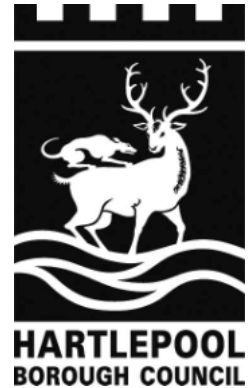


PLANNING COMMITTEE AGENDA



Friday 2nd December

at 10am

**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. **MINUTES**

- 3.1 To confirm the minutes of the meeting held on 4th November (to follow)

4. **ITEMS REQUIRING DECISION**

- 4.1 Planning Applications – *Assistant Director (Regeneration and Planning)*
1. H/2011/0498 35 Northgate, Hartlepool
- 4.2 Update on current complaints – *Assistant Director (Regeneration and Planning)*
- 4.3 Replacement Doors in Conservation areas – *Assistant Director (Regeneration and Planning)*
- 4.4 Able UK Ltd Site Tees Road, Hartlepool – *Assistant Director (Regeneration and Planning)*
- 4.5 Appeal by Mr T Howood appeal reference APP/H0724/A/11/2156050/NWF
Site at: 42 Bilsdale Road, Hartlepool TS25 2AH – *Assistant Director (Regeneration and Planning)*

- 4.6 Appeal by Mr I Boagey appeal ref no: APP/H0724/H/11/2156692
Site at 12-14 Montague Street – *Assistant Director (regeneration and Planning)*
- 4.7 Appeal ref: APP/H0724/A/11/2157369/NWF Grab and Go, Mainsforth
Terrace, Hartlepool – *Assistant Director (Regeneration and Planning)*
- 4.8 Appeal ref: APP/H0724/C/11/2164176 Unauthorised erection of a garage to
front of property, Cameron Lodge, Serpentine Road, Hartlepool, TS26 0HE –
Assistant Director (Regeneration and Planning)
- 4.9 Appeal ref: APP/H0724/H/11/2164143 Display of 3 advertisement hoardings
land at Clarence Road, Hartlepool TS24 8BJ – *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 34 Osbourne Road, Hartlepool (para 5 and 6) – *Assistant Direct (Regeneration and Planning)*

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

9. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of Friday 6th January 2012 at 9.30 am

Next Scheduled Meeting – Friday 6th January 2012 at 10.00am in the Council Chamber

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

4 November 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, Trish Lawton, Alison Lilley, Geoff Lilley, Dr George Morris, Jean Robinson, Linda Shields, Hilary Thompson, Ray Wells and Edna Wright.

Also Present: In accordance with Council Procedure Rule 4.2 the following substitutions were in effect: -
Councillor Sheila Griffin for Councillor Chris Simmons.
Councillor Kevin Cranney for Councillor Kaylee Sirs.

Officers: Damien Wilson, Assistant Director, Regeneration and Planning
Chris Pipe, Planning Services Manager
Jim Ferguson, Principal Planning Officer
Jason Whitfield, Planning Officer
Kate Watchorn, Commercial Solicitor
Adrian Hurst, Principal Environmental Health Officer
Mike Blair, Highways, Traffic and Transportation Manager
Tom Britcliffe, Principal Planning Officer
David Cosgrove, Democratic Services Team

66. Apologies for Absence

Councillors Chris Simmons, Kaylee Sirs and Paul Thompson.

67. Declarations of interest by members

Councillor Brash declared a prejudicial interest in Minute no. 69, application H/2011/0371.

Councillor Wells declared a prejudicial interest through pre-determination in Minute no. 69, application H/2010/0561, though spoke on the matter as a ward councillor in accordance with the planning code of conduct.

Councillor Wells declared a personal interest in Minute no. 69, application H/2011/0102.

68. Confirmation of the minutes of the meeting held on 7 October 2011

Confirmed.

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

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

In accordance with the declaration of interest made at Minute No. 67, Councillor Wells participated as a Ward Councillor in the consideration of the following application and did not contribute to the debate or vote thereon.

Number:	H/2010/0561
Applicant:	Ruttle Group, c/o agent
Agent:	Sedgwick Associates Mr Paul Sedgwick 24 Queensbrook Spa Road BOLTON
Date received:	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

In accordance with Section 17 of the Constitution, a recorded vote was moved, seconded and agreed by the Committee on application H/2010/0561.

Those for the approval of the application:

Councillors: Cook, James, Lawton, G Lilley, Dr Morris, Robinson, Shields, H Thompson, Wright and Cranney.

Those against the approval of the application:

Councillors: Barclay, Brash, Fenwick, A Lilley and Griffin.

The application was, therefore, approved.

Decision: **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.

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 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 out 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.

The Committee considered written representations in relation to this matter.

The Applicant's Agent was present at the meeting and addressed the Committee.

Councillor Wells, Park Ward, addressed the Committee as a Ward Councillor and spoke in favour of the approval of the application.

Number:	H/2011/0102
Applicant:	WYNYARD PARK LTD
Agent:	Prism Planning Ltd, Stephen Barker, 1st Floor, Morton House, Morton Road, Darlington
Date received:	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 (AMENDED PLANS RECEIVED)
Location:	LAND TO THE WEST OF WYNYARD PARK WYNYARD PARK

In accordance with Section 17 of the Constitution, a recorded vote was moved, seconded and agreed by the Committee on application H/2011/0102.

Those for the approval of the application:

Councillors: Barclay, Brash, Cook, Fenwick, James, Lawton, A Lilley, Dr Morris, Robinson, Shields, H Thompson, Wells, Griffin and Cranney.

Those against the approval of the application:

Councillors: G Lilley and Wright.

The application was, therefore, approved.

Decision: **Minded to approve subject to a legal agreement securing an affordable housing contribution, highway and public rights of way contributions, public right of way link(s) through the site, a conservation management plan, highway construction, control of construction access traffic if required and conditions. The final decision on the scope and detailed content of the legal agreement and conditions was delegated to the Planning Services Manager in consultation with the Chair of Planning Committee.**

The Committee considered written representations in relation to this matter.

The Applicant's Agent was present and addressed the Committee. An objector, Barbara Rein – Wolviston Parish, was present and addressed the Committee.

Number:	HFUL/1999/0320
Applicant:	Hart Aggregates Limited, 15 Front Street, Sherburn Hill, Durham
Agent:	Hart Aggregates Limited, 15 Front Street, Sherburn Hill, Durham
Date received:	29/06/1999
Development:	Application to determine suitable new planning conditions for quarrying operations
Location:	HART QUARRY HART LANE

Decision: **A Review of Mineral Planning Permission Certificate to be issued**

CONDITIONS AND REASONS:

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 (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:

- 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 bowsers;
- 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 endosure 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).

The Committee considered written representations in relation to this matter.

The Applicant was present at the meeting and addressed the Committee.

Number: H/2009/0482

Applicant: MR MICHAEL HODGES, HART AGGREGATES LTD,
FRONT STREET, SHERBURN HILL, DURHAM

Agent: HART AGGREGATES LTD, MR MICHAEL HODGES, 15
FRONT STREET, SHERBURN HILL, DURHAM

Date received: 03/09/2009

Development: Continuation of mineral extraction within expansion area
previously approved under application CH/293/83

Location: HART QUARRY HART LANE HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

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 (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:

- 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)

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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)

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(Reasons Nos. 2, 6)

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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.

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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.

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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.

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- 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).

The Committee considered written representations in relation to this matter.

The Applicant was present at the meeting and addressed the Committee.

Councillors A Lilley, G Lilley and Wright left the meeting during the consideration of the following item and did not vote thereon.

Number: H/2011/0059

Applicant: Mr Alan Henderson, Lock Office, Slake Terrace
HARTLEPOOL

Agent: England & Lyle, Mr Gary Swarbrick, Morton House, Morton Road DARLINGTON

Date received: 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

Decision: **Planning permission refused for the following reasons:**

- 1 It is considered that the proposed development by reason of its siting and design would appear unduly large and out of keeping to the detriment of the visual amenities of the area contrary to policy GEP1 of the adopted Hartlepool Local Plan 2006.

The Committee considered written representations in relation to this matter.

The Applicant was present at the meeting and addressed the Committee. A representative of the objectors was also present and addressed the Committee.

Prior to the consideration of the following items, the Chair allowed a short, five minute break. Upon recommencement the following Members were present: Councillors Cook (Chair), Cranney, Fenwick, Griffin, James, Lawton, Dr Morris, Robinson, Shields and H Thompson.

Number: H/2011/0268

Applicant: Mrs Pauline Crow, c/o Agent

Agent: Prism Planning, Mr Steve Barker, First Floor, Morton House, Morton Road, DARLINGTON

Date received: 26/07/2011

Development: Erection of a detached dwellinghouse

Location: Crows Meadow Farm, Dalton Back Lane, Claxton, BILLINGHAM

Decision: 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 :

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 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 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.

Number: H/2011/0371

Applicant: MR R WELLS
BLAKELOCK ROAD, HARTLEPOOL

Agent: JEFFERSON SHEARD ARCHITECTS, MR ROBERT DENTON, 2 SIDNEY STREET, SHEFFIELD

Date received: 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

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

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.

Number: H/2011/0396

Applicant:	Mr Neil Elliott, Roseleigh, Coast Road, HARTLEPOOL
Agent:	The Design Gap, Mr Graeme Pearson, 40 Relton Way, HARTLEPOOL
Date received:	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
Decision:	Withdrawn Application prior to the Planning Committee

Councillor Griffin left the meeting.

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

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

Decision

That the report be noted.

71. Review of Planning Delegations in relation to serving Section 215 Notices (Untidy land and Buildings) *(Assistant Director, Regeneration and Planning)*

The Planning Services Manager referred to the consideration at the previous meeting of the proposals which 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.

The Committee agreed to procedures which included advising the relevant Ward Members and the Chair and Vice Chair of the Planning Committee when a s215 had been served. Members also requested reports advising when notices had been served and the outcomes of the notices. It was proposed to bring monthly reports (as required) to update the Committee of when notices had been served, as requested by Members, and also to produce an annual enforcement update report of all enforcement actions authorised during the year. A flowchart setting out how the proposed

delegations would be utilised and reported was included with the report for Members information.

Decision

That the report be noted and the scheme of delegation and procedures as proposed be approved.

72. Replacement Doors in Conservation Areas *(Assistant Director, Regeneration and Planning)*

In order to allow a fuller consideration of this matter in light of the heavy agenda, the Chair indicated that this item would be deferred to the next meeting of the Committee. Members suggested that it would be valuable to consider this item fully and recommended this be considered in advance of the meeting, to inform and update Members.

Decision

That the report be deferred to the next meeting of the Committee and that Planning Committee commence at 9.00 a.m. to accommodate a full consideration of the matter.

73. Appeal by Mr F Randall at Joe's Skips, Brenda Road, Hartlepool (H/2011/0055) *(Assistant Director, Regeneration and Planning)*

The Committee was informed that a planning appeal had 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. The application had been refused by members of the Planning Committee on 17th June 2011. It was considered that the proposed waste transfer station/recycling facility was 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 was 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).

The appeal was to be decided by written representations.

Decision

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

74. Appeal by Mrs Pauline Crow, site at Crows Meadow Farm, Dalton Back Lane, Billingham *(Assistant Director, Regeneration and Planning)*

The Committee was informed 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. In light of the consideration of the planning application earlier in the meeting, it was suggested that no action be taken in respect of contesting the appeal.

Decision

That no action be taken and the appeal not contested.

75. Appeal by Mr Terence Bates, site at Brierton Moorhouse Farm, Dalton Back Lane, Hartlepool *(Assistant Director, Regeneration and Planning)*

The Committee was informed of an appeal received in relation to an application determined under delegated powers. 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 and the reasons for the refusal were set out for Members information. The applicant has appealed against the decision and had requested that the appeal be dealt with through the written representations procedure.

Decision

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

76. Appeal by Mr Stephen Bates: Appeal Ref APP/H0724/A/11/2161037, site at The Grange, Piercy Farm, Dalton Piercy, Hartlepool *(Assistant Director, Regeneration and Planning)*

The Committee was informed that a planning appeal had been lodged 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 roof light in garage roof (retrospective application)). The conditions appealed related 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. The application had been approved with conditions under delegated powers a copy of the report was submitted for Members information. The appeal was to be dealt with through the written

representations procedure.

Decision

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

77. 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 78 – Enforcement Action – Seaton Reach, Coronation Drive, Hartlepool

Minute 79 – Enforcement Action – Land adjacent to Sims Metals, Windermere Road, Hartlepool

Minute 80 – Enforcement Action – 18 Rydal Street, Hartlepool

Minute 81 – Complaint File to be closed – 9 Dundee Road

Minute 82 – Complaint File to be closed – 29 Castleton Road

Minute 83 – Enforcement Action – Land to the rear of former HSS Hire Sales, Lower Oxford Street, Hartlepool

Minute 84 – Complaint File to be closed - 4 Whittrout Road, Hartlepool

Minute 85 – Enforcement Update Report

78. Enforcement Action – Seaton Reach, Coronation Drive, Hartlepool *(Assistant Director, Regeneration and Planning)* (Paragraphs 5 and 6)

The Committee's authorisation was sought to instigate legal proceedings to prosecute owner(s) and or occupier(s) and other relevant persons under Section 224 of the Town and Country Planning Act 1990, in respect of the continued display of banners and a free standing advertisement board within the site and on the metal fencing erected around the perimeter of Seaton Reach, Coronation Drive, at Clarence Road, Hartlepool without the benefit of express or deemed advertisement consent. It was noted at the meeting that the free standing board had been removed though the other advertisements still remained.

Decision

Enforcement action was approved in accordance with the conditions set out

in the exempt section of the minutes.

79. Enforcement Action – Land adjacent to Sims Metals, Windermere Road, Hartlepool *(Assistant Director, Regeneration and Planning)*

The Committee's authorisation was sought to issue an enforcement notice in respect of the placing of seven caravans on commercial land adjacent to Sims Metals, Windermere Road, Hartlepool.

Decision

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

80. Enforcement Action – 18 Rydal Street, Hartlepool *(Assistant Director, Regeneration and Planning)*

The Committee's authorisation was sought to enforcement action should this be required in respect of the untidy condition of the 18 Rydal Street, by way of issuing a Section 215 Notice.

Decision

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

81. Complaint File to be closed – 9 Dundee Road *(Assistant Director, Regeneration and Planning)*

The Committee's authorisation was sought to close an outstanding complaint case.

Decision

That the compliant file be closed.

82. Complaint File to be closed – 29 Castleton Road *(Assistant Director, Regeneration and Planning)*

The Committee's authorisation was sought to close an outstanding complaint case.

Decision

That the compliant file be closed.

83. Enforcement Action – Land to the rear of former HSS Hire Sales, Lower Oxford Street, Hartlepool *(Assistant Director, Regeneration and Planning)*

The Committee's authorisation was sought to issue an enforcement notice as

deemed necessary in respect of the unauthorised siting of a storage container on land to the rear of HSS Hire Sales, Lower Oxford Street, Hartlepool.

Decision

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

84. Complaint File to be closed - 4 Whittrout Road, Hartlepool *(Assistant Director, Regeneration and Planning)*

The Committee's authorisation was sought to close an outstanding complaint case.

Decision

That the compliant file be closed.

85. Enforcement Update Report *(Assistant Director, Regeneration and Planning)*

The Committee was provided with an annual update report on enforcement actions authorised by the Planning Committee.

Decision

That the report be noted.

The meeting concluded at 1.45 p.m.

CHAIR

No: 1
Number: H/2011/0498
Applicant: MR MIHDIN ALMAS QUEEN STREET HARTLEPOOL
 TS24 0PR
Agent: MR MIHDIN ALMAS 2 QUEEN STREET HARTLEPOOL
 TS24 0PR
Date valid: 03/10/2011
Development: Change of use to hot food takeaway
Location: 35 NORTHGATE HARTLEPOOL

The Application and Site

1.1 The application site is a purpose built shop unit located within a terrace of similar properties which form the Northgate Local Centre. Neighbouring properties are the Heugh Post Office and Friarage Tackle and Bait shop with a wide variety of other services and shops. Many of the properties have flats above. There are commercial properties to the rear and flats opposite. The site is outside the Headland Conservation Area.

1.2 The proposal involves the change of use from vacant office (A2) to hot food takeaway. The hours requested are 8am to 10pm Monday to Saturday and 5pm to 10pm Sunday and Bank Holidays. One full time and one part time member of staff will be employed. No off street parking is available within the site.

Publicity

1.3 The application has been advertised by way of neighbour letters (5) and site notice. To date, there have been 3 letters of objection.

1.4 The concerns raised are:

- a) Object to nature of the business
- b) No litter bins in the area
- c) Will encourage youths to congregate
- d) Smells
- e) If granted the premises will change hands at regular intervals
- f) Area already well served by takeaways
- g) The takeaway will affect other takeaways in the area
- h) Late night hours would disrupt life of occupant of flat above
- i) Would degrade the character of the Headland

Copy letter B

The period for publicity has expired.

Consultations

1.5 The following consultation replies have been received:

Head of Public Protection – no objections subject to conditions regarding hours of operation, noise insulation and extract ventilation. A ventilated lobby will be required for the toilet facilities.

Traffic and Transportation – No objections

Headland Parish Council - Awaited

Planning Policy

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

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

Com6: States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated commercial improvement areas.

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.

Planning Considerations

1.7 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, in particular the impact of the development on the amenity of neighbouring properties, the character and vitality of the Northgate Local Centre and on highway safety.

Policy

1.8 Hartlepool Local Plan Policy Com 5 (Local Centres) makes provision for food and drink premises including hot food takeaways (A5) within designated local centres, providing that there is no significant adverse impact on the occupiers of adjoining or nearby properties and the highway network. The policy also requires the potential of the proposal upon the function, character and appearance of the area to be considered.

1.9 This part of Northgate is a busy commercial area which provides a wide range of shops and services including a hot food takeaway and a fish and chip shop. In view of this, it is considered that the change of use is acceptable and that an additional

takeaway in this location is unlikely to prejudice the function of the local centre or unduly affect the character and appearance of the area.

Amenity Issues

1.10 The application site is located close to the end of the terraced parade of shops and as previously mentioned there is a self contained flat above which is independently occupied. There are flats on the opposite side of Northgate.

1.11 Whilst it is acknowledged that hot food takeaways generally operate in a different way to other types of shop ie lunch times, evenings and nights, the property is within a purpose built local shopping parade where there are other takeaways, cafes, shops and a public house many of which have late opening. Given the hours requested and the commercial nature of the area, it is not considered in this case that the use would have a significant impact on neighbouring properties in terms of noise and disturbance. The Head of Public Protection has raised no objection in this respect provided that noise insulation is provided and hours of operation are restricted to those applied for.

1.12 A planning condition can be attached to require the appropriate extract ventilation system to be installed before any change of use commences. This will reduce the impact of any cooking smells on neighbouring properties.

1.13 At the time of the officer site visit, there were three large litter bins located along the parade of shops.

Highway safety

1.14 Although there is no dedicated parking for this property, none of the shops have customer parking facilities. There is kerb side parking along most of the street outside the shops and a Council car park a short distance away in Middlegate. No objections have been raised by the Councils Highway Engineer.

Other issues

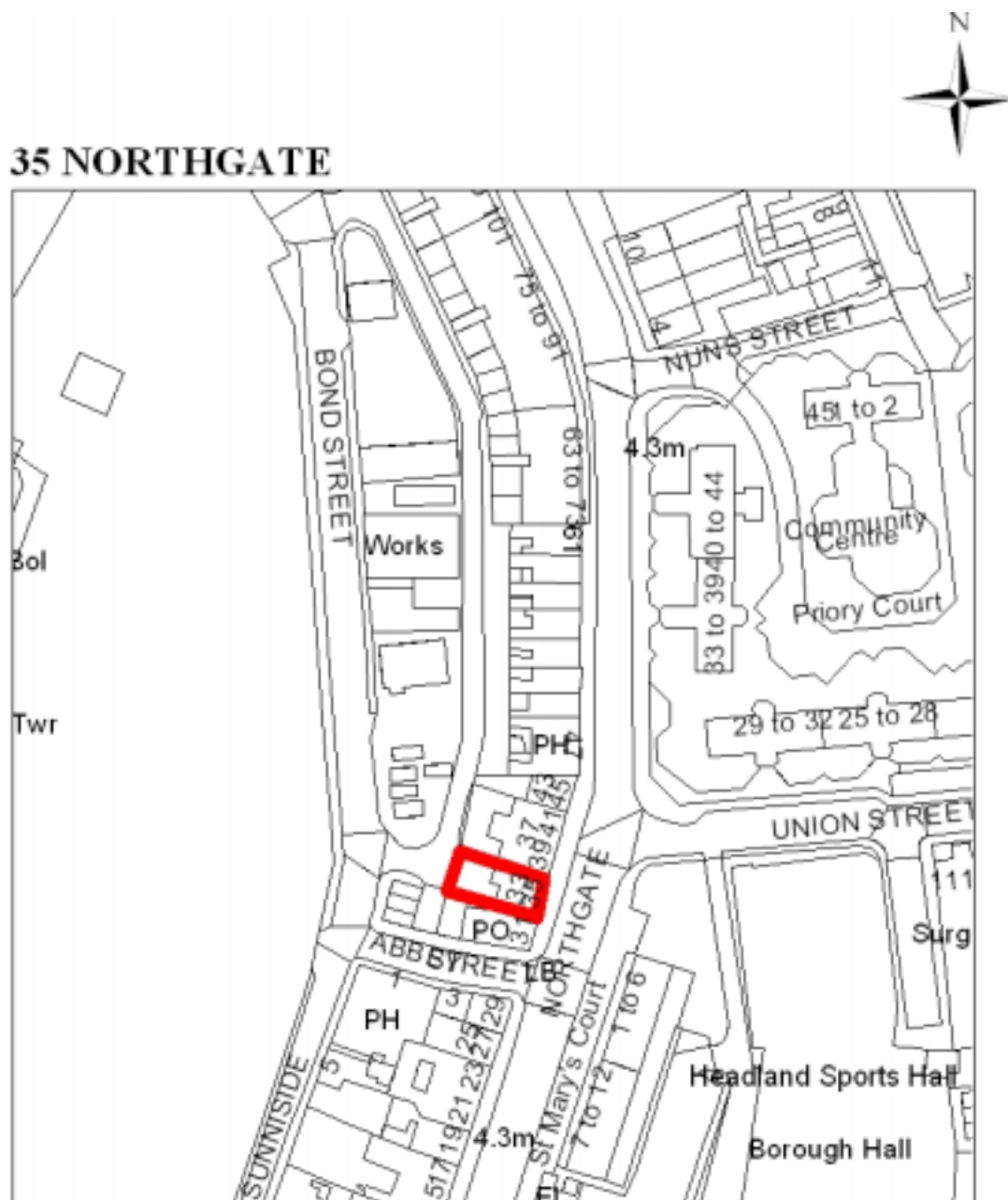
1.15 Competition is not considered to be a planning matter and therefore is not given weight.

1.16 In view of the above, it is considered that it would be difficult to sustain an objection to the proposal.

RECOMMENDATION – Approve subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 03-10-2011, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.

3. Prior to the commencement of the development hereby approved, the building shall be provided with noise insulation measures, details of which shall be submitted for the consideration and approval of the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between ground floor takeaway and first floor flat. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties.
4. 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.
5. The premises shall only be open between the hours of 0800hrs and 2200hrs Mondays to Saturdays and 1700hrs and 2200hrs on Sundays and Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 21/11/2011
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRGNO H/2011/0498	REV

PLANNING COMMITTEE

2 December 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 An anonymous complaint regarding an untidy boundary wall and garden at Gulliver Road.
- 2 A neighbour's complaint regarding the erection of an outbuilding in the rear garden of a property on Wordsworth Avenue.
- 3 A neighbour complaint regarding the erection of a side boundary fence of a property on Caithness Road.
- 4 Officer monitoring recorded the erection of trellis fencing on top of existing front boundary wall of a property on Jutland Road.
- 5 An anonymous complaint regarding the erection of a conservatory to the rear of a property on Kesteven Road.
- 6 An anonymous complaint regarding the demolition of an existing garage producing a wall to create a boundary wall of a property on Romanby Close.
- 7 An anonymous complaint regarding the erection of an outbuilding in the rear garden of a Grade II Listed Building in Newton Bewley.
- 8 A neighbour complaint regarding the erection of dog kennels in the rear garden of a property on Thackeray Road.
- 9 Officer monitoring recorded two untidy properties on Osborne Road and Thackeray Road.
- 10 Officer monitoring recorded the raising of the height of an outbuilding in the rear garden of a property on Belmont Gardens previously checked and established 'permitted development' not requiring planning permission.

- 11 Officer monitoring recorded an approved dining room extension under construction not in accordance with the approved plans at a property on Station Lane.
- 12 Officer monitoring recorded the erection of side and front boundary wall consisting of high brick pillars and wooden fence panels at a residential property on Dunston Road.
- 13 A neighbour complaint regarding the raising of garden levels associated with an approved erection of a rear two storey extension to a residential property on Egerton Road.
- 14 A resident's association complaint regarding the operation of a takeaway from a restaurant on York Road.
- 15 A neighbour complaint regarding a gutter encroaching onto a neighbours property on Hart Lane.
- 16 A neighbour complaint regarding the erection of boundary fence to the side of a property on Pinewood Close.
- 17 Officer monitoring regarding the starting up of 'truckers café' in a vacant factory premises on Brenda Road.
- 18 A neighbour complaint regarding the erection of an outbuilding in the rear garden of a property on Percy Street.
- 19 Officer monitoring regarding banner advertisement displays fixed to railings on boundary walls around a supermarket site on Clarence road.
- 20 Inter – departmental officer monitoring recorded a tattoo business in the home at a property in Duncan Road.
- 21 A neighbouring businesses complaint regarding the erection of fencing around land use for grazing horses on Brenda Road has been investigated. The land in question is Council owned and the complaint has been redirected to Estates & Assets division to investigate.
- 22 Inter – departmental officer monitoring recorded the erection of a boundary to the rear of a property on Jowitt Road.
- 23 A neighbour complaint regarding the replacement of a bay window on a property in Beaconsfield Square located in the Headland Conservation Area and protected by Article 4 Direction has been investigated. The property is the subject of a conservation grant for the works to restore traditional bay window details.
- 24 A neighbour complaint regarding the erection of a conservatory to the rear of a property on The Grove.

- 25 Multi – agency monitoring recorded the placing and use of an Air Curtain Incinerator without the benefit of planning permission from an industrial site on Sandgate Industrial Estate, Mainsforth Terrace.
- 26 A neighbour complaint regarding a car repair business in a domestic garage at Northgate.
- 27 Officer monitoring recorded the display of unauthorised banners (x2) advertisements erected on boundary metal fencing at a public house on Holdforth Road.
- 28 Officer monitoring recorded buildings commenced to create flats at ground level to a former retail property on Raby Road. Planning and building regulation approvals have expired.

2. RECOMMENDATION

- 2.1 Members note this report.

PLANNING COMMITTEE

2 December 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

2 December 2011



Report of: Assistant Director (Regeneration & Planning)

Subject: ABLE UK LTD SITE TEES ROAD, HARTLEPOOL

1. PURPOSE OF THE REPORT

- 1.1 To request members authority to vary a legal agreement relating to development at the Able UK Ltd site, Tees Road, Hartlepool.

2. BACKGROUND

- 2.1 Members may recall that in November 2007 the following applications were approved at the Able UK Ltd site.

H/2007/0543 Extend the current use of the site to include the construction, repair, refurbishment and decommissioning of all types of ships, vessels and other craft as described more comprehensively in the EIS. Operational development consisting of the construction of quays 1, 6, 10 and 11; refurbishment of quays 7, 8 and 9; construction of cofferdam; construction of new dock gates; installation of railway track; construction and operation of metal recycling facility; erection of industrial buildings for the manufacture of wind turbines; erection of warehouse buildings; construction of two holding tanks in connection with the drainage design; construction of sump in the dry dock basin; construction of temporary secondary clay bund in the dock basin; dredging works being carried out within the dock basin and above the low waterline and engineering works associated with the construction of the mooring bollard and sheet piling structure to protect the British Energy power station foreshore. Resubmitted application

H/2007/0544 Construction of cofferdam at entrance to dock (option 1) (resubmission)

H/2007/0545 Construction of cofferdam at entrance to dock (option 2) (resubmission)

- 2.2 The applications were approved subject to the completion of a section 106 agreement. The approved works involved works to extend the dockside facilities (Quay 11). In light of these works the agreement required (Schedule 2, 1.) amongst other things that the developer pay the Council a sum of

£150,000 (“the compensatory payment”) for the purpose of creating an area of intertidal habitat of not less than 1.5 hectares to compensate for the loss of intertidal habitat arising from works to the dockside (Quay 11). The agreement was completed in November 2007.

3. REQUEST TO AMEND LEGAL AGREEMENT

- 3.1 It was envisaged that the £150,000 would be applied by the Borough Council as a contribution to a scheme being brought forward by the Environment Agency, the Managed Realignment Scheme, for the creation of intertidal habitat at Greatham Creek. The Environment Agency is in the final stages of preparing an application for submission to seek planning permission for the scheme. The application is yet to be considered but it is anticipated that it will have major benefits for wildlife and the environment in this area and will link with other similar initiatives in Stockton Borough in particular Saltholme.
- 3.2 Part of the Environment Agency’s proposals will involve the creation of a bund to contain and control the flow of water within their site. The creation of the bund will be likely to require the importation of clay to create the structure. This will need to be acquired at cost to the project.
- 3.3 Able UK Ltd have links with Alab Environmental Services which operates the nearby landfill at Seaton Meadows. Part of their operation requires the extraction of clay prior to landfilling, surplus not required for restoration works is normally sold. In light of this the Environment Agency have approached the Council to enquire as to whether a payment in kind, i.e. £150,000 worth of clay, rather than a cash sum could be considered as “the compensatory payment”.
- 3.4 It is considered that the proposal to secure a payment in kind, i.e. £150,000 worth of clay, rather than cash, to be utilised in the implementation of the Environment Agency’s Managed Realignment Scheme at Greatham is acceptable and that the legal agreement be varied to allow for this as an option should the Environment Agency’s scheme receive planning approval.

4. RECOMMENDATION

- 4.1 That authority be given to officers to vary the legal agreement relating to the Able UK site to allow as an option for “the compensatory payment” to be paid in kind, (£150,000 worth of clay), and for the clay to be used in the proposed Environment Agency Managed Realignment Scheme at Greatham in the event that planning permission is granted for that scheme. The final wording of the variation to be delegated to the Planning Services Manager in consultation with the Chief Solicitor.

PLANNING COMMITTEE

2 December 2011



Report of: Assistant Director (Regeneration & Planning)

Subject: APPEAL BY MR T HORWOOD
APPEAL REF APP/H0724/A/11/2156050/NWF
SITE AT : 42 BILSDALE ROAD, HARTLEPOOL,
TS25 2AH

1. PURPOSE OF REPORT

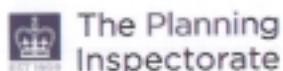
- 1.1 To advise members of the outcome of a planning appeal received in relation to the erection of a detached single storey dwelling house for use in connection with the existing dwelling house at 42 Bilsdale Road.

2. THE APPEAL

- 2.1 The appeal was dismissed. The appeal decision letter is **attached**.
- 2.2 The Inspector concluded that the development would have a harmful effect on the living conditions of the donor property (no 42) and the neighbouring property (no 40) in respect of noise and general disturbance. The Inspector also concluded that the proposal was contrary to Council policy relating to the provision of ancillary residential accommodation.
- 2.3 A claim for costs was dismissed.

3 RECOMMENDATION

- 3.1 That members note the outcome of the appeal.



Appeal Decision

Site visit made on 18 October 2011

by Martin Joyce DipTP MRTPI

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

Decision date: 4 November 2011

Appeal Ref: APP/H0724/A/11/2156050

42 Bilsdale Road, Hartlepool, Cleveland TS25 2AH

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr T Horwood against the decision of the Hartlepool Borough Council.
 - The application, Ref: H/2011/0176, dated 26 March 2011, was refused by notice dated 17 June 2011.
 - The development proposed is the erection of a detached single storey dwelling for use in association with the existing dwelling house.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for costs have been made by the appellant against the Council and by the Council against the appellant. These applications are the subject of separate Decisions.

Main Issues

3. The main issues in this appeal are:
 - a. the effect of the proposed development on the living conditions of neighbouring residents at Nos 40 and 42 Bilsdale Road in respect of noise and general disturbance; and,
 - b. the effect of the proposal on the Council's policy relating to the provision of ancillary residential accommodation.

Reasoning

Effect on Living Conditions

4. On the first issue, the proposed dwelling would be sited on land to the rear of No 42 Bilsdale Road, within land purchased by the appellant some years ago and used as an extension to the garden of that dwelling. The land extends either side of No 42, and the resultant curtilage of the appeal property, as shown on the application plans, would extend to the rear of Nos 40, 44, and 46 as well as the existing dwelling.
5. Several applications have been made for various forms of residential development on the appeal site in the past, and four previous appeals have

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Appeal Decision APP/H0724/A/11/2156050

been dismissed. The most recent case was in November 2007¹ when a proposal for a detached bungalow, single garage and new private drive was dismissed. The Inspector in that appeal considered a single main issue in respect of the effect of noise and disturbance from the use of the proposed drive, but concluded that the effect on No 42 would be unacceptable, albeit that for No 40 it would not be unreasonable given the mitigating effect of the existing attached garage at that property.

6. Since that appeal, following the issue of a Certificate of Lawful Proposed Development, the garage attached to the side of No 42 has been demolished and a new driveway constructed. This extends between the two houses and currently serves a partially completed double garage within the north-western corner of the appeal site. It is my understanding that this garage is intended to serve both the appeal property and the existing house at No 42. The construction of the driveway and the garage is a material difference from the situation considered at the previous appeal and is relied upon by the appellant in support of his case, as is the previous Inspector's findings that those living at No 40 would not be disturbed by the use of a new driveway.
7. I do not share the previous Inspector's views about the effect of use of the driveway on neighbouring occupants. Whilst he is correct in saying that the garage would have a mitigating effect in terms of noise, the driveway also runs directly alongside the side of the rear garden of that property where the boundary fence is only about 1.5m in height. Noise from the coming and going of vehicles and pedestrians is likely to be readily apparent in the rear garden of the property, and through upstairs windows, especially if open. Vehicular traffic would consist of private cars belonging to the occupants of both No 42 and the new dwelling, together with delivery vehicles servicing the proposed bungalow. The latter is likely given the significant length of the driveway from the public highway. Vehicles would also be likely to have to stop either side of the metal gateway that has been erected to prevent unauthorised access and the noise from doors opening and closing, together with the possibility of additional noise from radios, would be audible.
8. Such noise would, in my view cause disturbance which would harm the living conditions of occupiers of No 40 Bilsdale Road, particularly the quiet enjoyment of their rear garden. Moreover, there could be no control over when the vehicular and pedestrian movements took place, thus late night disturbance could well occur, especially if occupiers of the new dwelling were returning after an evening out. This effect would be contrary to the provisions of Policies GEP1 and Hsg9 of the Adopted Hartlepool Local Plan (HLP). Indeed the latter policy specifically states that tandem development, of which this would be a typical example, will not be permitted.
9. The harmful effects I have identified above would be liable to occur to a lesser extent in respect of occupiers of No 42 because of the 1.8m-high brick wall that has been built alongside the driveway on its southern side. However, noise could still be apparent through rear windows when open, particularly those serving a first-floor bedroom. My conclusion on this issue is that the proposed development would materially harm the living conditions of neighbouring occupiers of Nos 40 and 42 Bilsdale Road, through noise and general disturbance, contrary to the relevant provisions of the HLP.

¹ CLG Ref: APP/H0724/A/07/2039591

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Effect on the Council's Policy

10. Policy Hsg11 of the HLP concerns proposals for residential annexes. In this context I am satisfied that, having regard to the application plans, this is what is proposed in this appeal, notwithstanding the description of the development given on the application form as a dwelling to be used "in association with the existing dwelling house". The plans refer specifically to a "proposed annexe to 42 Bilsdale Road" and this places the proposal firmly within the realms of consideration under Policy Hsg11.
11. Policy Hsg11 deals primarily with extensions to provide accommodation for relatives of the occupier of the dwelling, thus separate dwellings are not normally envisaged. However, the Policy does indicate that where an extension is not appropriate for design reasons, the conversion of an outbuilding or, exceptionally, a new building may be permitted where two criteria are met. These criteria include that it is of a satisfactory location in relation to surrounding dwellings, and that it is designed to serve an ancillary function to the main house.
12. I do not consider that either criterion is met by the proposed development. I have already found that the siting of the dwelling, and access to it, would result in the likelihood of harmful effects on the living conditions of neighbouring occupiers, but I also consider that the new dwelling would not serve an ancillary function. It is intended to be occupied as a fully independent house, within its own curtilage, by relatives of the current occupiers of No 42. That there is a family relationship between the two intended sets of occupiers is irrelevant in the context of this policy; there is no material degree of inter-dependence and the new dwelling would simply be used as a separate dwelling house, albeit that it would be sited in relatively close proximity to the existing house.
13. The effect of sanctioning such a development would undermine the Council's policies in respect of residential annexes and make it harder for them to resist other proposals for separate dwelling houses where the only connection is that of a family relationship. Such a situation could occur frequently, not least where houses have generously-sized gardens. My conclusion on this issue is that the proposal would materially harm the intended application of the Council's policy on residential annexes as set out in the HLP.
14. It follows from my conclusions on the main issues that the appeal fails and that planning permission will not be granted.

Other Matters

15. All other matters raised in the written representations have been taken into account, including the lack of objection to the proposal from the current occupiers of No 40, and the Unilateral Undertaking submitted by the appellant.
16. Lack of objection, or even support for a proposal, may be a mitigating factor in some cases, but the proper planning of an area requires that living conditions of both existing and future residents are taken into account. Policy Hsg9 prohibits tandem development because it normally results in harmful effects of the type mentioned above. I consider that this would apply in this case.
17. As for the Unilateral Undertaking, a dated copy of which I have yet to see, it provides essentially that the annexe accommodation proposed will not be used

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for any purpose other than as ancillary accommodation to the use of the main house as a single family dwelling, and that the two properties shall not be disposed of separately. However, no definition is given of the term "ancillary accommodation" and the development shown on the application is clearly intended to be a dwelling house with the full range of accommodation and facilities as that of an independent living unit. There is nothing to show any ancillary function. Similarity of ownership and the fact that the two dwellings would be occupied initially by members of the same family does not overcome this fundamental conflict with the provisions of the adopted Local Plan for this area.

18. It follows that these, and the other matters raised, do not outweigh the conclusions I have reached on the main issues of this appeal.

Martin Joyce

INSPECTOR

PLANNING COMMITTEE

2 December 2011



Report of: Assistant Director (Regeneration & Planning)

Subject: APPEAL BY MR I BOAGEY
APPEAL REF NO: APP/HO724/H/11/2156692
SITE AT 12-14 MONTAGUE STREET

1. PURPOSE OF REPORT

1.1 To advise members of a planning appeal decision.

2. THE APPEAL

2.1 A planning appeal had been lodged requesting removal of condition 4 of planning approval H/2010/0622 (attached) which stated:

'Unless otherwise agreed in writing with the Local Planning Authority the windows hereby approved shall be white in colour'

'In order to protect the character of the conservation area and in the interests of visual amenity'.

2.2 The Planning Inspector dismissed the appeal concluding that removing condition number 4 would have a detrimental effect on the character and appearance of the Headland Conservation Area, contrary to the provisions of Hartlepool Local Plan Policies HE1 and Hsg 10. The decision letter is attached.

3. RECOMMENDATION

3.1 Members note the decision



The Planning
Inspectorate

Appeal Decision

Site visit made on 31 October 2011

by Graham Edward Snowden BA BPhil Dip Mgmt MRTPI

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

Decision date: 3 November 2011

Appeal Ref: APP/H0724/A/11/2156692
12-14 Montague Street, Hartlepool TS24 0NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Ian Boagey against the decision of Hartlepool Borough Council.
 - The application Ref H/2010/0622, dated 21 October 2010, was approved on 31 January 2011 and planning permission was granted subject to conditions.
 - The development permitted is the replacement of rear windows, re-rendering to front and rendering to rear and new rainwater goods.
 - The condition in dispute is No 4 which states that: unless otherwise agreed in writing with the Local Planning Authority, the windows hereby approved shall be white in colour.
 - The reason given for the condition is: in order to protect the character of the conservation area and in the interests of visual amenity.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of removing condition no 4 on the character and appearance of the Headland Conservation Area.

Preliminary Matter

3. The appeal form suggests that the appeal is made against a refusal, on the part of the Council, to vary the terms of the permission granted on 31 January 2011. However, I am satisfied that the appellant's letter of 4 April 2011, challenging Condition No 4, which was not accompanied by the correct fee of £170.00, did not constitute a formal application for variation or removal of a condition and it is clear from the Council's response, dated 6 June 2011, that it was not treated as such by the Council. I have, therefore, considered the appeal as an appeal against the granting of planning permission, subject to conditions, as outlined in the bullet points above.

Reasons

4. The appeal property lies towards the northern end of the Headland Conservation Area, in an area of Victorian terrace housing. The south-west side of Montague Street comprises two terraces of two storey houses with
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ornate roof dormers with wooden bargeboards. It is among a number of streets, where permitted development rights have been removed by an Article 4 Direction, though I am not supplied with any details of this. The more southerly of the two terraces retains its brick façade, whilst the northerly terrace, which contains the appeal property, has been rendered. Despite this, the terrace is largely unaltered and most of the properties have timber vertical sliding sash windows.

5. I am advised that the Council has (in February 2009) approved a policy regarding properties covered by the Article 4 Direction, relating to the replacement or alteration of traditional windows. The policy states that windows inappropriate to the character of the building (in terms of design and detailing) should be denied consent, but goes on to say that, although the use of traditional materials will be encouraged, the use of modern material will be accepted provided that the window is of a design, profile and opening mechanism matching those of the original window. No details of the proposed window designs appear to have been provided and I am somewhat surprised that the Council has accepted that the proposal conforms to the approved policy and has approved the application. I noted several examples in the area, where traditional timber sashes have been replaced with upvc, but where the detailed profile and size of window elements has resulted in a significant – and detrimental – impact on window proportions, and, therefore, visual appearance, to the detriment of local character.
6. Nevertheless, I accept that, in principle, the proposal may not be at odds with the approved policy and I attach some weight to this, although the policy does not appear to form part of the development plan, or to have been adopted as a supplementary planning document, and its status is, therefore, unclear. The policy also requires proposals to be appropriate to the age and character of the building and the character and appearance of the conservation area. This reflects the provisions of Policy HE1, saved from the Hartlepool Local Plan (Local Plan), which, among other things, requires proposals for development in a conservation area to preserve or enhance its character or appearance, thereby fulfilling the requirement of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that the decision-maker should pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Saved Local Plan Policy Hsg10 also requires proposals for alterations to residential property to be of a size, design, materials and external appearance that harmonises with the existing dwelling and to be unobtrusive and not adversely affect the character of the street.
7. Notwithstanding my concerns regarding the lack of information regarding the design of the proposed windows, I accept that the sole matter in dispute is the colour of the windows, which condition no 4 requires to be white, and I have confined my considerations to this matter.
8. I acknowledge that the existing timber windows on both the front and rear elevations of the appeal property are stained brown and I can understand the argument of the appellant that use of a similar colour would harmonise with the existing dwelling and, therefore, comply with one of the requirements of Policy Hsg10. However, I noted that the characteristic treatment of sash windows in the area is for the windows themselves to be painted white and the sash boxes and frames to be picked out in a contrasting, often primary, colour.

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Whilst there are some exceptions (and the appellant has drawn my attention to examples in the area), this is an invariable rule and, in my view, it makes an essential contribution to the character and appearance of the conservation area. In that context, I consider that the condition imposed by the Council is both justified and necessary.

9. I conclude, therefore, that removing condition no 4 would have a detrimental effect on the character and appearance of the Headland Conservation Area, in conflict with Local Plan Policies HE1 and Hsg10.

G E Snowden

INSPECTOR

Town and Country Planning Act 1990 GRANT OF PLANNING PERMISSION



PART I - PARTICULARS OF DEVELOPMENT

Application No	H/2010/0622
Proposal	Replacement of rear window, re rendering to front and rendering to rear and new rainwater goods
Location	12 14 Montague Street HARTLEPOOL TS24 0NG
Applicant	Mr Ian Boagey

PART II - PARTICULARS OF DECISION

The Hartlepool Borough Council hereby give notice in pursuance of the provisions of the above Act that **PLANNING PERMISSION HAS BEEN GRANTED** for the carrying out of the development referred to in Part I hereof in accordance with the application and plans made valid on 25/10/2010 subject to the following condition(s) and reason(s):


1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 25 October 2010 Drg No: IB-02, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. For the avoidance of doubt the hereby approved scheme does not include the replacement of the front guttering and drainpipes, as detailed on Drg No: 1B02 received on the 25 October 2010.
In order to protect the character of the conservation area and in the interest of visual amenity.
4. Unless otherwise agreed in writing with the Local Planning Authority the windows hereby approved shall be white in colour.
In order to protect the character of the conservation area and in the interests of visual amenity

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5. Details of all external finishing materials shall be submitted to and approved in writing 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.

Date of issue: 31/01/2011

Signed:



Director (Regeneration and Neighbourhoods)

Please note - The decision to grant planning permission has been taken having regard to the policies and proposals in the adopted Hartlepool Local Plan 2006 set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

GEP1: General Environmental Principles

Hsg10: Residential Extensions

See also notes overleaf

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PLANNING COMMITTEE

2 December 2011



Report of: Assistant Director (Regeneration & Planning)

Subject: APPEAL REF: APP/H0724/A/11/2157369/NWF
GRAB AND GO, MAINSFORTH TERRACE,
HARTLEPOOL

1. PURPOSE OF REPORT

1.1 To notify members of the outcome of a planning appeal.

2. BACKGROUND

2.1 To inform Members that a planning appeal has been determined in relation to the refusal of the Local Planning Authority to grant planning permission for the 'change of use from vehicle dismantling yard to storage of skips, plant, brick, rubble, stone, clay, top soil and wood' at Grab & Go, Mainsforth Terrace, Hartlepool, TS25 1NS.

2.2 The appeal was refused for the following reasons:

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

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

2.3 The appeal was decided by the written representations procedure.

- 2.4 The appeal was allowed subject to conditions. A copy of the decision is attached.
- 2.5 The Appellant was also awarded costs. Copies of the Inspector's Appeal Decision and Costs Decision are attached.

3 RECOMMENDATION

- 3.1 That members note the decision.



Appeal Decision

Site visit made on 31 October 2011

by Graham Edward Snowden BA BPhil Dip Mgmt MRTPI

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

Decision date: 8 November 2011

Appeal Ref: APP/H0724/A/11/2157369

Land adjacent to Unit 4, Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool TS25 1NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr I Bates against the decision of Hartlepool Borough Council.
 - The application Ref H/2011/0015, dated 13 January 2011, was refused by notice dated 27 May 2011.
 - The development proposed is the change of use from vehicle dismantling yard to storage of skips, plant, brick rubble, stone, clay, topsoil and wood.
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Application for Costs

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

Decision

2. The appeal is allowed and planning permission granted for the change of use from vehicle dismantling yard to storage of skips, plant, brick rubble, stone, clay, topsoil and wood at land adjacent to Unit 4, Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool TS25 1NS in accordance with the terms of the application, Ref H/2011/0015, dated 13 January 2011, subject to the conditions set out in the attached schedule.

Main Issues

3. The main issues are, firstly, whether the proposal would compromise strategic aims for sub-regional waste planning and, secondly, the effect of the proposal on the amenities of neighbouring land users, in terms of odour, noise, dust and visual intrusion.

Reasons

Strategic aims for sub-regional waste planning

4. The appeal site is located within the Sandgate Industrial Estate and is adjacent to an existing site, controlled by the appellant, which is used for waste recycling purposes. The proposed use would function in association with the latter and is already partly operational. Under Policy Ind5, saved from the
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Hartlepool Local Plan (Local Plan), proposals for Class B8 uses in this area will be permitted and B2 uses will be approved where the Council is satisfied that they would not have a significant detrimental effect on the amenities of occupiers of adjoining or nearby properties. There is a difference of opinion between the Council and the appellant as to whether the proposed use falls within either of the permitted use classes or is "sui generis".

5. Either way, I note that under saved Local Plan Policy Ind6, this part of the Sandgate Area is identified for the location of bad neighbour uses (provided a number of criteria are met), including "the sorting, composting and/or storage of waste materials". I also note that there are 10 similar operations in the immediate area and that the Council has granted permission for a waste transfer station on the adjacent site, controlled by the appellant, as recently as February 2010. I conclude, therefore, that there can be no objection, in principle, to the proposed use in this location.
6. Since permission was refused, the Council has adopted the Core Strategy DPD (CSDPD) and Policies and Sites DPD (PSDPD) of the Tees Valley Joint Minerals and Waste Development Plan Documents (TVJMWDPD). Under the former, Policy MWC6 sets out a general strategy for the management of waste arisings in the Tees Valley, which includes making provision for sufficient annual waste management capacity. Policy MWC8 states that allocations and proposals for large waste management facilities should be located within three general areas, including land located around the Graythorp in Hartlepool and Haverton Hill areas and Policy MWP4 of the PSDPD specifically allocates a site of 4 hectares at Graythorp Industrial Estate in Hartlepool for the development of facilities to manage and recycle 65,000 tonnes of commercial and industrial wastes per year by 2021. However, Policy MWC8 also recognises that small waste management sites required will be provided throughout the plan area and should be well-related to the source of waste arisings. In the accompanying text, "small" sites are defined as being generally under 1 hectare in area and dealing with up to 25,000 tonnes per year.
7. Under Policy MWP10 proposals for facilities to recycle, over the whole of the plan area, up to a combined total of 700,000 tonnes per year of construction and demolition wastes by 2016, rising to 791,000 tonnes per year in 2021, will be prioritised to three main areas, including Hart Quarry in Hartlepool. The Policy also recognises that other waste sites will be required and sets out criteria that proposals should meet. Similar provision is made in Policy MWP12, which states that "proposals for other small-scale waste management operations, involving the sorting, recycling or recovery of value from municipal solid waste and commercial and industrial waste" will be permitted where, again, certain criteria are met.
8. In principle, therefore, the strategy does not appear to preclude, small scale waste operations outside the preferred areas for concentration of such activities. The appeal site is only 0.14 hectares in size and I am informed that the current recycling operation on the adjacent site sorts and transfers some 3,500 tonnes of waste material per annum. If the appeal proposal were to be allowed, this would be likely to rise to 4,000 tonnes per annum. This would fall well within the definition of "small" sites, as set out in the text accompanying Policy MWC8.

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9. I consider that the scale of the operation involved would not be at odds with the recently adopted strategic policies for the location of waste management facilities in the area and would, in principle, comply with the provisions of Policies MWC8, MWP10 and MWP12. In reaching this conclusion, I have had regard to the fact that the facility at Graythorp, allocated under Policy MWP4, is not yet functional and is unlikely to be so for some time. The satisfaction of site-specific criteria, set out in these policies is addressed below. I conclude, therefore, that the proposal would not compromise strategic aims for sub-regional waste planning.

Amenities of neighbouring land users

10. As indicated above, Local Plan Policies Ind5 and 6 and TVJMWDPD Policies MWP10 and MWP12 set out site-specific criteria, against which proposals for small scale waste management operations should be assessed. These include impacts on amenity and operational viability of neighbouring land uses. Both the latter policies refer to potential cumulative impact.
11. There is evidence before me that existing similar enterprises in the immediate area have created problems in the past. Fires and smoke from burning of waste, along with the visual impact of uncontrolled stockpiling of waste are particularly mentioned by the Council and one adjacent occupier. However, the Council acknowledges that these are largely management problems. I note that the Cleveland Fire Brigade states that stack sizes can be controlled under other legislation (thus obviating the need for a planning condition controlling such matters, as suggested by the Council) and that the Council's Head of Public Protection has no objection to the proposal, subject to the imposition of conditions to control the nature of the waste stored and regulating site operations, including, the storage of wood in sealed containers, limiting storage to identified bays, prevention of open burning on the site and the installation of dust suppression measures and wheel washing facilities.
12. I consider that such conditions would be necessary and reasonable, but would also be enforceable, enabling adequate control over the more controversial impacts of the proposal. This, in my view, would be adequate to prevent any significant detrimental effect on the amenities of neighbouring land users, in terms of odour, noise, dust and visual intrusion, and would satisfy the relevant requirements of Local Plan Policies Ind5 and 6 and Policies MWP10 and MWP12 of the TVJMWDPD. I shall impose conditions accordingly, with some modifications to the wording suggested, to ensure that timescales for compliance are clear and enforceable.
13. Although the Council refers to potential cumulative impact, the appeal site is small and, relative to the size and extent of similar uses in the immediate vicinity, I have seen no evidence that the present proposal is likely to tip the balance beyond the capacity of the area to accommodate such uses in an environmentally acceptable manner. Therefore, this does not alter my conclusion on this issue.

Other considerations

14. I have also had regard to other concerns, expressed by consultees and one neighbouring occupier, in particular concerns about traffic impact and road safety. I am satisfied, however, that there is no evidence before me to suggest
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that the proposal would give rise to problems in this area. The highway authority has offered no objection to the proposal, subject to satisfactory turning and staff parking facilities being provided on site. I note that it is the appellant's intention to locate the latter on the existing adjacent site once existing skips stored there can be re-located to the appeal site. Both matters can be secured by the imposition of conditions along the lines of those suggested by the Council and I will impose conditions accordingly. Other concerns can be addressed through the imposition of conditions, as discussed in paragraphs 11 and 12.

15. The Council has suggested a number of conditions, to control the nature of the operation and conditions on site. As indicated above, I consider that conditions controlling these matters are appropriate and shall impose conditions to give effect to most of the Council's suggestions. However, as also indicated above, I note that the height of waste storage on site could be controlled under other legislation, and imposition of a condition relating to this would merely involve unnecessary duplication. In addition to the standard time limit condition and conditions imposed to control the nature of the operations and minimise environmental impact, as well as ensuring satisfactory highway conditions, a condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning. All these matters are addressed in the conditions set out in the attached schedule.
16. Subject to those conditions, for all the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

G E Snowden

INSPECTOR

Conditions

- (1) The development hereby permitted shall begin not later than three years from the date of this decision.
- (2) Except as set out in the other conditions below, the development hereby permitted shall be carried out in accordance with the following approved plan: Drawing no 131210.
- (3) The permission hereby granted relates to the deposit and storage of non-hazardous inert waste only, as well as to the storage of skips and associated plant.
- (4) No special wastes, as defined in the Hazardous Wastes (England and Wales) Regulations 2005 (or any regulations or order revoking or re-enacting the Regulations with or without modification), noxious sludge, chemical or toxic forms of waste or contaminated liquids shall be deposited or stored at the site.
- (5) Waste sorted on the site shall be deposited and stored only in the relevant areas identified on approved drawing ref 131210.

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- (6) Notwithstanding the submitted details, within one month of the date of this decision, details of the construction of the bays for the storage of waste shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details and retained as such for the lifetime of the development, unless otherwise agreed in writing by the local planning authority. Waste approved by this permission shall only be deposited and stored within the agreed bays.
- (7) Any putrescible or organic waste found within incoming loads shall be separated from the waste and stored in sealed container(s) and thereafter transferred from the site within 48 hours of it being brought onto the site.
- (8) Unless otherwise agreed in writing by the local planning authority, no further materials or waste shall be brought onto the site until a scheme for the disposal of surface, foul or contaminated waste has been submitted to and approved in writing by the local planning authority. Thereafter the scheme shall be retained throughout the lifetime of the development, unless otherwise agreed in writing by the local planning authority.
- (9) Within two months of the date of this decision, final details of the proposed wheel wash facility shall be submitted to and agreed in writing by the local planning authority. This facility shall thereafter be retained at all times while the development exists in accordance with the agreed details.
- (10) Notwithstanding the approved drawings, a scheme for litter catch fencing of a height and design, which has been submitted to and approved in writing by the local planning authority, shall be placed around the boundaries of the site within two months of the date of this decision. Such fencing shall thereafter be retained during the lifetime of the development, unless otherwise agreed in writing by the local planning authority.
- (11) There shall be no burning of materials or waste on the site.
- (12) Within two months of the date of this decision, unless otherwise agreed in writing with the local planning authority, dust suppression equipment shall be provided on site in accordance with a scheme, which has been agreed in writing by the local planning authority. Once installed, the equipment shall be retained for the lifetime of the development and shall be available for use at all times while the facility is operational.
- (13) Notwithstanding the submitted drawings, within one month of the date of this decision, details of staff car parking on the site, or adjacent site, under the control of the applicant, shall be submitted to the local planning authority. Thereafter, the staff parking shall be provided, in accordance with approved details, within two months of such approval and shall be retained in accordance with such details at all times throughout the lifetime of the development, unless otherwise agreed in writing by the local planning authority.

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- (14) Details of the proposed hard surfaces on the site shall be submitted to the local planning, within one month of the date of this decision. The development shall thereafter be carried out in accordance with the approved details.
- (15) Skips stored on site in accordance with this permission shall not be stacked to a height exceeding 3 metres and shall only be stored in those areas identified for skip storage on the approved drawing ref 131210. No more than 24 empty skips shall be stored on the site at any one time.
- (16) All recycled wood brought onto the site shall be stored in a lockable steel container. Details of such container shall be submitted to the local planning authority within one month of the date of this decision and the container installed on site within one month of the approval, in writing, of such details.
- (17) Notwithstanding the submitted details, revised details of the proposed turning head, identified on approved drawing ref 131210, shall be submitted to the local planning authority, within one month of the date of this decision. Such details shall demonstrate that the proposed turning head is sufficient for vehicles using the site to exit in forward gear. Thereafter, the development shall be carried out in accordance with the agreed details, unless otherwise agreed in writing by the local planning authority.



Costs Decision

Site visit made on 31 October 2011

by Graham Edward Snowden BA BPhil Dip Mgmt MRTPI

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

Decision date: 8 November 2011

Costs application in relation to Appeal Ref: APP/H0724/A/11/2157369 Land adjacent to Unit 4, Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool TS25 1NS

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr I Bates for a full award of costs against Hartlepool Borough Council.
- The appeal was against the refusal of planning permission for the change of use from vehicle dismantling yard to storage of skips, plant, brick rubble, stone, clay, topsoil and wood.

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. It is not argued, on behalf of the appellants, that the Council has acted unreasonably in a procedural sense and I am satisfied that the examples of unreasonable behaviour set out in paragraph B4 of the Circular do not apply in this instance. It is argued, however, that the Council's reasons for refusal have not been substantiated. Paragraph B15 of the Circular explains that planning authorities are at risk of an award of costs against them if they prevent or delay development which should clearly be permitted having regard to the development plan, national policy statements and any other material considerations. Paragraph B16 requires local authorities to *provide evidence to show clearly why the development cannot be permitted and to produce evidence at appeal stage to substantiate each reason for refusal with reference to the development plan and all other material considerations*. The test is whether such evidence provides a *respectable basis for the authority's stance*.
4. Policy Ind6, saved from the Council's Local Plan makes it clear that uses of the type proposed are acceptable in this area. Whilst Policies in the Tees Valley Joint Minerals and Waste Development Plan Documents state that allocations and proposals for large waste management facilities should be located within three general areas (which do not include the appeal site), Policies MWC8 and MWP12 allow for small scale sites to be permitted elsewhere. It is clear that the size of site involved in this case and the scale of waste to be handled would

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fall within the definition of "small" sites set out in the accompanying text.

5. In principle, therefore, the development plan lends support to the appeal proposal and the Council has failed to produce any convincing evidence to support its first reason for refusal that the proposed development would compromise the strategic aims for sub-regional waste planning. I do not consider that the Council has put forward a respectable case to substantiate its position.
6. The Council's second reason for refusal relates to the impact the proposal would have on the amenity and viability of neighbouring and surrounding properties, when considered cumulatively with existing waste facilities in the area. Internal and external consultees suggested a range of conditions which could adequately control the nature and scale of the operations on the site, to prevent any nuisance arising through odours, noise, dust and visual intrusion. The Council has offered no arguments as to why such conditions would not adequately overcome any adverse impacts which might arise. Paragraph B25 of the Circular advises that *a planning authority refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead*. I have so concluded.
7. I have also seen no evidence, given the scale of the appeal proposal, that it is likely to tip the balance, in terms of cumulative impact, beyond the capacity of the area to accommodate uses of this type in an environmentally acceptable manner. Whilst paragraph B18 of the Circular acknowledges that impact on neighbouring occupiers often involves matters of judgement, this is in the context of residential occupiers and, in my view, cannot be relied upon in this instance to justify the Council's stance.
8. Having regard to the advice in the Circular, I consider, therefore, that, in the case of both reasons for refusal, the Council has acted unreasonably. As a result, the appellant has incurred the expense of pursuing the matter to appeal.
9. I, therefore, find that unreasonable behaviour, resulting in unnecessary expense, as described in Circular 03/2009, has been demonstrated and that a full award of costs is justified.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Hartlepool Borough Council shall pay to Mr I Bates, the costs of the appeal proceedings, such costs to be assessed in the Senior Courts Costs Office if not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.

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11. The applicant is now invited to submit to Hartlepool Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

G E Snowden

INSPECTOR

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PLANNING COMMITTEE

2 December 2011



Report of: Assistant Director (Regeneration & Planning)

Subject: APPEAL REF: APP/H0724/C/11/2164176
UNAUTHORISED ERECTION OF A GARAGE TO
FRONT OF PROPERTY, CAMERON LODGE,
SERPENTINE ROAD, HARTLEPOOL, TS26 0HE

1. PURPOSE OF THE REPORT

- 1.1 To notify members of the lodging of an Appeal against the serving of an Enforcement Notice.

2. APPEAL

- 2.1 To inform Members that an appeal has been lodged against the service of an enforcement notice by the Council requiring the removal of an unauthorised garage to the front of Cameron Lodge, Serpentine Road, Hartlepool.
- 2.2 Authority was granted by Members to commence enforcement proceedings if deemed necessary at the meeting of 12 August 2011. Attempts to secure the removal of the garage by negotiation subsequently failed and the enforcement notice was issued on 10 October 2011, taking effect on 9 November 2011.
- 2.3 The notice required the removal of the structure in its entirety within 28 days from the date the notice took effect.
- 2.4 The Appellant has appealed against the notice. Appeal proceedings commenced on 7 November 2011. The enforcement notice is suspended pending the outcome of the appeal.
- 2.5 The appeal is to be decided by written representations.

3. RECOMMENDATION

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

PLANNING COMMITTEE

2 December 2011



Report of: Assistant Director (Regeneration & Planning)

Subject: APPEAL REF: APP/H0724/H/11/2164143
DISPLAY OF 3 ADVERTISEMENT HOARDINGS
LAND AT CLARENCE ROAD, HARTLEPOOL, TS24
8BJ

1. PURPOSE OF THE REPORT

- 1.1 To notify members of the lodging of an Appeal against the serving of a discontinuance notice by the Council.

2. APPEAL

- 2.1 To inform Members that an appeal has been lodged against the service of a discontinuance notice against the display of advertisements at land at Clarence Road, Hartlepool.
- 2.2 Authority was granted by Members to commence discontinuance proceedings under the 2007 Advertisement Regulations if deemed necessary at the meeting of 12 August 2011. The notice was issued on 13 September 2011, taking effect 8 weeks following deemed service (10 November 2011).
- 2.3 The notice required the cessation of the use of the site for the display of advertisements within a period of 2 months from the date the notice took effect.
- 2.4 The Appellant has appealed against the notice. Appeal proceedings commenced on 9 November 2011.
- 2.5 The appeal is to be decided by written representations.

3. RECOMMENDATION

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