

# PLANNING COMMITTEE AGENDA



**Friday 15 July 2011**

**at 10.00 a.m.**

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

## MEMBERS OF PLANNING COMMITTEE:

Councillors Barclay, Brash, Cook, Fenwick, James, Lawton, A Lilley, G Lilley, Morris, Richardson, Robinson, Shields, Simmons, Sirs, H Thompson, P Thompson, Wells and Wright.

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **TO CONFIRM THE MINUTES OF THE MEETING HELD ON 17 JUNE 2011**
4. **ITEMS REQUIRING DECISION**
  - 4.1 Planning Applications – *Assistant Director, Regeneration and Planning*
    - 1 H/FUL/1999/0320 - Hart Quarry, Hart Lane, Hartlepool (Conditions) (page 1)
    - 2 H/2009/0482 - Hart Quarry, Hart Lane, Hartlepool (Continuation of use) (page 28)
    - 3 H/2011/0165 - The Fishermans Arms, Southgate, Hartlepool – Change of use (page 55)
    - 4 H/2011/0283 - 132 Station Lane – Variation of condition (page 62)
    - 5 H/2011/0144 - 10 Hillston Close, Hartlepool – Extension (page 67)
  - 4.2 Update on Current Complaints - *Assistant Director, Regeneration and Planning*

- 4.3 Appeal Ref: App/H0724/H/11/2154372 - H/2011/0073 - The White House, Wooler Road, Hartlepool, TS26 0DR - Display of Three Illuminated Signs (Retrospective Application) - *Assistant Director, Regeneration and Planning*
- 4.4 Appeal by BNP Paribas Securities Services Trust Company (Jersey) Limited And BNP Paribas Securities Services Trust Company Limited as Trustees of The Threadneedle Property Unit Trust Site at Units 1 And 2 Burn Road Hartlepool TS25 (H/2010/0592) - *Assistant Director, Regeneration and Planning*
- 4.5 Introduction of Charges for Pre-Application Advice and Monitoring of Planning Legal Agreement - *Assistant Director, Regeneration and Planning*

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

**6. FOR INFORMATION**

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of 12 August, 2011

Next Scheduled Meeting – Friday 12 August 2011 at 10.00 a.m. in the Civic Centre, Hartlepool.

# PLANNING COMMITTEE

## MINUTES

17 June 2011

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

### **Present:**

Councillor Rob Cook (In the Chair)

Councillors Allan Barclay, Mick Fenwick, Marjorie James, Alison Lilley, Geoff Lilley, George Morris, Carl Richardson, Jean Robinson, Linda Shields, Kaylee Sirs and Ray Wells.

Also Present: Councillor Sarah Maness as substitute for Councillor Chris Simmons and Councillor Brenda Loynes as substitute for Councillor Paul Thompson in accordance with Council Procedure Rule 4.2

Officers: Chris Pipe, Planning Services Manager  
Jim Ferguson, Principal Planning Officer  
Adrian Hurst, Principal Environmental Health Officer  
Tom Britcliffe, Principal Planning Officer  
Andrew Golightly, Principal Regeneration Officer  
Kate Watchorn, Commercial Solicitor  
David Cosgrove, Democratic Services Team

### **1. Apologies for Absence**

Councillors Chris Simmons, Hilary Thompson, Paul Thompson and Edna Wright.

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

None at the commencement of the meeting.

### **3. Confirmation of the minutes of the meeting held on 20 May 2011**

Confirmed.

### **4. Planning Applications** (*Assistant Director (Regeneration and Planning)*)

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

**Number:** H/2011/0176

**Applicant:** Mr Horwood, c/o Agent

**Agent:** SL Planning Ltd Mr Stephen Litherland, 12 Cragston Close, Hartlepool

**Date received:** 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

**Decision:** **Planning Permission Refused**

**REASONS FOR REFUSAL**

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 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.

The Committee considered written representations in relation to this matter.

The Applicant's agent, Mr Swarbrick addressed the Committee.

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**Number:** H/2011/0055

**Applicant:** Mr Frederick Randall, 17 Stanmore Grove HARTLEPOOL

**Agent:** England & Lyle, Morton House, Morton Road, Darlington

**Date received:** 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

**Decision:** **Planning Permission Refused**

### REASONS FOR REFUSAL

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

The Committee considered written representations in relation to this matter.

The applicant's agent, Mr Hall addressed the Committee.

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

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

### Decision

That the report be noted.

## 6. Declarations of interest by members

Councillor Wells declared a personal interest during the consideration of Minute 5 "Update on Current Complaints" above.

## **7. Seaton Carew Regeneration Update** *(Assistant Director (Regeneration and Planning))*

The Principal Regeneration Officer reported on the work being done to provide improvements and deliver the identified regeneration priorities in Seaton Carew as requested at a previous meeting.

The Principal Regeneration Officer reported that various efforts had been made for a number of years to support, sustain and enhance Seaton Carew's popular assets. The Council had had success in attracting external regeneration funding to support investment in the public realm and business premises through grant schemes, as well as ensuring the upkeep and maintenance of the beach and lifeguard service.

Recent efforts to continue this investment in Seaton Carew had been less successful as the criteria associated with regeneration funding had become more restricted and funding less abundant generally. Other funding opportunities had also been explored including two unsuccessful bids submitted for Seachange funding. These bids had been aimed at developing a comprehensive masterplan for the area and improving the physical environment.

In response to these failed funding bids, work had been done to develop a Masterplan for The Front at Seaton Carew. The plan covers the 'old fairground site' in the south, the Rocket House car park, the Longscar building and the remaining Council owned land up to the junction of Station Lane. The purpose of this plan was to bring together the regeneration aims of the Council in a concise way, which could be used to support any future funding bids. Extensive consultation exercises, carried out previously, had highlighted what the regeneration priorities are in Seaton Carew and these had been captured in this draft development plan for The Front. The intention is to include this document (including the other sites in Seaton Carew) as part of the Local Development Framework (LDF) where it would be used as a Supplementary Planning Document (SPD).

In addition to these efforts focused at improving the area at The Front, officers had also been involved in considering the potential development of other Council owned sites and how they could be used to develop new or improved community facilities or deliver services in a different way. The community facilities in Seaton Carew, including the sports hall and youth centre and library building, were all in need of substantial investment and were subject to ongoing costly maintenance programmes.

There were a number of key aims for the regeneration of The Front which had been established through consultation in Seaton Carew. The priority regeneration objective for this area was the removal of the Longscar Building. This unused property dominated the key central commercial area at The Front. Its current condition and the limited prospect of any development ideas coming forward from the current owners, made the need to redevelop this site a priority. Its current condition not only detracted from the visitor

experience but affected the trading environment for other businesses in Seaton Carew.

The successful regeneration of this area of Seaton Carew would also need to address the coastal defence issues highlighted by the Hartlepool Coastal Strategy Study. Draft defence schemes have been designed for individual stretches of the coastline between Newburn Bridge and Teesmouth. Funding has been recently secured for the stretch of frontage between the Staincliffe Hotel and the ramp at Station Lane. These works were being funded through the Environment Agency and are currently on site.

If any part of the proposals for Seaton Carew could be delivered, the private sector would have an important role to play. Before any decisions were made regarding development or disposal of sites, Cabinet had agreed to a process of market engagement to gauge the level of private sector interest. At this stage the private sector had been asked for 'expressions of interest' in the sites. This falls short of asking for formal offers for the sites but developers had been asked to submit ideas regarding how they could deliver the benefits that have been identified in Seaton Carew, through utilising the sites and assets currently in Council ownership. This process had identified interests from eight developers two of which Cabinet had requested officers to explore further through interview and further submission of information.

Members welcomed the report and commented that the single biggest issue for Seaton Carew at this time, was the Longscar Building. It had been previously suggested that the Council should pursue the use of a Compulsory Purchase Order for the building, but Members were aware of the timescales involved and the need to have an 'end use' after CPO. Members suggested that even just knocking down the building and replacing it with a car park would provide both income and a well needed resource for the businesses on Seaton Front. Members did feel that the CPO of the site had to be pursued as the building was becoming a health hazard, due to infestation by rats, as well as an eyesore.

Members also noted the potential for development of the Council owned land along Coronation Drive. Members considered that the authority must maximise the value of this land as it would be of great interest to developers. However, thought needed to be given to the type of development that would be approved as Hartlepool did not need more major apartment developments.

### **Decision**

That the report be noted.

## **8. Review of Planning Delegations** *(Assistant Director (Regeneration and Planning))*

The Planning Services Manager reported that Members had previously requested a report on the issue of officer delegation. This reflected Members particular concerns in that they were authorising officers to contest appeals

which they had not been party to the applications determination.

National guidance cites delegation as the principal tool from which efficiencies can be made. Delegation is not a process that will generally change the outcome of a planning application, nor is it one which transfers power from elected Members to Officers. The purpose of delegation is to simplify procedures, speed up the process, minimise costs and leave committee members with more time to concentrate on major planning issues.

The report set out the current delegation scheme operated within Hartlepool, together with details of Councillors ability to call specific applications to the Planning Committee for determination from the weekly planning application list circulated to all councillors.

The report also set out some comparisons of the levels of delegation between Hartlepool and the other Tees Valley authorities. Hartlepool compared well in these statistics and with 93% of decisions delegated compared well with the national average of 91%. Some additional information on the comparators with other local authorities was set out in the appendices to the report.

The Planning Services Manager also highlighted the fact that within the Hartlepool scheme of delegation, more than two objections to any application would trigger the applications referral to the Planning Committee. The Planning Services Manager stressed that Delegation was a positive process that gave benefits not just in terms of streamlining internal procedures but also in terms of improved responsiveness for applicants. Delegation was not designed to transfer power from elected members to officers, nor was it a method to dilute the transparency of the Development Control process.

In relation to the concern regarding the authorisation to contest appeals that had triggered the report, the Planning Services Manager proposed that the decision on whether to contest an appeal should be made following the same process as the application was determined. Therefore, if the application was refused by Committee, then the authorisation for contesting any appeal would be submitted to Members. Should the appeal arise from an application approved through the delegation process then the decision to contest an appeal should be made through the same route. Members would, however, be informed of any contested appeals.

Members considered that the current route for the decision on whether to contest appeals should remain with Members in light of the potential commitment to additional costs being incurred/awarded. It was suggested that in cases where the application contested had been approved through delegation, then a copy of the 'delegation report' should be submitted with the request to contest the appeal. Members considered that the delegation report would provide all the information they required to make an informed decision on the issue of contesting the appeal.

Members also discussed the process by which they could request the referral



of an application to the committee for determination. Discussion focussed around the reasons by which the referral should be made. Some Members were of the view that a councillors knowledge of their ward and that their view was that an application required further consideration was sufficient for an application to be referred to Committee.

The Planning Services Manager reminded Members that the current system did only require one Member to make a referral for the matter to come before the Committee. However, at present a written request, e-mail being sufficient, setting out appropriate planning reasons for referring the application was required. The Chair considered that the provision of an appropriate planning reason for referring an application to committee was key and a necessary safeguard to the process. Officers could be contacted and any application discussed in detail from the weekly list supplied to all Members.

Members also suggested that a 'shortened' arrangement for requesting site visits should be implemented. Some Members indicated that they were conscious that on several occasions applicant, objectors and interested members of the public may have made the effort to attend a meeting in the Civic centre only to have a Member call for a site visit thus ceasing the consideration of the application until the next meeting. Should any Member consider that a site visit for an application is essential, they should contact the Planning Services Manager or Chair of the Planning Committee and request a site visit. Officers then had the opportunity to inform all interested parties in advance of the committee meeting.

#### **Decision**

1. That the report be noted.
2. That the current scheme of delegation be reaffirmed.
3. That authorisation to contest appeals against refusal of planning permission be submitted to Committee for approval and where the refusal was made through the delegation scheme, then the delegation report approved by the Chair be submitted to provide Members with full information of the relevant application.
4. That should Members consider that a site visit is essential prior to considering a planning application included on a Committee agenda they should contact the Planning Services Manager or Chair of Planning Committee at the earliest opportunity prior to the meeting.

### **9. Local Government (Access to Information) (Variation Order) 2006**

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

Minute 10 – Complaint Files to be Closed – namely information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment. (para 6).

Minute 11 - Enforcement Action – 77 Eamont Gardens, Hartlepool – namely Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (para 5) and, Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6)

Minute 13 - Potential Enforcement Action Joe's Skips, Brenda Road, Hartlepool - namely Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (para 5) and, Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6)

**10. Complaint Files to be Closed** (*Assistant Director (Regeneration and Planning)*) (para. 6)

The Planning Services Manager sought Members authorisation to close a number of complaint files.

**Decision**

That the complaint files in relation to 17 Hutton Avenue, Spring Garden Cottage and 2 Beaconsfield Square be closed.

**11. Enforcement Action – 77 Eamont Gardens, Hartlepool** (*Assistant Director (Regeneration and Planning)*) (Para's 5 & 6)

The Planning Services Manager sought Members authorisation to enforcement action should this be required in respect of the untidy condition of 77 Eamont Gardens, by way of issuing a Section 215 Notice.

**Decision**

That authorisation be approved subject to the conditions set out in the exempt section of the minutes.

**12. Any Other Items which the Chairman Considers are Urgent**

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

**13. Potential Enforcement Action Joe's Skips, Brenda Road, Hartlepool** (*Planning Services Manager*) (Para's 5 & 6)

The Planning Services Manager reported on potential enforcement action subsequent to Members decision in relation to the planning application considered earlier in the agenda.

**Decision**

That should it be required appropriate enforcement action be authorised.

The meeting concluded at 12.50 p.m.

CHAIR

**No:** 1  
**Number:** HFUL/1999/0320  
**Applicant:** HART AGGREGATES LTD  
**Agent:** MR MICHAEL HODGES, HART AGGREGATES LTD,  
15 FRONT STREET SHERBURN HILL DURHAM  
DH6 1PA  
**Date valid:** 20/06/1999  
**Development:** Application to determine suitable new planning conditions  
for quarrying operations  
**Location:** HART QUARRY, HART LANE, HARTLEPOOL

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## The Application, Site and History

1.1 This report considers one of two applications on today's agenda in respect of mineral extraction operations at Hart Quarry. Whilst they are two individual applications, the two matters are closely inter-related. This application is an opportunity to review the historic planning conditions imposed on an original approval dated 28th April 1971 (C.A.48691) at Hart Quarry. Members will recall from updates at previous meetings and will wish to note that there is some lengthy history that is outlined below to explain the circumstances leading to the current position.

1.2 Hart Quarry has been operating for several decades and has quite a detailed planning history, including a judgement in 2005 from the High Court, discussed further below.

1.3 The Planning and Compensation Act 1991 and the Environment Act 1995 introduced provisions for the Registration and Review of Old Mineral Provisions. In January 1996 Cleveland County Council - the then Mineral Planning Authority (MPA) - issued a Notice under the provisions of section 22 and Schedule 13 of the 1995 Act to the effect that the land at Hart Quarry had been classified as 'an active Phase II site'. The land identified by a plan attached to the Notice included the combined area of planning permissions dating from 1971, 1989 and 1996. The provisions of section 96 and Schedule 13 of the 1995 Act provide for the Review of Old Mineral Planning Permissions ('ROMP') and allow Mineral Planning Authorities to impose new conditions on old permissions, where those permissions were granted between March 1969 and February 1982.

1.4 In June 1999 Hart Aggregates Ltd submitted an application (HFUL/1999/0320) under those provisions for the determination of new conditions in respect of the 1971 planning permission. The application was held in abeyance for some time during which there was considerable correspondence and both the applicant and the Council sought Counsels' opinions on the validity of the application. On 08 September 2004 the Council, as MPA, refused the application for the following reason:

*'In the opinion of the Local Planning Authority the 1971 permission to which this application relates has lapsed and the Local Planning Authority has no power to consider the application.'*

1.5 Following judicial review the matter was settled in April 2005 when the High Court deemed that a valid permission was in place. This meant that the original ROMP needed to be resurrected or re-submitted to allow the MPA to determine appropriate conditions.

1.6 As set out in the second of today's reports (H/2009/0482), the 1996 planning permission for the extended part of the quarry expired in December 2007. The Environmental Impact Assessment (E.I.A) requirements relating to the site extension were overlooked and confused by the broader legal position relating to the entire site. In June 2006 the MPA issued a scoping opinion for an Environmental Statement (ES) to accompany the anticipated renewal application. Subsequently the MPA agreed (following consultation with H.S.E. and the Environment Agency) to allow a further period of time (up to end December 2007) for the ES to be compiled prior to submitting a formal planning application. Thereafter, matters appear to have stalled with no application or ES having been submitted by the developer.

1.7 The position was subsequently highlighted by the coming into force on 22 July 2008 of the Town and Country Planning (Environmental Impact Assessment) (Minerals Permissions and Amendment) (England) Regulations 2008 (S.I. 2008 No.1556). These regulations deal with stalled reviews of old mineral permissions and provide for additional sanctions for all reviews of mineral applications which require E.I.A. Importantly, the 2008 Regulations impose a duty on MPAs to pursue the sanction of automatic suspension of operations for failing to provide an ES or further environmental information within a reasonable time. The 2008 Regulations imply the need to review these matters against those new provisions. As such an Environmental Statement was required to resurrect the determination of the ROMP application.

1.8 Given the specialist nature and complexities of the formal review process, Members agreed to the appointment of consultants to assist in securing the necessary environmental information and applications to ensure Hart Quarry continues to operate wholly within the new legal requirements.

1.9 Following their appointment, consultants Scott Wilson advised the Council to undertake an up-to-date statutory screening/scoping opinion in the light of the new EIA regulations, following which, after lengthy discussions, the developer was able to submit a new Environmental Statement. This was reviewed by Scott Wilson in December 2009, with a recommendation to request additional environmental information to address a number of gaps in the developer's ES. The quarry operator worked with the MPA to undertake a range of further studies (some of which were seasonal during 2010) and supply the requisite information. This was then the subject of a further consultation process with statutory consultees and an updated review by Scott Wilson culminating in a report dated March 2011.

1.10 Although this process has been lengthy and time-consuming, officers are satisfied that the Council, as MPA, is now in a position to determine this application for the review of updated planning conditions. Importantly, such conditions will ensure that, ultimately, following cessation of extraction, the restoration of the quarry will be secured in an environmentally beneficial manner.

## Publicity

1.11 The application has been advertised in two rounds of publicity in October 2009 and September 2010, the second following the submission of EIA supplementary information. Publicity has been carried out by way of site notices, press adverts and neighbour letters (53). The period for publicity has expired.

1.12 To date, there have been eight letters of objection and 6 letters of no objections. The concerns raised include:

- Dust (including from un-sheeted loads) impacting on nearby dwellings
- Vibration and noise from blasting
- Lack of road sweeping
- Traffic increase and violation of speed limits
- Breach of weight regulations by vehicles
- Lack of monitoring of alleged breaches of legislation
- Lack of security on site has resulted in thefts
- Health aspects
- Objection to any further extension of the quarry beyond the existing

Copy Letters D

## Consultations

1.13 The following consultation replies have been received:

**Environment Agency** – No objections in principle, but request additional conditions to cover waste importation and ground water protection. EA has a groundwater monitoring point adjacent to Hart Reservoir, approximately 500m from the quarry boundary. Data obtained indicates that groundwater levels within the area remain relatively stable. Ground elevation at that location is similar to the lowest point of the quarry, 58m AOD along the south-eastern boundary of the development site. This data, coupled with the data provided within the ES indicates that the water table is located at a depth below the base of the excavation.

**ANEC** - No comments.

**Community Services** – No comments received.

**Economic Development** - No objections; supports proposals.

**Ecologist** – Notes that Hart Quarry is of significant geological interest as it is by far the largest exposure of Magnesian Limestone in the Tees Valley. It is also one of only three known habitats in Hartlepool hosting the Dingy Skipper butterfly. Although it is a Local Wildlife Site it is not yet listed as a Local Geological Site only because it is still a working quarry. The Council's Ecologist also highlights a number of issues requiring appropriate conditions, including geological conservation and the need for Tees Valley RIGS Group to monitor and document any important features/ finds; management of existing vegetation; protection of exposed cliff faces from infilling;

and specific landscape requirements to allow for creation of calcareous grassland and maintaining a habitat for the Dingy Skipper butterfly. The development is likely, at worst, to have a minor negative effect on the local population of bats in the short-medium terms. Several species of bird of prey including Schedule 1 species, Peregrine Falcon and Barn Owls are present on site, emphasising the importance of this site for biodiversity and the need to retain the cliff faces as much as possible.

**Engineering Consultancy** – No objection.

**GONE** – No comments received.

**Hart Parish Council** – No comments received.

**Head of Traffic and Transportation** – No highway or traffic concerns, but has requested a condition requiring additional signage on weight restrictions and access routes to be taken to A19 as weight restriction exists on Hart Lane.

**Hartlepool Natural History Society** – No objection to extension of quarrying but concerned over proposed end-uses of waste tipping and golf course. The Society considers Hart Quarry to be one of the more spectacular physical features in the Borough with the current excavated faces showing the extent of the massive reef that formed in a tropical sea when the area was nearer the equator some 250 million years ago. Consequently, the Society would wish to see the full faces of excavated quarry retained as an educational feature for future generations.

**Head of Public Protection** – Agree with the conclusion within the noise assessment concerning noise levels from the site and in my opinion the suggested planning conditions with regards to noise are suitable for the development. I would recommend two alterations to the suggested conditions concerning blasting. I am happy with the ground vibration limit of 8.5mm peak particle velocity in 90% of blasts but would suggest that no individual blast should exceed 120dB(Lin) measured at vibration sensitive properties. I have some concerns about general dust control on the site, particularly in dry weather. I do not have a problem with the suggested condition 25. In my opinion we need an additional condition requiring the applicant to agree dust suppression systems and dust suppression measures in writing with the MPA and these measures to be implemented and maintained for the duration of the quarrying operations on the site.

**HSE (HM Inspector of Quarries)** – No objections.

**HSE (Land Use Planning)** – No comments.

**Natural England** – Advises that the proposal is unlikely to have an adverse effect in respect of species protected by law (bats). Advises that the proposal is unlikely to have an adverse effect in respect of species protected by law (birds) subject to conditions. Two UK BAP species have been recorded from the site. Natural England advises that an alternative habitat for Dingy Skipper butterflies should be a condition of any approval. Advises that the above proposal is unlikely to have an adverse effect in respect of a protected species (species must remain confidential by law) subject to conditions. Advises that a provision of lighting in restoration is agreed

by condition. Recommends that provision is made for the retention of any features of particular geological interest in the development of the detailed restoration scheme. Detailed restoration proposals should be developed in full discussion with the Local Authority. Request for additional conditions, especially in respect of geological aspects, restoration proposals including soils and agriculture, protected and priority species, and habitat creation for the dingy skipper butterfly.

**Northumbrian Water** - No objections

**One North East** - No comments.

**Ramblers Association** - No comments.

**RSPB** – No comments received.

**Tees Archaeology** – No comments received.

**Tees Valley RIGS** (Regionally Important Geological and Geomorphological Sites) – Highlight the value of Hart Quarry as a site of geological importance within the Tees Valley, and confirm that the site is to be designated as a Local Geological Site. RIGS note that once quarrying has finished the restoration of the quarry would provide a good opportunity to create a valuable addition to the geodiversity within the Tees Valley. To this end it is suggest that the finished design preserves the higher cliff faces to allow fuller study of important features within the limestone and geomorphology.

**Tees Valley JSU (Joint Strategy Unit now defunct)** – No comments received.

**Teesmouth Bird Club** – No objection in principle to continued extraction. TBC consider that continued quarrying will be beneficial because inland limestone cliffs are extremely rare in the Cleveland sub-region and attract certain specialist bird species that wouldn't otherwise occur. However TBC object to any subsequent restoration based on imported waste because of the potential to impact adversely on the site's geological features and geological features and ornithological interest. TBC suggest numerous amendments to the applicant's proposed draft conditions, particularly with regard to eventual restoration, in order to safeguard this habitat of protected bird species. To this extent golfing - with associated artificial lighting - is not considered a compatible after-use. A more sensitive approach to restoration is requested, retaining the sculpted cliff faces and restricting any infill to a minimum, with the latter being utilised for the creation/extension of magnesian limestone grassland.

## Planning Policy

1.14 The following statutory, national, regional and local policies and designations are relevant to the determination of this application.

## Statutory Designations



- The site is designated as a Local Wildlife Site formerly a Site of Nature Conservation Interest (SNCI) in the Local Plan (see below).
- Approximately 8ha of the site is also allocated within the (soon to be adopted) Tees Valley Joint Minerals and Waste Policies and Sites DPD, for the extraction of crushed rock (see below).
- The site lies within the wider Tees Forest Area on the adopted Local Plan (now the North East Community Forest – although this no longer exists as a functioning body).
- Hart Windmill is a Grade 2 Listed Building situated approximately 100 metres from the north-western corner of the quarry.

### **Statutory Development Plan**

1.15 The statutory development plan comprises:

- Regional Spatial Strategy for North East England (2007)
- Hartlepool Local Plan (Adopted April 2006)

1.16 In addition, Members will wish to note that The Tees Valley Joint Minerals Waste Development Plan Documents have now reached an advanced stage toward adoption and must be given appropriate weight in planning decisions. Indeed, this is probably the key policy document for which Members must have regard.

1.17 The five local authorities in the Tees Valley - Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees - have prepared joint development plan documents (DPDs) to set out planning policies and site allocations on minerals and waste developments until 2026. The Tees Valley Joint Minerals and Waste Core Strategy DPD was submitted to the Secretary of State on 12 November 2010 and the Tees Valley Joint Minerals and Waste Policies and Sites DPD was submitted on 15 November 2010, in accordance with Regulation 30 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008. An Examination in Public was held in February 2011 with hearings on the 8th, 9th and 23rd of February. The Inspector's Report was received on the 16th May 2011. The Inspectors Report found both DPDs sound with no further changes required.

1.18 Consequently, all five Tees Valley councils will now proceed to adopt the Joint Minerals Waste DPDs. To this end Hartlepool Borough Council will consider a report to Council on 4<sup>th</sup> August with a recommendation that all five councils agree a statutory adoption date for the DPDs of 15<sup>th</sup> September 2011.

### **Regional Spatial Strategy for North East England (2007)**

Policy 43: Aggregate Minerals Provision states that Minerals and Waste Development Frameworks, Minerals Development Frameworks, Local Development Frameworks, and planning proposals should make provision to maintain a land bank of planning permissions for primary aggregates which is sufficient to deliver 26.25 million tonnes of sand and gravel and 156 million

tonnes of crushed rock over the 21 year period 2001-2021 based on the following apportionment to sub-regional areas:

Durham

Sand and gravel: 8.0 m tonnes

Crushed rock: 99.5 m. tonnes

Hartlepool Borough Local Plan (April 2006)

1.19 The following policies are relevant to the determination of this application:

GEP1: General Environmental Principles

States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. 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.

GEP5: Environmental Impact Assessment

States that environmental assessment of proposals will be required for all schedule 1 projects and for those schedule 2 projects likely to have a significant effect on the environment. The policy also lists other instances where the Borough Council may require an environmental assessment.

GEP12: Trees, Hedgerows and Development

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

Min3: Mineral Extraction

States that the Borough Council will consider fully the impact of future mineral development on the local environment and the community. An environmental impact assessment will be required to accompany any application for mineral extraction where the [proposed development is likely to have a significant effect on the environment. Planning permission will only be granted subject to meeting criteria set out in the policy, including considerations of the need for primary aggregates, the visual, environmental and community impacts of the development (including dust and noise), the capacity of the road network, the disposal of waste material, protection of the aquifer, the undertaking of a full archaeological assessment, and financial provision for the effective reclamation of the land. The use of planning conditions and obligations will seek to ensure the highest standard of development and minimisation of

environmental impact. The Council will also seek to ensure the highest standard of development and the minimisation of adverse environmental impacts through the use of planning conditions and, if necessary, planning obligations.

**Min4: Transportation of Minerals**

States that proposals for minerals development which generate road traffic will only be permitted where the local road network is capable of accommodating the type and volume of traffic without having a significant adverse effect on either highway safety or the amenity of local communities in terms of visual intrusion, dust, noise and vibration. A transport plan may be required where appropriate consideration will be given to the use of planning conditions and obligations to secure the movement of minerals or by-products by means other than road transport.

**Min5: Restoration of Minerals Sites**

States that a detailed restoration and aftercare scheme will be agreed with the Borough Council prior to the commencement of extraction operations, and the Council will attach conditions to planning approvals to ensure a satisfactory restoration and aftercare scheme is implemented

**PU4: Protection of the Aquifer**

States that proposals which have the potential to have a detrimental effect upon the quality of groundwater reserves will not be permitted unless measures are in place which remove the risk of groundwater pollution.

**Rur7: Development in the Countryside**

Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements of agriculture and forestry, viability of a farm enterprise, proximity to intensive livestock units, and the adequacy of the road network and of sewage disposal.

**WL4: Protected Species**

States that development will not be permitted which would have a significant adverse effect, directly or indirectly, on species protected by law and their habitats except where the developer has taken effective steps to secure the protection of such species and their habitats.

**WL7: Protection of SNCIs, RIGGs and Ancient Semi-Natural Woodland**

States that development likely to have a significant adverse effect on a site of nature conservation importance or a regionally important geological/geomorphological site or ancient semi-natural woodland, which is not otherwise allocated in the Local Plan, will not be permitted unless the reasons for the development clearly outweigh the harm to the substantive nature conservation or geological or geomorphological value of the site. Where development is approved, planning conditions and obligations may be used to minimise harm to the site, enhance the remaining nature conservation

interest and secure any compensatory measures and site management that may be required.

Tees Valley Joint Minerals and Waste Policies and Sites DPD (2011)

1.20 This is the most up-to-date policy document in relation to the current proposals and Policy MWP2 is highly relevant.

Policy MWP2: Hart Quarry Extension (Hartlepool) states that a site of approximately 8ha is allocated for the extraction of crushed rock from an extension to Hart Quarry (Hartlepool). It is expected that 1.32 million tonnes of aggregate grade limestone will be recovered from this allocation.

At paragraphs 3.1.3 and 3.1.4 the lower case text of the DPD states in regard to crushed rock:

*3.1.3 “The Minerals and Waste Core Strategy has identified that there is a shortfall of 1.903 million tonnes of crushed rock reserves in order to meet the requirements identified for the plan period. There is one existing extraction site which produces crushed rock for aggregates purposes, at Hart Quarry (Hartlepool), and this has the potential to be extended to provide additional reserves of around 1.32 million tonnes of aggregate grade limestone.*

*3.1.4 A key issue with the site is biodiversity with part of the existing quarry being designated as a Local Wildlife Site due to small areas of magnesian limestone grassland being found on the perimeter of the site and the use of the quarry faces by breeding peregrine falcon, kestrel and little owls. The scale of the existing quarry and the location of the extension area in relation to the features of interest mean that extraction can be undertaken without the loss of the grassland areas. In addition existing quarry faces will also be able to be left undisturbed for use by breeding birds. In addition the restoration of both the existing quarry and the extension area can be designed so as to accommodate and improve these features. The extension will bring workings closer to residential properties around Nightingale Close, however all workings will continue to use the processes exercised in the existing quarry which have not directly led to any complaints from local residents. In addition these properties will be shielded from these properties by the quarry face. The existing access infrastructure is considered to be appropriate to accommodate the continued use of the quarry.”*

**National Planning Policy Guidance**

1.21 In addition to the provisions of the statutory development plan (set out above), the following advice is considered material to the determination of this planning application.

Minerals Policy Guidance 14 (MPG 14) (Sep. 1995) gives advice to mineral planning authorities and the minerals industry on the statutory procedures to

be followed and the approach to be adopted to the preparation and consideration of updated planning conditions.

As with all planning conditions, any new conditions will need to have regard for the six tests set out in Circular 11/95: The Use of Conditions in Planning Permissions, namely that they should be:

- necessary
- relevant to planning
- relevant to the development to be permitted
- enforceable
- precise
- reasonable in all other respects.

Minerals Policy Statement 1: Planning and Minerals (Nov. 2006), together with its supplement - Planning Guide - aims to provide a framework for meeting the nation's need for minerals sustainably, by adopting an integrated policy approach to considering the social, environmental and economic factors of doing so and securing avoidance or appropriate mitigation of environmental impacts where extraction takes place.

Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England (March 2005) sets out the principles to be followed in considering the environmental effects of minerals working.

Environmental Impact Assessment and Reviews of Mineral Planning Permissions (July 2008) provides guidance on regulations applying environmental impact assessment to stalled and other reviews of conditions attached to mineral planning permissions in England.

Planning Policy Statement 9: Bio-diversity and Geological Conservation confirms that one of the aims of the planning process is not only to prevent harm to, but also maintain, and enhance, restore or add to, biodiversity and geological conservation interests. The supporting *ODPM Circular 06/2005 Biodiversity and Geological conservation - Statutory Obligations and Their Impact Within the Planning System* provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It complements the expression of national planning policy in Planning Policy Statement 9, and the accompanying Good Practice Guide

Planning Policy Statement (PPS23): Planning and Pollution Control, Annex 1, covers development and its impact on air and water quality.

## Planning Considerations

1.22 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all proposals should be determined in accordance with the development plan unless material considerations dictate otherwise.

1.23 This application allows the MPA to consider the imposition of more modern and up-to-date conditions. The ROMP application means that such conditions will

ensure that, ultimately, following cessation of extraction, the restoration of the quarry will be secured in an environmentally beneficial manner.

1.24 The main issues for consideration in this instance therefore include:

- i) The principle of continuing extraction from the quarry;
- ii) Potential amenity impacts by way of noise, dust and vibration from blasting and also impacts from lorry traffic upon local communities;
- iii) Ecology, environmental habitat and nature conservation issues;
- iv) The restoration and after-use of the quarry.

### *The Principle of Extraction*

1.25 The RSS and, more recently, the Tees Valley Joint Minerals and Waste Development Plan Documents have identified the need for, and levels of, minerals exploitation up to 2026. Hart Quarry is the only crushed rock operator within the Tees Valley. Importantly, the Policies and Sites DPD reveals both a likely shortfall in meeting the target for crushed rock, and a further difficulty of no alternative future extraction sites having been identified. Consequently, as the DPD represents the most up-to-date policy advice and is very close to adoption Members are advised that substantial weight should be given to its provisions. In this context the allocation at Hart Quarry is significant, and the principle of continued extraction (subject to appropriate conditions) is accepted. The principle of mineral extraction is established on this site historically and it is therefore considered acceptable to consider appropriate conditions for imposition on the operations.

### *Amenity*

1.26 Since the quarry first opened, when the nearest residential properties were mainly within Hart Village to the north, its relative isolation within the open countryside has been encroached upon by the north-westwards extension of Hartlepool's urban fringe. This means that some recent new housing development lies closer to the quarry than Hart Village, and it will be necessary to ensure residential amenity is not adversely impacted by on-going works. Some of the environmental issues and potential impacts - such as from noise and dust - are covered by other legislation in addition to any planning controls that can be imposed. Neither the Council's Environmental Health Officer nor Highways Engineer is opposed to the current applications, although Members might wish to ensure that the situation be continued to be monitored over time.

1.27 In terms of noise, the Environmental Assessment indicates that background noise levels have been surveyed at the three closest properties to the quarry - Hart Mill Farm, Keeper's Cottage and Nightingale Close. This was compared with the predicted levels during full operation and relevant guidance limits. Giving the siting and nature of the extractions, their proximity to residential properties, the recorded ambient noise levels and the predicted levels from operation, it is unlikely that the continued workings will adversely impact on residential amenity. The levels are in compliance with the guidance set out in MPS2. The conditions proposed are considered sufficient to satisfactorily mitigate and protect against significant impacts on amenity in noise terms.

1.28 The Council's Head of Public Protection has requested an additional condition for dust suppression equipment to be agreed with the Local Authority and implemented for the duration of extraction. Otherwise it is considered that the conditions proposed satisfactorily mitigate potential significant effects in terms of dust.

1.29 Currently blasting takes place between 11am and 3pm Monday to Friday in accordance with condition viii of planning consent CH/293/89 (now expired). For operational reasons the applicant is proposing that blasting take place between 10am and 4pm Monday to Friday. In terms of the number of blasts, these are undertaken at the rate of 1 blast every 4-6 weeks. It is considered that, given the limited number of blast per annum (9-13) and the fact that the extended hours requested by the applicant would still constrain blasting to well within the normal working day, then subject to monitoring by Environmental Health and other controls exercised under public health legislation, the request can be accepted and the proposed condition is considered acceptable.

1.30 In terms of the potential concerns raised in respect of trucks using Hart Lane in breach of highway weight restrictions, it is acknowledged that highways legislation is in place regulate the use of the road and it is also recommended that a condition is attached ensuring signage is erected at the site exit advising drivers of the weight restriction. However, it is considered that to impose restrictions on the use of Hart Lane for vehicles would not meet the tests for conditions set out in Circular 11/95 in that it would not be enforceable or precise, given that the activity occurs off site, is a management issue and given that the discretion of the breach is with the drivers rather than the operators, it is considered and established in case law that a restriction in planning terms would not be effective. It is established in case law and considered sufficient in this instance to rely on highways legislation to deal with specific breaches.

### *Ecology*

1.31 The Environmental Statement (ES) and additional environmental information that has been submitted by the developer addresses a wide range of matters, not least the number of protected species for which the quarry provides either a temporary or semi-permanent habitat. It is considered that the proposed mitigation measures within the ES will help safeguard habitat interests, but it is considered that appropriate conditions are necessary to ensure such safeguarding. In particular, the Council's Ecologist has recommended that conditions be applied in respect of:

- a management plan for existing vegetation;
- restoration to include reduced tree planting but increased opportunity for creation of new Magnesian Limestone grassland.

1.32 Furthermore Natural England have also advised that the proposal is unlikely to have an adverse effect in respect of species protected by law (bats and birds). One protected species has also been identified, the species of which cannot be divulged due to confidentiality in order to protect the species. Natural England advises that the species is unlikely to be affected by the works subject to the relevant conditions.

1.33 Two UK BAP species have been recorded from the site. Natural England has advised that an alternative habitat for Dingy Skipper butterflies should be conditioned.

#### *Restoration and after-use of the quarry*

1.34 The 1989 planning consent CH/293/89 was approved with extensive restoration details that included waste tipping on the site. It is understood that the applicant, Hart Aggregates Limited, will not be involved with the final restoration of the quarry as restoration rights were retained by the landlord (owner) of the site and were not included in the quarrying lease offered to Hart Aggregates Limited. The applicant has therefore indicated that as the agreed restoration conditions attached to the 1989 permission cover the site of the 1971 permission the applicant has put forward no restoration conditions in the schedule they have submitted under either of the current applications.

1.35 For its part the Council, as MPA, is obliged to impose such conditions as it thinks fit and needs to consider how restoration is to be dealt with. Given the high geological conservation value placed on the rare exposure of the Magnesian Limestone in this location, the Council's Ecologist has recommended that conditions be applied in respect of:

- no infilling within 50m of the exposed cliff faces;
- opportunities for on-going monitoring by Tees Valley RIGS Group to document important exposed features, and that any important features identified by the Group are not obscured by the after-use of the site, including infilling.

1.36 As extraction from the site could take up to 2042, it is considered premature to approve final restoration details and after-uses at this stage. The geological, ecological and habitat importance of the quarry have been identified above and - both legally and in policy terms - it is considered important that those features be protected. To this end the current aspirations set out in the Environmental Statement for a golf facility once the quarry is closed, together with attendant elements such as external lighting and some of the proposed landscape details (especially the amount of tree planting that is normally associated with a golf course), could present some difficulties for the important features identified by both statutory and non-statutory consultees, and mentioned above. Accordingly it is recommended that final restoration details be the subject of a condition, with after-use of the quarry site following the cessation of extraction, being the subject of a separate planning application to be determined closer to the end-date of the quarry.

#### *Other Matters*

1.37 Despite the proximity of the quarry to Hart Windmill (Grade II listed building) it is not considered that the current proposal will have an adverse impact on the setting of that listed building. This has not been an issue raised during the lifetime of the quarry, and nor do the continued extraction works extend physically closer to or appear more prominent within the setting of the listed building.



1.38 In terms of landscape and visual impact, the location of the site and the relative ground levels of the surrounding topography mean that there are only very limited inward views of the quarry itself. The intention to re-create areas of magnesian limestone grassland will have a positive impact on the landscape and upon the visual amenity of the area.

1.39 In terms of the potential for importation of waste to aid restoration, the recently endorsed Tees Valley Joint Minerals and Waste Policies and Sites DPD indicates that the Borough currently has sufficient landfill capacity up to the end of the plan period of 2026. At that time, based on the calculated figures for annual deposits, that would leave approximately 4,164,200 tonnes void. However, in order to make the restoration of Hart Quarry viable it has always been the intention to use imported waste, and there is no objection in principle from any of the statutory consultees, provided the nature of imported waste is controlled and the exposed quarry faces are not re-covered. Suitable planning conditions are proposed to cover these aspects. Notwithstanding that, use of the site for landfilling purposes will require both a separate planning permission and an environmental permit from the Environment Agency.

1.40 It is considered appropriate to impose the same set of conditions across the site as a whole (conditions in respect of the extension extraction are dealt with the second Hart Quarry report) in order to ensure cohesion across the whole site and to tie operations together in planning terms. It is noted that the conditions propose an end date for extraction of February 2042. Schedule 5 of the Town and Country Planning Act (1990) (as amended) makes clear that a maximum lifetime of 60 years should be granted from the cut of date of phase II sites which was February 1982 – hence the 2042 end date. Whilst there is a discretion for Mineral Planning Authorities to allow shorter extraction periods, it is considered that current rates of extraction fit in with such an end date, and also to constrain operations to a shorter lifetime, could potentially harm the economic viability of extraction over the lifespan of extraction (given fluctuations in the market) and ultimately result in the loss of a strategic mineral resource for the Tees Valley as a whole.

## Conclusions

1.41 Successive governments have recognised that minerals are essential for development and, through that, for our quality of life and creation of sustainable communities. MPS1 re-affirms the view that it is essential that there is an adequate and steady supply of material to provide the infrastructure, buildings and goods that society, industry and the economy needs. Minerals development is different from other forms of development because minerals can only be worked where they naturally occur.

1.42 Importantly, the Tees Valley Joint Minerals and Waste Policies and Sites DPD states at paragraph 3.1.5:

*“The Hart Quarry extension allocation would still leave a shortfall of 0.583 million tonnes of crushed rock aggregates, and it is in any case unlikely that all of the material would be extracted during the plan period. Planning permissions for additional resources are likely to be needed by 2015 to allow*

*time for sufficient rock to be extracted within the plan period to meet the requirements.”*

1.43 Given this future shortfall position, it is recommended that substantial weight should be given to the need for continuing extraction at Hart Quarry under the terms and extent of the current application, and subject to the appropriate new conditions set out below.

1.44 In this context, Members will wish to note that Hart Quarry has operated for many years, and continues to operate today in a manner that has not created significant adverse environmental impacts. It also provides local employment and plays an important role in the delivery of aggregates, particularly crushed rock, to the regional construction industry, as well as the export of agricultural lime.

1.45 Accordingly, it is recommended that having regard to all relevant development plan policies and relevant material planning considerations, Members are minded to approve the imposition of the revised planning conditions set out below for continued quarrying operations to continue and subsequent restoration to be achieved.

**RECOMMENDATION** –A ROMP certificate for application HFUL/1999/0320 be issued with the conditions set out below.

## **A. APPROVED DOCUMENTS**

1. The development shall only be carried out in accordance with the following documents, except and as varied by any subsequent condition attached to this approval:

- a) Review application form and certification dated 01/01/01.
- b) Documents entitled:
  - i. Hart Quarry. Review of Mineral Planning Permission Ref No CA48691 Dated 28th April 1971. Supporting Statement.
  - ii. Hart Quarry. Review of Mineral Planning Permission Ref No CA48691 Dated 28th April 1971. Environmental Statement.
  - iii. Environmental Statement dated August 2009, together with Supplementary Environmental Information dated 3<sup>rd</sup> September 2010.
- c) Figures enclosed with documents (b) (i) (ii) and (iii).

(Reason No. 1)

2. From the date of issue of these conditions to the completion of the restoration and aftercare, a copy of this schedule, including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall be made available for inspection and reference to all persons with responsibility for the site's working, restoration, aftercare and management.

(Reason No. 1)

**B. MATTERS REQUIRING SUBSEQUENT APPROVAL**

3. Notwithstanding the information submitted in the Environmental Statement accompanying the planning application, the development shall only be carried out in accordance with a scheme or schemes to be agreed with the Mineral Planning Authority (in consultation with Natural England, Environment Agency, RSPB, Tees Valley Wildlife Trust and Teesmouth Bird Club) and which shall include provision for:

- a) Details of the landscaping to include:
  - i. The proposed landscape objectives of the scheme;
  - ii. The species to be planted and the percentage of the total to be accounted for by each species;
  - iii. The size of each plant and the spacing between them;
  - iv. The preparations to be made to the ground before planting them;
  - v. The fencing off of planted areas;
  - vi. A maintenance and management programme to be implemented and maintained for five years following the carrying out of the landscape and associated works and which shall include the weeding of the planted area, repairing of any damaged fencing and the replacement of any plants which die or are seriously affected by disease;
  - vii. The timing of the proposed works.
- b) A detailed scheme of restoration which shall include the following details to be shown on 1:1250 scale plan, or such other scale as agreed with the Mineral Planning Authority:
  - i. The landscape objectives of the restoration scheme;
  - ii. Soils replacement, including target soil profile in terms of depth, composition and treatment, together with arrangements for the Mineral Planning Authority to inspect and approve key stages of soil handling and replacement.
  - iii. The erection of fences;
  - iv. The planting of trees and hedges including:
    - a) The species to be planted and the percentage of the total to be accounted for by each species;
    - b) The size of each plant and the spacing between them;
    - c) The preparations to be made to the ground before planting them;
    - d) The fencing off of planted areas;
    - e) A maintenance and management programme and accompanying programme of works, once the planting has been carried out which shall last for five years from the date of planting and shall include the weeding of the planted area, repairing of any damaged fencing and the replacement of any plants which die or are seriously affected by disease;
    - f) The timing of the proposed works.
- c) A detailed scheme (which shall be the subject of a separate planning application) for the proposed after uses of the restored site including design and layout of any facilities.

(Reason Nos. 3 and 4).

4. Those details required by Condition 3(a) shall be submitted to the Mineral Planning Authority no later than 3 months from the date of this approval unless otherwise agreed in writing with the authority.

(Reasons Nos. 1, 3)

5. Those details required by Condition 3(b) shall be submitted to the Mineral Planning Authority no later than 12 months prior to completion of mineral extraction in Phase 1 as identified on Figure 4 accompanying Document (b) (i) approved under Condition 1 unless otherwise agreed in writing with the Mineral Planning Authority.

(Reason Nos. 1, 4)

6. Those details required by Condition 3(c) shall be submitted to the Mineral Planning Authority no later than 12 months prior to completion of restoration of Hart Quarry unless otherwise agreed in writing with the Mineral Planning Authority.

(Reason Nos. 1, 4)

### **C. COMPLETION**

7. All mineral extraction shall cease by not later than 21st February 2042.

(Reason No. 5).

8. The workings subject to this planning approval shall be restored in accordance with the approved scheme referred to in Condition 3(b) within 24 months of the completion of mineral extraction.

(Reason No. 5).

### **D. WORKING HOURS**

9. With the exception of loading and transportation of Agricultural Lime to Hartlepool docks, authorised operations shall be restricted to the following times:

Mondays to Fridays 07:00 to 17:00 hours

Saturdays 07:00 to 13:00 hours

The loading and transportation of Agricultural Lime to Hartlepool Docks shall be restricted to the following times:

Mondays to Fridays 06:00 to 17:00 hours

Saturdays 06:00 to 13:00 hours.

(Reason No. 6)

10. No operations except for maintenance of vehicles and plant shall take place outside these hours or at any time on Sundays, Bank or other public holidays, save in case of emergency when life, limb or property are in danger. The Mineral Planning Authority shall be notified as soon as is practicable after the occurrence of any such emergency operations or working.

(Reason No. 6)

## **E. ACCESS AND PROTECTION OF THE PUBLIC HIGHWAY**

11. Vehicular access to and from the site shall only be via the existing site access shown on Figure 2.

(Reason No. 7)

12. Within one month of the date of this approval, details of a scheme for providing on-site signage, clearly visible to all drivers using the quarry, that there is a weight restriction on Hart Lane, and the route that should be taken to access the A19 Trunk Road shall be submitted to and agreed in writing by the Mineral Planning Authority. Thereafter, within one month of the date of the Mineral Planning Authority's agreement, the scheme shall be implemented in accordance with the agreed details, and retained as such for the lifetime of the development.

(Reason No.7)

13. The existing wheel wash shown on Figure 2 shall be used to ensure all vehicles leaving the site are cleansed of mud or dirt before entering the public highway. At such times when the wheel wash is not sufficient to prevent the transfer of mud or dirt onto the public highway, vehicle movements shall cease until adequate cleaning measures are employed which prove effective, or weather and/or ground conditions improve with the effect of stopping the transfer, to the satisfaction of the Mineral Planning Authority.

(Reason No.7)

14. The loads of all open goods vehicles leaving and entering the site shall be fully covered by sheeting or be fully contained as appropriate to the material.

(Reasons Nos. 6, 7)

## **F. SOIL HANDLING**

15. All soil handling will only take place under sufficiently dry and friable conditions by excavators and dump trucks.

(Reason No. 4)

16. All soil heaps shall be grass seeded in accordance with a specification agreed beforehand with the Mineral Planning Authority and kept free from weeds if the materials are not to be used within three months.

(Reason No. 3)

17. No soil shall be removed from the site.

(Reason No. 4)

## **G. SITE WORKING**

18. Extraction and reclamation shall only be carried out in accordance with the approved documents listed in Condition 1 and any schemes and documents subsequently agreed in accordance with Condition 3.

(Reasons Nos. 2, 3, 4, 6)

19. Only inert waste materials in accordance with a permit issued by the Environment Agency shall be imported to the site, and this shall only be permitted in accordance with a scheme of restoration to be agreed with the Mineral Planning Authority in advance of such importation, in accordance with Condition 3 (b) of this approval.

(Reasons Nos.4, 6)

20. No burning of rubbish or waste materials shall take place at any time at the site, except as may be required by the Mines and Quarries Act 1954 and any other relevant legislation.

(Reasons Nos. 2, 6)

## **H. SITE MAINTENANCE**

21. From the date of these Conditions until final restoration of the site, the following shall be carried out:

- a) Any gates and fences shall be maintained in a sound condition;
- b) Any drainage ditches shall be maintained in a sound condition;
- c) All areas, including heaps of material, shall be kept free from weeds and necessary steps taken to destroy weeds at an early stage of growth to prevent seeding.

(Reasons Nos. 3, 4, 8, 9, 10, 11)

## **I. BUILDINGS, PLANT AND MACHINERY**

22. Plant and machinery on site shall not be used to process, treat or otherwise refine materials other than those extracted from the site.

(Reason No. 6)

## **J. ENVIRONMENTAL PROTECTION**

### **NOISE**

23. Efficient silencers and acoustic hoods or covers shall be fitted to the manufacturer's design and specification and maintained at all times on vehicles, plant and machinery on site.

(Reason No. 6)

24. Monitoring of noise levels, as requested by the Mineral Planning Authority or as deemed appropriate in the event of complaint to the Mineral Planning Authority, shall be carried out by the operator during the daytime (07:00 – 17:00) Monday to Friday or when plant and machinery is operating normally. The results of which shall be provided to the Mineral Planning Authority. The locations of the noise monitoring points shall be agreed in writing by the Mineral Planning Authority in the event that monitoring is required, before monitoring is undertaken.

(Reason No. 6)

## **BLASTING**

25. Notwithstanding information submitted with the application, the number of blasts undertaken at the quarry shall not exceed 1 per calendar month unless previously agreed in writing with the Mineral Planning Authority. Such blasting shall not take place on the site outside the hours of 10:00 to 16:00 Monday to Friday and there shall be no blasting on Saturdays, Sundays, Bank or other public holidays.

(Reason No.6)

26. Ground vibration as a result of blasting operations shall not exceed  $8.5\text{mm}^{-1}$  peak particle velocity in 90% of all blasts measured over any 6 month period, with no individual blast exceeding  $10\text{mm}^{-1}$  peak particle velocity as measured at vibration sensitive properties.

(Reason No. 6)

27. Blasting operations shall be regularly monitored by the operator for peak particle velocity in the vertical, horizontal, and transverse planes at such location or locations and at such times as may be requested by the Mineral Planning Authority using equipment suitable for measuring ground vibration and air overpressure resulting from blasting and shall, on request, supply the Mineral Planning Authority with the particulars of any blast. Such monitoring shall include the impact of blasting on the important bird breeding populations, particularly Peregrine Falcon, and any adverse effects shall be the subject of a remediation scheme to be agreed with the Mineral Planning Authority.

(Reasons Nos. 2, 6)

28. No secondary blasting shall be carried out at the site.

(Reason No. 6)

**DUST**

29. Unless otherwise agreed in writing by the Mineral Planning Authority, not later than one month from the date of this approval, a scheme for the suppression of dust shall be submitted to the Mineral Planning Authority. Thereafter, such scheme as shall be agreed in writing by the Mineral Planning Authority shall be implemented for the working life of the quarry. All reasonable measures shall be taken to control dust emissions arising from site operations in terms of their effect(s) on local residents and nature conservation interests at the site. At such times when the measures employed are not sufficient to suppress fugitive dust emissions to the satisfaction of the Mineral Planning Authority, all operations shall cease until additional measures are provided and found to be adequate.

(Reason No. 6)

30. Dust suppression measures employed shall include the following:

- i. The provision of mobile water bowzers;
- ii. The use of dust filters on all plant and machinery;
- iii. A speed limit of 15 mph on all internal haul roads, with plant operating with upturned exhausts;
- iv. The watering of all haul roads and areas used for the storage of soils, overburden or waste materials and any other areas as necessary within the site during periods of dry and windy weather conditions.
- v. Details of specific dust suppression equipment, details of which shall be first agreed in writing by the Local Planning Authority.

(Reason No. 6)

**K. SURFACE WATER DRAINAGE AND POLLUTION CONTROL**

31. Oil, petrol, diesel oil, lubricant or paint shall only be stored within the site within an impervious bund or enclosure able to contain a minimum of at least 110% total volume of liquid stored. The discharge of such material to any settlement pond, ditch, stream, watercourse or other culvert is not permitted. All filling and distribution valves, vents and sight glasses associated with the storage tanks shall be located within the bunded area.

(Reason Nos. 10, 11)

32. Throughout the period of operations and reclamation, all necessary measures shall be taken to the satisfaction of the Mineral Planning Authority to ensure that the flow of surface water run-off onto and off the site is not impeded nor the quality of water affected to the detriment of adjoining land and that no silting, pollution or erosion of any water course or adjoining land takes place.

(Reason Nos. 10, 11)



33. Notwithstanding information submitted as part of this application, within 3 months of the date of this approval a scheme shall be submitted to the Mineral Planning Authority for ensuring that the quality of groundwater reserves within the aquifer will be adequately protected from any proposed quarrying operations.

(Reason No. 17)

34. No active de-watering of groundwater at the site shall be undertaken without the prior written agreement of the Mineral Planning Authority.

(Reason No. 17)

#### **L. ITEMS OF ARCHAEOLOGICAL OR SCIENTIFIC INTEREST**

35. The Mineral Planning Authority shall be notified as soon as immediately practicable of any features or artefacts of archaeological or scientific interest encountered during the stripping, movement, placement, and removal of soils and/or overburden materials or extraction of minerals. Reasonable access shall be afforded to the Mineral Planning Authority or its representatives to arrange and survey and record or recover such features and artefacts.

(Reason No. 12)

#### **M. REINSTATEMENT AND RESTORATION**

36. Unless otherwise approved in writing by the Mineral Planning Authority, reclamation and restoration of the site shall be in complete accordance with the scheme of reinstatement and restoration as may be agreed with the Mineral Planning Authority in accordance with Condition 3 of this approval.

(Reason No. 1)

37. In accordance with the reclamation requirements, all equipment, machinery and buildings shall be removed from the site on cessation of quarrying, unless otherwise agreed in writing by the Mineral Planning Authority.

(Reason No. 4)

38. In accordance with the reclamation requirements, all areas of hard standing, including site compounds, access and haul roads, shall be broken up and removed from the site on cessation of quarrying, or buried at sufficient depth not to affect the final reinstatement, restoration and after use of the site.

(Reason No. 4)

39. Overburden and inert waste shall be placed to such levels and in such a way that, after the replacement of subsoil and topsoil, the contours of the reinstated land conform with, the permitted restoration contours at the end of each permitted phase of working.

(Reason No. 4)

40. The Mineral Planning Authority shall be notified when Condition 36 has been complied with in each restoration phase, and shall be given an opportunity to inspect the surface before further restoration work is carried out.

(Reason No. 4)

## **N. SOIL REPLACEMENT**

41. Soils and soil making material shall only be re-spread when it and the ground on which it is to be placed are in a sufficiently dry condition.

(Reason No. 4)

42. The soils and soil making material shall be re-spread in accordance with the approved scheme submitted under Condition 3(b) unless otherwise agreed in writing with the Mineral Planning Authority.

(Reason No. 4)

43. No plant or vehicles (with the exception of low ground pressure types required for approved restoration works) shall cross any areas of replaced soil.

(Reason No. 4)

44. The Mineral Planning Authority shall be given the opportunity to inspect each stage of the work completed in accordance with Condition 42 prior to further restoration being carried out and should be kept informed as to the progress and stage of all works.

(Reason No. 4)

## **O. AFTERCARE**

45. A detailed aftercare scheme shall be submitted to the Mineral Planning Authority prior to commencement of restoration in each approved phase and shall include a programme for the maintenance and management of the reclaimed land for five years in each phase. The scheme shall include details of the following:

- i. The management objectives
- ii. Establishment and maintenance of the vegetation cover, including planting;
- iii. Weed control measures;
- iv. Secondary cultivation treatments;
- v. Ongoing soils treatment including seeding and frequency of soil testing and applications of fertiliser and lime, the intervals of which shall not exceed 12 months;
- vi. Provision of surface features and the erection of any fences as appropriate.

(Reason No. 13)

## **P. ANNUAL REVIEW**

46. Before 31st July of every year during the relevant aftercare period, a report shall be submitted to and agreed in writing by the Mineral Planning Authority recording the operations carried out on the land during the previous 12 months (including works to rectify grass sward and planting failures, the results of soil testing and agronomic inspection of the land carried during the preceding 12 months, and setting out the intended operations for the next 12 months.

(Reason No. 13)

47. Every year during the aftercare period the developer shall arrange a site meeting to be held on a date to be agreed with the Mineral Planning Authority, to discuss the report prepared in accordance with Condition 46, and to which the following parties shall be invited and take part in:

- a) The Mineral Planning Authority;
- b) Natural England (or any subsequent organisation);
- c) All owners of land within the site;
- d) All occupiers of land within the site.

(Reason No. 13)

## **Q. PROTECTED AND PRIORITY SPECIES AND GEODIVERSITY**

48. Notwithstanding any details submitted in connection with restoration of the site, a scheme for the creation and maintenance of a suitable habitat for the 'Dingy Skipper' butterfly shall be submitted to and agreed in writing by the Mineral Planning Authority in advance of any work on areas of the quarry in which the species has been recorded.

(Reason No. 14)

49. Not later than 3 months from the date of this approval a scheme for the retention of features of particular geological interest within the quarry, and which scheme shall also have regard for the need to maintain and enhance habitat for protected bird species, shall be submitted to and agreed in writing by the Mineral Planning Authority. Restoration shall only take place in accordance with such details as are subsequently approved by the Mineral Planning Authority.

(Reason No.15)

50. Notwithstanding any details submitted in connection with restoration of the site, a management plan for the existing vegetation, together with a scheme for the creation of areas of magnesian limestone grassland, shall be submitted to and agreed in writing by the Mineral Planning Authority not later than 3 months from the date of this approval. Thereafter the agreed details shall be adhered to, unless otherwise agreed in writing by the Mineral Planning Authority.

(Reason No.16)

51. No development shall take place otherwise than in complete accordance with the mitigation detailed at Chapter 6.7-6.8 and Table 6.8 of the submitted Environmental Statement and Section E of BE00334:111 Badger Report Hart Quarry, Barrett Environmental Ltd, July 2009. Before each phase of work commences, a checking survey for badgers shall be undertaken to ensure that no setts that may be affected by the proposals has been created. Should any sett have been created within 100m of proposed blasting areas, no blasting shall take place until an approved mitigation scheme has been submitted to and approved by the Mineral Planning Authority.

(Reason No. 14)

52. No development shall take place otherwise than in complete accordance with the mitigation detailed at Chapter 6.7-6.8 and Table 6.9 of the Environmental Statement and Section E of DWS00188.024 Breeding Birds (amended) Hart Quarry; Durham wildlife Services, March 2009. In particular, no scrub clearing or tree felling shall be undertaken during the bird nesting season (1<sup>st</sup> March-31<sup>st</sup> August inclusive) of any given year unless a checking survey has been undertaken by a qualified ecologist immediately prior to the commencement of works and no active nests have been identified.

(Reason No. 14)

53. Notwithstanding the provisions of part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings or other structure shall be erected, extended, installed, or replaced at the site without the prior written agreement of the Mineral Planning Authority.

(Reason 2).

## **REASONS FOR CONDITIONS**

1. To ensure the development is carried out in accordance with the approved documents.
2. To ensure the development is carried out in an orderly manner. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).
3. In the interests of visual amenity. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).
4. To ensure the site is satisfactorily restored. (Hartlepool Local Plan Policy Min5 – Restoration of Mineral Sites).
5. To avoid unnecessary delay in the restoration of the site. (Hartlepool Local Plan Policy Min5 – Restoration of Mineral Sites).
6. In the interest of residential amenity. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).
7. In the interests of highway safety. (Hartlepool Local Plan Policy Min4 – Transportation of Minerals).
8. In the interests of agriculture. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).

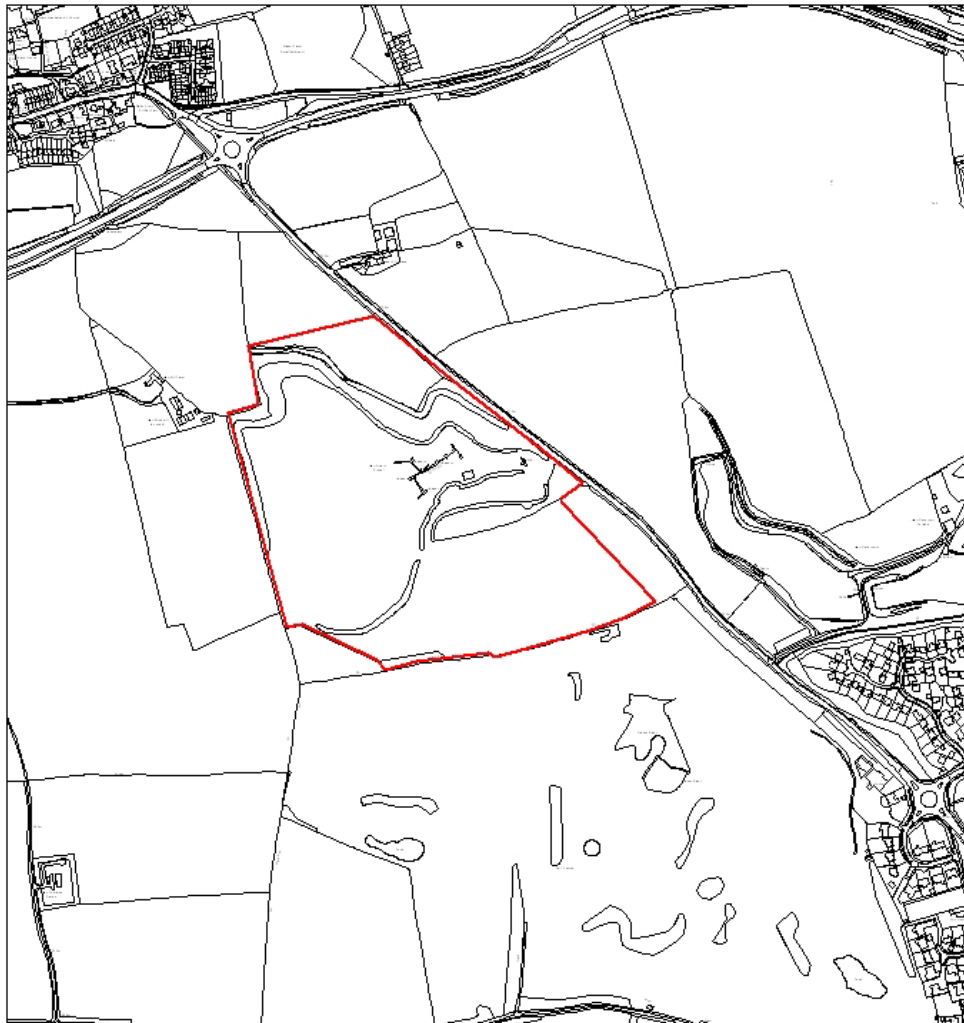
9. In the interests of public safety. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).
10. To protect land outside the site. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).
11. To avoid adversely affecting watercourses outside the site. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).
12. In the interests of archaeology. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).
13. To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.
14. In the interests of conserving and safeguarding protected species and their habitat. (Hartlepool Local Plan Policy GEP1 – General Principles)
15. In the interests of protecting the geodiversity features and ornithological value of the quarry. (Hartlepool Local Plan Policy GEP1 – General Principles)
16. In the interests of maintaining and enhancing the biodiversity interest of the development site. (Hartlepool Local Plan Policy GEP1 – General Principles)
17. To protect the aquifer (Hartlepool Local Plan Policy PU4).

## **INFORMATIVES**

1. Natural England note that protected species (to which legal protection is afforded), may be present in the general area and have drawn attention to information within ODPM Circular 06/2005 Part IV B and C for more guidance on the approach to be adopted.
2. The Tees Valley Regionally Important Geological and Geomorphological Sites (RIGS) group has highlighted the value of Hart Quarry as a site of geological importance within the Tees Valley. RIGS note that restoration of the quarry with geodiversity in mind would be in keeping with the Tees Valley Geodiversity Action Plan as being of importance to raise the geodiversity within the Tees Valley. RIGS have also suggested that the finished restoration plans allow for preservation of higher cliff faces to allow fuller study of important features within the limestone and geomorphology. RIGS group is happy to provide advice on surveys and assist with highlighting any areas that would benefit from extended exposure in the restoration.



## HART QUARRY



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>30/06/11</b>
	SCALE <b>1:8:000</b>	
<b>Regeneration and Neighbourhoods</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRGNO H/1999/0230 H/2009/0482	REV

**No:** 2  
**Number:** H/2009/0482  
**Applicant:** HART AGGREGATES LTD  
**Agent:** MR MICHAEL HODGES, HART AGGREGATES LTD,  
 15 FRONT STREET SHERBURN HILL DURHAM  
 DH6 1PA  
**Date valid:** 03/09/2009  
**Development:** Continuation of mineral extraction within expansion area  
 previously approved under application CH/293/83  
**Location:** HART QUARRY, HART LANE, HARTLEPOOL

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### The Application, Site and History

2.1 This report considers one of two applications on today's agenda in respect of mineral extraction operations at Hart Quarry. Whilst they are two individual applications, the two matters are closely inter-related. This application seeks to extend the time period for extraction within an extended area of the quarry, originally approved under planning permission CH/293/83. Members will recall from updates at previous meetings and will note that there is some lengthy history that is outlined below to explain the circumstances leading to the current position.

2.2 Hart Quarry has been operating for several decades and has quite a detailed planning history, including a judgement in 2005 from the High Court, discussed further below.

2.3 The Planning and Compensation Act 1991 and the Environment Act 1995 introduced provisions for the Registration and Review of Old Mineral Provisions. In January 1996 Cleveland County Council - the then Mineral Planning Authority (MPA) - issued a Notice under the provisions of section 22 and Schedule 13 of the 1995 Act to the effect that the land at Hart Quarry had been classified as 'an active Phase II site'. The land identified by a plan attached to the Notice included the combined area of planning permissions dating from 1971, 1989 and 1996. The provisions of section 96 and Schedule 13 of the 1995 Act provide for the Review of Old Mineral Planning Permissions ('ROMP') and allow Mineral Planning Authorities to impose new conditions on old permissions, where those permissions were granted between March 1969 and February 1982.

2.4 In June 1999 Hart Aggregates Ltd submitted an application (HFUL/1999/0320) under those provisions for the determination of new conditions in respect of the 1971 planning permission. The application was held in abeyance for some time during which there was considerable correspondence and both the applicant and the Council sought Counsels' opinions on the validity of the application. On 08 September 2004 the Council, as MPA, refused the application for the following reason:

*'In the opinion of the Local Planning Authority the 1971 permission to which this application relates has lapsed and the Local Planning Authority has no power to consider the application.'*

2.5 Following judicial review the matter was settled in April 2005 when the High Court deemed that a valid permission was in place. This meant that the original ROMP needed to be resurrected or re-submitted to allow the MPA to determine appropriate conditions. Application HFUL/1999/0320 for the determination of new conditions is the subject of the second of the Hart Quarry items.

2.6 Meanwhile, the 1996 planning permission for the extended part of the quarry expired in December 2007 (that date having already been extended by the MPA from September 2004). Unfortunately, the Environmental Impact Assessment (E.I.A) requirements relating to the site extension were overlooked and confused by the broader legal position relating to the entire site as outlined above. In June 2006 the MPA issued a scoping opinion for an Environmental Statement (ES) to accompany the anticipated renewal application. Subsequently the MPA agreed (following consultation with H.S.E. and the Environment Agency) to allow a further period of time (up to end December 2007) for the ES to be compiled prior to submitting a formal planning application. Thereafter, matters appear to have stalled with no application or ES having been submitted by the developer. As such the permission for extraction of the extended part of the quarry has lapsed. This application seeks to regularise operations.

2.7 Given the specialist nature and complexities of the formal review process, Members agreed to the appointment of consultants to assist in securing the necessary environmental information and applications to ensure Hart Quarry continues to operate wholly within the new legal requirements.

2.8 Following their appointment, consultants Scott Wilson advised the Council to undertake an up-to-date statutory screening/scoping opinion in the light of the new EIA regulations, following which, after lengthy discussions, the developer was able to submit a new Environmental Statement in support of both applications. This was reviewed by Scott Wilson in December 2009, with a recommendation to request additional environmental information to address a number of gaps in the developer's ES. The quarry operator worked with the MPA to undertake a range of further studies (some of which were seasonal during 2010) and supply the requisite information. This was then the subject of a further consultation process with statutory consultees and an updated review by Scott Wilson culminating in a report dated March 2011.

2.9 Although this process has been lengthy and time-consuming, officers are satisfied that the Council, as MPA, is now in a position to determine this application for the extended area of the quarry, and to determine new conditions for the operation of the quarry as a whole.

2.10 Members may wish to note that this application does not seek to extend the area of existing workings, it seeks to regularise the current areas of extraction.



## Publicity

2.11 The application has been advertised in two rounds of publicity in October 2009 and September 2010, the second following the submission of EIA supplementary information. Publicity has been carried out by way of site notices, press adverts and neighbour letters (53). The period for publicity has expired.

2.12 To date, there have been 4 letters of objection, 9 letters of no objection and 2 letters of comments. The concerns raised include:

- Security of existing quarry
- Dust
- Noise
- Un-sheeted lorry traffic
- Breach of weight regulations by vehicles
- Lack of wheel wash facilities
- Vibration and noise from blasting
- Quarry should be closed down
- Quarry should no longer be operating in such close proximity to housing
- Health aspects

Copy Letters E

## Consultations

2.13 The following consultation replies have been received:

**Environment Agency** – No objections in principle, but request additional conditions to cover waste importation and ground water protection. EA has a groundwater monitoring point adjacent to Hart Reservoir, approximately 500m from the quarry boundary. Data obtained indicates that groundwater levels within the area remain relatively stable. Ground elevation at that location is similar to the lowest point of the quarry, 58m AOD along the south-eastern boundary of the development site. This data, coupled with the data provided within the ES indicates that the water table is located at a depth below the base of the excavation.

**ANEC** - No comments.

**Community Services** – No comments received.

**Economic Development** - No objections; supports proposals.

**Ecologist** – Notes that Hart Quarry is of significant geological interest as it is by far the largest exposure of Magnesian Limestone in the Tees Valley. It is also one of only three known habitats in Hartlepool hosting the Dingy Skipper butterfly. Although it is a Local Wildlife Site it is not yet listed as a Local Geological Site only because it is still a working quarry. The Council's Ecologist also highlights a number of issues requiring appropriate conditions, including geological conservation and the need for Tees Valley RIGS Group to monitor and document any important features/ finds;

management of existing vegetation; protection of exposed cliff faces from infilling; and specific landscape requirements to allow for creation of calcareous grassland and maintaining a habit for the Dingy Skipper butterfly. The development is likely, at worst, to have a minor negative effect on the local population of bats in the short-medium terms. Several species of bird of prey including Schedule 1 species, Peregrine Falcon and Barn Owls are present on site, emphasising the importance of this site for biodiversity and the need to retain the cliff faces as much as possible.

**Engineering Consultancy** – No objection.

**GONE** – No comments received.

**Hart Parish Council** – No comments received.

**Head of Traffic and Transportation** – No highway or traffic concerns, but has requested a condition requiring additional signage on weight restrictions and access routes to be taken to A19 as weight restriction exists on Hart Lane.

**Hartlepool Natural History Society** – No objection to extension of quarrying but concerned over proposed end-uses of waste tipping and golf course. The Society considers Hart Quarry to be one of the more spectacular physical features in the Borough with the current excavated faces showing the extent of the massive reef that formed in a tropical sea when the area was nearer the equator some 250 million years ago. Consequently, the Society would wish to see the full faces of excavated quarry retained as an educational feature for future generations.

**Head of Public Protection** – Agree with the conclusion within the noise assessment concerning noise levels from the site and in my opinion the suggested planning conditions with regards to noise are suitable for the development. I would recommend two alterations to the suggested conditions concerning blasting. I am happy with the ground vibration limit of 8.5mm peak particle velocity in 90% of blasts but would suggest that no individual blast should exceed 120dB(Lin) measured at vibration sensitive properties. I have some concerns about general dust control on the site, particularly in dry weather. I do not have a problem with the suggested condition 25. In my opinion we need an additional condition requiring the applicant to agree dust suppression systems and dust suppression measures in writing with the MPA and these measures to be implemented and maintained for the duration of the quarrying operations on the site.

**HSE (HM Inspector of Quarries)** – No objections.

**HSE (Land Use Planning)** – No comments.

**Natural England** – Advises that the proposal is unlikely to have an adverse effect in respect of species protected by law (bats). Advises that the proposal is unlikely to have an adverse effect in respect of species protected by law (birds) subject to conditions. Two UK BAP species have been recorded from the site. Natural England advises that an alternative habitat for Dingy Skipper butterflies should be a condition of any approval. Advises that the above proposal is unlikely to have an adverse effect in respect of a protected species (species must remain confidential by

law) subject to conditions. Advises that a provision of lighting in restoration is agreed by condition. Recommends that provision is made for the retention of any features of particular geological interest in the development of the detailed restoration scheme. Detailed restoration proposals should be developed in full discussion with the Local Authority. Request for additional conditions, especially in respect of geological aspects, restoration proposals including soils and agriculture, protected and priority species, and habitat creation for the dingy skipper butterfly.

**Northumbrian Water** - No objections

**One North East** - No comments.

**Ramblers Association** - No comments.

**RSPB** – No comments received.

**Tees Archaeology** – No comments received.

**Tees Valley RIGS** (Regionally Important Geological and Geomorphological Sites) – Highlight the value of Hart Quarry as a site of geological importance within the Tees Valley, and confirm that the site is to be designated as a Local Geological Site. RIGS note that once quarrying has finished the restoration of the quarry would provide a good opportunity to create a valuable addition to the geodiversity within the Tees Valley. To this end it is suggest that the finished design preserves the higher cliff faces to allow fuller study of important features within the limestone and geomorphology.

**Tees Valley JSU (Joint Strategy Unit now defunct)** – No comments received.

**Teesmouth Bird Club** – No objection in principle to continued extraction. TBC consider that continued quarrying will be beneficial because inland limestone cliffs are extremely rare in the Cleveland sub-region and attract certain specialist bird species that wouldn't otherwise occur. However TBC object to any subsequent restoration based on imported waste because of the potential to impact adversely on the site's geological features and geological features and ornithological interest. TBC suggest numerous amendments to the applicant's proposed draft conditions, particularly with regard to eventual restoration, in order to safeguard this habitat of protected bird species. To this extent golfing - with associated artificial lighting - is not considered a compatible after-use. A more sensitive approach to restoration is requested, retaining the sculpted cliff faces and restricting any infill to a minimum, with the latter being utilised for the creation/extension of magnesian limestone grassland.

## **Planning Policy**

2.14 The following statutory, national, regional and local policies and designations are relevant to the determination of this application.

## **Statutory Designations**

- The site is designated as a Local Wildlife Site formerly a Site of Nature Conservation Interest (SNCI) in the Local Plan (see below).
- Approximately 8ha of the site is also allocated within the (soon to be adopted) Tees Valley Joint Minerals and Waste Policies and Sites DPD, for the extraction of crushed rock (see below).
- The site lies within the wider Tees Forest Area on the adopted Local Plan (now the North East Community Forest – although this no longer exists as a functioning body).
- Hart Windmill is a Grade 2 Listed Building situated approximately 100 metres from the north-western corner of the quarry.

### **Statutory Development Plan**

2.15 The statutory development plan comprises:

- Regional Spatial Strategy for North East England (2007)
- Hartlepool Local Plan (Adopted April 2006)

2.16 In addition, Members will wish to note that The Tees Valley Joint Minerals Waste Development Plan Documents have now reached an advanced stage toward adoption and must be given appropriate weight in planning decisions. Indeed, this is probably the key policy document for which Members must have regard.

2.17 The five local authorities in the Tees Valley - Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees - have prepared joint development plan documents (DPDs) to set out planning policies and site allocations on minerals and waste developments until 2026. The Tees Valley Joint Minerals and Waste Core Strategy DPD was submitted to the Secretary of State on 12 November 2010 and the Tees Valley Joint Minerals and Waste Policies and Sites DPD was submitted on 15 November 2010, in accordance with Regulation 30 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008. An Examination in Public was held in February 2011 with hearings on the 8th, 9th and 23rd of February. The Inspector's Report was received on the 16th May 2011. The Inspectors Report found both DPDs sound with no further changes required.

2.18 Consequently, all five Tees Valley councils will now proceed to adopt the Joint Minerals Waste DPDs. To this end Hartlepool Borough Council will consider a report to Council on 4<sup>th</sup> August with a recommendation that all five councils agree a statutory adoption date for the DPDs of 15<sup>th</sup> September 2011.

### **Regional Spatial Strategy for North East England (2007)**

Policy 43: Aggregate Minerals Provision states that Minerals and Waste Development Frameworks, Minerals Development Frameworks, Local Development Frameworks, and planning proposals should make provision to maintain a land bank of planning permissions for primary aggregates which is sufficient to deliver 26.25 million tonnes of sand and gravel and 156 million

tonnes of crushed rock over the 21 year period 2001-2021 based on the following apportionment to sub-regional areas:

Durham

Sand and gravel: 8.0 m tonnes

Crushed rock: 99.5 m. tonnes

Hartlepool Borough Local Plan (April 2006)

2.19 The following policies are relevant to the determination of this application:

GEP1: General Environmental Principles

States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. 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.

GEP5: Environmental Impact Assessment

States that environmental assessment of proposals will be required for all schedule 1 projects and for those schedule 2 projects likely to have a significant effect on the environment. The policy also lists other instances where the Borough Council may require an environmental assessment.

GEP12: Trees, Hedgerows and Development

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

Min3: Mineral Extraction

States that the Borough Council will consider fully the impact of future mineral development on the local environment and the community. An environmental impact assessment will be required to accompany any application for mineral extraction where the [proposed development is likely to have a significant effect on the environment. Planning permission will only be granted subject to meeting criteria set out in the policy, including considerations of the need for primary aggregates, the visual, environmental and community impacts of the development (including dust and noise), the capacity of the road network, the disposal of waste material, protection of the aquifer, the undertaking of a full archaeological assessment, and financial provision for the effective reclamation of the land. The use of planning conditions and obligations will seek to ensure the highest standard of development and minimisation of

environmental impact. The Council will also seek to ensure the highest standard of development and the minimisation of adverse environmental impacts through the use of planning conditions and, if necessary, planning obligations.

**Min4: Transportation of Minerals**

States that proposals for minerals development which generate road traffic will only be permitted where the local road network is capable of accommodating the type and volume of traffic without having a significant adverse effect on either highway safety or the amenity of local communities in terms of visual intrusion, dust, noise and vibration. A transport plan may be required where appropriate consideration will be given to the use of planning conditions and obligations to secure the movement of minerals or by-products by means other than road transport.

**Min5: Restoration of Minerals Sites**

States that a detailed restoration and aftercare scheme will be agreed with the Borough Council prior to the commencement of extraction operations, and the Council will attach conditions to planning approvals to ensure a satisfactory restoration and aftercare scheme is implemented

**PU4: Protection of the Aquifer**

States that proposals which have the potential to have a detrimental effect upon the quality of groundwater reserves will not be permitted unless measures are in place which remove the risk of groundwater pollution.

**Rur7: Development in the Countryside**

Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements of agriculture and forestry, viability of a farm enterprise, proximity to intensive livestock units, and the adequacy of the road network and of sewage disposal.

**WL4: Protected Species**

States that development will not be permitted which would have a significant adverse effect, directly or indirectly, on species protected by law and their habitats except where the developer has taken effective steps to secure the protection of such species and their habitats.

**WL7: Protection of SNCIs, RIGGs and Ancient Semi-Natural Woodland**

States that development likely to have a significant adverse effect on a site of nature conservation importance or a regionally important geological/geomorphological site or ancient semi-natural woodland, which is not otherwise allocated in the Local Plan, will not be permitted unless the reasons for the development clearly outweigh the harm to the substantive nature conservation or geological or geomorphological value of the site. Where development is approved, planning conditions and obligations may be used to minimise harm to the site, enhance the remaining nature conservation

interest and secure any compensatory measures and site management that may be required.

#### Tees Valley Joint Minerals and Waste Policies and Sites DPD (2011)

2.20 This is the most up-to-date policy document in relation to the current proposals and Policy MWP2 is highly relevant.

Policy MWP2: Hart Quarry Extension (Hartlepool) states that a site of approximately 8ha is allocated for the extraction of crushed rock from an extension to Hart Quarry (Hartlepool). It is expected that 1.32 million tonnes of aggregate grade limestone will be recovered from this allocation.

At paragraphs 3.1.3 and 3.1.4 the lower case text of the DPD states in regard to crushed rock:

*3.1.3 “The Minerals and Waste Core Strategy has identified that there is a shortfall of 1.903 million tonnes of crushed rock reserves in order to meet the requirements identified for the plan period. There is one existing extraction site which produces crushed rock for aggregates purposes, at Hart Quarry (Hartlepool), and this has the potential to be extended to provide additional reserves of around 1.32 million tonnes of aggregate grade limestone.*

*3.1.4 A key issue with the site is biodiversity with part of the existing quarry being designated as a Local Wildlife Site due to small areas of magnesian limestone grassland being found on the perimeter of the site and the use of the quarry faces by breeding peregrine falcon, kestrel and little owls. The scale of the existing quarry and the location of the extension area in relation to the features of interest mean that extraction can be undertaken without the loss of the grassland areas. In addition existing quarry faces will also be able to be left undisturbed for use by breeding birds. In addition the restoration of both the existing quarry and the extension area can be designed so as to accommodate and improve these features. The extension will bring workings closer to residential properties around Nightingale Close, however all workings will continue to use the processes exercised in the existing quarry which have not directly led to any complaints from local residents. In addition these properties will be shielded from these properties by the quarry face. The existing access infrastructure is considered to be appropriate to accommodate the continued use of the quarry.”*

#### **National Planning Policy Guidance**

2.21 In addition to the provisions of the statutory development plan (set out above), the following advice is considered material to the determination of this planning application.

Minerals Policy Guidance 14 (MPG 14) (Sep. 1995) gives advice to mineral planning authorities and the minerals industry on the statutory procedures to

be followed and the approach to be adopted to the preparation and consideration of updated planning conditions.

As with all planning conditions, any new conditions will need to have regard for the six tests set out in Circular 11/95: The Use of Conditions in Planning Permissions, namely that they should be:

- necessary
- relevant to planning
- relevant to the development to be permitted
- enforceable
- precise
- reasonable in all other respects.

Minerals Policy Statement 1: Planning and Minerals (Nov. 2006), together with its supplement - Planning Guide - aims to provide a framework for meeting the nation's need for minerals sustainably, by adopting an integrated policy approach to considering the social, environmental and economic factors of doing so and securing avoidance or appropriate mitigation of environmental impacts where extraction takes place.

Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England (March 2005) sets out the principles to be followed in considering the environmental effects of minerals working.

Environmental Impact Assessment and Reviews of Mineral Planning Permissions (July 2008) provides guidance on regulations applying environmental impact assessment to stalled and other reviews of conditions attached to mineral planning permissions in England.

Planning Policy Statement 9: Bio-diversity and Geological Conservation confirms that one of the aims of the planning process is not only to prevent harm to, but also maintain, and enhance, restore or add to, biodiversity and geological conservation interests. The supporting *ODPM Circular 06/2005 Biodiversity and Geological conservation - Statutory Obligations and Their Impact Within the Planning System* provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It complements the expression of national planning policy in Planning Policy Statement 9, and the accompanying Good Practice Guide

Planning Policy Statement (PPS23): Planning and Pollution Control, Annex 1, covers development and its impact on air and water quality.

## Planning Considerations

2.22 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all proposals should be determined in accordance with the development plan unless material considerations dictate otherwise.



2.23 This application allows the MPA to consider an extension of time for extraction within the extended part of the quarry. The ROMP application which is dealt with the in second Hart Quarry item, also gives the MPA the opportunity to deal with the extended element of the quarry in the context of the quarrying of the site as a whole and to effectively bring together the two elements of the quarry under one set of conditions. Ultimately, it will ensure that following cessation of extraction, the restoration of the quarry will be secured in an environmentally beneficial manner.

2.24 Members will wish to note that the extended element of the quarry is inextricably linked to the original part of the quarry, and operationally the site is dealt with as a whole.

2.25 The main issues for consideration in this instance therefore include:

- v) The principle of continuing extraction from the quarry;
- vi) Potential amenity impacts by way of noise, dust and vibration from blasting and also impacts from lorry traffic upon local communities;
- vii) Ecology, environmental habitat and nature conservation issues;
- viii) The restoration and after-use of the quarry.

#### *The Principle of Continued Extraction*

2.26 The RSS and, more recently, the Tees Valley Joint Minerals and Waste Development Plan Documents have identified the need for, and levels of, minerals exploitation up to 2026. Hart Quarry is the only crushed rock operator within the Tees Valley. Importantly, the Policies and Sites DPD reveals both a likely shortfall in meeting the target for crushed rock, and a further difficulty of no alternative future extraction sites having been identified. Consequently, as the DPD represents the most up-to-date policy advice and is very close to adoption Members are advised that substantial weight should be given to its provisions. In this context the allocation at Hart Quarry is significant, and the principle of continued extraction (subject to appropriate conditions) is accepted. The principle of mineral extraction is established on the extended part of the quarry historically, a permission having been granted in 1989 and subsequently renewed up to 2007.

#### *Amenity*

2.27 Since the quarry first opened, when the nearest residential properties were mainly within Hart Village to the north, its relative isolation within the open countryside has been encroached upon by the north-westwards extension of Hartlepool's urban fringe. This means that some recent new housing development lies closer to the extended element of the quarry than Hart Village, and it will be necessary to ensure residential amenity is not adversely impacted by on-going works. Some of the environmental issues and potential impacts - such as from noise and dust - are covered by other legislation in addition to any planning controls that can be imposed. Neither the Council's Environmental Health Officer nor Highways Engineer is opposed to the current applications, although Members might wish to ensure that the situation be continued to be monitored over time.

2.28 In terms of noise, the Environmental Assessment indicates that background noise levels have been surveyed at the three closest properties to the quarry - Hart Mill Farm, Keeper's Cottage and Nightingale Close. This was compared with the predicted levels during full operation and relevant guidance limits. Giving the siting and nature of the extractions, their proximity to residential properties, the recorded ambient noise levels and the predicted levels from operation, it is unlikely that the continued workings in the extension will adversely impact on residential amenity. The levels are in compliance with the guidance set out in MPS2. The conditions proposed are considered sufficient to satisfactorily mitigate and protect against significant impacts on amenity in noise terms.

2.29 The Council's Head of Public Protection has requested an additional condition for dust suppression equipment to be agreed with the Mineral Planning Authority and implemented for the duration of extraction. Otherwise it is considered that the conditions proposed satisfactorily mitigate potential significant effects in terms of dust from the quarry.

2.30 Currently blasting takes place between 11am and 3pm Monday to Friday in accordance with condition viii of planning consent CH/293/89 (now expired). For operational reasons the applicant is proposing that blasting take place between 10am and 4pm Monday to Friday. In terms of the number of blasts, these are undertaken at the rate of 1 blast every 4-6 weeks. It is considered that, given the limited number of blasts per annum (9-13) and the fact that the extended hours requested by the applicant would still constrain blasting to well within the normal working day, then subject to monitoring by Environmental Health and other controls exercised under public health legislation, the request can be accepted and the proposed condition is considered acceptable.

2.31 In terms of the potential concerns raised in respect of trucks using Hart Lane in breach of highway weight restrictions, it is acknowledged that highways legislation is in place to regulate the use of the road and it is also recommended that a condition is attached ensuring signage is erected at the site exit advising drivers of the weight restriction. However, it is considered that to impose restrictions on the use of Hart Lane for vehicles would not meet the tests for conditions set out in Circular 11/95 in that it would not be enforceable or precise, given that the activity occurs off site, is a management issue and given that the discretion of the breach is with the drivers rather than the operators, it is considered and established in case law that a restriction in planning terms would not be effective. It is established in case law and considered sufficient in this instance to rely on highways legislation to deal with specific breaches.

### *Ecology*

2.32 The Environmental Statement (ES) and additional environmental information that has been submitted by the developer addresses a wide range of matters, not least the number of protected species for which the quarry provides either a temporary or semi-permanent habitat. It is considered that the proposed mitigation measures within the ES will help safeguard habitat interests, but it is considered that appropriate conditions are necessary to ensure such safeguarding. In particular, the Council's Ecologist have recommended that conditions be applied in respect of:

- a management plan for existing vegetation;
- restoration to include reduced tree planting but increased opportunity for creation of new Magnesian Limestone grassland.

2.33 Furthermore Natural England have also advised that the proposal is unlikely to have an adverse effect in respect of species protected by law (bats and birds). One protected species has also been identified, the species of which cannot be divulged due to confidentiality in order to protect the species. Natural England advises that the species is unlikely to be affected by the works subject to the relevant conditions.

2.34 Two UK BAP species have been recorded from the site. Natural England has advised that an alternative habitat for Dingy Skipper butterflies should be conditioned.

#### *Restoration and after-use of the quarry*

2.35 The 1989 planning consent CH/293/89 was approved with extensive restoration details that included waste tipping on the site. It is understood that the applicant, Hart Aggregates Limited, will not be involved with the final restoration of the quarry as restoration rights were retained by the landlord (owner) of the site and were not included in the quarrying lease offered to Hart Aggregates Limited. The applicant has therefore indicated that as the agreed restoration conditions attached to the 1989 permission cover the site of the 1971 permission the applicant has put forward no restoration conditions in the schedule they have submitted under either of the current applications.

2.36 For its part the Council, as MPA, is obliged to impose such conditions as it thinks fit and needs to consider how restoration is to be dealt with. Given the high geological conservation value placed on the rare exposure of the Magnesian Limestone in this location, the Council's Ecologist has recommended that conditions be applied in respect of:

- no infilling within 50m of the exposed cliff faces;
- opportunities for on-going monitoring by Tees Valley RIGS Group to document important exposed features, and that any important features identified by the Group are not obscured by the after-use of the site, including infilling.

2.37 As extraction from the site could take up to 2042, it is considered premature to approve final restoration details and after-uses at this stage. The geological, ecological and habitat importance of the quarry have been identified above and - both legally and in policy terms - it is considered important that those features be protected. To this end the current aspirations set out in the Environmental Statement for a golf facility once the quarry is closed, together with attendant elements such as external lighting and some of the proposed landscape details (especially the amount of tree planting that is normally associated with a golf course), could present some difficulties for the important features identified by both statutory and non-statutory consultees, and mentioned above. Accordingly it is recommended that final restoration details be the subject of a condition, with after-use of the quarry site

following the cessation of extraction, being the subject of a separate planning application to be determined closer to the end-date of the quarry.

### *Other Matters*

2.38 Despite the proximity of the quarry to Hart Windmill (Grade II listed building) it is not considered that the current proposal will have an adverse impact on the setting of that listed building. This has not been an issue raised during the lifetime of the quarry, and nor do the continued extraction works extend physically closer to or appear more prominent within the setting of the listed building.

2.39 In terms of landscape and visual impact, the location of the site and the relative ground levels of the surrounding topography mean that there are only very limited inward views of the quarry itself. The intention to re-create areas of magnesian limestone grassland will have a positive impact on the landscape and upon the visual amenity of the area.

2.40 In terms of the potential for importation of waste to aid restoration, the recently endorsed Tees Valley Joint Minerals and Waste Policies and Sites DPD indicates that the Borough currently has sufficient landfill capacity up to the end of the plan period of 2026. At that time, based on the calculated figures for annual deposits, that would leave approximately 4,164,200 tonnes void. However, in order to make the restoration of Hart Quarry viable it has always been the intention to use imported waste, and there is no objection in principle from any of the statutory consultees, provided the nature of imported waste is controlled and the exposed quarry faces are not re-covered. Suitable planning conditions are proposed to cover these aspects. Notwithstanding that, use of the site for landfilling purposes will require both a separate planning permission and an environmental permit from the Environment Agency.

2.41 It is considered appropriate to impose the same set of conditions in respect of this application for continued extraction in the extension area, as those recommended in the ROMP application, in order to ensure cohesion across the whole site and to tie operations together in planning terms. It is noted that the conditions proposed an end date for extraction of February 2042. Schedule 5 of the Town and Country Planning Act (1990) (as amended) makes clear that a maximum lifetime of 60 years should be granted from the cut of date of phase II sites which was February 1982 – hence the 2042 end date. Whilst there is a discretion for Mineral Planning Authorities to allow shorter extraction periods, it is considered that current rates of extraction fit in with such an end date, and also to constrain operations to a shorter lifetime, could potentially harm the economic viability of extraction over the lifespan of extraction (given fluctuations in the market) and ultimately result in the loss of a strategic mineral resource for the Tees Valley as a whole.

### **Conclusions**

2.42 Successive governments have recognised that minerals are essential for development and, through that, for our quality of life and creation of sustainable communities. MPS1 re-affirms the view that it is essential that there is an adequate

and steady supply of material to provide the infrastructure, buildings and goods that society, industry and the economy needs. Minerals development is different from other forms of development because minerals can only be worked where they naturally occur.

2.43 Importantly, the Tees Valley Joint Minerals and Waste Policies and Sites DPD states at paragraph 3.1.5:

*“The Hart Quarry extension allocation would still leave a shortfall of 0.583 million tonnes of crushed rock aggregates, and it is in any case unlikely that all of the material would be extracted during the plan period. Planning permissions for additional resources are likely to be needed by 2015 to allow time for sufficient rock to be extracted within the plan period to meet the requirements.”*

2.44 Given this future shortfall position, it is recommended that substantial weight should be given to the need for continuing extraction in the extended element at Hart Quarry under the terms and extent of the current application, and subject to the appropriate conditions set out below.

2.45 In this context, Members will wish to note that Hart Quarry has operated for many years, and continues to operate today in a manner that has not created significant adverse environmental impacts. It also provides local employment and plays an important role in the delivery of aggregates, particularly crushed rock, to the regional construction industry, as well as the export of agricultural lime.

2.46 Accordingly, it is recommended that having regard to all relevant development plan policies and relevant material planning considerations, Members are minded to approve the imposition of the revised planning conditions set out below for continued quarrying operations to continue and subsequent restoration to be achieved.

**RECOMMENDATION** –APPROVE subject to the following conditions:

#### **A. APPROVED DOCUMENTS**

1. The development shall only be carried out in accordance with the following documents, except and as varied by any subsequent condition attached to this approval:

d) Review application form and certification dated 01/01/01.

e) Documents entitled:

iv. Hart Quarry. Review of Mineral Planning Permission Ref No CA48691 Dated 28th April 1971. Supporting Statement.

v. Hart Quarry. Review of Mineral Planning Permission Ref No CA48691 Dated 28th April 1971. Environmental Statement.

vi. Environmental Statement dated August 2009, together with Supplementary Environmental Information dated 3<sup>rd</sup> September 2010.

f) Figures enclosed with documents (b) (i) (ii) and (ii).

(Reason No. 1)

2. From the date of issue of these conditions to the completion of the restoration and aftercare, a copy of this schedule, including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall be made available for inspection and reference to all persons with responsibility for the site's working, restoration, aftercare and management.

(Reason No. 1)

## **B. MATTERS REQUIRING SUBSEQUENT APPROVAL**

3. Notwithstanding the information submitted in the Environmental Statement accompanying the planning application, the development shall only be carried out in accordance with a scheme or schemes to be agreed with the Mineral Planning Authority (in consultation with Natural England, Environment Agency, RSPB, Tees Valley Wildlife Trust and Teesmouth Bird Club) and which shall include provision for:

- b) Details of the landscaping to include:
  - viii. The proposed landscape objectives of the scheme;
  - ix. The species to be planted and the percentage of the total to be accounted for by each species;
  - x. The size of each plant and the spacing between them;
  - xi. The preparations to be made to the ground before planting them;
  - xii. The fencing off of planted areas;
  - xiii. A maintenance and management programme to be implemented and maintained for five years following the carrying out of the landscape and associated works and which shall include the weeding of the planted area, repairing of any damaged fencing and the replacement of any plants which die or are seriously affected by disease;
  - xiv. The timing of the proposed works.
- c) A detailed scheme of restoration which shall include the following details to be shown on 1:1250 scale plan, or such other scale as agreed with the Mineral Planning Authority:
  - v. The landscape objectives of the restoration scheme;
  - vi. Soils replacement, including target soil profile in terms of depth, composition and treatment, together with arrangements for the Mineral Planning Authority to inspect and approve key stages of soil handling and replacement.
  - vii. The erection of fences;
  - viii. The planting of trees and hedges including:
    - g) The species to be planted and the percentage of the total to be accounted for by each species;
    - h) The size of each plant and the spacing between them;
    - i) The preparations to be made to the ground before planting them;
    - j) The fencing off of planted areas;
    - k) A maintenance and management programme and accompanying programme of works, once the planting has been carried out which shall last for five years from the date of planting and shall include the weeding of the planted area, repairing of any damaged fencing and the replacement of any plants which die or are seriously affected by disease;
    - l) The timing of the proposed works.

- d) A detailed scheme (which shall be the subject of a separate planning application) for the proposed after uses of the restored site including design and layout of any facilities.

(Reason Nos. 3 and 4).

4. Those details required by Condition 3(a) shall be submitted to the Mineral Planning Authority no later than 3 months from the date of this approval unless otherwise agreed in writing with the authority.

(Reasons Nos. 1, 3)

5. Those details required by Condition 3(b) shall be submitted to the Mineral Planning Authority no later than 12 months prior to completion of mineral extraction in Phase 1 as identified on Figure 4 accompanying Document (b) (i) approved under Condition 1 unless otherwise agreed in writing with the Mineral Planning Authority.

(Reason Nos. 1, 4)

6. Those details required by Condition 3(c) shall be submitted to the Mineral Planning Authority no later than 12 months prior to completion of restoration of Hart Quarry unless otherwise agreed in writing with the Mineral Planning Authority.

(Reason Nos. 1, 4)

## **C. COMPLETION**

7. All mineral extraction shall cease by not later than 21st February 2042.

(Reason No. 5).

8. The workings subject to this planning approval shall be restored in accordance with the approved scheme referred to in Condition 3(b) within 24 months of the completion of mineral extraction.

(Reason No. 5).

## **D. WORKING HOURS**

9. With the exception of loading and transportation of Agricultural Lime to Hartlepool docks, authorised operations shall be restricted to the following times:

Mondays to Fridays 07:00 to 17:00 hours

Saturdays 07:00 to 13:00 hours

The loading and transportation of Agricultural Lime to Hartlepool Docks shall be restricted to the following times:

Mondays to Fridays 06:00 to 17:00 hours

Saturdays 06:00 to 13:00 hours.

(Reason No. 6)

10. No operations except for maintenance of vehicles and plant shall take place outside these hours or at any time on Sundays, Bank or other public holidays, save in case of emergency when life, limb or property are in danger. The Mineral Planning Authority shall be notified as soon as is practicable after the occurrence of any such emergency operations or working.

(Reason No. 6)

## **E. ACCESS AND PROTECTION OF THE PUBLIC HIGHWAY**

11. Vehicular access to and from the site shall only be via the existing site access shown on Figure 2.

(Reason No. 7)

12. Within one month of the date of this approval, details of a scheme for providing on-site signage, clearly visible to all drivers using the quarry, that there is a weight restriction on Hart Lane, and the route that should be taken to access the A19 Trunk Road shall be submitted to and agreed in writing by the Mineral Planning Authority. Thereafter, within one month of the date of the Mineral Planning Authority's agreement, the scheme shall be implemented in accordance with the agreed details, and retained as such for the lifetime of the development.

(Reason No.7)

13. The existing wheel wash shown on Figure 2 shall be used to ensure all vehicles leaving the site are cleansed of mud or dirt before entering the public highway. At such times when the wheel wash is not sufficient to prevent the transfer of mud or dirt onto the public highway, vehicle movements shall cease until adequate cleaning measures are employed which prove effective, or weather and/or ground conditions improve with the effect of stopping the transfer, to the satisfaction of the Mineral Planning Authority.

(Reason No.7)

14. The loads of all open goods vehicles leaving and entering the site shall be fully covered by sheeting or be fully contained as appropriate to the material.

(Reasons Nos. 6, 7)

## **F. SOIL HANDLING**

15. All soil handling will only take place under sufficiently dry and friable conditions by excavators and dump trucks.

(Reason No. 4)



16. All soil heaps shall be grass seeded in accordance with a specification agreed beforehand with the Mineral Planning Authority and kept free from weeds if the materials are not to be used within three months.

(Reason No. 3)

17. No soil shall be removed from the site.

(Reason No. 4)

## **G. SITE WORKING**

18. Extraction and reclamation shall only be carried out in accordance with the approved documents listed in Condition 1 and any schemes and documents subsequently agreed in accordance with Condition 3.

(Reasons Nos. 2, 3, 4, 6)

19. Only inert waste materials in accordance with a permit issued by the Environment Agency shall be imported to the site, and this shall only be permitted in accordance with a scheme of restoration to be agreed with the Mineral Planning Authority in advance of such importation, in accordance with Condition 3 (b) of this approval.

(Reasons Nos.4, 6)

20. No burning of rubbish or waste materials shall take place at any time at the site, except as may be required by the Mines and Quarries Act 1954 and any other relevant legislation.

(Reasons Nos. 2, 6)

## **H. SITE MAINTENANCE**

21. From the date of these Conditions until final restoration of the site, the following shall be carried out:

- d) Any gates and fences shall be maintained in a sound condition;
- e) Any drainage ditches shall be maintained in a sound condition;
- f) All areas, including heaps of material, shall be kept free from weeds and necessary steps taken to destroy weeds at an early stage of growth to prevent seeding.

(Reasons Nos. 3, 4, 8, 9, 10, 11)

## **I. BUILDINGS, PLANT AND MACHINERY**

22. Plant and machinery on site shall not be used to process, treat or otherwise refine materials other than those extracted from the site.

(Reason No. 6)

## **J. ENVIRONMENTAL PROTECTION**

### **NOISE**

23. Efficient silencers and acoustic hoods or covers shall be fitted to the manufacturer's design and specification and maintained at all times on vehicles, plant and machinery on site.

(Reason No. 6)

24. Monitoring of noise levels, as requested by the Mineral Planning Authority or as deemed appropriate in the event of complaint to the Mineral Planning Authority, shall be carried out by the operator during the daytime (07:00 – 17:00) Monday to Friday or when plant and machinery is operating normally. The results of which shall be provided to the Mineral Planning Authority. The locations of the noise monitoring points shall be agreed in writing by the Mineral Planning Authority in the event that monitoring is required, before monitoring is undertaken.

(Reason No. 6)

### **BLASTING**

25. Notwithstanding information submitted with the application, the number of blasts undertaken at the quarry shall not exceed 1 per calendar month unless previously agreed in writing with the Mineral Planning Authority. Such blasting shall not take place on the site outside the hours of 10:00 to 16:00 Monday to Friday and there shall be no blasting on Saturdays, Sundays, Bank or other public holidays.

(Reason No.6)

26. Ground vibration as a result of blasting operations shall not exceed  $8.5\text{mm}^{-1}$  peak particle velocity in 90% of all blasts measured over any 6 month period, with no individual blast exceeding  $10\text{mm}^{-1}$  peak particle velocity as measured at vibration sensitive properties.

(Reason No. 6)

27. Blasting operations shall be regularly monitored by the operator for peak particle velocity in the vertical, horizontal, and transverse planes at such location or locations and at such times as may be requested by the Mineral Planning Authority using equipment suitable for measuring ground vibration and air overpressure resulting from blasting and shall, on request, supply the Mineral Planning Authority with the particulars of any blast. Such monitoring shall include the impact of blasting on the important bird breeding populations, particularly Peregrine Falcon, and any adverse

effects shall be the subject of a remediation scheme to be agreed with the Mineral Planning Authority.

(Reasons Nos. 2, 6)

28. No secondary blasting shall be carried out at the site.

(Reason No. 6)

## **DUST**

29. Unless otherwise agreed in writing by the Mineral Planning Authority, not later than one month from the date of this approval, a scheme for the suppression of dust shall be submitted to the Mineral Planning Authority. Thereafter, such scheme as shall be agreed in writing by the Mineral Planning Authority shall be implemented for the working life of the quarry. All reasonable measures shall be taken to control dust emissions arising from site operations in terms of their effect(s) on local residents and nature conservation interests at the site. At such times when the measures employed are not sufficient to suppress fugitive dust emissions to the satisfaction of the Mineral Planning Authority, all operations shall cease until additional measures are provided and found to be adequate.

(Reason No. 6)

30. Dust suppression measures employed shall include the following:

- vi. The provision of mobile water bowsters;
- vii. The use of dust filters on all plant and machinery;
- viii. A speed limit of 15 mph on all internal haul roads, with plant operating with upturned exhausts;
- ix. The watering of all haul roads and areas used for the storage of soils, overburden or waste materials and any other areas as necessary within the site during periods of dry and windy weather conditions.
- x. Details of specific dust suppression equipment, details of which shall be first agreed in writing by the Local Planning Authority.

(Reason No. 6)

## **K. SURFACE WATER DRAINAGE AND POLLUTION CONTROL**

31. Oil, petrol, diesel oil, lubricant or paint shall only be stored within the site within an impervious bund or enclosure able to contain a minimum of at least 110% total volume of liquid stored. The discharge of such material to any settlement pond, ditch, stream, watercourse or other culvert is not permitted. All filling and distribution valves, vents and sight glasses associated with the storage tanks shall be located within the bunded area.

(Reason Nos. 10, 11)

32. Throughout the period of operations and reclamation, all necessary measures shall be taken to the satisfaction of the Mineral Planning Authority to ensure that the flow of surface water run-off onto and off the site is not impeded nor the quality of water affected to the detriment of adjoining land and that no silting, pollution or erosion of any water course or adjoining land takes place.

(Reason Nos. 10, 11)

33. Notwithstanding information submitted as part of this application, within 3 months of the date of this approval a scheme shall be submitted to the Mineral Planning Authority for ensuring that the quality of groundwater reserves within the aquifer will be adequately protected from any proposed quarrying operations.

(Reason No. 17)

34. No active de-watering of groundwater at the site shall be undertaken without the prior written agreement of the Mineral Planning Authority.

(Reason No. 17)

#### **L. ITEMS OF ARCHAEOLOGICAL OR SCIENTIFIC INTEREST**

35. The Mineral Planning Authority shall be notified as soon as immediately practicable of any features or artefacts of archaeological or scientific interest encountered during the stripping, movement, placement, and removal of soils and/or overburden materials or extraction of minerals. Reasonable access shall be afforded to the Mineral Planning Authority or its representatives to arrange and survey and record or recover such features and artefacts.

(Reason No. 12)

#### **M. REINSTATEMENT AND RESTORATION**

36. Unless otherwise approved in writing by the Mineral Planning Authority, reclamation and restoration of the site shall be in complete accordance with the scheme of reinstatement and restoration as may be agreed with the Mineral Planning Authority in accordance with Condition 3 of this approval.

(Reason No. 1)

37. In accordance with the reclamation requirements, all equipment, machinery and buildings shall be removed from the site on cessation of quarrying, unless otherwise agreed in writing by the Mineral Planning Authority.

(Reason No. 4)

38. In accordance with the reclamation requirements, all areas of hard standing, including site compounds, access and haul roads, shall be broken up and removed

from the site on cessation of quarrying, or buried at sufficient depth not to affect the final reinstatement, restoration and after use of the site.

(Reason No. 4)

39. Overburden and inert waste shall be placed to such levels and in such a way that, after the replacement of subsoil and topsoil, the contours of the reinstated land conform with, the permitted restoration contours at the end of each permitted phase of working.

(Reason No. 4)

40. The Mineral Planning Authority shall be notified when Condition 36 has been complied with in each restoration phase, and shall be given an opportunity to inspect the surface before further restoration work is carried out.

(Reason No. 4)

## **N. SOIL REPLACEMENT**

41. Soils and soil making material shall only be re-spread when it and the ground on which it is to be placed are in a sufficiently dry condition.

(Reason No. 4)

42. The soils and soil making material shall be re-spread in accordance with the approved scheme submitted under Condition 3(b) unless otherwise agreed in writing with the Mineral Planning Authority.

(Reason No. 4)

43. No plant or vehicles (with the exception of low ground pressure types required for approved restoration works) shall cross any areas of replaced soil.

(Reason No. 4)

44. The Mineral Planning Authority shall be given the opportunity to inspect each stage of the work completed in accordance with Condition 42 prior to further restoration being carried out and should be kept informed as to the progress and stage of all works.

(Reason No. 4)

## **O. AFTERCARE**

45. A detailed aftercare scheme shall be submitted to the Mineral Planning Authority prior to commencement of restoration in each approved phase and shall include a programme for the maintenance and management of the reclaimed land for five years in each phase. The scheme shall include details of the following:

vii. The management objectives

viii. Establishment and maintenance of the vegetation cover, including planting;

- ix. Weed control measures;
- x. Secondary cultivation treatments;
- xi. Ongoing soils treatment including seeding and frequency of soil testing and applications of fertiliser and lime, the intervals of which shall not exceed 12 months;
- xii. Provision of surface features and the erection of any fences as appropriate.

(Reason No. 13)

## **P. ANNUAL REVIEW**

46. Before 31st July of every year during the relevant aftercare period, a report shall be submitted to and agreed in writing by the Mineral Planning Authority recording the operations carried out on the land during the previous 12 months (including works to rectify grass sward and planting failures, the results of soil testing and agronomic inspection of the land carried during the preceding 12 months, and setting out the intended operations for the next 12 months.

(Reason No. 13)

47. Every year during the aftercare period the developer shall arrange a site meeting to be held on a date to be agreed with the Mineral Planning Authority, to discuss the report prepared in accordance with Condition 46, and to which the following parties shall be invited and take part in:

- e) The Mineral Planning Authority;
- f) Natural England (or any subsequent organisation);
- g) All owners of land within the site;
- h) All occupiers of land within the site.

(Reason No. 13)

## **Q. PROTECTED AND PRIORITY SPECIES AND GEODIVERSITY**

48. Notwithstanding any details submitted in connection with restoration of the site, a scheme for the creation and maintenance of a suitable habitat for the 'Dingy Skipper' butterfly shall be submitted to and agreed in writing by the Mineral Planning Authority in advance of any work on areas of the quarry in which the species has been recorded.

(Reason No. 14)

49. Not later than 3 months from the date of this approval a scheme for the retention of features of particular geological interest within the quarry, and which scheme shall also have regard for the need to maintain and enhance habitat for protected bird species, shall be submitted to and agreed in writing by the Mineral Planning Authority. Restoration shall only take place in accordance with such details as are subsequently approved by the Mineral Planning Authority.

(Reason No.15)

50. Notwithstanding any details submitted in connection with restoration of the site, a management plan for the existing vegetation, together with a scheme for the creation of areas of magnesian limestone grassland, shall be submitted to and agreed in writing by the Mineral Planning Authority not later than 3 months from the date of this approval. Thereafter the agreed details shall be adhered to, unless otherwise agreed in writing by the Mineral Planning Authority.

(Reason No.16)

51. No development shall take place otherwise than in complete accordance with the mitigation detailed at Chapter 6.7-6.8 and Table 6.8 of the submitted Environmental Statement and Section E of BE00334:111 Badger Report Hart Quarry, Barrett Environmental Ltd, July 2009. Before each phase of work commences, a checking survey for badgers shall be undertaken to ensure that no setts that may be affected by the proposals has been created. Should any sett have been created within 100m of proposed blasting areas, no blasting shall take place until an approved mitigation scheme has been submitted to and approved by the Mineral Planning Authority.

(Reason No. 14)

52. No development shall take place otherwise than in complete accordance with the mitigation detailed at Chapter 6.7-6.8 and Table 6.9 of the Environmental Statement and Section E of DWS00188.024 Breeding Birds (amended) Hart Quarry; Durham wildlife Services, March 2009. In particular, no scrub clearing or tree felling shall be undertaken during the bird nesting season (1<sup>st</sup> March-31<sup>st</sup> August inclusive) of any given year unless a checking survey has been undertaken by a qualified ecologist immediately prior to the commencement of works and no active nests have been identified.

(Reason No. 14)

53. Notwithstanding the provisions of part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings or other structure shall be erected, extended, installed, or replaced at the site without the prior written agreement of the Mineral Planning Authority.

(Reason 2).

## **REASONS FOR CONDITIONS**

18. To ensure the development is carried out in accordance with the approved documents.
19. To ensure the development is carried out in an orderly manner. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).
20. In the interests of visual amenity. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).
21. To ensure the site is satisfactorily restored. (Hartlepool Local Plan Policy Min5 – Restoration of Mineral Sites).

22. To avoid unnecessary delay in the restoration of the site. (Hartlepool Local Plan Policy Min5 – Restoration of Mineral Sites).
23. In the interest of residential amenity. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).
24. In the interests of highway safety. (Hartlepool Local Plan Policy Min4 – Transportation of Minerals).
25. In the interests of agriculture. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).
26. In the interests of public safety. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).
27. To protect land outside the site. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).
28. To avoid adversely affecting watercourses outside the site. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).
29. In the interests of archaeology. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).
30. To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.
31. In the interests of conserving and safeguarding protected species and their habitat. (Hartlepool Local Plan Policy GEP1 – General Principles)
32. In the interests of protecting the geodiversity features and ornithological value of the quarry. (Hartlepool Local Plan Policy GEP1 – General Principles)
33. In the interests of maintaining and enhancing the biodiversity interest of the development site. (Hartlepool Local Plan Policy GEP1 – General Principles)
34. To protect the aquifer (Hartlepool Local Plan Policy PU4).

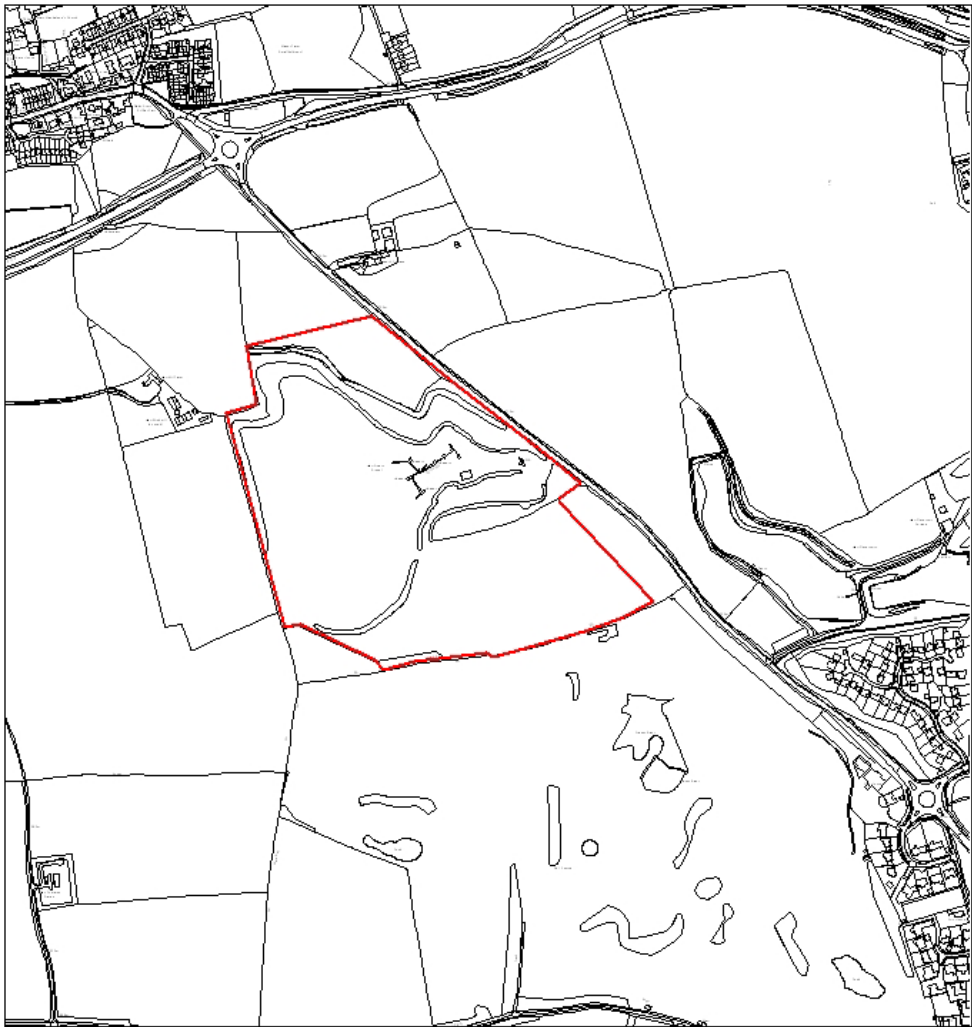
## INFORMATIVES

3. Natural England note that protected species (to which legal protection is afforded), may be present in the general area and have drawn attention to information within ODPM Circular 06/2005 Part IV B and C for more guidance on the approach to be adopted.
4. The Tees Valley Regionally Important Geological and Geomorphological Sites (RIGS) group has highlighted the value of Hart Quarry as a site of geological importance within the Tees Valley. RIGS note that restoration of the quarry with geodiversity in mind would be in keeping with the Tees Valley Geodiversity Action Plan as being of importance to raise the geodiversity within the Tees Valley. RIGS have also suggested that the finished restoration plans allow for preservation of higher cliff faces to allow fuller study of important features within the limestone and geomorphology. RIGS group is happy to provide advice on surveys and assist with highlighting any areas that would benefit from extended exposure in the restoration.





**HART QUARRY**



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>30/06/11</b>
	SCALE <b>1:8:000</b>	
<b>Regeneration and Neighbourhoods</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRGNO H/1999/0230 H/2009/0482	REV

**No:** 3  
**Number:** H/2011/0165  
**Applicant:** Punch Partnerships (Pml) Ltd Second Avenue Burton on Trent DE14 2WF  
**Agent:** CBA LIMITED MR CHRIS BAKER THE LONG BARN ECKLANDS MILLHOUSE GREEN S36 9NG  
**Date valid:** 18/04/2011  
**Development:** Change of use of public house to three flats including alterations to windows  
**Location:** THE FISHERMANS ARMS SOUTHGATE HARTLEPOOL

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### **The Application and Site**

3.1 The site to which this application relates is a 3 storey public house situated in Southgate within the Headland Conservation Area. The property is currently operating as a public house however in the current economic climate the applicant does not see this as a viable business.

3.2 The application seeks to convert the existing building to create 3 two bedroom flats, with communal storage areas in the existing cellar. The proposal includes alterations to the existing windows. No off street parking is being proposed for the development.

### **Publicity**

3.3 The application has been advertised by way of neighbour letters (13) site notice and press advert. To date, there have been 4 letters of objection received.

3.4 The concerns raised are:

1. The Fishermans has been a public house for a long time and I would prefer it to stay like that it is a community service.
2. Flats would cause problems with parking and noise.
3. Lots of flats in area already.
4. We are surrounded by flats and the parking situation is already poor.
5. The Headland has already lost a lot of its amenities and the pubs that remain are not a very nice place to be in.
6. There appears to be insufficient parking only on street parking.
7. It would be detrimental to the Headland if the proposed development was to go ahead, but that the properties were to remain vacant. There are already a significant number of unoccupied properties located on the Headland.

Copy letters B

The period for publicity has expired.

## **Consultations**

3.5 The following consultation replies have been received:

**Public Protection – No objection**

**Traffic and Transportation –** There is no off street parking provision, however considering the existing use of the building would potentially generate a greater parking level and the close proximity to public transport there would be no highway or traffic concerns.

**Property Services – No objection**

**Landscape and Conservation –** No objection to the proposed change of use or to the proposed external alterations. However I have comments on the details of the proposed changes to the external appearance. The Fishermans Arms is located within the Headland Conservation Area and the following comments are made on the basis of the heritage significance of the Area and the contribution the application site makes to it.

Front elevation - Any replacement windows should be in timber and to a traditional design and construction. The replacement windows appear to be two over two vertical sliding sash window which would be acceptable. A condition for submission of full details including sectional drawings would confirm the design of the replacement windows. A section can also include the details of the architrave to the ground floor windows. It appears that the main entrance door (the current public house door) is not being altered. However the appearance of the building would be improved if as part of the development the design of the entrance was altered to include a door case with a frieze and cornice above incorporating a fanlight.

Rear elevation - Altered windows to the rear elevation should match the materials and design to those to the front and should include a stone/concrete cill detail if not indicated on the plans. The exception to this can be the small windows to internal shower spaces and the substitution of windows for glass blocks to ground floor extension. A detail is requested of these windows.

A detail is requested of the gates to the bin store area to the side.

Repairs are also indicted including render, rainwater goods and presumably decoration. All of these can impact upon the external appearance in the context of the Conservation Area.

**Northumbrian Water – No objection**

**Headland Parish Council – No comments received**

**Headland CAAG – No comments received**

**Civic Trust** – the Society has studied the application and regrets the change of use as the variety/mix on the Headland is part of the character of the Conservation Area and this being eroded by increasing conversion to residential.

We wonder if conversion to flats is the best option, as there is already an over-supply. Additionally, accommodating vehicles from 3 households is going to be a greater problem than if the building could be converted into a single house.

The Society welcomes the return of sash windows on all floors to the front elevation as indicated in the proposed elevation if not fully explained in the design statement.

There is a problem of proportion and detail on the ground floor which is evident in the proposed elevations and often the case when converting a property with a commercial ground floor to residential use. It would provide a better balance if ground floor windows were at least the same height as those on the first floor and/or provided with equally impressively detailed lintels.

The most serious problem is however, the retention of the door associated with the pub frontage which is grossly under proportioned to the rest of the building. This must be altered to align with the upper floor windows and increased in scale as the main entrance to the building. Failure to improve the door will result in a proposal that fails to improve or enhance the appearance of the Conservation Area – leaving the pub façade would be preferable to this.

## **Planning Policy**

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

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

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

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

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.

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.

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

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.

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

### **Planning Considerations**

3.7 The main considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan 2006, the effect of the proposal upon the character of the Headland Conservation Area and the amenities of the neighbouring properties and on highway safety.

### **Policy**

3.8 In terms of national policy, Government Planning Policy Statement 1: Delivering Sustainable Development states that good planning practice should actively promote regeneration and accessibility and the enhancement of the quality, character and amenity of the area. This includes the efficient use or re-use of existing resources and seeks to encourage bringing back vacant and under used previously developed land and building into beneficial use.

PPS 3 (Housing) also promotes the re-use of previously developed land for housing to minimise the amount of Greenfield land being used for development.

Policy Hsg5 of the Local Plan highlights the need to provide a variety of housing to meet demands from all sectors of the community. While in housing need terms there

is a significant supply of flats/apartments in the town, the proposed conversion and re-use of this building will have a positive effect on the regeneration of this part of the Headland.

Policy Hsg7 advocates the conversion of existing buildings provided that there is no detrimental impact on nearby residents or the character of the surrounding area.

It is considered therefore that there would be regeneration benefits for the area in the re-development of this building. If the public house were to close and the building became empty it could be the target for vandalism and would deteriorate in appearance and have a detrimental impact upon the surrounding area. The Council promotes the re-use of empty and derelict buildings. In view of the above, the re-use of this building for residential accommodation is considered to be appropriate.

### Conservation Area

3.9 The Council's Conservation Officer has raised no objection to the proposed use of the building. As the building is within the Headland Conservation Area it is considered that final details of windows, doors, rainwater goods, render and bin store gates should be controlled through condition.

3.10 Concerns raised from the Civic Society relate to the use and design of materials and can be controlled by condition and would be considered in consultation of the Conservation Officer. They have also indicated that this may not be the best use of the building however it should be noted that 'a better use' is not a material planning consideration.

### Noise/Disturbance/Amenity issues

3.11 Concerns have been raised from residents with regard to the loss of a community facility, and the potential problems from parking and noise. It is acknowledged that the scheme does not provide any off street parking however given the existing use as a public house it is not considered that the conversion to three flats would generate an increase in parking. It would suggest that there would be a decrease in traffic movement and noise as in normal circumstances a public house could attract taxi's comings and goings particularly late at night. Traffic and Transportation and Public Protection raise no objection to the proposed scheme.

3.12 Objections were raised with regard to the number of flats within the area. Ongoing monitoring reveals that there is an apparent "over-supply" of flats in the Borough of Hartlepool at a strategic level. However small scale residential conversions, such as this development, would not significantly add to the oversupply at a strategic level, and are considered appropriate within their local area. The ongoing use and subsequent regeneration of this building is an important consideration when considering the predominant residential amenity of the immediate area, as such residential conversion to flats is considered acceptable.

### Highways

3.13 A number of objections have been received from nearby residents regarding the potential increase in traffic associated with the proposed flats. It is acknowledged that the scheme does not provide any off street parking however given the existing use as a public house it is not considered that the conversion to three flats would generate a significant increase in parking. It would suggest that there would be a decrease in traffic movement and noise as stated previously in normal circumstances a public house could attract taxi's comings and goings.

3.14 The Council's Highways Engineer while commenting on the lack of off street parking provision with the proposed use, acknowledges the previous use of the property would potentially generate a greater parking level and the property is within close proximity to public transport therefore raises no objections.

### Conclusion

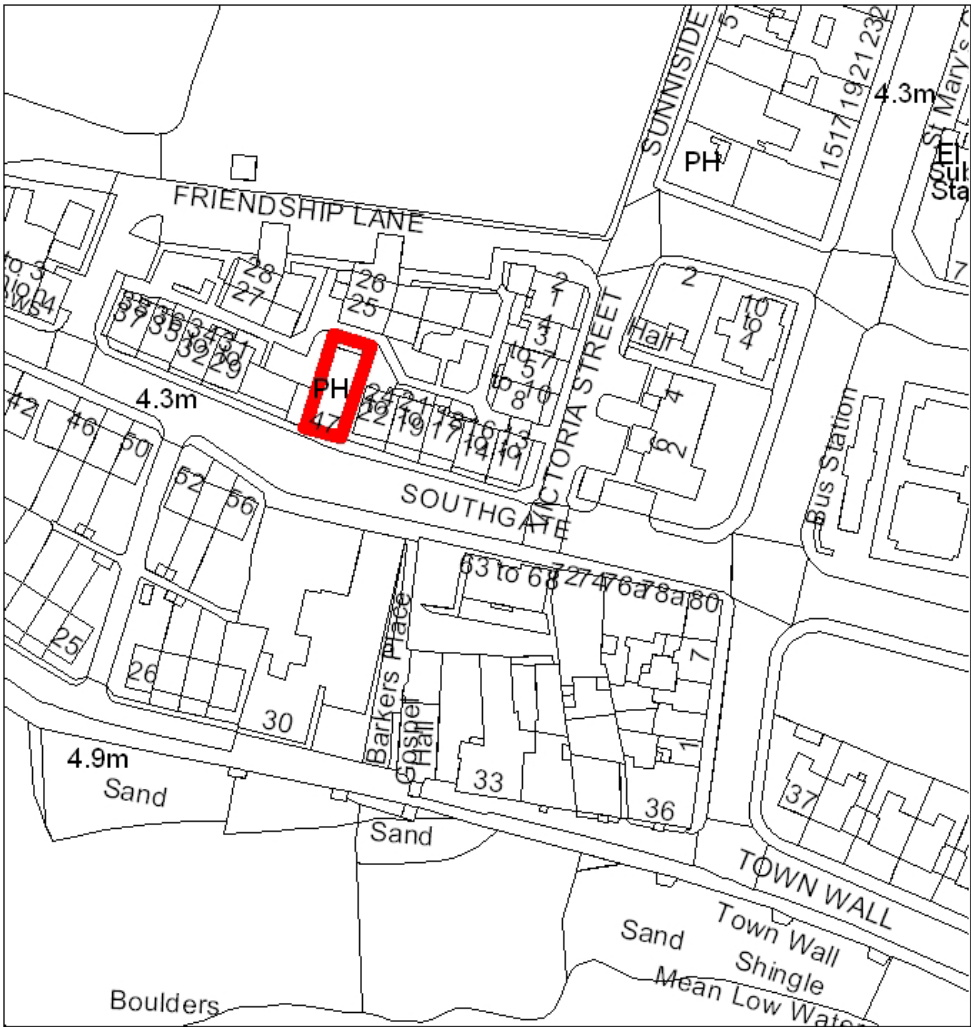
3.15 In conclusion it is considered that the proposed use will offer an opportunity to bring a struggling building within a Conservation Area back into full use and in the process ensure that another building does not become vacant and derelict.

### **RECOMMENDATION** – APPROVE subject to the following condition(s)

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Details of all external finishing materials including render and rainwater goods 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.
3. Prior to the hereby approved development commencing large scale details including sectional drawings of all new windows, architraves to the ground floor windows stone/concrete cill details to the rear elevation, bin store gates and doors shall be submitted to and agreed in writing by the Local Planning Authority. The windows and doors shall be constructed in timber. Thereafter the approved details shall be implemented and retained thereafter for the lifetime of the development.  
In the interests of visual amenity and the Headland Conservation Area.
4. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 22 March 2011 Drg No: 11.232/D-001A, 11.232/D-001B 11.232/D-003A, 11.232/D-003B, 11.232/D-004 and site location plan, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.



FISHERMAN'S ARMS, SOUTHGATE



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>29/06/11</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRGNO <b>H/2011/0165</b>	REV



**No:** 4  
**Number:** H/2011/0283  
**Applicant:** Mr Jon Whitfield 93 Euro House 93 Park Road Hartlepool TS26 9HP  
**Agent:** Euro Property Managment Ltd Mr Jon Whitfield 93 Euro House 93 Park Road Hartlepool TS26 9HP  
**Date valid:** 26/05/2011  
**Development:** Variation of condition No 13 of planning approval H/2010/0703 to allow vehicles with a maximum length of 11m to serve the development  
**Location:** 132 STATION LANE HARTLEPOOL

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### The Application and Site

4.1 The application site was until recently occupied by a former public house located on the north side of Seaton Lane. A small supermarket is now under construction on the site. It is bounded to the north by allotments. To the west is a railway embankment. To the east are a dwellinghouse and its associated rear garden. To the south is Station Lane beyond which is housing which faces the site, access to the railway station and allotments.

4.2 Planning permission was granted in February 2011 for the demolition of the Station Hotel and erection of retail unit (Use Class A1) with associated car parking (resubmitted application). (H/2010/0703). The application was approved against Officer recommendation with the exact wording of conditions delegated to the Development Control Manager in consultation with the Chair of the Planning Committee. During the course of the consideration of the application the Head of Public Protection requested that a condition be imposed on the permission restricting the size of delivery vehicles to prevent servicing by large articulated vehicles to the site. The information submitted within the applicants transport statement indicated a fixed bed lorry would be used. A condition was imposed restricting the deliveries to the premises to the hours of 07:00 and 21:00 on any day and requiring that the premises shall not be serviced by articulated vehicles. (Condition 13). The condition was imposed in the interests of the amenities of the occupants of neighbouring properties.

4.3 The current application is to vary condition 13 to allow vehicles with a maximum length of 11m to serve the development. This will allow smaller articulated lorries to service the site but exclude the largest lorries which were of concern to the Head Of Public Protection.

### Planning History

4.4 H/2010/0703 Demolition of Station Hotel and erection of retail unit (Use Class A1) with associated car parking (resubmitted application). Approved February 2011.

4.5 H/2011/0160 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 Withdrawn.

4.6 H/2011/0138 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. Approved 9<sup>th</sup> May 2011.

### **Publicity**

4.7 The application has been advertised by neighbour notification (30) and site notice. To date four representations have been received. These include three letters of no objection and one letter of objection.

4.8 One of the writers not objecting raise the concerns as to how large the lorries will be and noise and muck.

4.9 The objector raises the following issues:

- Already an unacceptable amount of variations to the original application submitted.
- Traffic problems on Station Lane – in a residential area.
- Additional noise from vehicles with a maximum length of 11m.
- Limited car parking space for above vehicles will result in other vehicles parking on Station Lane leading to congestion.

The time period for representations expires on 6<sup>th</sup> July 2011. Should any further representation be received they shall be reported to the planning committee accordingly.

Copy letters C

### **Consultation Responses**

4.10 The following consultation responses have been received.

**Head Of Public Protection** - No objection.

**Traffic & Transportation** - There are no highway or traffic concerns with this application.

### **Planning Policy**

4.11 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, To9, Rec14 and Com12. Legal agreements may be negotiated to secure the improvement of accessibility.

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

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

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

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.

## **Planning Considerations**

1.12 The main planning considerations are impact on the amenity of neighbours and

highway safety.

#### IMPACT ON THE AMENITY

4.13 The original planning condition was imposed at the request of the Head Of Public Protection in effect to prevent the very largest articulated lorries to service the site. The proposed occupier however has introduced a smaller articulated lorry, some 10.7m long, which he proposes to use. The applicant has therefore asked that the condition be varied to allow for this. The Head of Public Protection has raised no objection to the proposal and in terms of any impact on the amenity of neighbours the proposal is considered acceptable.

#### HIGHWAY SAFETY

4.14 An objector has raised concerns that the servicing by such vehicles will effect parking spaces and highway safety. Traffic & Transportation have raised no objection to the proposal and in highway terms the proposal is considered acceptable. In terms of car parking there is a dedicated servicing area located to the rear of the site which should ensure that any effect on access to car parking is limited and in any case it is understood that deliveries will only take place once a day and are likely to be of a limited duration.

4.15 In highway safety terms the proposal is considered acceptable.

#### OTHER ISSUES

4.16 An objector has raised concerns that there have already been too many variations to the original approval. It is not unreasonable for any developer to pursue subsequent amendments to any approved proposal to meet the specific requirements of his client. Rather each variation must be considered on its own merits and cannot simply be rejected on the grounds that too many amendments are being sought to what has previously been approved. It is not considered therefore that this would be a valid planning reason to resist the proposal.

#### **RECOMMENDATION** – APPROVE subject to the following conditions:

1. This permission relates only to the variation of condition 13 attached to the original approval (H/2010/0703) on this site. All 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. Deliveries to the premises shall only take place between the hours of 07:00 and 21:00 on any day. The premises shall not be serviced by a vehicle exceeding 11m in total length.  
In the interests of the amenities of the occupants of neighbouring properties.



132 STATION LANE



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>29/06/11</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRGNO <b>H/2011/0283</b>	REV

**No:** 5  
**Number:** H/2011/0144  
**Applicant:** Mr Thomas Dodds 10 Hillston Close HARTLEPOOL TS26 0PE  
**Agent:** Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert HARTLEPOOL TS26 0SR  
**Date valid:** 21/03/2011  
**Development:** Erection of a two storey side extension to provide garage and family room with bedroom suite above  
**Location:** 10 Hillston Close HARTLEPOOL

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### The Application and Site

5.1 The site to which this application relates is a two-storey detached dwelling located within a predominately residential area. The property is contained within a small cul-de-sac within Hillston Close and benefits from a double garage to the side. The garage projects beyond the rear wall of the property and also beyond the rear wall of the neighbouring property, 9 Hillston Close, which sits roughly in line with the application property.

5.2 The application seeks consent for the erection of a two-storey side extension comprising garage and family room at ground floor, and a master bedroom and en-suite to first floor. The plans have been amended during the course of the application to set the extension in from the shared boundary and back 1m at first floor.

5.3 At present the garage projects 3.8m beyond the rear wall of no.9. The main rear wall of the application property projects 0.5m past the rear wall of no.9. The ground floor element of the extension will project the full depth of the property, therefore projecting 0.5m beyond the rear wall of no.9. It will project forward of the front wall of the application property by 1.3m, the first floor will be set back 1m from the front wall. The neighbouring property no.9 has a conservatory to the rear, which extends half the width of the opposite side of the property to the application site.

### Publicity

5.4 The application has been advertised by two rounds of publicity by way of neighbour letters (9). To date, there have been 6 letters of objection from 4 households.

5.5 The concerns raised include:

- a) Large extension will encroach on adjacent property and quality of life;
- b) Insufficient space between 9 and 10 Hillston Close to accommodate an extension of this size;
- c) Light obstruction and overshadowing to neighbouring property;
- d) Street offers light and space, no need to live 'on top of each other';

- e) Extremely large and out of keeping with existing properties in terms of space/build ratio;
- f) It goes against the original construction concept for the area;
- g) Contrary to the development of the area and would set a precedent for a 'hemmed in' environment;
- h) Hillston Close is a unique and clever design, being one of spaciousness, light and an open feel and aspect;
- i) Extension will overshadow neighbouring garden, conservatory and terrace;
- j) Will reduce sunlight to neighbouring property garden by two-thirds;
- k) The sunlight is reliant on the space between the two properties;
- l) The extension will result in only 1m between the two properties;
- m) Loss of amenity in terms of warmth, light and sun in bathroom;
- n) Will result in the properties appearing to be terraced;
- o) Disturbance during building work.

Copy Letters A

The period for publicity has expired.

### **Consultations**

5.6 The following consultation replies have been received:

**Head of Traffic and Transportation** – No highway or traffic concerns.

### **Planning Policy**

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

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

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

### **Planning Considerations**

5.8 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies. Particular regard is to be had to the effect of the proposal on the amenity of neighbouring properties in terms of overlooking, overshadowing, dominance and outlook, the

effect on the character and appearance of the existing property and the street scene in general.

#### *Amenity*

5.9 The main relationship for consideration in this instance is that with 9 Hillston Close. In terms of overlooking, whilst it is acknowledged that there are first floor windows proposed in the rear of the extension which can potentially overlook the garden area of no.9, it is considered that it is not an unusual relationship for first floor windows to overlook neighbouring gardens. It is common within Hillston Close itself and indeed 9 Hillston Close has the potential to overlook the garden of the application site. On such a basis it is considered difficult to sustain refusal of the application on the grounds of overlooking, particularly given that there are no windows proposed in the side elevation of the extension.

5.10 In terms of outlook, there is a single window in the side elevation of the neighbouring property which is a first floor bathroom window. As the extension projects only 0.5m beyond the rear wall of 9 Hillston Close, it is unlikely to be largely visible from the rear windows of that property, and whilst visible from the conservatory to the rear, is considered unlikely to be unduly dominant or detrimental in terms of outlook. Indeed the extension will result in the loss of the existing garage, which, whilst single storey, it is considered somewhat more intrusive in terms of outlook than the proposed extension is anticipated to be.

5.11 The extension will be located to the south of the neighbouring property. Whilst the neighbour has no habitable rooms facing south, the property does benefit from a garden area and rear conservatory. It is acknowledged that light does penetrate between the two properties; however, it is considered that the angle and orientation of the conservatory is such that it is unlikely to receive significant levels of direct sunlight through that gap at present. The extension therefore is unlikely to significantly reduce direct sunlight to the conservatory beyond that currently experienced.

5.12 It is acknowledged that the garden area will receive direct sunlight through the gap at certain times of the year. However, the trajectory of the sun will be largely obscured by the application property at present and the extension is unlikely to significantly compound this. Furthermore, it is when the sun's trajectory is likely to be lower during winter months that it directly penetrates the gap between the properties. The sun is notably higher during summer months and as such direct sunlight is unlikely to be significantly reduced by the extension.

5.13 The siting of the extension is such that it is unlikely to have a significant impact on the amenity of the neighbouring property, 11 Hillston Close. The extension is sited such a distance as to be unlikely to have a significant impact on surrounding properties within Hillston Close.

#### *Existing Property and Street Scene*

5.14 Hillston Close is characterised by detached properties, with large open plan front gardens and driveways. Whilst a number of properties have substantial spaces



between one another, a number of properties are sited within close proximity. For example, 12 and 14 Hillston Close, 17 and 18, and 19 and 20 Hillston Close are separated by only 2m between gable elevations. As a result of the extension there would be a gap of 1.7m between the two properties. It is not considered that the extension would appear unduly obtrusive or out of keeping within the context of the street scene. It is acknowledged that the extension will be visible within the street scene but it is considered unlikely that it would appear incongruous.

5.15 Whilst it is acknowledged that the extension is significant in terms of its size, it is considered that sufficient design elements allow the extension to be appear subservient and not unduly out of keeping or intrusive to the main property. The property is set back 1m at first floor and also incorporates a lower ridge line that the main house. Sufficient off-street car parking is to be retained.

#### *Other Issues*

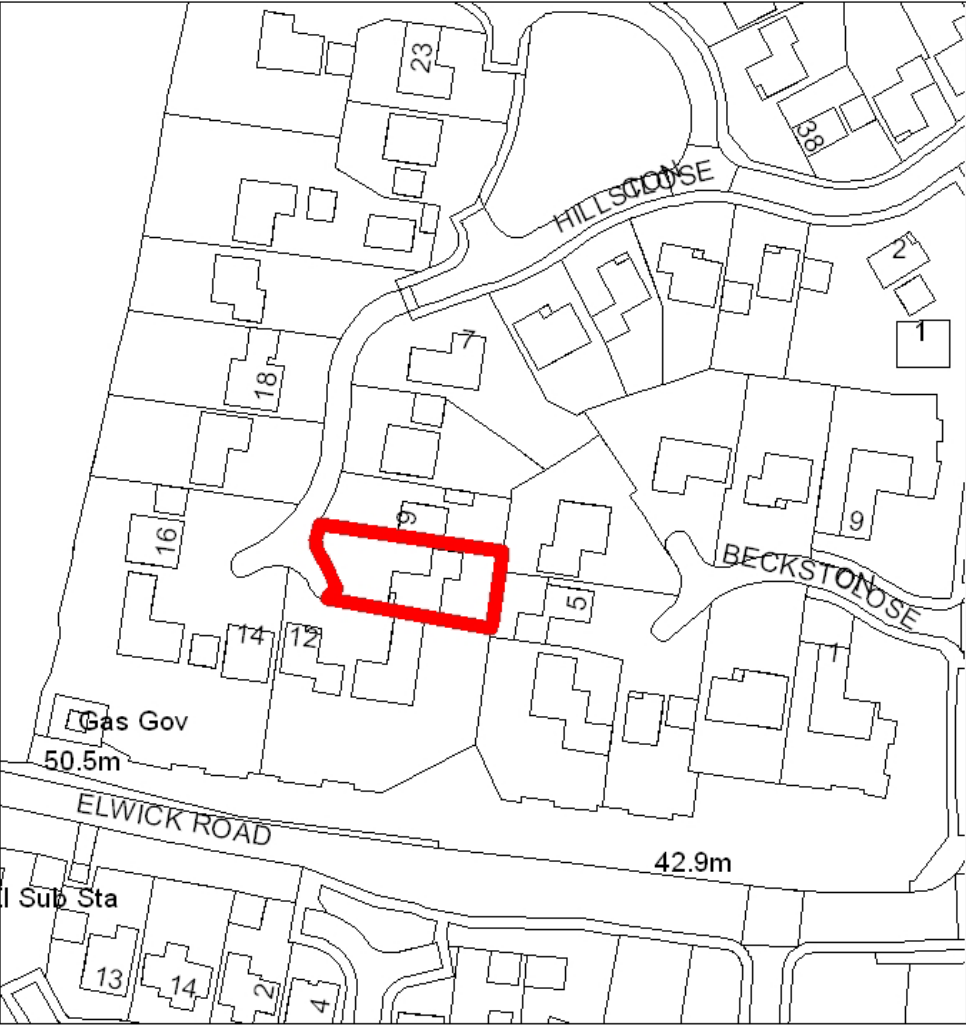
5.16 An issue has been raised regarding builders covenants. It considered that any such covenants on the properties within Hillston Close are a matter for the property owner and the respective parties and not a material consideration in the determination of this application. Any disturbance arising during building work can be managed through the appropriate Environmental Health regimes.

#### **RECOMMENDATION** – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans 'Proposed Alterations 4 (Rev A)', 'Proposed Alterations 2 (Rev A)', 'Proposed Alterations 3 (Rev A)', 'Proposed Alterations 5 (Rev A)' received by the Local Planning Authority on 16 05 11 and 'Existing Plans 1' received by the Local Planning Authority on 21 03 11.  
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building(s)  
In the interests of visual amenity.
4. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no windows(s) shall be inserted in the elevation of the extension facing 9 Hillston Close without the prior written consent of the Local Planning Authority.  
To prevent overlooking



10 HILLSTON CLOSE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>29/06/11</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2011/0144</b>	REV

## PLANNING COMMITTEE

15 July 2011



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

**Subject:** UPDATE ON CURRENT COMPLAINTS

---

### 1. PURPOSE OF REPORT

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

- 1 A neighbour complaint regarding the erection of a fence at a property on Whitrout Road.
- 2 A complaint from Hartlepool Water regarding the erection of a gate adjacent to a property on Ashgrove Avenue. This is preventing access to their equipment located on the private road to the rear of the properties on Stockton Road.
- 3 A complaint from a member of the public regarding the erection of razor wire at a business premises on Raby Road.
- 4 A neighbour complaint regarding the erection of a fence at a property on Castleton Road.
- 5 A neighbour complaint regarding the construction of a pre-fabricated timber building on the driveway of a property on Serpentine Road.
- 6 A complaint from a member of the public regarding building work being carried out at a recreational ground in Kingsley Avenue.
- 7 A neighbour complaint regarding the placing of broken glass on top of boundary wall at a property on Richie Humphreys Drive.
- 8 A complaint received from Housing Hartlepool regarding the erection of fence at the front of a property on Malcolm Road.
- 9 A neighbour complaint regarding the erection of a garage to the rear of a property on Sydenham Road.

- 10 Officer monitoring identified from a building regulations submission that planning permission was required for the work to be carried out at a premises on St Andrews Grove.
- 11 Councillor complaint regarding the sale of cars from a general dealers on Egerton Terrace.
- 12 Neighbour complaint regarding the running of a business from home at a property on West View Road.
- 13 An officer complaint regarding an untidy site at a derelict factory on Marsh House Lane.
- 14 Neighbour complaint regarding cars being advertised for sale on land in front of properties on Hart Lane.
- 15 Complaint from a member of the public regarding the erection of a stable block at a farm located in Hart.
- 16 Notification from Building Control that works are not being carried out in accordance with the approved plans at a property on Pinewood Close.
- 17 Neighbour complaint regarding the erection of an extension at a property on Oakland Avenue.
- 18 An officer complaint regarding an untidy property in Borrowdale Street.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

## PLANNING COMMITTEE

15 July 2011



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

**Subject:** APPEAL REF: APP/H0724/H/11/2154372  
H/2011/0073 - THE WHITE HOUSE, WOOLER  
ROAD, HARTLEPOOL, TS26 0DR  
DISPLAY OF THREE ILLUMINATED SIGNS  
(RETROSPECTIVE APPLICATION)

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### 1. PURPOSE OF THE REPORT

1.1 To notify members of a notification of a planning appeal.

### 2. APPEAL

2.1 To inform Members that a planning appeal has been lodged against the part refusal of the Local Planning Authority to grant advertisement consent for the 'display of three illuminated signs' at The White House Public House, Wooler Road, Hartlepool, TS26 0DR. A copy of the delegated report is attached.

2.2 The application was refused in part for the following reason:

*"It is considered that the size, design and appearance of the proposed signs identified as signs 2 and 3 on the submitted plan(s) ref 79479 received on the 10 February 2011 is inappropriate and detrimental to the character and appearance of the Park Conservation Area contrary to the provisions of PPG19 Outdoor Advertisement Control and policies GEP1 and HE1 of the adopted Hartlepool Local Plan."*

2.3 Plans and details can be viewed on the internet at  
<http://eforms.hartlepool.gov.uk:7777/portal>.

2.4 The appeal is to be decided by the written representations procedure.

### 3. RECOMMENDATION

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

**Application No** H/2011/0073

**Proposal** Display of three illuminated signs (retrospective application)

**Location** THE WHITE HOUSE WOOLER ROAD  
HARTLEPOOL

**PS Code:** 22

<b>DELEGATION ISSUES</b>	Neighbour letters:	14/03/2011
	Site notice:	16/03/2011
<b>1) Publicity Expiry</b>	Advert:	01/04/2011
	Weekly list:	20/03/2011
	Expiry date:	11/04/2011
<p><b>2) Publicity/Consultations</b></p> <p>The application has been advertised by way of site notice, press advert and neighbour notification (12). Two letters of objection have been received. The concerns raised are:</p> <ul style="list-style-type: none"> <li>• The billboard which boards up the windows on the southern side totally disfigures this prominent historic landmark building.</li> <li>• Signage is overbearing, oversized and dominates that property and surrounding area.</li> <li>• Signage if of inappropriate design, style and colour and is detrimental to the Conservation Area and the character and setting of Wilton Grange listed building.</li> <li>• Operators have flouted planning law.</li> <li>• Lighting around the White House is excessive. The lights shine directly onto the rear of houses on Relton Way and are a nuisance.</li> </ul> <p>The period for publicity has expired.</p> <p><b>Traffic and Transportation</b> – No objections.</p> <p><b>Landscape Planning &amp; Conservation</b> – Building (unlisted) is prominent within the Park Conservation Area. Sign 1 – a similar sign has existed on the site in the past. Although design has changed, no objections to the free-standing sign. Sign 2 – Sign covers four windows. No previous sign existed previously. The sign is insensitively located and diminishes the detailing of the property. The sign and lighting have no regard for the design of the property and as such it harms the character of the conservation area. Sign 3 – Previously in this location a sign was located in the form of individual letters. Whilst the sign does not cover any architectural features like sign 2, it is of a solid design and does not allow the house beneath to be seen. The public house should be the focus and this has been lost with the new sign. As with sign 2, the sign does not make a positive contribution to the character and local distinctiveness of the historic environment and should be refused.</p>		



<b>3) Neighbour letters needed</b>	Y
<b>4) Parish letter needed</b>	N
<b>5) Policy</b> GEP1: General Environmental Principles GEP2: Access for All GEP3: Crime Prevention by Planning and Design GEP8: Advertisements (Unsaved from 13 April 2009) HE1: Protection and Enhancement of Conservation Areas HE2: Environmental Improvements in Conservation Areas HE3: Developments in Vicinity of Conservation Areas Comments: No objections.	
<b>6) Planning Considerations</b>  <p>The site to which this application relates is the White House Public House, located on the corner of Wooler Road and Grange Road, located within the Park Conservation Area. The building is not listed, however, sites opposite Wilton Grange – a Grade II listed building. The building is relatively prominent within the context of the Park Conservation Area given its siting on a heavily used thoroughfare through the locality.</p> <p>The application seeks retrospective advertisement consent for the retention of three signs. Sign 1 is a free-standing sign comprising a 1.5m by 1.3m internally illuminated aluminium box sign mounted on a previously existing post. A small aluminium logo sign has also been attached the post. Sign 2 is an aluminium overhead illuminated box sign sited on the southern elevation of the building at first floor. The sign covers four first floor windows and measures 1.3m by 4.5m. Sign 3 is an aluminium overhead illuminated box sign sited on the eastern elevation of the property at first floor. The sign replaces a previous sign which comprised applied lettering. The sign measures 2.3m by 0.9m.</p> <p>There are two signs on the boundary of the site adjacent to Wooler Road for which consent is not sought. One flag pole mounted sign and one board sign adjacent to the car park entrance. These are existing signs which have only had the actual display replaced. It is considered that consent is not required for the two signs.</p> <p>The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies and national guidance set out in PPG19 and PPS5, with particular regard to the impact of the signage in visual amenity terms and in respect of highway safety.</p> <p><i>Highway Safety</i>          The Council's Traffic and Transportation have raised no objection to the proposals. It is considered unlikely that the proposal will give rise to significant highway safety concerns.</p> <p><i>Visual Amenity</i>          In terms of sign 1, it is considered that the sign is acceptable in visual amenity terms. The sign is non-illuminated and sits on top of an existing</p>	



sign post. The sign is of a similar size and scale than the previous sign it has replaced. It is considered that the free-standing sign does not unduly affect the amenity of neighbouring properties given its siting, and does not detract from the character or appearance of the Park Conservation Area, nor does it detract from the setting of the listed building Wilton Grange opposite.

Sign 2 substantially covers four first floor windows. Sign 3 whilst not covering any details of note is of a solid design, and allows little transparency and diminishes the focus of the property upon the eastern elevation. It is considered that the signs take little of the character and detailing of the property into consideration. It is considered that the signs are insensitively located and diminish the detailing of the property. The character of the Park Conservation Area can be found in the substantial properties, individually designed with significant attention to detail. It is considered that the proposed signs detract from the detailing of the property and therefore do not enhance or protect the character or appearance of the Park Conservation Area contrary to policies GEP1 and HE1 of the Hartlepool Local Plan (2006), and contrary to the guidance set out in national guidance PPG19 and PPS5.

### Conclusions

With regard to the policies identified in the Hartlepool Local Plan 2006 above, guidance set out in PPG19 and PPS5, and with regard to particular consideration of the effects on visual amenity and highway safety, the proposed free-standing sign is considered satisfactory and recommended for approval subject to the condition below. Signs 2 and 3, the signs located on the southern and eastern elevations of the property are considered contrary to the policies identified in the Hartlepool Local Plan 2006 above, guidance set out in PPG19 and PPS5 and therefore recommended for refusal.

**7) Chair's Consent Necessary**

**Y**

**8) Recommendation**

**Part Approve/Part Refuse**

### CONDITIONS/REASONS

1. The development part approved by way of this application, specifically relates to the free-standing sign identified as sign 1 on the submitted plan ref 79479 sheet 1 of 2 as carried out in accordance with the plans sheet 1 and 2 ref 79479 received by the Local Planning Authority on 10/02/2011 unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity.

### Reasons for Part Refusal

It is considered that the size, design and appearance of the proposed signs identified as signs 2 and 3 on the submitted plan(s) ref 79479 is inappropriate and detrimental to the character and appearance of the Park Conservation Area contrary to the provisions of PPG19 Outdoor Advertisement Control, PPS5 Planning for the Historic Environment and policies GEP1 and HE1 of the adopted Hartlepool Local Plan (2006).



**INFORMATIVE**

**Signed:**

**Dated:**

Director (Regeneration and Neighbourhoods)  
Development Control Manager  
Principal Planning Officer  
Senior Planning Officer

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

**Signed:**

**Dated:**

Chair of the Planning Committee



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## PLANNING COMMITTEE

15 July 2011



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

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

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**1. PURPOSE OF REPORT**

1.1 To advise members that the above planning appeal has been withdrawn.

**2. RECOMMENDATION**

2.1 That members note the withdrawal of the appeal.

## PLANNING COMMITTEE

15 July 2011



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

**Subject:** Introduction of Charges for Pre-Application Advice & Monitoring of Planning Legal Agreement

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### 1. PURPOSE OF REPORT

- 1.2 To seek endorsement of the schedule of fees proposed for the introduction of a charging policy for pre-application advice and for the monitoring of legal agreements associated with planning consents. It is proposed to commence charging September/October 2011; however this is subject to agreement with the relevant portfolio holder.

### 2. BACKGROUND

#### Pre-Application Advice

- 2.1 In the current financial climate and with the Government encouraging pre-application discussions between developers and the Council it is considered that an ever increasing workload is putting pressure on Development Control Teams. It should be noted that a significant amount of Councils now charge for pre-application advice.
- 2.2 The Planning Services Team currently offers a free advisory service (the 'One Stop Shop') to enable proposals to be considered informally before applications are submitted. The advisory service identifies any consent's required for the development proposed and how to apply for them. The Council strongly encourages use of the service as it may help to 'iron out' any potential problems and therefore deal with an application more efficiently. The service also provides a letter should planning permission not be needed this can be useful should a property/piece of land be sold in the future. The One Stop Shop is part of a positive and proactive planning process, although it is non-statutory.
- 2.3 The workload associated with the provision of this service is significant (approximately 50% of planning officers workload), this as well as a breakdown of types of informal enquiries received is shown on the tables below for the past two years.

January – December 2009

816 informal applications were received

717 planning applications were received

PS CODE 1 – 6	Large scale major	18
PS CODE 7 – 12	Small scale major	13
PS CODE 13 – 20	Minor	289
PS CODE 21	Householder	473
PS CODE 22	Adverts	22
PS CODE 23 – 27	Other	1
	Total	816

January – December 2010

801 informal applications were received

717 planning applications were received

PS CODE 1 – 6	Large scale major	8
PS CODE 7 – 12	Small scale major	22
PS CODE 13 – 20	Minor	282
PS CODE 21	Householder	450
PS CODE 22	Adverts	12
PS CODE 23 – 27	Other	27
	Total	801

- 2.4 Potential applicants are not obliged to seek pre-application advice, although the Government does encourage early discussions. Pre-application advice cannot bind the local planning authority to a particular outcome, in the event of a formal planning application. Any pre-application advice that has been given will be taken into account if a subsequent planning application is made, however any advice given is not legally binding upon the Local Planning Authority and does not constitute a formal decision.
- 2.5 The benefits of obtaining informal advice include the following:
- Assisting in the preparation of proposals before formal submission, which, if the advice is followed, should reduce any unexpected delays and be more likely to result in a positive outcome;
  - Gain a clear understanding of the objectives of and constraints on development;
  - Raise the quality of proposals;
  - Save time and money thereby increasing efficiency;
  - Reduce the number of invalid applications;
  - Reduce the need for planning conditions that could delay implementation;
  - Establish a degree of certainty to developers over their proposal;
  - Indicating those proposals that are completely unacceptable, so saving the cost of pursuing a formal application;
  - Identify if specialist input will be required.

- 2.6 Although there are benefits of obtaining informal advice it is considered that there could be both positive and negative implications in terms of charging for such a service. Positive implications could include an increase in income generation and a potential decrease in workload which is currently considered to be over capacity for officers. Negative implications could include an increase in unauthorised development, thus leading to an increase in planning enforcement workload, an increase in invalid applications, an increase in poor quality application submissions, potential impact on timescales for determination of application and a potential increase in appeals. These factors would need to be carefully monitored to ensure that the other functions associated with Planning Services would not be compromised.
- 2.7 It is considered that the service Planning Services currently offer is very good and benefits developers substantially, however it is also considered that the cost of providing this service could be recovered directly and not fall as a general cost to the Council taxpayer. The current statutory planning fees do not cover the cost of pre-application planning advice. A consultation paper for a new draft planning policy statement prepared in December 2009 reiterated the usefulness of pre-application advice and proposes charging for a pre-application service, however a decision has not yet been made.
- 2.8 A local planning authority has the power to charge for services provided in the form of pre-application discussions under Section 93 of the Local Government Act 2003. Where a local authority opts to charge a fee for the pre-application phase, any charge must be on a not for profit basis and over the course of each year, the income from charges for such services must not exceed the cost of providing them.
- 2.9 A schedule of fees has been prepared for Member comment (Appendix A). Members agree in principle to charging for pre-application advice in November 2010.
- 2.10 The proposed scale of fees reflects the nature of the development i.e. a change of use would not be expected to pay the same amount as a proposed scheme for a major industrial development.
- 2.11 It is a concern of officers that householders wishing to erect a conservatory would not use the pre-application service should there be a fee, this may potentially lead to an increase in unauthorised development and thus an increase on the already limited resources of the enforcement officer. It is therefore advised that no fee is charged for pre-application advice to household developments. However it is proposed that should a household require a rapid response to an enquiry, generally household responses are given within 15 working days (for instance when proof is required by a solicitor for a house sale to progress) then a 'fast track' fee is considered appropriate and this is reflected in the proposed charges.
- 2.12 Appendix B shows what other LPA's charge for pre-application advice.

Monitoring of Legal Agreements

- 2.13 Circular 05/2005: Planning Obligations (Para B50) advises local authorities to carefully monitor all legal agreements. Once planning obligations have been agreed, it is important that they are implemented or enforced in an efficient and transparent way, in order to ensure that contributions are spent on their intended purpose and that the associated development contributes to the sustainability of the area. This will require monitoring by local planning authorities, which in turn may involve joint-working by different parts of the authority.
- 2.14 There are two aspects to monitoring and managing legal agreements these being:
- Financial monitoring and management of the monies associated with receiving the income; and
  - Physical monitoring.
- 2.15 The Planning Services Team currently has the post of a Monitoring Officer in place for monitoring of the fulfilment of the obligations. This post also monitors compliance with planning conditions, which are already subject to a statutory discharge of planning condition charge.
- 2.16 As with pre-application advice other Council's have implemented a charge for the monitoring and management of legal agreements. There are differences between scales of fees for this and whether it is based on per obligation or per agreement. Again this fee should be levied to cover the cost of the service rather than make a profit. It is officer's view that it would be reasonable to charge per agreement relating to financial monitoring; however physical monitoring could be charged per visit given the differences in work associated with the monitoring.
- 2.17 Members agreed in principle to charging for this service in November 2010. it is proposed to levy a scale of fees as below:

Fee	Obligation
£250	per agreement relating to financial monitoring.
£300	per agreement relating to physical monitoring, should there be a requirement for multiple visits this fee would be payable per visit. To be agreed prior to the completion of any legal agreement.

**3. RECOMMENDATION**

- 3.1 Members endorse the proposed scale of fees for pre-application advice and monitoring of legal agreements.

**APPENDIX A Proposed scale of fees**

Development Type		Cost of Service
<b>Code</b>	<b>Largescale Major Developments</b>	
1	Dwellings (200 or more)(4 ha or more)	£500* for written response, including up to 2 meetings.  Additional advice requested chargeable at hourly rate <sup>^</sup> with a maximum of £2000*
2	Offices / R & D / light industry (>10,000sq metres or >2ha)	
3	General Industry/storage/warehousing (>10,000sq metres or >2ha)	
4	Retail distribution and servicing (>10,000sq metres or >2ha)	
5	Gypsy and Traveller pitches (>10,000sq metres or >2ha)	
6	All other largescale major developments (>10,000sq metres or >2ha)	
	<b>Smallscale Major Developments</b>	
7	Dwellings (10 - 199) (0.5 ha and less than 4 ha)	£250* for a written response <b>Or</b> £350* as above plus meeting or accompanied site visit.  Additional advice requested chargeable at hourly rate <sup>^</sup> with a maximum of £2000*
8	Offices/ R & D / light industry (1,000sq metres - 9,999 sq metres)	
9	General Industry/storage/Warehousing (1,000sq metres - 9,999 sq metres)	
10	Retail distribution and servicing (1,000sq metres - 9,999 sq metres)	
11	Gypsy and Traveller pitches (1,000sq metres - 9,999 sq metres)	
12	All other smallscale major developments (1,000sq metres - 9,999 sq metres)	
	<b>Minor Developments</b>	
13	Dwellings (1-9) (Less than 0.5 ha)	£100* written response <b>Or</b> £200* as above plus meeting or accompanied site visit
14	Offices / R& D / light industry (< 1000 or 1ha)	
15	General Industry/storage/warehousing (< 1000 or 1ha)	
16	Retail distribution and servicing (< 1000 or 1ha)	
17	Gypsy and Traveller pitches (< 1000 or 1ha)	
18	All other minor developments (< 1000 or 1ha)	
	<b>Other Developments</b>	
19	Minerals Processing	<b>Based on area as above</b>
20	Change of Use	<b>Based on site area as above</b>
21	Householder developments	<b>Free<sup>#</sup></b>
22	Advertisements	<b>£50*</b>
23	Listed building consents (to alter/extend)	<b>Free</b>
24	Listed building consents (to demolish)	<b>Free</b>
25	Conservation area consents	<b>Free</b>
26	Certificates of lawful development	<b>Quote on Request</b>
27	Notifications	<b>Quote on Request</b>

**NOTES:**

- 1) <sup>^</sup> Hourly charges based on an average of officers hourly charges referred above which is £45.69/hour\*
- 2) \* Denotes that fees would be reviewed by an agreed inflationary amount from 1<sup>st</sup> April yearly.
- 3) A 'fastrack' service with a fee of £50\* is offered this would be subject to inflation as above. This would comprise a response given to a developer within 48hours of receiving the valid request.
- 4) Time frames:
  - Aim of 15 working days to respond to a Minor development.
  - Aim of 25 working days to respond to a Major development.
  - Large scale major development timetable to be arranged between case officer and applicant/agent.
  - Express householder development service aim of 48hours to respond.

## APPENDIX B LPA Comparisons

Local Planning Authority	Major Development	Other Significant Development (large scale major)	Minor Development	Commercial Adverts	Householder Development	Other such as Listed Building, Demolitions etc
<b>Middlesbrough</b>	Now free previously charged £300 + VAT for SV, letter and 1-1 consultation, hourly rates chargeable thereafter	Now free but previously charged £300 + VAT	Now free previously charged £70 +VAT for SV, letter and consultation with officer as necessary, hourly rates chargeable thereafter	Now free previously charged £50+VAT	Now free previously charged £20 + VAT	Free
<b>Durham</b>	Free but charging to begin this year it is likely to take the form of two levels of advice 'outline' and 'full' advice with a maximum of £2000 and minimum of £30. This category likely to attract a higher fee.	Free but charging to begin this year it is likely to take the form of two levels of advice 'outline' and 'full' advice with a maximum of £2000 and minimum of £30. This category likely to attract a higher fee. <sup>as</sup>	Free but charging to begin this year it is likely to take the form of two levels of advice 'outline' and 'full' advice with a maximum of £2000 and minimum of £30.	Free but charging to begin this year it is likely to take the form of two levels of advice 'outline' and 'full' advice with a maximum of £2000 and minimum of £30.	It is not intended to charge for householder advice but to offer a 'fast-track' service with a fee of £50.	Free but charging to begin this year it is likely to take the form of two levels of advice 'outline' and 'full' advice with a maximum of £2000 and minimum of £30.
<b>Stockton Redcar &amp; Cleveland</b>	Free	Free	Free	Free	Free	Free
<b>Scarborough</b>	£800 + VAT for up to 3 meetings plus written advice. Written advice only approx half fee incurred	£ depending on scale could either £800 or £400 + VAT for up to 2 meetings plus written advice. Written advice only approx half fee incurred	£160+ VAT for up to 2 meetings plus written advice. Written advice only approx half fee incurred	No Pre-application discussions are entered into	No Pre-application discussions are entered into	No Pre-application discussions are entered into
<b>Sunderland</b>	Free – however Sunderland are reviewing their pre-application service and it is likely that charging will begin in September 2011, proposed charge £500 + VAT for each site	Free – however Sunderland are reviewing their pre-application service and it is likely that charging will begin in September 2011, proposed charge £700 + VAT for each site	Free – however Sunderland are reviewing their pre-application service and it is likely that charging will begin in September 2011, proposed charge £200 + VAT for each site Change of use = £67 + VAT	Free – however Sunderland are reviewing their pre-application service and it is likely that charging will begin in September 2011, proposed charge £35 + VAT	Free – however Sunderland are reviewing their pre-application service and it is likely that charging will begin in September 2011, proposed charge £30 + VAT	Free – however Sunderland are reviewing their pre-application service and it is likely that charging will begin in September 2011, proposed charge, Quote on Request Note 'DO I NEED PLANNING PERMISSION' enquiries will be charged at £20 + VAT
<b>North Yorkshire</b>	Free	Free	Free	Free	Free	Free



Local Planning Authority	Major Development	Other Significant Development (large scale major)	Minor Development	Commercial Adverts	Householder Development	Other such as Listed Building, Demolitions etc
<b>Newcastle</b>	£600.00 for each site. A further fee of £1800 as a follow on from stage 1 (principle of development) or flat rate of £2400	Price on application for Large Strategic Developments	Between £180 - £420 depending on site, a further fee of £240 or £780 as a follow on from stage 1 advice (in principle) or a flat rate of £420 or £1200 depending on size.	Free	Free	Free
<b>Gateshead</b>						
<b>North Tyneside</b>	Stage 1: principle view, 1 meeting, 1 written response =£500. Stage 2: detailed pre-application advice = £1500	Stage 1: principle view, 1 meeting, 1 written response =£500. Stage 2: detailed pre-application advice = £1500	£200, 1 meeting, 1 written response	£30	£30	Free
<b>South Tyneside</b>	£300 plus VAT (covers one letter, site visit and meeting) plus hourly rate for officer's time thereafter.		£50 per letter plus £100 for each meeting +VAT + hourly rate for officer's time thereafter.			£100 per letter plus £150 per meeting plus VAT plus hourly rate for officer's time thereafter. Telecoms, minerals and waste etc.
<b>Northumberland</b>	£250 written response £350 as above+ meeting/SV	Major significant development= £500 written response £750 as above+ meeting/SV	£100 written response £200 as above+ meeting/SV		£30-£60 depending on response required, and any meetings etc	
<b>Hartlepool</b>	£250 written response £350 as above+ meeting or accompanied SV. Additional advice requested chargeable at hourly rate with a maximum of £2000	£500 for written response, including up to 2 meetings. Additional advice requested chargeable at hourly rate with a maximum of £2000	£100 written response £200 as above+ meeting or accompanied SV	£50	It is not intended to charge for householder advice as this could have repercussions on the enforcement element of the DC function, however it is advised that we offer a 'fastrack' service with a fee of £50.	Free

SV = Site Visit