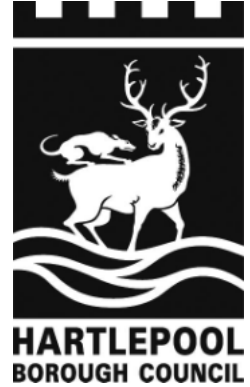


PLANNING COMMITTEE AGENDA



Wednesday 20 June 2012

at 10.00 am

in the Council Chamber, Civic Centre, Hartlepool.

MEMBERS OF PLANNING COMMITTEE:

Councillors Ainslie, Beck, Brash, Cook, Fisher, James, A Lilley, G Lilley, Morris, Payne, Richardson, Robinson, Shields, Simmons, Thompson and Wells.

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 18 May 2012

4. ITEMS REQUIRING DECISION

- 4.1 Planning Applications – *Assistant Director (Regeneration and Planning)*
- 1. H/2012/0136 Town Wall, Hartlepool (page 1)
 - 2. H/2010/0561 Tunstall Court, Grange Road, Hartlepool (page 13)
- 4.2 Update on Current Complaints – *Assistant Director (Regeneration and Planning)*
- 4.3 Monitoring Report on the Planning Advisory Service (One Stop Shop) – *Assistant Director (Regeneration and Planning)*
- 4.4 Appeal at Navigation Point Middleton Road (APP/H0724/A/11/2167553) – *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 item 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 Delegated Action Under Section 215 of the Town and Country Planning Act (As Amended) – *Assistant Director (Regeneration and Planning)* (paragraphs 5 & 6)

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

9. FOR INFORMATION

Next Scheduled Meeting – Wednesday 18 July 2012 at 10.00 am in the Council Chamber, Civic Centre

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of Wednesday 18 July 2012 at 9.00 am

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

18 May 2012

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

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Jonathan Brash, Marjorie James, Alison Lilley, Geoff Lilley, George Morris, Carl Richardson, Jean Robinson, Linda Shields, Chris Simmons, Paul Thompson and Ray Wells.

Officers: Damien Wilson, Assistant Director, Regeneration and Planning
Chris Pipe, Planning Services Manager
Jason Whitfield, Planning Officer
Kate Watchorn, Commercial Solicitor
Angela Armstrong, Democratic Services Team

174. Apologies for Absence

None.

175. Declarations of interest by Members

None.

176. Confirmation of the minutes of the meeting held on 27 April 2012

Confirmed.

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

Number: H/2010/0679

Applicant: Mr & Mrs J Shadforth
Crookfoot Farm, Elwick, HARTLEPOOL

Agent: David Stovell & Millwater
Mr David Stovell, 5 Brentnall Centre, Brentnall Street, MIDDLESBROUGH

Date received: 11/02/2011

Development: Erection of dwellinghouse

Location: Crookfoot Farm, Coal Lane Elwick, HARTLEPOOL

Representations: The agent and representative from the objectors were in attendance and addressed the Committee.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the details and plans (Map showing farm boundary 1:10000), received at the Local Planning Authority at the time the application was made valid on 11th February 2011 as amended in respect of the proposed non-mains drainage scheme by the details received at the Local Planning Authority on 21st March 2011, in respect of the proposed plans and elevations by the drawings proposed floor plans (HL/10/001/), proposed elevations (HL/10/001/) received at the Local Planning Authority on 13th May 2011 and as amended in respect of the proposed site layout by the drawing proposed site plan (HL/10/001/003/C) received at the Local Planning Authority on 24th August 2011, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.
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.

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 provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, B or E of Schedule 2 Part 1 or Class A of Schedule 2 Part 2 shall be carried out other than that expressly authorised by this permission.
In order to ensure that the dwellinghouse remains commensurate with the needs of the enterprise and in the interests of the visual amenity of the area.
9. The development permitted by this planning permission shall only be carried out in accordance with the non-mains drainage scheme received at the Local Planning Authority on 21st March 2011 showing a package treatment scheme discharging via pipe(s) to the Amerston Beck. The non-mains drainage scheme shall adhere to the following mitigation measures:
 1. No connection to a soakaway or land drainage system, including land drains/ditches.

2. No siting of the package sewage treatment plant within 50 metres or upslope of any well, spring or borehole used for private water supply (including the nearby public water supply boreholes).

3. Any pipeline transferring the discharge from the package treatment plant to the watercourse shall be suitably lined to prevent leakage, particularly where the pipes cross Hartlepool Water's water main.

The proposed development site is located in an area of high environmental sensitivity as it lies in close proximity to one of Hartlepool Water's main public water supply abstractions.

In addition, the route of the proposed pipeline, transferring the treated discharge from the non-mains drainage scheme (package treatment plant) to the adjacent Amerston Beck crosses directly over Hartlepool's water main. As such, we request the inclusion of the above condition to any subsequent planning permission to ensure protection of sensitive and important water resources.

10. This permission relates only to the provision of a dwellinghouse and ancillary development. It does not authorise the erection of any agricultural buildings shown as proposed on the approved site plan (Drawing HL/10/001/003/C).

For the avoidance of doubt.

11. Within 18 months of the date of this decision or within six months of the first occupation of the dwelling house hereby approved, whichever date is sooner, the existing mobile home, cabin and stable block including any ancillary structures (including sewage/sewage treatment plant) and hardstandings, for which planning permission has been sought under the provisions of planning application H/2011/0196 shall be removed from that site and the land restored to agricultural use in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

In order to ensure that the existing residential accommodation, and related structures, serving the unit are removed in the interests of the visual amenity of the area.

The committee considered representations in relation to this matter.

Number: H/2011/0196

Applicant: Mrs Diane Shadforth
Crookfoot Farm, Elwick, Hartlepool

Agent: Mrs Diane Shadforth, Crookfoot Farm, Elwick
Hartlepool

Date received: 02/06/2011

Development: Retention of mobile home, stable block and container used for agricultural purposes for a temporary period of 3 years (original approval H/2005/5633)

Representations: The agent and representative from the objectors were in attendance and addressed the Committee.

Location: CROOKFOOT FARM, COAL LANE, ELWICK
HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The mobile home, stable block, and container, including any ancillary structures (including sewage/sewage treatment plant) and hardstandings, shall be removed from the site and the land restored to agricultural use in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority within 18 months of the date of this decision notice.
The buildings/structures are not considered suitable for permanent retention on the site and to ensure the site is restored in an appropriate manner and returned to an appropriate use.

The committee considered representations in relation to this matter.

Number: H/2011/0350

Applicant: Mr M Ford
c/o Agent

Agent: WYG Planning & Design, Miss Liz Wells, Arndale Court, Otley Road, Headingley, LEEDS

Date received: 19/09/2011

Development: Erection of dwellinghouse (retrospective application)

Representations: The applicant was in attendance and addressed the Committee.

Location: Nelson Farm, Nelson Farm Lane, HARTLEPOOL

Decision: **Minded to APPROVE subject to a legal agreement under S106 of the Planning Act to ensure commencement of the proposed cattle fattening enterprise no later than 31 December 2012**

CONDITIONS AND REASONS

1. The dwelling and its curtilage (as agreed by condition 6) hereby approved shall be removed from the site in its entirety and the land

restored to its former condition on or before 31 December 2015 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority unless prior consent has been obtained to an extension of this period.

To assess the functional need and viability of the enterprise in accordance with Policy Rur7 of the adopted Hartlepool Local Plan.

2. The development hereby permitted shall be carried out in accordance with the plans 'A069734' and 'Agricultural Appraisal' received by the Local Planning Authority on 11 07 11, the Phase 1 Desk Study received by the Local Planning Authority on 11 08 11, 'Location Plan' received by the Local Planning Authority on 26 08 11, and the drainage details received by the Local Planning Authority on 21 09 11.
For the avoidance of doubt.
3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants. 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.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) or 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 amenities of the occupants of the adjacent residential property.
6. Notwithstanding the approved details the final extent of the curtilage associated with the hereby approved dwelling shall be submitted to and agreed in writing by the Local Planning Authority.
For the avoidance of doubt.

The committee considered representations in relation to this matter.

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

The Committee's attention was drawn to 10 current ongoing issues which were being investigated. Any developments would be reported to a future meeting if necessary.

A Member raised concerns at the advertising posters which were being displayed on some green communications boxes throughout the town. The Planning Services Manager confirmed that this issue was currently under investigation.

Clarification was sought on the complaint regarding the demolition works undertaken in Westbourne Road. Although this issue had been investigated which identified that planning permission was not required for the demolition, Members requested that the site be monitored for any future development of the site where planning permission may be required.

It was noted that future reports would include the date of receipt of complaints.

Decision

That the report be noted.

178. 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 5 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 179 – Seaton Carew Regeneration Update. This item contains exempt information 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 180 – Enforcement Action – Station Hotel, Seaton Lane. This item contains exempt information 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 181 – Annual Enforcement Update Report. This item contains exempt information 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).

- 179. Seaton Carew Regeneration Update** (*Assistant Director, Regeneration and Planning*) This item contains exempt information 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).

The Assistant Director, Regeneration and Planning presented a report which provided Members with an update on the work being done in Seaton Carew to deliver the identified regeneration priorities in Seaton Carew including the redevelopment of the Longscar Building.

Further information was included within the exempt section of the minutes.

Decision

Members noted the update provided.

- 180. Enforcement Action – Station Hotel, Seaton Lane** (*Assistant Director, Regeneration and Planning*). This item contains exempt information 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).

The Planning Services Manager presented a report which updated Members on the position relating to enforcement action at Station Hotel, Seaton Lane. Further information was included within the exempt section of the minutes.

Decision

Details were included within the exempt section of the minutes.

- 181. Annual Enforcement Update Report** (*Assistant Director, Regeneration and Planning*)). This item contains exempt information 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).

The Planning Services Manager presented a report which updated Members on enforcement activities in the last year. Further information was included within the exempt section of the minutes.

Decision

Members noted the updated provided.

- 182. Any Other Items which the Chairman Considers are Urgent**

None.

The meeting concluded at 11.58

CHAIR

No: 1
Number: H/2012/0136
Applicant: MR BRENDON COLAROSSİ Engineering Consultancy
Hanson House HARTLEPOOL TS24 7BT
Agent: Hartlepool Borough Council Mr Brendon Colarossi HBC
Hanson House Hanson square HARTLEPOOL TS24 7BT
Date valid: 04/05/2012
Development: Toe protection to town wall
Location: TOWN WALL HARTLEPOOL

Background

1.1 In 2008, a detailed coastal study was commissioned by Hartlepool Borough Council to understand the current and future performance of the Town Wall as a coastal erosion and flood defence structure. The study identified that there is a significant risk to the Town Wall due to under mining caused by the action of the sea and flooding due to wave overtopping. This study is now complete and a package of measures has been proposed to combat coastal erosion and flood risk.

1.2 This particular application is the second application relating to the package of work and is designed to protect the foundation of the Town Wall from erosion. Earlier this year a planning application (H/2012/0015) was approved by members for the restoration and re-establishment of groynes to front of Town Wall

1.3 The Town Wall is a 'Scheduled Ancient Monument' and was constructed to defend this area of the Headland from coastal erosion and flooding. It is maintained by Tees and Hartlepool Port Authority (now PD Ports).

The Site and Application

1.4 The Town Wall is some 380 metres in length varying in height from 4 metres to 6 metres and between 2 to 3 metres in depth. The Wall runs from Croft Terrace in the east to approximately 2 Town Wall in the west overlooking the channel to the Victoria Harbour. The wall is constructed in the local magnesium limestone in roughly shaped square and rectangular blocks of varying sizes and generally coursed. In places sections of the wall have been replaced in reinforced concrete following storm damage and failure of the original stone wall. Also to the base of the wall is a concrete and concrete and timber toe protection added to areas where the beach levels are lower. Opposite Sandwell Chare there is an arched opening (Sandwell Gate), framed by two other triangular buttresses giving access to the beach. At the western end of the wall are the remains of a ferry landing consisting of steps to the waters edge which gave access to a ferry which operated to West Hartlepool. Along the top of the wall for the full length is a parapet with a footpath behind which at the highest points is protected by railings.

1.5 The proposed scheme consists of adding a concrete toe protection (approximately 190 metres in length) to the base of the wall to the west of the western buttress to Sandwell Gate to 30 Town Wall. The toe protection will be cast in situ over the existing toe protection to a height of 3.3 metres extending 2.7 metres

from the face of the existing wall. No finish is proposed to the concrete. The existing toe protection consists of 0.250 by 0.150 by 1.4 metre timber vertical piles (redained railway sleepers) bolted together with a concrete and sandstone infill to the rear of the timber piling. The existing toe projects above the existing beach level by about 0.1 metres.

Scheduled Ancient Monument Consent

1.6 As outlined in paragraph 1.3 above the Town Wall is a 'Schedule Ancient Monument' and therefore Scheduled Monument Consent (SMC) is required. SMC applications are decided by the Secretary of State for Culture, Media and Sport but the administration, process and handling of applications are undertaken by English Heritage.

1.7 Hartlepool Borough Councils SMC application for the toe protection works to the Town Wall dated 14 March 2012 was granted by the Secretary of State subject to conditions.

Publicity

1.8 The application has been advertised by way of neighbour letters (24), site notice (x3) and press advert. To date, there have been 4 responses received, consisting of 3 letters of comment (2 from the same address) and 1 letter of objection.

The concerns raised are as follows:

- 1 The use of concrete is inappropriate to historic monument and will also not be as flexible as limecrete. Concrete more prone to cracking over time with wave action. Lime more suitable for use with the stonework of the Town Wall against which the toe protection will sit.
- 2 Exposed section – the mock concrete 'planking' effect completely inappropriate to a historic monument both visually and aesthetically why was stone and lime work not considered if wooden planking is now not thought to be appropriate or effective under current climate conditions.
- 3 Concrete exposed to sea water is susceptible to its corrosive effects and this is more apparent above the tidal level. Lime and Pozzolan cements are more resistant to sea water than pure Portland cement. If pictures are taken of the current concrete protection then these effects are evident. It seems wholly inappropriate to repeat the mistake.
- 4 We would like a public consultation on any alternatives to the appearance of the Town Wall as it is an important historic structure and is key to the town's heritage. The people of Hartlepool are an important part of maintaining the heritage of the town and deserve a say in changes to such a well loved landmark.
- 5 We feel that more research is needed into using traditional materials suitable to the age of the Town Wall. After all, the original wall is still standing. Whilst the various concrete repairs are crumbling.
- 6 Enquiries should be made for estimates of the cost of doing more traditional repairs using lime, stonework where necessary to reinforce the toe of the wall. We would like the estimates to be made public and grants to be applied for.

English Heritage to be consulted on whether they would prefer this type of repair as opposed to concrete toe protection.

- 7 Will the work be carried out during normal working hours ie 8am till 6pm or will it have to be done tidal as the work will be on the sea side of the wall?
- 8 We have concerns about the lorries/vans/cars that will be needed for the workforce to come and go while this work is been done, as you know the road along the Town Wall from numbers 2-29 is not very wide, and to have wagons/lorries etc parking in the area will cause us problems with parking and access to our properties, we would like you to consider this when the work starts and maybe ask the contractors to park wagons/lorries/cars etc up the Sandwellgate part of the wall as this is a wider road.
- 9 I wish to applaud the fact that replacement of the groins and toe protection work is planning. However, my view (that is shared by many) is that the wall will be best protected by bringing the sand level back to its original height by approximately 2 metres. The sand would need to be retained and this could be achieved by making a wall of interlocking blocks running from the end of the last groin, parallel with the town wall for approx 80/100 metres.

1.10 Concerns have been raised in two letters of correspondence received by the same person with reference to a proposed 'back wall' development. Having discussed this further with the Council's Engineers it is understood that further works in the form of an additional coastal defence wall upon the Town Wall have been discussed with residents. At the time of writing this report no formal application with regard to these works has been received.

1.11 The period for publicity is outstanding and expires prior to the Committee meeting.

COPY LETTERS A

Consultations

1.12 The following consultation replies have been received:

Conservation Officer - The legislation and policy advice relating to any heritage asset states that all development should be considered against the desirability of sustaining and enhancing the heritage asset. The heritage assets affected by the proposed development, consisting of toe protection works to a section of the Town Wall, are multiple consisting of the Town Wall and Sandwellgate (both a Scheduled Ancient Monument and Listed Building), the Headland Conservation Area to the north of the Town Wall (a medieval settlement) with 60 individual listed buildings (four to the immediate rear of the Wall) and a further 275 buildings covered by an Article 4 Direction.

The proposed works are to create a concrete toe protection to the base of the Town Wall approximately 190 meters in length west of Sandwellgate, replacing an existing toe protection. The existing toe protection projects approximately 0.100 meters above the existing beach level. The new toe protection will project approximately 0.400 meters above beach level.

No objections to the proposed toe protection works are raised. The consequence of not undertaking the proposed toe protection works are likely to be undermining of the Town Wall due to sea level rise with the consequent impact on the Headland Conservation Area and the listed building immediately behind the Town Wall. An exposure of the base of the Town Wall occurred in the 1990s which resulted in the current toe protection.

The proposed toe protection material is an untextured concrete which initially will look visually stark and incongruous against the limestone of the Town Wall. The existing toe protection is a very similar construction but has been subject to weathering and seaweed growth since its installation some 20 years ago. A similar result is anticipated in the case of the proposed toe protection works. This process of colonisation may be made more rapid by altering the surface finish of the concrete to encourage quick seaweed and other growth. It is requested that the applicant investigate the surface finish of the toe protection works (in conjunction with an ecologist) and that this be subject of a condition attached to any approval of the application.

English Heritage – No objections to the proposed works provided:

- The methods statement for the works which accompanied the application for SMC should be adhered to by the applicant. This was a condition of SMC being granted.
- That in line with the advice given in Para 141 of the National Planning Policy Framework document the Council, as the developer in this instance, should 'record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance.... And to make this evidence (and any archive generated) publicly accessible'. This can be achieved through a watching brief based upon the written scheme of works required in condition c of the associated SMC application. I am aware that the Borough Council has been in liaison with staff at Tees Archaeology over this aspect of the proposed works and I look forward to receiving their written scheme in due course.

Tees Archaeology – Comments Awaited

Headland Parish Council – Comments Awaited

Marine Management Organisation – Comments Awaited

Traffic and Transportation – Comments Awaited

Councils Ecologist - Fish sands was previously designated as a Site of Nature Conservation Interest in the 2006 Local Plan. It was de-designated at the last review as it did not support sufficient birds to meet current criteria for designation. However it does support small numbers of bird species which form part of the interest feature of Teesmouth and Cleveland Coast SPA/Ramsar. To avoid disturbance to those birds the work should avoid the times of year when they are present hence should be carried out between April and September.

Planning Policy

1.13 The following National, Regional and Local Planning Policies are relevant to the determination of this application:

NATIONAL POLICY:

In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

REGIONAL POLICY:

In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Governments intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention.

LOCAL PLAN POLICY

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

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments

where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

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

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

HE2: Encourages environmental improvements to enhance conservation areas.

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

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

Rur17: Safeguards this walkway from development not directly associated with its use as a major recreational route.

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

WL2: States that developments likely to have a significant adverse effect on SSSIs will be subject to special scrutiny and may be refused unless the reasons for development clearly outweigh the harm to the special nature conservation interest of the site. Where development is approved, planning obligations or conditions will be considered to avoid and minimise harm to the site, to enhance its interest and to secure any necessary compensatory measures.

Planning Considerations

Principle of Development

1.14 The NPPF states that planning plays a key role in minimising vulnerability and providing resilience to the impacts of climate change. This is central to the economic, social and environmental dimensions of sustainable development. Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change taking full account of flood risk and coastal change.

1.15 The supporting documentation submitted in support of the application indicates that there is a significant risk to the Town Wall due to under mining caused by the action of the sea and flooding due to wave overtopping. It is therefore considered

that the toe protection works to the Wall as a whole are acceptable in principle in terms of the prevention of flood risk in accordance with NPPF principles. In terms of the policies of the Hartlepool Local Plan 2006 the development is also considered acceptable. Detailed considerations are discussed below.

Visual Impact and Residential Amenity

1.16 In terms of the construction of concrete toe protection to the foundation of the Town Wall, it is unlikely that the works will significantly impact upon the outlook and amenity of the occupants of the neighbouring properties and the surrounding area. Given that there is a significant change in levels between the properties and the areas of the Town Wall upon which the concrete protection will be located it is not considered that the works as a whole will be widely visible. Moreover, given tidal movements it is not considered that the toe protection will be visible continuously.

1.17 Similarly to the application for the works to the groynes at the Town Wall, approved by Members, whilst it is acknowledged that there is the potential for amenity impacts from the construction phase in terms of potential noise and disturbance, it is considered that a condition restricting construction works to daytime hours would alleviate the concerns raised in terms of impact upon residential amenity.

1.18 In terms of visual impact, it is considered that the construction phase of the proposed scheme is likely to be the element of the proposal most likely to give rise to visual impacts in terms of the temporary site compounds, construction plant and temporary lighting, the full details of which can be satisfactorily dealt with by way of a suitably worded planning condition. It is considered that their impact will be of a temporary nature and it is considered therefore that the construction works are unlikely to have a significant adverse impact on visual amenity.

1.19 Concerns have been raised regarding the proposed material to be used (concrete), given the impact the sea has had on the previous concrete protection works and also with regard to its appearance in relation to the historic Town Wall. With regard to the concerns raised, Officers have sought clarification over the proposed materials to be used. The Council's Engineering Consultancy Section has advised that the concrete to be used has been designed specifically for coastal environments consisting of excellent properties to withstand wave action. Furthermore, the Engineers have stated that if placed correctly the concrete should not crack. Moreover, English Heritage and the Council's Conservation Officer have raised no objections to the proposed material subject to an agreed surface finish. In terms of the surface finish of the concrete the supporting information submitted with the application states that no finish is proposed. Notwithstanding this, in line with comments received by the Conservation Officer it is considered appropriate to attach a suitably worded planning condition requiring the surface finish of the concrete to be first in agreed prior to the commencement of works in consultation with the Council's Ecologist. The premise of the condition is to agree a surface finish that will allow the best conditions for seaweed and other growth upon it. The presence of seaweed etc upon the surface of the concrete will allow the toe protection works as a whole to assimilate into the wider Town Wall and surrounding area over time.

1.20 Given the above, Planning Authority Officers consider that the works, subject to the agreement of a suitable surface to the concrete, will visually tie into the existing Town Wall. Whilst it is acknowledged that the appearance of the new concrete toe protection will differ to that of the Town Wall it is not considered that the works will appear jarring or incongruous to a level whereby they will significantly impact upon the setting of the Town Wall, the listed buildings or the Headland Conservation Area.

1.21 Concerns have been raised regarding whether consideration has been given to the potential for beach replenishment to bring sand levels back to previous levels (provision of extra 2m in height of sand upon beach) as part of the proposed work and the provision of a wall of interlocking blocks running from the end of the last groyne parallel to the Town Wall. The Council's Engineering Consultancy Section has stated that this concept was looked at as part of the detailed project assessment process and ruled out due to cost, technical and environmental implications. With regard to the provision of additional sand upon the beach the Council's Engineers have examined historic photographs of the area and have not found any evidence to suggest that existing sand levels in the area are any different to those of previous years.

Landscape Impact

1.22 The surrounding landscape is a mix of coastal, industrial and urban elements. Given the temporary nature of construction works, it is unlikely they will have a significant impact on the surrounding landscape. Furthermore, given the extent of the works and that in the majority the works are to restore groynes which were previously in situ it is considered that the scheme itself is unlikely to have a significant landscape impact.

Impact on the character and appearance of the Headland Conservation Area and Scheduled Ancient Monument

1.23 The legislation and policy advice relating to any heritage asset states that all development should be considered against the desirability of sustaining and enhancing the heritage asset. The heritage assets affected by the proposed development, consisting of toe protection works to a section of the Town Wall, are multiple consisting of the Town Wall and Sandwellgate (both a Scheduled Ancient Monument and Listed Building), the Headland Conservation Area to the north of the Town Wall (a medieval settlement) with 60 individual listed buildings (four to the immediate rear of the Wall) and a further 275 buildings covered by an Article 4 Direction.

1.24 Policy HE1 of the adopted Local Plan (2006) states that proposals for development in Conservation Areas will only be approved where it can be demonstrated that the development will preserve or enhance that character and/or appearance of the area. Whilst it is acknowledged that the proposed works will impact upon the abovementioned heritage assets it is not considered that the works will appear jarring or incongruous. Moreover, it is considered that the appearance of the toe protection works will assimilate into the wider setting of the area as a whole following the discolouration of the concrete and the provision of seaweed growth etc upon its surface. Given the nature of the proposed works it is not

considered that they will detract from the Conservation Area, ancient monument or the listed buildings in close proximity. It is considered that the proposed works will preserve the appearance of the area in general.

1.25 Further to the above, the NPPF states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”. With regard to this, it is not considered that the proposed works will create a substantial harm to the heritage assets and furthermore, it is considered that the consequence of not undertaking the proposed toe protection works are likely to be undermining of the Town Wall due to sea level rise with the consequent impact on the Headland Conservation Area and the listed building immediately behind the Town Wall. Therefore the proposed works clearly have public benefits such as the protection of properties and businesses upon the Headland from flooding. It is again prudent to state that English Heritage have raised no objections to the proposed works.

Highway Safety

1.26 The Council's Traffic and Transportation Section have raised no objections to the proposed works. It is considered therefore that the proposals are unlikely to have a significant impact on highway safety. As outlined above, a condition requiring the submission of a construction management plan has been proposed. The Traffic and Transportation Section will be consulted with regard to the information submitted within the plan, which will consider many aspects of the proposed construction works including the parking of vehicles of site operatives.

Ecology and Biodiversity

1.27 The Council's Ecologist has advised that the site formed part of a previously designated site of Nature Conservation Interest in the 2006 Local Plan, however it was de-designated upon review as there was not sufficient birds in the area to support its inclusion. Notwithstanding this, the area does support a small number of the bird species which form part of the interest feature of Teesmouth and Cleveland Coast SPA/Ramsar. The Ecologist has advised that to avoid disturbance to birds the proposed works should avoid the times of the year when birds are present. An appropriately worded planning condition has therefore been proposed restricting works to be carried out only between April and September.

Conclusions

1.28 With regard to the relevant national, regional and local planning policies, and the relevant material planning considerations as discussed above, on the basis of the information received it is likely that the recommendation will be favourable, however this is subject to the consideration of the outstanding consultees and neighbour responses. The conditions set out below are considered to be appropriate at the time of writing but may need to be amended and/or added to following the receipt of the aforementioned outstanding consultees.

RECOMMENDATION – Minded to approve however due to outstanding publicity delegate the final decision to the Planning Services Manager. Should any objection

be received delegate the final decision to the Planning Services Manager in consultation with the Chair of the Planning Committee.

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. Construction of the development hereby approved shall be carried out during the months of April to September inclusive only and at no other time unless otherwise agreed in writing by the Local Planning Authority.
In the interests of biodiversity.
3. The construction of the development hereby approved shall only be carried out between the hours of 07:30 and 19:00 Mondays to Fridays inclusive, 07:30 and 16:00 Saturdays and at no other time on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
4. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - (1) the parking of vehicles of site operatives and visitors;
 - (2) loading and unloading of plant and materials;
 - (3) storage of plant and materials used in constructing the development;
 - (4) the erection and maintenance of security hoarding;
 - (5) wheel washing facilities;
 - (6) measures to control the emission of dust and dirt during construction;
 - (7) turning on site of vehicles;
 - (8) the location of any site huts/cabins/offices;
 - (9) the phasing of construction and subsequent access routes for HGV's, including estimated number of movements and duration together with the installation of temporary signage as appropriate on the highway network to direct construction traffic;
 - (10) details of proposed temporary lighting;
 - (11) details of isolated drainage systems for foul water to prevent discharge to surface or groundwater;
 - (12) details of containment measures for fuels, oils and chemicals;
 - (13) plans to deal with accidental pollution.
 To ensure the site is developed in a satisfactory manner.
5. The development hereby permitted shall be carried out in accordance with the plan and details received by the Local Planning Authority on 15/03/2012 (Drg.No. PR461/PA/TP), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
6. Final and large scale details, including separate cross sections, showing how the works hereby approved will tie into the existing groynes and the upgrading

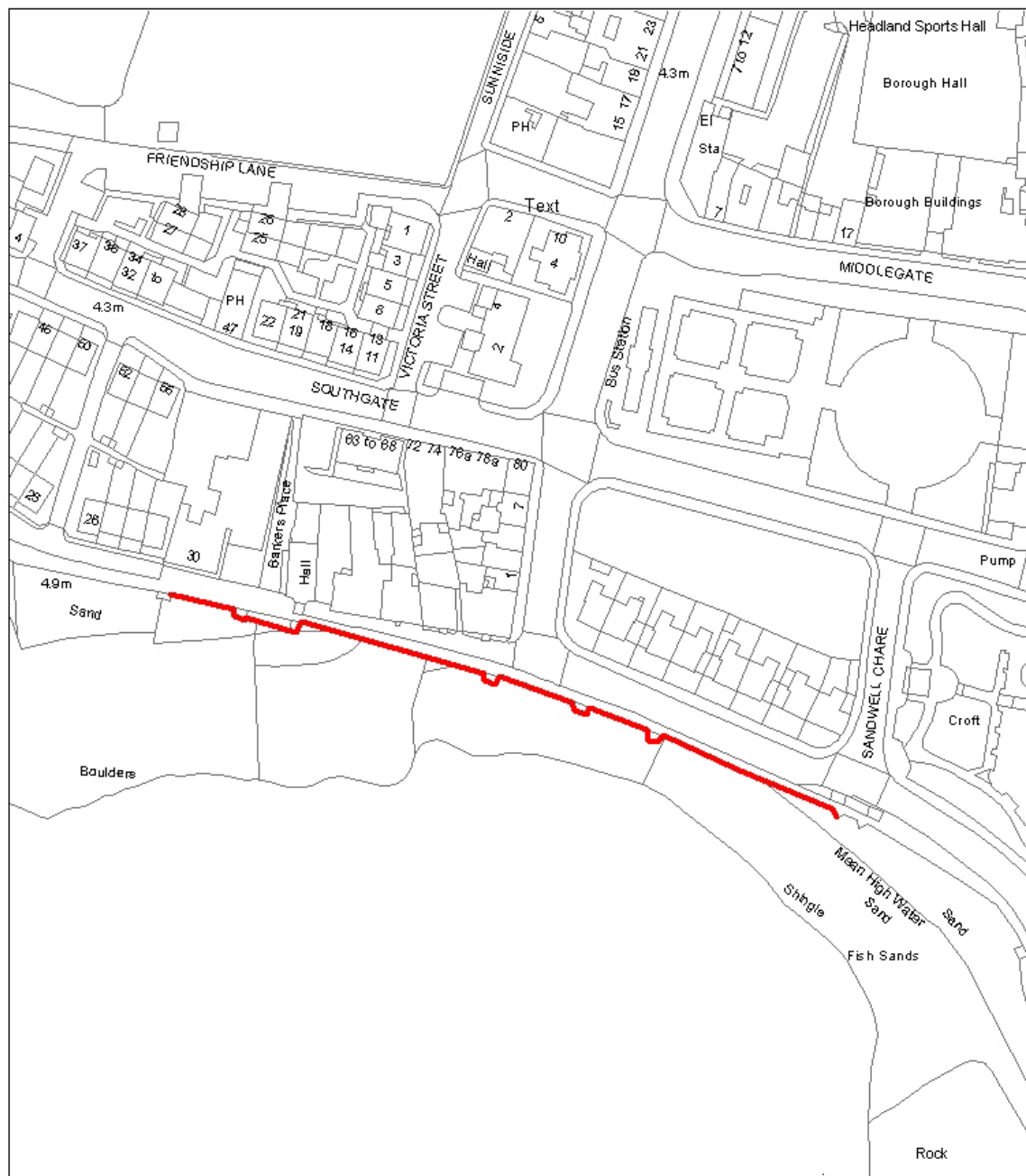
works to them approved by way of planning application H/2012/0015 shall be submitted to and approved by the Local Planning Authority before development commences. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity and the character and appearance of the Conservation Area and the Town Wall.

7. The works hereby approved shall be carried out in accordance with the Method Statement received by the Local Planning Authority on 31/05/2012 unless otherwise agreed in writing.
To ensure the site is developed in a satisfactory manner
8. The developer shall give two weeks notice in writing of commencement of works to Tees Archaeology, Sir William Grey House, Clarence Road, Hartlepool, TS24 8BT, Tel: (01429) 523458, and shall afford access at all reasonable times to Tees Archaeology and shall allow observation of the excavations and recording of items of interest and finds.
The site is of archaeological interest
9. Final details of the surface finish to the concrete toe protection shall be submitted to and approved by the Local Planning Authority in conjunction with the Council's Ecologist before development commences, samples of the desired material and surface finish being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity and to provide a surface finish which would encourage quick seaweed and other growth.



TOWN WALL



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

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Scale: 1:1250

Date : 31/5/12

Drg No: H/2012/0136

Drawn: GS

No: 2
Number: H/2010/0561
Applicant: Ruttle Group c/o agent
Agent: Sedgwick Associates Mr Paul Sedgwick 24
 Queensbrook Spa Road BOLTON BL1 4AY
Date valid: 29/09/2010
Development: Part demolition, extension and redevelopment of Tunstall Court to provide 21 dwellings and erection of 12 detached dwellings with associated landscaping and formation of new access
Location: TUNSTALL COURT GRANGE ROAD HARTLEPOOL
 HARTLEPOOL

Background

2.1 Members will recall that this item was reported to Planning Committee on 4 November 2011. Members were minded to approve the application subject to a number of conditions and the signing of a S106 agreement. The S106 agreement related to the following:

- The provision of £250 per dwelling for off-site play provision;
- A commitment for the discharge of pre-commencement conditions within 3 months of the date of approval and the commencement of the development within 2 months of the Local Planning Authority's discharge of those conditions.

2.2 Members will recall that the decision was made 'on-balance' with overriding weight given to the need to secure the re-development of the site in the short term to alleviate degradation to the heritage asset and the impact on the visual amenity of the area. However, Members noted that the scheme was not considered to be the most appropriate option in conservation terms and did not offer an off-site affordable housing contribution on the basis of financial viability.

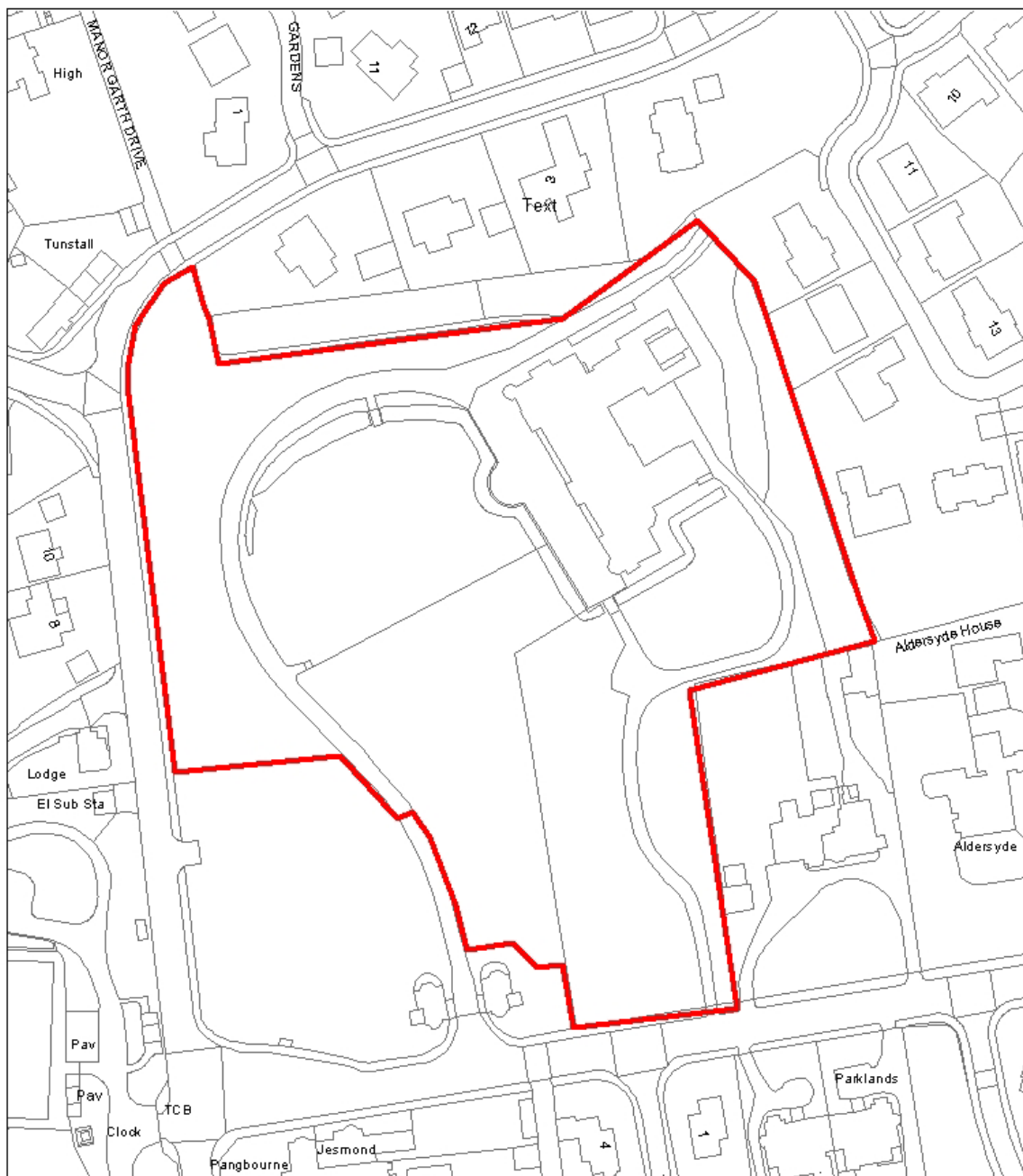
2.3 Discussions have been ongoing with the applicant on the scope of the S106, and agreement between both parties was achieved in February 2012. Since then efforts have been made by Officers to ensure the agreement has been signed promptly to allow the decision to be issued. However, a signed agreement for execution has not been received to date.

2.4 The applicant has indicated that the agreement has been signed but is currently awaiting agreement from a third party with an interest in the site. It is considered that the most appropriate form of action would be to complete the legal agreement and secure the development of the site. Dialogue is ongoing with the applicant to ensure speedy completion and it is hoped that the matter can be resolved prior to the meeting. Nevertheless an update report informing Members of progress and setting out the recommended course of action will follow.

RECOMMENDATION – UPDATE TO FOLLOW



TUNSTALL COURT



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

Scale: 1:1250

Date : 31/5/12

Drg No: H/2010/0561

Drawn: GS

UPDATE REPORT

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

Background

1 This application appears as item 2 on the main agenda. Discussions are ongoing with the applicant in the hope of securing the completion of the S106 legal agreement prior to Planning Committee.

RECOMMENDATION - UPDATE TO BE TABLED AT THE MEETING

PLANNING COMMITTEE

20 June 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

- 1 A neighbour complaint regarding a car repair use at a residential property on Gillpark Grove.
- 2 A neighbour complaint regarding the erection of a rear conservatory and concrete setts applied to the front garden of a property on Raby Road.
- 3 A neighbour complaint regarding a steel storage container positioned in the front garden of a property on Spalding Road.
- 4 Officer monitoring recorded the erection of a repositioned side boundary fence to replace the original brick wall of a property on Truro Drive. Following discussions with the property owner, a retrospective planning application has been submitted and will be reported to this Committee if necessary. Work on the fence has stopped until a decision has been made.
- 5 Officer monitoring recorded the construction of a horse exercise arena, grazing paddock, positioning of a former construction site/office cabin and creation of a vehicular access on farmland Brierton Lane.
- 6 A neighbour complaint regarding the erection of side and front boundary walls/fences at three separate properties, two on Evergreen Close, and one on Honeysuckle Close, has been investigated. The boundary enclosures in question benefit from 'permitted development' not requiring planning permission.
- 7 Officer monitoring recorded the erection of extension to the side of a property on Dunbar Road.

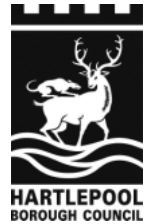
- 8 An anonymous complaint regarding a large outbuilding under construction in the rear garden of a property on Glentower Grove.
- 9 A neighbour complaint regarding the erection of a conservatory to the rear of a property on Dunbar Road.
- 10 A neighbour complaint regarding burning of waste, erection of buildings, nuisance from smell from the storage of manure and blocked drains on a site in the southern western corner of Usworth Road. The site in question was granted planning permission on appeal in April 1992 for the erection of stables and accepted the principle of stabling horses on the site.
- 11 An anonymous complaint regarding the provision of a roof terrace and replacing a door with a window to the rear of a bed & breakfast establishment on Church Street, Seaton Carew. The premises lie within the Seaton Carew Conservation Area.
- 12 A neighbour complaint regarding the alteration of an upper-floor window located in the side elevation of a property on Thetford Road.
- 13 An anonymous complaint regarding a caravan used as a self-contained living unit in the backstreet at Poole Gardens.
- 14 A neighbour complaint regarding the erection of an outbuilding in the rear garden of a property on Northwold Close.
- 15 A neighbour complaint regarding car repairs within the curtilage of a property on Avondale Gardens.
- 16 A neighbour complaint regarding car repair/restoration activities in a garage within a block of four behind Welldeck Road.

2. RECOMMENDATION

- 2.1 Members note this report.

PLANNING COMMITTEE

20 June 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: MONITORING REPORT ON THE PLANNING
ADVISORY SERVICE (ONE STOP SHOP)

1. PURPOSE OF REPORT

- 2.1 To update the Planning Committee on the current arrangements for the Planning Advisory Service (the 'One Stop Shop'), in light of the decision to charge for non-householder developments. The Planning Committee previously requested that a monitoring report is provided as an update on the effectiveness of the implementation of the charging policy after 6 months of implementation.

2. BACKGROUND

- 2.2 This report is presented to the Planning Committee and relates to the monitoring of the Planning Advisory Service, known as the 'One Stop Shop'. The Planning Services Team previously offered a free advisory service for all to enable proposals to be considered informally before applications were submitted. It was decided in 2011 that due to the current financial climate and with the Government encouraging pre-application discussions between developers and the Council, a charge would be levied for this service.
- 2.3 It was a concern of officers and Members that householders wishing to erect a conservatory (or similar developments) would not use the pre-application service should there be a fee, and that this may potentially lead to an increase in unauthorised development and thus an increase on the already limited resources of the Council's Enforcement Officer. It was therefore agreed that no fee would be charged for pre-application advice for household developments. However it was agreed that should a household require a rapid response to an enquiry, generally household responses are given within 15 working days (for instance when proof is required by a solicitor for a house sale to progress) then a 'fast track' fee was considered appropriate and this is reflected in the proposed charges.

4.3

- 2.4 The advisory service identifies any consents required for the development proposed and how to apply for them. The Council strongly encourages use of the service as it may help to 'iron out' any potential problems and therefore deal with an application more efficiently. The service also provides a letter should planning permission not be needed; this can be useful should a property/piece of land be sold in the future. The One Stop Shop is part of a positive and proactive planning process, although it is non-statutory.
- 2.5 The workload associated with the provision of the free service was significant (approximately 50% of planning officers workload), at a time when resources are already stretched, and since charging, the amount of informal enquiries has declined slightly (particularly minor developments PS Codes 13-20), when compared to a similar period in the last few years as detailed below:

Breakdown of informal enquiries received between 1 October 2009 and 31 March 2010

Total number received = 361

PS CODE	NO.
PS1 - 6	4
PS7 - 12	13
PS13 - 20	125
PS21	208
PS22	8
PS23 - 37	3

Breakdown of informal enquiries received between 1 October 2010 and 31 March 2011

Total number received = 372

PS CODE	NO.
PS1 - 6	2
PS7 - 12	3
PS13 - 20	161
PS21	190
PS22	9
PS23 - 37	7

Breakdown of informal enquiries received between 1 October 2011 and 31 March 2012

Total number received = 216

PS CODE	NO.
PS1 - 6	2
PS7 - 12	5
PS13 - 20	34
PS21	172
PS22	2
PS23 - 37	1

4.3

- 2.6 Of particular note since the implementation of charges 1st October 2011 to the 31st March 2012 an income of £7034 (including VAT) has been received, this is in excess of what was anticipated for a full year of operating a charge for the service. This includes fees of £300.00 for fast track householder enquiries.
- 2.7 It is considered by officer W:\Planning\Committee Planning 2012\12 06 20\12 06 20 R&N OSS Monitoring Report.docx that the charges levied which are based on the scale of development are set at the correct level and that the generation of income is welcomed. A report will be provided to the Planning Committee after 1 year of the implementation of fees.

3. RECOMMENDATION

- 3.1 Members note the report

4. BACKGROUND PAPERS

- 4.1 There are no background papers.

5. CONTACT OFFICER

Chris Pipe
Planning Services Manager
Bryan Hanson House

Tel: (01429) 523596
E-mail: christine.pipe@hartlepool.gov.uk

PLANNING COMMITTEE

20 June 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL AT NAVIGATION POINT MIDDLETON ROAD (APP/H0724/A/11/2167553)

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) (H/2011/0059)

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 above development. The application was refused against officer recommendation.

- 2.1 The appeal was refused for the following reason:

“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”

- 2.2 The appeal was decided by the written representations procedure.

- 2.3 The Planning Inspector stated that given the previous Inspector’s findings, he found that the Council’s assertions about the visual impact of the current development to be generalised and unsupported by objective analysis.

- 2.4 The appeal was therefore allowed subject to conditions. The appellant was also awarded costs in relation to unreasonable behaviour by the Council which resulted in unnecessary expense. A copy of these letters are attached.

3. RECOMMENDATION

- 3.1 That Members note the decision.



The Planning
Inspectorate

Appeal Decision

Site visit made on 20 March 2012

by Anthony Lyman BSc(Hons) DipTP MRTPI

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

Decision date: 3 May 2012

Appeal Ref: APP/H0724/A/11/2167553

Navigation Point, Middleton Road, Hartlepool, TS24 0YF

- 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 Alan Henderson against the decision of Hartlepool Borough Council.
 - The application Ref H/2011/0059, dated 2 February 2011, was refused by notice dated 5 December 2011.
 - The development proposed is the demolition of existing building and the erection of a two storey building comprising commercial unit (Use Classes A1/A3/A4) at ground floor level and a yacht club and amenity facilities at first floor.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing building and the erection of a two storey building comprising commercial unit (Use Classes A1/A3/A4) at ground floor level and a yacht club and amenity facilities at first floor at Navigation Point, Middleton Road, Hartlepool, TS24 0YF in accordance with the terms of the application, Ref H/2011/0059, dated 2 February 2011, subject to the conditions listed in the attached schedule.

Application for Costs

2. An application for costs was made by Mr Alan Henderson against Hartlepool Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. The National Planning Policy Framework (the Framework) was published on the 27 March 2012. Both main parties have been given the opportunity to comment on the impact of the policies contained within the Framework. Their submitted views have been taken into account in determining this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance

5. The appeal site is in a prominent quayside position at Hartlepool Marina, close to the lock entrance from the North Sea. Part of the site is currently occupied

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Appeal Decision APP/H0724/A/11/2167553

by a single storey building of limited architectural merit, which would be demolished. The proposed two storey appeal building would have a significantly larger footprint, taking in a number of surrounding car park spaces.

6. The marina area has undergone major regeneration with some of the original, attractive dockside buildings restored to a high standard, interspersed with new retail, hotel and residential investments of varying architectural styles and standards. The immediate area of the appeal site includes the imposing early 20th century original dock offices, and a prominent, modern mostly three storey terraced development with commercial units at ground level and residential accommodation on the upper floors. To the immediate north of the appeal site is a large expanse of car park. The marina, the yachts and the maritime heritage infrastructure create a distinctive character for the area, although few of the modern, prominent developments surrounding the harbour add to that distinctiveness.
7. According to the appellant, the new building would occupy the same footprint as a previous proposal on the site which was dismissed on appeal in 2010. In that appeal the Inspector considered that the footprint and, in principle, the scale of the proposed three storey building, would not be too large in the context of the surrounding developments and would not appear cramped. I have no reason to disagree with that conclusion. However, that appeal was dismissed mainly because of the design of the proposed second floor, which has been omitted from the proposal before me.
8. Although the building would be relatively functional, it has been designed with active facades on all sides and would incorporate glazed canopies, first floor balconies overlooking the marina on two sides and an exterior spiral staircase. In the context of the surrounding mostly modern buildings, the design and scale of the proposal would enhance the character and appearance of the quayside, compared to the existing structure. The proposal would therefore, accord with the objectives of Policy GEP1 of the Hartlepool Local Plan 2006 (the Local Plan), and with the sustainable development principles of the Framework.

Other matters

9. I note that the highway authority has raised no objection to the loss of some car parking spaces. From the information before me and my own observations I agree with the previous Inspector that the capacity of the remaining large car park would be unlikely to be exceeded by demand.
10. Concerns have been raised in representations about recent drainage problems in the vicinity of the site. However, the foul water drains have recently been adopted by the local water company, who have raised no objections to the proposal. I am satisfied that issues relating to surface water runoff and flood attenuation measures can be controlled by the imposition of conditions.
11. The site is an edge of town centre location as identified in the Local Plan. Nevertheless, I am satisfied that the proposal would not significantly impact on the vitality and viability of the town centre and the surroundings, given the relatively small scale of the proposal and the stated intention to use the ground floor as a local convenience store, which will be controlled by a condition.

Appeal Decision APP/H0724/A/11/2167553

Conditions

12. For the avoidance of doubt and in the interests of proper planning, I will require the proposal to be built in accordance with the approved plans. In the interests of visual amenity, the details of the materials to be used in the external surfaces of the building and the surrounding surface areas will also be required by condition. To safeguard the amenity of nearby residents, conditions will be imposed relating to the opening hours of the premises, the location of refuse storage containers, the playing of amplified music externally, and the installation and maintenance of ventilation equipment.
13. The arrangements for the delivery of goods and servicing of the premises will also be controlled by a condition in the interests of highway safety. Flood risk mitigation measures and tests for the presence of landfill gas on the site will be required in order to provide for the safety of future occupants of the building and nearby residents. Finally in the interests of the quality of the local environment, details of surface and foul water disposal arrangements will be required, together with a scheme to prevent grease and fat from entering the drainage systems.

Conclusion

14. For the reasons given and having had regard to all other matters raised, the appeal is allowed.

Anthony Lyman

INSPECTOR

Appeal Decision APP/H0724/A/11/2167553

CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 971-09-100 rev. A; 971-09-101 rev. A; 971-09-102; 971-09-200 rev. B; 971-09-201 rev. A; 971-09-202 rev. A; 971-09-203 rev. A; 971-09-204 rev. B; 971-09-205 rev. B; 971-09-206 rev. A
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted and the surrounding surface areas have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a scheme for the installation of equipment to control the emission of fumes and smell from the premises has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the building is first brought into use and thereafter retained and used whenever food is being cooked on the premises. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
- 5) The premises shall not be open other than between the hours of 07.00 to 24.00 hours daily.
- 6) Before development commences a scheme detailing the arrangements for servicing and the delivery of goods to the building shall be submitted to and approved in writing by the local planning authority. The delivery of goods and the servicing of the building shall take place only in accordance with the approved details.
- 7) Before development commences a scheme for the storage of refuse within the site, together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and timetable and thereafter retained.
- 8) The A1 (retail) use hereby permitted shall relate to the sale of convenience goods only and not for any other purposes (including any other purposes in Class A1 of the Schedule of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
- 9) No amplified music shall be relayed/piped or played in outside areas, including the balconies.
- 10) The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by Pell Frischmann – ref: W11209Y004/A and received by the local planning authority on 3 February 2011, and the mitigation measures detailed within the FRA, which shall thereafter be retained.
- 11) Before development commences, a scheme for the disposal of foul and surface water from the development, including details of fat/grease traps

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to the drainage system and an implementation timetable shall be submitted to and approved in writing by the local planning authority. The surface and foul water drainage arrangements shall be installed and maintained in accordance with the approved details and implementation timetable and thereafter retained.

- 12) Before development commences, a scheme for the testing for the presence of landfill gas (methane and carbon dioxide), including an implementation timetable and appropriate landfill gas protection measures in the event of gas being found, shall be submitted to and approved in writing by the local planning authority. Testing shall be carried out in accordance with the approved scheme and any necessary approved landfill gas protection measures shall be incorporated at the time of the development in accordance with the approved details and timetable and thereafter retained.



Costs Decision

Site visit made on 20 March 2012

by Anthony Lyman BSc(Hons) DipTP MRTPI

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

Decision date: 3 May 2012

Costs application in relation to Appeal Ref: APP/H0724/A/11/2167553 Navigation Point, Middleton Road, Hartlepool, TS24 0YF

- 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 Alan Henderson for a full award of costs against Hartlepool Borough Council.
- The appeal was against the refusal of planning permission for the demolition of existing building and the erection of a two storey building comprising commercial unit (Use Classes A1/A3/A4) at ground floor level and a yacht club and amenity facilities at first floor.

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 expense in the appeal process.
3. Paragraph B20 of the Circular confirms that planning authorities are not bound to accept the recommendations of their officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce evidence on appeal to support the decision in all respects.
4. The local planning authority, against their officer's recommendation, considered that the proposal, 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.
5. However, in a previous appeal on the site relating to a similar building with the same footprint, the Inspector considered that the building would not be too large in principle as many of the surrounding buildings were of a similar height or taller. The Inspector also stated that the ground coverage of the proposal would not be unacceptable as there was plenty of room available on which to erect the building without creating a cramped environment. Nevertheless, that appeal was dismissed because the Inspector concluded that the design of a proposed glazed second floor addition was inappropriate.
6. In order to address the previous Inspector's concerns, the controversial upper storey has been omitted from the proposal before me and in my parallel Decision I have found the development now to be acceptable.

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7. Paragraph B18 of the Circular advises that in matters of judgement relating to the character and appearance of the local area, costs are unlikely to be awarded if realistic and specific evidence is provided about the consequences of the proposed development. However, given the previous Inspector's findings about the acceptability of the footprint and context of the former proposal, I find the Council's assertions about the visual impact of the current development to be generalised and unsupported by any objective analysis. In particular I find the Council's argument that the proposed modern building *by reason of its size, design and location would detract from the existing traditional character of the area*, to be unconvincing and unreasonable, especially as many of the nearby buildings are themselves modern, of a larger scale than the proposal, and not of any particular architectural distinctiveness.
8. Furthermore, the Council's persistent objections to, in effect, that part of the scheme which the previous Inspector indicated to be acceptable, namely the building without the controversial upper floor, constitutes unreasonable behaviour with regard to paragraph B29 of the Circular.
9. I conclude that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has occurred and that an award of costs is warranted.

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 Alan Henderson, 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.
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.

Anthony Lyman

INSPECTOR