

PLANNING COMMITTEE AGENDA



Friday 4 November 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 7 OCTOBER 2011**
4. **ITEMS REQUIRING DECISION**
 - 4.1 Planning Applications – *Assistant Director, Regeneration and Planning*
 1. H/2010/0561 Tunstall Court, Grange Road
 2. H/2011/0102 Land to the West of Wynyard Park
 3. H/2011/0396 Land adjacent to Briarfields, Briarfields Close, Elwick Road
 4. H/2011/0371 Hartlepool Sixth Form College, Blakelock Road
 5. HFUL/1999/0320 Hart Quarry, Hart Lane
 6. H/2009/0482 Hart Quarry, Hart Lane
 7. H/2011/0059 Navigation Point, Marina
 8. H/2011/0268 Crows Meadow Farm, Dalton Back Lane, Claxton, Billingham
 - 4.2 Update on Current Complaints – *Assistant Director (Regeneration and Planning)*

- 4.3 Review of Planning Delegations in relation to serving Section 215 Notices (Untidy land and Buildings) – *Assistant Director (Regeneration and Planning)*
 - 4.4 Replacement Doors in Conservation Areas – *Assistant Director (Regeneration and Planning)*
 - 4.5 Appeal by Mr F Randall at Joe's Skips, Brenda Road, Hartlepool (H/2011/0055)
 - 4.6 Appeal by Mrs Pauline Crow, site at Crows Meadow Farm, Dalton Back Lane, Billingham, TS22 5PG – *Assistant Director (Regeneration and Planning)*
 - 4.7 Appeal by Mr Terence Bates, site at Brierton Moorhouse Farm, Dalton Back Lane, Hartlepool, TS22 5PG – *Assistant Director (Regeneration and Planning)*
 - 4.8 Appeal by Mr Stephen Bates: Appeal Ref APP/H0724/A/11/2161037, site at The Grange, Piercy Farm, Dalton Piercy, Hartlepool, TS27 3HS – *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 – Seaton Reach, Coronation Drive, Hartlepool (paras 5 and 6) – *Assistant Director (Regeneration and Planning)*
- 7.2 Enforcement Action – Land adjacent to Sims Metals, Windermere Road, Hartlepool (paras 5 and 6) – *Assistant Director (Regeneration and Planning)*
- 7.3 Enforcement Action – 18 Rydal Street, Hartlepool (paras 5 and 6) – *Assistant Director (Regeneration and Planning)*
- 7.4 Complaint File to be closed – 9 Dundee Road (paras 5 and 6) – *Assistant Director (Regeneration and Planning)*
- 7.5 Complaint File to be closed (paras 5 and 6) - *Assistant Director (Regeneration and Planning)*
- 7.6 Enforcement Action – Land to the rear of former HSS Hire Sales, Lower Oxford Street, Hartlepool (paras 5 and 6) – *Assistant Director (Regeneration and Planning)*

7.7 4 Whitrout Road, Hartlepool (paras 5 and 6) - *Assistant Director (Regeneration and Planning)*

7.8 Enforcement Update Report (paras 5 and 6) - *Assistant Director (Regeneration and Planning)*

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

9. **FOR INFORMATION**

Site Visits – Any site visits requested by the Committee at this meeting will take place at 9.00 a.m. on the morning of the next scheduled meeting of the Committee on Friday 2 December 2011 at 10.00 a.m.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

7 OCTOBER 2011

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

Present:

Councillor Rob Cook (In the Chair)

Councillors Allan Barclay, Jonathan Brash, Mick Fenwick, Marjorie James, Alison Lilley, Geoff Lilley, Dr George Morris, Carl Richardson, Jean Robinson, Linda Shields, Kaylee Sirs, Hilary Thompson, Paul Thompson, Ray Wells and Edna Wright.

Also Present: Councillor Brenda Loynes.
In accordance with Council Procedure Rule 4.2 the following substitutions were in effect: -
Councillor Sheila Griffin for Councillor Trisha Lawton.

Officers: Nicola Bailey, Acting Chief Executive
Damien Wilson, Assistant Director, Regeneration and Planning
Jim Ferguson, Principal Planning Officer
Linda Wright, Senior Planning Officer
Sarah Scarr, Landscape Planning and Conservation Manager
Kate Watchorn, Commercial Solicitor
Peter Frost, Traffic Team Leader
David Cosgrove, Democratic Services Team

53. Apologies for Absence

Councillors Lawton and Simmons.

54. Declarations of interest by members

Councillors Cook and Robinson declared personal interests in Minute no. 56, Planning application H/2011/0312 Clavering Primary School.

55. Confirmation of the minutes of the meeting held on 9 September 2011

Confirmed.

56. Planning Applications *(Assistant Director, Regeneration and Planning)*

The Assistant Director, Regeneration and Planning submitted the following planning applications for decision.

Number:	H/2011/0312
Applicant:	Mr Philip Timmins Hartlepool Borough Council Estates Bryan Hanson House Hanson Square HARTLEPOOL
Agent:	Hartlepool Borough Council Philip Timmins Bryan Hanson House Hanson Square HARTLEPOOL
Date received:	29/06/2011
Development:	Change of use of the caretaker's bungalow to various educational uses
Location:	Clavering Primary School Clavering Road HARTLEPOOL
Decision:	Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans 'E/G/465-A' and 'E/G/465-B' received by the Local Planning Authority on 29 06 11.
For the avoidance of doubt.
3. The premises shall be used for purposes associated with the existing school only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).
In the interests of the amenities of the occupants of neighbouring properties.
4. The premises shall only be used between the hours of 08.00 and 20.00.
In the interests of the amenities of the occupants of neighbouring properties.

Number: H/2011/0372

Applicant: Church Commissioners For England c/o Agent

Agent: Smiths Gore, Ms J Hadland, 26 Conisdiffe Road
DARLINGTON

Date received: 18/07/2011

Development: Outline planning application with some matters reserved for residential development comprising the conversion of farm buildings to three dwellinghouses and the erection of a dwellinghouse

Location: Manor House Farm, Stockton Road, Newton Bewley, BILLINGHAM

Decision: Planning Permission APPROVED with the final conditions to be delegated to the Planning Services Manager.

CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the layout, scale, appearance of the buildings, and the landscaping (hereinafter called the 'reserved matters') shall be obtained in writing from the Local Planning Authority.
4. 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) or other buildings 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.
5. 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 altered or 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.

6. 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.

7. 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.

8. 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.

9. No development shall take place until details of the provisions to be made for birds (such as swifts, house martins, sparrows and barn owls) nesting sites/boxes and bat roosting sites/boxes have been submitted to and approved by the Local Planning Authority. The approved works shall be implemented in full before the development is first brought into use unless otherwise agreed in writing by the Local Planning Authority. To ensure that bird and bat species are protected and their habitat enhanced in accordance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.

10. The development hereby permitted shall be carried out in accordance with the Ecology Report (Document ref ECN/10/071 final report) with regard to roosting bats and nesting birds. In particular, precautionary measures as outlined in Sections 7.1.1 (renovation of the existing buildings), 7.1.2 (felling of mature trees), 7.2 (barn owls and breeding birds) and 7.3 (ecological enhancements) should be carried out prior to commencement of any works on site to existing buildings, walls or trees.

To mitigate the effect of the proposed development upon any roosting bats or nesting birds.

11. 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.

12. 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.

13. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

To ensure the adequate disposal of foul and surface water drainage from the development.

Number: H/2011/0307

Applicant: Jomast Developments Limited

Agent: Signet Planning Ltd. Mr Simon Chadwick The Hamlet Hombeam Park Harrogate

Date received: 24/06/2011

Development: Erection of a 65 bedroom hotel (Use Class C1) and restaurant/bar facility (Use Class A3/A4) including amendments to car parking (AMENDED PLANS RECEIVED 07/09/2011)

Location: LAND AT THE LANYARD HARTLEPOOL

Decision: Minded to APPROVE subject to consideration of any further objections received during the outstanding consultation period by the Planning Services Manager in consultation with chair, the completion of a legal agreement requiring the car park to the north of the site to be relocated should a scheme for development on the wider Trincomalee Wharf site be approved at which point the car park must be relocated to accommodate the development approved and the following conditions with the final wording of the conditions to be delegated to the

Planning Services Manager.

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the
plans and details received by the Local Planning Authority on 13/06/2011 (Drawing Title - LOCATION PLAN - Drawing Number + Revision: 006_C, Drawing Title - EXISTING SITE - Drawing Number + Revision: 007_C, Drawing Title - GROUND FLOOR PLAN - Drawing Number + Revision: 100_H, Drawing Title - FIRST FLOOR PLAN - Drawing Number + Revision: 101_F, Drawing Title - SECOND FLOOR PLANS - Drawing Number + Revision: 102_B, Drawing Title - THIRD FLOOR PLANS - Drawing Number + Revision: 103, Drawing Title - LOCATION PLAN - Drawing Number + Revision: 006_C, Drawing Title - FOURTH FLOOR PLANS - Drawing Number + Revision: 105, Drawing Title - ROOF PLAN - Drawing Number + Revision: 104_E, Drawing Title - UNDERPASS AREA - Drawing Number + Revision: 014_B, Drawing Title - LONG SECTION - Drawing Number + Revision: 201_D), the plans and details received by the Local Planning Authority on 07/09/2011 (Drawing Title - HOTEL AREA - Drawing Number + Revision: 013_H and Drawing Title - ELEVATIONS- Drawing Number + Revision: 200_P) and the Amended plan received by the Local Planning Authority on 21/09/2011 (Drawing Title - PROPOSED SITE - Drawing Number + Revision: 011_D), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Details of all external finishing materials, including examples of proposed coloured cladding sheets, coloured renders samples, art stone dressings samples, double glazed metal framed windows samples, decorative concrete block samples, the concrete feature spheres and the stainless steel rising bollards to the hotel entrance shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Notwithstanding the submitted information 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.

5. 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 hotel or restaurant, 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.
6. The development hereby approved shall not be brought into use until there have been submitted to and approved in writing by the Local Planning Authority final detailed plans and specifications for ventilation filtration and fume extraction equipment and vents serving the kitchens, bathrooms and toilets, and all approved equipment has been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times.
In the interests of the amenities of the occupants of neighbouring properties.
7. The ground floor restaurant/bar lincensed premises hereby approved shall only be open to the public between the hours of 07:30hrs and 00:00 (midnight).
In the interests of amenity.
8. The external areas outside of the hotel and restaurant/bar hereby approved shall not be used as an outside eating/drinking area. No eating or drinking shall take place outside any building approved by way of this permission within the site at any time.
In the interests of amenity.
9. The premises shall be used as a restaurant/bar facility (A3/A4) and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
In the interests of the amenities of the occupants of neighbouring properties.
10. Notwithstanding the details submitted, prior to the commencement of the development hereby approved scaled plans and details of the proposed refuse compound shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and implemented prior to the opening of the hotel or restaurant/bar, whichever is sooner.
For the avoidance of doubt.
11. Notwithstanding the submitted information prior to the commencement of the development hereby approved final details of the cycle storage area shall be submitted to and approved in writing by the Local Planning Authroity. Thereafter, the approved scheme shall be retained at all times in accordance with the approved details for the lifetime of the development.
To ensure that there is sufficient cycle parking facilities for users of the development.

12. Notwithstanding the submitted details final plans of the revised parking arrangements shall be submitted to and approved in writing by the Local Planning Authority before development commences. The submitted information should show the provision of disabled person parking bays including final numbers and siting. Thereafter the development shall be carried out in accordance with the approved details and implemented prior to the opening of the hotel or restaurant/bar, whichever is the sooner. Thereafter the parking scheme agreed shall be retained at all times for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority or as per the legal agreement associated with their permission.
In the interests of highway safety.
13. Prior to the commencement of development details of the proposed surfacing materials of all paths, roads, parking areas and hardstandings shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented at the time of development and completed prior to the opening of the hotel or restaurant/bar, whichever is open sooner and, unless otherwise agreed in writing with the Local Planning Authority, retained for the lifetime of the development.
In the interests of highway safety and amenity.
14. Prior to the commencement of development an Energy Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include the details and mechanisms for the use of renewable energy.
In the interests of promoting sustainable development.
15. 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.
16. No development shall commence until the proposed details of the external lighting scheme, including any lighting of the buildings, outlining details of light spill, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.
In order to safeguard the appearance of the development and in the interests of amenity for the occupants of nearby properties as well as the potential impact upon train drivers.
17. 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.

18. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:

- (1) the parking of vehicles of site operatives and visitors;
- (2) loading and unloading of plant and materials;
- (3) storage of plant and materials used in constructing the development;
- (4) the erection and maintenance of security hoarding;
- (5) the location of any site huts/cabins/offices.
- (6) details of proposed temporary lighting
- (7) details of isolated drainage systems for foul water to prevent discharge to surface or groundwater.
- (8) details of containment measures for fuels, oils and chemicals
- (9) plans to deal with accidental pollution.
- (10) security and access arrangements for the railway boundary should any alterations be made to the existing boundary and accesses
- (11) details of any excavations or piling works within 10m of the railway boundary
- (12) any construction works which will only be achievable by way of the closure of the railway line.
- (13) all operations to be carried out in a fail safe manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3 metres of the nearest rail of the adjacent railway line, or where the the railway is electrified within 3 metres of overhead electrical equipment or supports

To ensure the site is developed in a satisfactory manner.

19. No development approved by this permission shall be commenced until a scheme for the provision of surface water and foul drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water and foul drainage disposal.

20. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Addendum dated May 2011 produced by JNP Group in association with the Cundall FRA dated 15th November 2007 and the following mitigation measures:

1 An emergency evacuation plan is formulated with the agreement of the Local Planning Authority and the emergency planners.

2. Finished floor levels are set no lower than 5.35m above Ordnance Datum (AOD).

To ensure safe access and egress from and to the site for all residents and staff and to reduce the risk of flooding to the proposed development and future occupants.

21. The development hereby permitted shall not be commenced until such time as a scheme for surface water management has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
22. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

To prevent pollution to controlled waters. The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use, as railway land and timber storage. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

23. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation

shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

To prevent pollution to controlled waters. This condition will ensure that information is provided to confirm that any risks to controlled waters have been addressed.

24. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

To prevent pollution to controlled waters. This condition is to ensure that any unsuspected contamination is identified and has been appropriately addressed.

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

Members' attention was drawn to sixteen current ongoing issues, which were being investigated. Any developments would be reported to a future meeting if necessary. Councillor James requested further details of issue no. 7. Councillor Richardson requested further details of issue no. 9. Councillor Brash requested further details of issue no. 10.

Decision

That the report be noted.

58. Review of Planning Delegations in relation to serving Section 215 Notices (Untidy Land and Buildings)

(Assistant Director, Regeneration and Planning)

The Assistant Director, Regeneration and Planning reported that under Section 215 of the Town and Country Planning Act 1990 Hartlepool Borough Council had the power to require the proper maintenance of land and buildings where it was considered that the condition 'adversely affected the amenity of the area'. The Notice must specify the steps that needed to be undertaken to abate the harm to the amenity of the area and the period within which they were to be undertaken. Section 215 was a relatively straightforward power that could deliver important, tangible and lasting improvements to amenity.

National guidance cites delegation as the principal tool from which efficiencies could be made. Delegation was not a process that would generally change the outcome of a planning enforcement decision, nor was it one which transfers power from elected Members to Officers. The purpose of delegation was to simplify procedures, speed up the process, minimise costs and leave committee members with more time to concentrate on major planning issues. Successive governments had placed increasing emphasis on encouraging Councils to delegate more decision making to their trained and qualified officers, particularly in the case of straightforward or non-contentious cases.

The Assistant Director indicated that the current Planning Code of Practice specified that except in cases of emergency the Planning Committee authorise the serving of relevant Enforcement Notices. Therefore, even the simple Section 215 notices were referred to the Planning Committee for decision.

As Members were aware the Council was taking a proactive stance in relation to dealing with untidy land and buildings and have a working group to look at the relevant issues. A Task Group has also been set up with regard to serving these notices which is focused on properties in a poor state of repair within the Housing Regeneration Areas. A report would also be presented to the Housing and Transition Portfolio Holder on the 18th October focusing on other enforcement tools the Council would look to employ as part of its strategy to drive up housing standards both in terms of appearance and management.

The Assistant Director highlighted that Members had not declined to authorise the serving of a Section 215 notice when reports had been presented to the Planning Committee. The Assistant Director recommended that in order to speed up and streamline the serving of Section 215 notices that authority to issue those notices was given to the Planning Services Manager. It is also recommended that a report be brought to the Planning Committee on a quarterly basis updating Members on the Section 215

Notices which had been served.

Members debated the request for the delegation of power to the Planning Services Manager as proposed. There were Members who believed that the current situation should remain in place. Some Members saw the benefit of the delegation and referred to the outcomes that had been achieved in other areas of the country where this had been done. There were concerns that the issuing of notices should be targeted and not simply used to penalise householders for minor planning transgressions. The Assistant Director indicated that the aim of the delegation was to support the Council's policies on bringing empty properties back into use, particularly in licensed areas, and dealing with untidy properties that were also being targeted by the authority.

Members were concerned that the properties that were to be targeted were likely to be well known within their wards. Members suggested that ward councillors should be informed when these notices were to be issued by officers. It was also proposed that the Chair and Vice-Chair of the Committee also be informed in advance as well. Members also sought a more regular update to the Committee.

The Assistant Director acknowledged Members comments and indicated that a proposed process for the issuing of the s215 notices would be submitted to the next meeting for the Committee's approval. Members noted that any changes to the delegation scheme would require reporting to the Constitution Committee prior to Council.

Decision

That members agreed to amend the scheme of delegation as proposed but that a further report be submitted to the Committee setting out the process to be adopted for the issuing of s215 notices subsequent to the delegation of power to the Planning Services Manager.

59. Appeal Ref APP/H0724/H/11/2154372 H/2011/0073 Display of three illuminated signs, The White House, Wooler Road, Hartlepool *(Assistant Director, Regeneration and Planning)*

Members were advised that the above appeal had been determined by the Planning Inspectorate by the written representations procedure. The appeal was dismissed. The Inspector concluded that the size and position of the signs detracted from the appearance of the building and diminished the contribution which it makes to the Conservation Area. A copy of the Inspector's decision was submitted for Members information.

Decision

That the report be noted.

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

Minute 61 – Enforcement Action – White House Public House, Wooler Road, Hartlepool – Advertisements

Minute 62 – Enforcement Action – 4 Henry Smith Terrace, Hartlepool

Minute 63 – Enforcement Action – 271 West View Road

61. **Enforcement Action – White House Public House, Wooler Road, Hartlepool – Advertisements** (*Assistant Director, Regeneration and Planning*) (Para's 5 and 6)

Authorisation was sought from Members to issue a discontinuance notice in respect of the continued display of two advertisements on the White House Public House, Wooler Road, Hartlepool without the benefit of express or deemed advertisement consent.

Decision

Details of the Committee's decision are set out in the exempt section of the minutes.

62. **Enforcement Action – 4 Henry Smith Terrace, Hartlepool** (*Assistant Director, Regeneration and Planning*) (Para's 5 and 6)

Authorisation was sought from Members to issue an enforcement notice in respect of the unauthorised installation of a front door at 4 Henry Smith Terrace.

Decision

Details of the Committee's decision are set out in the exempt section of the minutes.

63. Enforcement Action – 271 West View Road (*Assistant Director, Regeneration and Planning*) (Para's 5 and 6)

Authorisation was sought from Members to enforcement action should this be required in respect of the untidy condition of 271 West View Road by issuing a Section 215 Notice.

Decision

Enforcement action was approved in accordance with the conditions set out in the exempt section of the minutes.

64. Any Other Items which the Chairman Considers are Urgent

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

65. Planning One Stop Shop Leaflet

Members were issued with a copy of the new guidance leaflet relating to the Planning One Stop Shop following the introduction of charges.

Decision

That the report be noted.

The meeting concluded at 12.40 p.m.

CHAIR

No:	1
Number:	H/2010/0561
Applicant:	Ruttle Group
Agent:	Sedgwick Associates Mr Paul Sedgwick 24 Queensbrook Spa Road BOLTON BL1 4AY
Date valid:	29/09/2010
Development:	Part demolition, extension and redevelopment of Tunstall Court to provide 21 dwellings and erection of 12 detached dwellings with associated landscaping and formation of new access
Location:	TUNSTALL COURT GRANGE ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

1.1 Tunstall Court is large property, set in substantial grounds, constructed from 1894 – 1895. It is located within the West Park area of Hartlepool and within the Park Conservation Area. Sited to the east of Park Avenue, it sits between The Kitchen Garden to the north, St Bega's Glade to the east and The Parade to the south. The site lies in close proximity to Ward Jackson Park.

1.2 The application site comprises the large former house of Tunstall Court, built in red brick with stone dressing and a slate roof with red clay ridge tiles and finials. The property is two-storey in height, with attic space with two wings to the rear – one single-storey and one two-storey rising to three. The main façade of the building contains the main entrance to the property through a central portico of 5 segmental arches, supported on columns with stone pedestals. The house is not listed, although it is considered to be a significant asset of the Park Conservation Area.

1.3 The grounds of the court contain the remnants of an ornamental garden to the front of the house. An area of land, to the south west, formerly within the grounds of the court, has been converted to use as a public car park. The previous access to the property was from The Parade, with two lodge houses situated off The Parade which are both Grade II Listed, which are in separate ownerships. The original Tunstall Court estate also comprised land which is now occupied by residential development at St Bega's Glade and The Kitchen Garden.

1.4 Post-war, the building was acquired by Hartlepool Borough Council and used for educational purposes, later becoming a training centre during the 1980's. The site was since transferred to private ownership and in recent years the house and the grounds have remained vacant. With the levels of maintenance decreasing steadily and notable increases in vandalism and anti-social behaviour, the condition of the court and its grounds has significantly declined. Notwithstanding that, a substantial level of the building's architectural significance remains intact, as does a good level of the historical layout of its grounds.

1.5 Two applications were approved in recent years in respect of the site.

H/2008/0480 - Change of use, alterations, partial demolition of building, extensions and new buildings to provide 84 apartments, ancillary accommodation and communal facilities to provide a care community for the elderly (C2 use class). This will expire shortly.

H/FUL/2004/1029 - Conversion and extensions to provide 24 apartments, erection of new apartment block to provide 10 units and erection of 5 detached dwellings with associated roads and sewers. This application has expired.

1.6 The proposed development comprises:

- Partial demolition of the Court comprising the demolition of the entire rear elements of the building;
- Alterations, conversion and extensions to the Court to provide 9 apartments and 12 town houses;
- The erection of 12 detached, two-storey properties within the grounds of the Court;
- The provision of a new access from Park Avenue;
- Landscaping works.

1.7 The development has been amended during the course of the application, specifically in respect of design. In relation to the Court, the main alteration has been to remove a proposed additional floor within the Court itself.

1.8 The main works proposed to the Court comprise the erection of two new wings to the rear. The northern wing will consist of a terrace of five townhouses. The detailing is largely in contrast to Tunstall Court, although attempts have been made to incorporate some minor detailing in the form of stone quoins, gable features and sliding sash windows. They stand at three stories dropping to two with a mixture of brickwork and render to the third floor. The southern wing reflects the design of the northern, again with variations in levels and roof heights. The southern wing incorporates under-croft parking which has been designed with arched entrances rather than standard, modern designed garages.

1.9 A courtyard to the rear of the Court is proposed which forms the rear of the proposed properties enclosed by the house and the two new wings. The courtyard will comprise a communal area, as no private amenity space (apart from balconies and patio areas) is assigned to the townhouses, and access between the properties and to a parking area to the east. The design of the Courtyard is largely modern, with little of the detail to the front of the wings, or indeed the Court itself reflected. The properties within the southern wing face onto a raised area of landscaping, above the under-croft parking.

1.10 The retained part of the Court largely consists of the main façade of the building and will be converted into 9 apartments and 3 townhouses. There are a number of significant, if subtle changes to the main façade of the building to facilitate the

development. The works include the provision of second floor infill extension. The detailing to this echoes that of the front elevation. Other works include the insertion of a 16 paned window to the right hand side of the building. This window is matched elsewhere on the front elevation where 12 pane windows have been altered to 16. The window alterations are to accommodate internal floors. Two staircases are proposed to either side of the arched portico which sits in front of the main entrance. An underground car park within the basement level of the Court is also proposed, to be accessed from the front of the property. A formal landscaped area will be retained in front of the house itself.

1.11 The scheme also includes the erection of twelve detached dwellings within the grounds. Two properties are proposed at the new access to the site off Park Avenue, which are designed to reflect the existing lodge houses off The Parade. Three detached houses are proposed to be accessed off a private access on The Parade. A single dwelling is proposed to be access from a private drive on the corner of Park Avenue and Creswell Road. A further six detached properties are sited through the grounds.

1.12 The properties are varied in terms of their design, with an emphasis on modern detailing, although minor details from Tunstall Court have been replicated in some of the dwellings, in terms of chimneys and window design.

Publicity

1.13 The application has been advertised by two rounds of publicity comprising site notices, press advert and neighbour notifications (39). In the first round of publicity, 5 letters of objection were received.

1.14 The concerns raised include:

- Traffic issues on Park Avenue;
- Concerns over destroying the integrity of the building;
- Plans do not preserve or enhance the conservation area;
- Detrimental to park Conservation Area;
- Too many houses for the site;
- Loss of trees;
- Too much of the house to be removed.

1.15 The second round of publicity following the receipt of an amended scheme received 2 letters of objection, 2 letters of support, and 10 letters of no objection including comments. The concerns raised include:

- Timescale for development;
- Site is run down, development will improve it;
- Number of trees to be lost;
- An Environmental Assessment required for bats, owls and blue bells;
- Highways issues/traffic calming measures;
- Conservation concerns. Development will have a significant detrimental impact in heritage terms.

1.16 The period for publicity has expired.

COPY LETTERS A

Consultations

1.17 The following consultation replies have been received:

Arboricultural Officer – The revised tree protection plan and landscaping plan are considered acceptable. Recommend that an agreement be formulated for the maintenance of the shared/public areas of landscaped areas within the development.

Community Services – Comments awaited.

Conservation Officer – The proposed layout and extensive redevelopment of Tunstall Court would harm the character of the Park Conservation Area. The development within the grounds of the property would constitute over development of this site and deplete the existing hierarchy of structures within this area. Secondly the redevelopment of Tunstall Court itself proposes substantial alterations to the building which would change the appearance of this property significantly reducing the architectural importance of the building and the contribution it makes to the character of the Park Conservation Area.

Ecologist – The building is of relatively minor importance to the maintenance of bat populations locally. The condition of the building means it is unlikely to be used in significantly higher numbers of bats or as a breeding roost. Nevertheless the loss of the roost would constitute a breach of Article 12(1) of the Habitats Directive. LPA need to consider the three derogation tests. Mitigation is recommended for the loss of bat roosting opportunities. However, a licence will be required from Natural England which will determine the level and types of compensatory measures that would be required. As such a condition is not necessary.

A number of the trees are likely to be used as roosts by bats. However, the use of the trees will only be transitory by small numbers of Common Pipistrelle bats. Consequently it may be more appropriate to conduct bat surveys on the trees nearer to the time that they are to be felled rather than prior to the determination of the application. As such recommend a condition for surveys of the trees for bats to be carried out prior to the felling of any trees, including a report of any inspections should be submitted to the LPA. Any trees with cavities should be soft-felled.

There is the potential for clearance of vegetation to harm breeding birds. Clearance of vegetation should therefore take place outside of the breeding bird season (March-August inclusive). If it is necessary to clear the site during the bird breeding season, then the site should be surveyed by a qualified ecologist within two days prior to clearance works commencing to check that no birds nests are present. Any bird's nests that are found should be cordoned off so that clearance works avoid that area. The results of such a survey and any protection measures required should be submitted to the LPA.

Some risk of Starlings and House Sparrows nesting in the main building, however, that is a lower risk and therefore should be an informative.

Japanese Knotweed is growing on the site. A scheme for its eradication should therefore be submitted for approval.

The Phase 1 Habitat Survey emphasises the importance of the woodland area and recommends that a woodland management plan be drawn up to provide compensation for losses of woodland and to diversify the tree stock and maintain ecological links. Proposal would require removal of larger number of trees than previous proposals for the site. This will be mitigated to an extent with the proposal to plant new trees and shrubs. Inevitably, some of the site's current value for wildlife will be lost in the short to medium term, in particular nesting or roosting opportunities for birds and bats. To mitigate further, I would recommend the provision for wildlife benefit emphasised within the details of the landscaping scheme and the provision of a significant number of woodcrete or other durable bird boxes to suit a variety of bird species.

Engineering Consultancy – Request suitably worded planning condition regarding the disposal of surface water drainage. Drainage proposals should incorporate sustainable drainage techniques and be approved and maintained by a Suds Approval Board. Drainage strategy will therefore become a key document to be supplied with an application where it involves the erection of new dwellings. Section 80 notice will be required.

Neighbourhood Services – Comments awaited.

Property Services – No comments received.

Public Protection – No objections.

Sustainability Officer – Comments awaited.

Traffic and Transportation – The provision of a 1.8m footway between plots 31 and 28 would benefit the development in terms of road safety, but its omission would not be worthy of an objection. A 3 x 33m x 0.6m visibility splay is required, a suitably worded condition would be appropriate. The siting of the garage on plot 33 is unacceptable in highway safety terms. A condition is required to agree details of traffic calming measures on Park Avenue.

Urban Policy – Residential development is acceptable in principle. Concerns over a lack affordable housing, notwithstanding the fact that the provision of off-site affordable contributions are deemed to be unviable.

Cleveland Police – Comments awaited.

English Heritage – Tunstall Court is one of the most significant sites in Hartlepool and its continuing decline is extremely unfortunate. There is clearly a very difficult balance to strike between securing the future of the building and its grounds and finding a design solution which is financially viable. Proposed works to Tunstall

Court would cause substantial harm to the building and to the conservation area. Recommend that further discussions take place regarding the design of the Tunstall Court proposals in particular.

Environment Agency – No objections to the development subject to a condition requiring detail of a scheme for surface water management to be submitted to and agreed by the Local Planning Authority.

Hartlepool Civic Society – Object. Proposed extensions have little, if any architectural quality and bear no relation to the existing property. The revised plans contribute little more than a remote developer's vandalism of the heritage of the town.

Northumbrian Water – A condition should be imposed on any permission requiring a scheme for the disposal of surface water from the development hereby approved has been agreed to ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25. In discharging the condition the Developer should develop their Surface Water Drainage solution by working through the Hierarchy of Preference contained within Part of the Building Regulations 2000.

Save Britain's Heritage – Urge refusal. Tunstall Court has been on buildings at risk register since 2003. It is SAVE's view that the current scheme, would devalue the building architecturally and historically and cause substantial harm to the conservation area.

Victorian Society – Object to the application. Tunstall Court is an important element of the Park Conservation Area. Consider the proposed alterations to the building to be so extensive that they would rob it of almost all historic interest. The extensions are in a weak derivative style which is wholly inadequate. The 12 new dwellings constitute overdevelopment of the site. Has the applicant provided evidence that this number of residential units would be necessary to make the scheme viable? This level of development would harm the character of the conservation area.

Planning Policy

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

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

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

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

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

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.

GN6: Resists the loss of incidental open space, other than in the exceptional circumstances set out in the policy. Compensatory provision or enhancement of nearby space will be required where open space is to be developed.

HE1: States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

HE12: The policy sets out the factors to be considered in determining planning applications affecting a listed locally important building. The Council will only support the demolition or alteration of locally important buildings where it is demonstrated that this would preserve or enhance the character of the site and the setting of other buildings nearby.

HE2: Encourages environmental improvements to enhance conservation areas.

HE6: States that design and materials in new developments in the immediate vicinity of registered parks and gardens of special historic interest should take account of the character of the area and that no special features should be lost to development.

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.

Rec2: Requires that new developments of over 20 family dwellings provide, where practicable, safe and convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

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.

1.19 The following national planning guidance is relevant in the determination of this application:

- PPS3: Housing
- PPS5: Planning for the Historic Environment
- Draft National Planning Policy Framework

1.20 Planning Policy Statement 3: Housing (2011) (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.”*

1.21 Planning Policy Statement 5: Planning for the Historic Environment (2010) (PPS5) sets out the national planning policy framework for the conservation of the historic environment.

1.22 PPS5 states that the Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

1.23 Policy HE9 of PPS5 states that, *"where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that:*

- (i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; or*
- (ii) (a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- (b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and*
- (c) conservation through grant-funding or some form of charitable or public ownership is not possible; and*
- (d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use."*

1.24 The Government published the draft National Planning Policy Framework (NPPF) for consultation in July 2011. The Framework aims to replace existing guidance set out in PPGs, PPSs and various other planning guidance. The NPPF sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

1.25 Paragraph 176 of the Draft NPPF states that: *"the Government's objective is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations."* In order to achieve this, the Government's objectives include the need to, *"conserve heritage assets in a manner appropriate to their significance."*

1.26 Paragraph 176 of the draft NPPF makes clear that the Government continue to give significant weight to the need to conserve the historic environment, in a manner appropriate to their significance.

1.27 Paragraph 185 states that: *"in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the presumption in favour of sustainable development, the scale of any harm or loss and the significance of the heritage asset."*

1.28 Paragraph 105 aims to:

- increasing the supply of housing*
- delivering a wide choice of high quality homes that people want and need*
- widening opportunities for home ownership; and*
- creating sustainable, inclusive and mixed communities, including through the regeneration and renewal of areas of poor housing.*

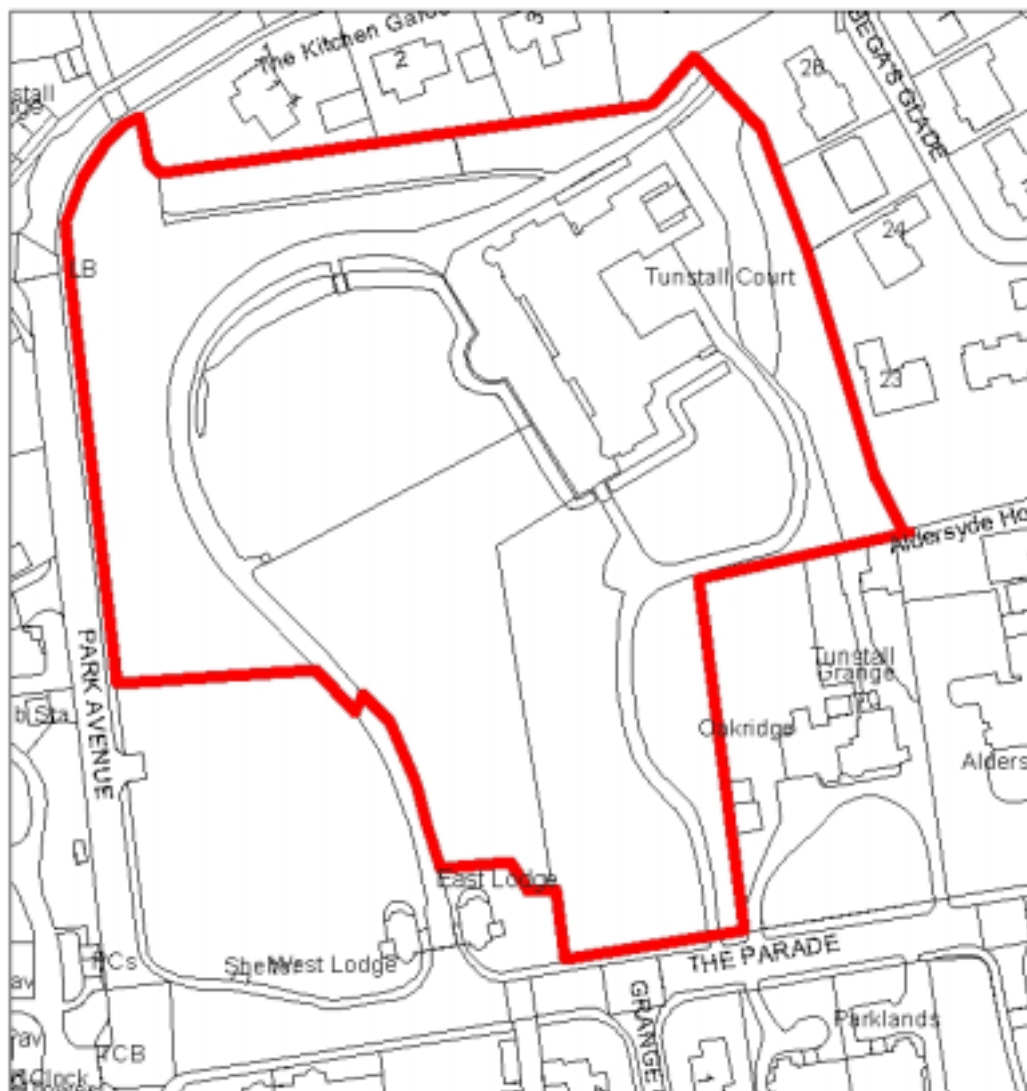
Planning Considerations

1.29 A number of consultations responses are outstanding on the application, particularly further information is awaited from Cleveland Police in respect of the crime and anti-social behaviour records for the site. Furthermore, discussions are ongoing with the applicant in respect of phasing. It is anticipated that all outstanding matters will be resolved prior to the meeting and a comprehensive update report will follow.

RECOMMENDATION – UPDATE TO FOLLOW



TUNSTALL COURT PARK AVENUE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 24/8/11
	SCALE 1:1250	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRGNO .	REV

No: 2
Number: H/2011/0102
Applicant: WYNYARD PARK LTD
Agent: Prism Planning Ltd Stephen Barker 1st Floor Morton
House Morton Road Darlington DL1 4PT
Date valid: 28/02/2011
Development: Outline application for the erection of 200 dwellings with
full planning permission sought in part for roads, footpaths
and related infrastructure of the core highway network
Location: LAND TO THE WEST OF WYNYARD PARK WYNYARD
PARK

The Application and Site

2.1 The application site is an area of woodland, grassland and agricultural land located to the north side of the A689. It is bounded to the north, west and east by woodland and agricultural land. The site, and the area to the east, currently benefit from planning permissions for commercial development, as an extension to the existing Wynyard Park, and outline planning permission on land to the east of the site was also recently granted for the erection of a hospital. The Newton Hanzard Beck dissects the site and flows along the east boundary. A minor watercourse joins the Beck in the centre of the site. Further to the east, beyond the fields, is an existing commercial area which forms the current extent of Wynyard Park. To the south of the site is a wooded area beyond which is the A689 including to the south west a roundabout which gives access to Wynyard Village and from which access to the application site would be facilitated. The A689 joins the A19 some 3km to the east of the site, a series of existing roundabouts on the A689 accommodate access to Wynyard Village, the existing Wynyard Park and will facilitate access to the application site.

2.2 The current application seeks outline planning permission for the erection of 200 dwelling houses and detailed permission for part of the highway network which will serve the housing development, and ultimately approved commercial and medical developments to the east. The application has been amended following its submission with the number of dwellings proposed reduced to 200, potential areas for on site play indicated and the details of the highway network amended. The application is in outline and therefore no detailed plans of the housing have been provided however it is proposed that high quality low density executive housing within a woodland setting would be provided. The indicative layouts provided show the housing will be accommodated in three distinct areas. At the northern end of the site, the Pentagon, which currently consist of open agricultural land enclosed by woodland will accommodate 174 dwellings. At the centre of the site, Area X which currently consists of a woodland will accommodate 13 dwellings. At the southern end of the site area Y, which currently consists of woodland will accommodate 13 dwellings. In between these areas of managed woodland will be retained with footpath links accommodated to the commercial areas to the east. The indicative

layout also shows play areas and water bodies accommodated within the development.

2.3 The main spine road serving the proposed housing, and ultimately the wider Wynyard Park Estate to the east, will pass between area X and Y. This area is currently an open area which has been clear felled in the recent past. It will link to the existing roundabout on the A689 at its western end and terminate in a roundabout at its eastern end from which spurs will be provided to the housing areas. (The spine road will ultimately also link to the main estate road to the east providing the western end of the main spine road through the Wynyard Park Estate this is dependent however on how quickly the commercial and medical developments to the east are brought forward). In the short term it is intended that this length of road will serve only the housing areas, with access/egress to/from the site from the A689 provided on single carriageways (7.3m total width) from the existing roundabout to the south west which also serves Wynyard Village. In the longer term, as and when the medical and commercial developments are brought forward on the adjacent sites to the east, the access road will be dualled, with two 7.3m wide carriageways with a central reserve, and connected to the spine road serving the larger Wynyard Park estate. This would be controlled by a relevant condition. Alongside the highway a cycle path and footway will be provided accommodating an uncontrolled crossing point at the eastern side of the roundabout at the A689 and thereafter terminating at a point on the existing access road to Wynyard Village on the south side of the A689.

2.4 In support of the application the applicant has submitted a planning statement, a statement of community involvement, a design and access statement, a transport assessment, green travel plan, a flood risk assessment and an Environmental Impact Assessment.

Planning History

2.5 The site has a long and complicated planning history. The most relevant recent planning applications are listed below.

H/OUT/0583/96 Outline application for Business Park. Approved 21st April 1997.

2.6 H/FUL/0006/00 Variation of condition on outline planning permission H/OUT/0583/96 for business park to allow a longer period for the submission of reserved matters (10 years). Approved 28th April 2000.

2.7 H/2007/0182 Reserved matters submission pursuant to previously approved outline planning application H/VAR/0006/00 for a business park including details of siting and storey heights to accommodate 275205 sq m of business (B1) floor space and part submission of landscaping framework under condition 3 of outline planning permission H/OUT/0583/96.

2.8 This application for reserved matters approval for a larger Wynyard Park site, incorporating in part the current application site was subsequently effectively superseded by the application approved below.

2.9 H/2009/0494 Reserved matters application pursuant to outline planning permission granted under H/VAR/0006/00 for a Business Park to the North of the A689 Wynyard Park to accommodate 275,205m² of B1 floor space, 12,469m² of B2 floor space and 26,504m² of B8 floor space together with submission of landscaping framework under condition 3 of outline planning permission H/OUT/0583/96. Approved 4th October 2010.

2.10 This application again for reserved matters approval for a larger Wynyard Park site, incorporating the application site, was approved in October 2010. In this application, B1 floor space was approved on the three sites which are the subject of the current application. On the Pentagon site this amounted to some 60,147 square metres of floorspace contained in three storey buildings with 1733 parking spaces contained within the site. In relation to area X, 4170 square metres of B1 commercial floorspace was approved in mostly single storey accommodation with 119 parking spaces contained within the site. In relation to area Y 4170 square metres of B1 commercial floorspace was approved in single storey accommodation with 120 parking spaces contained within the site. It should be noted however that the three sites whilst broadly similar are not precisely identical to those which are the subject of the current application.

2.11 The application was granted planning permission subject to the completion of a legal agreement requiring measures to control construction traffic, a transport contribution, the implementation of a travel plan, the implementation of ecological mitigation measures, the implementation of a targeted training and employment charter, measures to control the construction/inspection of the spine road and requiring the developer to provide to new tenants an information pack relating to the construction of the principal estate road.

2.12 H/2009/0335 Outline application for a hospital development with associated landscaping, access and ancillary uses including on-site car parking and energy centre. Approved 11th October 2010.

2.13 In October 2010 outline planning permission was granted for a hospital development on a site to the east of the current application site. The application was granted planning permission subject to the completion of a legal agreement relating to health service provision, public transport provision, off site highway improvements, a cycleway contribution, a contribution for highway and/or public transport improvements at the Billingham Interchange, the implementation of a recruitment and training charter and the appointment of a travel plan coordinator.

Publicity

2.14 The application has been advertised by site notice, neighbour consultation and in the press. Forty five letters of objection, nineteen letters of no objection and six letters where no view was stated were received.

2.15 Those raising objections raise the following issues:

Traffic/Congestion/risk of accidents. Existing congestion will be made worse. Especially in combination with new Hospital and commercial development. No

public transport therefore residents will use cars. There needs to be solution for this such as back road/ring road around Wynyard to the south or an elevated roundabout over the A19 behind Samsung

Whilst suggested building homes next to the commercial site could mean less commuting there is no timescale for the development of the business park therefore commuting is more likely.

Where would the children go to school. William Cassidy (Stillington) and Wolviston Primary oversubscribed.

Site too far from Hartlepool to influence its housing market or economic prosperity.

Homes in forest setting will be damp and therefore deteriorate. The flies will be unbearable. Heating and maintenance bills will rise due to the damp conditions.

Poor planning for cars and vans in the Pentagon and cycle ways between houses will lead to antisocial behaviour problems in the future.

Contrary to Hartlepool's existing plan.

Planning officers have previously stated that they had agreements that development rights on the western edge of the site would not be implemented.

Urban sprawl. Wynyard is overdeveloped, original Wynyard vision has been badly damaged by overdevelopment and it is time to stop. Already a hospital and hotel for the same area. It was supposed to be a village it is becoming an oversized housing estate.

Unightly, too large and out of keeping with the area in terms of quality, density and design. It will make Wynyard a less desirable place to live.

Additional Housing not needed. Many houses for sale.

Environmental Impact. Destruction of an environmental amenity loss of prime green belt land. Destruction of ancient/mature woodland. Loss of farmland. Loss of habitat. Detrimental impact on wildlife (flora and fauna).

Unsustainable. Lack of services/social infrastructure. Transport & educational infrastructure needs major investment where will this come from? No water, gas, electric supply or drainage. No Public Transport, health centres, schools, no meeting places, church hall, community centre. This will have to be paid for by the local councils /central government. Cycle paths and pedestrian routes do not connect to existing infrastructure. A cycle path is of little use if it presents you with a hazardous crossing of the A689.

Precedent. It will lead to further housing development and associated shops, schools and facilities/services.

Residents oppose the development. Objections will not be taken seriously as usual.

Green belt land prone to flooding

The council should be encouraging the development of brownfield land, redevelopment of existing housing areas, not the destruction of beautiful countryside.

Who would benefit from the construction jobs local or national companies?

Land has outline permission for light/high quality commercial uses only.

Wynyard residents opposed the original approval but were ignored. No doubt this was part of a plan to gain acceptance prior to the “new” proposals.

Why is woodland being cleared? Does developer know he already has permission.

The A689 is a clear boundary between residential and commercial. Who would want to buy houses on an industrial estate or live next to where they work?

Noise, & light pollution. Noise and associated rise in crime & anti-social behaviour during construction. Increased activity in woodlands leading to nuisance in fields.

Development represents exploitative short term commercial vested interests thriving in an atmosphere of 12 years of planning chaos. Stockton BC has concluded that the Wynyard Park development was misconceived and existing consents are so extensive that if enacted they have the capacity to severely damage other strategic developments in the sub region and beyond and should be reconsidered.

2.16 The amended plans have been advertised by neighbour notification, site notice and in the press. Twenty one letters of objection and one letter where the writer does not state their views have been received. The writers raise the following issues:

Highway/Traffic problems. Road infrastructure already inadequate. Grid lock at peak times. Increased congestion and road safety issues. Hospital and other approved developments will make it worse. Emergency vehicles will not be able to reach the hospital. Road infrastructure should be improved. At least if a commercial development as originally proposed traffic movements would be against the outgoing flow. Though cycle ways included people at Wynyard do not cycle to work.

Environmental Impact on area. Loss of green field site, damage to landscape/habitat/wildlife. Destruction of ancient Woodland.

Increased noise and activity

Houses are not needed many remain unsold. There is building land still available in Wynyard.

Not sustainable. Lack of local amenities and infrastructure (Shops, Schools, playgrounds, medical facilities, church hall/community centre, telephone capacity, public transport, libraries etc). The supporting infrastructure needs to be provided upfront.

Expansion contrary to original vision for Wynyard.

Commercial and residential areas should not be mixed. Residential should be restricted to the area south of the A689.

Local authorities keen to encourage development to increase tax revenue but will not invest in local services.

Destruction of prime green belt, brownfield sites should be developed.

Not a designated housing area.

To add a new village adjacent to an existing village not acceptable. Issue of surface water drainage does not appear to have been fully mitigated, there may be impacts on Wynyard Village if proper arrangements not put in place. Land is prone to flooding.

Environmental Statement is full of misinformation and is out of date.

In the interests of the surrounding communities outline permission for commercial development should be reviewed and rescinded to protect woodland areas rather than be developed for housing.

Homes in forest setting will be damp and therefore deteriorate. The flies will be unbearable. Heating and maintenance bills will rise due to the damp conditions.

Poor planning for cars and vans in the Pentagon and cycle ways between houses will lead to antisocial behaviour problems in the future.

The development is a precursor to a larger development of over two thousand homes as reported in the Evening Gazette.

Amended proposals have not addressed concerns of residents.

2.17 The time period for representations has expired.

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CONSULTATION RESPONSES

2.18 The following consultation responses have been received.

One North East (ONE) : In coming to a decision the LPA will need to consider the proposals in the context of the saved policies of the Local Plan and the emerging core strategy affording appropriate weight of that draft DPD to its consideration

together with the implications of the subsequent loss of employment land. ONE notes the applicant's intention to provide high quality housing at the upper end of the housing market to attract residents into the Borough who currently look outside of the Tees Valley for their housing needs. ONE believes that better alignment of housing supply and demand can have a positive effect on the economy and allow the region to contribute to the achievement of RES objectives, the Northern Way and government targets. In this regard the reference in the Preferred Options Core Strategy DPD to the need to provide high quality executive housing to meet the sub-regional need for such housing is recognised and endorsed by ONE. In its commentary in the draft DPD the Council considers that the de-allocation of this area of Wynyard Business Park to allow such housing 'will still allow for sufficient land for prestige employment and will not hinder the economic growth aspirations of the Borough'. The Agency also notes the applicants' reference to their discussions with the LPA relating to the payment of a financial contribution towards the delivery of 22 affordable housing units off-site on brownfield land. In the above context, I confirm that subject to the LPA being satisfied that the number and type of housing units in this location, together with the offer of a financial contribution towards additional offsite affordable housing, is acceptable, ONE would raise no objection to the type of housing proposed. As you are aware the RES promotes the need for quality of place within existing and proposed development. Agency initiatives include delivering developments/regeneration schemes to comply with a set of Quality Design Standards. The aim is to deliver buildings which are over and above Building Regulation Standards and demonstrate best practice in areas of accessibility, sustainability, whole life costing and general design standards. With this in mind, the Agency would request the LPA to encourage the developer to pursue the highest standards of quality in the development of this site. The Agency welcomes reference in the Design and Access Statement that the applicants have been in consultation with Narec to determine the design principles for energy management within the scheme and their stated intention to focus on maximising the thermal and energy efficiency of the development. ONE recommends that at least 10% of the development's energy should come from renewable sources. We would further recommend that this target only be waived in exceptional circumstances where a compelling body of evidence is available to justify why renewable energy should not be used. The applicants state their intention to ensure the development is sustainable, with particular reference to proposals for the provision of a Combined Heat and Power Energy Centre as a long term plan to help move Wynyard Park towards self sufficiency in terms of its heat and power needs. However, they also recognise that this option will only be viable when a sufficient draw for its heat and power is available across the estate. Maximising energy efficiency measures and renewable energy generation will contribute to limiting carbon emissions and maintaining the regional reputation as a leading player in the development of a low carbon economy. Clearly, if the development is to contribute to the UK's energy reduction targets as outlined above then technologies such as the Energy Centre should be considered at this stage in the development process. In addition to the above, there is major activity in the North East to ensure the region is the first to have a comprehensive electric vehicle charging infrastructure in place. Given the scale and type of this development, it would be beneficial if the proposals incorporated charging point infrastructure within the dwellings to ensure that the development is 'EV ready'. This provision would also serve to underline the applicants' intention to make this a sustainable housing development and could

prove to be a selling point for the homes. ONE requests that the LPA requires the above energy efficiency and design quality issues to be addressed through the imposition of appropriate conditions at this outline planning permission stage to ensure that these matters are properly addressed for the entire development. This is considered particularly important in view of the development's self-build and bespoke elements. Subject to the satisfactory resolution of the above policy and renewable energy issues together with any highway and environmental issues and in the event that the LPA is minded to approve the application, ONE raises no objection to the proposed development.

Digital Britain : No comments received

Durham County Council : The only comments received related to a proposal to accommodate a cycleway link to the Castle Eden Walkway alongside the A689. It was advised that "The introduction of a cycle facility alongside a high speed derestricted dual carriageway would cause many concerns. Construction in crushed stone would be unacceptable because of risk of run off and water spray eroding the surface. The surface would have to be sealed. The design at pinch points would be a concern and there could be a requirement for physical segregation in the form of fencing between the facility and the highway. We would also need to consider access for maintenance / grass cutting vehicles. The highway is unlit outside the roundabouts and as such a cycle facility would be unsuitable as a year round facility for cyclist. I would have concerns about cyclist emerging or joining the facility at times of darkness. In principal I would express concerns about the feasibility of introducing a safe facility and I would welcome an alternative route to avoid this high speed section of road."

Stockton Borough Council : Stockton-on-Tees has some concerns in relation to this proposal unless the issues set out below are resolved to your satisfaction. I trust that the application will be determined in accordance with National Planning advice and regional and local development plan policies which apply in the area unless material considerations indicate otherwise. The role of Wynyard both in relation to housing and employment land is a major strategic issue for both Stockton and Hartlepool Borough Council.

The abolition of the RSS means that this forum is no longer available to determine the future role of the Wynyard area as a key employment location or for residential purposes. Therefore it is Stockton's and Hartlepool's joint responsibility to positively and proactively address, what the Government now term, this "larger than local" issue, in a strategic and comprehensive way. Indeed the provisions of the draft Localism Bill introduce a "duty to cooperate" between local planning authorities and other bodies.

Stockton-on-Tees Borough Council now considers that the time is appropriate for that review to begin. In December 2010, as a result of changes in the wider economy, Stockton Council decided to undertake an exercise to determine if it needed to review the housing element of the Core Strategy. This work is currently underway and it is reasonable that should such a review occur an exploration of the future role of the Wynyard area should form part of it. Events within Hartlepool Borough appear to support this view.

You will be aware that this Council has not objected to the proposals for modest, low density housing development, built out over the plan period at Wynyard, proposed in the two versions of Hartlepool's Core Strategy Preferred Options consultation. However, your consultation on this current planning application indicates that developers are not prepared to await a considered review of Wynyard via the statutory planning process but wish to precipitate development in a piecemeal and uncoordinated way.

I would suggest that as a matter of urgency, work is jointly undertaken by the two authorities, to examine comprehensively future development at Wynyard and to fully and properly consider the impact of the proposed new hospital, the need for highways improvements, the impact of potential development on landscape character, the need for social infrastructure, the role of Wynyard in relation to the housing offer within the Tees Valley and, if necessary the most sustainable location for affordable housing. All of this should be prepared with a view to producing a master plan which could then be the basis for the preparation of statutory policy documents (a joint Development Plan Document, Area Action Plan or Supplementary Planning Document, depending on the outcome of the work on the masterplan). This would present a robust position on which to bring forward future development. Until these discussions take place, I feel that this application is premature.

This application is submitted and being considered in isolation, however it is recommended that work is undertaken by Stockton-on-Tees Borough Council, Hartlepool Borough Council and the Highways Agency to consider development at Wynyard with respect to traffic generation and highway infrastructure mitigation with a view to producing a master plan thereby avoiding a piecemeal approach to future development in this area. Although the trip rates from the development are less than the extant permission, a S106 agreement exists for highway mitigation in accordance with the original consent. Congestion already exists on the A689 and this development will exacerbate it. Should the original development not be implemented then a S106 agreement must be included with this application that mitigates this development traffic and early discussions on the appropriate mitigation are recommended.

The application at present has no links proposed to the existing village and facilities and therefore is unsustainable development outwith any settlement boundary within a context of no approved masterplan. To assist development in the area you may wish to secure contributions towards the costs of providing additional infrastructure and meeting social and environmental requirements. These may include an education impact contribution, affordable housing and contributions to open space, sport and recreation facilities.

Stockton on Tees Borough Council (Technical Services Division) : The original response to this application gives reason for the request for S106 contribution, that although the trip rates from the development are less than the extant permission, a S106 agreement exists for highway mitigation in accordance with the original consent. Congestion already exists on the A689 and this development will exacerbate it. There is a need for Hartlepool, Stockton and the Highways Agency to

work together on the level of mitigation required and a masterplan should be produced to avoid piecemeal development in the area in the future.

Stockton on Tees Borough Council (Planning & Policy Development Officer):
Stockton Council would not request an education contribution because at present there are sufficient school places to serve a development of that size in that area.

Stockton on Tees Borough Council (Countryside & Greenspace Development Manager) : The development will generate additional demand for outdoor recreation facilities - and on that basis we may well argue that some contribution should be made to improving Wynyard Woodland Park and the Castle Eden Walkway, a short distance to the west of the development. This might include the upgrading of access routes within the park, provision of environmental interpretation, landscape/biodiversity enhancements, and other infrastructure such as improved car-parks and vehicle access off the A689.

More generally the cycleway, footpath and bridleway network in this area could be improved and extended to provide new recreational opportunities, and encourage sustainable travel to Wynyard Woodland Park, Wynyard Village and Billingham/Wolviston. The local countryside does have great recreational potential, but we will only capitalise on that through an integrated approach across the local authority boundaries: Hartlepool, Durham and Stockton.

I understand another strip of countryside to the south of the A689 and immediately east of the Castle Eden Walkway / Wynyard Woodland Park (and north-west of the existing Wynyard Village) is also due to be developed for housing. Again this lies within Hartlepool and I'd be grateful if you could also liaise with us on any proposed development here as well. In this case the development could incorporate green corridors and sustainable transport routes which will physically connect that new development and the existing Wynyard Village to the Castle Eden Walkway.

Happy to discuss any of this in more detail, if we can agree the general principles with Hartlepool BC.

Engineering Consultancy : In terms drainage the Engineering Consultancy have no objections to the drainage proposals. They note that it is proposed to drain surface water from driveways, footpaths and highways to a series of retention tanks which will be discharged at various points to Newton Hanzard Beck which will require approval by the Environment Agency. In the housing areas the potential use of soakaways and infiltration drains is considered. The Engineering Consultancy request that these details are conditioned.

In terms of contamination the Engineering Consultancy note the area has been historically Greenfield/undeveloped, based on the review of the supporting historical maps, and agree that site is at low risk of being contaminated. A condition requiring the reporting and remediation of any unexpected contamination is therefore requested.

Highways Agency : No objections. Acknowledge that the proposed development will generate a significant amount of traffic that has potential to adversely affect the operation of the junction on the A689 in particular the A19/A689. However the HA also acknowledge that the site benefits from an extant permission for B1 Office

development. The trip generation for the housing is significantly less than that that would be generated by the offices. The agency does not object therefore. The agency request a condition requiring the implementation of the travel plan and the monitoring of targets contained in the plan. The Agency note that the current legal agreement on Wynyard 3 requires the developer to make a contribution of £500,000 as soon as the first B1 development takes place on the site. As the housing will replace the B1 development they ask whether there is scope for the legal agreement to be re-negotiated to provide a level of mitigation for the trip generation from the proposed housing.

Natural England : Natural England raised no objections but made various comments in relation to the proposal. Bats : Requested results of bat surveys in order to provide substantive comments. Concluding that mitigation measures should be conditioned in consultation with the Local Authority Ecologist. Otters: Based on evidence provided advised that proposal unlikely to have an adverse effect on this species however suggest we might wish to attach an informative to any decision notice. Badgers and Breeding Birds advised regard should be had to standing advice the comments of the Local Planning Authority Ecologist and Teesmouth Bird Club including recommendations in relation to mitigation and compensation. Habitats The proposal will result in the loss of 5.8ha of mixed plantation woodland including areas of ancient replanted woodland and also lead increased fragmentation and disturbance. In mitigation woodland planting will be included as part of the landscaping scheme and a woodland management plan established for the remainder of the site. Natural England welcome these proposals which it advises should be agreed with HBC Ecologist and secured through a condition or appropriately worded legal agreement. However, they do not agree that the mitigation measures should produce a neutral impact on the surrounding woodland and instead consider therefore that if treated in isolation there will be a negative impact. They conclude therefore that consideration should be given to the provision of off site habitat creation/enhancement in the wider Wynyard Masterplan Area to compensate for on site losses in relation to the current proposal. These should be agreed with HBC Ecologist and secured through an appropriately worded legal agreement. (Note : Following further discussions this is the approach to be adopted) Local Wildlife Site. Natural England advise that the site is on/adjacent to the Wynyard Woods & High Newton Hanzard Wildlife Sites. Green Infrastructure: Natural England advise that the Tees Valley Green Infrastructure Strategy identifies the site as part of a strategic green corridor as well as providing biodiversity enhancement and access and recreation opportunities within the site itself access/entry points to the development should be designed to allow good links for walkers/cyclists to Wynyard Woodland Park and the wider green network. Landscape Issues Natural England confirm that the site does not fall within any nationally designated landscapes however all proposals should complement and where possible enhance local distinctiveness guided by Hartlepool's Landscape Character Assessment.

Environment Agency : No objection subject to conditions requiring (i) surface water drainage scheme (ii) provision and management of a watercourse buffer zone (5m from bank top), (iii) Otter mitigation (iv) Bridge works methodology. In the latter respect the Agency note that culverts are proposed for watercourse crossings and advise that these should be shown to have no detrimental impact on flood levels or

water levels. They advise that clear span structures are preferred to the pipes proposed and that the consent of the Environment Agency is also required for the installation of culverts under the Land Drainage Act 1991. The Environment Agency acknowledge, as stated in the applicant's Flood Risk Assessment (FRA), that the Environment Agency flood map, which shows a large area of the site being at risk from fluvial flooding, is incorrect in this area. From their site visit they confirm that they agree with the conclusions of the FRA that the flood risk is confined to the channel and will not flow out of bank.

Tees Valley Wildlife Trust : No comments received

Teesmouth Bird Club : Following revisions to the scheme, involving a reduction in the number of housing units and further to a site meeting with Ian Bond (HBC – Ecologist) and Prism Planning, Teesmouth Bird Club (TBC) does not object to this development. Our earlier objection of 3rd April 2011 is now withdrawn. Our revised position is dependent on the inclusion of TBC in further discussions concerning the development of the ecology and future management of the site.

RSPB : No comments received

Elwick PC : No comments received

Cleveland Emergency Planning Officer: No comments received

Tees Valley Unlimited (TVU): The following comments are based on the strategic implications of the proposal as far as they relate to the Tees Valley Unlimited Statement of Ambition, Sub-Regional Housing Strategy and the Tees Valley Economic Regeneration Investment Plan. Executive Housing. TVU recognise the shortage of Executive Housing in the sub region and one of its main strategic aims is to increase the supply in sustainable locations. Proposed density's and other statements indicate that the development by virtue of its densities of between 10-13 dph could be defined as "executive" and would therefore accord with the stated ambitions of TVU. Balanced Communities TVU wants to create balanced communities with a mix of house types and tenures. The development, which consists of large family houses and includes no on site affordable units, does not accord with TV Sub Regional Housing Strategy in this respect. It is noted however that 10% off site affordable housing provision is proposed and accepted that in a wholly executive development on site provision is unrealistic. In view of the high values the development will generate suggest that the (Local Planning Authority) may wish to consider an increased off site provision at least to that identified in the SHMA. Place TVU encourages creation of quality places. The scheme has considered the site and its context carefully and appears to incorporate principles of good design and can therefore be said to accord with TVU aspirations in this respect. Low Carbon Development TVU is leading the drive to a low carbon economy and would encourage a high standard of environmentally sustainable housing. In this respect the applicant's comments seem to imply a compliance with minimum standards with references to viability determining the final environmental performance of the scheme with no reference to Code for Sustainable Homes. The implied use of a Combined Heat & Power Scheme is commendable but its actual provision is vague. LPA should consider legal agreement or condition to ensure its

provision as there are downsides to the development of this site in terms of environmental sustainability. The scheme is commendable in terms of SUDS, cycle and footpath provision but this is offset by fact the site is poorly served by public transport and remote from local facilities and will do little to deter use of car. The applicant's contention that it will be better than what has been approved cannot form part of the assessment of this scheme and a great deal of further environmental mitigation measures could be achieved. Therefore the scheme cannot be said to fully accord with the wider low carbon development aspirations of TVU. Conclusion The proposal would result in the provision of well designed executive housing within the Tees Valley sub region and would therefore meet the strategic aspirations of TVU in this respect. The application as it currently stands however cannot be said to fully meet aspirations in respect to balanced communities and encouraging low carbon development.

The Ramblers Association : Our response is unchanged from that given in our earlier response. We consider that public connections to the adjacent right of way network is essential for the reasons we have given. We are sure that HBC's Countryside Access Officer will be able to indicate straightforward links to the neighbouring rights of way to guide the developer on the necessary improvements to amenity of the putative residents.

In their original response the Ramblers Association pointed out the lack of public footpaths in the Wynyard Estate and lack of access to North Burn & PROW network to the north & west. They noted that the footpaths to be provided are walkways in residential areas. They considered the design deficient in that it does not give any incentive for residents to seek healthy exercise in the surrounding countryside. Ask the council to REFUSE planning permission unless planning obligations are made for the creation of public links to the surrounding countryside.

Cleveland Police : Have written to applicant offering advice on secured by design and advising that metal theft is an issue in the area.

Tees Archaeology : I have downloaded the details from your website and paid particular attention to Chapter 14 of the EIA regarding the impact of the scheme on archaeology and other heritage issues. In short I agree with the mitigation set out in section 14.6 and agree that this can be carried forward as a planning condition.

Grindon PC : Express their concern in relation to the existing lack of infrastructure and the impact this development will have on the surrounding areas. Increased traffic in the area is also raised as a major concern.

Department of Communities & Local Government (Formerly GONE) : No substantive comments received other than an acknowledgement that the consultation had been received.

The Coal Authority : No observation or specific comments other than to request that their standing advice be included on decision notice.

Public Protection : I would have no objections to this application subject to the following condition. The Developer shall submit a glazing and ventilation scheme for identified dwellings within area Y of the submitted plans where there is direct

exposure of habitable rooms to road traffic noise to ensure that a reasonable noise level can be attained within the rooms. A reasonable noise level to a bedroom shall be an LAeq8hr which does not exceed 35dB(A) and LAMAXF that does not exceed 45dB(A). The said scheme shall be agreed in writing with the LPA and maintained for the life of the development. I am not aware of any noise complaints concerning the wind turbine developments in the area. These developments were assessed for their impact on existing properties at the application stage and relevant conditions to protect amenity were attached to the approvals.

Chief Solicitor : No comments received.

Property Services : No comment.

Economic Development : No objections in principle and accept that the loss of employment land is not critical given the overall size of the land allocations , however it will be imperative that the final scheme does not unduly effect the ability to develop out the business park in the long term.

Traffic & Transportation : All roads and footpaths have been agreed with HBC. The internal spine road linking the A689 / The Wynd Roundabout with the western internal roundabout junction is to be constructed as a single carriageway road. Prior to occupation of any B1 industrial phases this carriageway should be converted to a dual carriageway.

The location of bus lay-bys are shown on plan A (90)SKP 002, detailed plans showing low floor infra structure, tactile paving requirements and road markings should be agreed by HBC prior to commencement of works.

The developer should supply detailed plans of the proposed cycleway / footway crossing points at the Wynd Roundabout, the spine road prior to the Wynd Roundabout and the Pentagon Access Road prior to the western internal roundabout.

An emergency Access from the western internal roundabout to the pentagon development should be maintained for the lifetime of the development via the footway / cycleway. Public Utility apparatus should be sited in the footway / cycleway / verge unless otherwise agreed by HBC in order to minimise likelihood of having to close the road.

Sustainable Travel Officer : I would just reiterate my previous comments in relation to the Travel Plan for the development. "In itself, the Travel Plan document (that supports the application) is acceptable as it sets out a range of suitable measures for implementation, and adequate proposals for baseline surveys, monitoring and review. I would request that a condition is put in place to ensure that baseline surveys are carried out within 6 months of first occupation and a Final Travel Plan for the site to be developed within 12 months of first occupation. Submission of subsequent monitoring reports should also be conditioned for a least 1 year following approval of the Final Travel Plan."

Landscape Planning & Conservation: My comments of 31st March 2011 would still apply. In summary I consider that this application taken on its own would result in a net adverse effect on biodiversity therefore further mitigation should be proposed and agreed. Having carried out a further site visit and discussion with the client's agents and their ecologist, I am still satisfied that there is scope to mitigate for any residual adverse effects on biodiversity from this application by the provision of ex-situ mitigation on the wider Wynyard Park site, which is in the applicant's ownership. Consequently I am happy for the outstanding biodiversity issues, referred to above, to be concluded by way of a S106 agreement. The S106 should include the requirement to provide an ecological "balance sheet" of sorts, quantified as far as possible, to demonstrate that there will be an overall enhancement to biodiversity, in line with PPS9 and the draft National Planning Policy Framework. A timescale for the provision of the ecological "balance sheet" and the implementation of mitigation would need to be agreed within the S106.

Building Consultancy : No comments received.

Northumbrian Water : The documents state surface water drains to water course so not NW's concern. There are no adopted public sewers yet. Northumbrian Water has no objection to the development. Please note this is part of the Inset Appointment. Anglian Water is the supply company.

Hartlepool Water (Anglian Water) : Twin 250mm pipelines supply the area from a connection to our supply main system located near Amerston Hall water treatment works. This system was designed to supply the future growth within the Wynyard Area, and Hartlepool Water can provide the water supply for the development.

National Grid : No comments received.

Wolviston PC : In relation to planning guidelines and regulations we cannot object but do have some significant issues that we would like you to address with the developers.

In the first instance we would agree with and endorse the views submitted by Carol Straughan Head of Planning at Stockton Council.

We would however like to emphasis our concerns about the increased volume of traffic related both to the Wynyard Park area and proposed new hospital. We have seen the intended proposals planned within the boundaries of the original outline planning permission.

If all of the development takes place including the hospital there will be a substantial increase in the traffic through Wolviston village which would be at the centre of a desired cut through route for traffic from the north side of Stockton and Billingham and others from further away, in their need to avoid the A689 junction with the A19 which is already extremely congested at peak times and overall handles a substantial level of traffic en route to and from Hartlepool, north Billingham and Seal Sands. The increased volume alone will impact greatly on the fabric of life in the village. Added to this the noise from the A19 caused by the concrete surface which has now been in place for 25/26 years can only become worse. This is already a significant issue of concern for the residents to the west of the village nearest the

A19. When the traffic levels are high it is an offensive intrusion not helped by the lack of a sound barrier where the slip road runs onto the A19 going south. From the Stockton area traffic leaves the A177 at the Thorpe Thewles junction and Wynyard road which continues to Wolviston. Traffic then cuts across the road through Wolviston Green passing the Primary School to rejoin the A689 from the Eastside. There is already a problem with congestion in this area. Increased traffic will have a big impact on road safety in this area. Other roads within the village will also be affected by increased traffic using alternative routes to avoid congestion. Wolviston has a number of successful small businesses, which include a Post Office, two Public Houses and a number of small retail and service outlets. We have concerns for them in relation to the proposed retail outlets and facilities envisaged as part of the development.

Our other area of concern is the location of the development in relation to the two local authorities and boundaries they are responsible for, and more specifically in relation to the current proposals relating to housing provision from central Government currently out for consultation, which we believe could have a major impact on our village. We would like to see Hartlepool and Stockton working together on a Joint Development Plan and Area Action Plan to provide a firm framework for this and future applications, ensuring that the developers take a more structured approach within the guidelines of an approved master plan rather than adhoc applications in isolation.

In conclusion the application before you in isolation to the rest of the proposed intentions falls short in many ways in relation to Wolviston village. In discussion with the developers we know that they had not taken Wolviston into account in a significant way, given that personal consultation took place in the Wynyard residential area and Wolviston was not considered in this thought process. After meeting representatives from Wynyard Estates, further discussion with them did take place at the Council's AGM in March this year and an opportunity for wider circulation is available to us.

We are aware that presentation to a formal Planning Committee is some way off, but ask that the issues we outline will be given serious consideration in the discussions leading to it. We believe that our village, often described as the jewel in Teessides' crown will need help to cope with the changes if the current proposals go ahead, needing to be practically and financially included in the planning and development process by both Wynyard Estates and the Local Authorities.

Association of NE Councils : No comments received.

Parks & Countryside The main points regarding Public Rights of Way Access are; With the increase of housing development in 'Wynyard Village/Wynyard Park', there is a need for access links to be created to join into both the Hartlepool Public Access network and the Stockton Public Access network of paths and bridleways. This requires the creation of a number of public footpaths to link to the existing path network to the north and south.

To achieve this and to safely link to the rest of Wynyard Village, to the south of the A689, either a pedestrian cycle bridge needs to be constructed over the A689 or a safe crossing point needs to be created at the closest roundabout to the south west

of the proposed development, on the A689. This link would enable walkers and cyclists to access both the north and south developments and facilities more safely. At present the development proposal does not include public access creation and will create, as it stands, an enclave whereby only those with cars can enter or exit the development. This will stifle any attempt by the residents and other public to access the countryside on their doorsteps. The Council is looking to achieve a more sustainable outlook on transport, which includes walking and cycling, and this development proposal could be a strong model for this sustainability drive, by provision of countryside access links.

Close by is the National Cycle Network route No. 1 (Castle Eden Walkway). There is a need to provide a link to this strategically important route and the creation of paths and cycleways / cycletracks would enable this to be achieved.

Tees Valley Access Forum : Objection . The footpaths and cycleways are restricted to the pavements within the development and there is no connection with existing rights of way. As a consequence Countryside Access Officers in both Hartlepool BC & Stockton BC have been asked to discuss the matter with the developer.

Hartlepool Civic Society : Hartlepool Civic Society objects to this additional proposed development of 220 houses at Wynyard. It is entirely contrary to planning policies on sustainability. There are already virtually no facilities such as schools, public transport, shops, community facilities, public transport, etc. to serve the existing development.

The Society also objects to the lack of affordable housing included in the proposal. With the growing business park and the proposed hospital Wynyard does not need yet more executive housing. Affordable housing that can provide for those workers and nurses expected to be employed in the places of work which already exist and are planned for Wynyard must be provided.

The already existing delays on the A689 will be exacerbated by this proposal. Add the mix of commuting executives (there cannot be that many executive posts in Wynyard itself) with their spouses on school runs and shopping expeditions leaving Wynyard to the flow of workers accessing their work places in Wynyard and the existing traffic build ups are going to become impossible. This is particularly alarming for emergency access to any new hospital but also has drastic implications for Hartlepool as its vital link with the rest of Teesside and the A1 becomes a bottleneck. The resulting gridlock will have a huge effect on the economy of the area. The Society is shocked that this Borough Council might supporting a development perpetuating the creation of Wynyard New Town which has every advantage and which is bleeding potential business investment, the hospital, and wealthy households from long-established neighbours like Hartlepool. What will be left behind in this town?

The time has come for Hartlepool and Stockton Councils to urgently get together to come up with a comprehensive plan to deal with this out-of-control and expanding threat. Wynyard New Town will prosper at the expense of Hartlepool and other towns in the area. Straddling the two unitary authorities there will eventually become a time when its will either break away altogether or move into one unitary area.

Campaign for the Protection of Rural England (CPRE) : CPRE is most concerned about housing development in this location and wishes to object to the application: The site is separate from any other residential development and indeed situated on the other side of a busy road, the A689. It is disconnected from any services normally associated with residential development. Although it is accepted that land here has a commercial use, CPRE contends that that does not make it suitable for residential development.

CPRE is concerned that land that has a commercial use should be used for that purpose. It believes that it is inadvisable to remove land from such a purpose to allocate it for housing. If commercial land is removed in this way, there is a danger that there may in the future be a shortage of such land, leading to greater pressure for other green field land to be allocated for commercial purposes.

A point of major concern is the proximity of this site to the existing wind farms at Walkway/Butterwick and the approved site at Red Gap. We are aware there are already complaints of noise from existing residents about noise from the Walkway site. It seems inevitable that, should this application be approved, there will be more complaints.

In view of the above we respectfully request the application be refused.

Cleveland Fire Brigade Cleveland Fire Brigade have no negative observations to offer regarding planning application H/2011/0102. Access for Fire Appliances appears to broadly conform with the minimum requirements of Approved Document B Volume 1 - Dwelling Houses. Cleveland Fire Brigade's Water Officer has been informed regarding the development and is to check with the Water Authority as to the water scheme provision regarding hydrant provision for the development if she has not already been informed.

Green Spaces Development Officer : After our conversation and seeing the outline plans for the housing at Wynyard, I would consider that the site is out on its own, set in woodland and is to be made up of about 200 family executive houses. This development in my opinion should have its own play site and would be ideal for the PlayBuilder style of play site and about £150k should be spent to achieve the right standard of play provision for this site. This may initially sound expensive but the installation of a well designed and maintained play site can only increase the value of the over all site. An example of the style of play site can be seen at Glamis Walk in Hartlepool; this site has just been installed and cost about £50k but gives a good indication of the style and what at current costs can be expected.

Children & Adult Services : Our pupil projections already take this proposed development into account and projected pupils have been assigned to the following schools: Primary Community – Greatham, Primary RC - St Teresa's RC, Secondary Community – Northfield (as per local agreement with Stockton), Secondary RC – currently English Martyrs but should probably be a Stockton RC school. On average we should expect 18 primary and 14 secondary pupils for 100 houses. However, Wynyard has fewer than average attending local authority schools (14 primary and 10 secondary per 100 houses). About half of the pupils go to private

schools or outside of the Tees Valley but if they all chose to attend a local school we'd be looking at 26 primary and 20 secondary.

Currently all pupils in the Wynyard area attend schools outside of Hartlepool.

We have looked at the impact on schools in Hartlepool and do not believe that there will be an issue. However, we would suggest that you contact Stockton Borough Council as the development is more likely to affect local schools in the Stockton area.

Planning Policy

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

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

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

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

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

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.

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.

Ind1: States that land is reserved for development as a business park. Proposals for business development, and for those general industrial and storage uses which do not significantly affect amenity or prejudice the development of adjoining land, will be allowed where they meet the criteria set out in the policy. Town centre uses will not be allowed unless they are primarily providing support facilities for the business park. Travel plans will be required for large scale developments. The creation and maintenance of features of nature conservation interest and landscaping and woodland planting will be sought through planning conditions and legal agreements.

Rec2: Requires that new developments of over 20 family dwellings provide, where practicable, safe and convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

Rur2: States that housing and employment land is identified within the Wynyard limit to development but that expansion beyond that limit will not be permitted.

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

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.

Tra19: States that residential and industrial estates should be designed to ensure adequate access by modes of transport other than the car. Where appropriate, developer contributions will be sought towards improved public transport and alternative transport accessibility.

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.

Tra5: States that provision will be made for a comprehensive network of cycle routes and that new housing and industrial development and highway and traffic management schemes should take account of the need to provide links to the network.

WL7: States that development likely to have a significant adverse affect on locally declared nature conservation, geological sites or ancient semi-natural woodland (except those allocated for another use) will not be permitted unless the reasons for the development clearly outweigh the particular interest of the site. Where development is approved, planning conditions and obligations may be used to minimise harm to the site, enhance remaining nature conservation interest and secure ensure any compensatory measures and site management that may be required.

The relevant emerging (core strategy) policies and national policies will be discussed in the update report.

Planning Considerations

2.54 Discussions with the applicant regarding developer contributions are ongoing. It is hoped that these will be concluded shortly and an update report will follow.

RECOMMENDATION – UPDATE report to follow.



WYNYARD WOODS RESIDENTIAL DEVELOPMENT



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 19/10/2011
	SCALE 1:8000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRGNO H/2011/0102	REV

No: 3
Number: H/2011/0396
Applicant: Mr Neil Elliott Roseleigh Coast Road HARTLEPOOL
 TS27 4BE
Agent: The Design Gap Mr Graeme Pearson 40 Relton Way
 HARTLEPOOL TS26 0BB
Date valid: 09/08/2011
Development: Erection of a six bedroomed house including games room,
 swimming pool, gym and three car garage with room
 above and boundary wall/gates to front
Location: Land adjacent to Briarfields Briarfields Close Elwick Road
 HARTLEPOOL

The Application and Site

3.1 The application site is located within the Park Conservation Area. It is part of the former garden area of Briarfields House which is located to the south and is in the process of being converted into 8 apartments (H/2007/0733). The site has been largely cleared for development with a number of trees retained on the eastern side of the site. It is bounded to the west by a high Conifer hedge which forms the boundary with the front garden of Holly House, a substantial dwellinghouse in extensive grounds, set well back from Elwick Road and sited to the southwest of the application site. To the north is Briarfields Lodge and an associated garage and enclosed garden. To the eastern side of the site is open land and to the north east the former ambulance station which is vacant. To the south east are allotments located some distance from the site. Access to the site will be taken at the northeast corner from the existing access road which was recently improved following the grant of planning permission (H/2007/0818). It currently serves Briarfields Lodge, Briarfields House, the former ambulance station and the allotment site. It also forms part of a public footpath which crosses the Briarfields estate.

3.2 It is proposed to erect a large dwellinghouse with detached garage on the site. The dwellinghouse will be located in the centre of the plot. The first floor accommodation will comprise three en-suite bedrooms, an en-suite master bedroom suite accommodating a dressing room, and a games room with balcony (above swimming pool). The ground floor accommodation will comprise a gym, swimming pool with plantroom, a utility room, dining room, kitchen with breakfast room, a lounge, family room and a cinema room. In the roof space two further bedrooms, a study and cupboards will be accommodated. Access to the site will be taken from the north east corner and a 3 berth garage with garden store, wc, and first floor amenity space, will be accommodated in the north west corner of the site. A large patio area will be provided to the rear (west) side of the house. The dwellinghouse will be some 11.6m to the ridge with a footprint (excluding the swimming pool off shoots) of some 27m by 16m. The building will be constructed in brick with a tiled roof. The plans also indicate that solar panels will be provided on the roof on the south and west elevations and two air source heat pumps on the south west corner of the building.

Boundary walls and gates will be constructed to the front of the property. A Member has requested the application be referred to committee for consideration.

Planning History

3.3 Planning permission was granted in March 2008 for the erection of a detached dwelling and a detached triple garage block on the site (H/2007/0818). It does not appear that this permission was implemented.

Publicity

3.4 The application has been advertised by neighbour notification, site notice and in the press. Amended plans have been advertised by neighbour notification.

Two responses have been received from the same neighbour advising no objections.

The period for publicity has expired.

Consultations

3.5 The following consultation replies have been received:

Countryside Access Officer : A public Footpath (Hartlepool Public Footpath No.42) runs to the east of the proposed development. The start point of the path is at the entrance to Briarfields site running in a south easterly direction past the allotment site. At no time can the developer obstruct the right of way with materials, plant or machinery.

Landscape Planning & Conservation: (Comments on original proposals) This site is located in the Park Conservation Area, situated within the grounds of Briarfields House.

In considering the scale and massing of the property the proposal appears to be dominated by the two storey section to the left hand side of the building which houses the swimming pool/gym/games room. A reduction of this would provide some balance to the property and ensure that the proposal fits within the required 25% of the plot size specified in the Development Brief. (see below)

Turning to the design of the property the proposal does not reflect many of the properties in the conservation area which use a variety of materials. This is a particular characteristic of the buildings on this site which use a mixture of brick, render and timber to add interest to elevations and break up large expanses of the same materials. Consideration should be given to using a wider pallet of materials, echoing those used on buildings elsewhere on this site to better reflect the immediate vicinity.

With regard to the main entrance to the property whilst it follows some of the characteristics found in the conservation area in that it is located in a porch it does not reflect the entrances to the properties on this site. To the main house is a portico and to the Lodge house is a simple canopy over the door. Consideration should be

given to providing more of a statement entrance, perhaps with an open porch by removing the first set of double doors. Alternatively there may be a solution that can be provided in timber with a simple tiled roof to reflect the lodge house and the timber work to the rear of Briarfields.

It is not clear what the rationale is for the secondary door to the hall/utility/gym etc and in having this doorway with a canopy over this distracts somewhat from the main entrance doors. In addition there are also a set of French doors adjacent to this door. It is suggested that this secondary entrance could be removed to place greater emphasis on the main front door to the building.

With regard to the windows the form of the windows through out the property is the same with the only variation being the number of windows grouped together. The Conservation Area Appraisal (discussed below) notes the wide mixture of windows within the wider conservation. There are not the bays or variety of styles and sizes on this proposal found on other properties on this site. Consideration should be given to the design of the windows on the property and how these could better reflect the character of the site and the wider conservation area.

A Development Brief was produced for this site in 2006 which stated that, 'The preferred development will be an individually designed two storey dwelling unit covering no more than 25% of the plot size.' The specification of development area ensures that the hierarchy of buildings is retained on this site with a property which would not dominate Briarfields which should remain the principle house on this site. The dwelling proposed covers 28% of the site according to the supporting documentation in the form of the Heritage Statement. As such it would appear that it is too large for the site and consideration should be given to reducing the size of the property.

With regard to the proposed garage there would be no objections to this.

The boundary treatment proposed is a 1.8m high wall. This would reduce somewhat the open aspects of this estate and formally subdivide the plots. To provide some demarcation but to retain the existing visible hierarchy of buildings it would be preferable if the boundary reflected those already existing on site with a low wall and coping to provide some consistency of boundary treatments.

To conclude the proposal does not reflect the character of the conservation area as outlined above. The building is overly large for the site and the narrow pallet of materials along with the finer details in the form of windows and doors do not reflect the character of the site or the wider conservation area.

Further to this it is contrary to PPS 5 as the building does not make a positive contribution to the character and local distinctiveness of the historic environment. In particular the scale, height, massing, and materials result in this proposal harming the character and appearance of the Park Conservation Area.

Comments on amended plans : The amendments which have been made to the proposal do little to address the concerns raised in previous comments.

It is noted that the applicant has extended the plot to reduce the area on the site which is developed however the property still has the appearance of dominating the site when viewed from the access road.

It remains that the proposal does not reflect the character of the conservation area. The building is overly large for the site and the narrow pallet of materials along with the finer details in the form of windows and doors do not reflect the character of the site or the wider conservation area.

Further to this it is contrary to PPS 5 as the building does not make a positive contribution to the character and local distinctiveness of the historic environment. In particular the scale, height, massing, and materials result in this proposal harming the character and appearance of the Park Conservation Area.

Landscape Planning & Conservation (Arboriculturalist) : I would make no changes to my previous comments on this application, which are included below.

The applicant has submitted an arboricultural report which pertains to a previous planning approval for the site. The pre-development tree works element of the previous approval has already been carried out, and although much of the content of the report remains applicable, a revised tree protection plan which is relevant to the current layout proposal has not been submitted.

Therefore, I would recommend that a revised tree protection plan be submitted, showing the locations for the erection of temporary protective fencing around the root protection zones of the trees to be retained and any special measures required for construction works within root protection zones. This information should be provided prior to determination of the application so that a full assessment of the proposal as it relates to the existing trees at the site can be made.

The landscaping scheme submitted in support of the application shows locations for new tree planting but does not include sufficient detail to enable a full assessment of the landscaping proposal, therefore I would recommend that these details be required by condition. Standard conditions J161 and J170 apply.

Northumbrian Water : No objections

Engineering Consultancy : Storm drainage is proposed to public sewer and I understand that Northumbrian Water have no objections to this. I would therefore have no comments.

Hartlepool Civic Society: The amended plans do not appear to be much different from the original - in terms of appearance. There is now a classical porch instead of a lead in to the enclosed one.

Briarfields House and its matching lodge stand either side of the site of this proposed house. The existing main house and lodge are both in asymmetrical Victorian representation of English Tudor style while the proposed house is a heavy symmetrical classical-inspired house more suited to the stockbroker belt.

The proposed house is no shrinking violet and there appears to have been no attempt whatsoever to fit in to this part of the Park Conservation Area. In particular, sited between the two associated existing properties it damages the relationship and setting of both - to be candid - a rather brutally brash building.

The Society still objects to this plan.

Public Protection : No objection

Traffic & 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.

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

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

HE1: States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

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

Planning Considerations

3.7 The main planning considerations are policy, design/impact of the development on the character and appearance of the Conservation Area, the impact of the development on the amenity of neighbouring properties, drainage, highways and trees.

POLICY

3.8 The site lies within the urban fence where in principle residential development is acceptable and Planning Permission has previously been granted for the erection of a detached dwellinghouse on the site, now expired. The site is also within the Park Conservation Area where national and local policy requires that development should preserve and enhance the character and appearance of the Conservation Area and these issues are discussed below.

DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

3.9 Briarfields House was built in 1895, probably for a member of the Furness family, and was subsequently owned by the Cameron family. The family were significant locally as John William Cameron was engaged to run the Lion Brewery in 1865. For many years it was an aged persons home before being used as offices by the Social Services Department. It was declared surplus to requirements by the local authority in 2005 and is currently being converted to apartments.

3.10 The main house is part of a complex of buildings on a substantial site. These include a lodge house at the entrance gates to the property. This house was also disposed of in 2005 along with the main dwelling and has recently been renovated. To the boundary wall of the north of the site are a series of outbuildings some with their rear walls forming the boundary itself. The structures are contemporary to the main house and were possibly used as stables. The last known use was as an ambulance station. Alongside these with its main elevation facing north towards the outbuildings is a house which was originally a gardeners cottage but also used as part of the ambulance station.

3.11 Relevant national planning policy in this instance can be found in Planning Policy Statement 5; Planning for the Historic Environment.

HE7.2 states that, 'In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future

generations.’ In this instance the heritage asset is the Park Conservation Area and in particular the Briarfield site situated within this conservation area.

Policy HE7.4 proposes that ‘Local authorities should take into account:

- The desirability of sustaining and enhance the significance of heritage assets, and of utilising their positive role in place shaping; and
- The positive contribution that conservation of heritage assets and the historic environment generally can make to the establishment and maintenance of sustainable communities’.

Policy HE7.5 states that ‘Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.’

3.12 The Park Conservation Area Character Appraisal completed in 2008 provides an analysis of the character of the conservation area. It is noted that Briarfields is one of the estates that still defines, ‘the character of the conservation area’s green, low-density layout.’ The document states that the conservation area’s development is characterised by a distinct hierarchy of buildings. The hierarchy is apparent in the form, height and scale of each building and in detailing of its architecture. It is also apparent in layout and positioning.’ The appraisal proposes that ‘Group houses with no hierarchy should be avoided, ensuring that any development feeds off an existing hierarchy or introduces an appropriate new hierarchy in its form, height, scale and architectural detailing.’

3.13 In considering the architectural form in the area it is noted that ‘incremental development of the area has left a series of unique, sophisticated houses with interesting and coherent designs.’ It is stated that, ‘Most Major Historic Houses are highly modelled with bays, wings, setbacks, porches and offshoots, and have varied rooflines with towers, turrets, valleys, gables and hips. Main elevations appear particularly complex to make the house look larger and more labyrinthine than it is’. In particular it mentions that ‘Corners are usually well articulated and forms tend to cascade down to the sides and rears. This considerable variety creates visually stimulating buildings of great vigour and skill.’ Further to this the appraisal states that ‘Most of the Major Modern Houses follow this trend well’. In regard to doorways it is noted that, ‘They are used to make impressive statements of status and prosperity. Most doorways are emphasised with porches, hoods or porticos. Large porticos and porches are a recurrent feature, either in the body of the house or added as a feature. ‘Windows are also noted as ‘key features’, which are ‘emphasised to enliven the architecture.’ Further it is stated that ‘Bay and oriel windows are recurrent features, enlivening elevations and highlighting windows. They are square, canted or bowed and detailing on them is strongly emphasised.’

3.14 The proposed development is located on a plot between the main Briarfields House and the Lodge House. All of a complementary distinctive design and character As stated above the layout of properties within the conservation area has been influenced by the hierarchy of buildings located on estates with large properties set back on the site enjoying views to the south of the area, whilst small properties serving them such as lodge houses and stables are located nearer the entrance.

3.15 The original proposal attracted objections from both the Landscape Conservation Manager and Hartlepool Civic Society (outlined above). Following discussions amended plans were received however, they have done little to address the concerns raised.

3.16 It is clear, from discussions with the applicant's agent that the design has been heavily influenced by the applicant's aspiration to replicate a property on the Wynyard Estate rather than with due regard for the character and appearance of the Conservation Area and the relationship with the other buildings forming part of the Briarfields Estate. It is concluded that the proposal does not reflect the character of the conservation area. The building is overly large for the site and the narrow pallet of materials along with the finer details in the form of windows and doors do not reflect the character of the site or the wider conservation area.

3.17 Further to this it is contrary to PPS 5 as the building does not make a positive contribution to the character and local distinctiveness of the historic environment. In particular the scale, height, massing, and materials result in this proposal harming the character and appearance of the Park Conservation Area.

3.18 It is considered that the proposal is not acceptable in terms of its design and impact on the character and appearance of the Conservation Area.

THE IMPACT OF THE DEVELOPMENT ON THE AMENITY OF NEIGHBOURING PROPERTIES

3.19 The closest residential neighbours are Holly House to the west, Briarfields Lodge to the north and eventually when its conversion is completed Briarfields House to the south.

3.20 In relation to Holly House this property is a substantial house set well back from Elwick Road. It has a very large front garden which is in part screened from the application site by a high Leylandii Hedge. The closest part of the proposed dwellinghouse will be set some 11 –12m from the boundary whilst the garage will be closer, some 1-2m off the boundary, this is one and a half storey. Given the separation distances, it is not considered that the amenity of the occupiers of Holly House will be unduly affected by the development in terms of loss of light, privacy, outlook or in terms of any overbearing effect.

3.21 Briarfields House is currently in the process of being converted to 8 apartments. The gable to gable distance between the properties is some 7m though the proposed house will be to the north of Briarfields House so should not affect light to that property. The closest part of Briarfields House has a largely blank gable save for a stair well window and two bedroom windows (in the proposed conversion) at first floor and a two kitchen windows and a ground floor window and door serving a stair well (in the proposed conversion). The kitchen is also served by windows facing an internal courtyard. The closest part of the facing gable of the proposed dwellinghouse includes only ground floor windows and it is considered that any privacy issues could be addressed by appropriate boundary treatments. On this side of the property a rear projection accommodating a swimming pool projects to the

rear of the property, projecting some seven metres beyond the rear of Briarfields House. The swimming pool incorporates a balcony area serving a games room and concerns were expressed that this would dominate the adjoining property and potentially lead to nuisance. The applicant was asked therefore to provide a screen wall to the balcony and to move the swimming pool further off the boundary. In the amended plans a partial screen wall has been provided however the swimming pool and balcony remains in the same location. It is not considered that this relationship is ideal given the substantial presence of the building, close to the boundary may somewhat dominate the outlook from the closest flats and as the screen wall is only partial activities on the large balcony have potential to have a detrimental impact on the occupiers of the nearby flats. However Public Protection have not objected on these grounds and given the nature of the rooms facing the site and given the fact that there will be a degree of communal activity expected in a flat development it is considered difficult to resist on these grounds. In the event of an appeal however a more extensive screen wall would be requested. In this respect the relationship with Briarfields House remains unsatisfactory but on balance it is not considered would in itself justify refusal of the development.

3.22 Briarfields Lodge is located to the north east of the application site though its garden extends to the north. The proposed dwellinghouse extends to two and a half storeys however it is located to the south west of the Lodge, with the main part of the house located some 17m from the Lodge and some 8 to 15m off the common boundary. Both properties are oriented with their main elevation facing east and west and do not directly oppose each other. It is also the case that the garage of the Lodge stands between the two. It is considered that, given the physical orientation of the two properties and the separation distances involved, the proposed dwellinghouse would not unduly affect this neighbour in terms of loss of light, privacy, outlook or in terms of any potential overbearing effect. In relation to the garage whilst this will be located closer to the garden boundary it is further from the Lodge and whilst it may affect light to the rear part of the garden (the applicant has advised he has agreed to buy this part of the garden) the relationship is again considered acceptable.

3.23 It is not considered that the relationship between the proposed dwellinghouse and the existing properties is not entirely acceptable but would be difficult to resist on appeal.

DRAINAGE

3.24 The applicant has indicated that foul and surface water drainage will be to the public sewers. Northumbrian Water have raised no objections. In drainage terms the proposal is considered acceptable.

HIGHWAYS

3.25 Access to the site will be taken from the existing main access from Briarfields which has recently been improved and widened (H/2007/0725). The Traffic & Transportation Section have raised no objection and in highway terms the proposal is considered acceptable.

TREES

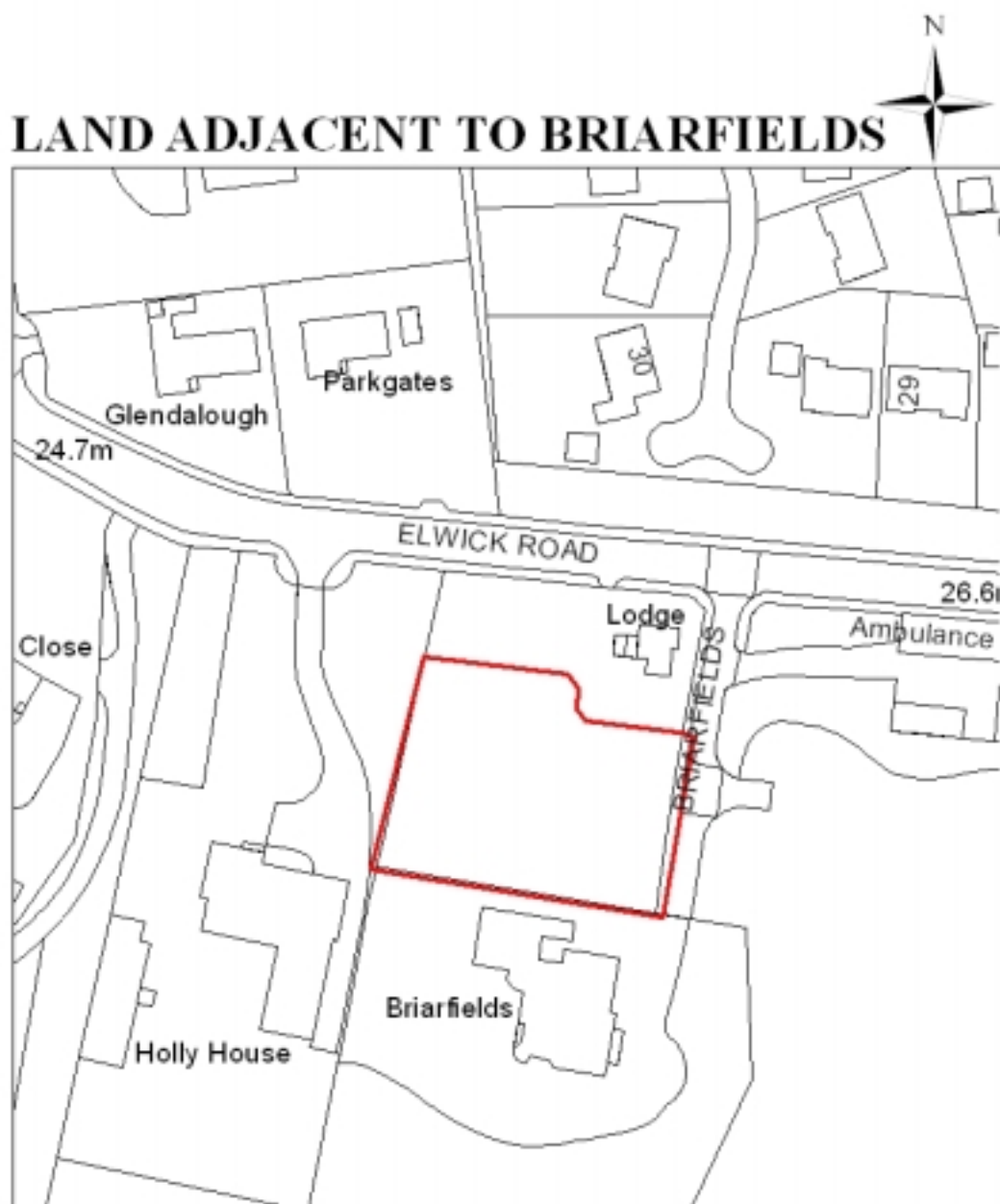
3.26 The site accommodates a number of mature trees. The trees are protected by virtue of their location in the Conservation Area. The applicant submitted an arboricultural report with the application, however this related to the earlier proposal approved on the site. The applicant was asked to provide an amended tree protection plan but has failed to do so. It is not considered therefore that the applicant has demonstrated that the development can be accommodated without any detrimental affect on the trees.

CONCLUSION

3.52 The proposal is not considered acceptable and is recommended for refusal.

RECOMMENDATION - REFUSE

1. It is considered that the proposal by reason of its design, scale, height, massing, and appearance would have a detrimental impact on the character and appearance of the Park Conservation Area. The proposal would therefore be contrary to national and local planning policy, in particular PPS 5 Planning for the Historic Environment and associated practice guidance and policies HE1 and GEP1 of the Hartlepool Local Plan 2006.
2. The applicant has failed to demonstrate that the development can be carried out without detriment to the health and wellbeing of the trees located on the site contrary to policies GEP1 , GEP 12 and HE1 of the Hartlepool Local Plan 2006.



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 19/10/2011
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRGNO H/2011/0396	REV

No: 4
Number: H/2011/0371
Applicant: MR R WELLS BLAKELOCK ROAD HARTLEPOOL
 TS25 5PF
Agent: JEFFERSON SHEARD ARCHITECTS MR ROBERT
 DENTON 2 SIDNEY STREET SHEFFIELD
Date valid: 18/07/2011
Development: Variation of Condition No. 15 of H/2008/0320 to allow the
 retention of a temporary access road
Location: HARTLEPOOL SIXTH FORM COLLEGE BLAKELOCK
 ROAD HARTLEPOOL

The Application and Site

4.1 The application site is the Hartlepool 6th Form College located on the north side of Blakelock Road. The site which comprises a wide range of buildings includes playing fields to the west. There are residential properties to the north, south and east with schools to the west.

4.2 There is a sports pavilion/clubhouse in the north west corner of the site currently used by the West Hartlepool Rugby Football Club as its headquarters.

4.3 Planning consent was granted in 2008 for extensive redevelopment of the college and its grounds. This scheme included the provision of a temporary access road for construction traffic from Catcote Road in the west, to the college over the sports fields. Works to the college are substantially complete.

4.4 The road which varies in width along the northern boundary of the site is part tarmac/part compacted stone. There are gates just beyond the rugby club house/pavilion with a further set of gates closer to the college. Planning consent H/2008/0320 allowed the provision of this access on a temporary basis until the works at the college had been completed. The relevant planning condition (15) requires the removal of the road within one month of the date of completion of the development.

4.5 The current application seeks the retention of the road for use by the college and rugby club on a restricted basis only:-

- a) The road will be used for ease when transporting goal posts and other sporting equipment from the college to the playing fields
- b) No vehicles will use the road except for emergency vehicles
- c) May be used occasionally for overspill parking for evening events at the college (approx 8 evenings a year)
- d) Would be used for visitor parking for the rugby club on match days.

Publicity

4.6 The application has been advertised by way of site notice. No objections have been received.

The period for publicity has expired.

Consultations

4.7 The following consultation replies have been received:

Traffic and Transportation – No objections

Public Protection – No objections

Landscape Planning and Conservation – No objections

Childrens Services – Awaited

Sport England – No objections

Police – Awaited but verbally no objections

Fire Engineering – No comments

North East Ambulance - Awaited

Planning Policy

4.8 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.

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.

GN2: Strictly controls development in this green wedge where planning permission will only be given for development comprising extensions to existing buildings within the area, or providing ancillary facilities to recreational uses, or providing wildlife sites and subject to the effect on the overall integrity of the green wedge.

Rec4: Seeks to protect existing areas of outdoor playing space and states that loss of such areas will only be acceptable subject to appropriate replacement or where there is an excess or to achieve a better dispersal of playing pitches or where the loss of school playing field land does not prejudice its overall integrity. Where appropriate, developer contributions will be sought to secure replacement or enhancing of such land remaining.

Planning Considerations

4.9 The main considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan and the impact of the development on the surrounding area in terms of amenity, the permanent loss of playing field and on highway safety.

4.10 As the road has been in place for some time and serves an existing development within the urban area, its retention would not be inappropriate in terms of policy. The loss of the small amount of playing field at the northern end of the site is considered to be acceptable as no significant impact has been experienced by users of the playing fields.

4.11 Sport England has offered no objections to the retention of the road on the basis that the road serves an ancillary purpose to the primary use of the site and does not affect the quantity or quality of the playing pitches.

4.12 The road is well distanced from residential properties and mostly screened by landscaping around the boundaries of the site. It is considered therefore that the road would have little impact in terms of noise and disturbance.

4.13 No objections have been offered by the Councils Highway Engineer who is satisfied that the retention of the road is acceptable in terms of highway safety provided that the gates are kept locked when not in use for the movement of sports equipment and that no through traffic is permitted at any time other than by emergency vehicles. The use of the road for through traffic is not considered to be acceptable.

4.14 It should be noted that on match days part of the road (to the north of the rugby clubhouse) is used for overspill parking by visitors to the rugby club. This would appear to be beneficial in that cars that would normally be parked on the highway would be parked safely away from Catcote Road.

RECOMMENDATION - APPROVE

1. This permission relates only to the variation of condition 15 attached to the original approval (H/2008/0320). All other conditions on the original approval (H/2008/0320) remain extant and must be complied with unless a variation is otherwise approved by the Local Planning Authority.
For the avoidance of doubt.
2. The road hereby approved shall not be used as a through route between the college and Catcote Road by vehicles other than emergency vehicles.
In the interests of highway safety.

3. The section of road between the college buildings and the gates to the east of the rugby club house/pavilion shall only be used for overspill parking for the college, accessed from the college main entrance only.
In the interests of highway safety.
4. The section of road immediately to the north of the rugby club house/pavilion and to the west of the gates to the east of the rugby club house/pavilion shall only be used for overspill parking for the rugby club on match days accessed from Catcote Road only.
In the interests of highway safety.
5. Both sets of gates (east and west) shall remain in place and be locked at all times when not in use for the movement of sports equipment by the college.
In the interests of highway safety.
6. The road hereby approved shall not be altered in any way without the prior written consent of the Local Planning Authority.
In the interests of highway safety.



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<p>HARTLEPOOL</p> <p>BOROUGH COUNCIL</p>		<p>DRAWN GS</p>	<p>DATE 19/10/2011</p>
		<p>SCALE 1:80200</p>	
<p>Regeneration and Neighbourhoods</p> <p>Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT</p>		<p>DRGNO H/2011/0371</p>	<p>REV</p>

No:	5
Number:	HFUL/1999/0320
Applicant:	Hart Aggregates
Agent:	Hart Aggregates Limited 15 Front Street Sherburn Hill Durham
Date valid:	29/06/1999
Development:	Application to determine suitable new planning conditions for quarrying operations
Location:	HART QUARRY HART LANE

The Application, Site and History

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

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

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

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

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

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

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

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

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

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

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

Publicity

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

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

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

Copy Letters D

Consultations

5.13 The following consultation replies have been received:

ANEC - No comments.

Community Services – No comments received.

Economic Development - No objections; supports proposals.

Ecologist – Notes that Hart Quarry is of significant geological interest as it is by far the largest exposure of Magnesian Limestone in the Tees Valley. It is also one of only three known habitats in Hartlepool hosting the Dingy Skipper butterfly. Although it is a Local Wildlife Site it is not yet listed as a Local Geological Site only because it is still a working quarry. The Council's Ecologist also highlights a number of issues requiring appropriate conditions, including geological conservation and the need for Tees Valley RIGS Group to monitor and document any important features/ finds; management of existing vegetation; protection of exposed cliff faces from infilling; and specific landscape requirements to allow for creation of calcareous grassland and maintaining a habit for the Dingy Skipper butterfly. The development is likely, at worst, to have a minor negative effect on the local population of bats in the short-medium terms. Several species of bird of prey including Schedule 1 species, Peregrine Falcon and Barn Owls are present on site, emphasising the importance of this site for biodiversity and the need to retain the cliff faces as much as possible.

Engineering Consultancy – No objection.

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

GONE – No comments received.

Hart Parish Council – No comments received.

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

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

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

HSE (HM Inspector of Quarries) – No objections.

HSE (Land Use Planning) – No comments.

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

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

Northumbrian Water - No objections

One North East - No comments.

Ramblers Association - No comments.

RSPB – No comments received.

Tees Archaeology – No comments received.

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

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

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

Planning Policy

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

Statutory Designations

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

Statutory Development Plan

5.15 The statutory development plan comprises:

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

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

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

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

Regional Spatial Strategy for North East England (2007)

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

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

Tees Valley

Sand and gravel: 0.21m tonnes

Crushed rock: 2.9m tonnes

Hartlepool Borough Local Plan (April 2006)

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

GEP1: General Environmental Principles

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

GEP5: Environmental Impact Assessment

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

GEP12: Trees, Hedgerows and Development

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

Min3: Mineral Extraction

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

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

Min4: Transportation of Minerals

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

Min5: Restoration of Minerals Sites

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

PU4: Protection of the Aquifer

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

Rur7: Development in the Countryside

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

WL4: Protected Species

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

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

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

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

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

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

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

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

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

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

National Planning Policy Guidance

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

Minerals Policy Guidance 14 (MPG 14) (Sep. 1995) gives advice to mineral planning authorities and the minerals industry on the statutory procedures to be followed and the approach to be adopted to the preparation and consideration of updated planning conditions.

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

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

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

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

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

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

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

Draft National Planning Policy Framework (2011), states that minerals are essential to support sustainable economic growth. When determining planning applications, MPAs should give significant weight to the benefits of mineral extraction, including the economy, shall ensure that there are no unacceptable adverse impacts on the natural environment, ensure that unavoidable dust and noise are controlled, mitigated or removed at source

and provide for restoration to be carried out to high environmental standards through the use of conditions.

Planning Considerations

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

5.23 This application allows the MPA to consider the imposition of more modern and up-to-date conditions. The ROMP application means that such conditions will ensure that, ultimately, following cessation of extraction, the restoration of the quarry will be secured in an environmentally beneficial manner.

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

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

The Principle of Extraction

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

Amenity

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

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

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

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

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

Ecology

5.31 The Environmental Statement (ES) and additional environmental information that has been submitted by the developer addresses a wide range of matters, not least the number of protected species for which the quarry provides either a temporary or semi-permanent habitat. It is considered that the proposed mitigation measures within the ES will help safeguard habitat interests, but it is considered that

appropriate conditions are necessary to ensure such safeguarding. In particular, the Council's Ecologist has recommended that conditions be applied in respect of:

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

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

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

Restoration and after-use of the quarry

5.34 The 1989 planning consent CH/293/89 was approved with extensive restoration details that included waste tipping on the site. It is understood that the applicant, Hart Aggregates Limited, will not be involved with the final restoration of the quarry as restoration rights were retained by the landlord (owner) of the site and were not included in the quarrying lease offered to Hart Aggregates Limited. The applicant has put forward restoration conditions in the schedule they have submitted with both of the current applications.

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

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

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

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

Other Matters

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

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

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

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

Conclusions

5.41 Successive governments have recognised that minerals are essential for development and, through that, for our quality of life and creation of sustainable communities. MPS1 re-affirms the view that it is essential that there is an adequate and steady supply of material to provide the infrastructure, buildings and goods that society, industry and the economy needs. Minerals development is different from

other forms of development because minerals can only be worked where they naturally occur.

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

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

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

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

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

RECOMMENDATION – A ROMP Certificate for application HFUL/1999/0320 be issued with the conditions below:-

A. APPROVED DOCUMENTS

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

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

(Reason No. 1)

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

(Reason No. 1)

B. MATTERS REQUIRING SUBSEQUENT APPROVAL

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

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

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

(Reason Nos. 3 and 4).

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

(Reasons Nos. 1, 3)

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

(Reason Nos. 1, 4)

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

(Reason Nos. 1, 4)

C. COMPLETION

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

(Reason No. 5).

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

(Reason No. 5).

D. WORKING HOURS

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

Mondays to Fridays 07:00 to 17:00 hours

Saturdays 07:00 to 13:00 hours

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

Mondays to Fridays 06:00 to 17:00 hours

Saturdays 06:00 to 13:00 hours.

(Reason No. 6)

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

(Reason No. 6)

E. ACCESS AND PROTECTION OF THE PUBLIC HIGHWAY

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

(Reason No. 7)

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

(Reason No.7)

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

(Reason No.7)

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

(Reasons Nos. 6, 7)

F. SOIL HANDLING

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

(Reason No. 4)

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

(Reason No. 3)

17. No soil shall be removed from the site.

(Reason No. 4)

G. SITE WORKING

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

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

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

(Reasons Nos. 4, 6)

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

(Reasons Nos. 2, 6)

H. SITE MAINTENANCE

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

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

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

I. BUILDINGS, PLANT AND MACHINERY

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

(Reason No. 6)

J. ENVIRONMENTAL PROTECTION

NOISE

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

(Reason No. 6)

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

(Reason No. 6)

BLASTING

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

(Reason No.6)

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

(Reason No. 6)

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

(Reasons Nos. 2, 6)

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

(Reason No. 6)

DUST

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

(Reason No. 6)

30. Dust suppression measures employed shall include the following:

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

(Reason No. 6)

K. SURFACE WATER DRAINAGE AND POLLUTION CONTROL

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

(Reason Nos. 10, 11)

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

(Reason Nos. 10, 11)

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

(Reason No. 17)

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

(Reason No. 17)

L. ITEMS OF ARCHAEOLOGICAL OR SCIENTIFIC INTEREST

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

(Reason No. 12)

M. REINSTATEMENT AND RESTORATION

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

(Reason No. 1)

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

(Reason No. 4)

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

(Reason No. 4)

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

(Reason No. 4)

40. The Mineral Planning Authority shall be notified when Condition 36 and 39 has been complied with in each restoration phase, and shall be given an opportunity to inspect the surface before further restoration work is carried out.

(Reason No. 4)

N. SOIL REPLACEMENT

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

(Reason No. 4)

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

(Reason No. 4)

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

(Reason No. 4)

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

(Reason No. 4)

O. AFTERCARE

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

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

(Reason No. 13)

P. ANNUAL REVIEW

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

(Reason No. 13)

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

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

(Reason No. 13)

Q. PROTECTED AND PRIORITY SPECIES AND GEODIVERSITY

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

(Reason No. 14)

49. The retention of features of particular geological interest within the quarry, which has regard for the need to maintain and enhance habitat for protected bird species, shall be carried out in accordance with the following documents and the enclosed figures therein:

- a) Hart Quarry. Review of Mineral Planning Permission Ref No CA48691 Dated 28th April 1971. Supporting Statement.
- b) Hart Quarry. Review of Mineral planning Permission Ref No CA48691 Dated 28th April 1971. Environmental Statement.
- c) Environmental Statement dated August 2009, together with Supplementary Environmental Information dated 3rd September 2010.

(Reason No.15)

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

(Reason No. 14)

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

(Reason No. 14)

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

(Reason 2).

REASONS FOR CONDITIONS

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

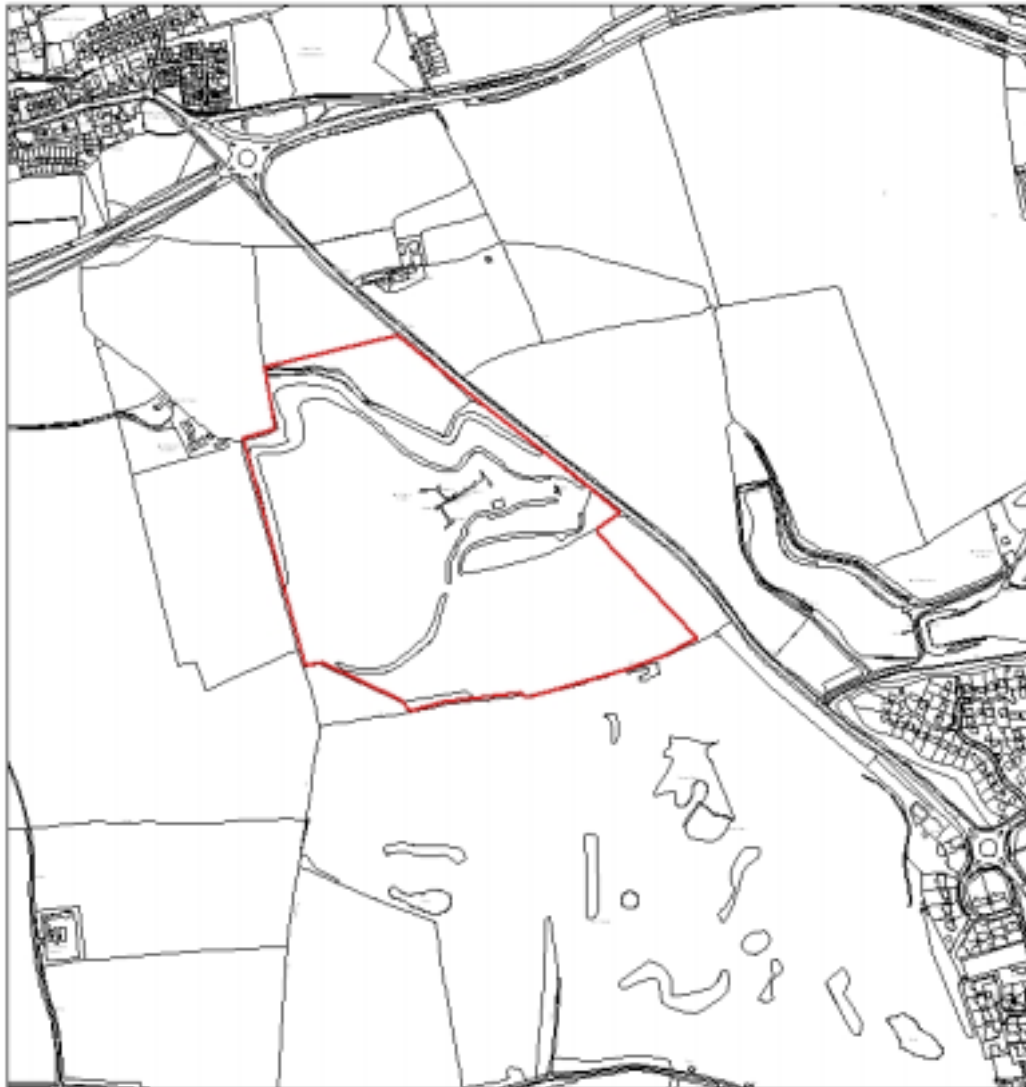
10. To protect land outside the site. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).
11. To avoid adversely affecting watercourses outside the site. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).
12. In the interests of archaeology. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).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

INFORMATIVES

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



HART QUARRY



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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

No: 6
Number: H/2009/0482
Applicant: HART AGGREGATES
Agent: HART AGGREGATES LTD 15 FRONT STREET
 SHERBURN HILL DURHAM DH6 1PA
Date valid: 03/09/2009
Development: Continuation of mineral extraction within expansion area
 previously approved under application CH/293/83
Location: HART QUARRY HART LANE HARTLEPOOL

The Application, Site and History

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

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

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

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

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

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

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

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

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

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

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

Publicity

6.11 The application has been advertised in two rounds of publicity in October 2009 and September 2010, the second following the submission of EIA supplementary

information. Publicity has been carried out by way of site notices, press adverts and neighbour letters (53). The period for publicity has expired.

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

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

Copy Letters E

Consultations

6.13 The following consultation replies have been received:

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

ANEC - No comments.

Community Services – No comments received.

Economic Development - No objections; supports proposals.

Ecologist – Notes that Hart Quarry is of significant geological interest as it is by far the largest exposure of Magnesian Limestone in the Tees Valley. It is also one of only three known habitats in Hartlepool hosting the Dingy Skipper butterfly. Although it is a Local Wildlife Site it is not yet listed as a Local Geological Site only because it is still a working quarry. The Council's Ecologist also highlights a number of issues requiring appropriate conditions, including geological conservation and the need for Tees Valley RIGS Group to monitor and document any important features/ finds; management of existing vegetation; protection of exposed cliff faces from infilling; and specific landscape requirements to allow for creation of calcareous grassland and maintaining a habit for the Dingy Skipper butterfly. The development is likely, at worst, to have a minor negative effect on the local population of bats in the short-medium terms. Several species of bird of prey including Schedule 1 species,

Peregrine Falcon and Barn Owls are present on site, emphasising the importance of this site for biodiversity and the need to retain the cliff faces as much as possible.

Engineering Consultancy – No objection.

GONE – No comments received.

Hart Parish Council – No comments received.

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

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

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

HSE (HM Inspector of Quarries) – No objections.

HSE (Land Use Planning) – No comments.

Natural England – Advises that the proposal is unlikely to have an adverse effect in respect of species protected by law (bats). Advises that the proposal is unlikely to have an adverse effect in respect of species protected by law (birds) subject to conditions. Two UK BAP species have been recorded from the site. Natural England advises that an alternative habitat for Dingy Skipper butterflies should be a condition of any approval. Advises that the above proposal is unlikely to have an adverse effect in respect of a protected species (species must remain confidential by law) subject to conditions. Advises that a provision of lighting in restoration is agreed by condition. Recommends that provision is made for the retention of any features of particular geological interest in the development of the detailed restoration scheme. Detailed restoration proposals should be developed in full discussion with the Local Authority. Request for additional conditions, especially in respect of

geological aspects, restoration proposals including soils and agriculture, protected and priority species, and habitat creation for the dingy skipper butterfly.

Northumbrian Water - No objections

One North East - No comments.

Ramblers Association - No comments.

RSPB – No comments received.

Tees Archaeology – No comments received.

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

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

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

Planning Policy

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

Statutory Designations

- The site is designated as a Local Wildlife Site formerly a Site of Nature Conservation Interest (SNCI) in the Local Plan (see below).
- Approximately 8ha of the site is also allocated within the (soon to be adopted) Tees Valley Joint Minerals and Waste Policies and Sites DPD, for the extraction of crushed rock (see below).

- The site lies within the wider Tees Forest Area on the adopted Local Plan (now the North East Community Forest – although this no longer exists as a functioning body).
- Hart Windmill is a Grade 2 Listed Building situated approximately 100 metres from the north-western corner of the quarry.

Statutory Development Plan

6.15 The statutory development plan comprises:

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

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

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

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

Regional Spatial Strategy for North East England (2007)

Policy 43: Aggregate Minerals Provision states that Minerals and Waste Development Frameworks, Minerals Development Frameworks, Local Development Frameworks, and planning proposals should make provision to maintain a land bank of planning permissions for primary aggregates which is sufficient to deliver 26.25 million tonnes of sand and gravel and 156 million tonnes of crushed rock over the 21 year period 2001-2021 based on the following apportionment to sub-regional areas:

Tees Valley

Sand and gravel: 0.21 m tonnes

Crushed rock: 2.9 m tonnes

Hartlepool Borough Local Plan (April 2006)

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

GEP1: General Environmental Principles

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

GEP5: Environmental Impact Assessment

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

GEP12: Trees, Hedgerows and Development

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

Min3: Mineral Extraction

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

Min4: Transportation of Minerals

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

Min5: Restoration of Minerals Sites

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

PU4: Protection of the Aquifer

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

Rur7: Development in the Countryside

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

WL4: Protected Species

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

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

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

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

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

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

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

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

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

National Planning Policy Guidance

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

Minerals Policy Guidance 14 (MPG 14) (Sep. 1995) gives advice to mineral planning authorities and the minerals industry on the statutory procedures to be followed and the approach to be adopted to the preparation and consideration of updated planning conditions.

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

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

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

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

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

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

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

Draft National Planning Policy Framework (2011), states that minerals are essential to support sustainable economic growth. When determining planning applications, MPAs should give significant weight to the benefits of mineral extraction, including the economy, shall ensure that there are no unacceptable adverse impacts on the natural environment, ensure that unavoidable dust and noise are controlled, mitigated or removed at source and provide for restoration to be carried out to high environmental standards through the use of conditions.

Planning Considerations

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

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

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

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

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

The Principle of Continued Extraction

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

Amenity

6.27 Since the quarry first opened, when the nearest residential properties were mainly within Hart Village to the north, its relative isolation within the open countryside has been encroached upon by the north-westwards extension of Hartlepool's urban fringe. This means that some recent new housing development lies closer to the extended element of the quarry than Hart Village, and it will be necessary to ensure residential amenity is not adversely impacted by on-going

works. Some of the environmental issues and potential impacts - such as from noise and dust - are covered by other legislation in addition to any planning controls that can be imposed. Neither the Council's Environmental Health Officer nor Highways Engineer is opposed to the current applications, although Members might wish to ensure that the situation be continued to be monitored over time.

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

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

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

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

Ecology

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

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

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

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

Restoration and after-use of the quarry

6.35 The 1989 planning consent CH/293/89 was approved with extensive restoration details that included waste tipping on the site. It is understood that the applicant, Hart Aggregates Limited, will not be involved with the final restoration of the quarry as restoration rights were retained by the landlord (owner) of the site and were not included in the quarrying lease offered to Hart Aggregates Limited. The applicant has put forward restoration conditions in the schedule they have submitted with both of the current applications.

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

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

6.37 As extraction from the site could take up to 2042, it is considered premature to approve final restoration details and after-uses at this stage. The geological, ecological and habitat importance of the quarry have been identified above and - both legally and in policy terms - it is considered important that those features be protected. To this end the current aspirations set out in the Environmental Statement for a golf facility once the quarry is closed, together with attendant elements such as external lighting and some of the proposed landscape details (especially the amount

of tree planting that is normally associated with a golf course), could present some difficulties for the important features identified by both statutory and non-statutory consultees, and mentioned above. Accordingly it is recommended that final restoration details be the subject of a condition, with after-use of the quarry site following the cessation of extraction, being the subject of a separate planning application to be determined closer to the end-date of the quarry.

Other Matters

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

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

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

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

Conclusions

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

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

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

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

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

6.46 Accordingly, it is recommended that having regard to all relevant development plan policies and relevant material planning considerations, Members are minded to approve the continued extraction in accordance with the conditions set out below.

RECOMMENDATION – Approve subject to the following conditions

A. APPROVED DOCUMENTS

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

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

e) Documents entitled:

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

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

- vi. Environmental Statement dated August 2009, together with Supplementary Environmental Information dated 3rd September 2010.
- f) Figures enclosed with documents (b) (i) (ii) and (ii).

(Reason No. 1)

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

(Reason No. 1)

B. MATTERS REQUIRING SUBSEQUENT APPROVAL

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

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

last for five years from the date of planting and shall include the weeding of the planted area, repairing of any damaged fencing and the replacement of any plants which die or are seriously affected by disease;

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

(Reason Nos. 3 and 4).

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

(Reasons Nos. 1, 3)

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

(Reason Nos. 1, 4)

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

(Reason Nos. 1, 4)

C. COMPLETION

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

(Reason No. 5).

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

(Reason No. 5).

D. WORKING HOURS

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

Mondays to Fridays 07:00 to 17:00 hours

Saturdays 07:00 to 13:00 hours

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

Mondays to Fridays 06:00 to 17:00 hours

Saturdays 06:00 to 13:00 hours.

(Reason No. 6)

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

(Reason No. 6)

E. ACCESS AND PROTECTION OF THE PUBLIC HIGHWAY

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

(Reason No. 7)

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

(Reason No.7)

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

(Reason No.7)

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

(Reasons Nos. 6, 7)

F. SOIL HANDLING

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

(Reason No. 4)

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

(Reason No. 3)

17. No soil shall be removed from the site.

(Reason No. 4)

G. SITE WORKING

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

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

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

(Reasons Nos. 4, 6)

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

(Reasons Nos. 2, 6)

H. SITE MAINTENANCE

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

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

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

I. BUILDINGS, PLANT AND MACHINERY

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

(Reason No. 6)

J. ENVIRONMENTAL PROTECTION

NOISE

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

(Reason No. 6)

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

(Reason No. 6)

BLASTING

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

(Reason No.6)

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

(Reason No. 6)

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

(Reasons Nos. 2, 6)

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

(Reason No. 6)

DUST

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

(Reason No. 6)

30. Dust suppression measures employed shall include the following:

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

(Reason No. 6)

K. SURFACE WATER DRAINAGE AND POLLUTION CONTROL

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

valves, vents and sight glasses associated with the storage tanks shall be located within the bunded area.

(Reason Nos. 10, 11)

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

(Reason Nos. 10, 11)

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

(Reason No. 17)

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

(Reason No. 17)

L. ITEMS OF ARCHAEOLOGICAL OR SCIENTIFIC INTEREST

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

(Reason No. 12)

M. REINSTATEMENT AND RESTORATION

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

(Reason No. 1)

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

(Reason No. 4)

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

(Reason No. 4)

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

(Reason No. 4)

40. The Mineral Planning Authority shall be notified when Condition 36 and 39 has been complied with in each restoration phase, and shall be given an opportunity to inspect the surface before further restoration work is carried out.

(Reason No. 4)

N. SOIL REPLACEMENT

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

(Reason No. 4)

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

(Reason No. 4)

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

(Reason No. 4)

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

(Reason No. 4)

O. AFTERCARE

45. A detailed aftercare scheme shall be submitted to the Mineral Planning Authority prior to commencement of restoration in each approved phase and shall include a

programme for the maintenance and management of the reclaimed land for five years in each phase. The scheme shall include details of the following:

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

(Reason No. 13)

P. ANNUAL REVIEW

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

(Reason No. 13)

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

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

(Reason No. 13)

Q. PROTECTED AND PRIORITY SPECIES AND GEODIVERSITY

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

(Reason No. 14)

49. The retention of features of particular geological interest within the quarry, which has regard for the need to maintain and enhance habitat for protected bird species, shall be carried out in accordance with the following documents and the enclosed figures therein:

- a) Hart Quarry. Review of Mineral Planning Permission Ref No CA48691

- Dated 28th April 1971. Supporting Statement.
- b) Hart Quarry. Review of Mineral planning Permission Ref No CA48691 Dated 28th April 1971. Environmental Statement.
- c) Environmental Statement dated August 2009, together with Supplementary Environmental Information dated 3rd September 2010.

(Reason No.15)

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

(Reason No. 14)

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

(Reason No. 14)

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

(Reason 2).

REASONS FOR CONDITIONS

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

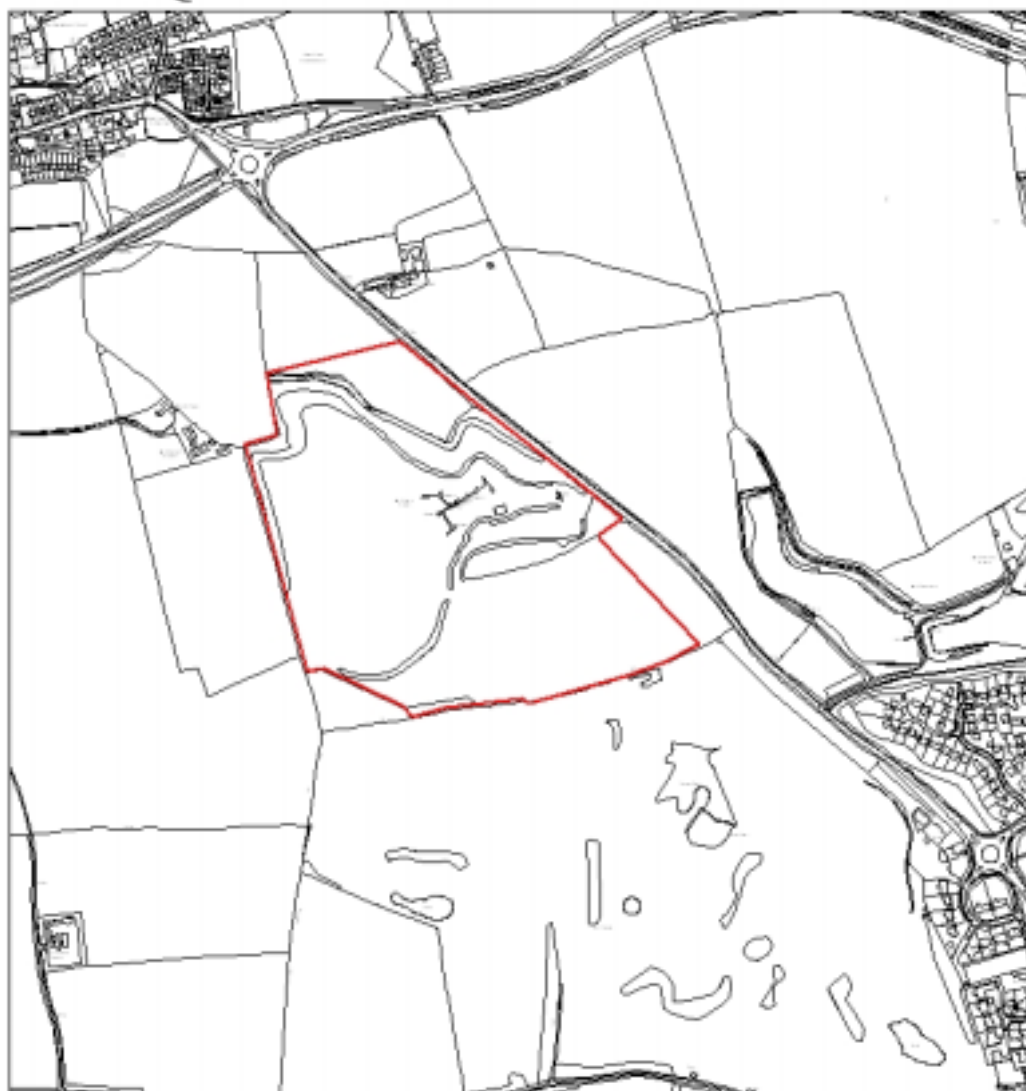
23. In the interest of residential amenity. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).
24. In the interests of highway safety. (Hartlepool Local Plan Policy Min4 – Transportation of Minerals).
25. In the interests of agriculture. (Hartlepool Local Plan Policy Min3 – Mineral Extraction).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

INFORMATIVES

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



HART QUARRY



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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

No: 7
Number: H/2011/0059
Applicant: Mr Alan Henderson Lock Office Slake Terrace
HARTLEPOOL TS24 0RU
Agent: England & Lyle Mr Gary Swarbrick Morton House Morton
Road DARLINGTON DL1 4PT
Date valid: 03/02/2011
Development: Demolition of existing amenity building and erection of a
two storey building comprising commercial unit (Use
Classes A1, A3 and A4) at ground floor and yacht club
and amenity facilities at first floor (resubmitted application)
Location: NAVIGATION POINT MARINA

The Application and Site

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

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

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

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

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

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

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

History

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

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

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

Publicity

7.10 The application has been advertised by way of neighbour letters (26), site notice and press advert. To date, there have been 2 letters of no objection and 6 letters of objection. The objections include:-

- a) The development would affect daylight/sunlight to Moorings Eaterie
- b) It will appear unduly large and out of keeping
- c) Insufficient parking and loss of disabled parking adjacent to Moorings Eaterie
- d) Totally unsuitable outlook
- e) Not in keeping with the look of the Marina
- f) Would block out light
- g) Would add to ever increasing problems with drains
- h) Overdevelopment of Navigation Point
- i) A Section 106 Agreement should be entered into to limit the use of the building. If this does not occur, the Highway Authority should apply maximum standards of car parking.
- j) the 2 storey structure is within 15m of the canopy of the nearby café. This would reduce the amenities currently enjoyed by patrons of the café and also residents of the flats above the café.
- k) The proposed design fails to understand the principles of the Marina as a whole.
- l) Will inhibit the use of the boat hoist.
- m) Serious problems with current drainage system will be made worse
- n) Is it desirable to erect such a structure so close to the edge of the Marina?
- o) Car parking issues. As a result of introducing parking charges, people are parking vehicles on Middleton Road to the detriment of highway safety.

Copy letters C

The period for publicity has expired.

Consultations

7.11 The following consultation replies have been received:

Environment Agency – awaited. There have been a number of discussions between the EA and the Local Planning Authority regarding the drainage and flooding issues in this area. Previous responses have been withdrawn due to changes in circumstances and ownership of the drainage system. The situation is currently under review and a written response should be available before the meeting of the planning committee. Officers at the EA have however verbally inferred that it is unlikely that an objection would be raised in terms of foul water drainage.

The Environment Agency has reminded the Local Planning Authority that PPS25 “Development and Flood Risk” requires all new major and non major development proposed in flood zones 2 and 3 be subject to the sequential test and exception test as applicable.

Traffic and Transportation – considering the outcome of the previous application and appeal, no objections would be raised in terms of parking and highway safety.

Property Services – awaited

Northumbrian Water (NWL) – Further to our meeting at Hanson House on 5 October 2011 I write to confirm Northumbrian Water’s position with regard to this planning application.

As we discussed this is a complex application due to the implementation of the Private Drains and Sewers Transfer Regulations on 1st October 2011. In effect this changed responsibility for the ownership and maintenance of some of the sewers on the marina on that date, with many of the sewers becoming the responsibility of Northumbrian Water.

For the marina, the transfer regulations mean that the foul sewers on at marina transferred, the sewage pumping stations will transfer at some time before 2016, however the surface water sewers remain private.

The relevance of this to the planning application is as follows:-

Flood risk management

As the surface water sewers on the marina are in private ownership and they ultimately discharge to the marina, it is a matter for you as the local planning authority and Lead Local Flood Authority to assess flood risk in accordance with PPS25 “Development and Flood Risk”. However no surface water from the development can connect to the foul water sewers.

Discharge of foul sewage.

The sewers to which the applicant wishes to connect foul drainage from the development transferred into Northumbrian Water ownership on 1 October and now fall under our statutory duty to effectually drain our area as described in Section 94 of the Water Industry Act 1991.

The sewers are of sufficient capacity to accept the anticipated flows and we therefore have no reasonable grounds for objection to the plans.

Operational issues

We are aware, through our regular liaison meetings with your Engineers that there have been reports of blockages upon the foul sewers serving the marina and I wish to assure you that our Sewerage Operations team have scheduled planned preventative maintenance inspection for the foul sewers serving the marina. In addition to this we will begin the process of investigating the structural and service condition of the sewerage system to assess any immediate and long term investment requirements.

However, as we discussed this is not a material consideration with regard to the planning application.

We are aware that your Engineers have some detailed long term performance information and CCTV data for the sewers and I would suggest that we agree to discuss the way forward at our next quarterly liaison meeting.

Engineering Consultancy – The Council's Drainage Engineer has serious concerns regarding the drainage within the Marina as a whole and particularly with the area around Navigation Point and to the south. Having now reviewed the situation in the knowledge that the foul drainage system will be under the control of Northumbrian Water, the following comments have been received:-

'I am in receipt of recent comments made by Northumbrian Water in connection with the foul drainage elements of this proposal.

My previous comments / concerns are still valid but I note Northumbrian Water's advice that the sewers to which the applicant wishes to connect transferred to Northumbrian Water on 1st October 2011 and that they consider that sufficient capacity exists to accept the flows and therefore do not object to the proposal. I also note Northumbrian Water's intention to undertake scheduled planned maintenance inspection for the foul sewers and begin the process of investigating the structural and service condition of the sewers to assess immediate and long term investment requirements and acknowledge that this approach is sufficient to address my previous concerns. I have already begun discussions with technical representatives from Northumbrian Water in connection with the short and long term requirements and welcome this as a positive step forward and can therefore remove my previous objections to this proposal on drainage grounds.

In their response, Northumbrian Water mention CCTV data for the sewers and that further discussions should be taken forward in our regular liaison meetings. I would

endorse this approach, however I am not in receipt of all CCTV survey information carried out for this system. I am aware of a further CCTV survey which has been carried out by the applicant and would request that this is made available by the applicant to both HBC and Northumbrian Water to aid our discussions.'

A Section 80 notice will be required for the demolition of the existing building. Tests for landfill gas will be required and the appropriate measures taken if necessary.

Public Protection – there are serious concerns regarding this application. The drainage system serving Navigation Point is in my opinion, already operating above its capacity. The drains have blocked twice in the last three weeks (March 2011) and have had to be cleared at a significant cost. Adding further commercial units to the system can only make the system worse. Should this application be approved I would require conditions restricting the opening hours to no later than midnight, the installation of extract ventilation and the installation of grease traps to the drainage system. No music (amplified or piped) shall be played in any of the outside areas including the balconies. Separate staff sanitary accommodation will be required.

Planning Policy

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

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

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

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

Com9: States that main town centre uses including retail, office, business, cultural, tourism developments, leisure, entertainment and other uses likely to attract large

number of visitors should be located in the town centre. Proposals for such uses outside the town centre must justify the need for the development and demonstrate that the scale and nature of the development are appropriate to the area and that the vitality and viability of the town centre and other centres are not prejudiced. A sequential approach for site selection will be applied with preferred locations after the town centre being edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Proposals should conform to Com8, To9, Rec14 and Com12. Legal agreements may be negotiated to secure the improvement of accessibility.

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

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

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

Rec9: States that a network of recreational routes linking areas of interest within the urban area will be developed and that proposals which would impede the development of the routes will not be permitted.

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

Planning Considerations

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

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

Policy

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

PPS4: Planning for Sustainable Economic Growth sets out the Government's objectives with regard to economic development and details how planning applications should be approached when the proposed development impacts on existing centres.

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

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

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

In policy terms an A3 or A4 use and the yacht club/amenity use would be considered acceptable here. In terms of the proposed A1 retail use Hartlepool Local Plan policy Com8 states that the preferred location for shopping development is within the town centre, then edge of town centre such as the Marina. Policy Com9 also states that main town centre uses likely to attract large numbers of visitors should be located in the town centre. It is considered however that provided the A1 use is restricted to convenience shopping only, given the local nature of the development, any small level of trade drawn from the town centre is unlikely to have a significant impact on the vitality and viability of the town centre and it would therefore be considered acceptable.

Design and impact on the surrounding area/neighbouring properties

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

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

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

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

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

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

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

Parking

7.23 The submitted plans indicate 14 parking spaces retained for the new development, 14 spaces having been lost. When considering the previous application, the Councils Highway Engineer raised concerns regarding the loss of parking and the lack of formal servicing and cycle parking. However at appeal, the Inspector concluded that parking and highway safety were not grounds for refusal. It would appear that from his site visit and from information presented in the form of parking surveys, that the proposed development would not lead to the adjacent car parking being exceeded by demand or for servicing to introduce undue difficulty and as a result, there would be no unacceptable impact on highway safety. In the light of the Inspector's report at the previous appeal, the Councils Highway Engineer has withdrawn his previous objection in terms of parking. In highway terms the proposal is considered acceptable.

Drainage

7.24 From October 2011, the Government has transferred the ownership and maintenance of many private drains and sewers to water companies. After this date, privately owned sewage pumping stations are also expected to gradually transfer to water company ownership by 2016.

7.25 With regard to this planning application, it would now appear that the previously, privately owned drainage system in the Marina is now in the ownership and control of Northumbrian Water. This means that responsibility for the upkeep, maintenance and repair of the foul drainage system will fall to Northumbrian Water.

7.26 The main reason for the length of time taken to make a final recommendation for this particular scheme has been due to the lengthy discussions between the Local Planning Authority and the Councils Drainage Engineers together with the

Environment Agency and the applicant's agents in order to find a solution to the drainage problems within the area.

7.27 Whilst it is acknowledged that there have been a number of serious drainage and pollution incidents over the last few years, Northumbrian Water has now stated that they will now have control over the system and its maintenance and as such would not object to the proposal.

7.28 In terms of surface water drainage, this would still be the responsibility of the land owner. No surface water from the new development would be allowed into the foul water sewers. It would be up to the Local Planning Authority and the Environment Agency to assess flood risk in accordance with PPS 25 (Development and Flood Risk). This matter can be dealt with by the appropriate planning condition requiring further details of the proposed surface water disposal system.

7.29 The Council's Drainage Engineer has reiterated his previous comments and concerns regarding this application and the potential for this new mixed use development to have an adverse impact on the foul drainage system with increased flows into a system which is known to be under pressure. However, in light of the fact that Northumbrian Water have assumed responsibility for the sewers and their stated intentions, regarding maintenance inspection and investment, his concerns have been addressed.

7.30 Northumbrian Water has advised that it is unlikely that an objection to the proposed development could be sustained on drainage grounds. It should also be noted that the Planning Inspector, in his report stated that the application should not be refused on drainage grounds and that this matter could be dealt with by the appropriate planning condition.

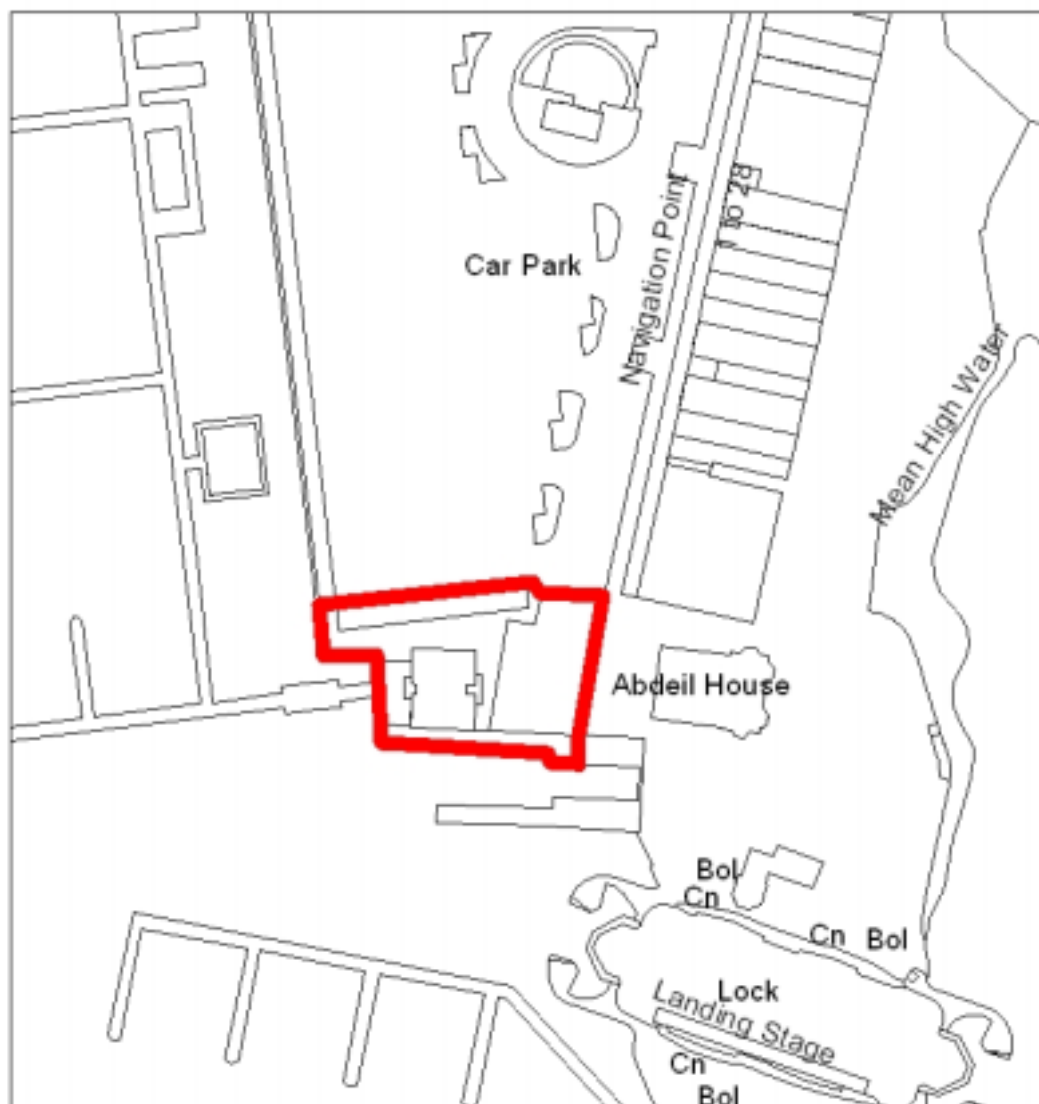
7.31 In light of the above, and subject to the final comments of the Environment Agency, it is not considered that the proposal could be resisted on drainage grounds.

Outstanding Matters

7.32 The Environment Agency's final comments and recommendations are outstanding. These are anticipated to be provided in an update report prior to the meeting.

RECOMMENDATION – UPDATE report to follow.

NAVIGATION POINT



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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

No: 8
Number: H/2011/0268
Applicant: Mrs Pauline Crow c/o Agent
Agent: Prism Planning Mr Steve Barker First Floor Morton
House Morton Road DARLINGTON DL1 4PT
Date valid: 26/07/2011
Development: Erection of a detached dwellinghouse
Location: Crows Meadow Farm Dalton Back Lane Claxton
BILLINGHAM

Background

8.1 This application is currently the subject of an appeal on the grounds of non determination. The appeal will be considered in due course. In the meantime the Local Planning Authority cannot now determine the application however it is required to take a view on what its decision would have been had the Local Planning Authority been free to determine the application.

The Application and Site

8.2 The application site is an existing livery business located to the west side of Dalton Back Lane. The holding currently accommodates a mobile home, a stable building accommodating 16 stable boxes and a tack room, a small barn and surrounding fields. Access is taken to the north 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 south are fields surrounded by hedges. To the east is Dalton Back Lane and to the north is the shared access road and beyond the neighbouring livery business. The proposed site of the caravan park lies beyond fields to the west.

8.3 Planning permission is sought for the erection of a two storey 3 bedroom dwellinghouse. The dwellinghouse will be located to the east of the existing stable block complex in the location of the existing mobile home. It will accommodate the owner/operators of the livery business.

8.4 In support of the application the applicant has provided details of accounts for the last three years and a planning statement. This explains that the business has been in operation for at least three full years, with the mobile home on site since the middle of 2007, and has been profitable for the last three years (2008/9, 2009/10, 2010/11). In support of the functional need the applicant explains that a there is a need for a full time worker resident on site for animal welfare reasons, for security reasons and to reassure customers that acceptable welfare arrangements are maintained. Given the need for a residential presence on site the applicant does not consider that there is alternative residential accommodation in the area which could meet this need.

Planning History

8.5 H/2005/5320 Erection of a building for a horse livery business and the siting of a caravan for 3 years. Approved November 2005. This permission related to a livery building and the siting of a residential caravan to serve the holding. Condition 5 restricted the occupancy of the caravan to a person solely or mainly employed in the agricultural/livery business operating from the then unit (Brierton Moor House Farm).

8.6 H/2007/0425 Variation of condition 5 of planning permission H/2005/5320 to allow siting of caravan in association with 17 acre unit (Crows Meadow Farm) and substitution of caravan type. Approved July 2007. This permission allowed the caravan to be occupied by the operator of the smaller unit following the subdivision of the original unit.

8.7 H/2008/0422 Erection of a hay barn. Approved September 2008

8.8 H/2009/0671 Formation of new access road and associated works. This application to form a separate access from the Dalton Piercy Road to serve the unit was refused on the grounds that the site was served by an existing access and therefore the proposed duplication of the access would represent unnecessary sporadic development in the open countryside contrary policies which seek to protect the countryside. A subsequent appeal was dismissed.

8.9 The applicant's unit has been formed from the subdivision of a larger unit which was the subject of the original 2005 application and originally extended to some 80 acres encompassing the applicant's site and the site of the other livery to the north. The original owner retained the land to the west and recently obtained permission for a touring caravan and camping site on land to the west (H/2008/0001).

Publicity

8.10 The application has been advertised by neighbour notification (9), site notice and press advert.

8.11 Two letters of representation have been received from the original owner of the site. The writer advises that he does not object to the application subject to a section 106 agreement being completed in relation to the access. In this respect he points out that the applicant has no control over the visibility splay at the northern side of the access. He considers that such an agreement is necessary for the safety of users of the access and would bind future owners.

Copy letters **F**

The time period for representations has expired.

Consultation

8.12 The following consultation replies have been received:

Northumbrian Water : No Objections

Traffic & Transportation : A minimum 2.4 x 90 metre sight line should be provided on Dalton Back Lane. There are no other Highway or Traffic concerns

Public Protection & Housing : No objections.

Greatham Parish Council : The parish council maintain their view that development in rural areas should be restricted but have to acknowledge that planning laws permit such businesses set up in those areas are allowed to apply to build a permanent home after three years of temporary residence. What they ask, as usual, is that strict conditions are put in place which prevents the house being sold as a single entity. It must be alongside the livery business and all must be treated as one.

Dalton Parish Council : No comments received

Landscape Planning & Conservation : This proposal would result in a two storey house to replace the single storey caravan. This would result in a greater visual impact therefore we would like to see some additional landscaping provided as part of this application.

Environment Agency : No objections

Engineering Consultancy : I have no contaminated land concerns for the proposal. I have made a review of information we hold for the area and can advise that there are no landfills or sites dealing with waste (past or present) within a 250m radius of the site. There are no Landmark denoted potentially contaminative land-uses (again; past or present). Historically, the land in question has been open undeveloped agricultural land. The existing Crow's Meadow Farm is first shown on our 2006 historical map. Given the lands history and environmental setting, very limited (if any) made ground is expected. A low contamination profile can be assumed for the proposal.

We have no drainage comments assuming the proposed foul package treatment plant and soakaway will be regulated through Building Regulations provided appropriate approvals have been sought.

National Grid : No comments received

Finance : See appendix A on Pink Papers

Planning Policy

8.13 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.

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.

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.

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

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

POLICY

8.15 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.

8.16 In support of the application the applicant has provided supporting information including details of accounts for the last three years. As this information includes financial information this is discussed at **appendix A on the pink papers** where it is concluded that in policy terms the proposal for a new house to serve the unit is acceptable.

8.17 In order to ensure that the dwellinghouse remains tied to the holding to meet the needs of the business the applicant was advised that we would wish to restrict the occupation of the dwellinghouse and tie it to the holding through an appropriate legal agreement. The applicant however ultimately indicated that this was not acceptable as the occupation of the dwellinghouse could be restricted by condition. Whilst the position was being considered the applicant submitted the current appeal. In light of this legal advice was sought and the advice given was that we should act in accordance with Circular 11/95 and therefore it is preferable to impose a planning condition rather than enter into a planning obligation for this purpose. Unfortunately in light of the appeal we are unable now to determine the application.

DESIGN/IMPACT ON THE VISUAL AMENITY OF THE AREA

8.18 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. The site is located in a relatively low lying area with rising land to the north and south. It is located in relatively close proximity to the existing building on the site and it is not considered that the house will be unduly prominent particularly if the site is appropriately landscaped.

DRAINAGE

8.19 The site has no mains drainage and foul sewage will be disposed of to an existing septic tank serving the mobile home. Surface water will be disposed of to a soakway. 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

8.20 Traffic & Transportation have indicated a minimum 2.4 x 90 metre sight line should be provided on Dalton Back Lane and that otherwise there are no highway issues arising from the proposed development.

8.21 A neighboring landowner who owns land to the west of the site has advised that the applicant has no control over the land on the north side of the access and therefore advised that the applicant should enter into a legal agreement to secure the maintenance of the required splay. Discussion with the applicant in relation to such an agreement have not been concluded and Members will be updated at the meeting.

OTHER MATTERS

8.22 The permission for the mobile home located on the site has expired. The applicant has indicated that this would be removed from the site on approval with a smaller caravan being brought on site whilst the build progresses. The applicant will co-ordinate, project manage and largely build the development and contends therefore that permitted development rights would allow for the siting of the caravan during the build. Given the fact 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 mobile home it is not considered prudent to recommend enforcement action against the mobile home at this stage pending the outcome of the appeal. In the absence of a permission however it is considered prudent to recommend to any inspector a condition requiring the removal of the mobile home within six months of the commencement of works on the house.

CONCLUSION

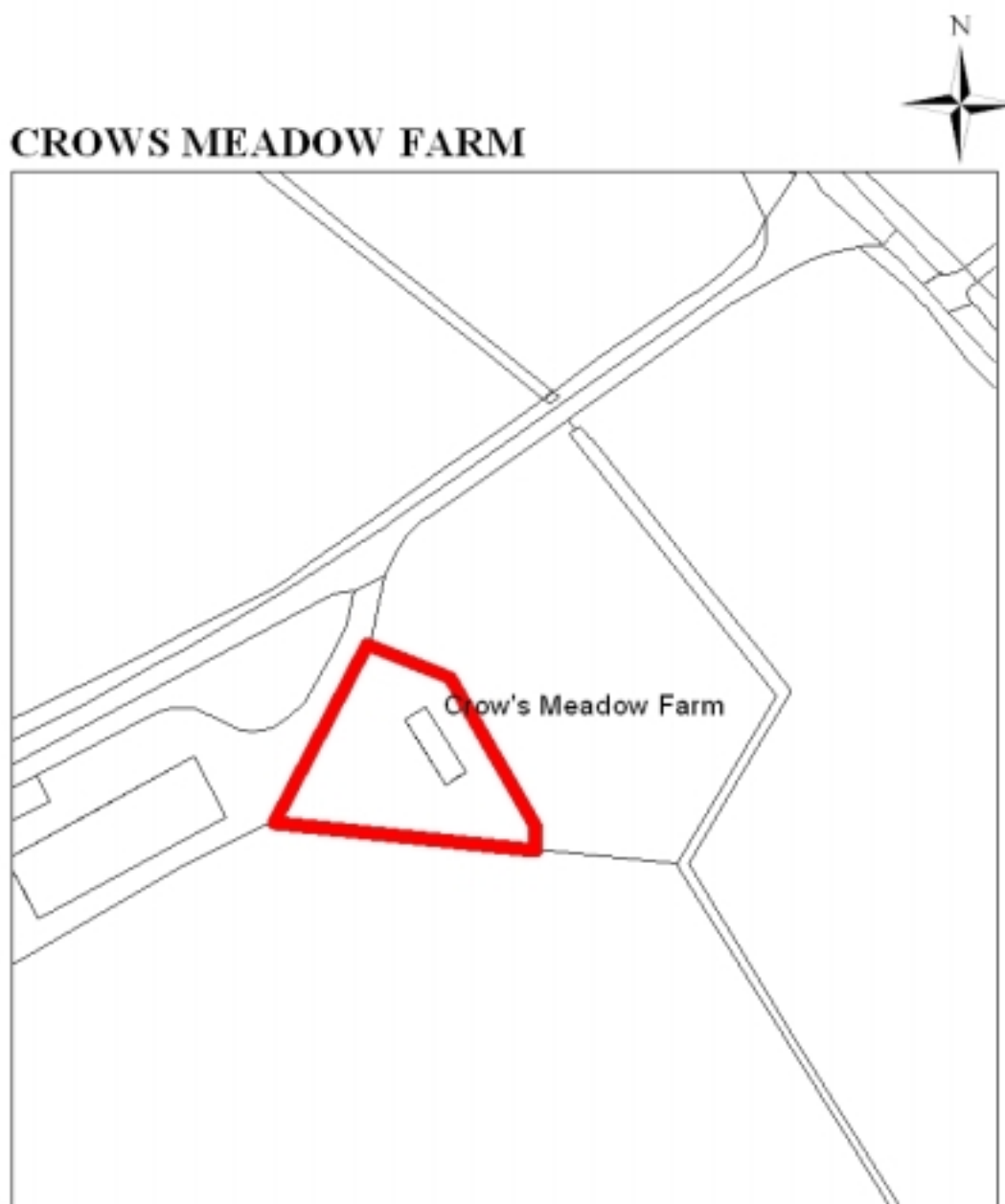
8.23 The proposal is considered acceptable and had the Local Planning Authority been free to make its decision Officers would have recommended approval subject to conditions.

RECOMMENDATION – That the position in relation to the requirement to a legal agreement to secure the northern visibility splay be clarified at the meeting. That the Planning Inspectorate be advised that had the Local Planning Authority been free to determine the application it would have approved the application 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 following plans/drawings, Location Plan 1:6000 received by the Local Planning Authority on 27th June 2011, Site Plan 1:1000 @A3 received at the Local Planning Authority on 22nd June 2011, drawing no 5 of 6 (Showing proposed ground and first floor) received at the Local Planning Authority on 22nd June 2011, drawing no 6 of 6 (Showing proposed loft space) received at the Local Planning Authority on 22nd June 2011, drawing number CR/11/VS02 (2.4 X 90m Visibility Splay) received at the Local Planning Authority on 26th July 2011 and details received by the Local Planning Authority at the time the application was made valid on 26th July 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 (Crow's Meadow), as defined by the blue line on the drawing entitled Location Plan 1:6000 received by the Local Planning Authority on 27th 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 and in order to ensure that the site is adequately drained.
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 Site Plan 1:1000 @A3 received at the Local Planning Authority on 22nd 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 visibility splay 2.4m X 90m to the south of the entrance to the site from Dalton Back Lane has been provided in accordance with the drawing number CR/11/VS02 received at the Local Planning Authority on 26th July 2011. The visibility splay shall be retained for the lifetime of the development.
In the interests of highway safety.
 13. The mobile home shall be removed from the site/ holding within six months of the commencement of the development.
In order to ensure that the caravan is removed from the site.
In the interests of visual amenity.



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 24/10/2011
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRGNO H/2011/0268	REV

UPDATE

No: 1
Number: H/2010/0561
Applicant: Ruttle Group c/o agent
Agent: Sedgwick Associates Mr Paul Sedgwick 24
 Queensbrook Spa Road BOLTON BL1 4AY
Date valid: 29/09/2010
Development: Part demolition, extension and redevelopment of Tunstall
 Court to provide 21 dwellings and erection of 12 detached
 dwellings with associated landscaping and formation of
 new access
Location: TUNSTALL COURT GRANGE ROAD HARTLEPOOL
 HARTLEPOOL

Update

1.1 The item appears on the main agenda as item 1. The comments and further information from Cleveland Police have been received in respect of crime and anti-social behaviour. Further discussions have taken place with the applicant regarding the phasing of the development. Final comments have been received from the Council's Sustainability Officer.

Planning Considerations

1.2 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Development Plan policy and all other material considerations. Particular regard is to be given therefore to a number of relevant material considerations including: the principle of development, affordable housing, the effect of the proposal on the amenity of neighbouring properties, the effect of the proposal on the visual amenity of the surrounding area and the character and appearance of the Park Conservation Area, the effect of the proposal on highway safety, ecology and trees.

Principle of Development

1.3 The site comprises a residential property and associated grounds. Whilst it is acknowledged that PPS3 now classifies residential curtilage as greenfield land, it is considered that the principle of residential development on this site has been established. Two previous permissions have been granted on site (HFUL/2004/1029 and H/2008/0480). Both incorporated substantial alterations to Tunstall Court and development within the grounds. Indeed the development brief previously issued by the Council in 2003 identified the potential for residential development within the grounds. As such it is considered that the principle of residential development on site is acceptable.

Amenity

1.4 Consideration must be given to the potential impact on residential amenity in terms of overlooking, overshadowing, dominance and outlook, both in terms of

existing neighbouring properties and those proposed within the site. Separation distances within the site are considered acceptable in accordance with the guidelines set out in the Hartlepool Local Plan (2006). The relationships between the properties within the site are considered acceptable and unlikely to result in significant amenity issues.

1.5 In terms of properties outside of the site, it is considered that the proposed development is unlikely to have a significant impact by way of residential amenity. The separation distances involved are considered acceptable and the development is unlikely to have an impact by way of overlooking, overshadowing, dominance and outlook.

Crime/Anti-Social Behaviour

1.6 The building has been one of a number of properties which the Council has targeted as part of the Untidy Land and Derelict Buildings multi-agency working group because of the level of vandalism and disrepair the building has attracted. Comments from Cleveland Police indicate that the building has been a Park Ward priority because it has attracted anti-social behaviour, criminal damage and arson over a prolonged period of time. Comments from residents in the immediate vicinity of the site have indicated their desire for re-development to reduce the level of crime, and negate the impact on visual amenity.

1.7 Details provided by Cleveland Police indicate that over a two year period, between May 2009 and May 2011, 11 fire related incidents were recorded, including five where fire fighters were dispatched with breathing apparatus. It is further indicated that responding to incidents at Tunstall Court in the same period has cost Cleveland Fire Brigade approximately £8000.

1.8 Attempts have been made on a number of occasions to secure the building, however, incidents of crime, anti-social behaviour and arson continue. It is considered that the proposed development will help reduce the level of crime, anti-social behaviour and arson associated with the site and will benefit both the residential amenity of the adjacent neighbouring properties and the visual amenity of the area. The applicant has given an undertaking to begin works within a set timescale which can be secured through a legal agreement. It is considered this will help alleviate and mitigate the concerns above.

Visual Amenity

1.9 As discussed, the site is currently in an unacceptable condition from a visual perspective. A S215 notice has recently been served on the owners requiring works to be carried out to improve the condition and appearance of the site. Some works have been carried out but the condition of the site remains of concern. It is considered that, in visual amenity terms, the proposed development is acceptable in that it will significantly improve the visual amenity of the area.

Affordable Housing

1.10 PPS3: Housing (2011) sets out the national planning policy framework for delivering the Government's housing objectives. The following identified paragraphs are relevant to this application:

1.11 Paragraph 15 states that:

"Local Planning Authorities should encourage applicants to bring forward sustainable and environmentally friendly new housing developments, including affordable housing Developments..."

1.12 Paragraph 23 states that:

"Developers should bring forward proposals for market housing which reflect demand and the profile of households requiring market housing, in order to sustain mixed communities."

1.13 Paragraph 24 states that:

"...For smaller sites, the mix of housing should contribute to the creation of mixed communities having regard to the proportions of households that require market or affordable housing and the existing mix of housing in the locality."

1.14 Paragraph 69 states that:

"In general, in deciding planning applications, Local Planning Authorities should have regard to:

- *Achieving high quality housing.*
- *Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.*
- *The suitability of a site for housing, including its environmental sustainability.*
- *Using land effectively and efficiently.*
- *Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives eg addressing housing market renewal issues."*

1.15 Having regard to paragraphs 15, 23, 24 and 69 there is an obligation that developments should provide for the local housing need and that the Local Planning Authority should ensure any proposals meet the established housing need.

1.16 The house types proposed meet the need of the local area and will contribute to meeting the overall housing need in the Borough. Table 1 identifies the housing need, established in the Hartlepool Strategic Housing Market Assessment (2007).

Table 1: Local and Borough Housing Need

Location	Small 1–2 Bed	Large 3+ Bed	Older Person
Park Ward	0%	90%	10%
Hartlepool Borough	23%	66%	11%

1.17 For the Park ward the predominant housing need is for larger 3+ bedroom houses, with some provision needed for older persons housing. The overall Borough need again weighted towards larger 3+ bedrooms but also reflects a need for smaller dwellings and older persons accommodation. It is considered that the proposed development is in accordance with the established housing need locally and Borough wide.

1.18 Notwithstanding the acceptable house types proposed, the tenures proposed are not in accordance with the housing need in the local area or the Borough. The Park Ward has the 5th highest affordable housing need in the Borough. The applicant has indicated that the proposed development can not support affordable housing, either on-site or through an off-site commuted sum, and therefore no affordable housing is proposed because of economic viability concerns.

1.19 The applicant has submitted a detailed economic viability assessment which itemises the outgoing costs and incoming revenue from the development. Table 2 below is a summary of the findings of the economic viability study:

Table 2: Economic Viability Summary

Income	Value
Sale of 33 Units	£12.9m
<i>Income Total</i>	<i>£12.9m</i>
Expenditure	Cost
Land Purchase	£3.15m
Construction	£6.37m
External Works	£0.67m
Fees	£0.87m
Finance Interest	£0.46m
<i>Expenditure Total</i>	<i>£11.52m</i>
<i>Gross profit after interest costs</i>	<i>£1.4m</i>
<i>Profit Margin</i>	<i>11%</i>

1.20 The applicant's economic viability assessment has been tested by the Council's Estates section and also by a private sector third party. The conclusion of the testing

is that the sales values proposed by applicant, land purchase costs, fee costs and build costs are proportionate and that the proposed gross profit is an accurate account of the overall development.

1.21 An acceptable profit margin for developers during the housing market “boom” was approximately 20%. As the housing market has “cooled” and finance has become increasingly restricted, acceptable profit margins have lowered to around 15%. The proposed gross profit margin for this development is 11%, which is significantly below an expected return as a profit margin for a residential development. In this instance it is accepted therefore that the proposed development is economically “risky”. Any additional planning obligations, above the already established £8,250 which has been agreed for play provision at Ward Jackson Park, would mean the developers profit being reduced. It is likely that a further reduced profit margin would lead to difficulties in financing for the developer, potentially meaning the scheme would be unlikely to come forward.

1.22 The following calculations are an estimate of the effects on economic viability if affordable housing was to be provided. If a minimum of 10% affordable units were proposed on the site a minimum of 40% sales profit would be taken off the value of 4 units, as the Registered Provider can normally only finance up to 60% of purchase cost of each affordable dwelling; the remaining 40% is contributed by the developer. An approximate estimate of the “profit loss” if 10% affordable housing were to be provided is summarised in table 3.

Table 3: Approximate Affordable Housing Provision Profit Loss

House Type	40% Profit Loss
5 Bed Detached	£200,000
4 Bed Townhouse	£140,000
3 Bed Townhouse	£120,000
2 Bed Apartment	£80,000
Approximate Profit Loss	-£540,000
Gross profit after interest costs	£0.86m
Profit Margin with 10% Affordable Housing Provision	7%

1.23 Using an estimate of impact, if affordable housing were provided on the site, or through an off-site commuted sum, there would be a definite reduction in the profit margin for the developer, effectively rendering the scheme unviable.

1.24 Notwithstanding the economic viability situation, the Park Ward represents the 5th highest ward in the Borough for affordable housing need, and affordable housing is required in the local area and elsewhere in the Borough to meet an established affordable housing need. As such the failure of this scheme to provide affordable housing, must be weighed against the potential benefits of the scheme set out elsewhere in this report, particularly when regard is had to the policies set out within PPS5.

Conservation

1.25 In considering the proposed scheme for the redevelopment of Tunstall Court a number of policies within PPS5 are relevant. Policy HE7 states that:

“In decision-making local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset).”

1.26 In terms of Tunstall Court's significance, with regard to the redevelopment of the Court it is acknowledged that the sustained vandalism the building has suffered in recent years has left the property in a very poor state of repair. Background information on the property is set out in historical records, crystallised in the Council's Park Conservation Area Character Appraisal (2008). From this, the significance of the building can be defined as two fold:

- Architectural interest of the building.
- Historic interest of the estate and the connections to significant Hartlepool residents.

1.27 The combination of these two important elements result in this estate, being of importance to Hartlepool as one of the few examples of a planned estate created due to the new wealth provided by the industrial revolution. Such development is characteristic of the Park Conservation Area where Tunstall Court is located.

1.28 A Heritage Assessment of Tunstall Court has been provided in support of the application. The statement considers the development that has occurred in and around Tunstall Court, in particular focusing on the sub-division which has occurred within the grounds of the building i.e. St Begas Glade and The Kitchen Garden. It is stated that the new housing development, *‘has a significant impact on the openness of the conservation area and on the scale and grain of the development within and around it.’* This is further elaborated with the statement that *‘The impact of the development within the original Tunstall Court estate has a profound effect on the setting of the Court, emphasised with the new dwelling being close to the Court itself and closing off one leg of its original access.’*

1.29 The applicant's assessment of the development is not supported by the Park Conservation Area Character Appraisal which considers the Layout, Grain and Density of Tunstall Court. All but the car park development had been completed within the grounds of the property at the time of the appraisal and yet the estate is described as being ‘caught in time’. It further notes that, *‘Despite the structural alteration, the principle layout relationship between house, lodges (listed grade II), gateway, drive, gardens and wider grounds (to the front) survives intact. This is an important reminder of the layout and scale on which the conservation area is based.’*

1.30 The statement further elaborates on the previously approved schemes on the site and the current state of the residential market in the area which it is stated has a *'strong impact on the proposals in the current application.'*

1.31 In appraising the conservation area since its designation it is stated that, *'The ethos of planning control within the conservation area was one of control of design of new development rather than any attempt to protect open areas outside the park from development or resist change to the density and grain of development in the area.'* As a result it is stated that new development of contrasting form in close proximity to the main elevation means that it is *'viewed in an urban context rather than as a villa set in extensive grounds'*.

1.32 This description is contrary to the assessment outlined in the Park Conservation Area Appraisal which also states that, *'Elements of the historic layout are lost to more random layouts....but enough remains to illustrate the original relationship.'* It further elaborates on this stating that although there is no *'designed relationship between old and new...the historic boundaries are largely intact'*.

1.33 In further reinforcing this, the appraisal focuses on 'Historic Estates' Grounds and Gardens' stating the gardens of Tunstall Court are *'intact spatially though are in a very poor condition'*. It is suggested that the *'overall scene has a real sense of being a 'power house' behind the industrial success of Hartlepool. The arrangement to the front has not been damaged by losses to the rear'*.

1.34 In relation to Tunstall Court it is stated that it is *'important mainly for the scale and detailing of its main elevation and the immediate returns on the side elevation.'* This contrasts with the significance defined previously in this statement which is defined as:

- Architectural interest of the building.
- Historic interest of the estate and the connections to significant Hartlepool residents.

1.35 Essentially, it is clear that the components of the main building, wider estate composition, and its location within the Park Conservation Area, make a significant contribution to the character of this part of the conservation area. There is no doubt, however, that there is a need to provide development to support the restoration of Tunstall Court, this has been a longstanding aim found in the development brief produced for this site in March 2003, however, the level of intervention in the redevelopment of Tunstall Court is a more recent development brought about by the ongoing vandalism the building has suffered.

1.36 Whilst there have in the past been approvals for buildings within the grounds of Tunstall Court along with extensive works to the building itself, it is considered that the application has gone further in proposing extensive demolition to the building to facilitate extensions, retaining only the façade of the property and increasing the number of proposed buildings within the grounds of the estate.

1.37 It is suggested in the statement that the rebuilding of Tunstall Court is required to a design that is more *'conducive to modern dwellings'* noting that a further

advantage of this approach is that ‘the new structural elements will be constructed to modern standards designed to reduce carbon emissions in line with government policy.’ However PPS 5, policy HE1 states ‘Keeping heritage assets in use avoids the consumption of building materials and energy and the generation of waste from the construction of replacement buildings.’

1.38 Policy HE9.1 of PPS5 states that:

“There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be”

1.39 Policy HE9.2 of PPS5 states:

“Where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that:

(i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss”

1.40 It is clear that a viable scheme to secure a long term, sustainable future for Tunstall Court is required. The aim of such a scheme, preferably should be to support the building as a whole and retain as much of the original fabric of the building as possible.

1.41 Whilst amendments have been made to the original scheme submitted, the scheme before Members still proposes the demolition of the majority of the original building, albeit to the rear. Previously approved schemes have proposed alterations to large parts of the property including demolition and additions, however, a substantial part of the original building has always remained as a key part of previous proposals.

1.42 PPS 5 Policy HE9.2 outlines the points that should be addressed where the application will ‘lead to substantial harm to or total loss of significance’. In this instance the proposed scheme proposes the significant demolition of the property.

1.43 In terms of the detail, the alterations to the front of the building are focused around the retention of the front elevation. To the right hand side of the property at first floor level there is a proposal to extend the building. The detailing to this echoes that of the front elevation.

1.44 Other interventions include the insertion of a 16 paned window to the right hand side of the building. This window is matched elsewhere on the front elevation where 12 pane windows have been altered to 16. Such alterations may seem minor, however, cumulatively these details can often contribute to the character of the building. The window alterations are to accommodate floors, although it is not clear from the information provided what materials will be used to do this. This can be adequately controlled by condition, however.

1.45 Two staircases are proposed to either side of the arched portico which sits in front of the main entrance. Whilst these sit uncomfortably cutting through the proportions of the arch at either side, they are not significantly obtrusive in terms of their scale. The entrance is one of the most significant features when considering the front elevation of the property.

1.46 The proposed north and south elevations provided propose a terrace of dwellings to the rear of the property. The detailing to these contrasts somewhat with Tunstall Court. They stand at three stories dropping to two with a mixture of brickwork with rendering to the third floor. Whilst attempts have been made to reduce the extensions in height, it is considered that they still somewhat dominate the original building. In particular the modern detailing jars somewhat with the flat entrance porches to the centre of the extensions appearing particularly alien in the context in which it sits. Notwithstanding that the final design of the proposed porches can be dealt with by way of condition.

1.47 The proposed courtyard elevations reflect much of the detailing mentioned above on the north and south elevations. The appearance is often of modern houses with little connection to Tunstall Court.

1.48 The rear elevation of Tunstall Court does reflect more of the traditional detailing found on the main building. The proposed underground car park has been a feature on previous applications and is considered acceptable in principle, subject to a condition requiring feasibility to be demonstrated.

1.49 In terms of the proposed development within the grounds, The Park Conservation Area Character Appraisal states that although elements of the historic layout of Tunstall Court are lost *'enough remains to illustrate the original relationship'* between buildings.

1.50 It is noted in that *'there is no designed relationship between new and old, and the estate is essentially divided in two'*. However despite this 'the principal layout relationship between houses, lodges (listed grade II), gateway, drive, gardens and wider grounds (to the front) survives intact. This is an important reminder of the layout and scale on which the conservation area is based.'

1.51 This sentiment is reinforced in considering the layout, grain and density of Tunstall Court. The appraisal notes that 'It is important to preserve the surviving original layout relationship between the main components – house, lodges, gateway, winding drive, central gardens and wider grounds (to the front)'.

1.52 The significance of this site is two fold. It lies in the main building, Tunstall Court, and its design and architectural significance as a building of importance to Hartlepool. This architectural importance is encased in the Park Conservation Area and this element of it particularly where it displays a layout with a hierarchy of structures found in the early development of houses within this area. Secondly are the less tangible but equally important historic significance of the property and the connection to prominent industrial figures that shaped Hartlepool.

1.53 It is considered that the proposed layout and extensive redevelopment of Tunstall Court has the potential to harm the character of the Park Conservation Area when considered solely on design and conservation grounds. The development within the grounds of the property would potentially constitute over development of this site and deplete the existing hierarchy of structures within this area. Secondly the redevelopment of Tunstall Court itself proposes substantial alterations to the building which would change the appearance of this property significantly reducing the architectural importance of the building and the contribution it makes to the character of the Park Conservation Area.

1.54 However, notwithstanding that Government policy set out in PPS5 makes clear that LPAs must balance the substantial harm to the significance of heritage assets, in this case the Park Conservation Area, with any substantial public benefits that may outweigh that harm.

1.55 The public benefits of the scheme comprise a number of factors. Firstly the developer has agreed to commit to starting on site within 2 months of the LPAs discharge of conditions. This will be secured through a legal agreement which will ensure that the developer discharges pre-commencement conditions and begins development within a set time period. It is considered that the commitment to start development is of significant public benefit, given that it will aim to bring the site back into use, negating the current visual amenity and crime/anti-social behaviour issues which is currently affecting the site.

1.56 Furthermore, the developer has agreed to an appropriate phasing condition which, in the event the application is approved, will strike a balance between allowing the developer to develop out those detached dwellings which have a lesser impact on the Court to allow capital receipt to aid cash flow which will in turn allow the restoration and extension works to be carried out in the Court.

1.57 The condition will ensure that:

- Plots 1, 3, 4, 5, 31 and 33 can come forward prior to the works to the Court. These dwellings are located on the periphery of the site and will help begin to improve the visual amenity of the area.
- The restoration of the main part of Tunstall Court, including the façade, (plots 11-22) must be completed before the development of the remainder of the plots.
- The extensions to the Court (plots 7-10 and 23-27) must be completed before plots 2 and 6 can be developed.

1.58 The developer has provided economic viability calculations which show that the requirement for the Court to be wholly redeveloped before any of the detached dwellings would render the scheme unviable. This has been tested and is supported by the LPA. It is considered that the phasing approach set out above allows flexibility for the developer to build out the scheme in an economically viable manner, but also ensures that the LPA ensure that the public benefit in retaining and re-developing the Court is secured as part of the scheme.

Highway Safety

1.59 The Council's Traffic and Transportation section have raised a number of comments in respect of the proposals. Firstly it is indicated that a 3m x 33m x 0.6m visibility splay is required on the proposed new access on Park Avenue. There are no concerns raised in respect of the provision of the access, indeed previous permissions have established an access in this location. It is considered that the provision of the visibility splay can be appropriately dealt with by condition.

1.60 Concerns have been raised over the siting of the access and driveway to plot 33, on the bend of Park Avenue. However, an identical plot was approved under HFUL/2004/1029. It is considered that there are no material changes of circumstance since that approval which would render the access unacceptable. As such, it is considered that an objection to the access would be unreasonable and could not be sustained.

1.61 The applicant has indicated the provision of a raised table to aid highway safety adjacent to the access to the site. It is indicated that the proposed traffic calming would be subject to a safety audit and consultation with residents of Park Avenue. As such a condition is recommended requiring details of traffic calming to be submitted to and agreed in writing by the Local Planning Authority.

1.62 Finally, it is indicated that a 1.8m footway should be provided to the south of plot 31, adjacent to the access to Park Avenue in order to aid highway safety. However, the applicant has indicated that they are unable to do so given the siting of plot 31. Given that the proposed development is to be privately gated, and that there is a footpath on the opposite side of the access road, it is considered that a refusal on such grounds could not be sustained.

1.63 In addition to the above, sufficient vehicular and cycle parking has been provided within the site. All driveways, carriageways and turning heads are acceptable. A historical access is proposed to access 3 detached dwellings as a private drive via The Parade. Having regard to the above, the proposal is considered acceptable in highway safety terms.

Trees

1.64 Concerns have been raised by residents in respect of the loss of trees on site which are considered to add value to the visual amenity of the area. The applicant has provided a proposed landscaping plan, tree survey and tree protection plans which have been reviewed by the Council's Arboricultural Officer and are considered acceptable. There are 228 individual trees on the site included in the submitted tree survey. Of those, 123 are shown to be removed (for various reasons). The landscaping plan includes the planting of 90 new trees. Of the 123 trees to be removed, 40 are category 'R' (should be removed for sound arboricultural reasons i.e. dead, dying dangerous), 30 are category 'C' (of low quality and value), and 53 are category 'B' (of moderate quality and value). As such there is a net deficit of 33 trees on site to facilitate the development. It is considered that such a loss is acceptable when considered in the context of the site and the existing trees.

Ecology

1.65 The extended Phase 1 Habitat Survey and Bat Survey provided with the application highlighted a number of ecological issues with this proposal. In terms of bats roosting in the main building, the bat survey found a total of three Common Pipistrelles using separate parts of the main building at Tunstall Court. Common Pipistrelles are widespread in Hartlepool and individuals or small numbers of this species will use a variety of buildings throughout the year. The building is therefore considered of relatively minor importance to the maintenance of bat populations locally. The dilapidated condition of the building, including fire damage and the fact that the building is not occupied and heated means that it is unlikely to be used by significantly higher numbers of bats or as a breeding roost.

1.66 Nevertheless, the loss of this bat roost would constitute a breach of Article 12 (1) of the Habitats Directive therefore the LPA would need to consider the three derogation tests before granting planning permission i.e. i) that it is for imperative reasons of overriding public interest, ii) that there is no satisfactory alternative, iii) that it will not be detrimental to the maintenance of the population of the species at a favourable conservation status. It is considered that the third test would be met. The Council's Ecologist has indicated that Natural England would be likely to grant a licence and therefore the LPA can grant permission, provided that the first two tests can be met.

1.67 Mitigation is recommended for the loss of bat roosting opportunities in the building in the form of five large woodcrete bat boxes to be erected on the building, and a further ten woodcrete boxes on trees as set out in the Phase 1 Habitat Survey and Bat Survey. It is considered that this is a suitable level of compensation for the loss of a bat roost of this level of importance though the creation of bat roosting opportunities in the fabric of the existing or proposed buildings would probably be more effective. A European Protected Species licence would need to be obtained from Natural England before works could commence and that licence would determine the level and types of compensatory measures that would be required. That being the case, it is still considered prudent to condition the provision of proposed compensation measures in accordance with the Bat Survey.

1.68 In terms of the potential for bat roosts in the trees, the Bat Survey made the following observation and recommendation:

"Numerous mature trees with features of potential use to roosting bats were recorded by the survey. It is recommended that a thorough inspection by a qualified ecologist, is made of all trees which are to be unavoidably removed or subject to extensive pruning as part of the development proposals in order to accurately determine the presence or otherwise of bat roosts."

1.69 It is accepted that a number of these trees are likely to be used as roosts by bats. However, it is likely that the use of the trees will only be transitory by small numbers of Common Pipistrelle bats. Consequently it may be more appropriate to conduct bat surveys on the trees nearer to the time that they are due to be felled rather than prior to determination of the application. Therefore it is recommended that an appropriately worded condition requiring such a survey, including a report of any such inspections to be submitted to the LPA, should be imposed. In addition

because bats move between roosts quite frequently, any sections of trees with cavities should be soft-felled.

1.70 In terms of breeding birds, there is the potential for the clearance of vegetation on the site to harm breeding birds. It is recommended therefore that the clearance of vegetation on the site should take place outside of the bird breeding season, i.e. March-August inclusive. Alternatively, if it is necessary to clear the site during the bird breeding season, then it is considered that the site should be surveyed by a qualified ecologist within two days prior to clearance works commencing to check that no bird's nests are present. Any bird's nests that are found should have the area around them cordoned off so that clearance works avoid that area. The results of this survey and any consequent protection measures should be submitted to the LPA. An appropriately worded condition is recommended to ensure the above.

1.71 There is some risk of birds such as Starlings and House Sparrows nesting in the main building, however, it is considered that is a lower risk and it should be acceptable to deal with it by way of an informative.

1.72 Japanese Knotweed has been found to be growing on several parts of the site. It is considered appropriate to impose a condition requiring a scheme for its eradication to be submitted to and agreed by the LPA.

1.73 In terms of habitat loss, the submitted Phase 1 habitat survey emphasises the importance of the woodland area within the footprint of this site and recommends that a woodland management plan be drawn up to provide compensation for losses of woodland and to diversify the tree stock and maintain ecological links. The current proposal would require the removal of a larger number of trees than previous proposals for this site to the extent that the woodland nature of this site will probably be lost. This will be mitigated for to some extent with the proposal to plant new trees and shrubs though inevitably some of the site's current value for wildlife will be lost in the short to medium term, in particular nesting or roosting opportunities for birds and bats. It is therefore recommended that to mitigate this further, the provision of bird boxes to suit a variety of species should be secured by way of condition.

Contamination

1.74 The Council's Engineering Consultancy has recommended their standard condition in respect of potential contamination. However, the Engineer has indicated that there is little risk of contamination to the proposed dwellings on plots 3, 4 and 5. As such the recommended condition requires the submission of the details prior to the commencement of development, with the exception of plots 3, 4 and 5. Given the level of work involved in discharging the contamination condition, it would be unfeasible for the developer to achieve the 3 month target for the discharge of conditions proposed in the draft legal agreement. As such it is proposed that the legal agreement makes an exception for the contamination condition.

Off-Site Play Provision

1.75 The applicant has agreed to pay a commuted sum of £250 per dwelling for contribution towards the maintenance, improvement and provision of play facilities,

specifically identified within Ward Jackson Park. This can be satisfactorily dealt with by legal agreement.

Legal Agreement

1.76 The applicant has given an undertaking that the proposed development will commence on site within a set timescale in the event that permission is granted. The developer has agreed that they can submit all details to discharge all conditions precedent on the permission within 3 months of the date of the approval. Thereafter, the developer has agreed that development will commence within 2 months following the date the LPA discharges all conditions precedent. The Council's Engineering Consultancy has agreed that the requirement to submit all details for condition precedent can exclude the details required for the contamination condition. There is sufficient control offered in the proposed condition and its exclusion will assist in ensuring a timely start on site.

Other Issues

1.77 In terms of drainage, a condition is proposed to ensure that a suitable scheme for surface water management is agreed with the Local Planning Authority. In sustainability terms, an appropriately worded condition can ensure that an acceptable scheme to provide energy efficiency measures and the integration of embedded renewables within the development is achieved.

1.78 In terms of the demolition works to the Court, it is considered that appropriately worded conditions can ensure that sufficient control is available to the LPA to ensure that the retained element of the building is protected during demolition works.

Conclusions

1.79 As set out above it is acknowledged that there are concerns with the proposal notably in respect of its impact on the character and appearance of the Park Conservation Area and in terms of the lack of affordable housing. However, it is considered that there are a number benefits of the scheme, in that: it is bringing a longstanding vacant site which is an integral part of the area back into use - negating the high levels of crime and anti-social behaviour experienced on the site; it will significantly improve the visual amenity of the surrounding area; it will also contribute towards the Borough's housing need; and there is a commitment from the developer to start development within a set timescale which can be secured through a legal agreement.

1.80 It is considered that having regard to the relevant national planning guidance and the relevant policies in the Hartlepool Local Plan (2006), and the relevant material planning considerations, it is considered that on balance, the benefits of the scheme proposed outweigh the harm to a heritage asset and the lack of affordable housing provision in accordance with Policy HE9.2 of PPS5: Planning for the Historic Environment. On that basis, the application is recommended for approval subject to the conditions below and the signing of a section 106 agreement which secures: £250 per dwelling for off-site play provision, a commitment from the developer to discharge pre-commencement conditions within 3 months of the date of approval

and commence development within 2 months of the date of the LPA's discharge of all pre-commencement conditions.

RECOMMENDATION - Minded to APPROVE subject to the conditions below and a S106 agreement securing £250 per dwelling for off-site play provision, and a commitment for the discharge of pre-commencement conditions within 3 months of the date of approval and the commencement of development within 2 months of the Local Planning Authority's discharge of those conditions.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out strictly in accordance with the following plans and documents received by the Local Planning Authority on 29 September 2010:

TC:LP.01: Location Plan
Planning Design and Access Statement
Energy Efficiency and Sustainability Statement
Flood Risk Assessment
Phase 1 Habitat Survey and Bat Survey

The following plans and documents received by the Local Planning Authority on 18 March 2011:

RPH:TC.PI.01: Site Layout
RPH:TC.PI.04.01: Proposed Front Elevation
RPH:TC.PI.07.01: Existing East Elevation & Proposed North Elevation
RPH:TC.PI.05.01: Proposed South Elevation
RPH:TC.PI.06.01: Proposed Courtyard Elevation & East Elevation
RPH:TC.PI.08.01: Existing North, South & West Elevation
RPH:TC.PI.01.1: Proposed Basement Plan & Ground Floor Townhouses
RPH:TC.PI.02.01: Proposed Ground Floor Plan & First Floor Townhouses
RPH:TC.PI.03.01: Proposed First Floor Plan & Second Floor Townhouses
RPH:TC:9703.02: South Lodge - Plot 1
RPH:TC:5122.01: Plot 2
RPH:TC:0173.01: Plot 3
RPH:TC:3333.01: Plot 4
RPH:TC:1033.01: Plot 5
RPH:TC:1482.01: Plots 6, 25 & 26
RPH:TC:3032.01: Plot 28
RPH:TC:5122.02: Plot 29
RPH:TC:9703.01: Plot 31
RPH:TC:8103.01: Plot 33

The following documents received by the Local Planning Authority on 6 May 2011:

Heritage Assessment

The following documents received by the Local Planning Authority on 9 May 2011:

Preliminary Risk Assessment

The following documents received by the Local Planning Authority on 8 June 2011:

Arboricultural Pre-Development Survey & Implications Assessment

And, the following plans received by the Local Planning Authority on 23 August 2011:

RPH:TC:L.01: Landscaping Layout

RPH:TC:TP.01: Tree Protection Measures

For the avoidance of doubt.

3. The development of plots 28, 29, 30 and 32 as shown on the approved plans shall not commence until completion of the development of plots 11 - 22 (inclusive). The development of plots 2 and 6 as shown on the approved plans shall not commence until completion of the development of plots 11 - 22 (inclusive), 7 - 10 (inclusive) and 23-27 (inclusive).
To ensure the site is developed in a satisfactory manner in the interests of the character and appearance of the Park Conservation Area.
4. Plots 7 - 27 (inclusive) as shown on the approved plans shall not be occupied until the proposed parking arrangements associated with those units have been provided in accordance with the approved plans.
In the interests of highway safety.
5. 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 externally altered or extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and in the interests of the character and appearance of the Park Conservation Area.
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 properties and in the interests of the character and appearance of the Park Conservation Area.

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), 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 properties and in the interests of the character and appearance of the Park Conservation Area.
8. The following window(s) shall be glazed with obscure glass which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist(s):
- Plot 4: Ground floor breakfast and first floor gym and en-suite windows facing plot 5.
- Plot 5: First floor en-suite window facing plot 4.
- Plot 29: Ground floor WC window and first floor bathroom window facing plot 30.
- To prevent overlooking
9. Development of any of the dwellings hereby approved shall not commence until full details of all external finishing materials have been submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose. Thereafter the scheme shall be carried out in accordance with the approved details.
- To ensure the site is developed in a satisfactory manner.
10. Notwithstanding the details submitted, prior to the occupation of the development, details of all walls, fences, gates and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be implemented in accordance with those details.
- To ensure the site is developed in a satisfactory manner.
11. Notwithstanding the submitted plans, prior to installation, final large scale details of the following shall be submitted and agreed by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.
- Proposed new doors, including door surrounds;
 - Porches;
 - Canopies;
 - New windows including sills/heads and blank windows;
 - Guttering including details of roof overhang (inc. corbels, brackets and downpipes);
 - Balustrade to balconies;
 - External stair accesses;
 - Plinth detailing to Tunstall Court;

- Columns to underground car parking;
 - The access passageway within Tunstall Court, including surface treatments to floor, walls, ceiling and opening;
 - Doors and/or gates to underground parking;
 - External surface treatments;
 - Final details of all street furniture, including lamp posts;
 - In the interests of the character and appearance of the Park - Conservation Area.
12. No demolition works shall be carried out until a detailed scheme for the method of demolition, including details how the building will be protected and supported prior to and during the demolition works including a programme of works has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.
- In the interests of the character and appearance of the Park Conservation Area.
13. No demolition works shall be carried out until large scale details demonstrating how the proposed extensions will physically attach to the retained element of Tunstall Court including a programme of works shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.
- In the interests of the character and appearance of the Park Conservation Area.
14. Prior to the commencement of the construction of any of the dwelling houses hereby approved a scheme of security measures incorporating 'secured by design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
- In the interests of crime prevention.
15. With the exception of plots 3, 4 and 5, none of the dwellings hereby approved shall be occupied until the proposed vehicular and pedestrian access from Park Avenue has been constructed and provided in accordance with the approved plans.
- In the interests of highway safety.
16. A visibility splay shall be provided at the proposed site access on Park Avenue of 3m x 33m. The visibility splay shall thereafter be retained and no obstruction of any description shall be allowed within the visibility splay above 0.6m.
- In the interests of highway safety.
17. The roads and footpaths within the development shall be constructed to adoptable standards, unless otherwise agreed in writing by the Local Planning

Authority.

To ensure the site is developed in a satisfactory manner.

18. With the exception of plots 3, 4 and 5, none of the dwelling houses hereby approved shall be occupied until traffic calming measures on Park Avenue have been implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority.
In the interests of highway safety.
19. The landscaping of the site shall be carried out in accordance with the approved landscaping layout (ref: RPH:TC.L.01) received by the Local Planning Authority on 23 08 11. The landscaping shall be carried out in accordance with a programme of works to be first agreed in writing by the Local Planning Authority prior to the commencement of development.
In the interests of visual amenity.
20. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the programme of works to be agreed as required by condition 19. 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.
21. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved details.
In the interests of visual amenity.
22. The development shall be carried out in accordance with the approved tree protection plan (ref: RPH:TC:TP.01) received by the Local Planning Authority on 23.08.11. The measures set out in the approved plan shall be implemented before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the tree(s).
23. All tree work shall comply with BS 3998:2010. In all cases the tree(s) shall retain the symmetry of natural shape and shall not exhibit untidy branch stubs

or tearing of the bark.

In the interests of visual amenity.

24. Prior to the removal of any trees, on-site surveys by a suitably qualified ecologist to establish the presence of any bats within those trees to be felled shall be carried out and a report of those surveys shall thereafter be submitted to the Local Planning Authority. Any trees within which cavities are identified shall be soft-felled only.

In the interests of a protected species.

25. Clearance of any vegetation on site shall be carried outside of the bird breeding season, i.e. March-August inclusive unless otherwise agreed in writing by the Local Planning Authority. If it is necessary to clear the site during the bird breeding season, then the site should be surveyed by a qualified ecologist no more than two days prior to clearance works commencing to ensure that no nests are present. Any nests that are found shall be cordoned off so that clearance works avoid that area.

In the interests of the ecological importance of the site.

26. Prior to the commencement of development, a scheme for the provision of appropriate bird boxes, including woodcrete and/or other durable boxes, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

In the interests of the ecological importance of the site.

27. Prior to the commencement of development, a scheme for alternative bat roosts as set out in the Extended Phase 1 Habitat Survey and Bat Survey received by the Local Planning Authority on 29 09 10 shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented and retained in accordance with the agreed scheme

In the interests of a protected species.

28. Notwithstanding the approved Energy Efficiency and Sustainability Statement, a detailed scheme to incorporate energy efficiency measures and embedded renewable energy generation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of sustainable development.

29. The development hereby permitted shall not be commenced until such time as a scheme for surface water management has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

30. The development hereby approved shall be carried out having regard to the following:

1. Site Characterisation

Prior to the commencement of development, with the exception of the development of plots 3, 4 and 5 as shown on the approved plans, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation must include a ground gas risk assessment within a detailed site investigation report. The investigation report must include a robust/plausible conceptual model and risk assessment. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation

scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, 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, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

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

31. The application site is believed to be contaminated with Japanese Knotweed. No development shall be commenced on site until : a) a detailed scheme for the investigation and recording of Japanese Knotweed and setting of remediation objectives based on risk assessments; Thereafter the

investigation and recording of Japanese Knotweed shall be carried out in accordance with the scheme. b) detailed proposals for the treatment (remediation) including removal, containment or otherwise rendering harmless Japanese Knotweed from the site shall be submitted to and agreed in writing by the Local Planning Authority. The works specified in the remediation method statement shall be completed in accordance with the approved scheme if further Japanese Knotweed is identified that has not been considered previously in the remediation method statement then remediation proposals for this material should be further agreed.

To ensure protection of the environment.

32. Notwithstanding the submitted details, prior to the commencement of the development of Tunstall Court, a method statement demonstrating the feasibility of the proposed undercroft parking, including a technical feasibility study approved by a suitably qualified structural engineer and how the undercroft parking will impact on the building foundations, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

To ensure the site is developed in a satisfactory manner.

UPDATE

No: 2
Number: H/2011/0102
Applicant: WYN YARD PARK LTD
Agent: Prism Planning Ltd Stephen Barker 1st Floor Morton House Morton Road Darlington DL1 4PT
Date valid: 28/02/2011
Development: Outline application for the erection of 200 dwellings with full planning permission sought in part for roads, footpaths and related infrastructure of the core highway network
Location: LAND TO THE WEST OF WYN YARD PARK WYN YARD PARK

Background

2.1 This application appears at item 2 on the main agenda. At the time of writing discussions with the applicant in relation to developer contributions were ongoing.

Publicity

2.2 No further representations have been received. The time period for representations has expired.

Planning Considerations

2.3 The main planning considerations are policy, highways, ecology, residential amenity, landscape and visual impact, drainage/flooding, public rights of way and archaeology/heritage assets.

2.4 The Environmental Statement considers the scheme in relation to a number of factors which include:

1. Planning Policy
2. landscape and visual impact
3. ecology,
4. Geology, Hydrology and Hydrogeology
5. noise and vibration,
6. air quality
7. archaeology
8. transport
9. socio economic

These issues are also considered in the relevant sections below.

POLICY

GENERAL

2.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004, states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Para. 31 of PPS1 Delivering Sustainable Development states that "The Regional Spatial Strategies and Local Development documents that are development plan documents form the framework for taking decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. Only policies in plans which can be implemented through the granting of planning permission can form the framework for decisions under section 38 of the Planning and Compulsory Purchase Act 2004." Para.10 of "The Planning System: General Principles" (the companion guide to PPS1) states that "Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise....."

CURRENT POLICY

NATIONAL POLICY

2.6 The most relevant current National Policy to the consideration of this application is outlined below.

PPS1 Delivering Sustainable Development sets out the national planning policy framework for delivering the sustainable development.

Paragraph 5 states "Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community".

PPS Planning & Climate Change (Supplement to PPS1) sets out how planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences.

Paragraph 42 advises that "In their consideration of the environmental performance of proposed development, taking particular account of the climate the development is

likely to experience over its expected lifetime, planning authorities should expect new development to:

- comply with adopted DPD policies on local requirements for decentralised energy supply and for sustainable buildings, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable;
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption, including maximising cooling and avoiding solar gain in the summer; and, overall, be planned so as to minimise carbon dioxide emissions through giving careful consideration to how all aspects of development form, together with the proposed density and mix of development, support opportunities for decentralised and renewable or low-carbon energy supply;
- deliver a high quality local environment;
- provide public and private open space as appropriate so that it offers accessible choice of shade and shelter, recognising the opportunities for flood storage, wildlife and people provided by multifunctional green spaces;
- give priority to the use of sustainable drainage systems, paying attention to the potential contribution to be gained to water harvesting from impermeable surfaces and encourage layouts that accommodate waste water recycling;
- provide for sustainable waste management; and
- create and secure opportunities for sustainable transport in line with PPG13 including through:
 - the preparation and submission of travel plans;
 - providing for safe and attractive walking and cycling opportunities including, where appropriate, secure cycle parking and changing facilities; and
 - an appropriate approach to the provision and management of car parking.”

PPS3: Housing (2011) sets out the national planning policy framework for delivering the Government’s housing objectives.

Paragraph 9 states “The Government’s key housing policy goal is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. To achieve this, the Government is seeking:

- To achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community.
- To widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing, in particular those who are vulnerable or in need.
- To improve affordability across the housing market, including by increasing the supply of housing.
- To create sustainable, inclusive, mixed communities in all areas, both urban and rural.”

Paragraph 15 states that: “Local Planning Authorities should encourage applicants to bring forward sustainable and environmentally friendly new housing developments, including affordable housing development.”

Paragraph 23 states that: “Developers should bring forward proposals for market housing which reflect demand and the profile of households requiring market housing, in order to sustain mixed communities.”

Paragraph 27 confirms the Government's commitment to affordable housing when it states that: "The Government is committed to providing high quality housing for people who are unable to access or afford market housing, for example, vulnerable people and key workers as well as helping people make the step from social-rented housing to home ownership."

Paragraph 29 charges Local Planning Authority's to establish policies which will deliver affordable housing required within their area. In relation to seeking developer contributions it states "...the presumption is that affordable housing will be provided on the application site so that it contributes towards creating a mix of housing. However, where it can be robustly justified, off-site provision or a financial contribution in lieu of on-site provision (of broadly equivalent value) may be accepted as long as the agreed approach contributes to the creation of mixed communities in the local authority area."

In determining planning application paragraph 68 advises "Local Planning Authorities should take into consideration the policies set out in Regional Spatial Strategies and Development Plan Documents, as the Development Plan, as well as other material considerations".

Paragraph 69 states that: "In general, in deciding planning applications, Local Planning Authorities should have regard to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives eg addressing housing market renewal issues."

Paragraph 72 advises "Local Planning Authorities should not refuse applications solely on the grounds of prematurity.

PPS4; Planning for Sustainable Economic Growth sets out the national planning policy framework for delivering the Government's economic growth objectives.

Policy EC2.1 h. advises that Regional and Local Planning Authorities should ensure that their development plan "at the local level, where necessary to safeguard land from other uses, identifies a range of sites, to facilitate a broad range of economic development, including mixed use. Existing site allocations should not be carried forward from one version of the development plan to the next without evidence of the need and reasonable prospect of their take up during the plan period. If there is no reasonable prospect of a site being used for the allocated economic use, the allocation should not be retained, and wider economic uses or alternative uses should be considered."

HARTLEPOOL LOCAL PLAN (2006)

2.7 The relevant policies of the current adopted Hartlepool Local Plan (2006) are identified in the policy section in the main body of the report. The site lies within the Wynyard Limit to Development (Policy Rur2) of the adopted Hartlepool Local Plan 2006 however the three sites on which the housing is to be located are reserved for development as a business park (Policy Ind 1). It should be noted however that whilst the Pentagon site corresponds to the area allocated in the Local Plan the areas identified as housing areas X and area Y are not identical but in broadly similar locations. The area between the sites is identified in the Local Plan as a SNCI (now designated a Local Nature Reserve) (Policy WL7) where development likely to have a significant adverse effect is restricted unless the reasons for development clearly outweigh the harm. Where development takes place on such sites it is advised that the Borough Council may seek to impose conditions, or seek legal agreements to minimise harm and enhance the remaining nature conservation interest and secure compensatory measures and site management.

2.8 In conclusion the proposal to develop the site for housing would therefore be contrary to current local plan allocations.

REGIONAL SPATIAL STRATEGY (2008)

2.9 In terms of the adopted North East of England Plan Regional Spatial Strategy to 2021 (2008) (RSS) the site is identified as part of a key employment location (Policy 20) which should be the focus of appropriate investment in order to accelerate the growth of the regional economy.

RSS Policy 18 Employment Land Portfolio advises that Hartlepool should make provision for up to 210 hectares of general employment land and up to 135 hectares of Key Employment Land.

RSS Policy 29 delivering and managing housing supply sets out targets for the development of previously developed land, advises that infrastructure provision should be coordinated, advises on density and the release of land. In considering planning proposals local planning authorities are required amongst other things to consider the reuse of employment sites only where they are not required for long term employment use, to consider the compatibility of housing with the operation of adjacent employment land and to take into account the impact on the previously developed land trajectory.

Policy 38 Sustainable Construction encourages Local Planning Authorities to promote sustainable construction through careful consideration of the design and layout of buildings, encourage energy efficiency and low consumption, and to promote the use of renewable energy. In the later respect advising that developments should secure 10% of their energy supply from renewable of low carbon sources.

2.10 In conclusion, given the fact that the site is identified in the Regional Spatial Strategy (RSS) as part of a key employment location, the proposal to use the site for housing is considered contrary to the RSS. However the Secretary of State has

announced his intention to abolish the Regional Spatial Strategy and advised that this intention is a material consideration in the consideration of planning applications.

OTHER RELEVANT INFORMATION

2.11 A number of reports have informed the preparation of the Core Strategy Preferred Options Report (see below) and are relevant to the consideration of this application.

The **Hartlepool Strategic Housing Market Assessment (SHMA) (2007)** and the Tees Valley SHMA have identified that there is a substantial underrepresentation of executive housing stock in the Borough. It is estimated that less than 4% of the housing stock in the Borough can be classified as being “Executive” in nature. In terms of affordable housing the Hartlepool SHMA also identified a shortfall in affordable housing within the Borough. It suggested a target for affordable housing on new development of 30% of which 80% should be social rented and 20% intermediate tenure.

The **Hartlepool Affordable Housing Economic Viability Assessment (2009)** looked at the likely effect on the viability of developments of requirements for affordable housing. The assessment showed that on the sites assessed under certain market conditions schemes including a 10% affordable housing are viable. This evidence was used to support the requirements of Preferred Option CS10 of the Core Strategy Preferred Options Report (see below) which sets a minimum requirement of 10% affordable provision but advises that a higher percentage will be sought where there is a need or the viability of the scheme allows.

The **Executive Housing Need Paper (2010)** draws together information from other studies which indicate a need for the provision of executive housing within the Borough and wider Tees Valley. It suggests that a supply of high quality “executive” housing within the Borough is necessary in order to attract “wealth creators” (entrepreneurs, company directors etc). The paper also again highlights that executive housing within the Borough currently equates to approximately 4% of the overall housing stock that there are very few existing permissions for executive homes to be developed in the Borough, thus supporting the need to make provision for executive homes through the emerging Core Strategy. Other key findings are the current lack of available sites for executive housing across the Tees Valley, that the lack of executive supply is acting as a barrier to economic growth and that executive sites have historically proved to be successful in the Tees Valley. It concludes that a range of executive housing sites need to be provided in Hartlepool throughout the plan period of the emerging Core Strategy (2012-2027) to offer a choice of locations throughout the Borough.

The **Hartlepool Employment Land Review December (2008)** indicated that there was an over supply of employment land within the built up area of Hartlepool. The supply is in far excess of the 25 years referred to in RSS Policy 18. The Review highlighted the need to de-allocate surplus employment land within the built up area of Hartlepool in conformity with policy 18. The Employment Land Review accepted that the land at Wynyard Business Park and at North Burn (referred to in the RSS as ‘Wynyard’) were not considered as part of the Borough’s employment land supply

but rather forms a sub regional supply as it is prestige employment land that is of regional importance .

EMERGING POLICY

THE CORE STRATEGY PREFERRED OPTIONS REPORT (November 2010)

2.12 The Borough Council is currently preparing a Local Development Framework which will guide development in the area for the period 2012 to 2027. Once adopted it will essentially replace the Hartlepool Local Plan (2006). It will comprise a number of documents including a Core Strategy. The Core Strategy will set out the spatial vision, spatial objectives and core strategic policies for the area. It will include allocations for housing, industry and other developments.

2.13 The Core Strategy Preferred Options Report (November 2010) sets out the preferred options for the future development of Hartlepool. The relevant policies are listed below.

Preferred Options Policies CS1 (Locational Strategy), CS8 (New Housing Provision) and CS9 (Overall Housing Mix) allocate three areas of the application site for the development of low density executive housing comprising 200 homes in total. It should be noted however that whilst the indicative Pentagon site corresponds to the area allocated in Key Diagram 1 in the Core Strategy the areas identified as housing areas X and area Y are not identical but in broadly similar locations.

Preferred Option CS10 (Affordable Housing) advises that affordable housing will be required on all development of fifteen houses or more. It advises that a minimum affordable housing target of 10% will be delivered on all sites. However, it advises that higher percentages of affordable housing will be sought on a site by site basis where there is an identified local need and/or the economic viability of schemes allows for greater provision. The policy allows for off site provision, including the payment of commuted sums in certain circumstances.

Preferred Option policy CS2 (Climate Change) advises that a range of measures will be adopted to help minimise and adapt to climate change including requiring that major new developments should secure, where viable, a minimum of ten percent of their energy supply from decentralised and renewable or low carbon sources.

Preferred Option CS5 (Planning Obligations and CPO) advises that in appropriate circumstances the Borough Council will seek developer contributions towards amongst other things affordable housing, Green Infrastructure and Highway Improvements.

Preferred Option CS24 (Built Environment) advises that the Borough Council will seek to ensure high quality and sustainable design by requiring development amongst other things to have regards to biodiversity, to public rights of way and countryside access, to achieve a high standard of energy efficiency, incorporate sustainable urban drainage where possible and appropriate building standards to reduce energy consumption.

Preferred Option CS28 (Green Infrastructure) advises that the Borough Council will work to actively improve the quantity and quality of green infrastructure including improving access to open spaces with new cycleways and footpaths.

Preferred Option CS29 Natural Environment advises that the Borough Council will look to protect, manage and actively enhance the biodiversity, geodiversity, landscape character and green infrastructure of the Borough.

2.14 The Core Strategy Preferred Options Report was published in November 2010. It has been through a statutory period of public consultation. Of the 1,236 responses received from the public consultation there was only one specific objection to the Wynyard Park housing allocations. The objection was made by NLP representing Wynyard Estates Ltd, and is detailed below:

"Through the delivery of additional residential development at Wynyard, south of the A698, the opportunity exists to help safeguard and further support existing services whilst also securing the provision of, inter alia, public transport services, open space provision and community facilities. More housing at Wynyard Woods will make the settlement become more sustainable. However, this policy would enable the delivery of a total of 300 executive dwellings at Wynyard. This is on the basis that part of Wynyard Business Park would be de-allocated and re-allocated as three residential areas (Pentagon, Forest West and Forest East), shown on Key Diagram 1: Strategic Locations. We do not consider that the Council has provided a sound justification for de-allocating part of the business park (as discussed in our response to CS 11: Prestige Employment Site – Wynyard Business Park) and expanding the residential allocation. Indeed, the three additional residential sites are physically divorced from the existing residential areas at Wynyard by the A698 dual carriageway. Our clients consider that the Wynyard Woods West site should be prioritised for residential development given it provides a logical extension to the existing residential area, at Wynyard Village, south of the A698."

2.15 At the Cabinet meeting of the 26th September 2011 the public responses to the Core Strategy Revised Preferred Options document were discussed including the proposed housing allocation at Wynyard. It was resolved to progress to Publication Stage of the Core Strategy. The Wynyard site, to which this application relates, was retained as an allocation for 200 executive homes. The Publication document is likely to be published in February 2012. The publication stage will be the Council's final draft of the Core Strategy which will be "submitted" to the Secretary of State following a final round of consultation that is likely to take place in February and March 2012.

2.16 The proposal is considered broadly in compliance with the policies of the emerging core strategy, however as the Council is still working towards the publication stage only limited weight can be attached to this document alone.

THE DRAFT NATIONAL PLANNING POLICY FRAMEWORK (2011)

2.17 The Government has recently prepared a draft National Planning Policy Framework (2011) which included a period of consultation that ended on 17th October 2011. The National Planning Policy Framework (NPPF) sets out the

Government's economic, environmental and social planning policies for England. It is intended that it will replace much of the current policy guidance.

2.18 The NPPF introduces a presumption in favour of sustainable development. It attaches significant weight to the need to support economic growth.

2.19 At paragraph 19 it identifies a set of core land-use planning principles which should underpin both plan-making and development management (development control) and should be taken into account by all those engaged in the planning system, from local authorities and developers through to communities. These principles are:

- planning should be genuinely plan-led,
- planning should proactively drive and support the development that this country needs.
- planning policies and decisions should take into account local circumstances and market signals such as land prices, commercial rents and housing affordability.
- in considering the future use of land, planning policies and decisions should take account of its environmental quality or potential quality regardless of its previous or existing use.
- planning policies and decisions should seek to protect and enhance environmental and heritage assets in a manner appropriate to their significance, and reduce pollution.
- planning policies and decisions should make effective use of land, promote mixed use developments that create more vibrant places, and encourage multiple benefits from the use of land in urban and rural areas.
- planning policies and decisions should enable the reuse of existing resources, such as through the conversion of existing buildings, and encourage, rather than restrict, the use of renewable resources (for example, by the development of renewable energy).
- planning policies and decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- planning policies and decisions should take account of and support local strategies to improve health and wellbeing for all; and
- planning policies and decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

2.20 In terms of development management (development control) the NPPF advises that its primary objective is to foster the delivery of sustainable development, not to hinder or prevent development.⁽⁵³⁾ It advises local planning authorities should approach development management decisions positively, attach significant weight to the benefits of economic and housing growth, influence development proposals to achieve quality outcomes and enable the delivery of sustainable development proposals ⁽⁵⁴⁾.

2.21 In terms of housing the NPPF states “107. The Government’s key housing objective is to increase significantly the delivery of new homes. Everyone should have the opportunity to live in high quality, well designed homes, which they can afford, in a community where they want to live. This means:

- increasing the supply of housing
- delivering a wide choice of high quality homes that people want and need
- widening opportunities for home ownership; and
- creating sustainable, inclusive and mixed communities, including through the regeneration and renewal of areas of poor housing.

108. To enable this, the planning system should aim to deliver a sufficient quantity, quality and range of housing consistent with the land use principles and other policies of this Framework.”

2.22 In terms of affordable housing the NPPF states that local planning authorities should (111) “where they have identified affordable housing is required, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities.” As the NPPF is at a draft stage it is considered that little weight can be attached to the document.

OTHER POLICY RELATED ISSUES

2.23 The minister for Decentralisation Greg Clarke issued **Written Ministerial Statement : Planning for Growth** on 23 March 2011 to support sustainable development that the country needs as it emerges from recession. The Department of the Communities and Local Government Chief Planner wrote to Local Planning Authorities on 30 March 2011 to inform them that this statement is capable of being regarded as a material planning consideration. The relevant part on the statement is as follows “In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy PPS4), and that they can give clear reasons for their decisions”.

2.24 Stockton Borough Council whilst they have not objected to the housing allocations on this site within the Core Strategy have noted that the applicant has submitted the proposal for consideration prior to the Core Strategy being formally adopted. They have suggested that the two authorities should work together to prepare a joint Masterplan for the Wynyard Area which would comprehensively examine future development, alongside approved developments at Wynyard including the Hospital. It would also examine the need for highway improvements, the impact of potential development on landscape character, the need for social infrastructure, the role of Wynyard in relation to the housing offer in the Tees Valley and if necessary the most sustainable location for affordable housing. In the absence of this they feel that the application is premature. This has also been reflected in

some of the responses from the public and notably from Wolviston Parish Council. The issue of prematurity will be discussed below.

DEVELOPER CONTRIBUTIONS

2.25 The developer has agreed to provide £1.2 million towards off site affordable housing provision, £50,000 towards public rights of way improvements (Green Infrastructure) and reiterate his earlier commitment to contribute £1.71 million to highway improvements. The affordable housing contribution of £1.2 million is considered equivalent to a 10% on site provision. These contributions will be secured through the completion of an appropriate legal agreement.

PLANNING POLICY CONSIDERATIONS

2.26 In the terms of development plan policies the site is located within the limits to development however it is within an area allocated for employment use in both the Hartlepool Local Plan (2006) and in the Regional Spatial Strategy (2008). The proposal is therefore considered contrary to current policy.

2.27 It must also be acknowledged that in terms of sustainability, a key principle behind national and local plan policy, the development at present has some significant weaknesses. In particular the site is relatively isolated and is remote from even the limited services which are available in the village of Wynyard. It is not served by a bus route and so could tend to encourage the use of the motor car. The applicant has suggested that the development may make Wynyard Park as a whole more sustainable by providing the opportunity for those working on the site to live close by. The Design and Access statement also suggests that the housing development will meet high standards of sustainability though given the fact the application is in outline specific proposals in this respect are not confirmed. The internal estate roads accommodate bus stops and cycle routes which will connect to routes into Wynyard Village. The developer has also agreed to provide contributions towards the enhancement of Public Rights of Way and Sustainable Urban Drainage systems will be utilised in the development. The site will also incorporate play areas and electrical charging points for cars within the garages. A residential travel plan including a range of measures to encourage sustainable travel is also proposed (see below). This will compliment site wide Travel Planning which is being brought forward for the whole of Wynyard. In the longer term, the sustainability of the site will also be greatly assisted if developments proceed on the neighbouring sites. In particular should the neighbouring hospital development proceed this will ensure that a regular bus service connecting the site to the town and beyond is secured.

2.28 In light of the above the Local Planning Authority must consider whether there are any other material planning considerations which would indicate that the application should be approved and in this respect there are a number of material planning considerations, of varying degrees of weight, which lend support to the proposal.

1) The site is located within the limits to development though it is allocated for employment use and benefits from an extant permission for a prestige business park.

2) It is not considered that the loss of the employment land in this area would have a detrimental impact on the strategic employment site or the future prosperity of the Borough.

The Hartlepool Employment Land Review for Hartlepool December 2008 indicated that there was an over supply of employment land within the built up area of Hartlepool. The supply is far in excess of the 25 years referred to in RSS Policy 18. The Review highlighted the need to de-allocate surplus employment land within the built up area of Hartlepool in conformity with policy 18. The Employment Land Review accepted that the land at Wynyard Business Park and at North Burn (referred to in the RSS as 'Wynyard') were not considered as part of the Borough's employment land supply but rather forms a sub regional supply. The total RSS allocation of the area as a Key Employment Site includes the Wynyard Business Park (within Stockton & Hartlepool) and the North Burn Area in Hartlepool. This covers an area of about 200 hectares.

Planning permission was recently granted for the provision of a hospital on part of this allocated land. The hospital site covers an area of about 25 hectares or 12.5% of the total Wynyard Key Employment land. The Hospital was considered an acceptable and compatible use on the business park.

The housing areas will result in the loss of a further 32.37 hectares. This will mean that with the hospital in total some 29% of the originally allocated area will have been lost. The issue of the loss of employment land is discussed at 2.17 of the Hartlepool Core Strategy Preferred Options report which states "It is proposed to de-allocate a small area of the site to the west of Wynyard North to provide high quality executive housing..... This de-allocation will still allow for sufficient land for prestige employment and will not hinder the economic growth aspirations of the Borough". It is considered that the loss of a further area of the key employment site is on balance acceptable given the amount of allocated land that remains and the fact that the detached nature of the housing site, which will lie on the periphery of the remaining allocated land forming the Wynyard Park Estate should it be developed, means that it is unlikely to hamper the proper development of the employment sites. In light of this it is considered that it would be difficult to resist the application on these grounds.

3) It is accepted that there is a need to accommodate additional sites for executive housing in the Borough.

The need to provide additional areas of executive housing in the Borough has been identified in various recent reports some of which are discussed above.

This identified need for more executive housing sites was the justification for the de-allocation of the three discrete areas of prestige employment land at Wynyard to which this application relates to. Wynyard over the past decade or so has been the prime location in the Tees Valley for providing high quality homes aimed at the "executive" level and has attracted people from across the sub-region and beyond and is clearly an obvious and proven location to make additional provision.

- 4) The development will secure developer contributions to address housing need in the Borough and potentially support housing market renewal.

Given the nature of the development and the need for executive housing it is accepted that rather than on site affordable housing a contribution towards off site affordable housing is acceptable in this case. The developer has agreed to make a substantial contribution in respect of this which will be used by the Council to address identified housing need in the Borough.

- 5) Similarly located sites are allocated in the emerging core strategy.

The emerging core strategy is at an early stage of its development and it is accepted that only limited weight could be attached to this reason.

- 6) The development would help support economic recovery in line with the spirit of the recent Ministerial Statement : Planning for Growth (2011).

2.29 In terms of prematurity it is acknowledged that the sites, or broadly similar sites, are allocated for housing in the core strategy and that the core strategy is at an early stage in its road to adoption and that only limited weight can be given to that. As noted above PPS3 advises that Local Planning Authorities should not refuse applications solely on the grounds of prematurity. In determining planning applications planning authorities are required to make decisions in accordance with the development plan unless material considerations indicate otherwise, and there are other material considerations identified above, which support the proposal.

CONCLUSION

2.30 On balance, notwithstanding the ongoing concerns regarding sustainability and the current policy situation. It is considered that the material considerations identified above weigh in favour of the application and on balance the proposal can in principle be supported. The detailed planning considerations arising from the application are discussed below.

HIGHWAYS

2.31 The transport implications of the development are considered at Section 15 of the Environmental Statement. The applicant has also prepared a Transport Statement and a Residential Travel Plan.

2.32 The Environmental Statement and Transport Statement conclude that there are no substantive highway reasons that the application should be refused. Both conclude that the impact of the proposed housing development (200 houses) on the local road network will be considerably less than would be the case if the approved B1 business use (68,587 square metres) were implemented. This is because the traffic generated by the proposed housing development would be likely to be substantially less than that which would arise from the approved B1 development. In the AM peak period the applicant considers it is likely that the residential development would generate 51 arrivals and 97 departures. In contrast it is estimated the approved B1 development would generate 1438 arrivals and 390

departures. In terms of the PM peak period, it is estimated that the residential development would attract 101 arrivals and 66 departures. In contrast it is estimated the B1 development would generate 158 arrivals and 1260 departures. (It should be noted that these figures are calculated on the basis of 219 dwellings and not the 200 dwellings now proposed.) The applicant has also compared the likely traffic generated by the development at its likely completion year 2019 to that generated by the extant commercial consents for the Wynyard Business Park. This shows that there would be very slight increase in traffic (between 0.8 to 1.7%) when compared to the extant consent however any increase is considered insignificant in terms of its impact. (It should be noted that this increase is because it is anticipated that the residential development would be brought forward more quickly than the permitted commercial developments which would be phased over a longer period. Assuming a full build out therefore the traffic generated by the residential development in the long term as suggested above would be likely to be considerably less). The existing consent (H/2009/0494) was subject to a section 106 agreement requiring the provision of £1.71 million to fund improvements to the A19 and the A689 and the applicant remains committed to this provision to address congestion issues.

2.33 In terms of sustainability it is recognised in the Environmental Statement that the site, given its location and the existing infrastructure, currently has limited access by transport modes other than the car. The applicant considers that the mix of uses now proposed, with employment and residential uses, will have the benefit of reducing external trips making Wynyard park as a whole more sustainable. The applicant is committed to encouraging the use of more sustainable transport modes across the whole of the Wynyard Park site. Pedestrian and cycle links will facilitate connection to the village. As the wider Wynyard Park site is developed a comprehensive internal network of walking and cycle links will be accommodated to provide “a comprehensive network of sustainable transport infrastructure” and the potential for sustainable public transport links will be enhanced. The applicant also reiterates their commitment to the Travel Planning and advises that the process of delivering and monitoring Travel Planning at Wynyard has already commenced with the appointment of a site wide Travel Plan Co-ordinator, who will also be responsible for the residential site.

2.34 A Residential Travel Plan has also been submitted with the application. It has been prepared in the context of the overarching Travel Plan Framework for the wider Wynyard Park site. This explains how the developer will seek to minimise the traffic impact of the development by maximising the potential for the use of more sustainable travel modes. A range of measures are identified to promote sustainable travel patterns including resident's travel information packs, free bus passes, various bicycle vouchers, packs promoting travel alternatives, up to date travel information on the Wynyard Park website, and a discounted taxi fare scheme. The success of the travel plan will be monitored and reviewed.

2.35 It is acknowledged that highway issues have featured prominently in the responses of objectors to the proposals. However, the consented development will be likely to generate significantly more traffic than the housing now proposed. The Highways Agency, Hartlepool's Borough Council's Traffic & Transportation Section, and its equivalent at Stockton – on – Tees Borough Council have not objected to the proposal. It is acknowledged however that the housing development itself will have

an impact on current traffic levels and that there is a need to reconsider the trigger points for the contributions for improvements to the A19/A689, secured in relation to the extant permission (H/2009/0494), in light of the current proposal. This will ensure that an appropriate degree of mitigation is brought forward at the appropriate time. The applicant is agreeable to this and discussions in respect to this are on going. It is anticipated that a suitable agreement can be arrived at.

2.36 It is considered that with appropriate conditions, and the completion of an appropriate legal agreement securing financial contributions for appropriate mitigation, the proposal is acceptable in highway terms.

ECOLOGY

2.37 The impact of the development on ecology is considered at section 10 of the Environmental Statement. The statement advises that detailed field work has been undertaken by suitably qualified ecologists including a phase 1 habitat survey. Consultations were also undertaken with relevant bodies including Natural England, Durham Bat Group, Tees Valley Wildlife Trust, Teesmouth Bird Club, HBC Ecologist and the tenant farmer.

2.38 There are no statutory designated sites within or adjacent to the application boundary. One Local Wildlife Sites (LWS) Close Wood Complex LWS is within the application boundary with a second, High Newton Hanzard Meadow LWS, just outside but on the wider Wynyard Park site. Natural England have also identified a number of areas within or adjacent to the site as Ancient Replanted Woodland. The significance of this is discussed below.

2.39 The Environmental Statement identified a number of ecological receptors discussed below which the development could potentially affect. Other than Area X, which forms a very small part of the Close Wood complex LWS, none of these are assessed as being more than of local importance.

Habitats

2.40 The habitat currently found on the site consists of an arable field and woodland areas. The plant species diversity in the arable fields was found to be low. Areas of species rich grassland were identified around the A689 verges adjacent to the roundabout and adjacent to a Farm access track though these areas are outwith the site. In terms of the woodland areas these consist of dense conifer plantation, principally western hemlock, of harvestable age. Seedlings from these conifers dominate the understorey of the wood leaving almost no natural vegetation. An area between areas X and Y has been clear felled under a previous permission to provide a route for the approved spine road. This area is currently dominated by rushes.

Protected or Important Species

2.41 In terms of protected or important species.

- No evidence of roosting bats was detected though foraging bats were recorded along the hedgerows and woodland edges. All of the detected bats were Common Pipistrelle.
- In terms of Badgers given the sensitive nature of this information it is not included within this report. A separate update on this issue has been included on pink papers. **This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, Information in respect of information relating to any action taken or to be taken in connection with the prevention of crime (para 7).**
- In terms of breeding birds eleven bird species of conservation importance were recorded. Of particular note was a Goshawk, a schedule 1 species, though it is thought that Goshawk, if breeding in the woods, will do so in the more remote areas. Evidence from previous studies and consultees indicates that a number of species have been recorded either on the site or within the local area including Little Owl, Short Eared Owl, Tawny Owl, Grey Partridge and Song Thrush, though not all of these will breed in the area. Additional species identified by Teesmouth Bird Club included Tree Sparrow, Skylark, Bullfinch and Yellow Hammer. The tenant farmer also advised that Buzzards, Lapwings, Meadow Pipits and Pied Wagtails are present in the area.
- In light of the absence of suitable water bodies or other suitable habitat, it is considered that the site is of negligible importance for wintering water birds.
- In terms of Riparian Mammals there is some evidence of Otters using Close Beck to the north of the site of which Newton Hanzard Beck is a tributary. However, given the relatively poor habitat for Otters, it is considered unlikely that Newton Hanzard Beck would be regularly used by Otters or that they would include the habitat as part of their range. The watercourse is considered unsuitable for Watervole and they are considered to be absent from the site.
- In terms of red squirrel no evidence was found to support the presence of red squirrel. Anecdotal evidence suggests that red squirrels died out on the Wynyard estate in the 1980s.
- In terms of amphibians the site has extremely limited potential for amphibians to occur, given the absence of standing water bodies or areas of damp grassland.
- In terms of Brown Hare. A single brown hare has been recorded on the site in 2010. The tenant farmer has confirmed that they are rarely seen. This is attributed to the nature of current farming practices.

Impacts

2.42 The Environmental statement identifies two types of potential impact arising from the development these are the physical impacts arising during the construction phase and the operational impacts arising from the residential use of the land.

The following impacts have been identified by the applicant (pre mitigation):

- a significant adverse impact in terms of the loss of arable habitat.
- a significant adverse impact in terms of the loss of woodland habitat.

- a neutral (construction phase) or not significantly adverse impact (operational phase) impact on bats.
- In relation to badgers given the sensitive nature of this information it is not included within this report. A separate update on this issue has been included in pink papers.
- a significant adverse impact on breeding birds arising from the loss of habitat.
- a negligible impact on wintering birds.
- a not significant adverse impact on Otters given the sub optimal nature of the habitat for Otters.

Mitigation

2.43 In order to address the above impacts the Environmental Statement proposes the following measures:

- The overall masterplan for Wynyard Park identifies areas for proposed wildflower mix, amenity grassland, and waterbody or sustainable drainage systems which would be implemented to minimise impacts and maximise ecological enhancement.
- The landscaping scheme for Wynyard Park allows for new areas of woodland planting and tree planting will also take place within the housing site. In addition the woodland areas would be actively managed to improve the value for biodiversity.
- Though no bats roosts have been detected, a precautionary approach will be adopted with a pre-commencement bat survey undertaken where development will affect mature trees and mature trees will be soft felled. In addition bat boxes will be erected in suitable locations to enhance conditions for bats. Various measures are proposed to improve woodland areas for foraging and commuting bats including diversifying the planting, softening of edges, creation of clearings and rides and retention of some deadwood. Lighting would be designed to minimise impacts on bats.
- In relation to badgers given the sensitive nature of this information it is not included within this report. A separate update on this issue has been included in pink papers.
- In relation to breeding birds any site clearance would take place outside the bird breeding season (March to August inclusive), otherwise works would be subject to a pre-commencement survey by an ecologist with any nest protected until young birds have fledged. Improvements to habitats across the wider Wynyard Park Estate will be beneficial to breeding birds.
- In relation to Otters, prior to commencement of works a resurvey of Close Beck and Newton Hanzard Beck would be undertaken. A number of precautionary measures would be implemented in relation to lighting and education of construction staff to reduce any risk of casualties arising on roads.

2.44 The Environmental Statement concludes that with all mitigation measures fully implemented the residual impacts arising will not be significant at the national/regional/local levels.

Ancient Woodland

2.45 A number of those making representations have objected on the grounds that the development will result in the loss of ancient woodland. This issue requires some further clarification as the woodland on site is not in reality an ancient woodland. The northernmost of the two blocks of woodland to be removed as part of this planning application (Area X) does sit on an ancient woodland site, ie an area which has accommodated woodland for at least 400 years. However it is not classified as ancient woodland as the original woodland has historically been clear felled and completely replaced by conifer plantation. Such sites are known as PAWS (Plantation on Ancient Woodland Sites).

2.46 There has been some emphasis on research and policy on such sites in recent years on the practicalities of restoring them to the composition of ancient woodland, for example the Forestry Commission's practice guide, "Restoration of Native Woodland on Ancient Woodland Sites". However this guide suggests that restoration is more likely where a diversity of site-native broad leaved trees and some patches of ground flora remain or where the site is in a matrix of other semi-natural habitats.

2.47 In the case of this specific part of the Wynyard site, there are no ancient trees present, indeed there are hardly any native broad leaved trees at all. Furthermore the conifer plantation here has never been managed and is so dense that it has shaded out everything beneath the canopy and there are no typical woodland ground flora species. It is not considered therefore that the loss of part of this site could be resisted on the grounds that ancient woodland would be lost, as it will not be. The applicant has offered to provide a woodland management scheme which would ultimately restore the remaining woodland in their ownership to a broadleaved woodland of locally native species to the overall benefit of the ecology of the site.

Conclusion

2.48 Initially concerns were raised by Natural England, Teesmouth Bird Club and Hartlepool Borough Council's own Ecologist regarding the ecological impacts of the development. A particular concern was that given the loss of habitat the impacts of the development could not be mitigated for within the application site itself alone and there was therefore a need for a mechanism to ensure that mitigation across the wider Wynyard Park Estate was delivered. The concerns raised have been discussed with the applicant and the applicant's ecologist and it has been confirmed that the proposed ecological mitigation and enhancement works for the development would be extended into the wider Wynyard Park site offering a much greater scope for necessary mitigation and enhancement measures. It is proposed that this would be addressed through an appropriate clause within a legal agreement. It should be noted that this will not necessarily directly compensate for all habitats lost i.e it is not intended to replace areas of farm land. It is considered however that with the ecological mitigation and enhancement secured across the wider Wynyard Park site and appropriate conditions that any impact ecology of the site will be acceptable with clear prospects in the longer term that the ecology of the area will be enhanced. In conclusion Natural England, Teesmouth Bird Club and HBC Ecologist do not object to the proposal, subject to satisfactory mitigation and enhancement measures

in the legal agreement. In terms of its impact on ecology therefore the proposed development is considered acceptable.

RESIDENTIAL AMENITY

2.49 The impacts of the development on the residential amenity of neighbouring properties and the amenity of future residents needs to be considered.

2.50 The closest neighbouring residential properties are located on the opposite side of the A689. These include the Wynyard North Lodges some 70m to the south east, Foresters Lodge and the properties on the northern edge of Wynyard Village located to the south. In general the location of these properties on the opposite side of A689 should help to limit direct impacts arising from the development. It is not considered that the residential amenity of these properties would be directly affected in terms of loss of light, outlook, privacy or in relation to any issues relating to over-dominance.

2.51 In the context of residential amenity the sections of the Environmental Report dealing with noise (section 12) and air quality (section 13) are also relevant.

Noise

2.52 In the Environmental Statement it is recognised that construction activities and noise from additional traffic when the site is operational could give rise to impacts in the surrounding area. In terms of the future occupants of the site the issue of traffic noise is also identified as an issue requiring consideration.

2.53 In terms of the Construction phase the Environmental Statement outlines a number of mitigation measures and best practice techniques that will be adopted to limit noise emissions. It should also be remembered that the Borough Council has its own powers in terms of Environmental Protection should nuisance arise.

2.54 In terms of the operational phase the Environmental Statement concludes that the impact arising on existing noise sensitive properties from additional traffic when the site is operational will be insignificant and therefore no mitigation is proposed.

2.55 In relation to the future occupants of the site, for parts of site Y which is closest to the A689, the Environmental Statement recognises that noise is an issue which requires consideration. It is anticipated however that any potential impacts on the future occupants of this site arising from noise from the nearby A689 could be mitigated by an appropriate glazing design and specification. This could be secured through a planning condition.

Air Quality

2.56 In the Environmental Statement it is recognised that dust from construction activities and traffic fumes from additional traffic when the site is operational could give rise to impacts in the surrounding area. In terms of the future occupants of the site the issue of traffic fumes from the A689 is also identified as an issue requiring consideration.

2.57 In terms of the Construction phase the Environmental Statement outlines a number of mitigation measures and best practice techniques that will be adopted to limit dust emissions. It should also be remembered that the Borough Council has its own powers in terms of Environmental Protection should nuisance arise.

2.58 In terms of the operational phase the Environmental Statement concludes that the impacts arising on existing sensitive properties from fumes arising from additional traffic when the site is operational will be negligible and therefore no mitigation is proposed.

2.59 In relation to the future occupants of the site, it is anticipated that air quality will be within acceptable national standards.

Relationship with Approved Commercial Development

2.60 The proposed housing site is located on the edge of an approved commercial development and this relationship needs to be considered. The indicative layouts show that the housing can be accommodated with, for the most part, a significant landscape buffer retained between the proposed housing sites and the commercial development to the east. It is considered likely therefore that the amenity of the future residents can be safeguarded so that it will not be unduly affected by the activities on the neighbouring commercial sites, or vice versa.

Conclusion

2.61 No objections to the development have been raised by the Head Of Public Protection. In line with the findings of the Environmental Statement he has however requested that an appropriate condition be placed controlling the specification of the glazing and ventilation systems of the properties on site Y in order to ensure that any potential nuisance arising from traffic noise can be addressed.

2.62 In terms of the impact of the development on the amenity of existing residents and the amenity of the future occupiers of the site the proposed development is considered acceptable.

LANDSCAPE AND VISUAL IMPACT

2.63 The issue of Landscape and Visual Impact is examined at Chapter 9 of the Environmental Statement the applicant identifies a slightly negative local effect. In order to mitigate against this impact areas of established vegetation will be retained to the perimeters of the site and additional landscaping and planting undertaken.

2.64 In terms of design and landscaping the application, save for the main road networks, is in outline only and therefore detailed designs are not available. However the design and access statement submitted and the indicative layouts provided indicate that the proposal is to provide the residential areas within an established woodland setting. In the Pentagon the existing woodland around the arable field will for the most part be retained. In housing areas X and Y clearings will be formed within the woodland to accommodate the housing areas. The remaining woodland areas will be retained and managed as a framework to the development

save for the areas where road and other infrastructure is provided. Additional planting and landscaping will also take place within the site. It is considered that the screening afforded by the retention of existing woodland areas will help to contain any possible adverse impacts. This will be ensured through appropriate landscaping conditions and legal agreements.

2.65 In considering the visual impact of the development it should also be remembered that the site benefits from an extant planning permission for B1 business development and associated infrastructure which in itself would have a landscape and visual impact. In this context it is noticeable that the indicative housing layouts show for the most part a larger woodland buffer retained adjacent to the A689 than would be the case if the approved commercial developments (H/2009/0494) were brought forward. In the context of key views from the A689 the proposal has potential therefore to have less visual impact. In terms of its landscape and visual impact the proposal is considered acceptable.

DRAINAGE/FLOODING

2.66 Issues relating to drainage and flooding including Geology, Hydrogeology and Hydrology are considered in section 11 of the Environmental Statement and in the Flood Risk Assessment which also accompanied the application.

2.67 Given the current landuse and the fact that this has not changed for centuries the site is considered to be at negligible risk from historic contamination.

2.68 The Environmental Statement assesses the impact of the development on the existing geological, hydrogeological and hydrological environments. The assessment process considered the key activities to be undertaken in the construction and operation of the proposed development and assessed the significance of the potential impact arising from these activities, by gauging the sensitivity of the receptors and the magnitude of any impact were it to be realised.

2.69 The primary receptors at the site are the soils and superficial deposits, the underlying shallow ground water in the glacial sands and gravel Secondary Aquifer and the Newton Hanzard Beck and associated aquifers.

2.70 The key activities and potential impacts arising from the proposed development would be alteration of soil structure, erosion and sediment mobilisation, accidental release of potentially polluting substances and alterations to the surface and groundwater regimes. Each of the potential impacts was addressed with reference to best practice guidelines and site management practices to mitigate any impact on receptors. After mitigation all residual impacts are assessed as negligible or minor, as were cumulative impacts.

2.71 The issue of Flood Risk was considered in the Flood Risk Assessment which accompanied the application. This concludes that the risk of flooding on the site from sewers, overland flow and groundwater is considered to be low and that there are considered to be no significant increased off site flooding risk as a result of the development. The site is considered acceptable therefore in terms of its hydrology, for the type of development proposed.

2.72 The site is not currently served by public sewers and details of the proposed drainage arrangements will be conditioned for approval, the details submitted indicate that sustainable urban drainage systems (SUDS) will be utilised, including on site water bodies and attenuated discharges to the existing watercourse. The Environment Agency, Northumbrian Water and Hartlepool Borough Council's Engineering Consultancy have raised no objections to the proposal subject to the imposition of appropriate conditions. The proposal is considered acceptable in terms of issues relating flooding and drainage subject to the imposition of appropriate conditions.

PUBLIC RIGHTS OF WAY

2.73 Objections have been received from the Ramblers Association on the grounds that the proposed development does not accommodate any links to existing Public Rights Of Way to the North and West. These concerns were also reflected in the comments of the Tees Valley Access Forum.

2.74 Unfortunately the applicant does not own neighbouring land, or accesses, which would be required to accommodate links to the Public Rights of Way (PROW) network to the north and west. Notwithstanding this the applicant initially proposed to contribute the provision of a link to the National Cycle Network Route No 1, the Castle Eden Walkway, which lies some 1KM to the west suggesting a link might be accommodated within the highway verge to the north of the A689. However discussions with the Highway Section at Durham County Council, and with Countryside Officers at both Stockton and Hartlepool, highlighted concerns in respect to this proposal from both a technical viewpoint and in terms of highway safety. It was also considered that a more convenient link might be provided on the south side of the A689 should the housing allocation at Wynyard West Woods be brought forward.

2.75 Instead it was suggested that an alternative link be explored. In particular Hartlepool's Countryside Officer has been investigating prospects for linking the site through the existing Close Farm access to a PROW to the north which in turn also links to the Castle Eden Walkway. This will however require the agreement of the adjoining landowner(s). If it could be provided, this would be a significant addition to the PROW network in the Borough. The applicant has agreed to make a substantial contribution to facilitate improvements to the PROW network which might be applied to accommodate this link. Provision for a PROW link would also need to be legally accommodated through the site. For the future if the southern link at Wynyard Woods West, could also be accommodated, together they would provided a substantial circular recreational route which would significantly enhance the PROW network in the area to the benefits or residents and visitors alike.

2.76 These issues are being explored and given the legal and landownership issues involved cannot be concluded within the scope of the determination of this application. It is considered however that the developer contribution toward improvements to PROW in the area and the provision of a PROW link through the site should be secured through a section 106 agreement .

ARCHAEOLOGY/HERITAGE ASSETS

2.77 The impact of the development on Archaeology and Heritage Assets is considered in Section 14 of the Environmental Statement.

2.78 In terms of Heritage Assets the Environmental Statement notes that the site contains no scheduled monuments, no listed buildings, no Conservation Areas, no registered Parks and Gardens and no registered battlefields. It is noted however that Wynyard Park a Grade II* listed Park & Garden is located 630m to the south of the site boundary. The Teesside Historic Environment Records have been consulted and include three entries relevant to the proposed housing areas. These relate to Woodland (Post Medieval)(Area X), Ridge & Furrow (Medieval)(Pentagon) and Settlement Site (Iron Age) (Pentagon). Three entries are also recorded elsewhere within the application site. These relate to Ridge & Furrow (Medieval to Post Medieval), Ridge & Furrow (Medieval), and a Neolithic Flint Arrow head.

2.79 A programme of trial trenching was recently undertaken in connection with the previous application relating to the site. This included the Pentagon housing area but not the area housing areas X & Y currently under woodland plantation. The trial trenching recorded the former presence of Ridge & Furrow within the Pentagon suggesting the site was used for agriculture in the Medieval period. A possible ditch and Iron Age roundhouse was also identified in this part of the site suggesting that it may potentially have been settled. However the remains were badly plough damaged and poorly preserved. At this time parts of the site were also subject to field walking and occasional worked flints were recorded. The site has been subject to a further recent walkover survey, no new heritage assets were identified.

2.80 In terms of the impact of the development on the heritage assets within the site (the possible Iron Age settlement, various Ridge and Furrow, and the area identified as "ancient woodland") a slight to a major adverse impact on these assets was identified as the proposed development will cause the total or partial removal of these features. A similar conclusion was reached in terms of as yet unknown remains in area X and Y. In relation to Wynyard Park and Garden, located some distance away, it was concluded given the existing tree cover and other modern development in the vicinity the impact on this asset would be neutral.

2.81 In order to mitigate against these impacts the Environmental Statement proposes further archaeological works. These will include open area excavation in the Pentagon to fully record the possible Iron Age Roundhouse. Further work in areas X and Y will also be undertaken to ascertain the presence of earthworks, the level of disturbance to remains and the need for any further works.

2.82 Tees Archaeology have reviewed the relevant part of the applicant's Environmental Statement and concluded that they agree with the mitigation proposed and agree that this can be secured by an appropriate planning condition. It is concluded therefore that the proposal is acceptable in terms of its impact on Archaeology/Heritage Assets subject to an appropriate condition securing the proposed mitigation works.

SOCIO ECONOMIC IMPACT

2.83 The Socio Economic Impact of the development is considered at section 16 of the Environmental Statement. It is concluded that the development would have an overall major beneficial effect on the immediate and surrounding area in terms of socio economic impact arising from investment and employment generation in an area where unemployment and deprivation are higher than the regional and national average.

2.84 Specific benefits identified include regeneration benefits, employment opportunities during construction, provision of housing that will encourage the inward migration of high earners, a positive impact on the local economy and enhanced public access.

2.85 The socio-economic aspects of the development are also discussed in the Planning Policy Section above and elsewhere in this report where the recognised need for the Borough to accommodate areas of executive housing in order to attract wealth creators to stimulate the economy, the benefits arising in terms of the proposed off site affordable housing contribution and contributions to the enhancement of the Public Rights of Way network are identified. It is also concluded that the loss of part of the Strategic Employment site can, on balance, be accommodated without compromising the economic prospects of the Borough or wider region. In terms of its socio-economic impact the proposal is considered acceptable.

CONCLUSION

2.86 The proposal is, on balance considered acceptable and is recommended for approval subject to the completion of a legal agreement and appropriate conditions. The requirements of the legal agreement and the proposed conditions are being finalised and it is hoped will be tabled at the meeting.

UPDATE

No: 7
Number: H/2011/0059
Applicant: Mr Alan Henderson Lock Office Slake Terrace
HARTLEPOOL TS24 0RU
Agent: England & Lyle Mr Gary Swarbrick Morton House Morton
Road DARLINGTON DL1 4PT
Date valid: 03/02/2011
Development: Demolition of existing amenity building and erection of a
two storey building comprising commercial unit (Use
Classes A1, A3 and A4) at ground floor and yacht club
and amenity facilities at first floor (resubmitted application)
Location: NAVIGATION POINT MARINA

Update

7.1 This item appears on the main agenda as item 7.

7.2 Since the original report was produced, the Environment Agency has provided final comments regarding drainage and has now withdrawn the previous objections. A number of conditions have been recommended regarding the Flood Risk Assessment (FRA), finished floor levels and a scheme for surface water management.

7.3 Consideration has also been given to the change of ownership of the foul drainage system. In view of the fact that Northumbrian Water is now responsible for this system, no objections would be raised to the development.

7.4 In the light of the responses set out above and the considerations discussed in the original report, the proposed development is considered to be acceptable and is therefore recommended for approval.

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. Details of all external finishing materials for the open areas of the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences, samples of the desired materials being provided where required for this purpose.
In the interests of visual amenity.
4. The premises shall only be open between the hours of 07.00 and 24.00 daily.
In the interests of the amenities of the occupants of neighbouring properties.

5. The development hereby permitted shall be carried out in accordance with the plans numbered 971-09-100 rev A, 971-09-101 rev A, 971-09-102, 971-09-200 rev B, 971-09-201 rev A, 971-09-202 rev A, 971-09-203 rev A, 971-09-204 rev B, 971-09-205 rev B, and 971-09-206 rev A and details received by the Local Planning Authority on 3-2-2011 unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
6. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
7. Prior to the commencement of the development hereby approved, details of the servicing arrangements for the delivery of goods to the building shall be submitted to and agreed in writing by the Local Planning Authority, once approved the delivery of the goods to the building shall be in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
8. The development hereby approved shall not commence until proposals for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority and all such approved details have been implemented.
In the interests of the amenities of the occupants of neighbouring properties.
9. The A1 (retail) use hereby approved shall relate to the sale of convenience goods only and not for any other purposes (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
In order to protect the viability and vitality of the town centre.
10. No amplified music shall be relayed/piped or played in outside areas including balconies.
11. In the interests of the amenities of the occupants of neighbouring properties.
The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by Pell Frischmann ref W11209Y004/A and received by the Local Planning Authority on 3.2.2011 and the following mitigation measures detailed within the FRA:
 - 1) An emergency evacuation plan to be agreed with emergency planners and planning authority including identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
To ensure safe access and egress from and to the site.
 - 2) Finished floor levels are set no lower than 4.885m above Ordnance Datum (AOD) to reduce the risk of flooding to the proposed development and future occupants.

- To ensure safe access and egress from and to the site.
12. The development hereby permitted shall not be commenced until such time as a scheme for surface water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:-
- i) confirmation of the discharge location
 - ii) confirmation the network can operate with the predicted run off considering climate change allowances over the lifetime of the development
 - iii) Details of how the scheme shall be maintained over the development lifetime.
- The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the Local Planning Authority.
- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
13. A test for the presence of landfill gas (methane and carbon dioxide) shall be made in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. If landfill gas is detected then a scheme to incorporate appropriate landfill gas protection measures shall be submitted to and approved in writing by the Local Planning Authority. The landfill gas protection measures so approved shall be incorporated into the development at the time of the development.
- To ensure that risks from landfill gas to the future users of the site and neighbouring land are minimised.
14. The development hereby approved shall not commence until details of fat/grease traps to the drainage system in relation to all kitchen areas have been submitted to and approved in writing by the Local Planning Authority. The equipment shall thereafter be installed and maintained for the lifetime of the development.
- In the interests of the amenities of the area.
15. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
- To ensure the site is developed in a satisfactory manner.

PLANNING COMMITTEE

4 November 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's complaint regarding the erection a lean – to extension to the rear of a property on Witham Grove.
 - 2 A neighbour's complaint regarding the erection of porch at a property on Stockton Road.
 - 3 A neighbour complaint regarding the running of a dog grooming business from a residential property on Siskin Close.
 - 4 Officer monitoring recorded a change use from hairdressers to physio treatment rooms of a property on Raby Road.
 - 5 A complaint regarding the erection of garden room extension at a property on Gala Close has been investigated. The property address was incorrect, additional checking identified building works had commenced at a nearby property benefiting from a valid planning application.
 - 6 A neighbour complaint regarding the introduction of a café to an existing novelty business operating from commercial premises on The Front, Seaton Carew.
 - 7 A neighbour complaint regarding the erection of wooden structures in the rear garden of property on Fareham Close.
 - 8 Officer monitoring recorded a change of use from retail to fish foot spa without the benefit of planning permission on Park Road.
 - 9 A neighbour complaint regarding a car repair business operating from a residential property on White Court.

- 10 Officer monitoring recorded the increase of fascia signs to the side and front elevations of a commercial property on York Road.
- 11 A neighbour complaint regarding the erection of an approved two storey rear extension under construction at a property on North Road not in accordance with the approved plans.
- 12 A neighbour complaint regarding the placing of a sales cabin on land on Loyalty Road.
- 13 A neighbour complaint regarding the unauthorised change use to flats of the upper floors of a vacant commercial property on Church Street/Scarborough Street.
- 14 A Councillor complaint regarding the provision of a spectator stand on a sports ground on Catcote Road.
- 15 Officer monitoring recorded a dog grooming service operating from a residential property on John Howe Gardens.
- 16 A complaint regarding the untidy condition of a residential property on Osborne Road.
- 17 A complaint raised by Cleveland Fire Brigade as a result of an incident attended regarding a car repair business operating from residential garage on Sandringham Road.

2. RECOMMENDATION

- 2.1 Members note this report.



PLANNING COMMITTEE

4 November 2011

Report of: Assistant Director (Regeneration and Planning)

Subject: REVIEW OF PLANNING DELEGATIONS IN
RELATION TO SERVING SECTION 215
NOTICES (UNTIDY LAND & BUILDINGS)

1. PURPOSE OF THE REPORT

- 1.2 To review the terms of the officer delegation scheme in relation to the issuing of Section 215 notices and to make suggestions for changes.

2. BACKGROUND

- 2.1 A report was brought to the Planning Committee on the 7 October 2011 recommending that in order to speed up and streamline the serving of Section 215 notices that authority to issue these notices is given to the Planning Services Manager. It was also recommended that a report be brought to the Planning Committee on a quarterly basis updating Members on the Section 215 Notices which have been served. The committee report for the 7th October is attached at **Appendix 1**.
- 2.2 At the request of Members this report has been brought to introduce a systematic approach in serving s215 notices. Members discussed procedures which included advising the relevant Ward Members and the Chair and Vice Chair of the Planning Committee when a s215 has been served. Members also discussed reports being brought to Planning Committee advising Members 1) when notices have been served and 2) of the outcomes of serving these notices. It is proposed to bring monthly reports (as required) to update Members of when notices have been served, as requested by Members this has changed from a proposed quarterly report and to also produce annually an enforcement update report which advises Members of all enforcement actions authorised. A flowchart is attached in **Appendix 2** which details the proposed delegation.

3 RECOMMENDATIONS

- 3.1 That Members note the contents of this report and agree the scheme of delegation and procedures as proposed.

- 3.2 Should Members agreed to amend the scheme of delegation it has been confirmed by Democratic Services & the Chief Solicitor that this would need to be referred to the Constitution Committee and to Council. The current Development Control Scheme of Delegation is contained within the Planning Code of Practice.

APPENDIX 1

PLANNING COMMITTEE

7 October 2011



Report of: Assistant Director (Regeneration and Planning)

Subject: Review of Planning Delegations in relation to serving Section 215 Notices (Untidy Land & Buildings)

1. PURPOSE OF THE REPORT

- 1.2 To review the terms of the officer delegation scheme in relation to the issuing of Section 215 notices and to make suggestions for changes.

2. BACKGROUND

- 2.1 Under Section 215 of the Town and Country Planning Act 1990 Hartlepool Borough Council has the power to require the proper maintenance of land and buildings where it is considered that the condition 'adversely affects the amenity of the area'. The Notice must specify the steps that need to be undertaken to abate the harm to the amenity of the area and the period within which they are to be undertaken.
- 2.2 Section 215 is a relatively straightforward power that can deliver important, tangible and lasting improvements to amenity. A best practice guide is available entitled 'Town and Country Planning Act 1990 Section 215, Best Practice Guidance' dated January 2005, which can be found via the internet:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/319798.pdf>
- 2.3 National guidance cites delegation as the principal tool from which efficiencies can be made. Delegation is not a process that will generally change the outcome of a planning enforcement decision, nor is it one which transfers power from elected Members to Officers. The purpose of delegation is to simplify procedures, speed up the process, minimise costs and leave committee members with more time to concentrate on major planning issues.

APPENDIX 1

- 2.3 Successive governments have placed increasing emphasis on encouraging Councils to delegate more decision making to their trained and qualified officers, particularly in the case of straightforward or non-contentious cases.

3. CURRENT DELEGATION SCHEME

- 3.1 The Planning Code of Practice specified that except in cases of emergency the Planning Committee authorise the serving of relevant Enforcement Notices. Therefore even the simple Section 215 notices are referred to the Planning Committee for decision.

4 PROPOSED DELEGATION

- 3.1 Members will be aware from previous Planning Committee meetings that Hartlepool Borough Council acting as Local Planning Authority is taking a proactive stance in relation to dealing with untidy land and buildings and have a working group to look at the relevant issues. A Task Group has also been set up with regard to serving these notices which is focused on properties in a poor state of repair within the Housing Regeneration Areas. Along side this a report will be presented to the housing and transition portfolio holder on the 18th October focusing on other enforcement tools the Council will look to employ as part of its strategy to drive up housing standards both in terms of appearance and management.
- 3.2 It should be noted that Members have not declined to authorise the serving of a Section 215 notice when reports have been presented to the Planning Committee.
- 3.3 It is recommended that in order to speed up and streamline the serving of Section 215 notices that authority to issue these notices is given to the Planning Services Manager. It is also recommended that a report be brought to the Planning Committee on a quarterly basis updating Members on the Section 215 Notices which have been served.
- 3.4 Delegation has benefits for all stakeholders in terms of simplifying procedures, minimising costs and freeing up Committee members to concentrate on major or controversial cases. Where there is no need to await a committee decision, up to four weeks can be saved in dealing with an enforcement issue. Delegation is a positive process that gives benefits not just in terms of streamlining internal procedures but also in terms of improved responsiveness for the general public

5 RECOMMENDATIONS

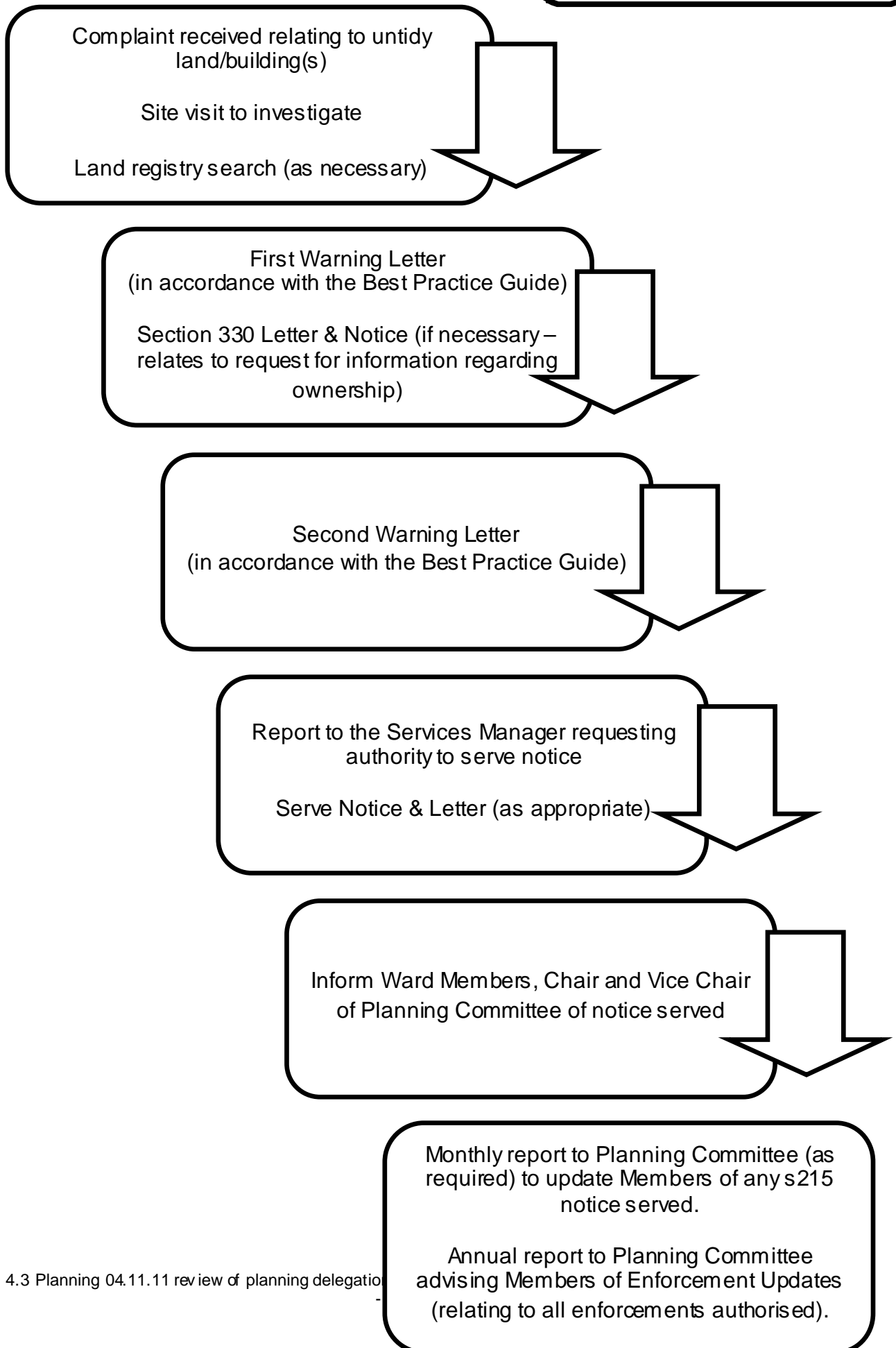
- 5.1 That Members note the contents of this report and agree the scheme of delegation as proposed.

APPENDIX 1

- 5.2 Should Members agreed to amend the scheme of delegation it has been confirmed by Democratic Services & the Chief Solicitor that this would need to be referred to the Constitution Committee and to Council. The current Development Control Scheme of Delegation is contained within the Planning Code of Practice.

Planning Delegation Scheme
In relation to S215 Notices

APPENDIX 2



PLANNING COMMITTEE

4 November 2011



Report of: Assistant Director (Regeneration and Planning)

Subject: REPLACEMENT DOORS IN CONSERVATION AREAS

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform Members of the current policy relating to replacement doors in conservation areas.

2. BACKGROUND

- 2.1 At the last meeting of this committee an item was brought requesting permissions for officers to take enforcement action against a door installed in a property covered by an Article 4 Direction without the benefit of consent. Members considered the information presented and concluded that no enforcement action should be taken.
- 2.2 The item led to some discussion around replacement doors in conservation areas. This report clarifies the policy background relating to replacement doors.

3. EXISTING POLICY ON REPLACEMENT DOORS

- 3.1 The national legislative control applying specifically to listed buildings and conservation areas is contained in the Planning (Listed Building and Conservation Areas) Act 1990. This provides the framework for the listing of buildings and the designation of conservation areas and the controls which apply to them. Policy advice and interpretation of the legislation is given in the form of circulars and Planning Policy Statement 5, Planning for the Historic Environment and the accompanying practice guide produced by English Heritage.
- 3.2 Conservation Policy at a local level can be found in the Local Plan (approved April 2006). Local Plan policy provides broad guidance reflecting national legislation. In addition supplementary planning guidance in this document provides some detailed guidance.

- 3.3 In February 2009 this Committee agreed a policy relating to windows in conservation areas. The policy enables residents to use modern materials alongside traditional solutions when replacing windows. It should be noted that these policy guidelines were created in light of a number of planning appeals and decisions made by this committee around the use of modern materials in conservation areas.

4 INSTALLATION OF REPLACEMENT DOORS

- 4.1 In considering replacement doors in conservation areas consent is not required in all cases to carry out such works. There are three different levels of control of development in conservation areas outlined below:

1. Properties in conservation areas

These are properties located in conservation areas which have limited restrictions covering the changes that can be carried out. These restrictions do not cover replacement doors.

2. Properties in conservation areas covered by an Article 4 Directions

Most homes have permitted development rights. This allows homeowners to carry out minor changes to their properties without the benefit of planning permission. Such minor changes, when accumulated, can greatly change the character of a conservation area. To control such changes an Article 4 Direction is put in place, requiring planning permission for some works such as changing windows. Article 4 Directions apply in, The Headland, Grange, Elwick, and Seaton Carew Conservation Areas.

3. Listed buildings

Listed building consent is required for any alterations which change the appearance of a listed building. This would include replacement doors.

- 4.2 The number of applications received by the authority to replace doors on residential properties in conservation areas or listed buildings is relatively small. In the past year (October 2010 – October 2011) a single application for a modern replacement door at a dwelling was received. The retrospective application was refused and an appeal was subsequently dismissed. In the preceding year two applications for replacement doors were made, both of these applications were using traditional materials.
- 4.3 Officers are aware of two cases where doors have been installed without the benefit of planning permission in properties covered by Article 4 Directions. No action has been taken against these properties to date as officers were awaiting the outcome of an appeal decision prior to taking any formal action.
- 4.4 It is clear from the number of applications submitted in recent years that there is not a proliferation of replacement doors within conservation areas or at listed buildings.

5. GUIDANCE ON REPLACEMENT DOORS

- 5.1 In 2009 this Committee agreed policy guidelines in relation to replacement windows in conservation areas. There is a relatively generic window style found across the eight conservation areas in Hartlepool. This enabled guidelines to be developed which would encompass replacement windows in most cases.
- 5.2 There are a wide variety of designs of doors across all eight conservation areas. There is not a one size fits all approach for doors and the type and style of doors found in conservation areas varies greatly. Infinite styles can be created because a joiner can tailor a door to an individual specification.
- 5.3 Currently applications for replacement doors are determined on a case by case basis. The appropriateness of a replacement door is considered in light of the design and detailing of the new door, and how this replicates the original door. If the application is to replace a modern door, a judgment is made if the door is of an appropriate design and style to the age of the property.
- 5.4 The current policy does not preclude the use of modern materials in replacement doors. To date it has been found that modern doors do not replicate the characteristics of a traditional timber door and therefore they would not usually be recommended for installation in historic properties. This view has been supported in appeal decisions in Hartlepool and case law elsewhere.
- 5.5 General guidance on replacement doors is provided on the Council's website. The information includes details on different elements of a door, carrying out repairs to timber doors and points to think about when replacing doors.

6. RISK ASSESSMENT OF ALLOWING MODERN DOORS IN CONSERVATION AREAS

- 6.1 In the past a consistent line has been taken in relation to policy with applications for doors using modern materials refused consent. By allowing modern materials within the conservation area this results in an inconsistent message to residents regarding what is acceptable in altering buildings in conservation areas and listed buildings.
- 6.2 Any increase in modern materials in conservation areas could result in conservation areas being placed on the English Heritage 'At Risk Register'. This register monitors all aspects of heritage at risk across the country. It would provide an indication that the previous investment in conservation areas by the Council, English Heritage, and in the case of the Headland, the Heritage Lottery is not being protected. This could put at risk potential future grant schemes if it is perceived that funding will not be protected in the long term.

- 6.3 A trend for allowing modern materials or not following up unauthorised works could lead to a misplaced perception amongst residents that breaches in planning legislations might not be investigated. This could lead to a further negative impact on the conservation area as residents carry out unauthorised works assuming that no formal action will be taken.

7. SUMMARY AND FUTURE ACTIONS

- 7.1 In conclusion there are a small number of applications for replacement doors in conservation areas or at listed buildings each year. In addition existing monitoring would suggest that a similarly low number are being installed without the benefit of planning consent. This would indicate that this issue is not currently impacting on the character and appearance of the Boroughs conservation areas in a detrimental way.
- 7.2 It is important to recognise, that the wide variety of architectural styles, the varying circumstances of individual areas and the importance of design details mean that in practice there cannot be “rules and regulations” operating at the level of detail which must be taken into account in considering individual property proposals. Instead decisions must be taken in the context of guidance, approved policy and any relevant considerations from case law.

8. RECOMMENDATION

- 8.1 It is recommended that the Committee notes the current policy on replacement doors and agrees to officers continuing to deal with application on a case by case basis being guided by the existing policy framework.

PLANNING COMMITTEE

4 November 2011



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL BY MR F RANDALL AT JOE'S SKIPS,
BRENDA ROAD HARTLEPOOL (H/2011/0055)

1. PURPOSE OF REPORT

- 1.1 To advise members of the receipt of a planning appeal and to request authority to contest the appeal.

2. APPEAL

- 2.1 A planning appeal has been lodged against the refusal of Hartlepool Borough Council to allow the change of use to a waste transfer station at Joe's Skips, Brenda Road, Hartlepool.
- 2.2 The application was refused by members of the Planning Committee on 17th June 2011. It was considered that the proposed waste transfer station/recycling facility is sited outside of the area allocated for 'bad neighbour uses' and would be detrimental to the amenities and living conditions of nearby residents. The proposal was also considered to 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. The proposal would be contrary to Local Plan (2006) Policies GEP1, Ind5 and Ind6 and Policies MWP4 and MWC8 of the Tees Valley Minerals and Waste DPDs (2011).
- 2.3 The appeal is to be decided by written representations.

2 RECOMMENDATIONS

- 3.1 That authority be given to officers to contest this appeal.

PLANNING COMMITTEE

4 November 2011



Report of: Assistant Director (Regeneration & Planning)

Subject: APPEAL BY MRS PAULINE CROW SITE AT
CROWS MEADOW FARM, DALTON BACK LANE,
BILLINGHAM TS22 5PG

1. PURPOSE OF REPORT

- 1.1 To inform members of an appeal received in relation to the non determination of an application for the erection of a detached dwellinghouse at Crows Meadow Farm, Dalton Back Lane (H/2011/0268). The applicant has requested that the appeal be dealt with through the hearing procedure.

2. BACKGROUND

- 2.1 The above application was received in July 2011. During the course of the consideration of the application the applicant was advised that, in order to ensure that the dwellinghouse remains tied to the holding to meet the needs of the business, we would wish to restrict the occupation of the dwellinghouse and tie it to the holding through an appropriate legal agreement.
- 2.2 The applicant however ultimately indicated that this was not acceptable as the occupation of the dwellinghouse could be restricted by condition. Whilst the position was being considered the applicant submitted the current appeal on the grounds of non determination.
- 2.3 In light of this legal advice was sought and the advice given was that we should act in accordance with Circular 11/95 and therefore it is preferable to impose a planning condition rather than a planning obligation for this purpose.
- 2.4 As the application is now the subject of an appeal we cannot determine the application, however the application is reported at item 8 on the main agenda where it is recommended that members indicate to the Planning Inspectorate that if they had been free to determine the application they would have approved the application subject to conditions.

3. RECOMMENDATION

- 3.1 The recommendation will depend on members consideration of the related planning application considered at item 8 on the main agenda.

Either

- 3.2 That should members support the Officer view that had they been free to determine the planning application (item 8 main agenda) they would have approved the application subject to conditions that Officers be authorised not to contest the appeal other than provide to the Inspectorate details of the suggested conditions. In light of the Officer view on the application this is the course of action Officer's would recommend.

Or

- 3.3 That should members take the contrary view that had they been free to determine the planning application (item 8 main agenda) they would have refused the application that Officer's be authorised to contest the appeal.

PLANNING COMMITTEE

4 November 2011



Report of: Assistant Director (Regeneration & Planning)

Subject: APPEAL BY MR TERENCE BATES SITE AT
BRIERTON MOORHOUSE FARM, DALTON BACK
LANE, HARTLEPOOL TS22 5PG

1. PURPOSE OF REPORT

- 1.1 To inform members of an appeal received in relation to an application determined under delegated powers and to request authority to contest the appeal.

2. BACKGROUND

- 2.1 In September 2011 an application for the change the use of an agricultural building and land for use to manufacture and store garden furniture at Brierton Moorhouse Farm, Dalton Back Lane.(H/2011/0311) was refused . A copy of the delegated report is **attached**.
- 2.2 The application was refused for the following reasons.
1. It is considered that the proposal would represent unacceptable development in the open countryside in that the location is not considered a sustainable location for a use of this type and that the proposed use is not considered compatible with its rural surroundings and would be likely to detract from the rural character and visual amenity of the area. The proposed use would therefore be contrary to policies GEP1 and Rur 7 of the Hartlepool Local Plan 2006, PPS7: Sustainable Development in Rural Areas and PPS4: Planning for sustainable economic growth.
 2. It is not considered that the proposal is an acceptable form of farm diversification in that it will result in the loss of the only building on the holding and therefore not sustain any agricultural enterprise contrary to policies Rur 7 of the Hartlepool Local Plan and PPS7: Sustainable Development in Rural Areas and PPS4: Planning for sustainable economic growth.

- 2.3 The applicant has appealed against the decision. The applicant has requested that the appeal be dealt with through the written representations procedure.

3. RECOMMENDATION

- 3.1 That Committee authorises Officers to contest the appeal.

Application No H/2011/0311

Proposal Change of use of an agricultural building and land for use to manufacture and store garden furniture

Location BRIERTON MOORHOUSE FARM DALTON BACK LANE HARTLEPOOL

PS Code:20



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DELEGATION ISSUES	Neighbour letters:	13/07/2011
	Site notice:	19/07/2011
1) Publicity Expiry	Advert:	Not applicable
	Weekly list:	17/07/2011
	Expiry date:	08/08/2011
2) Publicity/Consultations		
The application has been advertise by site notice and neighbour notification (6).		
A single letter of objection was received from the occupier of an adjacent farm. The writer states "This will further change the area from agricultural to semi urban. If the timber for the venture were produced on site this would be OK but since it will all be brought in it would be better to use a light industrial unit in Hartlepool. There are many vacant and much better suited to this activity."		
Public Protection : No objections.		
Greatham Parish Council : Greatham Parish Council has several concerns with regard to this application which is on the site of a recently accepted application for a caravan park. The building in question was built very recently for agricultural storage only. The applicant's statement gives a very brief outline of the business plan and the council asks that the Planning Officer seeks one of greater detail and then puts in place strict conditions should the application be granted. The nature of the business will probably entail the use of preservatives and chemicals. there is no mention of these in the application nor of storage and disposal of those materials.		
Dalton Piercy Parish Council : No comments.		
Traffic & Transportation : There are no highway or traffic concerns.		
Landscape Planning & Conservation : No objections on ecological grounds.		
3) Neighbour letters needed	Y	
4) Parish letter needed	Y	

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5) Policy

GEP1: General Environmental Principles

GEP3: Crime Prevention by Planning and Design

Rur11: Farm Diversification

Rur13: Reuse of Rural Buildings

Rur7: Development in the Countryside

Comments: Policies RUR11 and RUR13 of the Local Plan are not saved but the relevant policy background can be found in PPS4 (Planning for Sustainable Economic Growth) under policy EC6. I don't accept this use as farm diversification as it is not directly related to the rural area and I do not consider this an acceptable re-use of a rural building. This activity should be accommodated on one of the many existing employment sites located in the Borough. I also have concerns regarding the potential impact on the landscape character of the area if land around the building is used for the storage of materials (GEP1 & RUR7). For the above reasons I would recommend refusal as contrary to policies GEP1 and RUR7 of the Local Plan and policy EC6 of PPS4.

6) Planning Considerations

The Application and Site

The application site is an agricultural building and land around it located in open countryside on the west side of Dalton Back Lane. The large brick built building was erected under the prior notification procedure (H/2007/0098). It appears that a hardstanding has recently been extended around much of the building. In the north west corner of the site are two portable offices, a metal container, an excavator and bull dozer. Access to the site is from an access lane which connects the site to Dalton back Lane. To the north on the other side of the lane are fields. To the east and north east are equestrian businesses. To the west and south are fields.

Planning permission is sought for the change of use of the building and land for use to manufacture and store garden furniture. The applicant has indicated that the building would be used for the manufacture of bespoke rustic garden furniture and sculptures from reclaimed wood and fallen trees using only hand tools. The area outside the building would be used for the storage of reclaimed wood and fallen timber, from which the furniture would be made, to a height not exceeding 1.8m. The applicant has advised he would be the only person employed and traffic movements would therefore be limited to his own with the occasional delivery of reclaimed wood, though he indicates that he would move the wood himself if required. He proposes to sell the work on line and therefore customers would not visit the premises. The building will not be altered. In support of the application the applicant has advised that the externally stored wood will enhance the landscape and that the diversification proposed is supported by the government and planning law.

Planning History

The holding once formed part of a larger unit in the current applicant's ownership which has since been subdivided into three. The eastern portion of the land is now in separate ownership and benefits from

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permission for a livery stable and a caravan associated with the livery enterprise (H/2005/5320 & H/2007/0663). The permission for the caravan has expired and an application to secure permission for a permanent dwellinghouse on the site is now under consideration (H/2011/0268). The land to the north east again is now in separate ownership and benefits from planning permission for livery stables and a caravan associated with the livery enterprise (H/2006/0573 & H/2007/0663). The permission for the caravan has expired and an application to secure permission for a permanent dwellinghouse on the site is now also under consideration (H/2011/0294).

An application for a quad and motor cycle track on land to the east of the application site by the current applicant, (This land now forms part of the neighbours holding) was refused in July 2006 for the following reasons. "It is considered that the proposed development would by its nature lead to an increase in noise and general disturbance to the detriment of the amenities of the occupiers of nearby farms and the well being of animals there contrary to policies GEP1 and Rur16 of the adopted Hartlepool Local Plan 2006". (H/2006/0311).

In December 2010 an application for the change of use of the same building and land for the storage of scaffolding equipment and materials (H/2010/0559) was refused for the following reasons.

1. It is considered that the proposal would represent unacceptable development in the open countryside in that the location is not considered a sustainable location for a use of this type and that the proposed use is not considered compatible with its rural surroundings and would be likely to detract from the rural character and visual amenity of the area. The proposed use would therefore be contrary to policies GEP1 and Rur 7 of the adopted Hartlepool Local Plan 2006, PPS7: Sustainable Development in Rural Areas and PPS4: Planning for sustainable economic growth.
2. It is not considered that the proposal is an acceptable form of farm diversification in that it will result in the loss of the only building on the holding and therefore not sustain any agricultural enterprise contrary to policies Rur 7 of the adopted Hartlepool Local Plan 2006 and PPS7: Sustainable Development in Rural Areas and PPS4: Planning for sustainable economic growth.
3. The Local Planning Authority is not satisfied at this time, given complexities of landownership, that the required access improvements (visibility splay 2.4 X 90m and industrial crossing) can be provided and maintained at the entrance. In light of this uncertainty the development could be detrimental to highway safety contrary to policy GEP1 and Rur 7 of the adopted Hartlepool Local Plan 2006.

In June 2011 permission was granted to the current applicant for a touring caravan and camping site with associated amenity facilities (H/2008/0001) in fields to the west of the current application site which are also in the applicant's ownership. This development is proposed to share the same access onto Dalton Back Lane.

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Other Relevant Applications

An application to change the use of the land to the south and west of the site to provide amenity space for the approved caravan and camping site is currently under consideration. (H/2011/0348)

Planning Considerations

The main planning considerations are considered to be policy, highway considerations and the impact on the amenity of nearby residential properties.

Policy

Current government advice in relation to economic development in the countryside is to be found in PPS7- Sustainable Development in Rural Areas and PPS4: Planning for sustainable economic growth.

PPS7 promotes sustainable economic growth and diversification it also seeks to raise the quality of the environment through the continued protection of the countryside. In particular PPS7 seeks to promote more sustainable patterns of development by focusing most development in or adjacent to towns and villages and discouraging the development of Greenfield land. Furthermore PPS7 seeks to improve the economic performance of rural areas by developing rural enterprises that provide a range of jobs. It advises that planning policies should provide a positive framework for facilitating sustainable development that supports traditional land-based activities and makes the most of new leisure and recreational opportunities that require a countryside location. Planning authorities are advised that they should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced (15). The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives (17). It advises that the criteria for permitting the conversion and re-use of buildings should take account of the following:

- a) the potential impact on the countryside and landscape and wildlife
- b) specific local economic and social needs and opportunities
- c) settlement patterns and accessibility to service centres, markets and housing
- d) the suitability of different types of buildings and of different scales for re-use
- e) the need to preserve or the desirability of preserving buildings of historic or architectural importance or interest which otherwise contribute to local character.

PPS7 also reaffirms the governments support for farm diversification. It recognises that diversification is vital to the viability of farm enterprises (30) and supports well conceived farm diversification schemes that contribute to sustainable development and which help to sustain the agricultural enterprise and are consistent in their scale with their rural

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Policy EC6 of PPS4 Planning for economic development in rural areas advises that Local Planning Authorities (LPAs) should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. LPA's should: strictly control economic development in the open countryside; identify local services centres and locate most new development in or on the edge of existing settlements where employment, housing, services and other facilities can be provided close together; support the conversion and reuse of appropriately located and suitably constructed existing buildings in the countryside (particularly those adjacent or closely related to towns and villages) for economic development; and set out the criteria to be applied to planning applications for farm diversification for business purposes that are consistent in their scale and environmental impact with their rural location.

Similarly policy EC12 of PPS4 Determining planning applications in rural areas advises that in determining planning applications in rural areas, LPAs should d) approve planning applications for the conversion and reuse of existing buildings in the countryside for economic development particularly those adjacent or closely related to towns or villages where the benefits outweigh the harm in terms of i) the potential impact on the countryside, landscapes and wildlife, ii) local economic and social needs and opportunities iii) settlement patterns and the level of accessibility to services centres, markets and housing.

Saved Policy Rur 7 of the Hartlepool Local Plan advises that in determining applications for planning permission in the open countryside amongst other things the following factors will be taken into account i) the relationship of the development to other buildings in terms of siting size and colour, ii) visual impact on the landscape iii) compatibility of the design of the development within its landscape setting and the landscape generally v) operational requirements of the agriculture and forestry industries, vii) viability of the farm enterprise, and x) adequacy of the road network. The preamble to the policy advises that outside the urban fence line development should be compatible with its rural surroundings. Examples of suitable uses are identified including certain small scale rural enterprises in a manner which would neither be harmful in effect nor intrusive in appearance. Where such farm diversification is proposed the preamble advises that the proposed activities should be compatible with existing agricultural activities.

Saved Policy Gep 1 of the Hartlepool Local Plan advises that in determining planning applications the Borough Council will amongst other things take account of the following matters i) the external appearance of the development, ii) its relationship with the surrounding area, iii) the effects on the amenities of occupiers of adjoining or nearby properties, iv) highway safety vi) the adequacy of the infrastructure including roads. The policy states that in general development should be within the limits to development.

The application site is located in open countryside it is not adjacent to, or closely related to, any town or village. It is also prominent in views from

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the public road to the east and from a public footpath which passes at a high level to the south. It is not considered that the proposed use is a use that specifically requires a rural location. It is a use which would be more appropriately located in an industrial estate in a nearby town rather than a building prominently located in open countryside. Further given the remoteness of the site and relative inaccessibility of the site, it is difficult to see how it would represent a sustainable location for the proposed use. The applicant proposes to use the adjacent land for the storage of reclaimed wood and fallen trees and whilst it is not stated in all likelihood the waste arising. Given the relative openness of the countryside here, and the elevated views available from public highways it is considered that the use will represent an incongruous intrusion in the countryside to the detriment of the visual amenity of the area.

It is also apparent that notwithstanding, the extant permission for the camping and caravan site (H/2008/0001) and the current application for the amenity area (H/2011/0348) which have yet to be implemented, and the fact that there is currently little evidence of agricultural activity on the site, the building is the only building available to serve the holding should circumstances change and any agricultural use intensify. The use of the building for the use proposed would effectively make it unavailable for the use of the holding. It is difficult to see therefore how the proposal would be compatible with any existing or future agricultural activities on the site. It is not therefore considered to be a well conceived farm diversification scheme.

HIGHWAYS

Traffic & Transportation have raised no objection to the development and in highway terms the proposal is considered acceptable.

IMPACT ON THE AMENITY OF NEIGHBOURS

The closest residential neighbours are the occupiers of mobile homes located on the neighbouring landholdings. The neighbour to the north is located in an elevated position off the track and it is considered that this neighbour is unlikely to be affected by the use of the site. The neighbour to the east is located closer to the access track but set back and has a large livery building intervening. Public Protection have raised no objection to the proposal and it is considered unlikely that the proposed use would have a significant impact on the amenity of the occupiers of this holding. In terms of the impact on neighbours the proposal is considered acceptable.

CONCLUSION

The proposal is not considered to be an acceptable development in open countryside nor is it considered an acceptable form of farm diversification.

7) Chair's Consent Necessary	Y
8) Recommendation	REFUSE

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CONDITIONS/REASONS

1. It is considered that the proposal would represent unacceptable development in the open countryside in that the location is not considered a sustainable location for a use of this type and that the proposed use is not considered compatible with its rural surroundings and would be likely to detract from the rural character and visual amenity of the area. The proposed use would therefore be contrary to policies GEP1 and Rur 7 of the Hartlepool Local Plan 2006, PPS7: Sustainable Development in Rural Areas and PPS4: Planning for sustainable economic growth.

2. It is not considered that the proposal is an acceptable form of farm diversification in that it will result in the loss of the only building on the holding and therefore not sustain any agricultural enterprise contrary to policies Rur 7 of the Hartlepool Local Plan and PPS7: Sustainable Development in Rural Areas and PPS4: Planning for sustainable economic growth.

INFORMATIVE**Signed:****Dated:**

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

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

Signed:**Dated:**

Chair of the Planning Committee



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PLANNING COMMITTEE

4 November 2011



Report of: Assistant Director (Regeneration & Planning)

Subject: APPEAL BY MR STEPHEN BATES
APPEAL REF: APP/H0724/A/11/2161037
SITE AT: THE GRANGE, PIERCY FARM, DALTON
PIERCY, HARTLEPOOL, TS27 3HS

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council and to request authority to contest the appeal.

2. THE APPEAL

- 2.1 A planning appeal had been lodged against Hartlepool Borough Council against 17 planning conditions attached to planning permission H/2011/0232 (erection of a portico to main entrance, creation of bedroom above garage and installation of velux rooflight in garage roof (retrospective application)). The conditions appealed relate to an occupancy restriction on the house, removing permitted development rights from the site, restrictions on the business operation of the livery, conditions outlining the site area and a number of conditions attached to previous planning approvals at the site which have failed to be discharged.
- 2.2 The application was approved with conditions under delegated powers a copy of the report is **attached at Appendix 1**.
- 2.3 The appeal is to be determined by Written Representations and authority is therefore requested to contest the appeal.

3. RECOMMENDATION

- 3.1 That authority be given to contest the appeal.

Application No H/2011/0232 **CHAIR APPROVAL**

Proposal Erection of portico to main entrance, creation of bedroom above garage and installation of velux rooflight in garage roof (retrospective application)

Location PIERCY FARM DALTON PIERCY HARTLEPOOL

PS Code:21



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DELEGATION ISSUES	Neighbour letters:	27/05/2011
	Site notice:	07/06/2011
1) Publicity Expiry	Advert:	N/A
	Weekly list:	29/05/2011
	Expiry date:	16/06/2011
2) Publicity/Consultations <p>The application has been advertised by way of neighbour notification and site notice. The time period for representation has now expired. Two letters of objection has been received.</p> <p>Dalton Piercy Parish Council – The Parish Council has no comments to make on this retrospective application but asks if the name of the property could remain the same, it seems to have two or three titles at present.</p> <p>Landscape and Conservation – There are no historic environment implications.</p>		
3) Neighbour letters needed		Y
4) Parish letter needed		Y
5) Policy GEP1: General Environmental Principles Hsg10: Residential Extensions Comments: There are no planning policy concerns		
6) Planning Considerations <p>The main issues to consider when assessing this application are the potential for loss of residential amenity for neighbouring properties in terms of possible overlooking, overshadowing and/or poor outlook. The appearance of the proposed extensions in relation to the existing dwellinghouse and the street scene in general will be assessed.</p> <p>The application site has been subject to numerous planning applications and is located approximately 500 metres to the south of Dalton Piercy Village. A detached property for use in connection with an existing livery and equestrian business was approved in 2008. The property was extended in 2009 by way of a sun room and garage extension. Building work at the property is now complete although a number of planning</p>		

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conditions attached to previous planning approvals are still outstanding.

The site lies in open countryside, outside the village envelope as defined by the adopted Hartlepool Local Plan.

The proposal seeks retrospective consent for the erection of a portico to the main entrance, the creation of a bedroom above the garage and the installation of a Velux window in the garage roof.

It is considered prudent to state that only the portico and velux window can be considered in the determination of this application. The officer has sought legal advice with regards to the creation of the bedroom above the garage and the works are considered to be permitted development. Whilst PD was removed from the property when it was built this was only with regard to external works.

The external works are considered to be acceptable in terms of siting and design and in keeping with the character and style of the existing property and previous extensions. The property is located a considerable distance from the nearest residential properties located in the village approximately 500m away.

The following concerns have been raised:

1. *We believe that the granting of the retrospective planning application gives a green light for the continued expansion of this development.*
2. *This is the second or third time retrospective planning applications have been filed shows a flagrant disregard for planning rules and protocol.*
3. *The expansion of this property should not be tolerated as a planning application afterthought*
4. *Acceptance by HBC of the retrospective applications send the wrong signal to any developer, private land owner to implement building work or change of use, then seek to apply for planning afterwards. To accept this retrospective application makes a mockery of the integrity and spirit of the planning process.*

With regard to the above comments it is considered prudent to state that it is not an offence to carry out development without first obtaining any planning permission required for it, as confirmed in PPG18, Enforcing Planning Control. Section 73A of the 1990 Act specifically provides that a grant of planning permission can be given for a development that has already taken place. As a point of clarification it is further considered prudent to state that, regardless of the emotions that can be aroused by someone carrying out development without planning permission, the Local Planning Authority must approach a retrospective application seeking to legitimise a development that has already taken place in exactly the same way as "normal" applications for proposals.

A number of conditions have been attached. The majority are carried over from previous planning permissions which have failed to be discharged.

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Conclusion

Having regard to the policies identified in the Hartlepool Local Plan 2006 above and in particular consideration of the effects of the development on the amenity of neighbouring properties in terms of overlooking, overshadowing and its appearance in relation to the existing dwellinghouse and streetscene in general, the development is considered satisfactory and recommended for approval subject to the conditions set out below.

7) Chair's Consent Necessary	Y
8) Recommendation	APPROVE

CONDITIONS/REASONS

- The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 21/04/2011 (PROPOSED ADDITIONAL WORKS AT THE GRANGE, PIERCY FARM DALTON PIERCY, HARTLEPOOL, TS27 3HS - number: BIG/IC/TB/412-01 and the site location plan), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
- The occupation of the dwelling shall be limited to a person solely or mainly employed in the business of commercial livery, currently occupying Piercy Farm, as delineated as a blue edge on the site location plan submitted on 21/04/2011, together with any resident dependents.
To ensure that the dwelling is not used as general residential accommodation.
- A scheme for the detailed design of the storm drainage system from the dwelling approved under planning application H/2008/0461 shall be submitted to and agreed in writing by the Local Planning Authority within one month of the date of this permission. Thereafter the scheme shall be implemented in accordance with the approved details at a time scale to be agreed with 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.
- 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 the dwellinghouse, 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.
- 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 enlargements, improvements or other external alterations of the dwelling or hard surfaces within the curtilage shall be constructed, erected or carried out on the site.

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In the interests of visual amenity.

6. The use of the site, as delineated as a blue edge on the site location plan submitted on 21/04/2011 shall be for the stabling and keeping of horses owned by the site owner and the stabling and keeping of horses on a livery basis only.

To ensure that the site operates in a way which will not be detrimental to the amenities of the occupiers of nearby houses.

7. No lessons, competitions, gymkhanas or events which would encourage visiting members of the public to the site (as delineated as a blue edge on the site location plan submitted on 21/04/2011) shall be held at any time at the site without prior planning permission.

To ensure that the site and building operates in a way which will not be detrimental to the amenities of the occupiers of nearby houses.

8. Final details for the layout of the parking area associated with the livery shall be submitted to and agreed in writing by the Local Planning Authority within one month of the date of this permission.

In the interests of visual amenity and highway safety.

9. A detailed scheme for landscaping and tree and shrub planting in accordance with the objectives of the Tees Forest shall be submitted to, and approved by, the local planning authority within one month of the date of this permission. The scheme must specify 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 to the satisfaction of the local planning authority upon completion of the development.

In the interests of visual amenity.

10. Any trees or shrubs required to be planted in association with the dwellinghouse, and which are removed, die, are severely damaged, or become seriously diseased, within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.

In the interests of visual amenity.

11. There shall be no burning of materials or waste at the site

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

12. Within one month of the date of this permission, a scheme for the storage and removal of manure arising from the stabling and keeping of horses at the site (as delineated as a blue edge on the site location plan submitted on 21/04/2011) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and thereafter the storage of manure shall only take place in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

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

13. No fixed jumps shall be erected at the site (as delineated as a blue edge on the site location plan submitted on 21/04/2011).

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

14. Details of the siting of any temporary jumps to be used in the exercising of horses kept at the site (as delineated as a blue edge on the site location plan submitted on 21/04/2011) shall be first agreed in writing by the Local Planning Authority. Temporary jumps shall

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thereafter only be sited in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

15. No floodlight(s) or tannoy system(s) of any type shall be used or erected at the site (as delineated as a blue edge on the site location plan submitted on 21/04/2011).

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

16. The mature hedge to the east of the site (as delineated as a blue edge on the site location plan submitted on 21/04/2011) shall be maintained at a minimum height of 4metres, and no part shall be removed unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity and to protect the health of the hedge.

17. Other than the existing access through the hedge on the eastern boundary of the site (as delineated as a blue edge on the site location plan submitted on 21/04/2011) no excavations, construction or hardstanding shall be carried out within 3metres of the centre line of the hedge to the east of the application site, unless otherwise agreed in writing by the Local Planning Authority.

In order to protect the health of the hedge.

18. The hedge along the southern boundary of the site (as delineated as a blue edge on the site location plan submitted on 21/04/2011) shall be fully gapped up and grown to be maintained at a height of 4metres, in accordance with details to be agreed as part of the details required by condition 9 above unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity.

INFORMATIVE

Signed:

Dated:

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

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

Signed:

Dated:

Chair of the Planning Committee

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