

# PLANNING COMMITTEE AGENDA



Wednesday 18 July 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 20 June 2012

### 4. ITEMS REQUIRING DECISION

#### 4.1 Planning Applications – *Assistant Director (Regeneration and Planning)*

1. H/2010/0496 Seaton Meadows Landfill Site Brenda Road, Hartlepool (page 1)
2. H/2012/0076 Land on West Side of Coronation Drive, Hartlepool (page 11)
3. H/2012/0123 Area 9, Middle Warren, Hartlepool (page 16)
4. H/2012/0253 West Lodge, The Parade, Hartlepool (page 24 )
5. H/2012/0207 East Lodge, The Parade, Hartlepool (page 29)
6. H/2012/0074 Plot A, Overlands, Worset Lane, Hartlepool (page 34)

#### 4.2 Update on Current Complaints – *Assistant Director (Regeneration and Planning)*

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

6. **FOR INFORMATION**

Next Scheduled Meeting – Wednesday 15 August 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 15 August 2012 at 9.00 am

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

20 June 2012

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

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Paul Beck, Keith Fisher, Marjorie James, Alison Lilley, Geoff Lilley, George Morris, Carl Richardson, Jean Robinson, Linda Shields, Chris Simmons and Paul Thompson.

In accordance with Council Procedure Rule 4.2 Councillor Brenda Loynes was in attendance as substitute for Councillor Ray Wells.

Officers: Jim Ferguson, Planning Team Leader  
Richard Trow, Planning Officer  
Kate McCusker, Commercial Solicitor  
Brendon Colarossi, Senior Engineer (Construction)  
Angela Armstrong, Principal Democratic Services Officer

### **183. Apologies for Absence**

Apologies for absence were received from Councillors Payne and Wells.

### **184. Declarations of interest by Members**

Councillor Jim Ainslie declared a personal interest in minute 186, item H/2012/0136.

### **185. Confirmation of the minutes of the meeting held on 18 May 2012**

Confirmed.

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

- 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
- Decision:** **Members resolved that if the completed legal agreement was not received within 7 days, that the matter be referred to the Chair of the Planning Committee for decision.**
- Number:** H/2012/0136
- Applicant:** MR BRENDON COLAROSSO  
HARTLEPOOL BOROUGH COUNCIL, Engineering Consultancy, Hanson House, HARTLEPOOL
- Agent:** Hartlepool Borough Council, Mr Brendon Colarossi, HBC, Hanson House, Hanson Square, HARTLEPOOL
- Date received:** 04/05/2012
- Development:** Toe protection to town wall
- Location:** TOWN WALL, HARTLEPOOL
- Representations:** The applicant/agent was present and addressed the Committee.
- Decision:** **Members minded to approve the application with the final decision on conditions delegated to the Planning Services Manager and subject to the consideration of any further representations by the Planning Services Manager in consultation with the Chair of the Planning Committee**

### 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. 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.  
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. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation.  
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.
10. Prior to the commencement of the development hereby approved, details of public warning/information signage to be sited upon The Town Wall to raise the awareness of the dangers of diving and swimming in the sea, including size, design and siting of the signage, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the signage shall be erected prior to the commencement of development and retained as such for the lifetime of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of health and safety of the general public.

The applicant answered Members questions at Committee.

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

Members' attention was drawn to 16 ongoing complaints which were being investigated. Developments would be reported to a future meeting if necessary. The following Members requested feedback on a number of complaints identified in the report:

- Councillor Geoff Lilley – complaints number 4 7 and 16.
- Councillor Linda Shields – complaints number 13 & 15.
- Councillor Chris Simmons – complaint number 16.
- Councillor Brenda Loynes – complaint number 5 and requested this information also be forwarded to Councillor Wells.

Councillor Paul Beck – complaint number 6.

**Decision**

The report was noted. The Planning Team Leader (DC) advised that the feedback requested would be forwarded to the relevant Members.

**188. Monitoring Report on the Planning Advisory Service (One Stop Shop)** *(Assistant Director, Regeneration and Planning)*

The report updated Members on the current arrangements for the Planning Advisory Service (the ‘One Stop Shop’) in light of the decision to charge for non-householder developments. A breakdown of all informal enquiries received since the implementation of the charges on 1 October 2011 to 31 March 2012 was included in the report. Also included were details of numbers of informal enquiries received for the same period in 2009-2010 and 2010-2011 for comparative purposes. It was noted in the report that an income of £7,034 (including VAT) had been received since the implementation of the charges in October 2011.

The report referred to classifications of enquiries (PS Codes) and Members requested that an explanation of the classifications be provided in future reports for ease of reference.

Members welcomed the report, however a Member enquired whether there would be an opportunity to increase income and streamline the process by adding the appropriate informal enquiry fee, to the usual planning fee, for all retrospective planning applications received. The Planning Team Leader (DC) commented that whilst he completely understood Members’ concerns in relation to retrospective planning applications, he confirmed that the planning fees were set at a national level with no mechanism to implement other charges. However, Members asked that this be looked into further and reported back to Members.

A Member questioned whether there was any correlation in the increase in enforcement as opposed to the reducing number of applications received. The Planning Team Leader (DC) indicated that he did not have any figures and that it would be difficult to establish a causal relationship due to the inevitable mitigating factors which were behind such cases.

**Decision**

- (i) The report was noted and Members were informed that a further report would be submitted in six months.
- (ii) That Officers explore the feasibility of adding the appropriate informal enquiry fee, to the relevant planning application fee, for all retrospective planning applications received.

**189. Appeal at Navigation Point Middleton Road (APP/H0724/A/11/2167553)** (*Assistant Director, Regeneration and Planning*)

Members were informed of the outcome of an appeal in relation to the refusal of the Local Planning Authority to grant planning permission for the above development.

It was noted that the Inspector had allowed the appeal subject to conditions and the Appellant was awarded costs in relation to unreasonable behaviour by the Council which resulted in unnecessary expense. A copy of the decision letters were attached to the report.

Members requested details of the costs awarded, when known, be reported to a future meeting.

**Decision**

- (i) The outcome of the appeal was noted.
- (ii) That details of the costs awarded in association with the above be reported to a future meeting.

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

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

Minute 191 – Delegated Action Under Section 215 of the Town and Country Planning Act (As Amended) – *Assistant Director, Regeneration and Planning* This item contains exempt information under Schedule 12A 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).



**191. Delegated Action Under Section 215 of the Town and Country Planning Act (As Amended) – Assistant Director, Regeneration and Planning**

This item contains exempt information under Schedule 12A 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).

The report provided Members with a monthly update on Section 215 notices authorised by the Planning Services Manager under delegated powers.

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

**Decision**

Details are included within the exempt section of the minutes.

The meeting concluded at 11.21 am.

CHAIR

**No:** 1  
**Number:** H/2010/0496  
**Applicant:** ALAB ENVIRONMENTAL SERVICES ABLE HOUSE  
BILLINGHAM REACH INDUSTRIAL ESTATE  
BILLINGHAM TS23 1PX  
**Agent:** AMANDA STOBBS AXIS WELL HOUSE BARNES  
CHESTER ROAD BRETTON CH4 0DH  
**Date valid:** 23/08/2010  
**Development:** Proposed vertical extension and revised restoration of  
Seaton Meadows landfill  
**Location:** SEATON MEADOWS LANDFILL SITE BRENDA ROAD  
HARTLEPOOL

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### The Application and Site

1.1 The application site is an existing landfill site located to the south of Seaton Carew. The landfill is permitted to accept non-hazardous and hazardous waste (asbestos). It is bounded to the east and south by the Tees Road. To the east, on the opposite side of Tees Road, is an area of grassland which forms part of the Seaton Dunes & Common SSSI (Site of Special Scientific Interest) which forms part of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site. To the south again in the opposite side of Tees Road is an area of grassland and playing fields, and the Nuclear Power Station, which lies to the south alongside Able UK's Graythorp Yard. To the north is Tofts Road East Industrial Estate the closest premises is the former Eastmans' chemicals site recently acquired by a waste operator and an area of rough land. To the west is Brenda Road on the other side of which are industrial/commercial premises and Northumbrian Water's sewage works. The diverted Stell Watercourse runs around the southern end of the site. The site is accessed from Brenda Road.

1.2 Permission is sought for a vertical extension to the existing landfill and for a revised restoration scheme. The proposed vertical extension will mean that the maximum pre-settlement height of the landform will be some 32.5m AOD with a maximum post settlement height of some 26m AOD. This means that the final maximum height of the landform post settlement will exceed the previously consented post settlement maximum height of 18m by 8m.

1.3 The applicant estimates that the volume of the proposed extension amounts to some 568,768 cubic metres, however some 257,872 cubic metres is currently in place following remedial works to control fires (see below). It is estimated therefore that the remaining volume of the extension, above the consented volume, would be some 310,896 cubic metres. The applicant estimates that this remaining space would amount to some 33 months of additional tipping given tipping rates are around 100,000 tonnes a year. It is not anticipated however in any case that the proposal would extend the life of the landfill beyond the currently consented 2027 given previous input levels into the site.

1.4 In terms of restoration the proposed plans show that the site will be landscaped with grassland (seeded with a wildflower mix) and tree and shrub planting tree planting. Water bodies with marginal planting will also be incorporated with timber bird viewing screens. It is anticipated that the site would be used as a local nature reserve and managed by Hartlepool Borough Council's Parks & Countryside Section. A small public car park with access from Brenda Road will be provided. Pathways will provide various routes around, and to the top of, the land form where a viewing platform with built in seating will be provided. The vantage point will allow visitors sweeping views over the coast.

1.5 The need for the application principally arises from the consequences of remedial works required to tackle fires within the landfill and consequent overtipping. The applicant has explained that, in order to tackle the fire (in Phase 6C), burning waste was removed from the seat of the fire and spread on the top of an adjacent waste area (Phase 1), where active tipping had been completed, where it was treated to extinguish the fire. An existing, though inactive, waste tipping area was utilised for this in order to ensure any water contaminated by the waste was contained within the site systems. Once the burning waste was removed from source the remaining face was sealed with a compacted clay barrier. In the meantime incoming waste was temporarily placed on top of an area where active waste tipping had been completed (Phase 2) and capped with a clay blanket. The measures to control the fire however took longer than expected and waste levels in Phase 2 became higher than consented levels. When this was realised the site was temporarily closed until a new active tipping area (Phase 7) was ready to receive waste. During this period however the fire spread at depth from Phase 6 into the leading edge of Phase 2. It was not considered prudent to remove the temporarily over tipped waste in Phase 2 because this could have reignited the fire. At this time asbestos waste was also overtipped in designated areas (Phase 5A and 6A) so that these areas also exceeded consented levels.

1.6 The fire treatment has been completed and the site continues to be monitored. The outcome of the above however is that the landfill, allowing for settlement, will exceed previously approved post settlement heights. There are significant concerns however that if the operator is required to remove the waste, as well as causing the obvious significant environmental issues which would arise from re-opening a landfill (smell, vermin etc) there is potential that the consequent availability of Oxygen might reignite the fires to the considerable detriment of the amenity of the area. In terms of the removal of overtipped asbestos waste this would involve hazards which the applicant considers would mean that this option is best avoided. The applicant has therefore submitted the current application to regularise the situation with additional infilling proposed in order to achieve a stable and acceptable landform.

1.7 Active landfilling is now focussed towards the southern end of the site. It is understood that the northern edge of the site which faces towards Seaton Carew is essentially at its maximum proposed height and additional works here will ultimately primarily involve the final post settlement restoration and landscape works required to achieve the proposed restoration, landscaping and land form. It is anticipated that as time progresses, and degradation of the wastes takes place within the landfill take the current maximum height will reduce.

### **Relevant Recent Planning History**

1.8 The landfill site originated in the 1980's, having the benefit of a range of consents for the disposal of wastes as well as non-hazardous materials. These permissions were consolidated by the 1994 permission (CM/H/14/93). The landfill was in turn extended to incorporate land to the east by the 2000 permission (H/FUL/0683/97) which now is the governing permission in respect to the landfilling operation on the site. There have also been numerous additional applications and consents for various more minor developments on the site. The most relevant applications are listed below.

1.9 H/FUL/0683/97 Clay extraction, backfilling with waste materials and phased restoration to create a nature reserve.

1.10 This application to extend the existing landfill site was approved in June 2000. It was subject to a section 106 agreement securing the after use of the site as a nature reserve. It approved the extraction of clay from the site and the infilling of the void and an area above ground with a variety of wastes including special wastes beneath a clay cap. The final height of the completed landform was proposed at 18m following settlement.

1.11 CM/H/14/93 Proposal to extend landfill by land raising, extraction of clay and formation of nature reserve.

1.12 This application to extend the landfill was approved by Cleveland County Council in September 1994 and was subject to a legal agreement which provided for the completed facility to be restored as a wildlife habitat to be managed by Cleveland Wildlife Trust, or other suitable body. The permission consolidated earlier permissions. The final height of the completed landform was proposed at 15m following settlement.

### **Relevant Planning History on an adjacent site.**

1.13 H/FUL/0338/01 Clay extraction, infill with recycled waste and provision of waste recycling facility.

1.14 This application which was submitted by UK Recycling & Waste Management sought to extract clay and establish a waste recycling facility and landfill to the north of the existing site was considered at the meeting of the Planning & Licensing Panel on 13<sup>th</sup> February 2002, members were minded to approve the application subject to the satisfactory conclusion of an ecological survey and the completion of a section 106 agreement in respect of the design funding and management of a local nature reserve as the after use of the site, the monitoring of mitigation measures such as those for litter containment and dust suppression, a restriction on the acceptance of waste in vehicles or skips which are not covered and traffic related issues. Ultimately however the required ecological survey and legal agreement were not completed and no permission was issued in respect to this application.

### **Publicity**

1.15 The application has been advertised by neighbour notification, site notice and in the press.

1.16 Twenty three letters of objection and one letter of no objection were received.

The writers raise the following issues:

Licence/planning permission has been breached. Failure shouldn't be rewarded.

Smells

Site is in a flat coastal plain. Intrusive. Eight metre increase in height is out of proportion to the surrounding area.

Overspilling onto public roads/rubbish.

Detrimental impact on visual amenity/ landscape.

Negative image of Hartlepool.

Detrimental to residents, tourism and will discourage potential investors in the town.

Application should be rejected and tight controls placed on ALAB.

Concerns substances might be tipped which will effect ground water.

Fires

Not fair to change height.

The height should be lowered.

Completely against original landfill and against any increase in height.

Seaton is a like a dumping ground for other peoples rubbish. Too much landfill in Seaton Carew. Stop all landfill in Hartlepool.

Time to bring the landfill to a close.

Final level is not certain.

Management of site.

Traffic/impact on local roads/dirty roads.

Fencing not secure.

Pollution of air and watercourses.

Proximity of residential properties and impact on their quality of life.

Loss of property value.

Flies, seagulls & vermin.

Loss of view.

Lack of consultation.

Public Health. Landfill takes contaminated waste. What monitoring is undertaken to protect public health? Who will be responsible for any effects?

Should the council be looking at reducing air pollution?

The amended details and plans were advertised by neighbour notification, site notice and in the press.

Eleven letters of objection were received. The writers raise the following issues.

The site is already too high and disproportionate with its surroundings. Object to increase in height.

Timescale should be reduced

Does the Planning Department care?

Visual amenity. Eyesore/blight.

It is located on one of the main roads into Seaton Carew in an area with housing and sports facilities proposed nearby. It will affect the viability of this development. It should be closed/landscaped now.

Don't repeat problems that have blighted residents close to Niramax.

Smells, litter, dust & Vermin.

Condition of roads.

Detrimental to reputation of Seaton Carew. Discourages visitors.

Breach of planning consent. The proprietors should be prosecuted.

Number of problems with the site since its inception.

Application should be rejected and site closed early.

Risk to public health. Hartlepool high risk of cancers and it is not coincidental that 2 massive landfills close to residents.

Seaton Carew shouldn't have any more landfill.

Residents should be considered. Too near homes. Shouldn't have been allowed in the first place.

Too much toxic waste dumped there already.

Toxicity seeping into ground will have adverse effects.

Must be proven there is a potential fire risk and if possible to reduce height it should be.

The time period for representations has expired.

Copy letters **C**

### **Consultation Responses**

1.17 The following consultation responses have been received.

**Public Protection:** The bulk removal and movement of wastes from within the landfill should be avoided due to the potential hazards from the removal of asbestos wastes and the potential for substantial odour nuisance from decomposing wastes that have been contained within the landfill for periods of over 5years. There is also the potential that the introduction of air into the landfill could re-ignite the fire which in my opinion should be avoided.

**Estates:** No comments.

**Engineering Consultancy:** Engineering Consultancy recognise that the proposed vertical extension, including waste deposition, leachate and landfill gas generation fall within the remit of the Environment Agency through the permitting process.

Engineering Consultancy has considered the Alab report 'Vertical Extension and Revised Restoration Report'. Based on this review, we acknowledge the drainage proposals as outlined on the restoration drawing; whereby overland flows will be captured and directed to four attenuation ponds; waters will subsequently discharge into The Stell. The report also includes a drainage assessment with modelling. We therefore have no objection to the drainage proposals.

From a land contamination perspective, the proposal will be regulated through the PPC. I considered that the proposed restoration cap will not create an unacceptable

risk provided the capping includes a 1m clay cap; to be overlain by a 1.0m restoration layer of soil forming materials as suggested.

**Traffic & Transportation:** There are no major highway or traffic concerns with this application. All previous highway conditions should apply.

**Landscape Planning & Conservation:** I can confirm that I have been consulted in the design of the revised restoration plan and I am satisfied in principle with the submitted design. The consultation process resulted in some minor amendments in an attempt to maximise the restoration's potential for wildlife, taking in to consideration its topography and location. A small number of amendments were also made to enhance the restored site's potential as part of the green tourism package that is being developed in the North Tees area. In particular the viewing platform and surrounding vegetation has been planned in order to give the best possible panoramic views across the area.

**Northumbrian Water:** No comments.

**Natural England:** We have considered the proposal against the full range of Natural England's interests in the natural environment. Based on the information provided with the application, our comments are as follows:

Internationally Designated Sites – Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site

At its closest point the application site lies within 20m of the Teesmouth and Cleveland Coast SPA and Ramsar site. This letter may be taken to be Natural England's formal consultation representation under Regulation 61 of the *Conservation of Habitats and Species Regulations 2010*. We consider that the application is not likely to have significant effect on the interest features of the Teesmouth and Cleveland Coast SPA and Ramsar site.

Nationally Designated Sites – Seaton Dunes and Common Site of Special Scientific Interest (SSSI)

At its closest point the application site lies within 20m of the Seaton Dunes and Common Site of Special Scientific Interest. Natural England's advice, as issued in compliance with section 28I of the *Wildlife and Countryside act 2981*, as incorporated by the *Countryside and Rights of Way Act 2000*, is that the revised proposal will not be likely to cause damage or disturbance to the interest features of the SSSI.

Protected Species

On the basis of the information available to us (the revised plans are primarily associated with a revision to the restoration plan and do not alter the findings of the original Ecological Assessment report) our advice is that the proposed development would be unlikely to affect a European Protected Species (in this case bats), or any other protected species being affected by the proposal.

Consequently, Natural England does not object to revised proposals, and is satisfied that the revisions are not likely to significantly affect the natural environment.

**Environment Agency:**

As the information relates only to the phasing and restoration of the site, we have no additional comments to add to the advice set out in our letter of 25 January 2011.

For your information, a variation to the existing Environmental Permit is currently being undertaken. In order to inform the variation a review of the updated hydrogeological risk assessment for the site has been undertaken to determine whether the site, with the increased waste/height, causes an increased risk to controlled waters within the vicinity of the site and whether any additional mitigation measures/actions are required. This work is currently on-going but should be completed over the next few months following periods of internal and external consultation. We feel that any concerns this raises can be adequately managed through the Permit.

Original Comments of 25/01/2011

We have no objection to the proposal, though a variation to their current Environmental Permitting Regulations (EPR) permit will be required before the scheme could be implemented. We feel that any concerns we have can be adequately managed through the permitting process. (Summary).

**Chief Fire Officer:** Offer no representations.

**Civil Aviation Authority:** No comments

**HSE Nuclear Inspectorate:** Has no comments on this application since it does not fall within the consultation criteria of a development within the Nuclear Safeguarding Zones of a Nuclear Power Station.

**HSE (PADHI+):** HSE does not advise, on safety grounds, against the granting of planning permission in this case.

**Northern Gas Networks:** No objections. Advise they have apparatus in the vicinity and the developer should contact them to discuss their proposals.

**Parks & Countryside :** I have no objection or comments to make with regards to this application.

**Neighbourhood Services:** No objections

## Planning Policy

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

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



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.

GEP4: States that development proposals will not be approved which would have a significant detrimental effect on the environment, on amenities of local residents, watercourses, wetlands, coastal waters, the aquifer or the water supply system or that would affect air quality or would constrain the development of neighbouring land.

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

Was4: States that proposals for landfill sites will only be permitted where it has been demonstrated that they represent the best practicable environmental option, there is a need in the regional context, there are no significant adverse effects and satisfactory measures are in place to secure the restoration, aftercare and after use of the site.

Was5: States that landraising will only be permitted where the landform will reflect the scale and character of the surrounding topography and after use will assimilate naturally into the landscape.

The following Tees Valley Joint Minerals & Waste Core Strategy DPD (TVJM&WCSDPD) policies are relevant in this instance:

MWC6: Waste Strategy - sets out the delivery of sustainable management of waste arising across the Tees Valley.

MWC8: General Location of Waste Managements Sites – sets out that sustainable waste management will be delivered through a combination of large sites, which include clusters of waste management and processing facilities, and small sites for individual waste facilities.

In assessing capacity the TVJM&WCSDPD states at 5.2.10 that there is sufficient capacity for landfilling of municipal solid and commercial and industrial waste over the period 2011 to 2021.

National planning policy for waste is set out in PPS10: Planning for Sustainable Waste Management (2005).

The National Planning Policy Framework (2012) advises that “This Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. However, local authorities preparing waste plans and taking decisions on waste applications should have regard to policies in this Framework so far as relevant”.

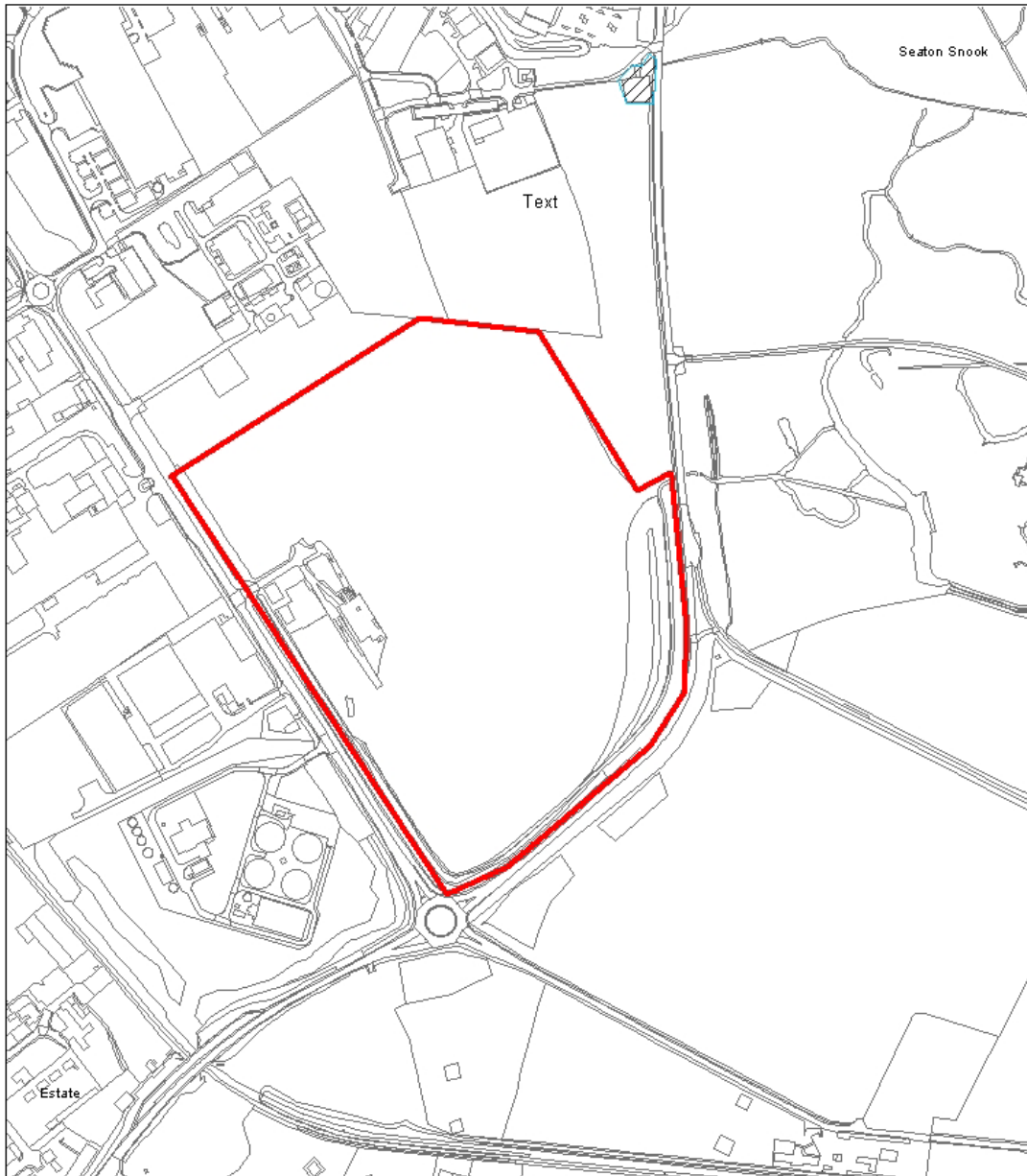
**Planning Considerations**

1.19 These will be discussed in the update report to follow.

**RECOMMENDATION**

**UPDATE** report to follow.

# SEATON MEADOWS



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## HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning  
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

**Scale: 1:6000**  
**Date : 4/7/12**  
**Drg No: H/2010/0496**  
**Drawn: GS**

**No:** 2  
**Number:** H/2012/0076  
**Applicant:** G O'Brien and Sons Ltd Cleadon Lane East Boldon Tyne and Wear NE36 0AJ  
**Agent:** R & K Wood Planning LLP Mrs Katie Wood 1 Meadowfield Court Meadowfield Ind. Est. Ponteland Newcastle upon Tyne NE20 9SD  
**Date valid:** 13/02/2012  
**Development:** Variation of conditions of planning permission H/2006/0621 in order to extend the life of the site until February 2013 and removal of conditions 7 and 12 in respect of boundary fencing and landfill gas monitoring  
**Location:** LAND ON WEST SIDE OF CORONATION DRIVE HARTLEPOOL

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### The Application and Site

2.1 The application site is a historical landfill site, located on the west side of Coronation Drive. To the north is a waste transfer station operated by the applicant (operating under a separate permissions granted in 2001), adjacent to Newburn Bridge, to the east is Seaton Carew frontage, to the south is a residential area and to the west is the Durham Coast rail line.

2.2 In November 1998, Planning Committee granted permission for the excavation of ash deposits and the erection of screening, recycling and crushing plant and infill of site on the land. The permission lapsed in 2003.

2.3 In 2006, permission was granted for the reclamation of the land, remodelling of the landform via infill and the tipping of inert construction and demolition waste to provide a recreational events arena facility. The facilities were to be served by a car park at the northern end of the site. A S106 legal agreement was also completed for a commuted sum for maintenance. A condition was imposed requiring completion of the site by February 2012. Condition 1 of the permission states:

*“Unless otherwise agreed in writing with the Local Planning Authority and subject to the following conditions the development hereby permitted shall cease and all restoration works detailed within the planning application supporting statements – October 2007 shall be completed on or before 20 February 2012.”*

2.4 This application seeks to vary a number of conditions on the original permission. It seeks to vary the above condition 1 to extend the time limit for completion of the restoration works until February 2013. Tipping and restoration had progressed up until 2011, however, the Environment Agency (EA) required cessation of the works because of changes in the permitting regime. Discussions have taken place with the EA who have agreed to allow tipping works under their permitting regime until 5 September 2012. The operators are therefore working towards meeting this

deadline. The extension until February 2013 is required to allow for the final restoration works to be provided including the footpaths and car park.

2.5 Permission is also sought to vary condition 7. Condition 7 requires a scheme to be submitted in relation to boundary fencing at the site. The application seeks to remove condition 7 as the applicant indicates that there is no need for additional boundary fence as Network Rail have erected one along the boundary line.

2.6 Finally, consent is sought to remove condition 12. Condition 12 requires the submission of a scheme for the monitoring and treatment of landfill gas arising from the development. The applicant indicates that the waste type deposited would not give rise to landfill gas and that the Environment Agency would normally monitor landfill gas through the permitting regime rather than the Local Planning Authority through the planning regime.

### **Publicity**

2.7 The application has been advertised by site notice, press advert and neighbour notifications (173). There have been 18 letters of objection and 1 letter of no objection. The concerns raised include:

- a) Wildlife has disappeared
- b) Trees, wild flowers and shrubs have been destroyed
- c) Increased dust
- d) Dirty roads
- e) Noise impacts
- f) Increase in flies
- g) Increase in rats
- h) Increase in birds
- i) Odour impacts
- j) Impact on residents in close proximity
- k) Consideration to be given to the enforcing good quality landscaping
- l) Site is too large
- m) Site is an eyesore
- n) Level of traffic
- o) Residents have had enough of this facility
- p) Loose rubble
- q) Want concessions to Council tax
- r) Loss of house value
- s) Effect daylight to properties
- t) Concerns over the recreational use

2.8 The period for publicity has expired.

Copy Letters B

### **Consultations**

2.9 The following consultation replies have been received:

**HBC Community Services** – No objections received.

**HBC Ecologist** – No objections. Landscaping details submitted to discharge conditions are insufficient. Condition 8 therefore remains to be discharged.

**HBC Engineering Consultancy** – Comments awaited.

**HBC Parks and Countryside** – No objections received.

**HBC Property Services** – No objections received.

**HBC Public Protection** – Comments awaited.

**HBC Traffic and Transportation** – No highway or traffic concerns.

**Environment Agency** – No objections.

**Natural England** – No objections. The LPA should consider potential impacts on Protected Species, Local Wildlife Sites, Bio-diversity enhancements.

**Network Rail** – No objection to the extension of time. Concerns with respect of condition 7 in relation to the boundary treatment. The existing steel/palisade fence has suffered damage which has not been rectified by the applicant. Request that condition 7 not removed or the applicant is required to address the fencing damage.

**Northumbrian Water** – No objections.

## **Planning Policy**

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

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

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

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

GEP6: States that developers should seek to incorporate energy efficiency principles through siting, form, orientation and layout of buildings as well as through surface drainage and the use of landscaping.

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

Rec5: Identifies this location for the development and improvement of sports pitches.

2.11 The following Tees Valley Minerals and Waste DPDS policies are relevant in this instance:

MWC6: Waste Strategy - sets out the delivery of sustainable management of waste arising across the Tees Valley.

MWC8: General Location of Waste Managements Sites – sets out that sustainable waste management will be delivered through a combination of large sites, which include clusters of waste management and processing facilities, and small sites for individual waste facilities.

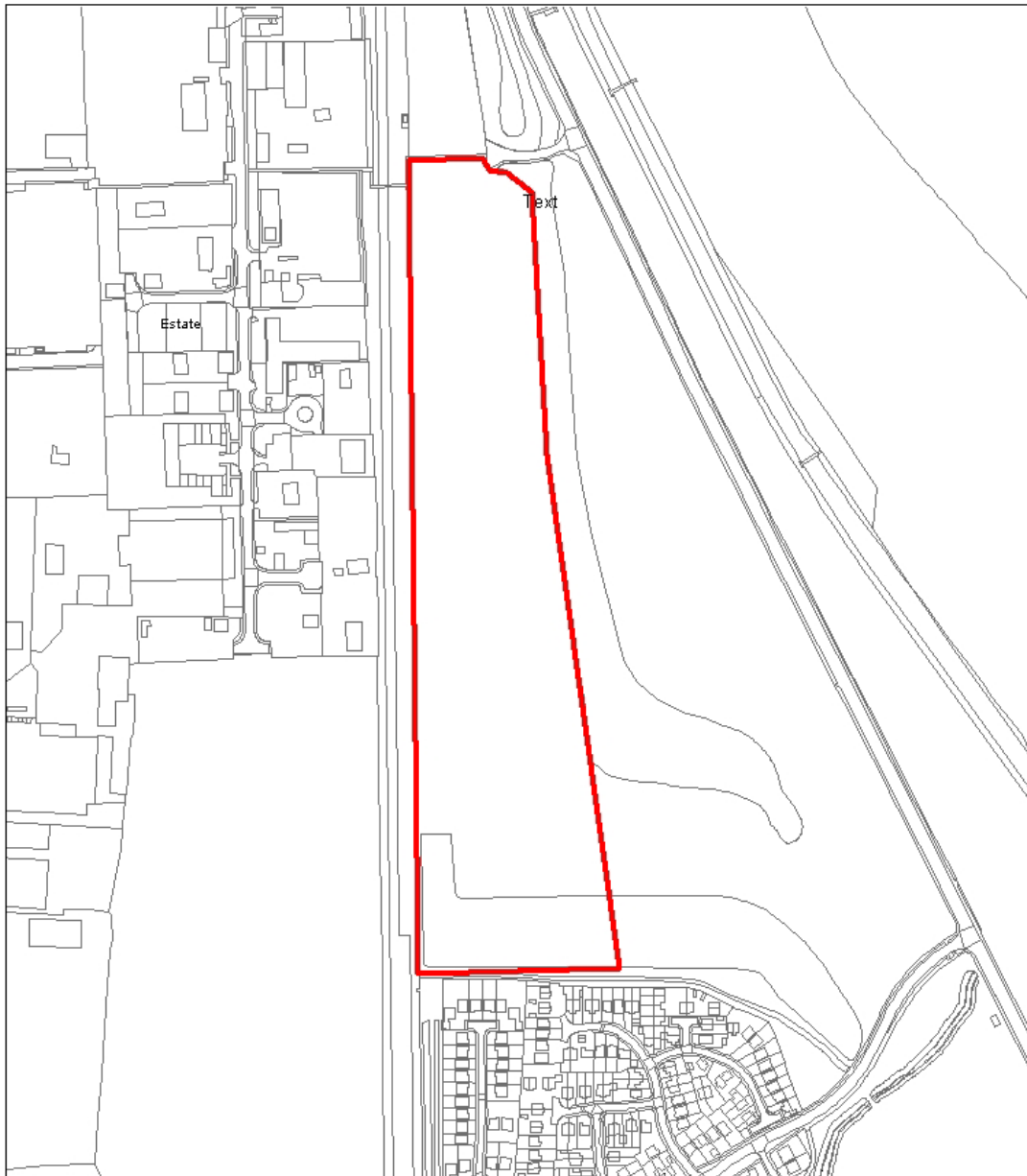
2.12 National planning policy for waste is set out in PPS10: Planning for Sustainable Waste Management.

### **Planning Considerations**

2.13 Key consultation responses are awaited from the Council's Engineering Consultancy in respect of landfill gas and the Council's Public Protection team in respect of potential off-site impacts. As such it is considered prudent to provide a comprehensive update report to follow, setting out full planning considerations and a recommendation.

**RECOMMENDATION – UPDATE TO FOLLOW**

## LAND ON WEST SIDE OF CORONATION DRIVE



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### **HARTLEPOOL BOROUGH COUNCIL**

Department of Regeneration and planning

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

**Scale: 1:4000**

**Date : 4/7/12**

**Drg No: H/2012/0076**

**Drawn: GS**



**No:** 3  
**Number:** H/2012/0123  
**Applicant:** Bellway Homes Ltd (North East) Bellway House Kingsway  
 North Team Valley GATESHEAD NE11 0JH  
**Agent:** Bellway Homes Ltd (North East) Mr S Litherland Bellway  
 House Kingsway North Team Valley NE11 0JH  
**Date valid:** 05/03/2012  
**Development:** Application for approval of reserved matters for the  
 erection of 49 dwellings together with associated access,  
 roadways, parking and landscaping  
**Location:** Area 9 Middle Warren HARTLEPOOL

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### The Application and Site

3.1 The site to which this application is an area of vacant land, located on the allocated Middle Warren housing estate. The site is bounded to the north by the access road to Hartfields Retirement Village and future residential allocation beyond, to the east by an area of land set aside in the original master plan for the estate for a neighbourhood park, to the south by the Middle Warren green wedge, and to the west by Merlin Way.

3.2 The application seeks reserved matters approval for the erection of 49 dwellings along with the associated access, roadways, parking and landscaping. The scheme originally proposed 51 dwellings, however, this was revised downwards following discussions with officer's and subsequent revisions to the layout. The scheme contains a mixture of 3 and 4 bed, two-storey semi-detached and detached properties. The design of the dwellings is in keeping with that reflected across the Middle Warren estate.

### Publicity

3.3 The application has been advertised by two rounds of consultation comprising site notices, press advert and neighbour notifications (18). There have been 10 letters of objection and 1 petition to the first round of consultation and 5 letters of objection to the second round of consultation.

3.4 The concerns raised include:

- u) Location was supposed to be for the school;
- v) The access arrangements are dangerous;
- w) Concerns with the access to the estate;
- x) Concerns with effect on Falcon Road;
- y) Traffic congestion;
- z) Existing road safety issues have not been addressed;
- aa) Concerns with accesses onto Merlin Way;
- bb) Number of properties is excessive;
- cc) Housing should be switched with play area;
- dd) Encroachment onto the green wedge is unacceptable.

The period for publicity has expired.

Copy Letters A

### **Consultations**

3.5 The following consultation replies have been received:

**HBC Engineering Consultancy** – No objections received.

**HBC Neighbourhood Services** – No objections received.

**HBC Public Protection** – No objections.

**HBC Property Services** – No objections.

**HBC Traffic and Transportation** – The proposed drives off Merlin Way are not ideally sited and only afford limited forward visibility on approach from the southern section of Merlin Way. However, due to the presence of existing drives on the opposite side of Merlin Way, it would be unlikely that an objection could be sustained and therefore the location is agreed. There are a number of objections from residents with regards to these issues. It is requested therefore that the developer funds a traffic calming scheme on this section of Merlin Way designed to reduce vehicular speeds to 20mph. There are no further highway or traffic concerns with this application.

**Cleveland Police** – No objections. Provides guidance on the layout and design of the scheme to apply to the principles of Secured by Design.

**Hartfields Retirement Village** – No comments received.

**Northumbrian Water** – No objections.

**Northern Gas Networks** – No objections received.

### **Planning Policy**

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

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

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

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

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

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

PU10: Reserves this land for the provision of a primary school and states that if the school is not required then part of the site outside the green wedge may be developed for housing.

3.7 National planning guidance is set out in the National Planning Policy Framework (2012). The Core Principles set out in the NPPF include *“proactively drive and support sustainable economic development to deliver the homes, business, and industrial units, infrastructure and thriving places that the country needs”*.

3.8 Paragraph 49 states that, *“housing applications should be considered in the context of the presumption in favour of sustainable development.”*

### **Planning Considerations**

3.9 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Local Plan (2006), National Planning Policy Framework and the relevant material planning considerations including, the effect on the amenity of neighbouring properties, the effect on the character of the surrounding area, crime and anti-social behaviour and highway safety.

### **Residential and Visual Amenity**

3.10 The closest existing residential properties are those on Merlin Way. The separation distances to those properties are in excess of 30m. The Hartlepool Local Plan (2006) allows for a minimum of 20m. It is unlikely therefore that the proposed

dwelling will have a significant effect on the amenity of those properties on Merlin Way by way of overlooking, overshadowing, dominance or outlook.

3.11 Separation distances between the proposed properties are acceptable in accordance with the guidelines set out in the Hartlepool Local Plan (2006). The layout has been revised to improve relationships between some of the properties, particularly plots 1226-1228, 1245-1248 and 1249-1251. It is considered that the layout of the scheme is acceptable, providing sufficient amenity space and incidental open space within the site, ensuring sufficient standards of amenity for future occupiers.

3.12 The design and density of the proposed development is in keeping with the wider Middle Warren estate. The area is characterised by large detached and semi-detached modern dwellings contained within compact street scenes.

3.13 In the event that the Council resolved the site would not be required for a school, the original Section 106 agreement allowed for the developer to bring the land forward for residential development. The Council's Cabinet agreed to withdraw the option to build the new school on 13 October 2008.

3.14 The site has been expanded slightly to incorporate an area previously identified as green wedge. A formal deed of variation to the original S106 agreement will be required, but in principle it is considered that the minor loss of green wedge is insignificant when considered within the context of the substantial green wedge as a whole. The loss will also facilitate an improved layout which is sympathetic to the setting of the green wedge.

3.15 The development is proposed to have an open plan front garden aspect, therefore it is considered prudent to impose a condition removing permitted development rights for means of enclosures facing any highways to ensure the appearance of the estate is maintained. The layout of the development is such that the houses do not benefit from very large gardens and have some degree of stagger, it is therefore also considered prudent to remove permitted development rights to extend the houses, as this could potentially be detrimental to the amenities of adjacent plots.

3.16 Cleveland Police have commented on the proposed layout, providing comments on dwelling boundaries and site layout. The original layout had dwellings backing onto the area of land for the proposed neighbourhood park. It is considered that this would not have been best practice in terms of designing out crime, resulting in a lack of natural surveillance across the site. The applicant has since revised the layout to allow for dwellings to face onto the proposed neighbourhood park site, offering a good level of natural surveillance which will help reduce the potential for crime and/or anti-social behaviour on the future neighbourhood park site.

### Highways

3.17 The Council's Traffic and Transportation section have indicated the proposed drives to properties off Merlin Way are not ideal as they only afford limited forward visibility on approach from the southern section of Merlin Way. However, due to the

presence of existing drives on the opposite side of Merlin Way, it is considered that it would be difficult to sustain an objection. The Traffic and Transportation section are satisfied with the location of the driveways.

3.18 It is considered, however, appropriate in this instance for the developer to fund a scheme for traffic calming measures along this stretch of Merlin Way to ensure traffic flows are acceptable and reduce potential highway safety risks. It is considered prudent to impose a condition requiring such a scheme to be agreed and implemented.

3.19 Sufficient parking provision is provided within the scheme and the internal road layout is considered acceptable. On balance it is considered the impact of the scheme on highway safety is acceptable.

### Other Issues

3.20 A number of objectors have indicated their concern over the proposed neighbourhood park and that the proposed housing should be 'swapped' with the neighbourhood park site. The location of the park has been set since the original outline application and master plan and is set out in the legal agreement. Furthermore, the applicant has indicated it would not be viable to provide a neighbourhood park on the application site because of the physical constraints of the site, notably the levels. Finally, the car park for the neighbourhood park has been implemented between Hartfields and the proposed site. Relocating the park away from the car park would have access and highway/pedestrian safety issues. A refusal of this application on the basis that the neighbourhood park should be located on the application site would not be justifiable. Any change to the layout between the two sites would have to be instigated by the applicant, who has, for the reasons above, indicated that he wishes to proceed with the application before Members today, and pursue a revised application on the original site for the neighbourhood park separately.

### **Conclusions**

3.21 With regard to the relevant development plan policies and material planning considerations as discussed above, the proposal is considered acceptable subject to the provision of a deed of variation to the S106 agreement and the conditions set out below.

### **RECOMMENDATION - APPROVE**

1. The development hereby permitted shall be carried out in accordance with the plans S4083 (Rev A) 02 05 12 and L5676 (Rev A), S3633 (Rev D), S3628 (Rev A), S4106, S3635 (Rev D), S3625 (Rev B), S3629 (Rev D), S3655, S3832, L6578 (Rev E), S3656 (Rev A), S3613 (Rev C), L5147 (Rev A), and S3604 received 05 03 12.  
For the avoidance of doubt.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of

- the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
3. Details of all 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.
  4. Unless otherwise agreed in writing by the Local Planning Authority details of existing and proposed site levels and finished floor levels of the houses hereby approved shall be submitted to and approved in writing by the Local Planning Authority before construction of any of the houses commences. The development shall thereafter be carried out in accordance with the approved details.  
In the interests of the amenities of the occupiers of nearby houses.
  5. 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.
  6. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
In the interests of visual amenity.
  7. Unless otherwise agreed in writing by the Local Planning Authority none of the dwelling houses hereby permitted shall be occupied until traffic calming measures on Merlin Way 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.
  8. The developer shall give the Local Planning Authority 2 weeks written notification of the intention to commence works on site.  
For the avoidance of doubt.
  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), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
  10. 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.

# AREA 9, MIDDLE WARREN



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## HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

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

**Scale: 1:3000**

**Date : 4/7/12**

**Drg No: H/2012/0123**

**Drawn: GS**



**No:** 4  
**Number:** H/2012/0253  
**Applicant:** MR DAVID TAIT GREENBANK STRANTON  
HARTLEPOOL TS24 7QS  
**Agent:** MR DAVID TAIT HOUSING HARTLEPOOL  
GREENBANK STRANTON TS24 7QS  
**Date valid:** 29/05/2012  
**Development:** Listed Building Consent to renew bay window with UPVC  
**Location:** WEST LODGE THE PARADE HARTLEPOOL

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### **The Application and Site**

4.1 The site to which the application relates is the West Lodge which forms one of a pair of lodge houses, in residential use. The lodges were constructed as part of Tunstall Court. Tunstall Court was designed by the architect T Lewis Banks and constructed for the Furness family from 1894 – 1895. As part of the development of the site two lodges were built either side of the drive off The Parade.

4.2 The application seeks listed building consent to replace the timber framed windows in the bay to the front of the property with UPVC.

### **Publicity**

4.3 The application has been advertised by way of site notice, press advert and neighbour letters (1). To date, there have been no letters of objection.

4.4 The period for publicity has expired.

### **Consultations**

4.5 The following consultation replies have been received:

**Hartlepool Civic Society** – The Civic Society strongly objects that the wooden bay windows should be replaced with UPVC materials. This is contrary to the intentions of the guidelines for replacing original windows in order to maintain the standard of Listed Buildings - especially one so unique in the Park Conservation Area.

### **Planning Policy**

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

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings,

effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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.

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.

HE8: States that traditional materials and sympathetic designs should be used in works to listed buildings and to adjoining or nearby properties affecting the setting of the building. These should be in keeping with the character and special interest of the building. Those internal features and fittings comprising an integral part of the character of the building should be retained where practical. Alterations to part of a listed building will only be approved where the main part of the building is preserved or enhanced and no significant features of interest are lost.

### **Planning Considerations**

4.7 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies and the relevant material considerations including the effect of the proposal on the character and setting of the listed building.

4.8 Policy 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. Policy HE8 states that traditional materials and sympathetic designs should be used in works to listed buildings.

4.9 Relevant national planning policy in this instance can be found in the National Planning Policy Framework (NPPF). The document states that the, *“purpose of the planning system is to contribute to the achievements of sustainable development.”*. To this regard one of the three dimensions to sustainable development is noted to be, *“an environmental role – contributing to protecting and enhancing our natural, built and historic environment”*

4.10 Further to this, paragraph 9 states that *“Pursuing sustainable development involves seeking positive improvement in the quality of the built...and historic environment...including replacing poor design with better design”*.

4.11 Paragraph 17 of the NPPF sets out the core planning principles, one of which is to, *“conserve heritage assets in a manner appropriate to their significance, so that*

*they can be enjoyed for their contribution to the quality of life of this and future generations.”*

4.12 In considering good design paragraph 58 of the NPPF suggests that this should, respond to local character and history, and reflect the identity of local surroundings and materials.

4.13 In relation to conservation policies within the NPPF, it states that, *“local authorities should take account of...the desirability of sustaining and enhancing the significance of heritage assets [and]...the desirability of new development making a positive contribution to local character and distinctiveness.”*

4.14 Furthermore the NPPF states that, *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.”* It goes on to note that, *“Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.”*

4.15 In 2009, Planning Committee agreed a policy in relation to replacement windows. With regard to replacement windows in listed buildings, the policy states:

*“Any replacement or alterations of previously altered joinery items which is not of a type appropriate to the age and character of the building (in terms of design, detailing and materials) should be denied consent.”*

4.16 The significance in the property is twofold. It lies in the fact that for the most part both listed buildings retain much of their original form creating the grand entrance to a large, single dwelling. Although some elements have been altered, such as the windows, and extensions added to the rear, these do little to diminish the original character of the buildings.

4.17 Secondly the lodges contribute to the character of the Park Conservation Area in that the arrangement of a single large house with associated buildings is characteristic of the development of the West Park area.

4.18 In relation to the windows, those existing in the property at the moment are not original, however, they are of timber construction. Early photographs of the buildings indicate that the windows in the bay to the front of the property were of a margin light arrangement. It is fair to assume that the windows elsewhere in the property would have followed a similar pattern.

4.19 The proposed windows are multi-paned UPVC windows following a similar pattern to the replacement windows that are in the property at the moment. These windows are of a modern appearance therefore the replication of such windows, in a modern material, would be contrary to national planning policy which states that, *“Pursuing sustainable development involves seeking positive improvement in the quality of the built...and historic environment...including replacing poor design with better design”.*

4.20 Members will note that the proposal is also contrary to the policy guidelines agreed by the Planning Committee as the solution is not “*of a type appropriate to the age and character of the building (in terms of design, detailing and materials)*”, for the reasons previously outlined in relation to national policy.

4.21 On that basis it is considered that the windows would be detrimental to the Grade II listed building.

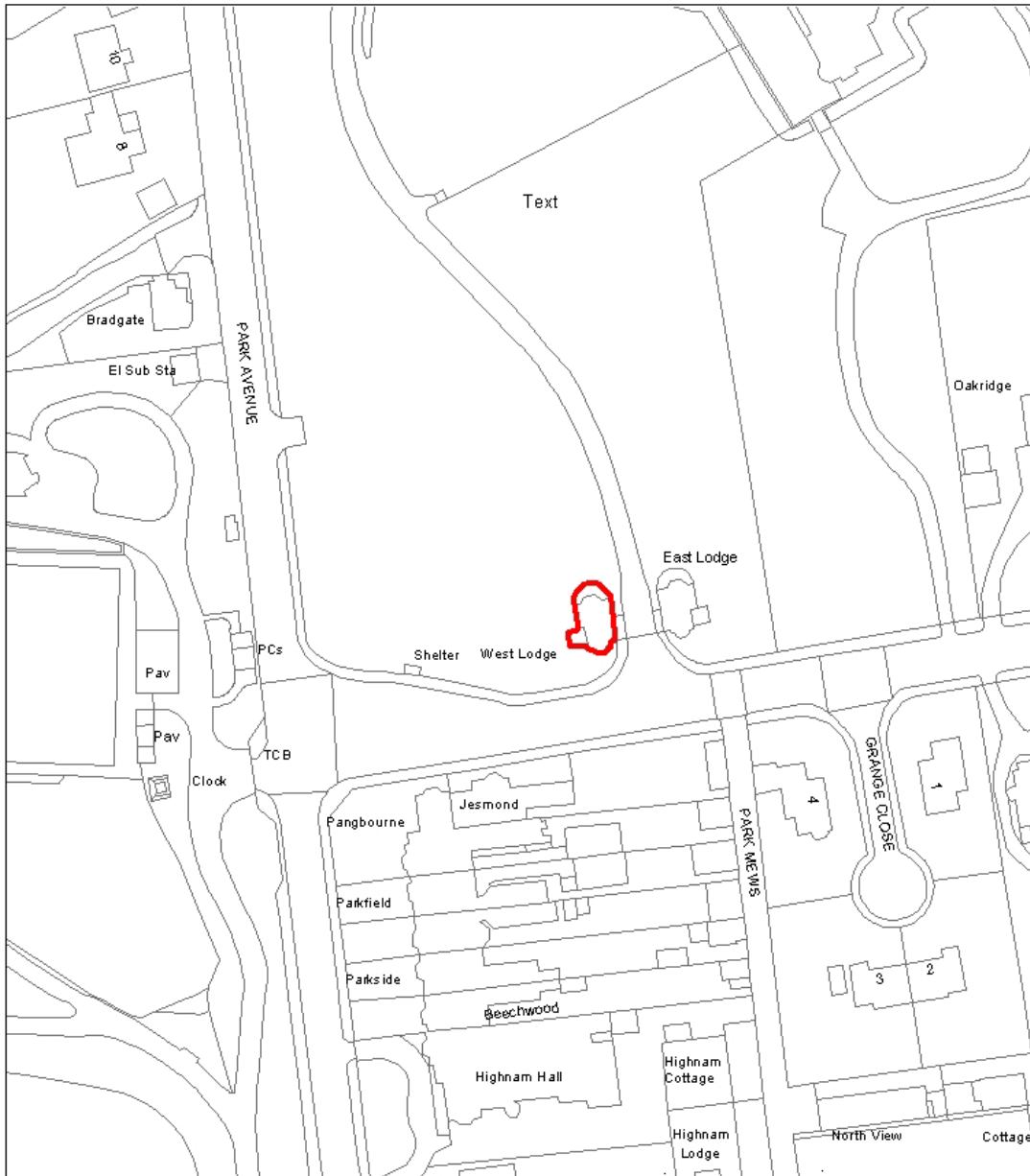
### **Conclusions**

4.22 Having regard to the relevant Local Plan (2006) policies, the relevant national guidance set out in the National Planning Policy Framework (2012) and the relevant planning considerations set out above, it is considered the proposal is contrary to policy and it is therefore recommended that the application for listed building consent be refused.

### **RECOMMENDATION - REFUSE**

It is considered that the proposed windows, by virtue of their design and appearance, will neither preserve or enhance the character, appearance of the Grade II Listed Building and the wider Park Conservation Area, and are therefore contrary to policies GEP1, HE1 and HE8 of the adopted Hartlepool Local Plan (2006).

# WEST LODGE, THE PARADE



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## HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning  
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

**Scale: 1:1000**  
**Date : 4/7/12**  
**Drg No: H/2012/0253**  
**Drawn: GS**

**No:** 5  
**Number:** H/2012/0207  
**Applicant:** Mr W Cox East Lodge The Parade HARTLEPOOL TS26  
 ODS  
**Agent:** Mr W Cox East Lodge The Parade HARTLEPOOL TS26  
 ODS  
**Date valid:** 17/05/2012  
**Development:** Listed Building Consent to replace side and rear single  
 glazed windows with double glazed windows and  
 replacement side door  
**Location:** EAST LODGE THE PARADE HARTLEPOOL

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### **The Application and Site**

5.1 The site to which the application relates is the East Lodge, a Grade II listed building, which forms one of a pair of lodge houses, in residential use. The lodges were constructed as part of Tunstall Court. Tunstall Court was designed by the architect T Lewis Banks and constructed for the Furness family from 1894 – 1895. As part of the development of the site two lodges were built either side of the drive off The Parade.

5.2 The application seeks listed building consent to replace the side and rear single glazed windows with UPVC double glazed windows, and replace the side door with UPVC.

5.3 The front bay window of the property was replaced in UPVC following a grant of listed building consent by Planning Committee in 2006 (H/2006/0114), contrary to Officer recommendation.

### **Publicity**

5.4 The application has been advertised by way of site notice, press advert and neighbour letters (1). To date, there have been no letters of objection.

5.5 The period for publicity has expired.

### **Consultations**

5.6 The following consultation replies have been received:

**Hartlepool Civic Society** – This is a listed building in the Park Conservation Area, we would urge the Council liaises with the owner to replace the existing windows with wooden windows as in the original.

### **Planning Policy**

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

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

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

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.

HE8: States that traditional materials and sympathetic designs should be used in works to listed buildings and to adjoining or nearby properties affecting the setting of the building. These should be in keeping with the character and special interest of the building. Those internal features and fittings comprising an integral part of the character of the building should be retained where practical. Alterations to part of a listed building will only be approved where the main part of the building is preserved or enhanced and no significant features of interest are lost.

### **Planning Considerations**

5.8 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies and the relevant material considerations including the effect of the proposal on the character and setting of the listed building.

5.9 Policy 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. Policy HE8 states that traditional materials and sympathetic designs should be used in works to listed buildings.

5.10 Relevant national planning policy in this instance can be found in the National Planning Policy Framework (NPPF). The document states that the, *“purpose of the planning system is to contribute to the achievements of sustainable development.”* To this regard one of the three dimensions to sustainable development is noted to be, *“an environmental role – contributing to protecting and enhancing our natural, built and historic environment”*

5.11 Further to this, paragraph 9 states that *“Pursuing sustainable development involves seeking positive improvement in the quality of the built...and historic environment...including replacing poor design with better design”*.

5.12 Paragraph 17 of the NPPF sets out the core planning principles, one of which is to, *“conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.”*

5.13 In considering good design paragraph 58 of the NPPF suggests that this should, respond to local character and history, and reflect the identity of local surroundings and materials.

5.14 In relation to conservation policies within the NPPF, it states that, *“local authorities should take account of...the desirability of sustaining and enhancing the significance of heritage assets [and]...the desirability of new development making a positive contribution to local character and distinctiveness.”*

5.15 Furthermore the NPPF states that, *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.”* It goes on to note that, *“Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.”*

5.16 In 2009, Planning Committee agreed a policy in relation to replacement windows. With regard to replacement windows in listed buildings, the policy states:

*“Any replacement or alterations of previously altered joinery items which is not of a type appropriate to the age and character of the building (in terms of design, detailing and materials) should be denied consent.”*

5.17 The significance in the property is twofold. It lies in the fact that for the most part both listed buildings retain much of their original form creating the grand entrance to a large, single dwelling. Although some elements have been altered, such as the windows, and extensions added to the rear, these do little to diminish the original character of the buildings.

5.18 Secondly the lodges contribute to the character of the Park Conservation Area in that the arrangement of a single large house with associated buildings is characteristic of the development of the West Park area.

5.19 In relation to the windows, those that exist in the property at the moment are not original. Early photographs of the buildings indicate that the windows in the bay to the front of the property were of a margin light arrangement. It is fair to assume that the windows elsewhere in the property would have followed a similar pattern.

5.20 The proposed windows are multi-paned UPVC windows following a similar pattern to some of the replacement windows that are in the property at the moment. These windows are of a modern appearance therefore the replication of such



windows, in a modern material, would be contrary to national planning policy which states that, *“Pursuing sustainable development involves seeking positive improvement in the quality of the built...and historic environment...including replacing poor design with better design”*.

5.21 In relation to the window and door in the extension on the property whilst this section of the building may not greatly contribute to the character of the listed building, as the NPPF suggests solutions should take account of the, *“desirability of sustaining and enhancing the significance of heritage asset”*. To this end this is an opportunity to enhance the listed building, therefore rather than reinforce the poor detailing on this extension; this is an opportunity to replace the window and door with something more in-keeping with the character of the listed building.

5.22 Members will note that the proposal is also contrary to the policy guidelines agreed by the Planning Committee as the solution is not *“of a type appropriate to the age and character of the building (in terms of design, detailing and materials)”*. Further to this in relation to the window in the extension this is also contrary to the guidelines which suggest that windows in modern extensions should be *“of a sympathetic character (in terms of scale, proportions, form and emphasis)”*. In both cases this is for the reasons previously outlined in relation to national policy.

5.23 On that basis it is considered that the proposed replacement windows and door would be detrimental to the Grade II listed building.

## **Conclusions**

5.24 Having regard to the relevant Local Plan (2006) policies, the relevant national guidance set out in the National Planning Policy Framework (2012) and the relevant planning considerations set out above, it is considered the proposal is contrary to policy and it is therefore recommended that the application for listed building consent be refused.

## **RECOMMENDATION - REFUSE**

It is considered that the proposed windows and door, by virtue of their design and appearance, will neither preserve or enhance the character, appearance and setting of the Grade II Listed Building and the wider Park Conservation Area, and are therefore contrary to policies GEP1, HE1 and HE8 of the adopted Hartlepool Local Plan (2006).

# EAST LODGE, THE PARADE



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## HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

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

**Scale: 1:1000**

**Date : 4/7/12**

**Drg No: H/2012/0207**

**Drawn: GS**

**No:** 6  
**Number:** H/2012/0074  
**Applicant:** Mr Jamie Barnecutt C/O 23 Park Road HARTLEPOOL  
 TS247DW  
**Agent:** Howson Developments Steve Hesmondhalgh Thorntree  
 Farm Bassleton Lane Stockton TS17 0AQ  
**Date valid:** 21/02/2012  
**Development:** Erection of a two and a half storey detached dwelling with  
 detached 2 storey annex and 3 car garage  
**Location:** PLOT A OVERLANDS WORSET LANE HARTLEPOOL

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### The Application and Site

6.1 The application site is located to the north side of Worset Lane and to the west of Hart Lane in an area of self build plots. The site which is the last remaining plot in this area is roughly L-shaped and is bounded on 3 sides by large detached houses. To the west is the High Throston Golf Course.

6.2 The site is accessed by a private drive from Worset Lane which passes no 14 and 15 Worset Lane. The ground level of the site is lower than its neighbours to the north and east.

6.3 The proposal involves the erection of a large 2 ½ storey house with detached annex. The accommodation provided includes:

Living room, garden room, dining room, kitchen/breakfast room, family room, hall, cloaks and utility on the ground floor.

Four double bedrooms with four ensuite bathrooms and separate bathroom on first floor

Two bedrooms both with ensuite in roof space

Gymnasium and cinema in separate 2 storey building with games room above (annex)

Three car garage (attached to annex).

6.4 The height of the main house is between 9.6m and 10m high, the annex is 8.5m in height and the garage 6.1m high. The property which is of modern design has been sited with its main entrance elevation facing south. The western side of the building which faces onto the golf course also has the appearance of a main elevation with a large number of main and secondary windows. There are also main windows in the north and east elevations facing onto neighbouring properties.

6.5 The design includes a 2 storey glazed entrance, a 'turret' feature to the living room/main bedroom and balconies to south and west elevations. There are dormer windows to the west.

6.6 The main drive way swings across the front of the site and would provide parking and turning for a number of vehicles.

### **Background**

6.7 Outline planning consent was granted in 2002 for 3 self build plots on the site of the former 'Overlands' dwelling which was demolished. A number of full applications were subsequently submitted and Plots B and C have been completed for some time. Plot A (the current site) has remained undeveloped despite a number of planning approvals.

6.8 Planning consent for a large detached dwelling was refused in October 2005 (H/2005/5576) on the grounds that the proposed house would be excessive in scale and bulk. The subsequent planning appeal was allowed and consent granted by the Planning Inspectorate.

6.9 A Further full planning consent (H/2007/0047) was approved for the erection of a large detached house with attached double garage in 2007. This application lapsed in 2010.

### **Publicity**

6.10 The application has been advertised by way of neighbour letters (4) and site notice. To date, there have been 5 letters of no objection. Neighbours were also consulted on the amended plans.

The period for publicity has expired.

### **Consultations**

6.11 The following consultation replies have been received:

**Head of Public Protection** – no objections

**Engineering Consultancy** – comments awaited

**Traffic and Transport** – no highway or traffic concerns

**Northumbrian Water** – no objections

**Hartlepool Water** – no objections

**Tees Archaeology** – no objections

### **Planning Policy**

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

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

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

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

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

### **Planning Considerations**

6.13 The main planning considerations in this case are the appropriateness of the proposals in terms of the policies and proposals contained within the Hartlepool Local Plan 2006, the design of the dwelling and its impact on neighbouring properties and the street scene in terms of visual amenity. Highway safety will also be considered.

6.14 In terms of policy the residential development of the site is considered to be acceptable in principle. The site has had the benefit of a number of planning consents for dwellings and is located within the urban area in a residential area. There are houses to the north, east and south of the site. This is the last self build plot in the area.

#### **Siting and design**

6.15 In terms of siting, the proposed dwelling and annex/garages have been designed to fit into the shape of the site and take full advantage of the area of land on offer. The buildings have been sited close to all boundaries in order to maximise the potential for the applicant to have a large house, annex and garages with south facing gardens and extensive drive way.

6.16 In terms of relationship with neighbouring properties, current Council guidelines require minimum separation distances of 10m where the front and back elevation of proposed dwellings would face a blank gable wall and 20m between principal elevations.

6.17 In this particular case, as previously mentioned the new dwelling and annex is sited close to all boundaries and does not meet the above criteria for separation distances with the surrounding houses, some of which have main windows in side elevations, and due to their size, design and location the proposals would have a detrimental impact on the amenity of many of the adjacent properties.

6.18 The house to the north, 4 Waterside Way has a number of windows in the side elevation including dining room, family room and 2 bedrooms. These are within 1m of the common boundary and would be a maximum of 6.5m from main windows in the north elevation of the new dwelling which falls short of the separation distances stated in Council guidelines. The windows in the new dwelling are dining room and kitchen on the ground floor, with secondary and main bedroom windows at first floor, there are also bathrooms, cloaks and utility.

6.19 It is considered that this relationship is poor and the new dwelling would have a significant impact on 4 Waterside Way in terms of visual intrusion - overlooking, loss of privacy, loss of sunlight and daylight and dominance. This is particularly relevant as the new dwelling lies due south of this neighbouring property. In turn, the existing property (4 Waterside Way) would have a similar impact on the new dwelling (other than in terms of direct sunlight).

6.20 The house to the north east of the application site, 11 Worset Lane also has a number of windows in the side and rear elevations which would be affected by the new development although to a lesser degree. The distance between the new dwelling and this house is approx 13.4m; the distance of the side elevation of the new dwelling from the boundary is between 2.8m and 3.7m. Whilst the impact on main windows is not considered to be critical in this instance, the rear garden of this neighbouring property would be closely constrained by the new house and annex given their size and location on the southern and southwestern boundary.

6.21 With regard to the two storey annex and garages, this building would be located in the south east corner of the site, close to boundaries with both 11 Worset Lane and with 12 Worset Lane. The distances here range between 0.9m and 2m from the common boundaries.

6.22 The two storey annex at 8.5m in height (height of a modern semi detached house) would be located along the south boundary of 11 Worset Lane and, particularly in combination with the proposed house, would have a significant impact on both daylight and sunlight to the rear garden and potentially windows in the rear elevation of this dwelling.

6.23 The cumulative impact of the development (main house and annexe) on 11 Worset Lane would be unacceptable in terms of its impact on the living conditions of the occupiers of this property.

6.24 Whilst the annex would be close to the common boundary with 12 Worset Lane, this part of the development is not considered to have a significant impact on this existing property, the nearest part of this being the garage.

6.25 The proposed 3 car garage element of the scheme however which is 6.27m high is located due west of the side elevation of 12 Worset Lane where there are 2 main windows (ground floor and first floor). The distance between these properties at this point would be 3.5m. Although there is a difference in levels of approx 1m between the application site and 12 Worset Lane (the application site being the lower) and there is a 1.8m high close boarded timber fence, the relationship here is again considered to be poor.

6.26 The new garage building is due west of this main window in the west elevation of 12 Worset Lane and whilst the roof slopes away from the boundary, it is considered that the garage would have a significant impact on this neighbouring property in terms of dominance, visual intrusion, loss of outlook, loss of light (daylight and sunlight) to the detriment of the occupiers of that property. Further the distance from the apex of the new garage roof would itself be less than 7m from the side elevation of 12 Worset Lane.

6.27 It is unlikely that the proposed development would have a significant impact on the house immediately to the south of the site, 15 Worset Lane and particularly the impact of the development on the living conditions of neighbouring properties

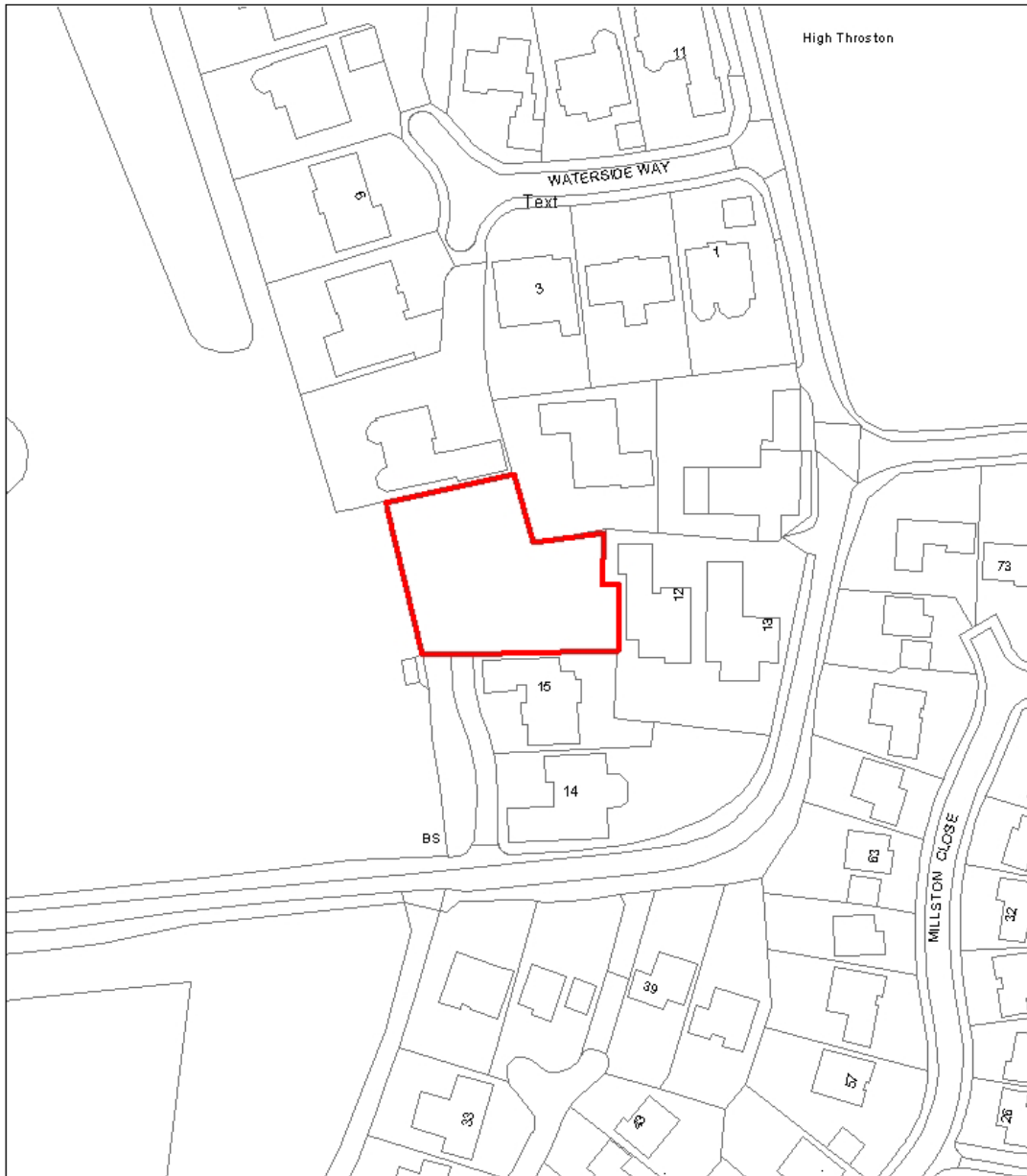
6.28 It is considered the relationships with neighbouring properties to the north, north east and east in the proposed scheme are significantly worse than in previously approved schemes on the site (now lapsed) which showed more generous separation distances.

6.29 The applicant has declined to consider further amendments to the scheme in order to attempt to address the difficulties in terms of the current relationships and wishes the application to be considered as submitted. In view of the above considerations and particularly the impact of the development on the living conditions of the occupiers of neighbouring properties, the proposed development is recommended for refusal.

#### **RECOMMENDATION - REFUSE**

1. In the opinion of the Local Planning Authority the proposed development by reason of its design, size and position within the site would have a detrimental impact on the living conditions of the occupiers of neighbouring properties (4 Waterside Way, 11 Worset Lane and 12 Worset Lane) in terms of privacy, dominance, overshadowing and visual intrusion contrary to policies GEP1 and Hsg 9 of the adopted Hartlepool Local Plan 2006.

# PLOT A OVERLANDS



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## HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning  
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

**Scale: 1:1000**  
**Date : 4/7/12**  
**Drg No: H/2012/0074**  
**Drawn: GS**



# UPDATE

**No:** 1  
**Number:** H/2010/0496  
**Applicant:** ALAB ENVIRONMENTAL SERVICES ABLE HOUSE  
BILLINGHAM REACH INDUSTRIAL ESTATE  
BILLINGHAM TS23 1PX  
**Agent:** AMANDA STOBBS AXIS WELL HOUSE BARNES  
CHESTER ROAD BRETTON CH4 0DH  
**Date valid:** 23/08/2010  
**Development:** Proposed vertical extension and revised restoration of  
Seaton Meadows landfill  
**Location:** SEATON MEADOWS LANDFILL SITE BRENDA ROAD  
HARTLEPOOL

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## Background

1.1 This application appears on the main agenda at item 1.

1.2 It was advised that an update report would follow.

## Planning Considerations

1.3 The main planning considerations in the determination of the application are considered to be policy, impact on ecology, impact on the amenity of neighbours, highway considerations, visual/landscape impact, long term management, and other environmental factors.

## POLICY

1.4 The site is an existing landfill and therefore the principle of the use of the land for landfill is already established.

## National Policy

1.5 The NPPF (2012) advises that “ Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.(11) It advises that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.(12)”

1.6 The plan led approach is also reflected in the core principles of decision making (17) as is the need to promote good design, support economic growth and ensure a good standard of amenity.

1.7 In terms of waste it is advised “This Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. However, local authorities preparing waste plans and taking decisions on waste applications should have regard to policies in this Framework so far as relevant.

# UPDATE

1.8 The National Planning Policy Framework does not replace PPS10 which therefore remains extant. PPS 10 Planning for Sustainable Waste Management (2005) sets out the government's policies in relation to waste management. PPS10 sets out a plan-led approach to the delivery of the waste management facilities. There is considerable emphasis on the identification of sites and areas suitable for waste management so as to secure confidence for industry and local communities in the forward planning process and to deliver obligations arising from the Waste Framework Directive.

1.9 It advises that "Positive planning has an important role in delivering sustainable waste management:– through the development of appropriate strategies for growth, regeneration and the prudent use of resources; and, – by providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time."(2)

1.10 In terms of design it advises "Waste management facilities in themselves should be well-designed, so that they contribute positively to the character and quality of the area in which they are located. Poor design is in itself undesirable, undermines community acceptance of waste facilities and should be rejected."

1.11 PPS10 makes clear that there should not be a duplication of control between planning and licensing regimes. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. The planning system operated by the Borough Council is therefore essentially responsible for the control of land use, the pollution control system is concerned with the processes and substances in order to control the risk of pollution and to public health is operated by the Environment Agency through the environmental permit (EA). The amounts and types of waste is a matter for the licensing authority. It is up to the waste licensing regime to deal with the likely impact upon pollution or public health. On that basis it is clear that the day to day management of the site in terms of odours, noise, vermin, pests, dust controls and the control of waste streams rests with the EA. The Environmental Health role of the Council is very limited in relation to odours, noise etc and only then can be undertaken with the agreement of the Secretary of State.

## Local Policy

1.12 Policy WAS 4 of the adopted Hartlepool Local Plan (2006) deals primarily with proposals for new landfill sites and states that proposals for landfill sites will only be permitted where it has been demonstrated that they represent the best practicable environmental option, there is a need in the regional context, there are no significant adverse effects and satisfactory measures are in place to secure the restoration, aftercare and after use of the site. Policy Was5 states that landraising will only be permitted where the landform will reflect the scale and character of the surrounding topography and after use will assimilate naturally into the landscape.

1.13 The site was taken into account in the recently adopted Tees Valley Joint Minerals & Waste Core Strategy DPD (TVJM&WCSDPD) (2011) which sets out policies for the strategic management of waste in the Tees Valley. In assessing capacity for landfill the TVJM&WCSDPD states at 5.2.10 that there is sufficient

# UPDATE

capacity for landfilling of municipal solid and commercial and industrial waste over the period 2011 to 2021 and therefore strictly in terms of the need for additional capacity the proposed extension is not required.

## Conclusion

1.14 In terms of the most up to date Local Plan Policy the TVJM&WCSDPD (2011) states that there is sufficient landfill capacity and therefore strictly in terms of the need for additional capacity the proposed extension is not required. However, in respect to the current application there are other material considerations and in particular the concern that the removal of the over tipped waste could result in significant environmental issues. This issue and other relevant issues arising are discussed in more detail below.

## IMPACT ON ECOLOGY

1.15 To the east, of the site on the opposite side of Tees Road, is an area of grassland which forms part of the Seaton Dunes & Common SSSI (Site of Special Scientific Interest) which forms part of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site.

1.16 Natural England and Hartlepool Borough Council's Ecologist have been consulted on the proposals and raised no objections. In their response Natural England have confirmed that they do not consider the proposal is likely to have a significant effect on the Teesmouth & Cleveland Close SPA & Ramsar site, or is likely to cause damage or disturbance to the interest features of the Seaton Dunes & Common SSSI, or to affect any protected species.

1.17 In terms of restoration the final proposals have been discussed and agreed with Hartlepool Borough Council's Ecologist and Parks & Countryside Section. The proposed plan shows that the site will be landscaped with grassland (seeded with a wildflower mix) and tree and shrub planting. Water bodies with marginal planting will also be incorporated with timber bird viewing screens. It is anticipated that the site would, following restoration, be used as a local nature reserve and managed by Hartlepool Borough Council's Parks & Countryside Section. In longer term therefore, the restoration of the site will have positive benefits for the ecology of the area.

1.18 It is concluded that the proposal is acceptable in terms of any impact on ecology and in particular impacts on the Seaton Dunes & Common SSSI and the Teesmouth and Cleveland Coast and Ramsar site.

## IMPACT ON THE AMENITY OF NEIGHBOURS

1.19 The site is located in an industrial area of the town with the closest existing residential properties mainly located some 760m to the north. Members were also recently minded to grant planning permission for a mixed sports leisure & residential development on land on land at the Mayfair Centre on the south side of Seaton Carew (H/2011/0489). The closest area of housing associated with the development will be located some 605m to the north of the landfill. In respect to the latter

# UPDATE

development the relationship with the landfill was considered at the time that application was determined when it was considered acceptable.

1.20 In terms of impacts on amenity the activities on site are primarily controlled by a PPC part A1 environmental permit which is issued and regulated by the Environment Agency. This permit controls pollution to the air, ground and water. The conditions of the permit transpose the requirements of the European landfill directive, the IPPC directive and the requirements under the environmental permitting regulations. The measures, procedures and guidance set out within these directives are set out to prevent or reduce as far as possible negative effects on the environment, in particular the pollution of surface water, groundwater, soil and air, and on the global environment including the greenhouse effect, as well as any resulting risk to human health, from landfilling of waste, during the whole life-cycle of the landfill.

1.21 A number of objections have been received on the grounds of amenity and health, in particular concerns have been raised regarding hazardous wastes, smell, dust, litter, impacts on ground water and vermin. In light of these concerns, and others, a number of objectors have called for the landfill to be closed.

1.22 No objections have been received to the proposal from the Environment Agency or Hartlepool Borough Council's Public Protection Section and in light of this it is considered that it would be difficult to substantiate a refusal on these grounds.

1.23 It should also be noted that the landfill can continue to operate whether consent is granted for the vertical extension, or not, and these issues will continue to be managed principally by the Environment Agency through the permit procedure. On the other hand if the application were refused and the operator required to undertake remedial works to remove the overtipping there are considerable concerns that significant detrimental environment issues could arise. In particular, the possibility that the fires could be reignited, the potential for increased smells, dust and vermin arising from the removal of long tipped deposits of waste in the landfill and the obvious concerns arising from the removal of overtipped asbestos. These outcomes could well have a considerably more detrimental impact on amenity than the current operations and would be much more difficult to manage.

1.24 On balance therefore in light of these concerns it is considered prudent to leave the over tipped waste in situ and therefore to approve the current application for the vertical extension.

## HIGHWAY CONSIDERATIONS

1.25 The site is an existing landfill. No objections to the development have been raised by the Traffic & Transportation section and in highway terms the proposal is considered to be acceptable.

## VISUAL AMENITY/LANDSCAPE IMPACT

1.26 The site is an active landfill and clearly in terms of visual amenity and landscape impact the site will in the short to medium term, for the duration of its operational phase, continue to have negative impacts on the visual amenity of the

# UPDATE

area. It is arguable that the consequences of a refusal here, which could ultimately require the applicant to undertake remedial works exposing long buried waste deposits could well exacerbate these negative visual impacts.

1.27 In the longer term however the site will be restored. The information supplied by the applicant proposes a maximum pre settlement height of some 32.5m with a post settlement height of some 26m. (It should be noted that the post settlement height is a predicted height and the final height will depend on a number of factors in particular how the waste will decompose overtime). The proposal will result in a higher overall landform however as the application is part retrospective some parts of the site, the highest parts of site where overtipping has occurred, are already at or close to the final proposed maximum pre-settlement heights. The final landform will be in the form of a domed hill with twin peaks.

1.28 The area in the vicinity of the site, particularly the area south and west of the Tees Road, is not noted for the quality of the landscape. It is acknowledged that whilst the natural landscape of this coastal area is relatively flat there are a number of substantial manmade structures in the vicinity, notably the Nuclear Power Station and Powerlines. It should also be noted that the Sports Domes which members were recently minded to approve at the Mayfair Centre (H/2011/0489) to the north, at 14m and 16m in height, are also substantial structures and will be almost two thirds the height of the proposed post settlement height of the landfill. Further to the north there are also other historic landfills on the coastal plain which have reached their restoration phase. The height proposed at Seaton Meadows is similar to the current height of the Niramax pre-settlement Landfill (31m) located to the south on Mainsforth Terrace.

1.29 Given the context of the site, and the extant permission, it is not considered that the proposal to extend the height in the long term would have any significant detrimental impact on the visual amenity of the area and the coastal landscape and it is considered that it would be very difficult to sustain any refusal on these grounds.

1.30 In the longer term the proposed restoration scheme, which incorporates tree and shrub planting, water features and wildflower meadows will contribute significantly to the visual amenity of the area. The additional height with commanding views of the coast from the proposed viewpoint may arguably add to the experience of visitors to the site.

1.31 Following discussions the revised restoration phasing shows works progressing in a clockwise fashion from the northwest corner of the landfill. This will ensure that the restoration on the northern side of the landfill which faces toward the houses of Seaton Carew will proceed first.

1.32 Given the previously approved landform and the context of the site it is considered that, in terms of its impact on the landscape and visual amenity of the area, the proposal is acceptable.

## LONG TERM MANAGEMENT

# UPDATE

1.33 The extant permission on the site (H/FUL/0683/97) is subject to a legal agreement which requires the owner to ensure that following restoration that sufficient funds are made available to Cleveland Wildlife Trust, or another non-profit making body approved by the Council, to ensure the continued maintenance and upkeep of the land as a nature reserve/open space.

1.34 Following discussions it is now anticipated that for the future, following restoration, the site would be managed as a Nature Reserve with public access by Hartlepool Borough Council Parks & Countryside Section. Adding to the mosaic of such sites in the area. Discussions on this matter, including appropriate funding, have been progressed but not concluded. It is anticipated that any approval would be subject to the completion of an appropriate legal agreement to secure this future use and management of the site and appropriate funding.

## OTHER ENVIRONMENTAL CONSIDERATIONS

1.35 Issues relating to impact on ground water and the technical design of the landfill are addressed and managed through the environmental permit procedure which is issued and regulated by the Environment Agency. The Environment Agency have not objected to the proposal and advised that issues arising can be managed through the permit procedure.

## CONCLUSION

1.36 It is considered that, notwithstanding any concerns regarding the unauthorised works, there are strong pragmatic arguments to support the current application.

1.37 On balance the proposal is considered acceptable and is recommended for approval subject to the completion of a legal agreement to secure the long term use and management of the site as a nature reserve with public access, including appropriate funding and subject to conditions.

1.38 Conditions are being finalised and will be tabled at the meeting.

## RECOMMENDATION

**Approve** subject to conditions and the completion of a legal agreement securing after restoration, the use and management of the site as a nature reserve including appropriate funding:

# UPDATE

**No:** 2  
**Number:** H/2012/0076  
**Applicant:** G O'Brien and Sons Ltd Cleadon Lane East Boldon Tyne and Wear NE36 0AJ  
**Agent:** R & K Wood Planning LLP Mrs Katie Wood 1 Meadowfield Court Meadowfield Ind. Est. Ponteland Newcastle upon Tyne NE20 9SD  
**Date valid:** 13/02/2012  
**Development:** Variation of conditions of planning permission H/2006/0621 in order to extend the life of the site until February 2013 and removal of conditions 7 and 12 in respect of boundary fencing and landfill gas monitoring  
**Location:** LAND ON WEST SIDE OF CORONATION DRIVE HARTLEPOOL

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## Background

2.1 This application appears as item 2 on the main agenda. The recommendation was left open as the comments of the Council's Head of Public Protection and Engineering Consultancy were awaited. Those responses have since been received.

## Planning Considerations

2.2 The main planning considerations in this instance are the appropriateness of the proposal in relation to the relevant Hartlepool Local Plan (2006) and Tees Valley Minerals and Waste DPDs (2011) policies, with particular regard to the principle of the development, the impact on residential amenity, the impact on visual amenity, the effect on highway safety and the implications in respect of landfill gas and the impact on the adjacent railway.

### *Principle of Development*

2.3 The site has an established longstanding use for the tipping of inert demolition waste. Permission was originally granted in November 1998 for the excavation of ash deposits and the erection of screening, recycling and crushing plant and infill of the site. The permission lapsed in 2003, however, Committee granted permission for the 'reclamation of land and remodelling of landform via infill and tipping of inert construction and demolition waste (continuation of use) to provide recreational events area' in 2008. It is that permission which this application seeks to vary.

2.4 The site is allocated in the Local Plan (2006) for recreational uses. The proposed end use remains for informal recreation incorporating the events arenas and car parking which is in line with the relevant policy. As such it is considered that the principle of allowing the tipping operations to continue to completion to allow the after use to be realised is considered acceptable.

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## ***Residential Amenity***

2.5 It is proposed that works will be completed by February 2013, an additional year from that originally approved. This takes into account the 6 month delay incurred when works were delayed due to permitting difficulties with the Environment Agency (EA). The Environment Agency established their position on 9 March 2012 which allowed tipping works to continue, subject to restrictions (such as no more than 12,000 cubic metres to be tipped). The Environment Agency are clear that the importation of materials must cease no later than 5 September 2012. The applicant is working towards that date, requiring the additional time thereafter up until February 2013 to complete the restoration and the provision of the car park and footpaths.

2.6 The southern end of the site, closest to the residential properties, has been tipped and graded to the approved final restoration levels and the continued tipping is working away from the residential areas.

2.7 As such it is considered that the works are increasingly unlikely to impact on residential amenity. In addition, conditions which imposed controls designed to control potential off-site impacts such as noise, dust and odour are proposed to be carried forward to this permission to ensure residential amenity is protected. Finally, mechanisms are available under separate statutory nuisance legislation and the requirements of the Environment Agency's controls to ensure that any potential off-site impacts are adequately dealt with. The Council's Head of Public Protection has raised no objections to the proposals.

## ***Visual Impact***

2.8 The extension to the period of time will allow full reclamation of the site in accordance with the agreed restoration scheme. Whilst it is acknowledged that the additional 12 months has the potential to impact on the visual amenity of the area, particularly given the site's proximity to Seaton Carew, it is considered that the additional time is necessary to achieve a satisfactory landform. Indeed it is considered that as works have continued with the restoration, the visual impact of the site has reduced as the landform has approached completion.

2.9 The proposed final landform remains as was previously approved and it is considered that it would appear in keeping with the adjacent reclaimed Council landfill site. The southern part of the site is complete and as such the visual impact on residents to the south is considered unlikely to be significantly detrimental.

## ***Highways***

2.10 Concerns are acknowledged regarding debris on Coronation Drive adjacent and close to the access to the site. Measures have been introduced on site to largely mitigate the potential for mud on the road in accordance with the conditions placed upon the previous permission. It is proposed to continue to impose conditions which require the measures to remain in use until cessation of works on the site. It is anticipated that haulage to and from the site will reduce significantly upon completion of tipping works, which will in turn reduce the potential for debris on the road. It is also noted that the access is shared with an adjacent waste recycling facility which is outside the scope of this application. The Council's Traffic and Transportation section have raised no highway or traffic concerns. On that basis it is considered the impact in highways terms is acceptable.



# UPDATE

## **Landfill Gas**

2.11 The original permission included a condition which states:

*“Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development hereby approved, a scheme to provide for the monitoring and treatment of any landfill gas arising from the development shall be submitted to, and approved in writing, by the Local Planning Authority. Thereafter, the approved scheme shall be fully implemented throughout the life of the development and for a period of two years following completion of landfill activities, unless otherwise agreed in writing by the Local Planning Authority.”*

2.12 The applicant has proposed to remove this condition from the permission on the basis that the materials tipped at the site construction and demolition waste, which does not decompose to produce leachate or landfill gas. It is also claimed by the applicant that it would be by the Environment Agency that control and monitor landfill gas emissions from the site through the permitting regime, should this be deemed necessary.

2.13 The Council's Engineering Consultancy has reviewed the application and considers that given the inert nature of the material deposited at the site, it is unlikely to give rise to leachate or ground gas. It is considered acceptable therefore to remove the condition requiring a scheme for the monitoring and treatment of landfill gas from the permission. The Environment Agency have raised no objections to the proposal.

## **Security/Boundary Fencing**

2.14 The applicant proposes to remove condition 7 on the original permission which states:

*“Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development details of all boundary fencing and site security arrangements shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all approved works shall be fully implemented prior to the commencement of any infilling works unless otherwise agreed in writing by the Local Planning Authority.”*

2.15 The applicant has indicated that there is existing 1.5m -1.8m high post and wire mesh and barbed fencing around the site. Furthermore there is 1.8m high palisade fence erected by Network Rail between the railway access road and the site. The applicant has indicated there is therefore no need to retain the condition for the erection of fencing. Network Rail have indicated that there are concerns over damage to the fencing, caused by soil adjacent to the fencing on the application site. It is apparent from recent officer observations that there is a palisade fence between the two, which in relation to that element of the fence which runs alongside the application site appears largely undamaged. There is notable damage to the fencing which bounds the adjacent transfer station site to the south which falls outside the remit of this application. The completed restoration parts of the site to the south are

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set back from the fence, as required by a condition of the previous planning permission.

2.16 As such officers agree with the applicant that there is little need for a scheme for the erection of new fencing to be submitted and agreed with the Local Planning Authority. Nevertheless, given the proximity of the site to the adjacent railway line and the potential safety implications for railway operations, and the potential for damage to the fence during works, it is considered prudent to impose a condition requiring a survey of the fence to be submitted, along with any remedial works required to repair any damage noted from the survey and a timescale for such works.

## Conclusions

2.17 With regard to the relevant Hartlepool Local Plan (2006) policies and the relevant planning consideration discussed above, the proposals are considered acceptable subject to the conditions set out below, subject to the completion of a deed of variation to the S106 which required the provision of a fund for the long term maintenance of the site to reflect the granting of a new permission.

**RECOMMENDATION** – Minded to APPROVE subject to the completion of a deed of variation to the existing S106 to reflect the granting of a new permission.

1. Unless otherwise agreed in writing by the Local Planning Authority and subject to the following conditions the development hereby permitted shall cease and all restoration works detailed within the planning application supporting statement and plans NT03400 (Fig3), NT03400 (Fig 6d), NT03400 (Fig 8c), NT03400 (Fig 9c), NT03400 (Fig 10c), NT03400 (Fig 11c) received by the Local Planning Authority on 13 02 12 shall be completed on or before 20 February 2013. The site shall by this time have been cleared of all plant, machinery and any other structures used in the operations.  
The granting of a longer permission could unnecessarily inhibit the restoration of the site to the detriment of local amenities.
2. The site shall be used only for the deposit of non-putrescible, no hazardous construction waste and no noxious sludge, chemicals or toxic forms of waste shall be deposited thereon.  
For the avoidance of doubt.
3. The deposit of waste shall cease at a height whereby the subsequent spreading of capping material and soil will result in the finished contours as indicated on plans NT03400 (Fig 6d), NT03400 (Fig 8c), NT03400 (Fig 9c), NT03400 (Fig 10c), NT03400 (Fig 11c) received by the Local Planning Authority on 13 02 12.  
To ensure the satisfactory restoration of the site.
4. Dust suppression measures, received by the Local Planning Authority on 02 08 10 and agreed in writing by the Local Planning Authority on 06 10 10, shall

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be retained at all times on site during the operational life of the site.  
In the interests of the amenities of the area.

5. The operations authorised by this permission shall only be carried out between the hours of 0700 to 1800 hours Mondays to Fridays, 0700 to 1200 hours on Saturdays and on no time on Sundays or Bank Holidays.  
In the interests of the amenities of the area.
6. Unless otherwise agreed in writing by the Local Planning Authority, a comprehensive scheme for handling foul and surface water drainage generated as a result of the development shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the date of this permission. The approved details shall be implemented in accordance with a timescale to be agreed in writing by the Local Planning Authority and retained as such for the life of the development hereby approved.  
To ensure that proper means are provided for the disposal of foul sewage and surface water and to protect the integrity of the railway.
7. Notwithstanding the submitted details, a detailed scheme for landscaping and tree and shrub planting shall be submitted to, and approved by, the Local Planning Authority within 3 months of the date of this permission. The scheme must specify types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented to the satisfaction of the Local Planning Authority upon completion of the development.  
In the interests of visual amenity.
8. Any trees or shrubs required to be planted in association with the development hereby approved and which are removed, die, are severely damaged, or become seriously diseased, within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.  
In the interests of visual amenity.
9. Any restored area within the application site which is affected by surface ponding or by local settlement shall be filled and regard to an even contour as required by the restoration scheme or, with the prior approval of the Local Planning Authority, be rectified by additional drainage works.  
In the interests of visual amenity and the maintenance of the playing pitches.
10. Within 1 month of the date of this permission, details of all storage arrangements for all imported material shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the areas for storage, maximum storage heights and the duration of the proposed storage. Thereafter no material shall be kept on site outside the agreed area of period of storage.  
In the interests of visual amenity.

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11. Unless otherwise agreed in writing with the Local Planning Authority no material shall be tipped within 5 metres of the railway boundary and the restored tip shall rise at a slope of no more than 1 vertical to 3 horizontal from the 5 metre stand-off.  
In the interests of railway safety.
12. A wheel washing facility shall be retained on site for the operational life of the development and be available for use at all times in accordance with the details received by the Local Planning Authority on 02 08 10 and agreed in writing by the Local Planning Authority on 06 10 10.  
To prevent waste material being carried onto the highway.
13. Unless otherwise agreed in writing by the Local Planning Authority the development shall progress in full accordance with the phasing plan NT0300 (Fig 3). The site shall be progressively restored and subject to aftercare measures as each phase of the development is completed in accordance with the details in condition 1.  
In the interests of the amenities of the area.
14. Slope gradients on the site shall at no time exceed those shown on sectional drawings NT03400 (Fig 8c), NT03400 (Fig 9c), NT03400 (Fig 10c) and NT03400 (Fig 11c).  
In the interests of slope stability.
15. Notwithstanding the submitted details, unless otherwise agreed in writing by the Local Planning Authority, final details of screen bunding to the south and eastern boundaries of the site shall be submitted to and agreed by the Local Planning Authority within 2 months of the date of this decision. The agreed details shall be implemented in accordance with a timescale to be agreed in writing by the Local Planning Authority within 2 months of the date of this decision.  
In the interests of visual amenity.
16. There shall be no incineration or burning of waste materials on site.  
In the interests of the amenities of the area.
17. Notwithstanding the proposed restoration scheme shown on plan NT03400 (Fig 6d), final details of the specification and route for the footpath through the site shall be submitted to and agreed with the Local Planning Authority prior to the commencement of development. Unless otherwise agreed in writing by the Local Planning Authority, the approved footpath shall be thereafter implemented on or before 20 February 2013.  
In the interests of the amenities of the area.
18. Notwithstanding the proposed restoration scheme shown on plan NT03400 (Fig 6d), final details of the specification for the proposed car park shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development of the car park. Unless otherwise agreed in writing by the Local Planning Authority, the approved car park shall

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thereafter be implemented on or before 20 February 2013.

In the interests of the amenities of the area.

19. If in the opinion of the Local Planning Authority, the working should become abandoned or the operations hereby approved should cease for a period of 6 months, the site shall be restored by the operator in accordance with an agreed restoration scheme or any other such scheme as may be submitted to and agreed in writing with the Local Planning Authority.

To ensure satisfactory restoration of the site in the interests of visual amenity.

20. Prior to the development being commenced a detailed aftercare programme including species and planting and timescale for implementation shall be submitted to and agreed in writing with the Local Planning Authority.

In the interests of securing the aftercare of the site.

21. Within 3 months of the date of this decision, a survey of the existing boundary fence adjacent to the railway line which identifies any damage to the fence and sets out a scheme and timetable for any required remedial works shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter any remedial works required will be carried out in accordance with the agreed details.

In the interests of railway safety.

## PLANNING COMMITTEE

18 July 2012



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

**Subject:** UPDATE ON CURRENT COMPLAINTS

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### 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 Officer monitoring recorded the erection of outbuildings in the rear garden of a property on Bilsdale Road.
- 2 A neighbour complaint regarding increasing boundary fence height to the rear of a property on Clarkston Court.
- 3 A neighbour complaint regarding incorporating land into the rear garden of a property on Bilsdale Road.
- 4 A neighbour complaint regarding a takeaway on Raby Road opening Sundays in breach of an opening time condition, amongst others, linked to the planning consent, has been investigated. The premises were open, only on Sunday 17 June, 2012, in order to benefit from the Hartlepool leg of the Olympic Torch relay. As the breach of condition is not ongoing the case has been closed.
- 5 An anonymous complaint regarding the conversion of a garage to a living room at Wansbeck Garden has been investigated. The conversion works do not require planning permission and were previously subject to an informal enquiry which concluded the same.
- 6 An anonymous complaint regarding the conversion of a garage to living accommodation at a property on Wansbeck Gardens has been investigated. The property had used the Councils One Stop advisory service which identified planning permission was not required however building regulation was. A building notice has been submitted.
- 7 Officer monitoring recorded a banner erected outside a supermarket on Dunston Road advertising new evening times until 9:00pm, which is in breach of the permitted 8:00pm opening times condition linked to the planning consent

- 8 A neighbour complaint regarding the erection of a single storey extension to rear of a property on Dorchester Drive. The owner of the property recently submitted an informal enquiry for the works in question which were determined “permitted development”, not requiring planning permission. A site visit will be carried out to confirm that the extension has been built in accordance with the submitted details.
- 9 Officer monitoring recorded the display of unauthorised advertisement banners on a Grade II listed building and a college campus building on Church Square.
- 10 A neighbour complaint regarding the erection of a high boundary wall to the front of a property on Coniscliffe Road.
- 11 A neighbour complaint regarding the untidy and unsafe condition of an existing fence to the front of a residential institution on West View Road.

## **2. RECOMMENDATION**

- 2.1 Members note this report.