

PLANNING COMMITTEE AGENDA



Friday 9 September 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 12 AUGUST 2011**
4. **ITEMS REQUIRING DECISION**
 - 4.1 *Planning Applications – Assistant Director, Regeneration and Planning*
 - 1 H/2011/0336 The Park Hotel, Park Road, Hartlepool (page 1)
 - 2 H/2011/0345 Station Hotel, Station Lane, Hartlepool (page 5)
 - 3 H/2011/0358 Hartlepool Power Station, Tees Road, Hartlepool (page 9)
 - 4 H/2011/0368 Land to the West of Eaglesfield Road, Hartlepool (page 13)
 - 5 H/2011/0280 Fens Hotel, Catcote Road, Hartlepool (page 30)
 - 6 H/2011/0348 Brierton Moorhouse Farm, Dalton Back Lane, Hartlepool (page 35)
 - 7 H/2011/0294 Fernbeck, Dalton Back Lane, Claxton, Billingham (page 41)
 - 4.2 *Update on Current Complaints - Assistant Director, Regeneration and Planning*

- 4.3 Appeal Ref: APP/H0724/A/11/2157369 H/2011/0015 Change of Use From Vehicle Dismantling Yard to Storage of Skips, Plant, Brick, Rubble, Clay, Top Soil And Wood - Unit 4 Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool – *Assistant Director, Regeneration and Planning*
- 4.4 Appeal by: Mr R Ainsley, 3 Henry Smith Terrace - Appeal Ref No: APP/H0724/H/11/2152708 – *Assistant Director, Regeneration and Planning*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

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

EXEMPT ITEMS

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

7 ITEMS REQUIRING DECISION

- 7.1 Enforcement Action – Various Sites in Seaton Carew - *Assistant Director, Regeneration and Planning* (para's 5 & 6)
- 7.2 Enforcement Action – Land opposite C.C.S. site, Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool - *Assistant Director, Regeneration and Planning* (para's 5 & 6)
- 7.3 Complaint Files to be Closed - *Assistant Director, Regeneration and Planning* (para's 5 & 6)
- 7.4 Enforcement Action – Station Hotel, Seaton Lane Hartlepool - *Assistant Director, Regeneration and Planning* (para's 5 & 6)
- 7.5 Enforcement Action - 3 Henry Smith Terrace, Hartlepool - *Assistant Director, Regeneration and Planning* (para's 5 & 6)

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

9. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place at 9.00 a.m. on the morning of the next scheduled meeting of the Committee on Friday 7 October 2011 at 10.00 a.m.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

12 August 2011

The meeting commenced at 10.00 am in the Civic Centre, Hartlepool

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Allan Barclay, Jonathan Brash, Mick Fenwick, Marjorie James, Trish Lawton, Allison Lilley, Geoff Lilley, Carl Richardson, Jean Robinson, Linda Shields, Chris Simmons, Kaylee Sirs, Hilary Thompson and Ray Wells

In accordance with Council Procedure Rule 4.2 (ii), Councillor Brenda Loynes as substitute for Councillor George Morris

Officers: Chris Pipe, Planning Services Manager
Adrian Hurst, Principal Environmental Health Officer
Jim Ferguson, Principal Planning Officer
Stephen Telford, Senior Engineering (Environmental Issues)
Richard Trow, Planning Officer
Kate Watchorn, Commercial Solicitor
Greg Witherspoon, Student Placement
Jo Stubbs, Democratic Services Officer

23. Apologies for Absence

Apologies for absence were received from Councillors George Morris and Edna Wright.

24. Declarations of interest by Members

Councillors James and Richardson declared a personal interest in planning application H/2011/0277 Aldi Foodstore, Dunston Road, Hartlepool

Councillor Wells declared a personal and prejudicial interest in exempt item 7.3 Enforcement Action – Tunstall Court, Grange Road, Hartlepool

25. Confirmation of the minutes of the meeting held on 15 July 2011

Approved

26. Planning Applications *(Assistant Director (Regeneration and Planning))*

Number: H/2011/0294

Applicant: Mr J Odgers
Fernbeck Dalton Back Lane BILLINGHAM

Agent: Sean McLean Design The Studio 25 St Aidans Crescent
BILLINGHAM

Date received: 09/06/2011

Development: Erection of a two storey dwellinghouse

Location: Fernbeck Dalton Back Lane Claxton BILLINGHAM

Decision: **Deferred by the Chairman of the Planning Committee prior to the meeting to allow consideration of further information which has been received**

Number: H/2011/0144

Applicant: Mr Thomas Dodds
10 Hillston Close HARTLEPOOL

Agent: Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert
HARTLEPOOL

Date received: 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

Representations: Mr Arnold (Agent) and Mrs Crawford were in attendance and addressed the committee

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans '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.

The Committee considered representations in relation to this matter.

Number: H/2011/0246

Applicant: Mr David Trebble
Hart Lane HARTLEPOOL

Agent: Mr David Trebble Sea View House Hart Lane
HARTLEPOOL

Date received: 10/06/2011

Development: Erection of a detached dormer bungalow and two detached garages

Location: Seaview House Hart Lane HARTLEPOOL

Representations: Mr Trebble (Applicant) was in attendance and addressed the committee

Decision: **Minded to APPROVE with the final wording of conditions delegated to the Planning Services Manager**

The Committee considered representations in relation to this matter.

Number: H/2011/0277

Applicant: Aldi Stores Ltd
C/O Agent

Agent: PROJECT ARCHITECTSMR MARK JANSZ 57
LIME STREET OUSEBURN VALLEY NEWCASTLE
UPON TYNE

Date received: 01/06/2011

Development: Variation of Conditions 2 on planning approval
H/FUL/0375/99 to allow Sunday trading from 10am
to 6pm

Location: ALDI FOODSTORE LTD DUNSTON ROAD
HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The premises shall only be open to the public between the hours of 08.00 to 20.00 Mondays to Saturdays inclusive and on Sundays between the hours 10.00 to 18.00.
In the interests of the amenities of the occupants of neighbouring properties.
2. For the avoidance of doubt all conditions attached to the original planning consent H/FUL/0141/96 shall still apply, unless varied by this approval.
For the avoidance of doubt.

Councillor Jonathan Brash asked that his vote in favour of the decision be recorded. Councillors Brenda Loynes and Carl Richardson asked that their votes against the decision be recorded.

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

Members' attention was drawn to 21 ongoing issues, which were being investigated. Any developments would be reported to a future meeting if necessary.

A Councillor requested an update on a complaint he had made regarding extensive works being carried out to a property on Meadow Drive. The Principal Planning Officer advised that a resident had all but demolished a bungalow on the site but had been unaware that he would need to give notice to do this. A planning application for a replacement dwelling would be submitted and considered in the usual manner.

A Councillor queried a neighbour complaint regarding the installation of a raised decking area to the rear of a property on Sandbanks Drive. The Planning Services Manager indicated that decking over a certain height required planning consent. In this case officers were uncertain if this decking was under the allowed height or if it had been in place since before 2008 as rules regarding decking changed in the amended General permitted Development Order.

Decision

That the report be noted.

28. Appeal by Mr T Horwood, Site at 42 Bilsdale Road, Hartlepool TS25 2AH (H/2011/0176) *(Assistant Director, Regeneration and Planning)*

Members were notified that a planning appeal had been lodged against the refusal of Hartlepool Borough Council to allow the erection of a detached single storey dwelling house for use in conjunction with the existing dwelling house at 42 Bilsdale Road. The appeal was to be decided by written representation and authority was requested for officers to contest the appeal.

Decision

That authority be given to officers to contest this appeal

Councillors Allison Lilley, Geoff Lilley, Brenda Loynes and Ray Wells asked that their votes against this decision be recorded.

29. Appeal by Mr Boagey, 12-14 Montague Street, Hartlepool *(Assistant Director, Regeneration and Planning)*

Members were notified that a planning appeal had been lodged against Hartlepool Borough Council relating to condition 4 of planning approval H/2010/0622 for replacement windows on a property within the Headland Conservation Area and covered by an Article 4 Direction. A copy of the delegated report was attached for members information. The appeal was to be decided by written representation and authority was requested for officers to contest the appeal.

Decision

That authority be given to officers to contest this appeal

30. Appeal by Mr Ainsley, 3 Henry Smith Terrace, Hartlepool *(Assistant Director, Regeneration and Planning)*

Members were notified that a planning appeal had been lodged against the refusal of Hartlepool Borough Council to allow planning permission for the retention of a front door on a property within the Headland Conservation Area and covered by an Article 4 Direction. A copy of the delegated report was attached for members information. The appeal was to be decided by written representation and authority was requested for officers to contest the appeal.

Members discussed the design of the replacement front door which some felt was indistinguishable from the original. They highlighted the high cost involved in replacing like for like, commenting that in the current economic climate they should not dictate to people in this way. The Chair advised that cost was not a material planning issue and that conservation areas were designed to maintain certain standards and quality. Residents were well aware that they lived in a conservation area and that inappropriate replacements of this kind were against the regulations. Grants were also available to help toward the renewal of doors and windows.

A member suggested that training on conservation areas should be provided to members as this had not been covered in the previous training given by planning officers. This was supported by the Chair.

Decision

That authority be given to officers to contest this appeal.

31. 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 32 – Enforcement Action – JC Decaux Advertisement Hoardings, Clarence 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 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 33 – Enforcement Action – Cameron Lodge, Serpentine 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 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 34 – Enforcement Action – Tunstall Court, Grange 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 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 35 – Enforcement Action – 190-192 Raby 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 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 36 – Enforcement Action – Century Park, Former RHM Site, Greatham – 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 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 37 – Enforcement Action – 16 Egerton 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 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 38 – Enforcement Action – 51 Conway Walk, 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 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).

32. Enforcement Action – JC Decaux Advertisement Hoardings, Clarence Road, Hartlepool *(Assistant Director (Regeneration and Planning))* (paras 5 and 6)

The Planning Services Manager sought Members authorisation to enforcement action should this be required in respect of the display of advertisement hoardings on Clarence Road

Decision

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

33. Enforcement Action – Cameron Lodge, Serpentine Road, 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 unauthorised erection of a wooden garage structure on Serpentine Road.

Decision

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

34. Enforcement Action – Tunstall Court, Grange Road, 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 Tunstall Court by way of a Section 215 notice

Decision

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

35. Enforcement Action – 190-192 Raby Road, 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 190-192 Raby Road by way of a Section 215 notice

Decision

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

36. Enforcement Action – Century Park, Former RHM Site, Greatham (*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 land and factory buildings at Century Park by way of a Section 215 notice

Decision

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

37. Enforcement Action – 16 Egerton Road, Hartlepool
(Assistant Director (Regeneration and Planning)) (Para's 5 & 6)

The Planning Services Manager advised members that no further enforcement action was required in respect of 16 Egerton Road as the required information had been supplied by the applicant

Decision

That no further action be taken.

38. Enforcement Action – 51 Conway Walk, 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 51 Conway Walk by way of a Section 215 notice

Decision

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

The meeting concluded at 12:10 pm

CHAIR

No: 1
Number: H/2011/0336
Applicant: Mr Richard Hanlon Park Road HARTLEPOOL TS26 9HU
Agent: Mr Richard Hanlon The Park Inn Park Road HARTLEPOOL TS26 9HU
Date valid: 20/07/2011
Development: Alterations to boundary wall and erection of fence on top of existing wall
Location: PARK HOTEL PARK ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

1.1 The application site lies toward the west of York Road and fronting the northern side of Park Road. It accommodates the Park Hotel Public House with its car park to the west and yard area and a hard standing beer garden to the east.

1.2 The rear of the property backs onto Dalton Street alleyway with commercial properties and a cleared residential site, whilst on the southern side of Park Road frontage lie a mix of commercial properties with flats or associated business above.

1.3 This application relates solely to the provision of wrought iron roll top railings onto the existing front boundary wall and the closure of one vehicle access. It should be noted that under permitted development rights, a wall/fence up to 1m in height can be erected at the back of the footpath without planning consent.

1.4 The application has been referred to Committee by a Councillor for reasons of the amenity of the area and the street scene, in general.

Publicity

1.5 The application has been advertised by way of neighbour letters (21) and a site notice. To date, there have been no objections. 2 neighbours have commented on the application supporting the proposal.

The period for publicity has expired.

(Copy letters A)

Consultations

1.6 The following consultation replies have been received:

Traffic and Transportation – the applicant has indicated that one of the vehicular accesses onto Park Road is to be bricked up therefore the carriageway crossing should be reinstated as footway. This would be at the expense of the applicant and

be carried out by accredited RASWA contractor. There are no major highway implications with this application.

Planning Policy

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

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

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

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.

Planning Considerations

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

1.9 The Park Hotel Public House has recently undergone refurbishment works to improve both the exterior and interior of the property. The existing car park is formerly marked out, with a small part of the car park being segregated by a low brick wall and picnic style tables have been fixed to create an additional seating area, this is not part of the current application and is being investigated separately, this application solely relates to the addition of the railings.

1.10 The highways engineer has raised comments with regard to the 'bricking up' of one of the entrances to the car park insofar that the existing carriage crossing shall be reinstated to footway, however it would be difficult to impose a condition and sustain an objection as this part of the works do not require planning permission.

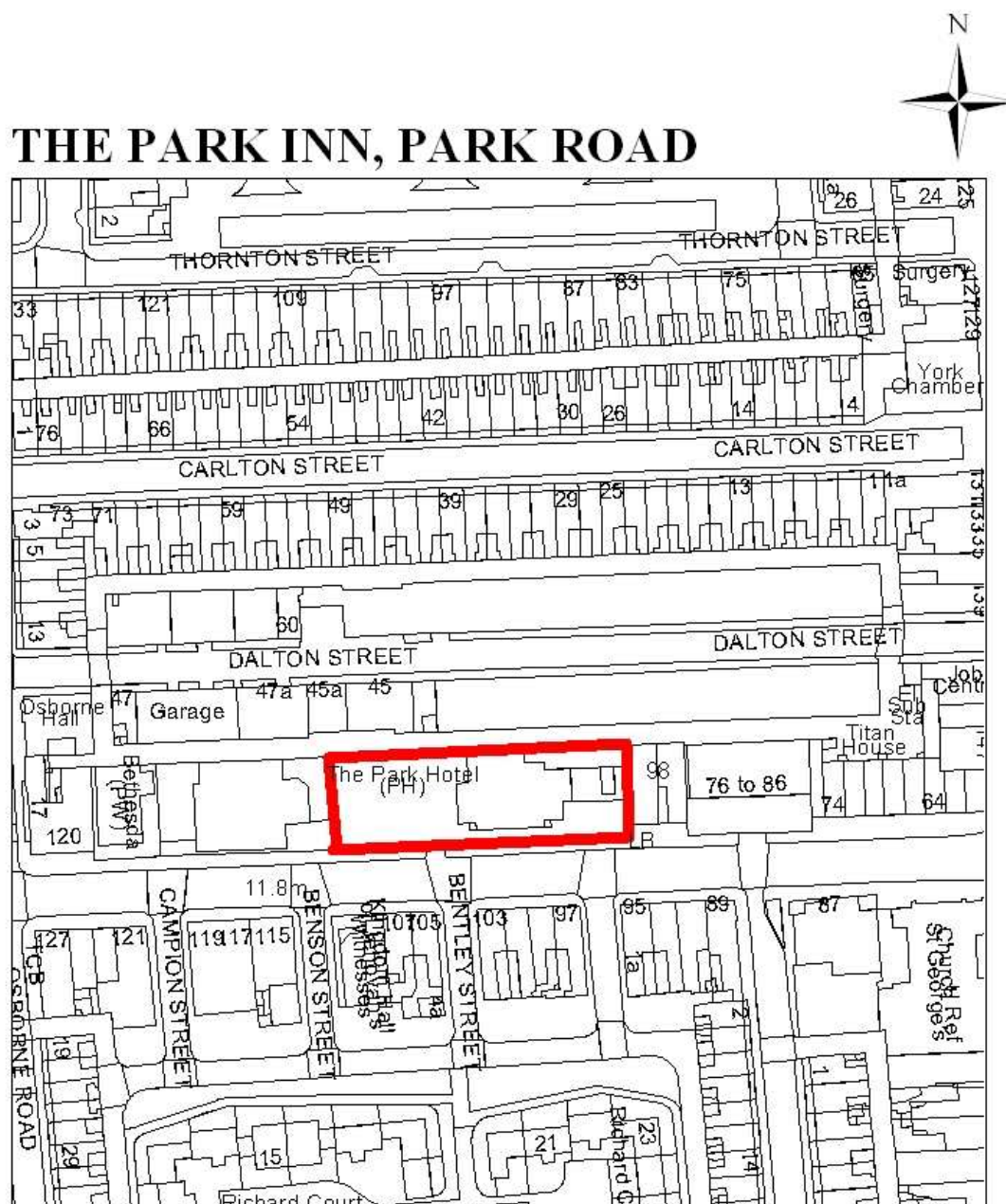
1.11 The proposed railings are similar to many of the railings that are on residential properties within the area, there are various styles of fencing within the area. The height of the boundary enclosure with the addition of the railings range from below 1 metre to 1.4 metres in height. The additions are not considered to be dominant and are considered to benefit the site in terms of its overall appearance.

1.12 It is considered unlikely that the proposed addition of the railings will have a negative impact upon the visual amenity of the area or the street scene.

1.13 It is for the above reasons that the application is recommended for approval subject to the conditions below.

RECOMMENDATION - APPROVE

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 27 June 2011 Drg No: Park 01 and site location plan, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. The railings hereby approved shall be colour treated black within one month of its erection and maintained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 23/8/11
	SCALE 1:1250	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2011/0336	REV

No: 2
Number: H/2011/0345
Applicant: Mr A Phipps 33 The Holborn LONDON EC1N 2HT
Agent: arc- part of riley consulting Matthew Rollings ARC -
 PART OF RILEY CONSULTING 21 -22 Great Sutton
 Street London EC1V 0DY
Date valid: 06/07/2011
Development: Display of two illuminated fascia signs, two illuminated
 hanging signs and a totem sign
Location: Station Hotel Station Lane HARTLEPOOL

The Application and Site

2.1 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 and is nearing completion. 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.

2.2 The current application is for advertisement consent for the display of various advertisements at the premises. These include two illuminated fascia signs on the south and west side of the building and two illuminated hanging signs. Various other signs are proposed including a sign and three small cabinets on the front (south) elevation and two small cabinets on the east elevation for promotional signs, and windows manifestations. The applicant originally proposed a freestanding totem sign, some 2.2m high and 1.03m wide but was requested to reconsider this element given its prominence in what is predominantly a residential area and the fact that much of the information is provided on other signs on the building. The applicant has replaced the Totem sign with a smaller sign mounted on the front (south) side of the building.

2.3 The application has been reported to the committee following a request from a Member. The Member asked the application to be referred to the committee for reasons of highway safety.

Planning History

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

2.5 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.

2.6 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 May 2011.

2.7 H/2011/0283 Variation of condition No 13 of planning approval H/2010/0703 to allow vehicles with a maximum length of 11m to serve the development. Approved July 2011.

Related Applications

2.8 H/2011/0341 An application for alterations to the front entrance, installation of an ATM and installation of external plant and air conditioning unit with boundary fence is pending.

Publicity

2.9 This application has been advertised by neighbour notification (5) and site notice. To date no representations have been received.

2.10 The time period for representations expires after the planning committee on 12th September 2011. Should any representation be received before the committee they shall be reported at the meeting.

Consultation Responses

2.11 The following consultation responses have been received.

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

Planning Policy

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

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

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

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

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

Planning Considerations

2.12 The main planning considerations are the impact on visual amenity and highway safety.

IMPACT ON VISUAL AMENITY

2.13 The signage proposed is typical of the type of signage found on a small supermarket of this type. The applicant was however requested to reconsider the Totem sign given its prominence in what is predominantly a residential area and the fact that much of the information is provided on other signs on the building. The applicant has replaced this sign with a smaller sign mounted on the left hand side of the front (south) elevation of the building. It is considered that the amended plans are acceptable in terms of the impact on visual amenity and the recommendation reflects this.

HIGHWAY SAFETY

2.14 No objections to the proposal from Traffic & Transportation and in highway safety terms the proposal is considered acceptable.

The proposed signage is considered acceptable and is recommended for approval.

RECOMMENDATION – APPROVE – subject to no objections being received during the outstanding consultation period. Should any objection be received delegate final decision to the Planning Services Manager in consultation with the Chair of the Planning Committee and the following conditions:

1. The signs hereby permitted shall be in accordance with the plans and details received by the Local Planning Authority on 5th July 2011 as amended in respect to the details of the signs by the drawing GO1 – Elev Revision 1b received at the Local Planning Authority on 25/08/2011, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
2. The maximum intensity of the illuminated sign(s) shall not exceed 750 cd/square metre.
In the interests of visual amenity.
3. For the avoidance of doubt this permission does not authorise the display of any free standing totem signs on the premises.
For the avoidance of doubt and in the interests of visual amenity.

FORMER STATION HOTEL, STATION LANE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 23/8/11
	SCALE 1:1250	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2011/0345	REV

No: 3
Number: H/2011/0358
Applicant: EDF Energy Barnett Way Barnwood GLOUCESTER GL4 3RS
Agent: EDF Energy Barnett Way Barnwood GLOUCESTER GL4 3RS
Date valid: 14/07/2011
Development: Display of 20 advertising signs
Location: Hartlepool Power Station Tees Road HARTLEPOOL HARTLEPOOL

The Application and Site

3.1 The site to which the application relates to is Hartlepool Power Station located on Tees Road. The application has been submitted as British Energy is currently undertaking a rebranding exercise as the company has changed its name to EDF Energy.

3.2 In light of the above, the majority of the existing signage on the site is to be reclad. In addition, three new signs are proposed. The signs to be reclad are predominantly directional in nature or are for safety purposes to advise members of the public that they are in close proximity to the boundary of a nuclear licensed site. With regard to the three new signs, one is a greeting sign and the remaining two are to advise road/footpath users that they are entering a nuclear licensed site.

3.3 The application has been referred to Committee by a Councillor for reasons of visual amenity and potential driver distraction.

Publicity

3.4 The application has been advertised by way of neighbour letters (3) and site notice. To date, there has been one letter of no objection received.

The period for publicity has expired.

Consultations

3.5 The following consultation replies have been received:

Traffic and Transportation – There are no highway or traffic concerns

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.

Planning Considerations

3.7 Planning Policy Guidance 19 provides guidance as to the issues that should be taken into account when considering advertisement applications. PPG19 states that advertisements can only be controlled in the interests of amenity and public safety. Impact on amenity should be assessed on the effect of the advertisement on visual amenity in the immediate neighbourhood where it is to be displayed. In assessing an advertisement's impact on public safety, the Local Planning Authority is expected to have regard to its effect upon the safe use and operation of any form of traffic or transport on land.

Visual Amenity

3.8 The area to which this application relates to is the nuclear power station, as defined within the Hartlepool Local Plan 2006 under policy PU6. The site is commercial in nature and as such there are a number of existing advertisements within the site, many of which this application relates to. It should be noted that the advertisements to which this application relates to were all in situ upon the time of the officers site visit.

3.9 Taking into account the siting of the advertisements it is considered that the proposals are appropriate for the area and are functional. The majority of the advertisements are not clearly visible from the wider public areas surrounding the site. It is not considered that the advertisements create any detrimental impact upon the visual amenity of nearby premises or road or footpath users within close proximity of the site of a level which appears cluttered and incongruous. Furthermore, it is not considered that the advertisements detract from the character of the area in general.

Highway Safety

3.10 The Traffic and Transportation Section have raised no highway or traffic concerns regarding the display of the advertisements.

3.11 As stated in the Town and Country Planning (Control of Advertisements) Regulations 1992 – Circular 5/92: “All advertisements are intended to attract attention and hence present a potential road safety hazard”.

3.12 There are only two signs which will be clearly visible from Tees Road. Notwithstanding the comments from the Traffic and Transportation Section, the officer has viewed the signs in situ and does not consider that they would act as a distraction to road users given their siting and design. The signs are low key and should not be confused with advertisements which are intended to appeal to the consumer market which are often illuminated and eye catching in appearance. The signs proposed are sited to denote the entrance of the site and assimilate themselves into the wider area in such a manner that does not appear distracting to the passing motorist of a level which would create a potential road safety hazard.

Conclusion

3.13 Having regard to the policies identified in the Hartlepool Local Plan 2006 above and in particular consideration of the effects of the development on visual amenity and highway safety the advertisements are considered satisfactory and recommended for approval subject to the condition below.

RECOMMENDATION – Approve subject to the conditions outlined below

1. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 14/07/2011 (Bounded document titled: Rebranding EDF Energy_External signage - Hartlepool power station, June Planning version 1.0), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.



HARTLEPOOL POWER STATION



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 26/8/11
	SCALE 1:7000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2011/0358	REV

No: 4
Number: H/2011/0368
Applicant: Cecil House Loyalty Road Hartlepool TS25 1GE
Agent: Cecil M Yuill Ltd Cecil House Loyalty Road Hartlepool TS25 1GE
Date valid: 19/07/2011
Development: Residential development comprising 65 dwellings, associated access, roads, sewers and landscaping
Location: LAND TO THE WEST OF EAGLESFIELD ROAD
HARTLEPOOL

The Application and Site

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

4.2 The land is approximately 4.7 acres on which 65 dwellings are proposed. The land is currently 'white' land in the adopted Hartlepool Local Plan. The site is generally level with a gentle slope from west to east with an outlook over open countryside to the west. The site is proposed to be accessed by way of a new vehicular access off Brierton Lane.

4.3 The proposal is for a mix of 2, 3 and 4 bedroom, 2 and 2½ storey dwellings. The development will incorporate 7 affordable homes that will be provided through a registered provider.

4.4 The application is a resubmission of a previous scheme (H/2011/0014) that was refused by Members at April's planning committee. For clarification the application was refused for the following reasons:

- 1 It is considered by the Local Planning Authority that the proposed development by virtue of associated traffic would have a detrimental impact on the surrounding highway network, contrary to Policy GEP 1 of the adopted Hartlepool Local Plan 2006.
- 2 It is considered by the Local Planning Authority that the proposed development would encroach into the open countryside contrary to Policies GEP1 and Rur1 of the adopted Hartlepool Local Plan 2006.
- 3 It is considered by the Local Planning Authority that the proposed layout appears cramped and has insufficient areas of open space contrary to PPS1, PPS3, and policies GEP1 and Hsg9 in the adopted Hartlepool Local Plan 2006.

4.5 The applicant, in the information submitted to support the application, has outlined that the proposal being considered by Members has been amended from the previous submission to address the aforementioned reasons for refusal. In particular the following information is relevant.

4.6 Whilst the main site access point is the same, from Brierton Lane with an emergency access (controlled by collapsible bollard) onto Eaglesfield Road, the applicant has submitted a comprehensive Transport Statement which outlines that the proposed car parking provision of 130 spaces (two spaces per dwelling) is considered appropriate given the location of the site and the level of accessibility and public transport services. The proposed development is forecast to generate 39 two-way vehicular movements during the AM peak hour period and 41 two-way vehicular movements during the PM peak hour period based on average trip rates. The proposed site access junction has been assessed for capacity using relevant studies to demonstrate the satisfactory operation during the opening year (2012) and future year scenario (2017) - five years beyond the year of opening. The traffic capacity analysis considered the future design year scenario (2017) and the results of the analysis show the proposed site access junction to operate well within capacity during the AM and PM assessment periods. The satisfactory operation of the proposed access junction with the future year traffic flows showing that the junction operates well within capacity.

4.7 The site area has increased to 4.7 acres compared to 4.4 acres previously refused. In addition, the shape of the site has been altered to bring the development entirely within the Local Plan limits to development.

4.8 The layout of the site has been amended to give an increased area of incidental open space within the site itself. The amount open space proposed has increased from 0.4 acres to 0.9 acres compared with the previous application. The landscaping plan submitted to support the application demonstrates that the open space within the site will be in the form of amenity planting areas consisting of grass, shrubs and small scale trees, to provide a more 'green' development. As per the previous application the hedge and trees around the boundary of the site fronting Eaglesfield Road will be retained.

Publicity

4.9 The application has been advertised by way of neighbour letters (66), site notice (x4) and newspaper advert. To date, there have been 6 letters of objection received.

.The concerns raised are:

- 1 Brierton Lane is not a suitable access road, as the level of congestion there already makes it virtually impossible to turn right onto Catcote Road. This development will have a massive impact on the already congested road, especially when schools are in use.
- 2 The level of noise will have a massive effect on the residents of Eaglesfield Road as it will be constant, with all the building activity, machinery and workforce.

- 3 Because of the workforce people will be parking wherever they can along Eaglesfield Road.
- 4 Ensuing dirt and dust is going to have an impact on my property for an extended period of time.
- 5 Concerns with regard to an increase in traffic of upto 130 cars in and out of one entrance on a narrow part of Brierton Lane.
- 6 No consideration has been given to the six houses opposite the entrance to the site with regard to parking of cars when the grassed area outside of the properties gets flooded.
- 7 According to their calculation parking for two cars per house, so six houses on Brierton Lane = 12 cars, so where do they expect us to park our cars in Masfield Road or further down Brierton Lane? This could cause confrontation.
- 8 Further concerns with regard to the parking of cars at properties to the top of Brierton Lane.
- 9 Concerns regarding the amount of traffic from farms and from emergency services from time to time using Brierton Lane.
- 10 Concerns regarding the safety of machinery and residents using the access proposed onto Brierton Lane due to a blind spot.
- 11 Concerns regarding the creation of a cut through onto Eaglesfield Road which will invite people, motorbikes and bicycles to gain easier access to the road.
- 12 Concerns regarding the fact that the land to which the application relates to is green belt.
- 13 Concerns regarding the amount of houses being erected in the area.
- 14 The environment and wildlife should be protected.
- 15 Do not want another mistake like Middle Warren.
- 16 Concerns regarding the loss of the countryside and wildlife.
- 17 The development should be built further over, it is too near the road.

Copy letter C

The period for publicity has expired.

Consultations

4.10 The following consultation replies have been received:

Engineering Consultancy – The disposal of storm and foul drainage is proposed to main sewer under consultation with Northumbrian Water. I would therefore have no comments

Landscape and Conservation:

Ecologist - The arboricultural report supplied with the application states that the proposal would see the removal of hedge 2, and the removal of two small sections of hedge 1. Section 9.2 of this report states that hedge 1 may meet sufficient criteria to be classed as important under the Hedgerow Regulations (1997). On inspection, the hedge did not meet the criteria nevertheless it is a well maintained and mature hedge which will provide valuable wildlife habitat and screening. However only two small sections of hedge 1 would be removed, which I do not consider would have a

significant effect on the hedge. Hedge 2 contains more gaps than hedge 1 but would still provide wildlife habitat. The hedges should not be removed during the bird breeding season, taken to be March-July inclusive unless they are first checked by a qualified ecologist and it is confirmed in a report to the LPA by that ecologist that no breeding birds are present.

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

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

The site of the proposal is currently under intensive arable production with the only features of ecological value being mature hedges on two sides with associated hedgerow trees and 2m grass margins. There is no need to provide an ecological survey in this instance if the intention is to retain the hedges and the majority of the trees. The proposal to remove a section of mature hedge to provide access has the potential to disrupt bat flight lines but I am of the opinion that any such effects could be mitigated for in the landscaping proposals for the development so a bat survey would not be required.

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

Arboriculturist – I have now looked at the Landscape Architects drawing that you sent to me to comment on.

It would appear that the Landscape Architects have accommodated our comments within the landscaping scheme and overall it appears to be a high quality scheme that takes into account of a diverse range of ornamental plants that are complimentary to the situations in which they will be planted.

Density, method of planting and ground preparation has been addressed and overall the scheme appears to sit well with the development. The aftercare/maintenance of the said areas are to be treated with a general purpose herbicide to maintain clear ground however although it is in the clients interest to make sure this is to their satisfaction this should specify what type of pesticide is to be used, frequency and method of application. I suspect it will be Roundup but the way I read it, this could be applied to anything.

Environment Agency – We have no objection to the development as proposed, however we wish to offer the following informatives:

The Flood Risk Assessment states that surface water drainage will be directed to NWL sewers. The responsibility for agreeing discharge rates and/or attenuation and storage requirements lies with NWL.

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

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

It seems that all my previous concerns have been addressed. Except for drive crossings coming out onto the radius at plots 47 & 27, however, I would not consider this for objection.

Public Protection – No objection

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

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

Northumbrian Water – No objections

Hartlepool Civic Society – There proposals will result in a dramatic change to existing homes, the plan virtually turning Eaglesfield Road into a back alley. The frontages of the existing houses, rather than looking out to open countryside will look into the back of the new houses.

Decisions on this rather mean little ribbon of development should really be held over until after the Core Strategy has assessed the possibility of allowing for something less cramped which might possible make a feature of the existing trees and hedgerow. The original tree survey which stated that the development could still be carried out without the removal of the 12 trees which exist, should be adhered to.

Cleveland Fire Brigade – No comments regarding the amended plan application. Noted emergency access now conforms to the minimum access width as indicated in Approved Document B on the Building Regulations.

Planning Policy

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

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

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

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

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

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

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

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

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

Rur14: States that proposals within the Tees Forest should take account of the need to include tree planting, landscaping and improvements to the rights of way network.

Planning conditions may be attached and legal agreements sought in relation to planning approvals.

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

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

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

Planning Considerations

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

National Planning Policy

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

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

- High quality housing that is well designed and built to a high standard.
- A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.
- A sufficient quantity of housing taking into account need and demand and seeking to improve choice.
- Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

- A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.’

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

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

4.17 The following extracts are outlined in Planning Policy Statement 3 is relevant to this application in terms of the provision of open space within the development site.

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

4.18 Concerns have been expressed with regard to the location of the development and the design of the proposals and the links with the immediate area. The adjoining Rift House residential area and especially the Eaglesfield Road area is characterised by the provision of areas of shared functional incidental open spaces and pathways, as well as private amenity space afforded to each dwellings curtilage.

4.19 The proposals have been amended from those previously refused to include larger areas of public open space. The amount of open space has increase from 0.4 acres to 0.9 acres. The scheme is considered to offer a comparable level of provision of meaningful and useable areas of incidental open space for informal recreation to those located in the immediate areas.

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

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

4.21 With regard to the above considerations and bullet points above, it is considered that all of the proposed 65 dwellings benefit from adequate sized front and rear gardens. The areas of open space as outlined above are considered to be

more than acceptable for a new housing development and could be used for informal recreation by the occupants of the proposed dwellings. In addition, the developer has agreed to pay a contribution of £3250 towards green infrastructure. Further to this, the officer is awaiting a cost from the Council's Maintenance Team with regard to the adoption of the open space areas proposed. The cost of adoption will be included within the Section 106 legal agreement.

4.22 The proposals are for 65 dwellings on a 2.5ha site; equating to a housing density of 26 dwellings per hectare (dph). The average for the urban edge residential areas is 28dph. The residential area, opposite the application site, at Eaglesfield Road, has a density of 29dph, PPS3 states:

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

4.23 With regard to the above, the density of the proposed estate is considered to be acceptable and well below the density of previously approved new housing developments within the town on similar sites. With this in mind, it is considered that the resubmitted application has addressed the previous reason for refusal regarding the layout. The housing does not appear cramped on plan and the relationships between dwellinghouse within and without of the site complies with adopted guidance in terms of separation.

Local Plan Policy

4.24 There have been no concerns raised by the Councils Planning Policy Team with regard to the resubmitted proposals, given the amount of open space proposed, the location of the site entirely within the urban fence (Rur1) and the level and tenure breakdown of the affordable housing proposed is considered acceptable.

4.25 The Hartlepool Civic Society have raised concerns with regard to the timing of the planning application and that decisions on the development should not be made until after the Core Strategy has assessed the possibility of allowing for something less cramped. With regard to the comments made, as outlined above the site lies within the Urban Fence (Rur1) of the town and therefore can be solely assessed against the policies and proposals contained within the Local Plan 2006. Whilst it is acknowledged that further housing to the west of the site is planned through the impending Core Strategy it is considered unreasonable to withhold planning decisions until the Core Strategy has been adopted. With regard to the comments made in terms of the cramped nature of the site, this has been assessed earlier and within the remainder of this report.

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

4.26 Concerns have been raised regarding the siting of the proposed dwellings and the impact the development will have on existing homes in the vicinity of the site. It is considered that the design of the individual dwellings is considered acceptable. In terms of the relationship with properties within and around the site the layout meets or exceeds the Council's guideline separation distances. It is not considered that the

proposed development will significantly unduly affect the amenity of neighbouring properties in terms of loss of light or privacy. Whilst the development will appear prominent within the views of surrounding residential properties it is not considered that the impact upon outlook will be so significant to sustain a refusal. It is considered that the development will assimilate itself into the wider area over time.

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

Trees and Landscaping

4.28 The proposed development upon the eastern boundary has been designed in such a way so to retain an existing hedgerow. Officers support this approach as it is considered that the hedge provides valuable screening and wildlife habitat. This view is supported by the Council's Ecologist. It is not considered that the appearance of the hedge with properties behind will appear undesirable.

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

4.30 The applicant has submitted a landscaping scheme which has been compiled following discussions with the Council's Arborist to ascertain which planting types and species would be preferable on the site. The Council's Arborist has viewed the submitted scheme and considers that it will provide a high quality scheme which will sit well within the development. Given the above, it is not considered necessary for a landscaping scheme to be conditioned but the submitted plan will form part of the approved plans should members ultimately decide to approve the application.

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

4.32 The Ecologist has suggested that a hedgerow or line of trees be provided along the western boundary of the proposed site. With regard to this, officers consider that given the amount of planting proposed and to be retained within the site potential maintenance issues and it is not reasonable to request this from an ecological perspective. Furthermore, whilst the appearance of a boundary fence upon the western boundary may appear stark in appearance from the open countryside to the west of the site, it is considered that this will only be temporary given the proposed western extension of Hartlepool which is due to come forward following the adoption of the Council Core Strategy.

Affordable Housing

4.33 The proposals offer approximately 11% affordable housing contribution which is acceptable in planning policy terms and is welcomed. The 7 affordable units offered are of an appropriate house type and size, consisting of 2 and 3 bedroom houses; meeting the housing need in the local area. The breakdown of the affordable units, which is considered to be acceptable from a policy perspective will be as follows:

6 x Affordable Rent Properties
1 x Intermediate Affordable

4.34 An affordable rent property is:

Rented housing provided by registered providers of social housing, that has the same characteristics as social rented housing except that it is outside the national rent regime, but is subject to other rent controls that require it to be offered to eligible households at a rent of up to 80 per cent of local market rents.

4.35 Intermediate affordable housing is:

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

Drainage

4.36 Northumbrian Water (NWL) has been consulted with regard to the proposed application and has raised no objections. The Environment Agency (EA) has raised no objection to the proposed development. Notwithstanding this, the EA has outlined that it is the responsibility of NWL to agree discharge rates and/or attenuation and storage requirements. The officer, as per the previous application which was refused by members, in light of the above comments and following discussion with the Council's Engineering Consultancy Section has attached a planning condition requesting the discharges from the development shall be directed to the Greatham Beck.

Renewable Energy

4.37 Planning Policy Statement 22 (PPS22) sets out the Government's policies for renewable energy, which planning authorities should have regard to when taking

planning decisions. With this in mind, should the proposal be approved it would be appropriate to attach a planning condition requesting a scheme to incorporate energy efficiency measures and embedded renewable energy generation to be submitted to and agreed in writing by the Local Planning Authority. The applicant is acceptant of the aforementioned condition.

Police

4.38 Cleveland Police have raised no objections to the proposed development however they have recommended that the development achieves Secured by Design accreditation. This can be controlled by condition.

Highway Considerations

4.39 Access to the proposed development is from the western extremity of Brierton Lane. The scheme provides a minimum of 2 allocated car parking spaces per property. The Traffic and Transportation Team have raised no highway concerns with regard to the proposal.

4.40 The previous application was refused due to concerns regarding the impact upon the existing highway network. Concerns have been raised by residents with regard to the proposed access, highway safety and traffic generation. As outlined earlier in the report the applicant has submitted a comprehensive Transport Statement which demonstrates that the proposed development is forecast to generate 39 two-way vehicular movements during the AM peak hour period and 41 two-way vehicular movements during the PM peak hour period based on average trip rates. The proposed site access junction has been assessed for capacity using relevant studies to demonstrate the satisfactory operation during the opening year (2012) and future year scenario (2017) - five years beyond the year of opening. The traffic capacity analysis considered the future design year scenario (2017) and the results of the analysis show the proposed site access junction to operate well within capacity during the AM and PM assessment periods. The satisfactory operation of the proposed access junction with the future year traffic flows showing that the junction operates well within capacity

4.41 Given the information submitted, along with the comments from the Traffic and Transportation Team it is not considered that the increase in traffic upon the wider road network of the surrounding area by way of this development will be so significant to create a detrimental impact upon highway safety of a level which the LPA could sustain a refusal.

4.42 Further concerns have been expressed from residents at the upper end of Briterton Lane with regard to current parking provision available for the dwellings opposite the site entrance. Currently an area of public open space is used for parking. The applicant has outlined that consideration has been given to what could be undertaken upon the Council owned land to provide an improved private parking area for residents of the aforementioned houses. However, it is for the following reasons that the applicant has outlined why they have not included proposals for parking on this area within the resubmission:

1. Highways have never raised parking in this area as an issue. The land is not related to the application site, which already provides sufficient car parking. It would therefore be difficult to link the two in planning terms;
2. The land is Council owned and there is no resolution to dispose of it, raising doubts regarding the deliverability of any proposed scheme, whatever form it may take.
3. A stopping up order would be required for the public footpath.
4. The Local Plan policy position is unclear in terms of whether the loss to parking of this area of incidental open space would be acceptable. This is especially relevant given that the lack of open space provision was one of the reasons for refusal of the previous application;
5. It is Yuill's understanding that the adjacent residents would prefer the Council to transfer the land to the individual property owners for their own improvement rather than carry out a communal scheme;
6. It is possible that there may be an adverse highway impact of providing parking on this area.

4.43 Given the above considerations, it is the officer's opinion that it would be unreasonable of the LPA to request a scheme of parking upon the area of open space or refuse the application for this reason given that the site is not linked to that of the application site and it is unlikely that the current situation will be exacerbated by way of the development given the ample parking provision proposed within the proposed site.

RECOMMENDATION – Minded to approve subject to the wording of the conditions outlined below being finalised by the Planning Services Manager and the completion of a legal agreement securing developer contributions for play provision, green infrastructure, a cost for the adoption/maintenance of the open space and the delivery of 7 affordable houses.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 19/07/2011 (Planning Layout: Drawing No. 315:PLANNING:01.U), the 18/07/2011 (The Site Location Plan, The Single Garage Detail - S1- Drawing Number: DET 08 01 Rev A and DET 08 03 Rev A, The External Enclosure Details - Drawing Number: DET 09 02 and DET 09 04, The Ext. Details - Drawing Number: SBD 01, The House Types: Addison (Plan Variant 1 - Drawing Numbers: ADD 20 01 and ADD 20 02), Bedale (Plan Variant 3 - Drawing Numbers: BED 20 01 and BED 20 02), Farnham (Plan Variant 1 - Drawing Numbers: FAR 20 01 and FAR 20 02), Hartford (Drawing Numbers: HAT 20 01), Helmsley (Plan Variant 1 - Drawing Numbers: HEL 20 01 and HEL 20 02), Lythe (Plan Variant 1 - Drawing Numbers: LYT 20 01 and LYT 20 02), Maltby (Plan Variant 1 - Drawing Numbers: MBY 20 01 and MBY 20 02), Rudby (Plan Variant 1 - Drawing Number: RUD 20 01), Whixley (Plan Variant 1 - Drawing Numbers: WHI 20 01 and WHI 20 02), the Drainage Strategy Plan (Drawing No:

3385/FRA/3) and the Landscape Proposals received by the Local Planning Authority on 23/08/2011 (Drawing No: 3124 90 01), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.

3. All planting, seeding or turfing comprised in the approved details of landscaping (as shown on the landscaping proposals drawing received by the Local Planning Authority on 23/08/2011 - Drawing Number: 3124 90 01) shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
4. Unless otherwise agreed in writing by the Local Planning Authority the existing hedge and trees within the hedge fronting Gardner House and Eaglesfield Road as shown on the Proposed Layout received by the Local Planning Authority on 19/07/2011 (Drawing Number: 315:PLANNING:01.U) shall be retained at all times for the lifetime of the development
In the interests of visual amenity
5. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) other than those expressly authorised by this permission shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward

of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

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

9. Prior to the commencement of development details of the proposed surfacing materials of all paths, roads, parking areas and hardstandings shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented at the time of development and, unless otherwise agreed in writing with the Local Planning Authority, retained for the lifetime of the development.
In the interests of highway safety and amenity
10. Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved a scheme of security measures incorporating 'secured by design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interests of crime prevention.
11. Prior to the commencement of the development hereby approved details of a scheme to incorporate embedded renewable energy generation into the 65 properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details at the time of development.
In the interests of promoting sustainable development
12. Prior to the commencement of works on site a scheme detailing a wheel washing facility for use during the construction period shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved scheme shall be used during the construction period, unless otherwise agreed in writing with the Local Planning Authority.
In the interests of amenity
13. No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. Once agreed the scheme shall be carried out in accordance with the approved scheme. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
In the interests of preserving potential archaeological importance
14. No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 13.
In the interests of preserving potential archaeological importance
15. The dwellinghouses hereby approved shall not be occupied until the site investigation and the post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 14 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
In the interests of preserving potential archaeological importance
16. The development hereby approved shall not commence until a scheme for the removal of hedges has been submitted to and approved in writing by the Local Planning Authority. The hedges should not be removed during the bird breeding season, taken to be March-July inclusive unless they are first checked by a qualified ecologist and it is confirmed in a report to the LPA by that ecologist that no breeding birds are present. Once provided the hedges shall be removed in accordance with the agreed scheme.
In the interests of protecting the habitat of breeding birds
17. No development shall take place until details indicating existing and proposed levels, including finished floor levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall conform with the approved details.
In the interests of visual amenity.
18. Unless otherwise agreed in writing by the Local Planning Authority the sewer discharges of the development hereby approved shall be directed to the Greatham Beck where the maximum discharge rate shall be attenuated to no more than 6.3l/s for the lifetime of the development.
In the interests of the Environment and Flood Risk

EAGLESFIELD ROAD



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 26/8/11
	SCALE 1:3000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2011/0368	REV

No: 5
Number: H/2011/0280
Applicant: Enterprise Inns Plc Monkspath Hall Road SOLIHULL
 West Midlands B90 4SJ
Agent: TJ Design Studio Mr Tom Wilson 5 The Poplars
 WOLVISTON TS22 5LY
Date valid: 01/06/2011
Development: Alterations to replace existing curtain walling with
 masonry, alterations to windows, erection of two entrance
 canopies
Location: Fens Hotel Catcote Road HARTLEPOOL HARTLEPOOL

The Application and Site

5.1 The application site is a public house within the Fens area of the town. The public house sits to the south of a public car park which provides parking for the fens shopping parade. There area residential properties to all side of the pub.

5.2 The proposal seeks the refurbishment of the existing public house which includes new windows to the south and east elevations with new canopies fascias including posts and balustrades to the existing entrances on the east and north elevation, with existing curtain walling being replaced, there are also internal works which do not require planning permission. The works originally included the provision of outside seating area which has been removed from the scheme. This application solely relates to the external refurbishment works.

Publicity

5.3 The application has been advertised by way of neighbour letters (59) and site notice. To date, there have been 11 letters of objection.

The concerns raised are:

- 1 Outside Seating area will create unacceptable levels of noise and anti-social behaviour
- 2 Entrance canopies will encourage people to stand outside smoking and drinking
- 3 The entrance on Catcote Road will lead to unacceptable levels of noise being omitted from the pub when music played
Catcote Road has double yellow lines opening this entrance will encourage taxis to pull up which will increase noise levels
- 4 Outside drinking
- 5 Drinking alcohol in public banned in other residential areas. The area around this pub should be the same
- 6 Try to sell property this proposal will devalue the property and make it less attractive to prospective purchases

- 7 New canopy on the east elevation, opening the entrance will increase noise levels
- 8 No storage for bins etc.

Copy letter B

The period for publicity has expired prior to the meeting.

Consultations

5.4 The following consultation replies have been received:

Head of Public Protection - I have no objections to the proposed alterations to the building as they would be a substantial improvement to the current structure particularly on the Eastern elevation. I would require the doors to the Eastern elevation to open out-over and to be fitted with self closers to enable the provision of an effective lobby to minimise any noise breakout from the premises.

I have serious concerns about the external seating. This is directly opposite and adjacent to residential properties and as such raises considerable potential for associated noise nuisance to the neighbouring properties also the smokers currently stand outside of the main entrance onto the car park, if there are tables available then they are more likely to smoke outside of the Eastern entrance directly adjacent to the housing. I am aware that this shopping precinct has suffered with antisocial behaviour problems in the past and the area to the East of the public house is open plan and unable to be secured. The provision of fixed tables and chairs is therefore likely to attract more antisocial behaviour, particularly when the public house is closed for business. I would therefore wish to object to the provision of the external tables and chairs.

Planning Policy

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

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

Com5: States that proposals for shops, local services and food and drink premises will be approved within this local centre subject to effects on amenity, the highway network and the scale, function, character and appearance of the area.

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.

Planning Considerations

5.6 The main considerations in this instance are the appropriateness of the development in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, the impact of the proposal upon the street scene and residential amenity of the area.

5.7 The existing public house is very tired in appearance and currently offers no positive impact upon the surrounding area or the street scene, the proposal will improve the aesthetics of the building and create a significant improvement to the visual impact upon the street scene and the amenity for residential properties.

5.8 Concerns have been raised from neighbouring residents regarding the provision of an outside seating area, following consultation with the agent this element of the proposal has been withdrawn from the application and amended plans have been received.

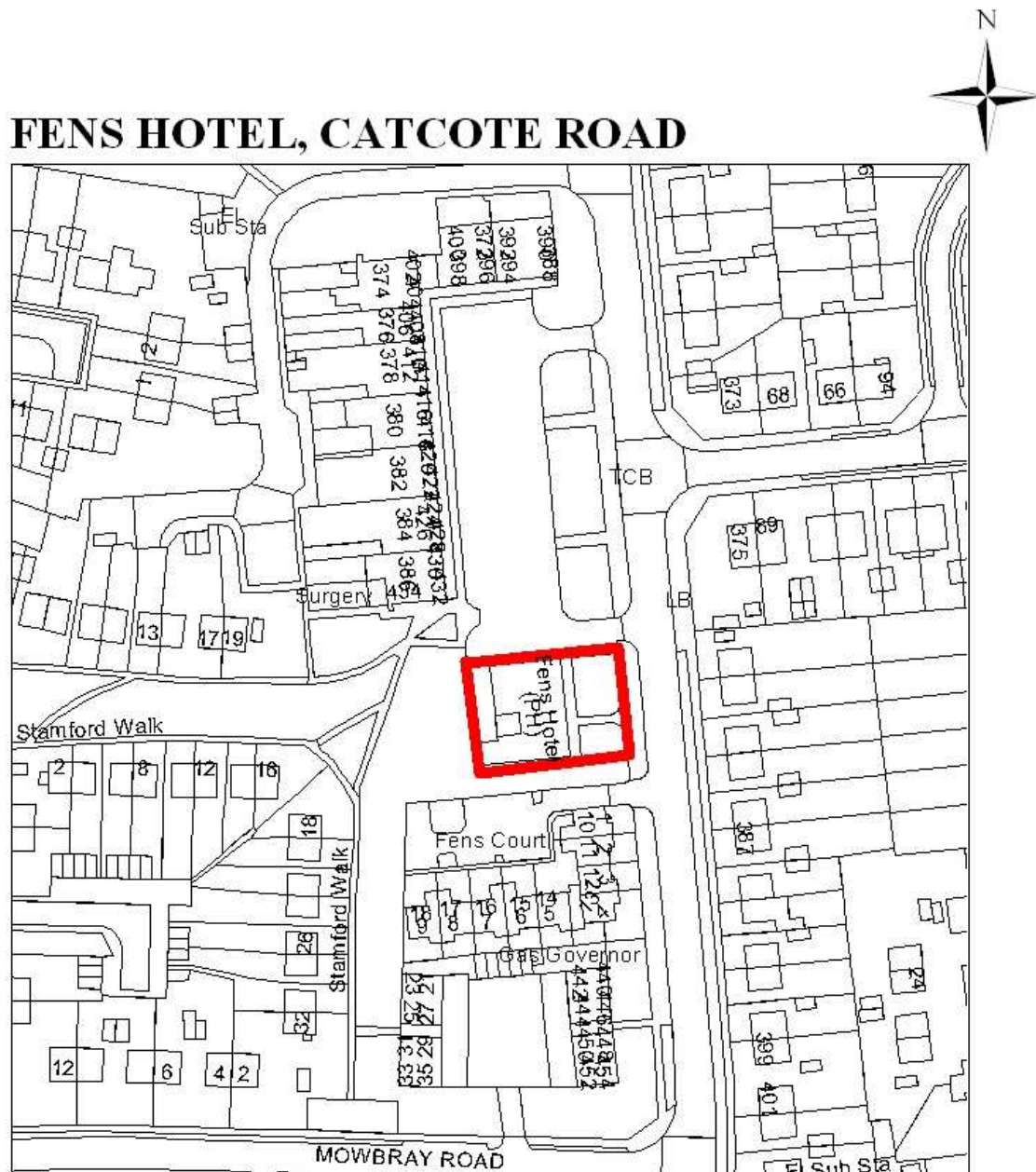
5.9 Concerns are raised with the improvement of the existing entrance canopies in particular the canopy on the east elevation, however there is currently no planning restriction on this entrance and case law would suggest that to impose new conditions restricting the access would be unreasonable. However, as part of the License application there is a stipulation that the doors and windows on this elevation should remain closed when music/entertainment is in use, and any breach of this could be dealt through License powers. It has also been suggested that vehicles will stop on the main road, in particular taxis causing both noise issues and obstruction, there are double yellow lines on this stretch of road which are enforceable under separate legislation. Issues relating to outside drinking and anti-social behaviour and noise are again dealt under different legislation.

5.10 No objections have been raised by the Council Principal Environmental Health Officer in relation to the proposed refurbishment works and believes there would be a substantial improvement to the current structure in particularly on the Eastern elevation. He would however have objection to any external tables and chairs.

5.11 In view of the above it is considered that the proposed works as amended will have a positive impact upon the area.

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. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
3. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) 657:02(P) A received on 2 August 2011, unless otherwise agreed in writing by the Local Planning Authority
For the avoidance of doubt.
4. For the avoidance of doubt this permission does not allow for the provision of an outdoor seating area.
In the interests of the amenity of neighbouring properties.



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 23/8/11
	SCALE 1:1250	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2011/0280	REV

No: 6
Number: H/2011/0348
Applicant: Mr T Bates Brinkburn Court HARTLEPOOL TS25 5TF
Agent: BIG Interiors Ltd 73 Church Street HARTLEPOOL TS24 7DN
Date valid: 06/07/2011
Development: Change of use of land to provide amenity space for camping and caravan site including the provision of tree planting and the formation of play pitches and picnic areas
Location: Brierton Moorhouse Farm Dalton Back Lane HARTLEPOOL

The Application and Site

6.1 The application site is an area of agricultural land located to the west side of Dalton Back Lane. To the east is a holding which accommodates a livery business (Crow's Meadow). To the north east is a holding which also accommodates a livery business (Fernbeck). To the north is the access track and fields. Access to the site is taken from Dalton Back Lane, beyond the neighbouring livery business to the east. To the west of the site are fields, also in the applicant's ownership, where planning permission was granted in June 2011 for the provision of a touring caravan and camping site with associated amenity facilities. This permission was subject to the completion of a section 106 agreement requiring amongst other things a woodland planting scheme, to be retained for the lifetime of the caravan/camping site, on land which forms the western two thirds of the current application site. A high voltage power line crosses the site at a high level.

6.2 It is proposed to change the use of the land to provide amenity space for the approved camping and caravan site. The plan submitted with the application indicates that the area will incorporate recreational and picnic areas, a five-a-side football pitch, a cricket pitch, rounders pitch and various cyclepaths. An area underneath the powerline which crosses the site will not receive any tree planting. The applicant has indicated that no engineering works are proposed.

Publicity

6.3 The application has been advertised by neighbour notification (10) and site notice. No representations were received.

The period for publicity has expired.

Consultations

6.4 The following consultation replies have been received:

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

Engineering Consultancy : Looking at the historically use of the land in question, I would not have any contaminated land concerns. The land has been used for agriculture, and there are no indicators that potentially contaminative uses have been/or are present on the site or the immediate surrounding areas.

Landscape Planning & Conservation : I have looked at the amended plans. I am pleased to see that the applicant now proposes to create the paths by mowing the grass rather than the application of herbicide as I think this will prove more practical for path users.

The revised plan also shows more tree planting than the original, although the actual amount of tree planting is not stated. The previous application, which related to about 6.3ha of the area of the current 9.5ha application site, would have provided something like 5ha of woodland planting. As the current application site includes the previous application site plus an additional 3.2ha of land then it should be possible to create something approaching the extent of woodland planting proposed in the previous application whilst retaining substantial areas of open space. Provided that the provision of a substantial amount of woodland, totally several hectares, is conditioned then I would support this proposal as providing significant ecological and visual benefits.

Property Services : No comment.

Tees Archaeology : There are no significant archaeological sites in the area indicated. I therefore have no objection to the proposal and have no further comments to make.

Neighbourhood Management : No objections.

Northumbrian Water : No objections.

Dalton Piercy Parish Council : The parish council expresses concerns based on historical evidence that this application may be the commencement of planning creep into the rural area and asks that strict conditions are put in place to prevent this happening in future years should the application be granted.

Greatham Parish Council : The council have great concerns about the application. The site was given permission to develop as a touring site. There is no mention of this in the current application. Similarly, tents and camping have crept into the application whereas only caravans have been mentioned previously. Is the site getting bigger? What else will follow should this application be granted? The land is agricultural land and it needs to be kept in that role in the countryside. It is wrong to change it but if so, the council hopes that strict conditions are put in place. For example, the facilities must only be used by those on site in touring caravans. Locals must be refused usage at all costs as traffic in the area will be bad enough as it is.

Public Protection : No objections.

Natural England : No comments.

Parks & Countryside : No objection.

Cleveland Police : No comments received

National Grid : No comments received

Economic Development : Economic Development would support the application as it will potentially bring job creation and increase expenditure within the visitor economy. The application will enhance the range of accommodation offer as there is only one other visitor camping and caravan site within the Borough.

The offer has also considered the potential visitors all round experience by providing a range of facilities to improve their stay.

Environment Agency: The proposed development will only be acceptable if a planning condition is imposed requiring a scheme to be agreed to protect the buffer zone around the watercourse. (Condition is as set out in the report)

The proposal involves some hardstanding (footpaths/cycleway) and the applicant states that surface water drainage will be disposed of as existing. This being the case, providing this new hardstanding area is not formally drained, then there will be no flood risk issues. If it was to be formally drained then this discharge must be controlled so as not to increase flood risk.

Planning Policy

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

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

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

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

Rur16: States that proposals for outdoor recreational developments in rural areas will only be permitted if the open nature of the landscape is retained, the best agricultural land is protected from irreversible development, there are no new access points to

the main roads, the local road network is adequate, the amount of new building is limited and appropriately designed, sited and landscaped, there is no disturbance to nearby occupiers, countryside users or nature conservation interest and adequate car parking can be provided. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

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

Planning Considerations

6.6 The main planning considerations are policy, impact on the visual amenity of the area, highways, impact on the amenity of the occupiers of the neighbouring properties and public safety.

POLICY

6.7 The site is located on land adjacent to a site which benefits from an extant permission for a camping and caravan site. The proposal will provide an amenity area for use by people staying at the facility and can be conditioned as such. Policy supports proposals for appropriate outdoor recreation in the countryside and woodland planting. Various conditions are proposed to ensure that the use remains ancillary to the approved caravan and camp site and to ensure that the use is controlled to limit any impacts on amenity. In policy terms the proposal is considered acceptable.

IMPACT ON THE VISUAL AMENITY OF THE AREA

6.8 It is noted that a section 106 agreement completed in connection with the original permission for the caravan site required that part of the current application site, approximately the western two thirds, be planted in accordance with an agreed Tree Planting and Management Scheme. Whilst the scheme has not been agreed it is likely that this would have in any case incorporated some open areas within Woodland to create a more diverse habitat and certainly planting would have potentially been restricted beneath the power lines which cross the site. It is also noted that the application site extends beyond the area originally designated for woodland planting in the legal agreement and with this additional area, notwithstanding the loss of some parts of the site to accommodate amenity areas (picnic, recreation areas and pitches), it is considered that a substantial tree planting scheme can still be accommodated, with the amenity areas framed within a woodland setting. The final details of the layout and tree planting have been conditioned.

6.9 In this context it is considered that the proposal, given the woodland planting,

would have a positive impact on the visual amenity of the area.

HIGHWAYS

6.10 The facility will cater for persons already staying at the nearby caravan and campsite, once it is developed. An appropriate condition restricting its use for this purpose is proposed. It should not therefore give rise to any additional traffic movements over and above those expected.

IMPACT ON THE AMENITY OF NEIGHBOURS

6.11 The nearest neighbours to the site are located on adjacent farms and livery holdings. The Head of Public Protection has raised no objection to the proposal. Given the physical separation to any residential occupier it is not considered that the proposal will have a detrimental impact on the amenity of any neighbour.

PUBLIC SAFETY

6.12 A high voltage power line crosses the site at a high level. The comments of the operator the National Grid are awaited.

CONCLUSION

6.13 The proposal is considered acceptable subject to the satisfactory comments of the National Grid and appropriate conditions. The original legal agreement covering the site will need to be varied to accommodate the proposal.

RECOMMENDATION - APPROVE subject to the receipt of a satisfactory response from the National Grid, the variation of the legal agreement relating to part of the site, to accommodate a substantial woodland planting scheme as well as amenity areas, the following conditions, and any other conditions arising from the outstanding consultee response.

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 (BIG/IC/TB/413-01 "Existing Site Plan", Location Plan) and details received by the Local Planning Authority on 5th July 2011 as amended in respect of the proposed site plan by the plan BIG/IC/TB/413 -02 revision A received at the Local Planning Authority on 11th August 2011, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. The amenity space hereby approved shall be used only in association with the caravan and camping site approved by Hartlepool Borough Council under the provisions of planning permission reference number H/2008/0001 and by persons staying in caravans and tents at the aforementioned caravan and camping site.
In the event that the permission for the caravan and camping site is not

implemented, or the caravan and camping site use ceases, the land shall not be used as amenity space independently of it.

In order to ensure that the implications of the independent use of the land can be properly assessed through the submission of a further planning application and for the avoidance of doubt.

4. The site shall be used only as an ancillary amenity area to the approved caravan and camping site (Planning approval H/2008/0001) namely for woodland planting, cycle paths, sports pitches, recreation and picnic areas. It shall not be used for the siting or storage of caravans, for camping or for events.
In the interests of visual amenity.
5. The site shall not be used for any motorsport including any use by motorcycles or off road vehicles.
In the interests of the amenity of neighbouring properties
6. No external lighting shall be installed on the site unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
7. Details of any bridge/crossing to be installed across the ditch in the centre of the site shall be submitted to and approved in writing by the Local Planning Authority. Any bridge/crossing installed shall be in accordance with the approved details.
In the interests of visual amenity.
8. This permission does not authorise engineering or earthworks including site levelling and raising, including any required in the formation of sports pitches, paths, recreation and picnic areas.
The application states no engineering works will be required and permission has only been sought and obtained for a change of use of the land. Any engineering or earthworks would need to be subject to a separate application and the appropriate fee paid.
9. Notwithstanding the details submitted prior to the site being brought into use the proposed site layout including a detailed tree planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved tree planting scheme shall be implemented in the first planting season following the commencement of the use of the site.
In the interests of visual amenity.
10. The tree planting scheme shall thereafter be maintained for the lifetime of the development and any trees which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
11. Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:
 - plans showing the extent and layout of the buffer zone
 - details of the planting scheme (for example, native species)
 - details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term

- details of any footpaths, fencing, lighting and any other structures/items.

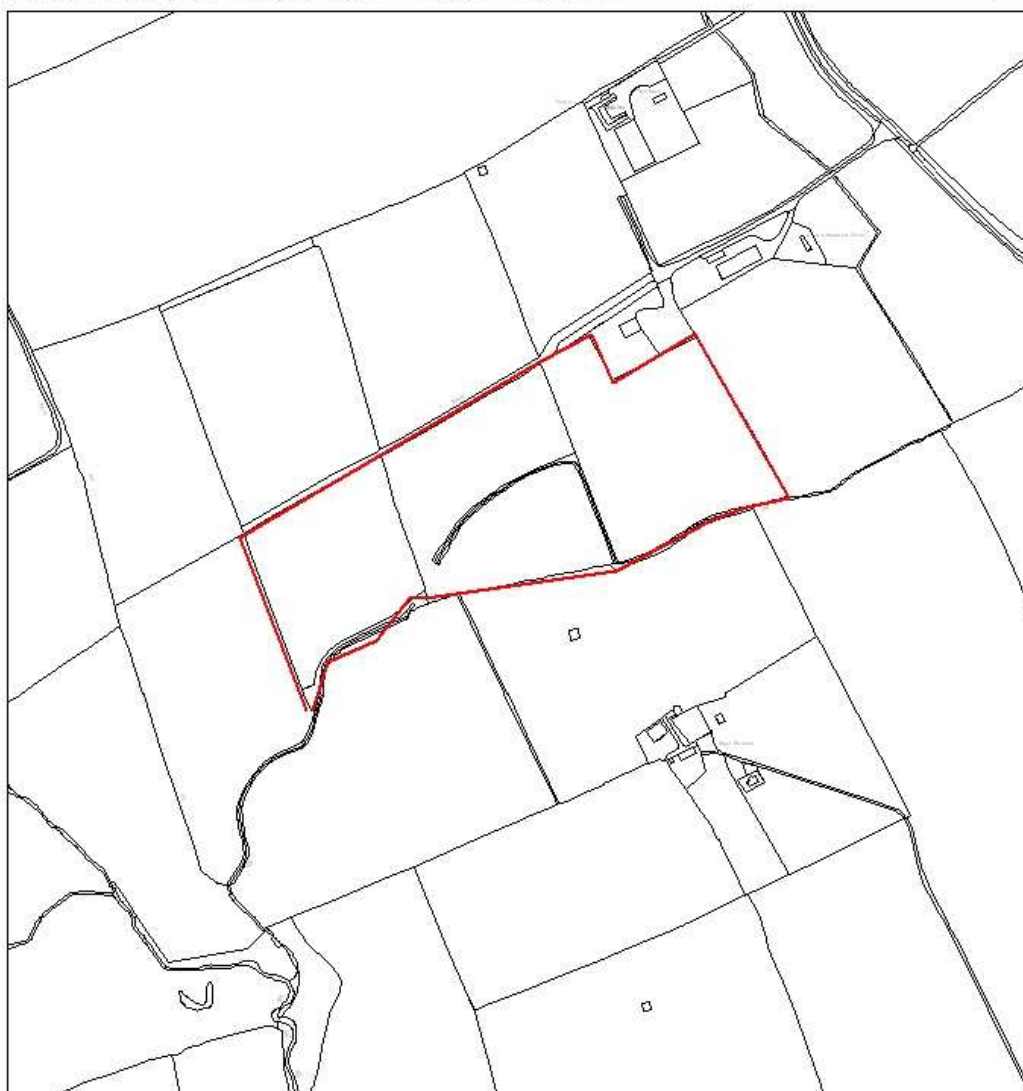
Development that encroaches on watercourses has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

12. Prior to their installation details of any works for the drainage of the site shall be submitted to and approved in writing by the Local Planning Authority. The drainage system so approved shall be installed and retained for the lifetime of the development.

In order to ensure that any drainage proposals are acceptable



BRIERTON MOORHOUSE FARM



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 28/7/11
	SCALE 1:5,000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2011/0348	REV

No: 7
Number: H/2011/0294
Applicant: Mr J Odgers Fernbeck Dalton Back Lane BILLINGHAM
TS22 5PG
Agent: Sean McLean Design The Studio 25 St Aidans Crescent
BILLINGHAM TS22 5AD
Date valid: 09/06/2011
Development: Erection of a two storey dwellinghouse
Location: Fernbeck Dalton Back Lane Claxton BILLINGHAM

Background

7.1 This application was included on the agenda for the last meeting of the Planning Committee. It was withdrawn from the agenda to allow for the consideration of additional information from the applicant.

The Application and Site

7.2 The application site is an existing livery business located to the west side of Dalton Back Lane. It consists of a group of some 18 stables and tack room arranged in a horseshoe, a ménage, a static caravan and car parking area, all located in the north west corner of the site. Access is taken to the south east corner of the site via an access shared with neighbouring holdings, including a site where Planning Permission was recently granted for a caravan site, and a neighbouring livery business. To the north and west are fields surrounded by hedges. To the east is Dalton Back Lane and to the south is the shared access road and beyond the neighbouring livery business. The proposed site of the caravan park lies beyond fields to the south west. It was noted at the time of the site visit that a small “isolation” stable block, a number of large metal containers variously being used for the storage of feed and the applicant’s furniture/tools were also on site adjacent to the applicant’s caravan and stable block. These unauthorised items are currently the subject of a separate investigation.

7.3 Planning permission is sought for the erection of a two storey 3 bedroom dwellinghouse incorporating a yard office, boot room and secure tack room. The dwellinghouse will be located to the east of the existing stable block complex in an area of relatively lower lying land and will replace the existing static caravan. It will accommodate the owner/operators of the livery business and their family. In support of the application the applicant has provided details of accounts for the last three years and a business plan. This explains that the business was first established in January 2008 following the grant of planning permission. It states that the livery is operated by the applicant’s wife who has a lifetime of experience in the field and it is hoped that as the business continues to grow others may be employed. In support of the need for permanent residential accommodation on the site the applicant advises that whilst the temporary accommodation has been a major help it no longer meets the applicant’s needs and that living conditions can be challenging especially in winter. Permanent accommodation is required for site security and to care for animals. The applicant considers that there is no suitable accommodation

elsewhere to meet this need and without a residential presence on site the business would fail.

Planning History

7.4 In November 2006 planning permission was granted for the erection of a stable block and to provide a car park in the north west corner of the site and to provide access to the south east corner. (H/2006/0573)

7.5 In January 2008 planning permission to change the use of the holding to provide livery services including the erection of 2 stable blocks, 1 arena and the siting of a static caravan was approved (H/2007/0663). The caravan was granted a temporary three year permission from the commencement of work on the stable block.

Publicity

7.6 The application has been advertised by neighbour notification (9), site notice and press advert. One response was received advising no objection. The time period for representations has expired.

Consultation

7.7 The following consultation replies have been received:

Northumbrian Water : No Objections

Greatham Parish Council : The parish council requests that certain conditions are put in place should permission be granted for this application. The unit as a whole must remain as one item to ensure that the house cannot be sold alone in the future and further applications for houses on the same site are not accepted. It states that tanks will be used for the house's sewage system but soakaways will be in place at other parts of the site which raises concerns for the local water courses should effluent get into them. The council also states that they hope that the current accommodation be removed once the house is built if the application is accepted.

Dalton Parish Council : No comments.

Traffic & Transportation : There are no highway or traffic concerns.

Landscape Planning & Conservation : I have no objections to this proposal. The dwelling house would be situated in an area where it is likely to be less intrusive than the caravan, which currently forms the dwelling on the site, as it would be at a lower point on the site and would be screened to some extent by existing hedges.

In the interests of visual amenity some further screening should be provided, in the form of trees or hedges to the south and east of the proposed house and a landscaping scheme should therefore be submitted for approval. Also in the interests of visual amenity, the existing caravan should be removed once the proposed house is completed and any containers associated with the caravan should at that point also be removed or relocated to a less obtrusive part of the site.

Parks & Countryside : The only general comment I would make is with regards to improvements to the visual landscape from a perspective of rights of way users to the south. The planting of trees/hedges to screen the development, from the sight of rights of way users, would be the only consideration for me to put forward.

Environment Agency : No objections

Ramblers Association : No objections.

Economic Development : No comments.

Public Protection & Housing : No comments received.

Engineering Consultancy : The drainage details would fall under Building Regulations for assessment and acceptance and therefore I would have no comments.

Finance : Although we have sets of accounts, from the information we have it is not clear who has prepared them, but we do know that they are unaudited. This makes it difficult to place reliance on the accounts produced, however it is not a requirement that small businesses produce audited accounts. We have carried out an electronic financial appraisal using Experian, which has come back with limited information. We know that there are no CCJ's or bankruptcies registered against the company. We have also carried out a manual appraisal based on the accounts provided, and this indicates that the company is high risk. However, the accounts show that turnover is increasing year on year, and consequently, profits are rising. This looks like a business in its early stages, and profit is being re-invested in the company. The business does seem to be growing, and on the face of it does appear viable. However, this is based on the unaudited accounts and limited information available.

Planning Policy

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

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

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

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

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

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

Rur12: States that isolated new dwellings in the countryside will not be permitted unless essential for the efficient functioning of viable agricultural, forestry, or other approved or established uses in the countryside and subject to appropriate siting, design, scale and materials in relation to the functional requirement and the rural environment. Replacement dwellings will only be permitted where existing accommodation no longer meets modern standards and the scale of the development is similar to the original. Infrastructure including sewage disposal must be adequate.

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

PLANNING CONSIDERATIONS

7.9 The main planning considerations are considered to be policy, design, impact on the visual amenity of the area, drainage and highway safety.

POLICY

7.10 The site is located in open countryside outside the limits to development. National guidance (PPS7) and Local Plan policies in relation to new housing development are restrictive unless the housing is required to support existing activities on well established units suitable to a rural location. Policy requires that there is a clearly established existing functional need (The need for a residential presence might arise for example for animal welfare reasons), the need relates to a full time worker, the unit has been established for at least three years, profitable for one and has a clear prospect of remaining so, and the functional need could not be met by other accommodation in the area.

7.11 In support of the application the applicant has provided supporting information including details of accounts for the last three years and a business plan. This explains that the business was first established in January 2008 following the grant of planning permission. It states that the livery is operated by the applicant's wife who is employed full time and has a lifetime of experience in the field. The applicant has explained that the need for permanent accommodation on the site arises from security and the need to ensure that care can be provided to animals. The applicant considers that there is no suitable accommodation elsewhere to meet this need and without a residential presence on site the business would fail. The costs of the construction of the house is to be met by an inheritance which will allow the applicant to be mortgage free.

7.12 The guidance outlined in PPS7 indicates that permanent accommodation cannot be justified unless the enterprise is economically viable. The accounting information provided by the applicant indicates that after a net loss in 2008/9, a profit of £2277(net) was returned in 2009/10 with a profit of £9030 (net) returned in 2010/11. The applicant has subsequently clarified the profit returned in 2010/2011 and explained that the expenditures included in the accounting information included personal expenses and one off costs (fencing for recently purchased land) and that without these the profit for the year would have been some £15,000(net). The information has been examined by the Chief Accountant who has advised that whilst the company is considered to be at high risk "the accounts show that turnover is increasing year on year, and consequently, profits are rising. This looks like a business in its early stages, and profit is being re-invested in the company. The business does seem to be growing, and on the face of it does appear viable."

7.13 It is clear that the business is at the earliest stages of its development and as with many small businesses is at high risk however it has been established three years, profitable for the last two years and as the Chief accountant points out the business is growing and does appear to be viable. The applicant has clearly invested considerably in the enterprise and it is understood has recently acquired additional land to expand his holding. The profits generated by the business would support a modest living. It is accepted that, due to particularly the need to care for animals, there is a functional need for a dwellinghouse on site. It would be difficult to meet this need off site where any resident would be out of sight and sound of animals. It is considered on balance that the proposal for a new house to serve the unit is acceptable. In order to ensure that the dwellinghouse remains tied to the holding to meet the needs of the business it is considered appropriate to restrict the occupation of the dwellinghouse and tie it to the holding through an appropriate condition and legal agreement.

DESIGN

7.14 The proposed design of the house is considered acceptable. It is a three bedroom two storey house of a relatively modest scale and is considered commensurate with the needs of the holding as required by the national guidance and policy.

IMPACT ON THE VISUAL AMENITY OF THE AREA

7.15 The holding is located on rising ground which plateaus to the northern side of the site and the existing caravan and stable block are located in this area of higher land. The applicant however has carefully considered the location of the new dwellinghouse and whilst it needs to be close to the stable block the chosen site is to the east of the existing caravan and stable complex on what is an area of relatively lower lying land. It is considered that the siting is less obtrusive than the existing caravan and is acceptable in terms of any impact on the wider landscape and the visual amenity of the area.

DRAINAGE

7.16 The site has no mains drainage and foul sewage will be disposed of to a Package Treatment Plant with surface water to an existing land drain. The Environment Agency following the receipt of clarifying information have raised no objections to the proposal. A condition is proposed requiring the final details of drainage to be agreed.

HIGHWAY SAFETY

7.17 Traffic & Transportation have indicated that there are no highway issues arising from the proposed development however it is considered prudent to impose a condition requiring the maintenance of an appropriate visibility splay across land in the applicant's ownership to the north of the access point. The applicant does not control the land to the south however the visibility here is subject to a similar condition requiring the maintenance of an appropriate splay.

OTHER MATTERS

7.18 The permission for the caravan located on the site has expired. The applicant has been advised to submit an application to renew the permission but to date has not done so. Given the fact that the current application for the erection of a permanent dwellinghouse on the site has been submitted, that it is accepted that there is a functional need for a residential presence on the site and the implications for the business arising from the enforced removal of the caravan it is not considered prudent to recommend enforcement action against the caravan. In the absence of a permission however it is considered prudent to impose a condition requiring the removal of the caravan within one year of the commencement of the house. This will allow the applicant to complete the house and will ultimately secure the removal of the caravan.

CONCLUSION

7.19 The proposal is considered acceptable and is recommended for approval subject to conditions and the completion of an appropriate legal agreement.

RECOMMENDATION – APPROVE subject to the completion of an appropriate legal agreement tying the dwellinghouse to the holding and restricting the occupation of the dwellinghouse to a person solely, mainly for last employed prior to retirement at the livery business on the holding or a dependent of such a person residing with him

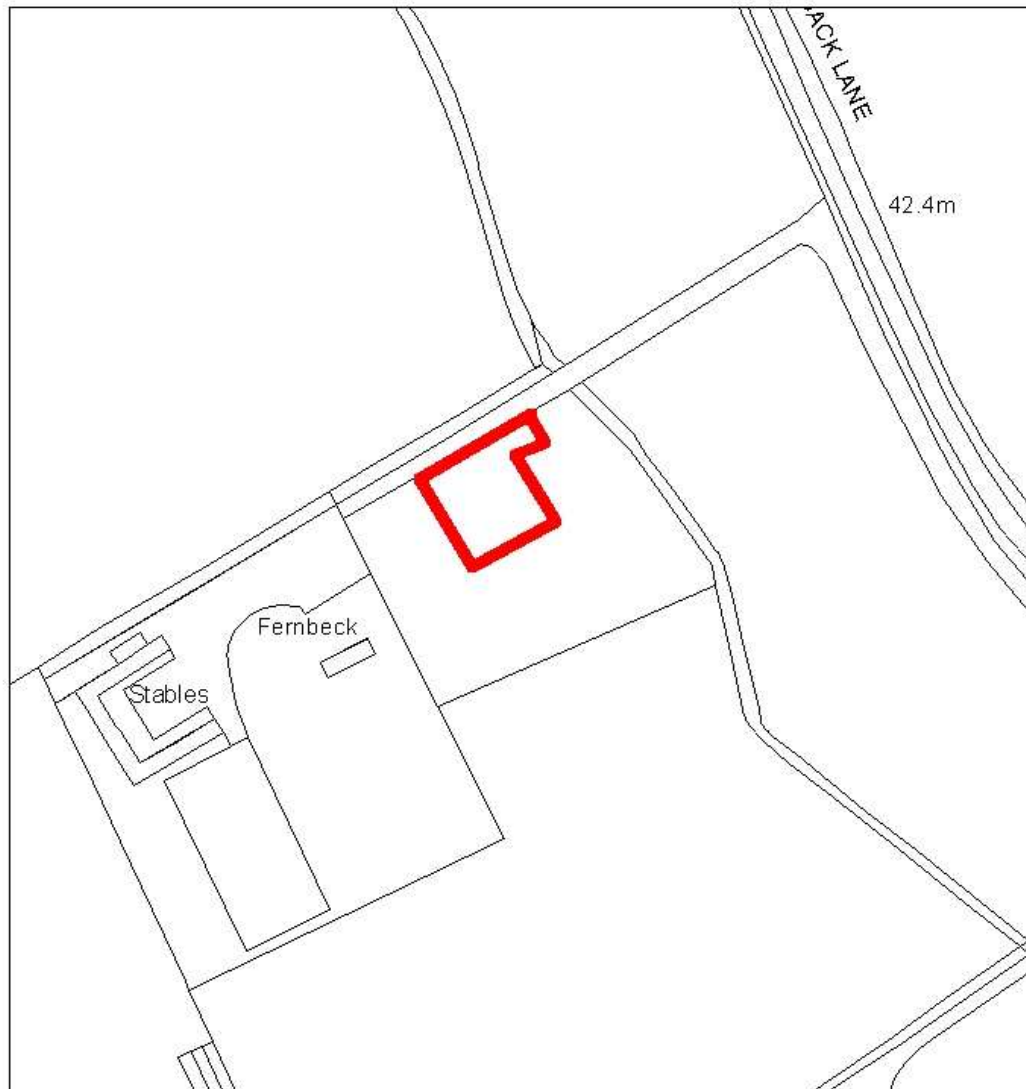
or her, or a widow or widower of such a person and subject to the following conditions :

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (1183/LP'O', 1183/01'O', 1183/02'O', 1183/03'O') and details received by the Local Planning Authority at the time the application was made valid on 9th June 2011, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. The occupation of the dwelling(s) hereby approved shall be limited to a person solely or mainly, or last employed prior to retirement, in the commercial livery business located on the holding (Fernbeck), as defined on drg. No. 1183/LP'O' received by the Local Planning Authority on the 9th June 2011, or a dependent of such a person residing with him or her, or a widow or widower of such a person.
The site of the proposed dwelling(s) is in an area where the Local Planning Authority considers that new housing should only be allowed in exceptional circumstances where it is essential in the interests of agriculture or forestry or an appropriate rural enterprise.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
5. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
6. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.

8. Notwithstanding the details submitted prior to the commencement of development details of the proposed methods for the disposal of foul and surface water arising from the site shall be submitted to and approved in writing with the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved and the approved drainage details shall be retained for the lifetime of the development.
To prevent pollution of the water environment.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
In order to ensure that the dwellinghouse remains commensurate with the needs of the enterprise in accordance with PPS 7 and in the interests of the visual amenity of the area.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s)/outbuildings shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the visual amenity of the area.
11. The curtilage of the dwellinghouse hereby approved shall be as indicated by the red line shown on the approved drawing '1183/01'O' received at the Local Planning Authority on 9th June 2011. The curtilage shall not be extended without the prior written consent of the Local Planning Authority.
For the avoidance of doubt and in the interests of the visual amenity of the area.
12. No development shall be commenced until a scheme for the provision of a visibility splay of 2.4 metres x 90 metres to the north of the entrance to the site from Dalton Back Lane has been submitted to and approved in writing by the Local Planning Authority. The visibility splay shall thereafter be provided and retained for the lifetime of the development.
In the interests of highway safety.
13. The existing caravan shall be removed from the site within one year of the commencement of the development.
In order to ensure that the caravan is removed from the site.



FERNBECK, DALTON BACK LANE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 23/8/11
	SCALE 1:1250	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2011/0294	REV

PLANNING COMMITTEE

9 September 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 removal of shrubs and the erection of a boundary fence to extend the curtilage of a property on Tintagel Close.
- 2 A neighbour complaint regarding the running of a business from home at a property on Raby Gardens.
- 3 A neighbour complaint regarding a property being used as a possible care home or student accommodation on Stockton Road.
- 4 A neighbour complaint regarding the possible change of use of a property on Stockton Road to flats.
- 5 A neighbour complaint regarding the erection of a wooden fence and gate at a property on Challoner Road
- 6 A neighbour complaint regarding the erection of railings and canopies at two separate properties on Whittrout Road.
- 7 An anonymous complaint regarding the repairing and trading of cars at a property on Oakland Avenue.
- 8 A complaint from the Police regarding the provision of outside seating at a Public House on Avenue Road.
- 9 A councillor complaint regarding the erection of a telephone mast outside of a property on Catcote Road.

- 10 A complaint received from the Highways Agency regarding 7 unauthorised advertising signs displayed on the A19 northbound and southbound between Sheraton, Elwick, Dalton and the service station.
- 11 An officer complaint regarding the running of a business from home at a property on Elwick Road.
- 12 A neighbour complaint regarding the display of a sign on the perimeter of an industrial site on Northgate Road.
- 13 An anonymous complaint regarding the erection of a wall with spikes at a property on Bruntoft Avenue.
- 14 A neighbour complaint regarding the untidy state of a disused church hall on Lister Street.
- 15 An officer complaint regarding the display of an unauthorised advertising sign at a business premises on Park Road.
- 16 An officer complaint regarding 10 properties on Church Street which have unauthorised advertising signs displayed.
- 17 An officer complaint regarding the unauthorised display of an illuminated box sign on the fascia of a business premises on Whitby Street.
- 18 A neighbour complaint regarding the change of use of a property on St Oswald Street to a bail hostel.
- 19 A complaint from PD Ports regarding the use of land at a former club on Ferry Road.
- 20 A councillor complaint regarding the number of occupants at a property on Stockton Road.
- 21 A Neighbour complaint regarding work being carried out to the roof of a property on Stockton Road.
- 22 A neighbour complaint regarding the running of a business from home at a property on Tavistock Close.
- 23 A councillor complaint regarding an untidy property on Hylton Road.
- 24 A neighbour complaint regarding the display of advertising signs on land at the Wynd, Wynyard.
- 25 An officer complaint regarding the installation of a new door at a property on South Crescent which falls within the Headland conservation area.
- 26 An officer complaint regarding the installation of upvc windows at a property on South crescent which falls within the Headland conservation area.

- 27 An officer complaint regarding the installation of upvc windows at a property on Catherine Street which is in the Headland conservation area.
- 28 A neighbour complaint regarding an overgrown rear garden at a property on Tunstall Avenue.
- 29 A neighbour complaint regarding work being carried out to a property on Goathland Drive.

2. RECOMMENDATION

- 2.1 Members note this report.

PLANNING COMMITTEE

9 September 2011



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL REF: APP/H0724/A/11/2157369
H/2011/0015 CHANGE OF USE FROM VEHICLE
DISMANTLING YARD TO STORAGE OF SKIPS,
PLANT, BRICK, RUBBLE, CLAY, TOP SOIL AND
WOOD
UNIT 4 SANDGATE INDUSTRIAL ESTATE,
MAINSFORTH TERRACE, HARTLEPOOL

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 refusal of the Local Planning Authority to grant planning permission for the 'change of use from vehicle dismantling yard to storage of skips, plant, brick, rubble, stone, clay, top soil and wood'. Members refused permission at Planning Committee on 20th May 2011.

2.2 The application was refused for the following reasons:

"1. It is considered that the proposed development would compromise the strategic aims for sub-regional waste planning set out in the Tees Valley Minerals and Waste DPDs as there is sufficient provision for waste management capacity within existing sites, and the proposal would be contrary to Policy MWP4 and MWC8 of the Tees Valley Minerals and Waste DPDs (2011) which identifies the Graythorp area as the strategic location for the provision of waste management facilities within Hartlepool."

"2. It is considered that the proposal, by way of odour, noise, dust and visual intrusion, would have an unacceptable detrimental impact on the amenity and viability of neighbouring and surrounding properties when considered cumulatively within the context of Sandgate Industrial Estate, resulting in an unacceptable concentration of waste facilities in the locality, contrary to Policy GEP1 and Ind6 of the adopted Hartlepool Local Plan (2006) and policy MWP12 of the Tees Valley Minerals and Waste DPDs (2011)."

2.3 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.

PLANNING COMMITTEE

9 September 2011



Report of: Assistant Director (Regeneration & Planning)

Subject: Appeal by: Mr R Ainsley, 3 Henry Smith Terrace
Appeal Ref No: APP/H0724/H/11/2152708

1. PURPOSE OF REPORT

1.1 To advise members of a planning appeal decision.

2. THE APPEAL

2.1 A planning appeal had been lodged against the refusal of Hartlepool Borough Council to allow the retention of a front composite door.

2.2 The Planning Inspector dismissed the appeal concluding that the door failed to preserve the character or appearance of the conservation area, contrary to the provisions of Hartlepool Local Plan policy HE1. The decision letter is attached.

3. RECOMMENDATION

3.1 Members note the decision.



The Planning
Inspectorate

Appeal Decision

Site visit made on 17 August 2011

by Mrs K.A. Ellison BA, MPhil, MRTPI

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

Decision date: 24 August 2011

Appeal Ref: APP/H0724/D/11/2152708

3 Henry Smith Terrace, Hartlepool, Cleveland TS24 0PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr R Ainsley against the decision of Hartlepool Borough Council.
- The application Ref H/2011/0006 dated 5 January 2011 was refused by notice dated 18 February 2011.
- The development proposed is the installation of a new composite door.

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in the appeal is the effect of the door on the character and appearance of the Headland conservation area.
3. The appeal property dates from the late 19th century and is part of a short terrace of substantial dwellings which occupy an important position within the conservation area, overlooking the town moor. The door, which is already in place, is of uPVC construction with a wood finish. Although it has four panels like the one it replaced, this door is much simpler in construction and the joinery lacks the quality of the original door, particularly as regards the raised moulding and jointing detail. This is further emphasised by its grained wood finish in place of the colour and interest of the painted wood. Despite the similarities therefore, the plainer, more functional appearance of the replacement door diminishes the appearance of the house. Because of its prominent position above street level, it also detracts from the historic character of this terrace. In this way, the door fails to preserve the character or appearance of the conservation area, contrary to the provisions of Local Plan policy HE1.
4. During my site visit, I noted the examples of similar doors elsewhere in the conservation area but, as these were on properties of more modest design in less prominent locations, their presence does not have the same significance for the interest of the conservation area. I appreciate that it may be difficult to obtain a replacement door of similar quality to the previous one and that the current door offers benefits in terms of energy efficiency, as indicated by the presence of this type of door on other, east-facing properties nearby. However, such considerations are not sufficient to outweigh the harm which is associated with this proposal.

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

Appeal Decision APP/H0724/D/11/2152708

5. For the reasons given above, I conclude that the appeal should not succeed.

K.A. Ellison

Inspector

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

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