance of the conservation area, the setting of the nearby listed building and the visual amenity of the area, highway considerations, economic /employment benefits, the impact on the amenity of neighbours and flooding.

IMPACT ON THE VITALITY & VIABILITY OF THE TOWN CENTRE & OTHER CENTRES

3.4 The site is located outside of the defined town centre and outside the defined edge of centre. It is an existing retail development which is subject to a restriction on the range of goods that can be sold. The applicant has confirmed that he is not seeking to extend the range of goods sold.

UPDATE

3.5 In terms of the impacts on the town centre and other centres the site is an existing retail location and no additional floorspace is proposed, whilst the overall size of individual units will be reduced it is not considered that the development as proposed will have a significant impact on the town centre or other centres subject to conditions restricting further subdivision and limiting additional floorspace. The legal agreement restricting the range of goods that can be sold from the site will also remain in place for the avoidance of doubt a condition which imposes restrictions in similar terms is also proposed.

IMPACT ON THE CHARACTER & APPEARANCE OF THE CONSERVATION AREA, THE SETTING OF THE NEARBY LISTED BUILDING & THE VISUAL AMENITIES OF THE AREA

3.6 The site is prominently located within the southeast corner of the Stranton Conservation Area which was designated in 2004. Standing on elevated ground within its walled church yard immediately to the north of the site is the Church of All Saints a grade II* listed building. The site is also a gateway site adjacent to the main access into the town centre from the south.

3.7 The application is a resubmission following earlier refusals. The principle of redevelopment here has always been supported. However, Officers have previously raised concerns in relation to proposed design, its impact on the character and appearance of the conservation area, the setting of the listed building and the visual amenities of the area and have encouraged the developer to consider a different design approach. In light of the recent appeal decision however it is not considered that an objection on these grounds could now be sustained.

HIGHWAY CONSIDERATIONS

3.8 Traffic & Transportation have raised concerns regarding the provision of disabled persons parking and the accommodation of cycle parking. It is considered that these requirements could be conditioned. This matter has been raised with the applicant and their response is awaited.

ECONOMIC/EMPLOYMENT BENEFITS

3.9 It is acknowledged that the development by bringing the buildings back into use has potential to generate economic and employment benefits.

FLOODING

3.10 The site is located within an area at high risk of flooding (Flood Zone 3). However it is an existing retail development and therefore the Environment Agency has not objected to the proposal but suggested that the applicant might consider preparing a emergency evacuation plan.

Conclusion

3.11 The application is recommended for approval subject to conditions.

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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 the following outstanding 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 shall be carried out in accordance with the plans (10973-100A Red Line Plan, 10973-101A Existing Site Plan, 10973-103A Existing Elevations, 10973-110D Proposed Site Plan, 10973-112C Proposed Elevations, 10973-112C- Coloured Elevations received at the Local Planning Authority on 15th April 2011, as modified by the conditions, unless otherwise agreed in writing with the Local Planning Authority.
For the avoidance of doubt.
3. Details of all external finishing materials, including hard surfacing areas within the curtilage of the building, 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, the setting of the nearby listed building, and the character and appearance of the Conservation Area.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
5. 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, the setting of the nearby listed building and the character and appearance of the Conservation Area.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity, the setting of the nearby listed building and the character and appearance of the Conservation Area.
7. Before any of the development hereby approved is brought into use the approved car parking scheme, shown on drawing 10973-110D, as amended by condition 12 below, shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all

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times during the lifetime of the development.

In the interests of highway safety.

8. The units shall be subdivided into three retail units in accordance with the approved layout plan (10973-110D Proposed Site Plan), thereafter no further subdivision of the units shall take place unless otherwise agreed in writing with the Local Planning Authority except to allow for internal divisions within any individual retail unit to allow for the creation of areas ancillary to the retail use of that unit such as storage areas, staff facilities, office space etc.
In the interests of the vitality and viability of the town centre.
9. Notwithstanding the provision of the Town & Country (Planning General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), the retail units hereby approved shall not be extended in any way, including through the provision of any mezzanine floor(s), without the prior written consent of the Local Planning Authority.
In the interests of the vitality and viability of the town centre.
10. The sale of goods from the three units hereby approved shall be restricted to:
 - 1 Motor parts and accessories;
 - 2 Furniture, beds, home furnishings, floor coverings and household textiles;
 - 3 DIY products for the maintenance and improvement of the home and garden (including DIY - related electrical goods);
 - 4 Domestic electrical and gas household appliances;
 - 5 Photographic equipment;
 - 6 Any goods ancillary to the above.
In the interests of the vitality and viability of the town centre.
11. Prior to the commencement of development a scheme for the provision of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented prior to the development being brought into use and kept available for use for the lifetime of the development.
In order to encourage alternative modes of transport to the motor car.
12. Prior to the commencement of development a scheme for the provision of an additional disabled persons car parking space shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented prior to the development being brought into use and kept available for use for the lifetime of the development.
In order to ensure that adequate provision is made for disabled persons.
13. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.

UPDATE

No: 4
Number: H/2011/0176
Applicant: Mr T Horwood c/o Agent
Agent: SL Planning Ltd Mr Stephen Litherland 12 Cragston Close Hartlepool TS26 0ET
Date valid: 14/04/2011
Development: Erection of a detached single storey dwelling house for use in conjunction with existing dwelling house
Location: 42 BILSDALE ROAD HARTLEPOOL

Background

4.1 This application appears on the main agenda at item 4. The recommendation was left blank as a number of consultee responses were outstanding.

Additional responses received

4.2 An additional letter of objection has been received. The objector raises the following issues.

1. That the land has not as far as we are aware been designated for development through an urban capacity study.
2. Would set a precedent for other home owners to develop similar building schemes.
3. We believe that the land is a designated green field plot.
4. It could also set a precedent for Mr Horwood allowing him to develop the site further as he has outlined in previous planning applications.

Additional Consultation responses received

4.3 The following additional consultation responses have been received.

Traffic & Transportation : There are no highway or traffic concerns so long as the building remains part of No 42 Bilsdale Road.

PLANNING CONSIDERATIONS

4.4 The main planning considerations are policy, impact on the amenity of neighbours and highways.

POLICY

4.5 The site currently forms part of the curtilage of an existing dwellinghouse and is located within the limits to development. Recent changes in national guidance,

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aimed at controlling “garden grabbing”, have reclassified residential curtilage as Greenfield and not Brownfield land. Notwithstanding this fact it may still be possible to build dwellings in rear gardens if the proposal complies with the principals set out in the policies of the Hartlepool Local Plan. Policy Hsg 9 advises that proposals for new residential development will be allowed provided amongst other things that the location of the new development is such that there are no significant detrimental effect on the occupiers of both the new and existing development. It advises that tandem development will not be allowed. Similarly Policy GEP1 advises that in determining planning applications regard should be had to the effect on the amenities of neighbouring properties. For the reasons discussed below it is considered that the development would have a significant detrimental effect on the occupiers of existing adjacent development. In policy terms therefore the proposal is considered to be unacceptable.

4.6 The applicant proposes that the new dwellinghouse will be occupied in association with the existing dwellinghouse by family members and has described the building as an annexe. Even if the dwellinghouse were considered an annexe, which given the nature of the accommodation it is not, it would fail to satisfy the requirements of the relevant Local Plan Policy (Hsg11) covering residential annexes. This policy advises firstly that such development must be of a satisfactory, scale, location and design in relation to the existing dwelling, its curtilage and surrounding dwellings, for the reasons discussed below it is not considered satisfactory. Secondly, it must be designed to serve an ancillary function to the main house and not be of a form that would encourage its occupation as a separate dwelling when no longer required (as an annexe). It is not considered that the dwellinghouse proposed is designed to serve an ancillary function it clearly has all the facilities one would expect from an independent dwellinghouse and is clearly capable of being occupied independently of the main house.

IMPACT ON THE AMENITY OF NEIGHBOURING PROPERTIES

4.7 Given the design and location of the dwellinghouse it is not considered that it would significantly affect the amenity of neighbours in terms of loss of light, privacy, outlook, or in terms of any overbearing effect.

4.8 However the access to the property will pass between the donor property (no 42 which is in the applicant's ownership) and the neighbours property (no 40) to the north. It will pass the gable of these properties and down the length of the side boundary of their rear gardens. In considering a recent appeal (attached to the Planning Committee Report) for a similar development on the site the Inspector, whilst taking the view that the buffer afforded by the garage of the neighbouring property (no 40) would protect the amenity of that property, was particularly concerned at the impact on number 42, the donor property. He advised “I consider the effect on No. 42 would be unacceptable. The significantly reduced width of this plot would bring vehicles close to the rear windows of the property and the remaining narrow garden area. Whilst acoustic fencing would reduce noise at ground level it would not be eliminated. It could break through or come over the fence, or be reflected from neighbouring structures. It would be unpredictable in timing and volume and could occur at unsocial hours.” Whilst having regard to the appeal decision (attached to the Planning Committee Report) it should be noted that

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Officers do not agree with the Inspector in terms of the effect on the neighbouring property (40). It is considered by Officers that whilst the garage identified by the Inspector does provide a degree of separation and therefore protection it is likely that the proposed development will have a detrimental affect on the amenity of the occupants of that property in terms of noise and disturbance from the comings and goings associated with the development.

4.9 The applicant recently received confirmation that the construction of a driveway and garage in the rear garden of the property (H/2010/0038) serving no 42, could be undertaken under permitted development rights without the necessity of first obtaining planning permission. It is acknowledged that the driveway (in part constructed) and garage (part of whose foundation has recently been excavated) if completed and in use would result in some movement, associated with the existing dwelling house, between the properties even if the current application were refused. However it is considered that this use would be likely to be far less intense than the additional use which would be associated with the new dwellinghouse. Given the length of the drive, the new dwellinghouse would be a considerable distance from the street making it much more likely that visitors, delivery services and the occupiers would use the drive. The applicant's supporting statement also indicates in any case that both the new and existing property would use the access and therefore its use would clearly intensify. "Access to the site for both pedestrians and vehicles will be via a shared driveway to be used in association with the host dwelling and the new unit". Notwithstanding the fact that the applicant has erected walls to the side gardens front and rear of number 42, it is considered that this will cause an unacceptable degree of disturbance to the occupiers of the neighbouring properties. The gates in the side of the rear gardens of the neighbouring properties onto the drive mean that those leaving the gardens could step out into the path of approaching vehicles whilst this would not happen frequently it would be a dangerous situation which reinforces the view that the development is unsatisfactory.

4.10 The applicant has offered that a legal agreement could be entered into to ensure the new property is retained in a single ownership and would only be occupied by directly related members of the same family. However, it is considered that there would be noise and disturbance issues which would have a detrimental impact on any resident's of the existing dwellinghouse related or not and the other neighbouring property. In any case given the fact that the two properties will be largely functionally independent the prospects of the properties remaining "associated", should circumstances change, must be questionable. It is considered that if the application were approved the Local Planning Authority would be accepting the principle of a residential property in this location, with all the activity and disturbance that would entail for the neighbours, and this would make it very difficult to resist any subsequent application to have any occupancy restriction tying its occupation to the donor property relaxed or removed.

4.11 In conclusion it is considered that the development would be an unacceptable form of tandem development which would have a significant adverse effect on the living conditions of the occupiers of the neighbouring properties in relation to noise and disturbance arising from the comings and goings to the site. As such it would be contrary to Policies GEP1 and Hsg 9 of the adopted Hartlepool Local Plan.

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HIGHWAYS

4.12 The Traffic and Transportation section have raised no objection to the proposal provided it remains part of number 42 Bilsdale Road again for the reasons discussed above this might well prove difficult to enforce should the permission be allowed and the applicant's circumstances change once the property has been approved.

CONCLUSION

4.13 It is recommended that the application be refused.

RECOMMENDATION - REFUSE for the following reasons:

1. In the opinion of the Local Planning Authority the proposed development would be detrimental to the amenities of neighbouring residential properties by virtue of noise and disturbance associated with comings and goings to the site contrary to policies GEP1 and Hsg9 of the adopted Hartlepool Local Plan 2006.
2. In the opinion of the Local Planning Authority the proposed development would not be acceptable as a residential annex in that i) it would be detrimental to the amenities of the occupiers of neighbouring residential properties by virtue of noise and disturbance associated with comings and goings to the site, ii) it is not of a designed to serve an ancillary function to the main house and is of a form that would encourage its occupation as a separate dwelling when no longer required. The proposal would be contrary to policies GEP1 and Hsg11 of the Hartlepool Local Plan 2006.

UPDATE

No: 5
Number: H/2010/0296
Applicant: MR E BAKER MAINSFORTH TERRACE HARTLEPOOL
 TS25 1UB
Agent: MR E BAKER 37 OAKLAND AVENUE HARTLEPOOL
 TS25 5LD
Date valid: 09/06/2010
Development: Change of use to skip hire and skip storage site and
 alterations to garage (part retrospective)
Location: UNIT 3 SANDGATE INDUSTRIAL ESTATE
 MAINSFORTH TERRACE HARTLEPOOL

Background

5.1 This application appears on the main agenda at item 5. The application was left open as internal discussions were ongoing.

PLANNING CONSIDERATIONS

5.2 The main planning considerations are policy, the impact on the amenity of neighbouring businesses, visual amenity and highway safety.

POLICY

5.3 The proposal is to use the site as a skip hire and skip storage site and extend/alter an existing building on the site. Two skip vehicles would be garaged at the site. Empty skips would be stored on the site. It is not intended to bring waste or store waste on the site. In policy terms in this location the proposal would be acceptable.

IMPACT ON THE AMENITY OF NEIGHBOURING BUSINESSES

5.4 The site is bounded to the west, north and east by existing commercial premises/yards. To the south on the opposite side of the road are other yards. It is not considered that, subject to conditions, the proposed use of the site will unduly affect the amenity of neighbouring properties. In terms of the extension to the existing building (garage A), the office building to the west (outside of the application site) has windows facing towards the site and light to these windows will be affected to a degree by the raising of the roof of the building, however it is not considered that this impact would have a significantly detrimental affect on any users of the office building.

VISUAL AMENITY

5.5 The site is effectively screened by high endosures and it is not considered that the proposal, subject to conditions, will have any significant effect on the visual amenity of the area. The proposed alterations to the garage building are considered acceptable in the context of the existing buildings on the site and the wider area.

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HIGHWAY SAFETY

5.6 It is proposed that only two skip carriers will operate from the site, no objections have been raised by the Council's Traffic & Transportation and in highway terms the proposal is considered acceptable.

CONCLUSION

5.7 The proposal is considered acceptable and is recommended for approval subject to conditions.

RECOMMENDATION – GRANT subject to conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (290410) and details received by the Local Planning Authority at the time the application was made valid on 9th June 2010, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. The site shall be used only for the storage of empty skips and the parking of two skip carrying vehicles. For the avoidance of doubt no waste, including materials for reuse/recycling, shall be brought onto the site at any time. Nor shall any waste, including materials for reuse/recycling, be stored or processed on the site.
In accordance with the application and because the site is not considered suitable for a waste operation.
4. A maximum of two skip hire vehicles shall be parked at and operate from the site.
In accordance with the application and in the interests of highway safety.
5. A maximum of 24 skips shall be stored on the site at any time in the locations indicated on the approved plan (290410). The skips shall be stacked a maximum of two skips high unless otherwise agreed in writing by the Local Planning Authority.
In accordance with the application and in the interests of visual amenity and highway safety.

UPDATE

No: 7
Number: H/2011/0014
Applicant: Cecil M Yuill Ltd Cecil House Loyalty Road Hartlepool TS25 1GE
Agent: Cecil M Yuill Ltd Miss Louise Nicholson Cecil House Loyalty Road Hartlepool TS25 1GE
Date valid: 14/01/2011
Development: Residential development comprising 63 dwellings, associated access, roads, sewers and landscaping (Further amended site layout received - 21/04/2011)
Location: LAND TO THE WEST OF EAGLESFIELD ROAD HARTLEPOOL

7.1 Since the original report was prepared three letters of no objection have been received. The period for publicity is still outstanding and expires following the Committee Meeting (25th May 2011). Any further representations received will be tabled at the meeting for consideration. Given the above, should Members be minded to approve the application it is recommended that the final decision is delegated to the Development Control Manager in conjunction with the Chairman of Planning Committee should any further representations of objection/comment be received.

7.2 All consultation responses relevant to the application have been outlined in the previous report along with the planning considerations.

RECOMMENDATION – Minded to approve subject to the conditions outlined below and the completion of a legal agreement securing developer contributions for play provision and green infrastructure and the delivery of 7 affordable houses with the final decision delegated to the Development Control Manager in conjunction with the Chairman of Planning Committee for the consideration of any further representations of objection/comment received.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 21/04/2011 (Planning Layout: Drawing No. 315:PLANNING:01.Q), the 14/01/2011 (The Site Location Plan, The External Enclosure Details - Drawing Number: DET 09 04 and DET 09 02, The Ext.Details - Drawing Number: SBD 01, The House Types, Garages and Bin Store Details: Hayward (Drawing Numbers: HAY 20 01 and HAY 20 02), Albany (Drawing Numbers: ALB 20 01 and ALB 20 31), Vermont (Drawing Numbers: VER 20 01, VER 20 32 REV A and VER 20 02 REV A), Addison (Drawing Numbers: ADD R4 20 01 and ADD R4 20 02), Canterbury (Drawing Numbers: CAN 20 01 and CAN 20 02), Hartford (Drawing Number: HAT R3 20 01), Hylton (Drawing Number: HYL 20 01 and

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HYL 20 02), Linden (Drawing Numbers: LIN 20 01, LIN 20 02 and LIN 20 03), The Garage Details (Drawing Number: DET 08 01 REV A, DET 08 02 REV A and DET 08 02 REV A), The Bin Store Details (Drawing Number: DET 07 02 REVC and DET 07 03 RED D) and the house type Chichester received by the Local Planning Authority on 24/03/2011 (Drawing Numbers: CHI 20 01 and CHI 20 02), unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

3. Notwithstanding the submitted plans 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, notwithstanding the site as a whole, this shall also include a scheme to infill gaps in the existing hedge and a planting scheme upon the boundary facing Gardener House and Eaglesfield Road. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
5. Unless otherwise agreed in writing by the Local Planning Authority the existing hedge fronting Gardner House and Eaglesfield Road as shown on the Proposed Layout received by the Local Planning Authority on 21/04/2011 (Drawing Number: 315:PLANNING:01.Q) shall be retained at all times for the lifetime of the development
In the interests of visual amenity
6. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of

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the amenities of the occupants of the adjacent residential property.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
10. Prior to the commencement of development details of the proposed surfacing materials of all paths, roads, parking areas and hardstandings shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented at the time of development and, unless otherwise agreed in writing with the Local Planning Authority, retained for the lifetime of the development.
In the interests of highway safety and amenity
11. Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved a scheme of security measures incorporating 'secured by design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interests of crime prevention.
12. Notwithstanding the submitted plans and details prior to the commencement of development final details of a scheme to incorporate embedded renewable energy generation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details at the time of development.
In the interests of the promoting sustainable development.
13. Prior to the commencement of works on site a scheme detailing a wheel washing facility for use during the construction period shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved scheme shall be used during the construction period, unless otherwise agreed in writing with the Local Planning Authority.

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In the interests of amenity

14. No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. Once agreed the scheme shall be carried out in accordance with the approved scheme. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

In the interests of preserving potential archaeological importance
15. No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 14.

In the interests of preserving potential archaeological importance
16. The dwellinghouses hereby approved shall not be occupied until the site investigation and the post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 14 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

In the interests of preserving potential archaeological importance
17. Before the development is commenced a comprehensive survey of all trees on the site with a stem diameter (measured over the bark at a point 1.5 metres above ground level) exceeding 75mm shall be undertaken and submitted to the Local Planning Authority for consideration and approval. The survey shall indicate the exact location of all those trees to remain; details of species; size (height, diameter and crown spread); an assessment of general health and stability; details of any proposed lopping, topping or crown reduction; and, details of proposed alterations in existing ground levels, and of the position of any proposed excavations within the crown spread of any retained tree.

To preserve the landscape features on the site in the interests of visual amenity.
18. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed

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in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

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

19. The development hereby approved shall not commence until a scheme for the removal of hedges has been submitted to and approved in writing by the Local Planning Authority. The hedges should not be removed during the bird breeding season, taken to be March-July inclusive unless they are first checked by a qualified ecologist and it is confirmed in a report to the LPA by that ecologist that no breeding birds are present. Once provided the hedges shall be removed in accordance with the agreed scheme.
In the interests of protecting the habitat of breeding birds
20. Notwithstanding condition 2 in relation to means of enclosure (Drawing Nos. SBD01, DET09 04 and DET 09 02) the development hereby approved shall not commence until a scheme for the provision of visibility splays serving the parking spaces for plots 6 and 54 as shown on the planning layout submitted on 21/04/2011 (Drawing No: 315:Planning:01.Q) has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented at the time of development and, unless otherwise agreed in writing with the Local Planning Authority, retained for the lifetime of the development.
In the interests of highway safety
21. No development shall take place until details indicating existing and proposed levels, including finished floor levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall conform with the approved details.
In the interests of visual amenity.
22. Unless otherwise agreed in writing by the Local Planning Authority the sewer discharges of the development hereby approved shall be directed to the Greatham Beck where the maximum discharge rate shall be attenuated to no more than 6.3l/s for the lifetime of the development.
In the interests of the Environment and Flood Risk

PLANNING COMMITTEE

20 May 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 local's complaint regarding the untidy condition of a vacant commercial property on York Road.
- 2 A neighbour's complaint regarding the installation of CCTV cameras on a property on Stockton Road.
- 3 A neighbour complaint regarding the erection of a large wooden structure in the rear garden of a property on Grosmont Road.
- 4 Officer monitoring recorded a three year temporary planning permission for an existing static caravan in association with a livery business on Dalton Back Lane has expired.
- 5 An anonymous complaint regarding the erection of a single storey extension to front of a property on White Hart Court, Hart.
- 6 A neighbour complaint regarding the conversion of vacant floor space over a supermarket into a single flat on Wiltshire Way.
- 7 A neighbour complaint regarding a use of a garage for the storage of scrap on Wilson Street.
- 8 A neighbour complaint regarding renovation works started and stopped at a property on Eamont Gardens, now abandoned, untidy and unsafe.
- 9 A complaint from an interested party regarding a car repair business operating from a residential property on Avondale Avenue.

- 10 A neighbour complaint regarding a pigeon com suppliers business operating from home also advertising sign displayed in front garden of a property on Blakelock Road.
- 11 Officer monitoring recorded the sub-division of a commercial premises into six units on Whitby Street.
- 12 A Councillor complaint regarding the erection of wood struts to increase the strength of a fence around the perimeter of an existing balcony built with the benefit of planning permission to a residential property on Dunston Road.
- 13 A neighbour complaint regarding the erection of a car port to the side of a property on Winthorpe Grove.
- 14 A neighbour complaint regarding the erection of a timber lean-to roof, over and providing weatherproof storage space in the rear yard of a commercial business on White Hart Court, Hart.
- 15 A neighbour complaint regarding the increased height of an existing rear boundary fence between two residential properties on Oxford Road.
- 16 Officer monitoring recorded the use of a stable and adjoining land to operate a business selling parts and accessories for off road bikes and motor vehicles from a large residential holding on Dalton Back Lane.
- 17 A neighbour complaint regarding alterations to a rear boundary wall between two properties on Parklands Way.

2. RECOMMENDATION

- 2.1 Members note this report.

PLANNING COMMITTEE

20 May 2011



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL BY MR KELLY THE LAURELS,
BLAKELOCK ROAD, HARTLEPOOL

1 PURPOSE OF REPORT

1.1 To advise members of a planning appeal decision.

2 APPEAL

2.1 A planning appeal had been lodged against the refusal of Hartlepool Borough Council for the erection of a detached bungalow with integral garage at The Laurels Blakelock Road Hartlepool.

2.2 The appeal was decided by written representations and dismissed by the Planning Inspectorate. The Inspector concluded that the proposal would detract from the character and appearance of the area, by virtue of a cramped layout. A copy of the decision is set out below.

3 RECOMMENDATIONS

3.1 That members note the decision.



Appeal Decision

Site visit made on 4 April 2011

by **Graham M Garnham BA BPhil MRTPI**

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

Decision date: 15 April 2011

Appeal Ref: APP/H0724/A/11/2144705

The Laurels, Blakelock Road, Hartlepool, TS25 5QH

- 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 Kevin Kelly against the decision of Hartlepool Borough Council.
 - The application Ref H/2010/0283, dated 27 April 2010, was refused by notice dated 12 November 2010.
 - The development proposed is new dwelling.
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Decision

1. I dismiss the appeal.

Main Issues

2. I consider that these are the effects of the proposal on firstly, the character and appearance of the area; and secondly, the living conditions of the occupiers of the adjoining residential property.

Reasons

First main issue – character and appearance of the area

3. The appeal site is a narrow strip of land to the east side of a short cul-de-sac that serves a development of 3 new dormer bungalows, known as The Laurels. The new dwelling – shown on the drawings as a bungalow – would be placed where the site broadens a little away from Blakelock Road. There would be an attached garage in front. The side wall of the building would be close to the common boundary with no.40 Blakelock Road. The front corner of the new bungalow would be 0.5 metres from the edge of the cul-de-sac.
4. The Laurels is quite a compact layout. The development appears also to include 2 dormer bungalows of a similar design on Blakelock Road. The proposal would occupy a site that gives the appearance on the layout of land left over for open space. Despite being narrower than the other buildings on the development, the new bungalow would appear to fit more tightly onto its plot. This would be clearly evident from the main road. From here, the line of the cul-de-sac would begin in front of the new bungalow before diverting to pass very close to its side wall. In addition, the site visit showed that a turning head behind the appeal site had been constructed further away than

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shown on the submitted drawing from some protected trees to the north. The depth of the already small back garden would be reduced by a further 2 metres or so, adding to the cramped appearance from within the cul-de-sac.

5. I acknowledge that the proposal appears to meet the relevant separation distance standards within The Laurels development. Nonetheless, in terms of its character and appearance, the new dwelling would be in a close and uneasy proximity to the tarmac of the shared surface. This would contrast unfavourably with the unsurfaced 2 metre services strip on the other side which ensures a reasonable separation between the cul-de-sac and the side of the dormer bungalow to the west; and with the neat, planned layout of the development as a whole.
6. Overall, I conclude that the proposal would detract from the character and appearance of the area, by virtue of a cramped layout. This would be contrary to the provisions of saved policies GEP1 & Hsg9 in the Hartlepool Local Plan (2006) which, among other things, require development to be appropriate to the locality. In addition, more recent national planning policy (e.g. in Planning Policy Statement 3, *Housing*) stresses the importance of good design and says that design which is inappropriate in its context should not be accepted.

Second main issue – neighbour's living conditions

7. The side wall of the new development would be 0.8 metres from the close boarded fence along the boundary with the rear garden of no.40. The new building would be of a considerable length, while the adjoining property is on lower ground. However, I consider that there would be no overbearing or dominant effect on the neighbour's living conditions, for several reasons. The dwelling at no.40 would be a good distance from the new dwelling; its garden has various sheds and outbuildings close to the fence, about as far back as the middle of the proposed dwelling; the new building would be single storey, and not be in direct line of view from downstairs windows; and the 2 first floor windows at no.40 are at the far side from the appeal site.
8. I conclude that the proposal would not cause material harm to the living conditions of the occupiers of the adjoining residential property. There would be no conflict with policy GEP1 in this respect.

Overall conclusion

9. I note that the nearest neighbours who have commented on the proposal do not object to it. Some may see it as improving the rather unattractive open space the site is at present. However, while I see no objection in principle to some form of infilling, if such could be configured successfully, I find that the proposal before me would fail to be an appropriate form of development, for the reasons given above. I consider that this shortcoming would not be outweighed by the lack of harm with respect to the second main issue. I conclude therefore that planning permission should be withheld and the appeal dismissed.

G Garnham

INSPECTOR
