

PLANNING COMMITTEE AGENDA



10 October 2012

at 10.00 a.m.

**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 12 September 2012.

4. ITEMS REQUIRING DECISION

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

- 1 H/2012/0465 - 56-76 Kipling Road, Hartlepool (Page No. 1)
- 2 H/2012/0228 - Land at Clavering Park, Hartlepool (Page No. 6)
- 3 H/2012/0341 - Red Gap, Hartlepool (Page No. 12)
- 4 H/2012/0461 - Caretakers House, Brierton School, Hartlepool (Page No. 19)

4.2 Black Path, Grayfields; Request for Closure Report - *Director of Regeneration and Neighbourhoods*

4.3 Monitoring Report on the Planning Advisory Service (One Stop Shop) – *Assistant Director (Regeneration and Planning)*

4.4 Member Involvement in Pre Planning Application Discussions – *Assistant Director (Regeneration and Planning)*

- 4.5 Relaxation of Permitted Development Rights – *Assistant Director (Regeneration and Planning)*
- 4.6 Potential Nomination to List 34 Westbourne Road – *Assistant Director (Regeneration and Planning)*
- 4.7 Appeal By Mr. McHale, 16 Hutton Avenue (H/2011/0598) – *Assistant Director (Regeneration and Planning)*
- 4.8 Appeal By Mr Jonathan Ayres, Appeal Ref: APP/H0724/A/12/2182316 Site At: 29 Courageous Close, Hartlepool – *Assistant Director (Regeneration and Planning)*
- 4.9 Tree Preservation Order No. 230 - 4 Hartville Road, Hartlepool – *Assistant Director (Regeneration and Planning)*
- 4.10 Update on Current Complaints – *Assistant Director (Regeneration and Planning)*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

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

EXEMPT ITEMS

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

7 ITEMS REQUIRING DECISION

- 7.1 Enforcement Action – Car Park to the Rear 3, 5 and 7 Tower Street Hartlepool - *Assistant Director (Regeneration and Planning)*

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

9. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on 7 November 2012.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

12 SEPTEMBER 2012

The meeting commenced at 10.00 a.m. 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, Robbie Payne, Carl Richardson and Ray Wells.

Also Present: In accordance with Council Procedure Rule 4.2 the following substitutes were in place
Councillor Mary Fleet was in attendance as substitute for Councillor Linda Shields.
Councillor Sheila Griffin was in attendance as substitute for Councillor Chris Simmons.
Councillor Brenda Loynes was in attendance as substitute for Councillor Paul Thompson.

Officers: Chris Pipe, Planning Services Manager
Jim Ferguson, Planning Team Leader
Kate McCusker, Commercial Solicitor
Adrian Hurst, Principal Environmental Health Officer
Peter Frost, Traffic Team Leader
Andrew Carter, Senior Planning Officer
David Cosgrove, Democratic Services Team

212. Apologies for Absence

Councillors Brash, Robinson, Shields, Simmons and Thompson.

213. Declarations of interest by members

Councillor Wells declared a personal and prejudicial interest in planning application H/2012/0331 West Park Primary School.
Councillor Wells declared a personal interest in planning applications H/2012/0354 Shu-Lin, Elwick Road and H/2012/0252 Mayfair Landfill Site, Tees Road.

214. Confirmation of the minutes of the meeting held on 15 August 2012

Confirmed.

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

The Planning Services Manager reported on the following planning applications for the Committee's determination.

Number:	H/2012/0354
Applicant:	Mr Steve Cockrill Meadowcroft Elwick Road HARTLEPOOL
Agent:	The Design Gap MR GRAHAM PEARSON 7 HYLTON ROAD HARTLEPOOL
Date received:	09/07/2012
Development:	Erection of two dwellinghouses, together with associated boundary treatments, shared driveway and garages (resubmitted application)
Location:	Shu-Lin Elwick Road HARTLEPOOL
Decision:	Planning Permission Approved - The Planning Committee considered the officer report and recommendation, the Committee considered representation in relation to the proposal and after consideration and discussion took the view that the proposed development did not have a detrimental effect on the character of the conservation area nor would it significantly impact on the setting of the nearby listed building. In light of these considerations the application was Approved. The final conditions were delegated to the Planning Services Manager in consultation with the Chair of the Planning Committee, members requested that a specific condition be placed on the approval to ensure that the detached tripple garage remains ancillary to the dwelling it serves.

The Committee considered written representations in relation to this matter.

The applicant's agent, Mr G Pearson was present at the meeting and responded to Member questions.

Number: H/2012/0334

Applicant: Chase Property Developments
c/o Agent

Agent: Savills (Commercial) Limited Mr Trevor Adey Belvedere 12
Booth Street MANCHESTER

Date received: 24/07/2012

Development: Change of use from bowling alley (Use Class D2) to retail
(Use Class A1) and alterations to entrance

Location: Unit 5 (UK Superbowl) Teesbay Retail Park Brenda Road
HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (11080D-105-P04, 11080D-112-P01, 11080D-110-P02, 11080D-112-P02) and details which had been received by the Local Planning Authority at the time the application was made valid on 24th July 2012, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. 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.
4. No individual retail unit within the building, shall have a gross floor area of less than 465 sq. m (gross), unless otherwise agreed in writing with the Local Planning Authority.
In accordance with the previous outline permission on the retail park site (H/2009/0390) in the interests of the vitality and viability of the town centre and local centres.
5. In the retail park as a whole, incorporating the application site and the other land in the applicant's control identified by an enclosing red and blue line respectively on drawing 11080D-110-P02, a minimum of 6,480 sq. m (gross) of the existing and proposed retail floorspace shall consist of units of not less than 929 sq. m (gross).
In accordance with the previous outline permission on the retail park

site (H/2009/0390) in the interests of the vitality and viability of the town centre and local centres.

6. In the retail park as a whole, incorporating the application site and the other land in the applicant's control identified by an enclosing red and blue line respectively on drawing 11080D-110-P02, not more than 8,851 square metres (gross) of retail floorspace, existing and proposed, shall be used for the sale of food, other than ancillary cafe sales, confectionary, hot snacks or meals or any other food which may be agreed in writing with the Local Planning Authority.

In accordance with the previous outline permission on the retail park site (H/2009/0390) in the interests of the vitality and viability of the town centre and local centres.

7. In the retail park as a whole, incorporating the application site and the other land in the applicant's control identified by an enclosing red and blue line respectively on drawing 11080D-110-P02, not less than 2,498 square metres (gross) of floorspace shall be used for Class D2 leisure purposes.

In accordance with the previous outline permission on the retail park site (H/2009/0390) in the interests of the vitality and viability of the town centre and local centres.

8. In the retail park as a whole, incorporating the application site and the other land in the applicant's control identified by an enclosing red and blue line respectively on drawing 11080D-110-P02, not less than 6,480 square metres (gross) of the existing and proposed retail floorspace shall be used for the sale of the following range of comparison goods: DIY, home improvement goods, electrical and gas goods, garden materials and goods, furniture/soft furnishings and floor coverings and automotive and cycle products.

In accordance with the previous outline permission on the retail park site (H/2009/0390) in the interests of the vitality and viability of the town centre and local centres.

9. In the retail park as a whole, incorporating the application site and the other land in the applicant's control identified by an enclosing red and blue line respectively on drawing 11080D-110-P02, the total amount of retail floorspace shall not exceed 23,838 square metres (gross) unless otherwise agreed in writing with the Local Planning Authority.

In accordance with the previous outline permission on the retail park site (H/2009/0390) in the interests of the vitality and viability of the town centre and local centres.

The Committee considered written representations in relation to this matter.

Councillor Dawkins, a ward councillor for the site, was present at the meeting and spoke against the proposal.

Number: H/2012/0258

Applicant: Mr Mike Galley
Durham Diocesan Board of Finance Diocesan Office
Auckland Castle Bishop Auckland

Agent: Ashdown Architects Ltd Mr Brian Ashdown First Floor,
Aykley Vale Chambers Aykley Vale Durham Road Durham
City

Date received: 21/05/2012

Development: Erection of a detached four bedroomed dwelling house
(Amended plans received 1/8/12)

Location: 34 WESTBOURNE ROAD HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plans 'E21/L(9-)02 (Rev B)', 'E21/L(2-)01 (Rev B)', 'E21/L(2-)02 (Rev B)', 'E21/L(--)01' and 'E21/L(9-)03 (Rev A)' received by the Local Planning Authority on 11 08 12, and 'E21/L(9-)01' received by the Local Planning Authority on 21 05 12.
For the avoidance of doubt.
4. Notwithstanding the submitted details, prior to the commencement of development, final details of the proposed boundary wall treatments and access amendments shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.
In the interests of visual amenity.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the

- interests of the amenities of the occupants of the adjacent residential property.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) other than those expressly authorised by this permission shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
 7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), 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.
 8. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the preserved tree(s).
 9. The proposed window(s) facing 36 Westbourne Road shall be glazed with obscure glass which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist(s).
To prevent overlooking.
 10. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows(s) shall be inserted in the elevation of the extension facing 36 Westbourne Road without the prior written consent of the Local Planning Authority.
To prevent overlooking.
 12. No development shall commence until a detailed drainage strategy incorporating SuDS has been submitted to and approved in writing by

the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved drainage strategy. To ensure the site is developed in a satisfactory manner.

The Committee considered written representations in relation to this matter.

A representative from the Applicant, Mrs M Ashdown, and an objector, Mr Carling, were present at the meeting and addressed the Committee accordingly.

Number:	H/2012/0265
Applicant:	Mr Mike Galley Durham Diocesan Board of Finance Diocesan Office Auckland Castle Bishop Auckland
Agent:	Ashdown Architects Ltd Mr Brian Ashdown First Floor, Aykley Vale Chambers Aykley Vale Durham Road Durham City
Date received:	21/05/2012
Development:	Outline application with all matters reserved for the erection of 2 detached dwellings.
Location:	34 WESTBOURNE ROAD HARTLEPOOL
Decision:	Outline Refusal - The Planning Committee considered and discussed at length the officer report and recommendation, the Committee considered representations made and after consideration the Planning Committee took the view that it could not support the application as they were concerned regarding the potential exacerbation of traffic/parking problems already experienced within Westbourne Road. Planning Permission was therefore Refused.

REASON FOR REFUSAL

1. It is considered that the proposed development would generate an increased level of demand for parking on Westbourne Road to the detriment of highway safety, the free flow of traffic and the amenities of the occupiers of houses adjoining or near the application site contrary to policies GEP1 and Hsg9 of the adopted Hartlepool Local Plan 2006.

The Committee considered written representations in relation to this matter.

A representative from the Applicant, Mrs M Ashdown, and an objector, Mr Carling, were present at the meeting and addressed the Committee accordingly.

Number: H/2012/0252

Applicant: Mr Paul Hopper
c/o agent

Agent: Howson Developments Ltd Mr Steve Hesmondhalgh
Thorntree Farm Bassleton Lane Thornaby Stockton on Tees

Date received: 17/05/2012

Development: Engineering works to provide level surface to use site for car boot sales and erection of a 2m high perimeter fence (part retrospective)

Location: LAND ADJACENT TO THE MAYFAIR CENTRE TEES ROAD HARTLEPOOL

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

1. It is considered that the use of the emergency access road which links the adjacent industrial estate to Tees Road for parking would be unacceptable in terms of highway safety contrary to policy GEP1 of the adopted Hartlepool Local Plan 2006.
2. The application site is located within an area of key green space (buffer area south of Seaton Carew) and as such it is considered that the loss of part of this key green space would be to the detriment of the visual amenities of the area contrary to policies GEP1, GEP7 and GN3d of the adopted Hartlepool Local Plan 2006.

The Committee considered representations in relation to this matter.

The applicant, Mr Hopper, and an objector, Mr B Morton, were present at the meeting and addressed the committee accordingly.

Number: H/2012/0200

Applicant: Mr M Ashton
Dalton Piercy Road HARTLEPOOL

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

Date received: 18/04/2012

Development: Erection of a detached dwelling (amended plans received)

Location: Ashfield Caravan Park Ashfield Farm Dalton Piercy Road
Dalton Piercy HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 18/04/2012 (Drg.No.1242/LP), the amended plans received on 16/08/2012 (Drg.No.1242/EL 'A', Drg.No.1242/FP 'A', and Drg.No.1242/SP 'A') and the amended plan received 21/08/2012 (Drg.No. 1242/ESP 'A'), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly, or last employed prior to retirement, in the businesses of the caravan and camping site, the caravan storage facility and the sheep rearing facility operated on the holding (Ashfield Caravan Park, Ashfield Farm), as defined by the blue line on the drawing entitled Location Plan (Drg.No.1242/LP) received by the Local Planning Authority on 18th April 2012, or a dependent of such a person residing with him or her, or a widow or widower of such a person.
The site of the proposed dwelling(s) is in an area where the Local Planning Authority considers that new housing should only be allowed in exceptional circumstances where it is essential in the interests of agriculture or forestry or an appropriate rural enterprise.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
5. Notwithstanding the details submitted prior to the commencement of development details of the proposed methods for the disposal of foul and surface water arising from the site shall be submitted to and approved in writing with the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved and the approved drainage details shall be retained for the lifetime of the development.
To prevent pollution of the water environment and in order to ensure that the site is adequately drained.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling hereby

approved shall not be extended or altered 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 open countryside.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garages or any other buildings or enclosures shall be erected within the curtilage of the dwellinghouse hereby approved as identified by the red line shown on the approved drawing (Site Plan - Drg.No 1242/SP'A') received by the Local Planning Authority on 16/08/2012 without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the open countryside.

8. All planting, seeding or turfing comprised in the approved details of landscaping (as per approved plan: Drg.No.1242/ESP 'A') shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

9. Notwithstanding the submitted plan (Drg.No.1242/ESP 'A') details of all walls, fences and other means of boundary enclosure showing the extent of the fence to the perimeter of the dwellinghouse 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.

10. The curtilage of the dwellinghouse hereby approved shall be as indicated by the red line shown on the approved drawing (Site Plan - Drg.No. 1242/SP 'A') received at the Local Planning Authority on 16/08/2012. The curtilage shall not be extended without the prior written consent of the Local Planning Authority.
For the avoidance of doubt and in the interests of the visual amenity of the area.

11. The mobile home shall be removed from the site/ holding within six months of the commencement of the development.

In order to ensure that the mobile home is removed from the site/holding.

The Committee considered representations in relation to this matter.

The applicants, Mr and Mrs Aston, were present at the meeting and responded to Members' questions.

Number: H/2012/0156

Applicant: Mr BRENDON COLAROSS
HARTLEPOOL BOROUGH COUNCIL Engineering
Consultancy Hanson House HARTLEPOOL

Agent: HARTLEPOOL BOROUGH COUNCIL Mr BRENDON
COLAROSS HBC ENGINEERING CONSULTANCY
HANSON HOUSE HANSON SQUARE HARTLEPOOL

Date received: 03/04/2012

Development: Construction of new sea defence works and replacement
promenade including access ramps and steps (Area MA
13-1B-E)

Location: LAND AT THE FRONT SEATON CAREW HARTLEPOOL

Decision: **Planning Permission Approved subject to the
comments of the National Planning Casework Unit**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans and documents: 'Outline of Proposed Works' received by the Local Planning Authority on 21 August 12; 'PR416/01/LP' and 'PR416/01/EL' received by the Local Planning Authority on 29 March 12; 'Environmental Statement' and 'Environmental Statement and Appendices' received by the Local Planning Authority on 3 April 12; 'Environmental Statement Addendum' received by the Local Planning Authority on 11 June 12; and, 'Design and Access Statement' received by the Local Planning Authority on 26 March 12.
For the avoidance of doubt.
3. Construction of the development hereby approved shall be carried out during the months of April to October inclusive only and at no other time unless otherwise agreed in writing by the Local Planning Authority.
In the interests of biodiversity.
4. The construction of the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays inclusive, 08.00 and 16.00 Saturdays and at no other time on Sundays or Bank Holidays
In the interests of the amenities of the occupants of neighbouring properties.
5. Prior to the commencement of development, a Construction Management Plan shall be 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 timescales for closure of the beach and promenade to the public;
- (11) details of proposed temporary lighting;
- (12) details of isolated drainage systems for foul water to prevent discharge to surface or groundwater;
- (13) details of containment measures for fuels, oils and chemicals;
- (14) plans to deal with accidental pollution.

To ensure the site is developed in a satisfactory manner.

6. Prior to the commencement of the development hereby approved, details of public information signage to raise awareness of the importance of the beach to birds, including size, design and siting of the signage, shall be submitted to and agreed in writing in 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 biodiversity.
7. Final and large scale details of all external materials including paving and edging materials, details of replacement railings, details of lighting and seating, cross sections of the proposed wall and piers to the proposed steps 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 and the character and appearance of the Conservation Area.
8. No development shall commence until a detailed scheme for the creation of 0.57ha of coastal grassland has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details prior to the completion of the development hereby approved.
In the interests of biodiversity.

Brendon Colarossi, Senior Engineer (Construction) was present at the meeting to respond to Members questions.

Number: H/2012/0331

Applicant: Ms Julie Reed
Hartlepool BC Civic Centre Victoria Road
HARTLEPOOL

Agent: Hartlepool Borough Council Mr Colin Bolton
Property Services Division Bryan Hanson House
Hanson Square Lynn Street HARTLEPOOL

Date received: 03/07/2012

Development: Demolition of nursery and erection of a single storey extension to provide foundation unit and provision of fencing and pedestrian gate

Location: West Park Primary School Coniscliffe Road
HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 28 June 2012 Dwg No(s): 743/35/1000 (Existing Plan), 743/35/1001 (Existing Elev (part), 743/35/2003 (Proposed External Works), 743/35/2001 (Proposed Elev) 743/35/1003 (Location Plan) and amended plans received on 2 July 2012 Dwg No(s) 743/35/2000 Rev A (Proposed Plan), 743/35/2004 Rev A (External Works Details), and photographs of existing fence and gate details, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. 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.
4. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition

and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the health and appearance of the preserved tree(s).

5. Prior to the demolition of the existing nursery building a scheme for making good the land and a method of restoring the land to its former use shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

In the interests of visual amenity.

6. Prior to the use of the hereby approved extension the existing nursery building shall be demolished in accordance with condition 5, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety.

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

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

Councillor Loynes – complaint 6

Decision

That the report be noted.

217. Appeal at 16 Siskin Close, Hartlepool (APP/H0724/D/12/2179157) Infill Extension (Link) Between Existing Double Garages, Conversion of Garages and to Build New Double Garage *(Assistant Director, Regeneration and Planning)*

The Planning Services Manager reported that that the above appeal had been determined by the Planning Inspectorate by the written representations procedure. The planning application had been refused under delegated powers in consultation with the Chair of the Planning Committee. The appeal

was allowed. A request for an award of costs by the appellant had been dismissed. A copy of the Inspector's decision was submitted for Members information.

Decision

That the report be noted.

218. Fernbeck, Dalton Back Lane, Hartlepool (*Assistant Director, Regeneration and Planning*)

The Planning Team Leader reported on the proposed discharge of a section 106 agreement relating to the occupation of a dwellinghouse currently being erected at Fernbeck, Dalton Back Lane under the provisions of planning permission H/2011/0294. In December 2011 Planning Permission had been granted for the erection of a two storey dwellinghouse at Fernbeck to serve the livery business on the site.

In line with practice at the time the permission was granted subject to the completion of a legal agreement restricting the occupation of the dwelling to a person solely, or mainly working or last working at the livery business on the site, or a widow or widower of such a person and to any resident dependents and tying the dwelling to the site. A planning condition had also imposed similarly restricting the occupation of the dwellinghouse.

A recent appeal decision on the adjacent site had caused the authority to reconsider its approach in such cases and current legal advice and guidance was that planning conditions rather than a legal agreement should be used to restrict occupancy in such cases. In light of this in subsequent cases the Planning Authority had relied solely on a planning condition.

A request has been received from the applicant to discharge the section 106 agreement. The applicant has advised that he had progressed with the works however he needed to secure a small mortgage to complete the development. It is understood that mortgagees had been reluctant to lend when they became aware of the legal agreement.

In light of the current practice and guidance and the extant planning condition which essentially serves the same function. It was considered that the discharge of the legal agreement was acceptable.

Decision

That the section 106 agreement completed in connection with Planning Permission H/2011/0294 be discharged (removed).

219. Findings of the Updated Tees Valley Strategic Housing Market Assessment (*Assistant Director, Regeneration and Planning*)

The Senior Planning Officer outlined for Members the findings of the Tees

Valley Strategic Housing Market Assessment (TVSHMA) and advised on the implications with regard to the new Local Plan policies in determining planning applications. The report highlighted that house prices in Hartlepool were some of the most affordable in the northeast, however, Hartlepool and the Tees Valley in general was suffering from outward migration mainly for economic reasons but also for a better housing offer in places such as Hambleton.

The main issue highlighted in the report was the type of housing demand that existed in the town. In general there was a demand for (house types) detached houses and bungalows, (bedrooms) 3 and 3+ bed and (tenure) owner occupied dwellings. There was an over provision of flats and terraced housing. Therefore ideally the Council should be asking developers to provide for the housing demand across the Borough and remedy the imbalance in supply.

In terms of affordable housing, there was an overall need of 88 dwellings per year, which matched against the total net annual dwelling target of 320 dwellings, this equated to a “need” delivery of 27.5%. Therefore ideally, the Council should be asking for a target of 27.5% on each application. However, there was evidence stating that only a target of 10% was economically viable and any affordable housing above this threshold should be negotiated through economic viability.

Members expressed some concern with the data utilised for the TVSHMA, not for its accuracy but that it pre-dated the governments changes to benefits which could have a significant effect on housing demand due to what was referred to as the ‘bedroom tax’ element of benefits which reduced benefits paid on ‘under-occupied’ homes. This would likely create a demand for two bedroom homes and should in the longer-term release 3 and 4 bedroom homes. In terms of bungalows, Members commented that older people generally indicated that they wished to retain at least one ‘guest’ room, so the demand was for bungalows with at least 2 bedrooms.

Members considered that the issues the report and the changes to benefits on housing demand raised should have a wider discussion, potentially through a debate at full Council.

It was commented that based on the demand set out in the report, there was a need for both officers and members to remain ‘strong’ on the requirement for affordable homes in particular. Local authorities in general needed to retain the flexibility to decide their own housing needs. The Chair commented that one of the issues not highlighted within the report but was a major issue in the town was the availability of adapted housing for the disabled and those with reduced mobility.

Decision

That the report be noted and that the matter be referred to full council for a discussion on the wider implications of housing demand in the borough.

220. Any Other Items which the Chairman Considers are Urgent

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

Department for Communities and Local Government – Housing and Growth

Following the conclusion of the exempt items, the Planning Services Manager circulated for Members information a brief paper on 'Housing and Growth' setting out the Secretary for State for Communities and Local Government's announcements on changes to the planning control regime to boost the economy.

The Planning Services Manager commented that the potential relaxation of permitted development rights caused a great deal of concern as the current restrictions currently created quite a number of resident complaints. Allowing a doubling of those restrictions had the potential to create a significant workload through resident complaints alone. Members expressed grave concerns at the potential for resident against resident complaints as well as a greater scope for unscrupulous builders to profit through blatant over-development of sites.

The proposed changes to permitted development rights were to be consulted upon shortly. Members requested that there was a need for all councillors to be made aware of these regulations and their potential effects. Should the relaxation of permitted development rights be implemented the public needed to be made aware of the limitations that still existed even under the relaxed controls and also the fact that there were estates and areas where permitted development rights had been removed so residents couldn't build without planning permission.

Decision

That a further report be submitted on the implications of the recent announcement of the Secretary for State for Communities and Local Government.

221. Local Government (Access to Information) (Variation Order) 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs 5 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006, namely information in respect of which a

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

Minute No. 222 – Enforcement Action, Land South of the Mayfair Centre, Tees Road, Hartlepool.

Minute No. 223 – Delegated Action Under Section 215 of the Town and County Planning Act (As Amended).

- 222. Enforcement Action, Land South of the Mayfair Centre, Tees Road, Hartlepool** (*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 (paras 5 & 6)

The Planning Services Manager reported that subsequent to Members decision earlier in the meeting, authorisation was sought for enforcement action in relation to the site.

Decision

The Committee's decision is set out in the exempt section of the minutes.

- 223. Delegated Action Under Section 215 of the Town and County 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 (paras 5 & 6)

The Planning Services Manager submitted an update on Section 215 notices authorised by the Planning Services Manager under delegated powers.

Decision

That the report be noted.

The meeting concluded at 1.35 p.m.

CHAIR

No: 1
Number: H/2012/0465
Applicant: Mr D Clarke Estates Department Bryan Hanson House
HARTLEPOOL TS24 7BT
Agent: Mr D Clarke Hartlepool Borough Council Estates
Department Bryan Hanson House TS24 7BT
Date valid: 30/08/2012
Development: Incorporation of land into residential gardens
Location: 56-76 Kipling Road and 16 Gladys Worthy Close
HARTLEPOOL HARTLEPOOL

The Application and Site

1.1 The site to which this application relates is an area of land, currently occupied by significant planting and mature trees between English Martyrs school playing fields and the residential properties on the north side of Kipling Road (56-76) and to the side of 16 Gladys Worthy Close. The land previously formed part of the playing fields of English Martyrs and is allocated as such in the Hartlepool Local Plan (2006). However, the parcel of land has been divided off from the school playing fields some years ago and has remained overgrown and poorly maintained.

1.2 This application seeks consent for the change of use of the land from incidental open space to residential curtilage. The land will be divided into the ownership of four properties (16 Gladys Worthy Close and 68, 70 and 76 Kipling Road) to form part of their garden area. The change of use has already been carried out in respect of the Kipling Road properties. The area to the side of 16 Gladys Worthy Close is proposed. It is noted that the site is currently subject to high levels of anti-social behaviour and has been problematic in securing and maintaining.

Publicity

1.3 The application has been advertised by way of neighbour letters (17). To date, there have been no objections to the proposals. Two letters of support have been received.

1.4 The period for publicity expires the day of the meeting. Any additional representations will be provided to Members prior to the meeting.

Consultations

1.5 The following consultation replies have been received:

Sport England – No objections.

Planning Policy

1.6 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.

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

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

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

Planning Considerations

1.7 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the principle of the development, the effect on the amenity of neighbouring properties and the surrounding area in general.

Principle of Development

1.8 Policy Rec4 of the adopted Hartlepool Local Plan (2006) allocates the site as part of outdoor playing space. The policy states that the loss of outdoor playing space will only be accepted where it is replaced by a comparable provision, where it can be retained and enhanced, where there is an excess of provision or where a school expansion or re-development takes place and the loss does not prejudice the integrity of the provision.

1.9 The application site itself has long since been neglected as playing space, having been fenced off from the school playing pitches to the north of the site. The size and current overgrown condition of the site planting means the site is not viable for playing pitch use, with the site taking on characteristics of incidental open space rather than playing pitches. It is noted that Sport England have raised no objections

to the proposals. It is considered that the site can not be protected for outdoor playing space in accordance with the provisions of policy Rec4 given its current condition and detachment from existing playing pitch provision. On that basis the change of use is considered acceptable subject to the further planning considerations below.

Residential Amenity

1.10 Whilst it is acknowledged that the proposal will result in an unusual situation of 68 and 76 Kipling Road having garden areas to the rear of a number of neighbouring properties, it is not considered likely that this will significantly impact upon the amenity of those neighbouring properties, specifically nos. 56 - 64 and 66 in relation to 68 Kipling Road's garden and 72 and 74 in relation 76 Kipling Road's garden. It is not uncommon for gardens within residential areas to back onto one another.

1.11 The land is proposed to be residential curtilage and therefore will be for purposes incidental to the enjoyment of the properties as dwelling houses. Any trade or business activities on the site will be in breach of planning control. Furthermore, any noise and disturbance issues which arise from the use of the land as residential curtilage will be subject to the provisions of the Environment Act (1995) in terms of statutory nuisance controls which are managed by the Council's Public Protection team. As such it is considered that it is unlikely the proposal will give rise to significant amenity concerns for the neighbouring properties.

Character of Area

1.12 The land is within a residential area and as such the provision of additional residential curtilage is unlikely to be out of keeping with the character of the surrounding area.

Trees

1.13 The planting which occupies the land currently is of poor quality and the Council's Arboricultural Officer has raised no concerns with the proposal.

Equality and Diversity Considerations

1.14 There are no equality or diversity implications.

Section 17 of the Crime and Disorder Act 1998 Considerations

1.15 The final scheme will be designed with the reduction of crime and anti social behaviour in mind. The change of use is likely to contribute to reductions in crime and anti-social behaviour. There are no other Section 17 Implications.

CONCLUSIONS

1.16 With regard to the relevant Hartlepool Local Plan (2006) policies and the relevant planning considerations discussed above, the proposals are considered acceptable subject to the conditions set out below.

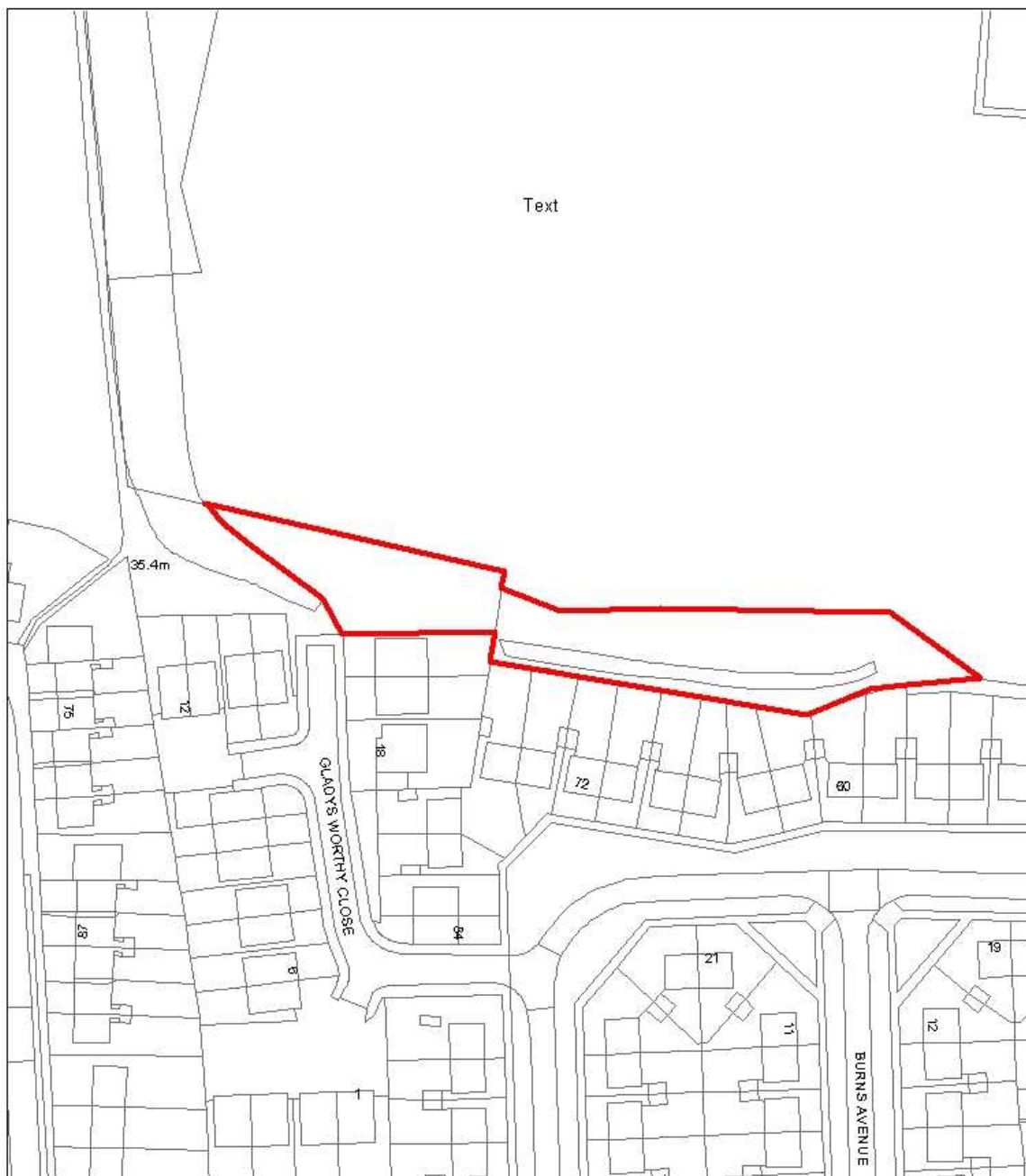
RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.

2. The development hereby permitted shall be carried out in accordance with the plans received by the Local Planning Authority on 30/08/2012.
For the avoidance of doubt.
3. Details of all proposed 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. The residential curtilage hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein.
In the interests of the amenities of the occupants of neighbouring properties.



56-76 KIPLING ROAD AND 16 GLADYS WORTHY CLOSE



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and Planning

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

Scale: 1:1000

Date : 28/09/12

Drg No: H/2012/0465

No:	2
Number:	H/2012/0228
Applicant:	Miss Leah Remington Linthorpe Cemetery Lodge Burlam Road MIDDLESBROUGH TS5 5AP
Agent:	Groundwork North East Miss Leah Remington Linthorpe Cemetery Lodge Burlam Road MIDDLESBROUGH TS5 5AP
Date valid:	25/06/2012
Development:	Erection of boundary fencing, provision of car park, tree planting, improvements to footpath network, provision of skateboard/BMX facility and wetland scrape
Location:	Land at Clavering Park Easington Road HARTLEPOOL

The Application and Site

2.1 The site to which this application relates is an existing play area within the Clavering area of town, located on the corner of Easington Road and the A179. The site has a mixture of formal and informal play spaces and is heavily used by members of the public. The site is a priority site within the Northern Linear Park which seeks to establish a green network of public spaces within the north of the Borough.

2.2 The application seeks consent for the erection of perimeter fencing, the provision of a car park, tree planting, improvements to the footpath network, provision of a skateboard and BMX facility and a wetland scrape.

2.3 The proposed skate spot will be located on the eastern side of the site with the new car park to the north. The proposed wetland scrape will be sited to the west of the existing play area with new tree planting proposed in various areas of the site. A new gated access is proposed to be located in the south-east corner of the site, with 1.2m high railings to the perimeter of the site to formalise access arrangements. The applicant has carried out extensive consultation with the local community and feedback from residents has influenced the design of the proposals.

Publicity

2.4 The application has been advertised by way of neighbour letters (41). To date, there have been six letters of objection.

2.5 The concerns raised include:

- a) Noise and disturbance;
- b) Anti-social behaviour;
- c) Traffic disruption;
- d) Need for wetland scrape;
- e) Concerns regarding impact of trees on amenity;
- f) Maintenance concerns;
- g) Vandalism.

2.6 The period for publicity has expired.

Copy Letters B

Consultations

2.7 The following consultation replies have been received:

HBC Public Protection – No objections.

HBC Traffic and Transport – No highway or traffic concerns. A 3m radius to the car parking entrance needs to be provided.

NWL – No objections.

Cleveland Police – Playing areas have the potential to generate crime and anti-social behaviour. Design and management features should be included to reduce the potential. The location of the skateboard park offers improved natural surveillance from the main coast road. Landscaping should not hinder surveillance. The tree planting should also not hinder natural surveillance. Lighting improves natural surveillance.

HBC Engineering Consultancy – No objection subject to storm drainage details condition.

Planning Policy

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

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

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

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

Rec3: Identifies locations for neighbourhood parks and states that developer contributions will be sought to assist in their development and maintenance.

Planning Considerations

2.9 The main planning considerations in this instance are the appropriateness of the development in relation to the relevant Hartlepool Local Plan (2006) with particular regard to the principle of the development, the effect on the amenity of neighbouring residential properties principally in terms of noise and disturbance, the effect on the character of the surrounding area, the impact in terms of crime and anti-social behaviour and on highway safety.

Residential Amenity

2.10 The main relationships for consideration in this instance are those with the residential properties upon Clavering Road to the west and Baker Close to the north. The closest new facilities are a considerable distance away from the closest residential properties. Whilst there is the potential for noise and disturbance resulting from the new facilities, when considered in context with the existing site, it is unlikely that the proposals will increase the use of the site to the point where it would result in increased levels of noise and disturbance to the detriment of residential amenity. The Council's Head of Public Protection has raised no objections to the scheme.

2.11 Whilst the proposed car park will be sited to the rear of the properties on Baker Close, it is considered that it is unlikely to result in significant levels of noise and disturbance to those properties. The area to the rear of the properties is currently used informally for parking, with vehicular traffic using the road and the parking area to the front of the garages, resulting in highway safety impacts. The formalising of the car parking facilities is unlikely to significantly impact upon residential amenity.

Surrounding Area

2.12 The proposed works are unlikely to significantly impact upon the character of the area. The works are in keeping with the existing use of the site and are unlikely to be unduly out of keeping with the area.

Crime/Anti-Social Behaviour

2.13 Cleveland Police's Crime Prevention and Architectural Liaison Officer has indicated that the location of the skate spot offers improved natural surveillance from Easington Road. The skate spot has been located with the aims of improving natural surveillance. The existing play area benefits from good quality lighting which aids natural surveillance. Whilst concerns relating to the provision of trees being sources for anti-social behaviour are acknowledged, it is noted that the number of trees proposed has been significantly reduced from the original proposals following the community consultation exercise. A condition is proposed for the agreement of a landscaping scheme and this will include the final location of the trees. Furthermore, the species proposed are not particularly tall trees. Notwithstanding that, it should be noted that the provision of trees in any case would not require planning permission in its own right. On the basis of the above, it is considered there are sufficient measures on the site to ensure that levels of crime and anti-social behaviour do not significantly increase to the detriment of surrounding residents.

Highway Safety

2.14 The Council's Traffic and Transportation section have raised no highway or traffic concerns with the proposals. A 3m radius is required for the car park access and a condition is proposed to cover this. It is considered that the proposed car park will have positive benefits for highway safety in that it will formalise car parking arrangements and reduce the level of parking upon the highway.

2.15 With regard to the location of the new access on the south-east corner of the site, close to the roundabout at the A179 it should be acknowledged that this junction experiences high levels of traffic, particularly during peak periods. However, the access has been designed to encourage use of the formal crossing over Easington Road, close to the roundabout. A revised gated access further along Easington Road would potentially encourage pedestrians to cross the road where there are no formalised crossings. It is considered that this would be significantly detrimental to highway safety. On the basis of the current situation, it is considered that the proposed access is the best available option to encourage safe use of the highway network by pedestrians.

Equality and Diversity Considerations

2.16 There are no equality or diversity implications.

Section 17 of the Crime and Disorder Act 1998 Considerations

2.17 The final scheme will be designed with the reduction of crime and anti social behaviour in mind.

CONCLUSIONS

2.18 With regard to the relevant Hartlepool Local Plan (2006) policies and relevant planning considerations discussed above, the proposal is considered acceptable subject to the conditions set out below.

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans: 300/55F L001 Rev C, 300/55F L002 (Location Plan), 300/55F L002 (Skatespot Layout), 300/55F L003 and details received by the Local Planning Authority on 03 05 12 and 300/55F L004 received on 25 06 12.
For the avoidance of doubt.
3. 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.

4. The car park hereby approved shall not be brought into use until a 3m radius has been provided in accordance with details to be first agreed in writing by a Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.
In the interests of highway safety.
5. No development shall commence until a storm water drainage scheme has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the agreed details prior to the commencement of development.
In the interests of flood risk.



LAND AT CLAVERING PARK



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and Planning

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

Scale: 1:3000

Date : 28/09/12

Drg No: H/2012/0228

No:	3
Number:	H/2012/0341
Applicant:	BT C/O Agent
Agent:	Dalton Warner Davis LLP Mr Edward Buckingham 21 Garlick Hill LONDON EC4V 2AU
Date valid:	19/07/2012
Development:	Revised permanent access track and siting of permanent anemometer mast up to 80m in height in relation to consented wind farm (H/2009/0231)
Location:	Red Gap Farm Sunderland Road Wolviston BILLINGHAM

The Application and Site

3.1 The proposed site is located on agricultural land immediately to the west of the A19 near Sunderland Lodge within the Parish of Elwick. The site is currently accessed by a track off the A19, near to Sunderland Lodge. The track, which is unpaved, passes through woodland on route to the site and is part of an extensive network of informal vehicular tracks that provide many of the local farms and settlements with access to the A19 and A689.

3.2 The site is almost entirely given over to mixed arable farming and contains some low lying hedgerows. Fencing also typically delineates the boundaries of large enclosed fields. A public footpath crosses the wider landholding from the A19 in the east to Hill House in the west, via Red Gap Cottage. A second footpath follows an east-west alignment to the north of the site boundary.

3.3 The southern and western boundaries of the holding are defined by extensive, uninterrupted woodland. The northern and eastern boundaries are not as clearly defined and the land particularly to the north has a more open character. The A19 forms the eastern boundary of the site.

3.4 There is evidence of significant human intervention throughout the surrounding landscape. Surrounding land uses reflect the open, rural characteristics of the area with several farms, detached houses, roads linking small settlements, infrastructure related to the generation and distribution of electricity and telecommunications apparatus.

3.5 The closest settlements are those of Dalton Piercy, Elwick, Brierton, Wynyard, Billingham, Wolviston, Sedgfield and Trimdon. The landscape becomes generally more urbanised east, south and south-east of the site. The site is approximately 6km from the urban centre of Hartlepool.

3.6 Planning permission was granted in March 2011 for the development of:

“Erection of 5 no. wind turbines, meteorological monitoring mast, switch room, contractors compound and associated works including improvements to the existing site access from the A19, construction of temporary haul road for

construction purposes; permanent access tracks to connect turbines and occasional deployment of temporary road from the improved A19 access to the turbine access tracks to support maintenance and other works which require the use of heavy vehicles and plant.”

3.7 The consent was subject to a number of conditions and a Section 106 legal agreement which included provisions for a Landscape and Ecology Management Plan, a temporary road, shadow flicker mitigation, and restoration security. Progress to discharge pre-commencement conditions is ongoing.

3.8 The aforementioned permission for a wind farm made provision of a temporary haul track providing access from the A19, to be removed at the end of construction and re-laid on an ad hoc basis to accommodate any plant and/or machinery required for unscheduled maintenance activities.

3.9 The applicant has subsequently re-evaluated the implications of the temporary access track. The applicant now considers that a permanent access track which follows an alternative route along the site boundary would provide a more appropriate solution from a logistical perspective and lessen the impact upon the agricultural operations upon the land.

3.10 As such, this application seeks consent for a permanent, revised access track route. The track will follow the alignment of the northern boundary of the site, following the boundary closely until it deviates approximately 1km from the site entrance in order to access the first turbine. The track will be used during the operational phase by operative and maintenance vehicles. The width of the track is to be approximately 5m, although there will be minor variances at bends and junctions. There will be a micro-siting allowance of 20m from the centre line of the track to account for any unforeseen grounds conditions which will require minor adjustments to the routing.

3.11 A short distance of temporary track is proposed to be maintained between the site boundary and the A19 for security purposes. This element of the track will be removed following the construction phase and a wooden fence will be put in place to prevent unauthorised access. The track will be re-laid and the fence removed as and when required to allow access to the site.

3.12 A 0.5ha area of young woodland plantation will need to be removed in the north-east of the site to allow construction of the proposed access track.

3.13 Consent is also sought for some minor alterations to the layout of the internal tracks. The track between turbines 2 and 3 has been redesigned to reduce the length of track.

3.14 Finally, the previously approved permanent anemometer mast is to be relocated in order to avoid a nearby watercourse. The mast will be up to 80m in height.

Publicity

3.15 The application has been advertised by way of neighbour letters (7) and site notice. To date, there has been one letter of objection. The concerns raised include:

- Concern regarding the destruction of woodland plantation;
- The idea of a wind farm is to reduce carbon emissions, is this not what the planting is already doing?
- Concerns regarding effective mitigation for the loss of the planting;

3.16 The period for publicity has expired.

Copy Letters A

Consultations

3.17 The following consultation replies have been received:

HBC Engineering Consultancy – Comments awaited.

HBC Ecologist – Comments awaited.

HBC Parks and Countryside – As with the original application, the development envelope does come into conflict with one public right of way (22). There will be a need to discuss options for the construction period.

HBC Public Protection – Comments awaited.

HBC Traffic and Transportation – No highway or traffic concerns.

Cleveland Police – Comments awaited.

CPRE – Object to the proposal on the basis of the removal of 0.5ha of woodland. Request that Hartlepool Borough Council refuse the application on the basis of the loss of the woodland and the inappropriate mitigation proposed.

Durham Bat Group – Comments awaited.

Environment Agency – No objections but offer comments in respect of groundwater.

Highways Agency – No objections.

Ramblers – No rights of way appear to be affected. We ask the Council to seek a planning obligation whereby the developer indicates a public footpath along the proposed new permanent access track from the A19 loop.

RPSB – Comments awaited.

Tees Archaeology – No concerns however request a condition to be carried forward from the original consent for an archaeological recording.

Tees Valley Wildlife Trust – Comments awaited.

Teesmouth Bird Club – Concerns regarding the re-alignment and the loss of an existing set-aside. Recommend the route is re-considered to a less damaging location. Also raise concerns regarding the potential damage to existing hedgerows and the potential collision risk for birds posed by the permanent anemometer mast.

Dalton Parish Council – Comments awaited.

Elwick Parish Council – No objections.

Hart Parish Council – Comments awaited.

Wolviston Parish Council – Comments awaited.

Grindon Parish Council – Comments awaited.

Planning Policy

3.18 National Planning Policy is set out in the National Planning Policy Framework (2012). Relevant points include:

3.19 One of the Governments core principles for planning is to:

“Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);”

3.20 Paragraph 97 states: “to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.”

3.21 Paragraph 98 states:

“When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”

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

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

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

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.

PU7: States that renewable energy projects will generally be supported to facilitate the achievement of national targets for electricity generating capacity. In determining applications significant weight will be given to achieving wider environmental and economic benefits. Account will also be taken of the impact on the character of the area, amenity of residents, ecology and radar and telecommunications. A restoration scheme should be submitted.

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

Planning Considerations

3.23 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant planning policies within the NPPF and the Hartlepool Local Plan (2006). Particular regard is given to the principle of the development, the effect on ecology and nature conservation, landscape and visual impact, geology, hydrogeology and soil, water resources and flood risk, heritage, noise and vibration and highways.

3.24 A number of key consultation responses are outstanding and therefore it is considered prudent to provide a full update report following receipt of the responses.

The update report will set out the full planning considerations in light of the consultation responses.

Equality and Diversity Considerations

3.25 There are no equality or diversity implications.

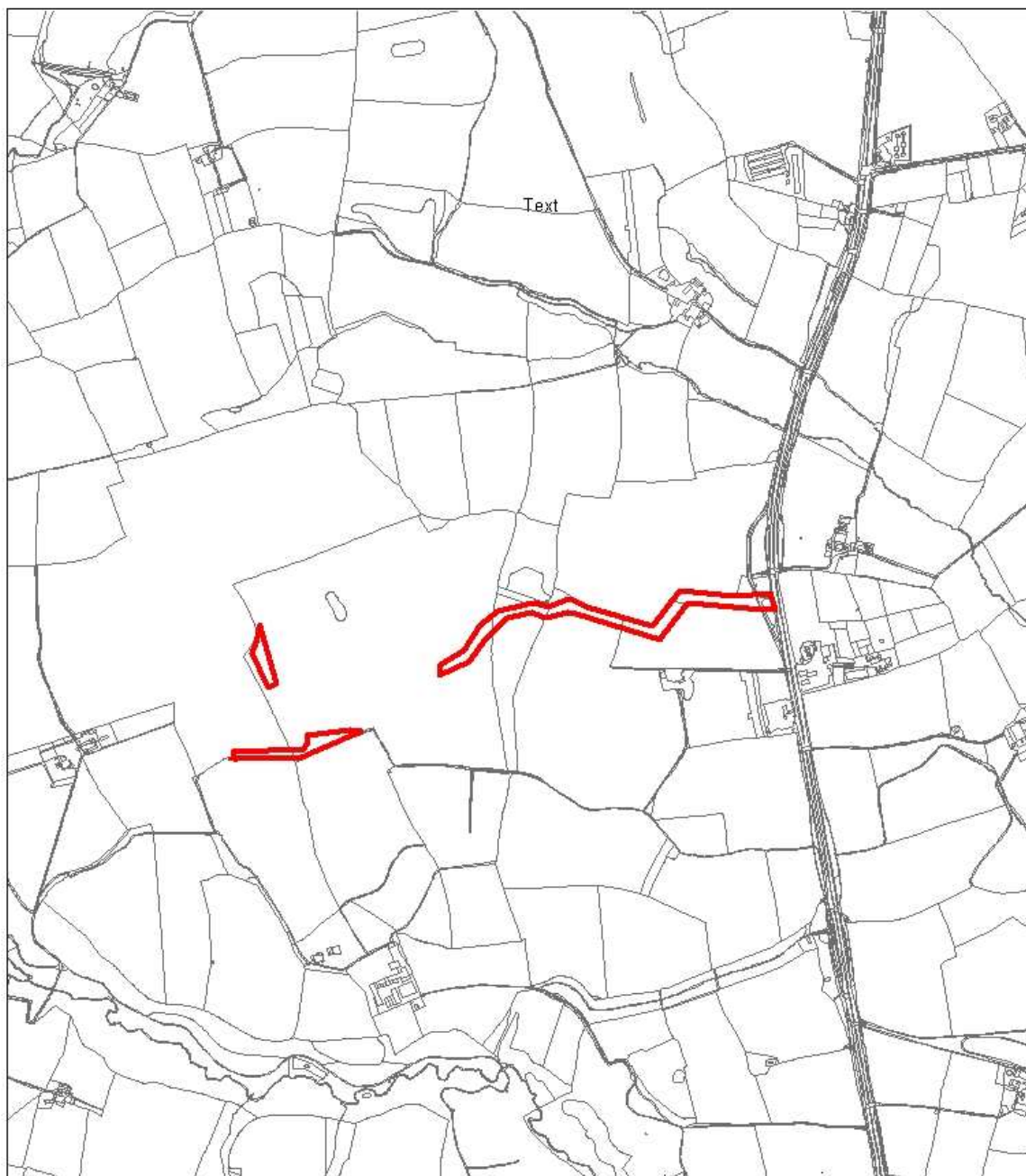
Section 17 of the Crime and Disorder Act 1998 Considerations

3.26 The final scheme will be designed with the reduction of crime and anti social behaviour in mind. There are no other Section 17 Implications.

RECOMMENDATION – UPDATE REPORT TO FOLLOW



RED GAP FARM



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and Planning

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

Scale: 1:15000

Date : 28/09/12

Drg No: H/2012/0341

No: 4
Number: H/2012/0461
Applicant: Mr Colin Rowntree Catcote Road HARTLEPOOL TS25 4EZ
Agent: Hartlepool Borough Council Mr Colin Bolton Building Design & Management Bryan Hanson House Hanson Square HARTLEPOOL TS24 7BT
Date valid: 31/08/2012
Development: Erection of a single storey extension to provide teaching facility and change of use of caretaker's house to provide an 'experience space'
Location: Caretaker's House Former Brierton School Brierton Lane HARTLEPOOL HARTLEPOOL

The Application and Site

4.1 The application site is situated within the ground of Brierton School just to the south of the Community Sports Centre which occupies part of the school site.

4.2 Neighbouring properties are entirely residential. A number of houses and bungalows on the south side of Brierton Lane directly overlook the site.

4.3 The proposal involves the erection of a modest single storey extension (lobby) to link to the existing craft block and adjoining garage, and alterations of these buildings to provide a teaching facility. It is also proposed to change the use of the former caretaker's house to provide an 'experience space' which is anticipated will aid in developing life skills. This proposal also includes the installation of security fencing to provide additional security; the fencing proposed is similar to the fencing already in situ.

4.4 The reason for the extension, alterations and change of use is to accommodate Catcote Futures, the proposal will provides a specialised teaching facility for young people (post 19) with learning difficulties. The space available at the Catcote School site is extremely limited and as a result of an increased demand for educational provision for young people aged between 11 to 19 it has become necessary for Catcote Futures to look for alternative accommodation.

4.5 The application is presented to Members as the proposal involves a change of use of a Council owned building. There are no objections to the scheme.

Publicity

4.6 The application has been advertised by way of neighbour letters (11). To date, there have been no objections received.

4.7 The period for publicity expires prior to the meeting, should any representations be received after the writing of this report they shall be tabled accordingly.

Consultations

4.8 The following consultation replies have been received:

Head of Traffic and Transportation -. There are no highway or traffic concerns

Public Protection – Comments awaited.

Planning Policy

4.9 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.

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

Planning Considerations

4.10 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals within the adopted Hartlepool Local Plan, and the impact on highway safety, the amenity of neighbouring properties and the visual amenity of the area in general.

4.11 As the comments of public protection are awaited it is considered prudent to provide a full update report on these matters.

RECOMMENDATION – UPDATE REPORT TO BE PROVIDED

CARETAKERS HOUSE, BRIERTON SCHOOL



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and Planning

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

Scale: 1:1000
Date : 28/09/12
Drg No: H/2012/0461

UPDATE REPORT

No:
Number: H/2012/0341
Applicant: BT C/O Agent
Agent: Dalton Warner Davis LLP Mr Edward Buckingham 21
Garlick Hill LONDON EC4V 2AU
Date valid: 19/07/2012
Development: Revised permanent access track and siting of permanent
anemometer mast up to 80m in height in relation to
consented wind farm (H/2009/0231)
Location: Red Gap Farm Sunderland Road Wolviston BILLINGHAM

Background

3.1 This item appears as item 3 on the main agenda. The recommendation was left open as a number of key consultation responses were awaited. Those responses have since been received. They are set out below:

HBC Public Protection – No objections.

HBC Engineering Consultancy – No objections.

HBC Ecologist – Proposal would involve the removal of a small area of young woodland plantation. It will be necessary to compensate for any loss therefore an area of young woodland planting, of at least equivalent size to that which will be lost, whatever that proves to be in practice, should be created. A small length of mature hedgerow will also be lost. This could be compensated for by the gapping up of an old, species-rich hedgerow along the northern perimeter of the Red Gap landholding.

Condition of no storage of soil within 2m of hedge and also that this 2m zone is marked out with some sort of barrier so that it is clear where this boundary is. Both sets of planting should take place in the first planting season following any grant of planning permission. The removal of the hedge and of any young trees over 2m in height should take place outside of the bird breeding season. There do not appear to be any other ecological issues associated with this proposal.

Cleveland Police – No objections received.

Durham Bat Group – No objections received.

RSPB – No objections received.

Tees Valley Wildlife Trust – No objections received.

Dalton Parish Council – No objections received.

Hart Parish Council – No objections received.

Wolviston Parish Council – No objections received.

UPDATE REPORT

Grindon Parish Council - No objections received.

Planning Considerations

3.2 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant planning policies within the National Planning Policy Framework (2012) (NPPF), Hartlepool Local Plan (Submission Draft 2012) and the adopted Hartlepool Local Plan (2006). Particular regard is given to the principle of the development, the effect on ecology and nature conservation, landscape and visual impact, geology, hydrogeology and soil, water and flood risk, heritage, noise and vibration and highways.

Principle of Development

3.3 Paragraph 93 of the National Planning Policy Framework (2012) states:

“Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development”.

3.4 Paragraph 98 goes on to state that when determining planning applications, local planning authorities should, “approve the application if its impacts are (or can be made) acceptable.”

3.5 Policy CC3 of the Hartlepool Local Plan (Submission Draft) (2012) states that in determining applications for renewable energy projects, significant weight will be given to the achievement of wider environmental and economic benefits.

3.6 Policy Pu7 of the adopted Hartlepool Local Plan (2006) states that renewable energy projects will generally be supported in order to facilitate the achievement of national targets for new electricity generating capacity.

3.7 The principle of wind development upon the application site has been established by the original planning permission (H/2009/0231). As such it is considered in principle, the amendments to the scheme proposed are in keeping with that principle and the proposed development contributes towards achieving the aim of sustainable development set out in the NPPF.

Ecology and Nature Conservation

3.8 An ecology survey was carried out as part of the Environmental Statement (ES) for the original application. The proposed revisions have been considered within the context of the original ES in additions to the revisions set out in the applicant's Environmental Report.

3.9 The nearest site designated with an international importance for birds is the Teesmouth and Cleveland Coast Special Protection Area (SPA), located approximately 8 km southwest of the site, at the mouth of the Tees estuary. None of

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the species related to this protection were recorded within the Red Gap study area during any of the previous bird surveys, or identified from previous work by Teesmouth Bird Club. The SPA features are therefore not considered to be affected by the proposed development.

3.10 Sunderland Lodge Site of Nature Conservation Interest (SNCI) is located within the wider site and comprises the narrow strip of broad-leaved woodland along the driveway to Red Gap Farm. A further eight SNCIs, including woodland, grassland and marsh habitats, are located within 2km of the wider site boundary. It is considered that the Sunderland Lodge SNCI will not be affected by construction or operational work or by the type and levels of road traffic accessing the site. It is also considered that the eight SNCI adjacent to the site will not be impacted by the proposals.

3.11 In terms of protected species, the proposed track will be approximately 1km from the recorded location of great crested newts and therefore is unlikely to have an impact. In addition, the original ecological survey identified a habitat of another protected species within the wider site and the original permission agreed appropriate methodology to ensure the habitat is protected. It is considered unlikely that the revisions to the development proposed would impact upon the habitat and the mitigation measures agreed under the original permission are sufficient.

3.12 The revised scheme will require the removal of some 0.5ha of young woodland plantation. As such it is considered necessary to compensate for the loss of the woodland with replacement planting, of at least equivalent size to that to be lost. A small length of mature hedgerow will also be lost. It is considered that this can be compensated for by the gapping up of an old, species-rich hedgerow along the northern perimeter of the Red Gap landholding, which is sparse in various locations. As this would involve the replacement of mature hedgerow with young plants then the length to be gapped up should be significantly longer than that which is to be removed. Since the proposed areas for mitigation planting fall outside the site boundary of this application, it is considered that appropriate mitigation measures can be ensured through a provision within a deed of variation to the original S106 legal agreement.

3.13 The revised access track would run within close proximity to the species-rich hedgerow in places on the northern boundary. This could potentially have an adverse effect on the hedge if not controlled, particularly if the soil that is to be scraped up to form the access track is stored next to the hedge. It is considered appropriate that no storage of soil within 2m of hedge shall take place and also that this 2m zone is marked out so that it is clear where this boundary is. It is considered that these measures can be appropriately ensured through a planning condition for a Construction Management Plan.

3.14 Both sets of planting should take place in the first planting season following the grant of planning permission and a condition is proposed to that effect.

3.15 Teesmouth Bird Club and Campaign for the Protection of Rural England have raised significant concerns with the proposals, indeed CPRE have objected to the scheme. Whilst the concerns of both groups are acknowledged in terms of the loss

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of woodland plantation and hedgerow, it is considered that the mitigation measures proposed in the form of equal or greater levels of replacement planting is acceptable to ensure impacts in terms of ecology and nature conservation are not significantly detrimental. The Council's Ecologist is satisfied with the proposals subject to the appropriate mitigation measures.

Landscape and Visual Impact

3.16 The proposed revised access track has been proposed to follow the natural boundary of the site to the north, which is considered to be less visually intrusive than the originally proposed route. As discussed in the ecology section, 0.5ha of woodland and some hedging will require removal. It is considered that suitable mitigation is provided for to ensure the landscape and visual impacts of this are acceptable. It is considered that the re-siting of the meteorological mast is unlikely to raise significant landscape or visual amenity impacts from the previously approved scheme.

Geology, Hydrogeology and Soil

3.17 An assessment of the significance of the scheme on geology and soils, contaminated land and hydrology was carried out as part of the original ES. The Council's Engineering Consultancy Team and the Environment Agency have raised no objections to the proposal. It is not considered that the proposals will result in significant detrimental impacts on geology, hydrogeology and soils above and beyond those impacts considered during the original application. It is considered suitable mitigation measures are in place under the original consent and on that basis there are no objections. The Environment Agency have indicated that the no construction should take place within 50m of a groundwater spring. A condition is therefore proposed to ensure that is the case.

Water and Flood Risk

3.18 The original ES identified that the temporary access route in the northeast of the site would lead to an increase in surface water runoff. The proposed permanent track will be constructed of permeable, aggregate materials. As such any surface run-off will likely be localised and short term.

3.19 The original ES outlined revised watercourse crossing which were considered to adequately address high magnitude rainfall events and therefore unlikely to impact upon the low levels of flood risk resulting from the development. It is considered that appropriate mitigation measures are incorporated in the original proposal and controlled by condition attached to this application to ensure that flood risk is no greater than the impacts considered in the original proposal.

Heritage

3.20 The construction of the access track will comprise excavation of approximately 600m of topsoil and subsoil. This is as previously proposed. The original ES considered the impact to underlying archaeology as 'moderate adverse'. It is considered that the revised development is unlikely to create any significant archaeological issues beyond those considered in the original scheme. A condition for pre-construction evaluation and mitigation is proposed. Tees Archaeology have raised no concerns with the scheme. On that basis the impact upon cultural heritage is considered acceptable.

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Noise and Vibration

3.21 It was considered during the determination of the original application that the impact of noise and vibration from the wind farm upon the most sensitive receptors would not be significant. It is considered that the proposed works will not alter the position. The mitigation measures required by the original ES are considered appropriate to prevent noise and vibration impacts from the construction or operational phases of the development. The Council's Head of Public Protection has raised no concerns.

Highways

3.22 Access to the site is directly from the existing A19 via a left-in, left-out priority junction. The junction is built to modern standards with deceleration and acceleration tapers and a splitter island in the mouth of the access. The access does not currently serve anything and terminates in a dead end at an earth bank.

3.23 The Council's Traffic and Transportation Team considered during consideration of the original application that during the operational phase the traffic generation will have minimal impact on the surrounding highway network. It was considered that the construction phase will have a significant impact on the surrounding highway network particularly the A19; however there were no objections to the scheme on the basis of the conditions proposed by the Highways Agency.

3.24 The revised proposals will remove the requirement for laying and removing a large section of the impermeable temporary access track through the life of the wind farm. Notwithstanding that the proposed permanence of the access will result in the requirement for approximately 3000cu/m of aggregate to be delivered to the site, resulting in approximately 300 vehicle movements. However, when considered within the context of the previously approved 2200 vehicle movements originally forecast, it is considered that the proposals will not result in significant highway impacts. The Council's Traffic and Transportation team and the Highways Agency have raised no concerns with the scheme. Details of the routes and construction methods will be detailed in the Construction Management Plan as proposed by a suitably worded planning condition.

Conclusions

3.25 With regard to the relevant Hartlepool Local Plan (2006) policies and the relevant planning considerations set out above the proposals are considered acceptable subject to the conditions below and a deed of variation to the original legal agreement to cover the revisions and appropriate mitigation measures.

RECOMMENDATION – Minded to APPROVE subject to the following conditions and a deed of variation to the original Section 106 legal agreement.

1. The development hereby permitted shall be begun before the expiration of four years from the date of this permission.
As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.

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2. The permission hereby granted is valid for a period of 25 years after the date of commissioning of the development. Thereafter unless otherwise agreed in writing by the Local Planning Authority the development and the land restored to a condition to be first agreed in writing by the Local Planning Authority in excess of 6 months prior to the decommissioning and restoration taking place. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.

To prescribe the exact period of permissible operation and to enable the local planning authority to identify a starting point for the operation of the development.

3. The development hereby approved shall be carried out in accordance with the following plans and documents received by the Local Planning Authority:
 "Red Gap Wind Farm Environmental Statement and Annexes (including Annex B Schedule of Mitigation)" dated March 2009
 "Supplementary ES supporting information" received 18 06 2009
 "Environmental Report" dated June 2012
 "Planning Design and Access Statement" dated June 2012
 "836_001_m_003_C" received 02 07 12
 "836_001_m_007" received 02 07 12
 "Figure 3.6" received 02 07 12
 "Figure 3.8" received 02 07 12
 For the avoidance of doubt.

4. The Local Planning Authority shall be provided with not less than 14 calendar days written notice of the date upon which it is proposed to commence any part of the development hereby approved.

To allow the local planning authority to verify that all conditions have been complied with prior to the commencement of development and to advise the developer of anywhere compliance remains outstanding.

5. 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:

- a) The programme and methodology of site investigation and recording;
- b) The programme for post investigation assessment;
- c) Provision to be made of analysis of the site investigation and recording
- d) Provision to be made for publication and dissemination of the analysis and records of the investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) 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 Written Scheme of Investigation approved under condition 5. The development shall not be occupied until the site investigation and post investigation assessment

UPDATE REPORT

has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 5 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

The site is of archaeological interest

6. No habitat removal shall take place during the period 1 March - 31 July in any year unless a survey is carried out on behalf of the developer in accordance with a methodology approved in advance by the Local Planning Authority and that survey confirms that no nesting birds are within 50m of any habitat clearance area. The survey shall be repeated at no more frequently than monthly intervals between 1 March and 31 July during the construction period.

To conserve protected species and their habitat.

7. No development shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall identify any significant environmental risks during construction and set out methods and procedures for managing those risks. The CMS shall include detailed method statements relating to the following activities: 1) development of water course crossings, 2) soil stripping, deposition, grading and finishing, 3) site drainage measures, 4) effluent disposal measures, 5) construction site security measures, including fencing and gates; 6) post construction site reinstatement strategy. The development shall be carried out in compliance with the approved CMS which may be varied from time to time with the written approval of the Local Planning Authority.

In the interests of the amenities of the area.

8. Pursuant to condition 7, all planting, seeding or turfing measures set out in the approved Construction Method Statement shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation

In the interest of the amenities of the area.

9. No development shall commence until a Surface Water Management Strategy (SWMS) has been submitted to and approved in writing by the Local Planning Authority. The SWMS shall include: 1) chemical pollution control measures for the storage and handling of oils, fuels, chemicals and effluent on site, 2) a water quality, drainage and flow strategy, 3) an emergency management and unforeseen events strategy, to include measures to respond to flooding and pollutant spill events. The development shall be carried out in compliance with the approved SWMS which may be varied from time to time with the written approval of the Local Planning Authority.

In the interests of the amenities of the area.

UPDATE REPORT

10. Unless otherwise agreed in writing by the Local Planning Authority, the construction of the development shall not commence until such time as the traffic management arrangements contained in the Construction Traffic Management Plan Report No RTA054183-02 Version 6 dated 30 November 2009 have been implemented to the satisfaction of the Local Planning Authority.

To safeguard the safety and free flow of traffic on the A19 trunk road to an extent that would be compatible with the use of the trunk road as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980.
11. Not later than six months after the development hereby approved becomes operational, a Decommissioning Method Statement (DMS) for the site, providing for the site shall be submitted to and be approved in writing by the Local Planning Authority. The site's decommissioning and restoration shall be undertaken in accordance with the approved DMS and shall be carried out and completed within 12 months from the date that the planning permission hereby granted expires unless variations are agreed with the written approval of the Local Planning Authority.

In the interests of the amenities of the area.
12. The movement of abnormal loads to the development site via the trunk road network shall not commence until such time as an Abnormal Loads routing plan has been implemented to the satisfaction of the Local Planning Authority in consultation of the Highways Agency.

To safeguard the safety and free flow of traffic on the A19 trunk road to an extent that would be compatible with the use of the trunk road as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980.
13. In the event that the turbines permitted by H/2009/231 are dismantled and removed as per condition 16 of permission H/2009/0231, the hereby approved road shall also be removed and that part of the site restored in accordance with the approved DMS, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the amenities of the area.
14. No development shall be carried out within 50m of any groundwater spring.

To ensure protection of the groundwater resource.

UPDATE REPORT

No: 4
Number: H/2012/0461
Applicant: Mr Colin Rowntree Catcote Road HARTLEPOOL TS25 4EZ
Agent: Hartlepool Borough Council Mr Colin Bolton Building Design & Management Bryan Hanson House Hanson Square HARTLEPOOL TS24 7BT
Date valid: 31/08/2012
Development: Erection of a single storey extension to provide teaching facility and change of use of caretaker's house to provide an 'experience space'
Location: Caretaker's House Former Brierton School Brierton Lane HARTLEPOOL

Background

4.1 The application appears as item 4 on the main agenda. The period for publicity has now expired. No letters of objection have been received with regard to the proposal. Notwithstanding this, further discussions are ongoing with the applicant with regard to the use of the temporary coach park (approved under planning application H/2010/0039) for parking by staff and visitors together with drop-off and collection facilities for the pupils. In light of this, the item has been withdrawn from the agenda.

RECOMMENDATION – Withdraw from the committee agenda to allow officer's to carry out further discussions with the applicant regarding the proposed staff parking and drop off/collection facilities.

PLANNING COMMITTEE

10th October 2012



Report of: Director of Regeneration and Neighbourhoods

Subject: 'BLACK PATH', GRAYFIELDS; REQUEST FOR CLOSURE REPORT

1. PURPOSE OF REPORT

- 1.1 The 'Black Path' is situated between the southern boundary of Grayfields Recreation Ground and the northern boundary of Chester Road Allotments. The Planning Committee is asked to make a decision on whether or not to close the Black Path in response to the request made by the Chester Road Allotments Association.

2. BACKGROUND

- 2.1 Anti-social behaviour and criminal activity arising within the neighbouring Chester Road Allotment site has recently prompted a review of current security arrangements. As part of this review the Council has been asked to look at whether the 'Black Path', situated between the southern boundary of Grayfields Recreation Ground and the northern boundary of Chester Road Allotments, could be permanently closed.
- 2.2 Safer Hartlepool analysts have considered the number of recorded crime incidents for the Chester Road Allotments area over a two year period (April 2010 to March 2012). The report stated that during this time six of the 25 recorded crimes and incidents related to cruelty to animals with three of these occurring at the beginning of March 2012. Over the two years 68% of the 25 recorded crimes and incidents were categorised as 'Burglary Offences'. According to the report the pattern of the crimes and incidents was erratic with two main spates; in September 2010 and March 2012 (**see appendix 1**). There is no mention in the report as to whether the Black Path has been used in conjunction with any crime committed, during the report's two year period.

The Black Path

- 2.3 The attached plan (**see appendix 2**) shows the position of the 'Black Path' and the Allotment site. The path is regarded as a permissive path, within the ownership of the Council and so, in theory, could be closed at any time, without the need for public consultation or notice of the closure. The path is currently part of the NES Security arrangements requiring it to be locked at night and opened during the daytime. NES has been carrying out its contractual duties, in relation to the locking and unlocking of the two gates of the Black Path, for the last five years (2007 to 2012).
- 2.4 In reality it is understood that the path is well used and that such a closure could trigger a claim that the path is an unrecorded public footpath, subsequently requiring it to be recorded on the Definitive Map (DM). The DM is the legal register of all recorded public rights of way, and routes recorded on it have statutory protection from closure.

3. PATH CLOSURE REQUEST AND CONSULTATION

- 3.1 The Council received a request from Chester Road Allotments Association, who were concerned about the number of recent crimes involving animal cruelty at one of their allotment plots (**see appendix 3**). This type of animal abuse has unfortunately occurred at Chester Road allotments in the past. The Association was also concerned about other criminal activity and breaches of security. Some of this information is set out in the Safer Hartlepool Report (**see appendix 1**).
- 3.2 As an initial response it was agreed to close the path temporarily so that urgent repairs to the allotment security fence (that abuts the path) and to the locks on the gates at either end of the path, could be implemented. This was due to damage to the locks and fence during criminal activity in the allotment site. It was also agreed to consult around the potential permanent closure of the Black Path.
- 3.4 The Ward Councillors of both Throston and Dyke House Wards were contacted and asked for their views and comments on the proposal for permanent closure of the black path (**see appendix 4**). Their responses are considered later in this report
- 3.5 Consultation with the public regarding the proposal to permanently close the path began in May 2012.
- 3.6 On Tuesday 8th May 2012 a press release was placed in the Hartlepool Mail along with notices that were placed on the gates at either end of the Black Path (**see appendix 5**). The consultation period ran from 8th May 2012 until 8th June 2012.

4. RESPONSES

4.1 Initial responses prior to May 2012

- 4.1.1 Of the Pre-May 2012 election Councillors (Throston and Dyke House) four of the six councillors responded to say that they had no objections to the proposal for closure. The remaining two councillors did not respond.
- 4.1.2 Of the Post-May 2012 election Jesmond Ward Councillors; two of the three responded similarly with no objections for the path closure. The third councillor did not respond.
- 4.1.3 A Chester Road Allotment Association petition of 69 signatories supported the permanent closure of the path.
- 4.1.4 A member of the public emailed the Council objecting to the proposal to close the path.

4.2 Responses resulting from the public consultation period (8th May 2012 until 8th June 2012)

4.2.1 In favour of closure

- 4.2.1.1 The Head Teacher, on behalf of Jesmond Gardens Primary School, endorsed the path closure (**see appendix 6**).
- 4.2.1.2 A Jesmond Ward Councillor similarly did not object to the path closure.
- 4.2.1.3 Property services Section of Hartlepool Borough Council stated that they had “no issues to the path being closed.”

4.2.2 Objections to the closure

- 4.2.2.1 9 people wrote or emailed to register their objection to the path closure.
- 4.2.2.2 Three letters were received from bowling clubs and bowling associations explained why they objected to the closure of the Black Path. The basis of these objections are listed below:
 - Total inconvenience to members and visiting teams in carrying bowls bags from the Jesmond Road entrance
 - Parking of cars in Jesmond Road
 - Only means of access to the bowling greens is from Thornhill Gardens entrance to the Black Path
- 4.2.2.3 A petition of 215 signatories registered their opposition to the proposal for path closure. The petition was worded as follows:

‘Grayfields path closure – As regular users of the gate in question we the undersigned would like to register our opposition to the proposed closure’.

4.3 Summary of consultation findings

The key concerns from consultees are listed below:

- 4.3.1 Concerns from people wishing to see a closure of the path:
- Safety and security of the school and children
 - Fear of using the allotment area and wildlife area whilst path is open
 - Closure would increase the security in relation to the outside storage units, greenhouses and sheds
- 4.3.2 Concerns from consultees not wanting the path closed:
- The loss of a vital pedestrian route
 - Inconvenience for those using the path

5. OPTIONS AVAILABLE

- 5.1 Keeping the path open; this option would be in accord with the majority of the general public consultation respondents. If the path were to be kept open then it would be a sensible option to continue with the daily opening and closure procedure of the two gates (NES Security provides this service at the present time). At the same time it would be sensible to consider carrying out some minor surface repairs to the path.
- 5.2 Closing the path permanently; if the path were to be closed there are a number of considerations to bear in mind:
- 5.2.1 **Bowling Club Access:** Various bowling clubs of Hartlepool use the western gate of the Black Path to access the bowling greens at the south western corner of Grayfields. The access needs of this group would need to be physically accommodated in some way.
- 5.2.2 **Alternative routes A and B: (see appendix 7)** when considering any alternative route; it must be borne in mind that users would not necessarily be walking to a point that is close to either terminus of the existing Black Path. Users may, for example, be walking in a general south easterly or south westerly direction and so any alternative route may be a more useful route to use. Therefore if this was the case; the removal of the Black Path would not, in these types of case, be detrimental to the users.
- 5.2.2.1 Alternative route A: The public can use the public footway that heads in a northerly direction, from the eastern gate of the Black Path, up the side of Grayfields recreation Ground to the central path that runs in a westerly direction through the centre of the recreation ground to the junction with Thornhill Gardens, where they can head in a southerly direction to the western gate of the Black Path. The path

through the recreation ground is closed at dusk and open only during daylight hours. The opening and closing is the same as the Black Path opening and closing times and is carried out by the same company

5.2.2.2 Alternative route B: The public can also use the public footway that heads in a southerly direction, from the eastern gate of the Black Path, down the side of Jesmond Gardens Primary School to the junction with Chester Road, where they can then head in a westerly direction to the junction with Thornhill Gardens, where they can head in a northerly direction to the western gate of the Black Path.

5.3 If the Black Path was closed to public access, a series of other options would then become available:

5.3.1 Adsorption of the path area into Grayfields Recreation Ground

5.3.2 Adsorption of the path area into Chester Road Allotments and Jesmond Gardens Primary School

5.3.3 A combination of the above two points.

5.3.4 Keep the path area as it is and use it as a council (private) maintenance corridor for Grayfields Recreation Ground, Chester Road Allotments and Jesmond Gardens Primary School fencelines.

6. LEGAL CONSIDERATIONS

6.1 **Statutory Issues:** There is a possibility that a permanent closure of the path to the public could trigger a claim and an application to have the path added to the Definitive Map register, and look to be reopened. As a consequence this process could possibly end with the path being opened for public use as of right. This process is called a Definitive Map Modification Order, which can result in a public inquiry being held to determine the outcome of the claim, application and any objections to the application and this process does have cost implications.

7. FINANCIAL CONSIDERATIONS

7.1 The Definitive Map Modification Order process is a statutory process and therefore does not require the Council to pay for Planning Inspectorate time and services. Expenses would therefore be related to Council Officer and Planning Committee time as well as the employment of a Rights of Way consultant to assist in any public inquiry. Previous costs in past scenarios included £5.5K for external services plus the hidden cost of officer time between the years 2005 and 2009.

- 7.2 Providing permissive access for the Bowlers would possibly require changes to the fences and gates at the western end of the Black Path. A short section of fence incorporating a double gate would be required as part of the new fenceline so that the Council could still use the corridor for maintenance and management issues. The approximate costs would range between £5K and £6K

8. RECOMMENDATIONS

- 8.1 In light of the findings of the consultation it is now necessary to confirm the approach the Council would like to take.
- 8.2 The Planning Committee is asked to advise if it wishes to seek to close the Black Path in response to the request made by the Chester Road Allotments Association.

9. APPENDICES AVAILABLE ON REQUEST, IN THE MEMBERS LIBRARY AND ON-LINE

Appendix 1; Safer Hartlepool Report, March 2012

Appendix 2; Location plan of Black Path

Appendix 3; Email with request to consider permanent closure of Black Path

Appendix 4; copy of letter sent to pre-May 2012 Ward Councillors

Appendix 5; Press Release, Consultation Notice and Plan

Appendix 6; Plan showing locations of alternative routes

Appendix 7; Email response from Head Teacher, Jesmond Gardens Primary School

10. CONTACT OFFICER

Denise Ogden
Assistant Director (Neighbourhood Services)
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523800

E-mail: denise.ogden@hartlepool.gov.uk



CHESTER ROAD ALLOTMENTS

Crimes and Incidents

April 2010 – 28th March 2012

AUTHOR:	Community Safety Research Team
DATE:	March 2012
REF:	03_2012

The contents of this document is for the sole use of reducing crime and disorder in the borough of Hartlepool, no part of this document may be copied or amended without prior consultation with the Safer Hartlepool Community Safety Research Team as named above.

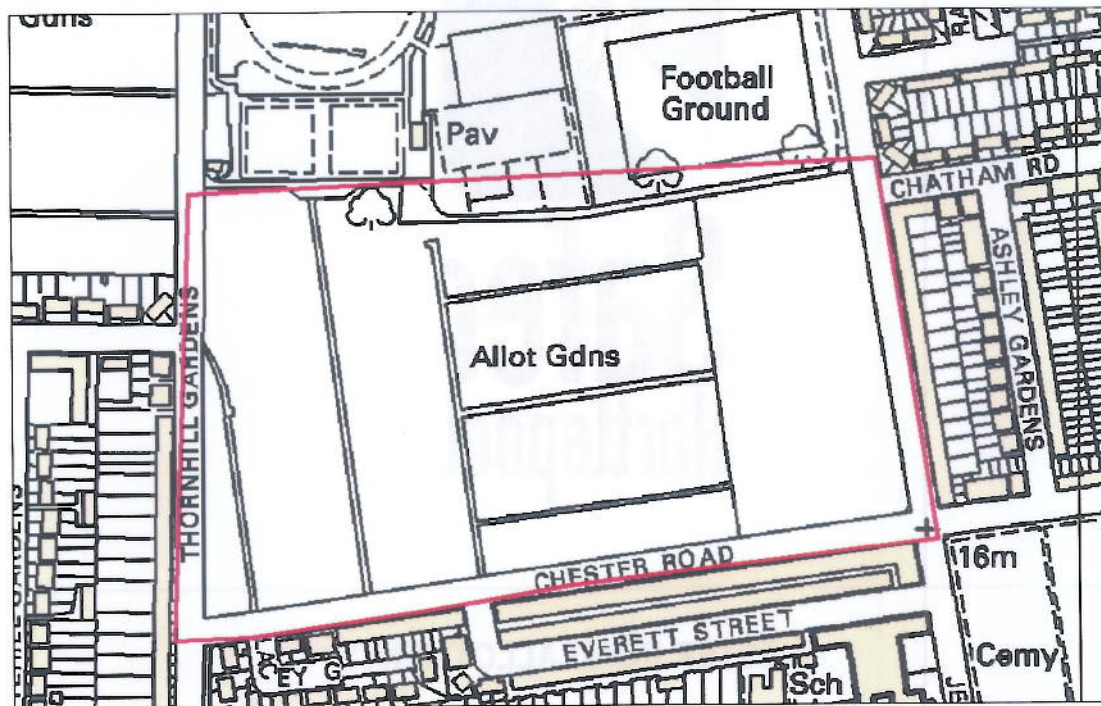
Appendix 1

RESTRICTED

INTRODUCTION

This document has been produced at the request of [REDACTED] Officer for Hartlepool Borough. [REDACTED] has requested information relating to crime and incidents recorded at the Chester Road Allotment site located in the Throston ward. Using the data recorded by Cleveland Police, research has been conducted on the boundary shown on the map below, with data sources utilised as follow:

- Cleveland Police – Crime and Incidents – Recorded between April 2010 and 28th March 2012



CRIME AND INCIDENTS

During the reporting period, Cleveland Police have recorded 25 crimes and incidents as occurring within the Chester Road Allotment site boundary. These crimes and incidents have been categorised as shown in the following table where burglary offences account for 68% of crimes and incidents.

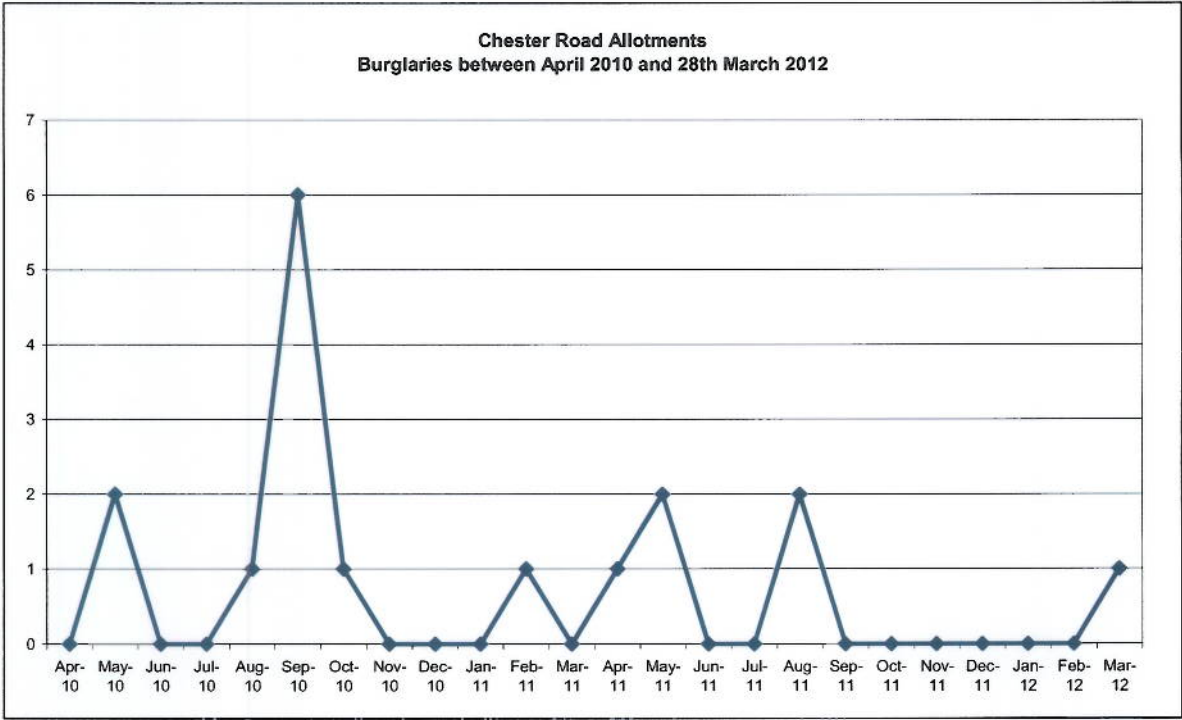
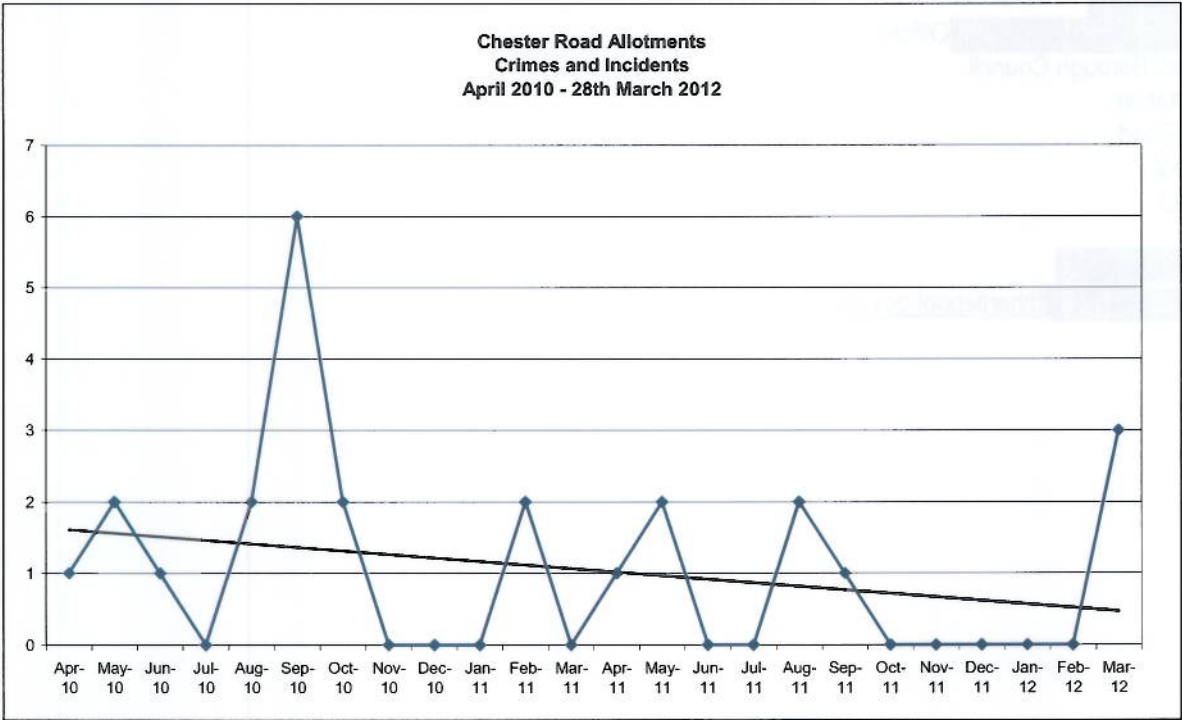
Crime / Incidents Category	No of Offences / Incidents
ASB - Nuisance - Rowdy/Inconsiderate Behaviour	1
Burglary	17
Civil Dispute	2
Road Traffic Offence	1
Suspicious Circumstances	1
Theft and Handling	3
Total	25

During the reporting period, repeat victimisation is apparent with two individuals reporting two or more offences. In 6 of the recorded crimes and incidents, cruelty to animals was reported, with three occurring at the beginning of March 2012.

RESTRICTED

TEMPORAL ANALYSIS

The pattern of crimes and incidents during the period is erratic; however spates are evident in September 2010 and March 2012. The following charts display total recorded crimes and incidents and recorded burglary offences by month respectively.



Appendix 1

RESTRICTED

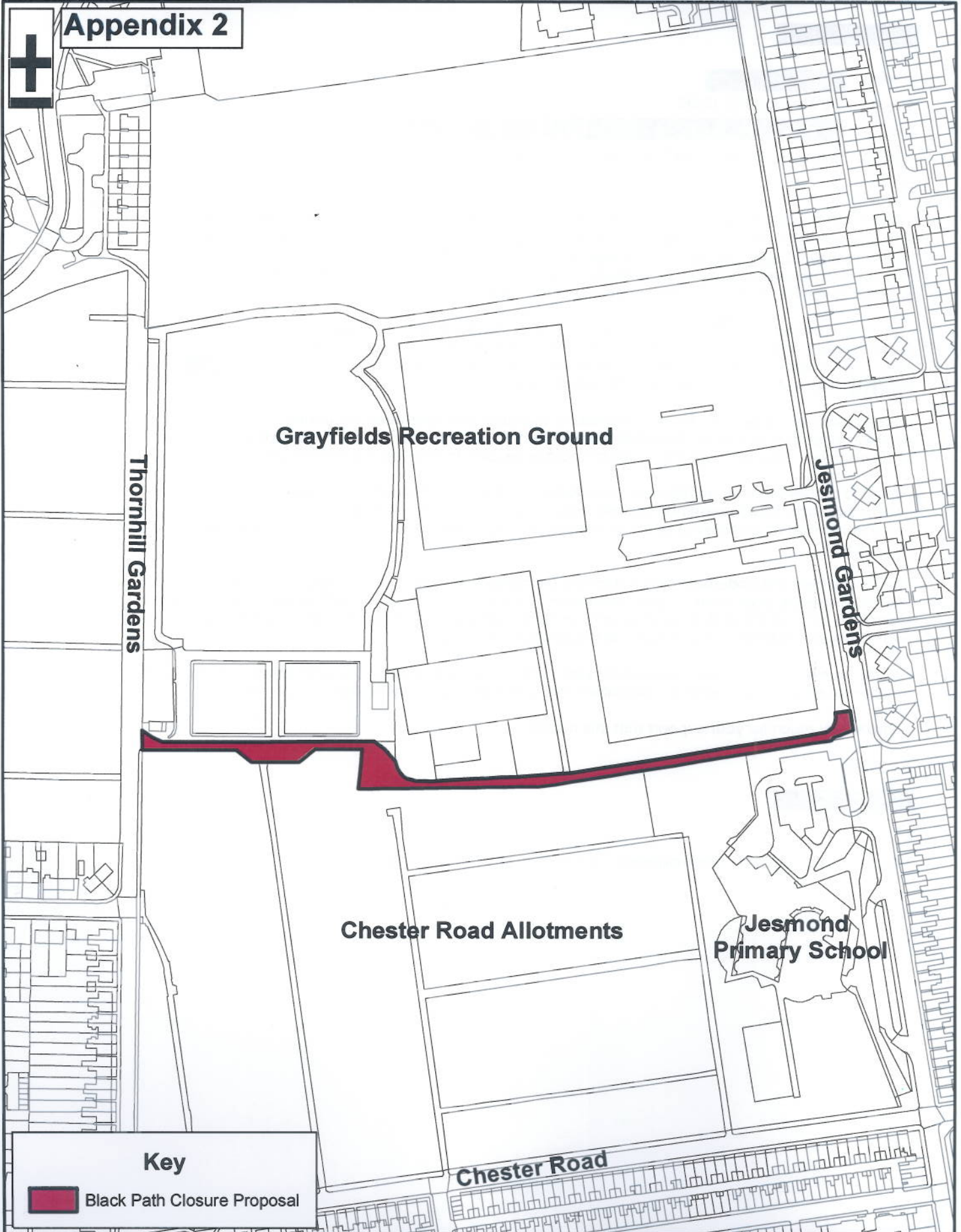
To discuss any of the findings in this document, please contact:

[REDACTED] Officer
Hartlepool Borough Council
Police Station
Avenue Road
Hartlepool
TS24 8AJ

Tel: [REDACTED]
Email: [REDACTED]@[hartlepool.gov.uk](mailto:[REDACTED]@hartlepool.gov.uk)

**Proposal to permanently close the permissive path, known as the 'Black Path',
between Grayfields Recreation Ground and Chester Rd Allotments**

Appendix 2



Key



Black Path Closure Proposal



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Sub Title: Black Path Closure
Scale: 1:2,500
Date: 8th May 2012
Drawn By: Parks and Countryside Section

Hartlepool Borough Council
Regeneration & Neighbourhoods Department
Parks and Countryside
Church Street Offices
1 Church Street
Hartlepool, TS24 7DS

Appendix 3

[REDACTED]

From: [REDACTED]
Sent: 02 March 2012 12:06
To: [REDACTED]
Subject: Security issues- Black Path (rear of Chester Road Allotments)

Hi

I have been contacted again from the Chester Road allotment holders following another nasty incident on their site last night (the 2nd in around 6 months!) where animals have been targeted and brutally killed (this time they have strung up the decapitated pigeons on the fence to show everyone!). Obviously we can not stop people who are so determined to do such things, but we have noted that there are a number of areas of weakness with regards to security of the Allotments and the new school.

The area where security breaches are taking place is along the isolated 'Black Path' which runs behind the allotments, this I believe is a permissive right of way (correct me please if I am wrong!). The path is locked each night by gates on Jesmond Road and Thornhill Gardens, but (after contacting [REDACTED]) it appears that the lock was damaged some days ago.

As the panels in the security fence to the rear of the allotment have been cut through, I am asking for permission for this path to be closed temporarily from today until the repairs can be done to the rear allotment fence (day and night) in order to improve security in this very vulnerable area.

I am also requesting that the required consultation can be commenced by your team with regards to getting this path closed permanently. After a security audit last year with the police and community safety, this was highlighted as a key area of vulnerability and the audit made the recommendation that this action be pursued.

The plot holders are understandably extremely distressed and angry at this latest attack (the Hartlepool Mail have already been down!!!) and I would like to show them that we are acting quickly to secure the allotments through these short term actions but also that action is being undertaken to investigate longer term measures to improve the security at this site for the future.

I would be extremely grateful if you could respond to my request to close the path temporarily from today as soon as possible in order that I can inform the police and allotment holders of our intentions.

Thanks very much for your support with this matter

Regards
[REDACTED]

Please consider the environment before printing this e-mail

Appendix 4

REGENERATION & NEIGHBOURHOODS DEPARTMENT

1 Church Street
HARTLEPOOL
TS24 7DS

Tel: [REDACTED]

www.hartlepool.gov.uk

Our Ref: CS/SKH/990

Your Ref:



Contact Officer/Email: [REDACTED]

09 March 2012

[REDACTED]
Members Services
Civic Centre

Dear Councillor

**Proposal to permanently close a path located between
Chester Road Allotments and Grayfields Recreation Ground**

The Council has been asked to consider a proposal for the permanent closure of a footpath that runs between the southern boundary of Grayfields Recreation Ground and the northern boundary of Chester Road Allotments. (please refer to the attached plan).

A request has been received from the Chester Road Allotment members, after a spate of animal cruelty incidents, over a number of years. I am awaiting the crime statistics from the Community Safety Team and more in depth information regarding the allotment incidents. When I receive them I will pass them to you so that you have a fuller picture of the proposal and the history of the request to the council, for closure.

I would be grateful if you would consider the proposal and respond with your comments/views by 23rd March 2012.

The intention is then to carry out a consultation with the public over a 28 day period so that their views can be heard and considered. Notices will be placed at both ends of the path with details of how the public can contact ourselves with their views, concerns and responses.

A press release will also be made to inform the wider readership of the said proposal so that a more comprehensive consultation is attained.

Please do not hesitate to contact me on [REDACTED] or email me at [REDACTED], if you wish to discuss the proposal further.

Yours sincerely,

[REDACTED]

Views sought on proposed footpath closure

HARTLEPOOL Council is seeking views on proposals to permanently close a footpath in the town.

The footpath, known locally as 'The Black Path', borders the southern end of Grayfields Recreation Ground and the northern end of Chester Road Allotments. It runs from Thornhill Gardens to Jesmond Gardens.

The call to permanently close the path has come from Chester Road Allotment Association following persistent anti-social behaviour in the allotment area.

██████████ the Council's ██████████ Officer, said: "There have been a number of anti-social behaviour incidents and criminal activity in this area, including arson and animal cruelty attacks on allotments.

"We have received a request from the Chester Road Allotment Association to permanently close the path and we feel that this proposal should be considered openly and fairly.

"In recent months we have consulted local councillors who had no objection to the proposal and now we want to hear the views from the wider community."

People have until Friday 8th June to comment on the proposal. They can do so by writing to Freepost RRXK – EA EY – YBZK, Path Closure Proposal, Parks and Countryside Section, Hartlepool Borough Council, Church Street Offices, 1 Church Street, Hartlepool, TS24 7DS. Alternatively people can email freepost@hartlepool.gov.uk with their responses.

Press release PR17148. 8 May 2012.

Issued by



Hartlepool Borough Council is considering a proposal to permanently close this path (see attached map of the route); this is as a result of re-occurring problems in the neighbouring Chester Road Allotments and Council property.

We therefore wish to consult with you over the next 28 days, regarding this proposal and invite your comments on this matter.

All responses need to be with us by
8th June 2012

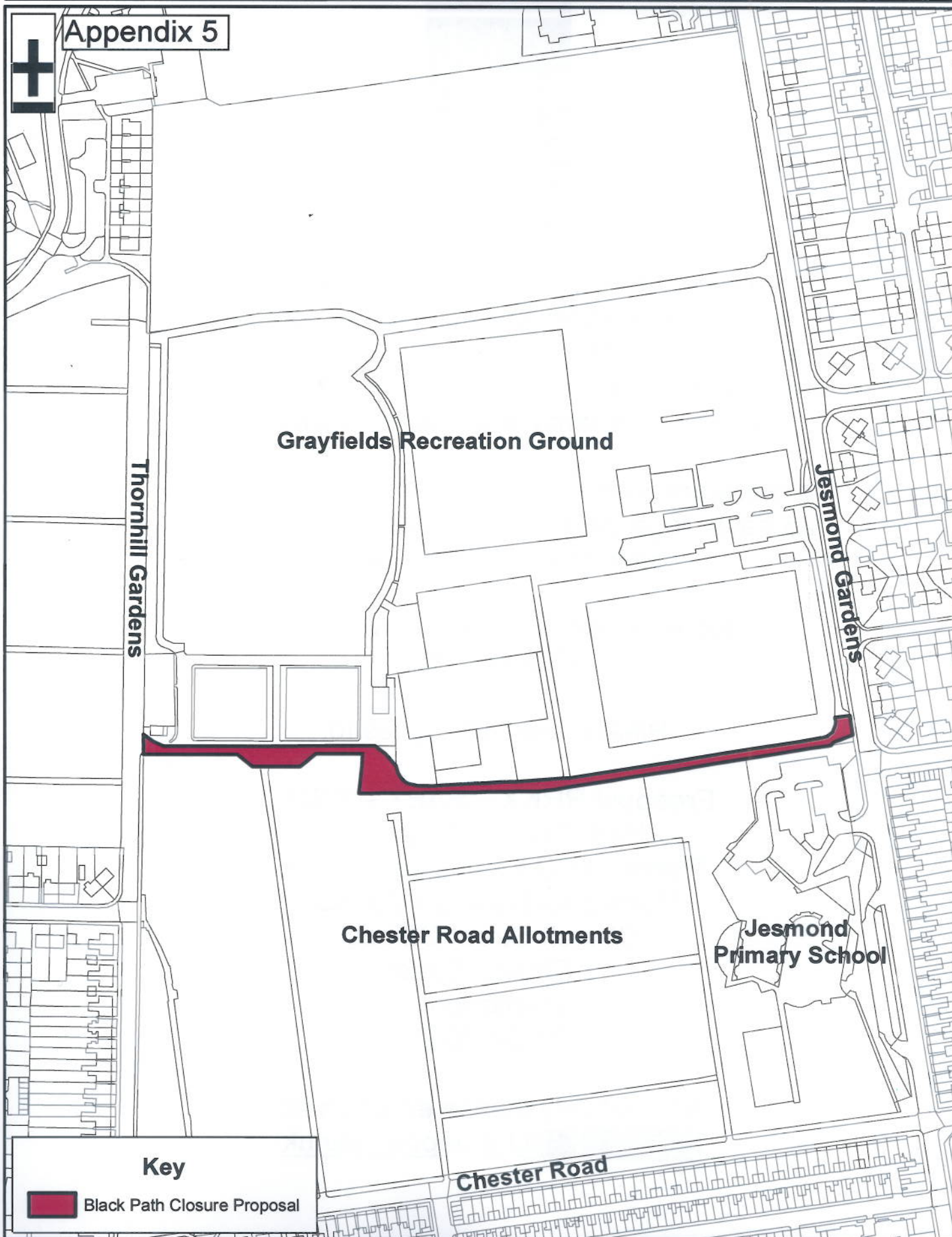
Please send all replies to:

Freepost RRKX – EAEY – YBZK
Path Closure Proposal
Parks and Countryside Section
Hartlepool Borough Council
Church Street Offices
1 Church Street
Hartlepool
TS24 7DS

Alternatively please email us at:
[REDACTED]@[hartlepool.gov.uk](mailto:[REDACTED]@hartlepool.gov.uk)

**Proposal to permanently close the permissive path, known as the 'Black Path',
between Grayfields Recreation Ground and Chester Rd Allotments**

Appendix 5



Key

 **Black Path Closure Proposal**



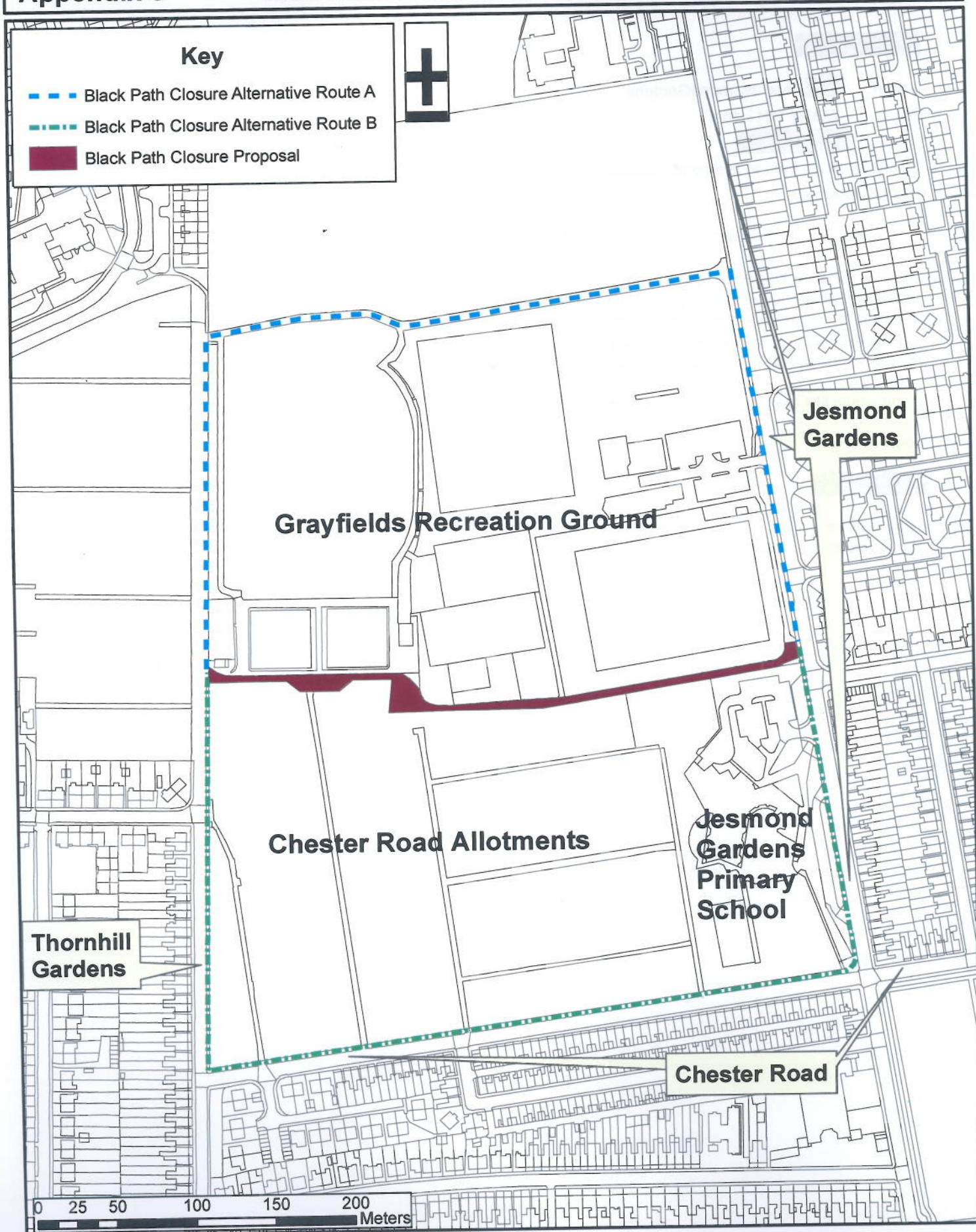
Crown Copyright. All rights reserved (100023390) (2012)

Sub Title: Black Path Closure
Scale: 1:2,500
Date: 8th May 2012
Drawn By: Parks and Countryside Section

Hartlepool Borough Council
Regeneration & Neighbourhoods Department
Parks and Countryside
Church Street Offices
1 Church Street
Hartlepool, TS24 7DS

Appendix 6

Alternative Routes to the Black Path, Grayfields



Crown Copyright. All rights reserved (100023390) (2012)

Sub Title: Black Path
 Scale: 1:3,000 @ A4
 Date: 10th July 2012
 Drawn By: Parks and Countryside Section

Hartlepool Borough Council
 Regeneration & Neighbourhoods Department
 Parks and Countryside
 Church Street Offices
 1 Church Street
 Hartlepool, TS24 7DS

Appendix 7

[REDACTED]

From: [REDACTED] Head Jesmond Gardens
Sent: 09 May 2012 16:41
To: [REDACTED]
Subject: Black path at Jesmond Gardens

Dear Sir/Madam,

I am writing to you as Head Teacher of Jesmond Gardens Primary School.

I fully endorse the closure of this path. From our point of view, the existence of this path compromises the safety and security of our building and children. We have our allotment area and wild life area adjacent to this path. Its closure would mean that staff could safely have children using these areas without fear of adult passers by. In addition we have two storage units, greenhouses, sheds and hopefully in the future a chicken coop. Preventing access to this path would increase the security of this area.

If you would like any further comments from me or a more detailed response, please let me know.

Yours sincerely,

[REDACTED]

Head Teacher
Jesmond Gardens Primary School

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PLANNING COMMITTEE

10 October 2012



Report of: Assistant Director (Regeneration and Planning)

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

1. PURPOSE OF REPORT

- 2.1 To update the Planning Committee on the current arrangements for the Planning Advisory Service (the 'One Stop Shop'), in light of the decision to charge for non-householder developments. The Planning Committee previously requested that a monitoring report is provided as an update on the effectiveness of the implementation of the charging policy after 6 months of implementation, this was presented to the Planning Committee on the 20th June 2012. The scheme has now been in place for nearly 1 year and therefore this report is to update Members on its effectiveness.

2. BACKGROUND

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

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

Breakdown of informal enquiries received between 1 October 2009 and 24 September 2010

Total number received = 785

PS CODE	NO.
PS 1- 6	10
PS 7 – 12	21
PS 13 – 20	265
PS 21	449
PS 22	15
PS 23 – 37	25

Breakdown of informal enquiries received between 1 October 2010 and 24 September 2011

Total number received = 822

PS CODE	NO.
PS 1- 6	8
PS 7 – 12	6
PS 13 – 20	294
PS 21	385
PS 22	16
PS 23 – 37	113

Breakdown of informal enquiries received between 1 October 2011 and 24 September 2012

Total number received = 440

PS CODE	NO.
PS 1- 6	6
PS 7 – 12	12
PS 13 – 20	77

PS 21	336
PS 22	5
PS 23 – 37	4

- 2.6 Of particular note since the introduction of charges 1st October 2011 to the 24th September 2012 an income of £10,558 (excluding VAT) has been received, this is in excess of what was projected. A breakdown of fees and related PS codes are contained in **Appendix A**.
- 2.7 In relation to the affect that charging for this service has had on the amount of complaints we have received it should be noted that there has been no increase.
- 2.8 It is considered by officer's that the charges levied which are based on the scale of development are set at the correct level and that the generation of income is welcomed. A report is being prepared for the Portfolio Holder to request continuation of charging for this scheme, should the Portfolio Holder agree to this a report will be provided to the Planning Committee on an annual basis in order that the Committee can monitor progress.

3 EQUALITY AND DIVERSITY CONSIDERATIONS

- 3.1 There are no equality or diversity implications.

4. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 4.1 There are no Section 17 Implications

5. RECOMMENDATION

- 5.1 Members note the report

6. BACKGROUND PAPERS

- 6.1 There are no background papers.

7. CONTACT OFFICER

Chris Pipe
 Planning Services Manager
 Bryan Hanson House
 Hartlepool
 TS24 7BT
 01429 523596
 Christine.pipe@hartlepool.gov.uk

APPENDIX A - Schedule of fees

Development Type		Cost of Service
PS Code	Largescale Major Developments	
1	Dwellings (200 or more)(4 ha or more)	£600* for written response, including up to 2 meetings.
2	Offices / R & D / light industry (>10,000sq metres or >2ha)	
3	General Industry/storage/warehousing (>10,000sq metres or >2ha)	Additional advice requested chargeable at hourly rate [^] with a maximum of £2400*
4	Retail distribution and servicing (>10,000sq metres or >2ha)	
5	Gypsy and Traveller pitches (>10,000sq metres or >2ha)	
6	All other largescale major developments (>10,000sq metres or >2ha)	
	Smallscale Major Developments	
7	Dwellings (10 - 199) (0.5 ha and less than 4 ha)	£300* for a written response Or £420* as above plus meeting or accompanied site visit.
8	Offices/ R & D / light industry (1,000sq metres - 9,999 sq metres)	
9	General Industry/storage/Warehousing (1,000sq metres - 9,999 sq metres)	Additional advice requested chargeable at hourly rate [^] with a maximum of £2400*
10	Retail distribution and servicing (1,000sq metres - 9,999 sq metres)	
11	Gypsy and Traveller pitches (1,000sq metres - 9,999 sq metres)	
12	All other smallscale major developments (1,000sq metres - 9,999 sq metres)	
	Minor Developments	
13	Dwellings (1-9) (Less than 0.5 ha)	£120* written response Or £240* as above plus meeting or accompanied site visit
14	Offices / R & D / light industry (< 1000 sq metres or 1ha)	
15	General Industry/storage/warehousing (< 1000 sq metres or 1ha)	
16	Retail distribution and servicing (< 1000 sq metres or 1ha)	
17	Gypsy and Traveller pitches (< 1000 sq metres or 1ha)	
18	All other minor developments (< 1000 sq metres or 1ha)	
	Other Developments	
19	Minerals Processing	Based on area as above
20	Change of Use	Based on site area as above
21	Householder developments	Free[#]
22	Advertisements	£60*
23	Listed building consents (to alter/extend)	Free
24	Listed building consents (to demolish)	Free
25	Conservation area consents	Free
26	Certificates of lawful development	Quote on Request
27	Notifications	Quote on Request

NOTES:

- 1) [^] Hourly charges based on an average of officers hourly charges referred above which is £54.83/hour*
- 2) * Denotes that fees would be reviewed by an agreed inflationary amount from 1st April yearly.
- 3) [#] A 'fasttrack' service with a fee of £60* is offered this would be subject to inflation as above. This would comprise a response given to a developer within 48 hours of receiving the valid request.
- 4) Time frames:
 - Aim of 15 working days to respond to a Minor & Other developments.
 - Aim of 25 working days to respond to a Major developments.
 - Large scale major development timetable to be arranged between case officer and applicant/agent.
 - 'Fasttrack' householder development service aim of 48 hours to respond.
- 5) All fees are shown inclusive of VAT.
- 6) 45 minutes is allocated per meeting, if one is included in the fees above.

PLANNING COMMITTEE

10th October 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: MEMBER INVOLVEMENT IN PRE PLANNING APPLICATION DISCUSSIONS

1 PURPOSE OF THE REPORT

- 1.1 Constructive pre-application discussions between potential applicants and planning officers have long been recognised as helping to ensure all relevant considerations are addressed when an application is submitted, and to potentially speed up the determination of an application and bring more certainty into the process.
- 1.2 Officers can benefit from a degree of Member guidance on emerging proposals of a significant scale and from Members being more fully informed as this may well be able to assuage any unfounded fears their local communities may have as a proposal emerges.
- 1.3 Member involvement in the pre-application stage is challenging and must be carefully handled. Darlington Borough Council as well as other Local Authorities operate a system to allow Members to be involved constructively on proposed developments in advance of planning applications being submitted.

2 THE PURPOSE OF PRE-APPLICATION DISCUSSIONS

- 2.1 Member engagement in pre-application discussions is not intended to bring forward their views on the proposal as such. They may or may not be in a position to give a preliminary view on a proposal, but they need to be advised that they should not express a view which may pre-determine their position in the event that they will be a member of the Planning Committee determining the application. If a Member decides to express anything but a clearly preliminary view, or at this stage decides to represent a view on behalf of their community or ward in support of their community champion role, then their pre determination will require them to stand aside from the determination of any subsequent planning application.
- 2.2 The document 'positive engagement - a guide for planning Members promotes the involvement of Members in pre-application discussion stating 'The engagement of local Members as leaders and

representatives of the community is vital in the delivery of positive outcomes from the planning process.' The document does also advise Members on 'safeguards' for involvement, these are also covered in Hartlepool Borough Council's Planning Code of Practice.

3 BENEFITS OF MEMBER INVOLVEMENT

- 3.1 There are tangible benefits from well managed engagement prior to the submission of a planning application. These include:
- improved quality of the proposed development
 - opportunities for better co-ordination of investment in an area created
 - improved efficiency for all users by reducing wasted time and money spent on abortive work or going over old ground
 - avoidance of incomplete/invalid applications
 - identification of who should be involved from the early stages and opportunities created for them to be heard in an effective way
 - additional clarity and certainty for both applicants and the community
 - Reinforcing Members roles in their communities.
- 3.2 Pre-application discussions are not a substitute for the formal consultation and processing of an application. They are not to conduct negotiations in public, nor to allow objectors to frustrate the process.

4 COUNCIL RISKS

- 4.1 There is a risk that early engagement could lead to an appearance or suspicion of member pre determination. Given the purpose of Member involvement described above, the discussion should not be used for negotiations. Any negotiations should be conducted with officers separately from any pre application discussions which Members have been involved in.
- 4.2 A good way to avoid any appearance of pre-determination is to seek to conduct the pre application discussion with Members in as public and transparent way as possible. It is therefore recommended that a 'Pre Application Development Forum' is set up which would allow Members to be presented with development proposals at an early stage. It is considered that a note of those present during the forum, the issues discussed and next actions should be placed on a public file by the officer involved, to protect the member and the authority by showing what issues were discussed and that no pre-determination arose.
- 4.3 The Planning Advisory Service also encourages member involvement in pre-application discussions on major applications, provided Members' roles at this stage are clearly understood. The role needs to be unambiguous to Members, developers, and the public. A local protocol is therefore considered to be required to set out respective roles, responsibilities, and arrangements. Without this, Member involvement

may unnecessarily open any Member on the Planning Committee, to avoidable risks of challenge on apparent predetermination.

5 PROPORTIONATE PROCESS

- 5.1 A guiding principle to development which would be the subject of a 'Pre Application Development Forum' should be that the proposals are of a significant scale and complexity to necessitate such an event. Using this principle and on the basis of similar events held at Darlington Borough Council it is likely that such an event will occur maybe 2-3 times a year or less infrequent.

6 WHO SHOULD BE INVOLVED IN PRE APPLICATION DISCUSSIONS?

6.1 The developer

The developer is crucial to a successful pre-application phase. Their involvement is not obligatory, but a well run and effective process for engagement will strongly encourage participation.

6.2 The community

Engagement of the community will be a key factor in effective pre-application discussions. The Council would adopt a procedure that encourages (as far as possible) participation from groups that represent the interests of future as well as existing communities.

6.3 Elected members

Members would be encouraged to fulfil their roles as local authority representatives and civic leaders in the planning system through the pre-application phase of development management. The participation of elected members would be guided by the National Code of Conduct for members and Hartlepool Borough Council's local code of conduct.

6.4 Statutory consultee organisations

The effectiveness of pre-application discussions is enhanced by the engagement of statutory consultee organisations in the process.

7 PROPOSED GUIDELINE PROTOCOL

- 7.1 It is considered important to include the following points in 'Pre Application Development Forum' protocol:
- Members are encouraged to promote any community aspirations involving sites, land or community benefits from development, or other planning issues through Local Development Framework & Sustainable Community Strategy preparation at the earliest opportunity (To embed community aspirations in corporate policy and minimise the risks of pre determination in any community championing role);
 - Members & the public are invited to any pre application development forum, on significant proposals (To ensure transparency of process & minimise private briefings);

- The relevant officer explains the role of members present at any pre-application discussion and this is recorded in the note of the meeting;
- Planning Committee members' role in pre-application discussions is to learn about the emerging proposal, identify issues to be dealt with in any further submissions, but not to express any initial view on the proposal as to pre-determine their view on any formal application;
- Officers will note those present, the issues identified at the pre-application discussion meeting or forum, and take appropriate follow up action recording the outcome of the meeting to the developer and on a public file;
- Any Planning Committee Member who elects to support a view for or against the development being discussed will predetermine their position to the extent they will be advised to declare a prejudicial interest, and be free to present their community views to the committee in the event of the committee considering a subsequent application, but not to vote on the application.

8 EQUALITY AND DIVERSITY CONSIDERATIONS

8.1 There are no equality or diversity implications.

9. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

9.1 There are no Section 17 Implications

10 LEGAL OPTION

10.1 Legal opinion has been sought from the Chief Solicitor on this matter and based on the proposed protocol and that this would only be for proposals of a significant scale and complexity is supportive of the formation of the forum. The Chief Solicitor has also made comment that a document 'Positive Engagement; A Guide for Planning Members which was promoted through Government recognised the role of Members 'as leaders and representatives of the community'. Further, that this could entail involvement 'in relevant public meetings, pre-application discussions and policy production'. However, such 'engagement' needs to be carefully managed to ensure that no impropriety (or the perception of the same) is alleged against any Member or Officer of this Council in exercising the functions of a local planning authority. Attention is therefore drawn to the Council's applicable codes and procedures with particular reference to paragraphs 9.1 – 9.3 of the Council's Planning Code of Practice.

11 RECOMMENDATION

11.1 That the Planning Committee support the formulation of a Pre Application Development Forum for proposals which are of a significant scale and complexity to necessitate such an event and this is referred to

Constitution Committee to ensure the process is set up in a transparent manner.

12 CONTACT OFFICER

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PLANNING COMMITTEE

10 October 2012

Report of: Assistant Director (Regeneration and Planning)

Subject: RELAXATION OF PERMITTED DEVELOPMENT RIGHTS

1 PURPOSE OF THE REPORT

- 1.1 To advise Members of the proposed changes to Permitted Development Rights in relation to householders. This report has been prepared on the basis of discussions from the last Planning Committee where a recent Government announcement was made known to Members in the form of a written ministerial statement.

2 WHAT ARE PERMITTED DEVELOPMENT RIGHTS

- 2.1 In many cases a home owner can make certain types of minor changes to their house without needing to apply for planning permission. These are called "permitted development rights" (PD rights). They derive from a general permission granted not by the local authority but by Parliament. Permitted development rights which apply to many common projects for houses do not apply to flats, maisonettes or other buildings.
- 2.2 In some areas of the country, known generally as 'designated areas', permitted development rights are more restricted. If you live in a Conservation Area, a National Park, an Area of Outstanding Natural Beauty or the Norfolk or Suffolk Broads, you will need to apply for planning permission for certain types of work which do not need an application in other areas.
- 2.3 It should be noted that in some housing estates or individually built dwellings these PD rights may have been removed, for instance there are a number of housing estates in Hartlepool where PD rights have been removed due to the size of rear gardens and the potential effect a large extension built without the need for permission would have on a neighbouring property (i.e. some areas of Middle Warren) or where a dwelling has had engineering protection in the property as a result of the ground conditions (i.e. Intrepid Close, Gala Close, Meadowgate Drive etc).

3 PROPOSED CHANGES AND CONSULTATION

- 3.1 On the 6th September 2012 the Department for Communities and Local Government issued a statement entitled ‘Housing and Growth’ in which the Secretary of State for Communities and Local Government proposed a number of measures to ‘get the economy growing’. One of these measures was ‘Helping homeowners improve their homes’ and was presented as follows:

As a nation, we have great pride in our homes, and I want to make it easier for families to undertake home improvements: not just to cut red tape and strengthen individual homeowners’ rights, but also to help generate economic activity which will support small traders in particular.

I am announcing today a further package of simplification measures to remove red tape and ease the burden on local authorities. We will consult shortly on changes to increase existing permitted development rights for extensions to homes and business premises in non protected areas for a three-year period. This will mean less municipal red tape to build a conservatory and similar small-scale home improvement and free up valuable resources in local authorities.

- 3.2 Under the current “existing permitted development” rules, single-storey rear extensions and conservatories can be constructed, subject to conditions and on the basis that PD rights have not been removed (as per section 2 above). For semi-detached properties, the current limit to extend beyond the rear of a property is three metres and for detached homes four metres, or half the length of their garden whichever is the lowest.
- 3.3 Under temporary rules to be consulted on, those limits are proposed to be doubled, meaning that many extensions currently requiring permission could go ahead should the revised rules be agreed (again subject to conditions and section 2 above). It should be noted that this does not affect the requirements for Building Regulation Consent.
- 3.4 It is proposed that the changes will be time-limited and are due to expire in 2015. According to newspaper articles Ministers hope this will encourage households to bring forward plans to spend on home improvements.
- 3.5 There are a number of concerns planning officer’s would like Members to be aware of:
- 1) That relaxing planning restrictions on the size of house extensions could lead to more neighbour disputes;
 - 2) That these rules could increase unsympathetic developments, particularly in or adjacent Conservation Areas or Listed Buildings;

- 3) That unauthorised development (particularly on properties which have PD Rights removed or where there has been a misinterpretation of the rules) will occur;
- 4) That this will increase planning complaints received, burdening already under resourced Local Planning Authorities, particularly when the time limit for these relaxations expire.
- 5) That this does not take into account the need for Building Regulation Consent, the costs of which are in excess of the fees associated with planning applications.
- 6) That these changes take decision making away from a Local Authority;
- 7) That these changes dilute neighbours rights to comments on and object to proposals which may have an impact on their amenity.
- 8) Should the Government pursue this relaxation what conditions will be put in place to ensure affect is minimised such as materials, heights, insertion of windows etc.

- 3.6 These concerns have been endorsed by numerous Councils and third parties including the Planning Officers' Society who has commented that removing the mediation role of councils over planning issues could create more neighbourhood rows. Malcolm Sharp, president of the Planning Officers' Society, told *The Daily Telegraph*:

"It is likely that neighbourhood disputes will increase. [The change] will inevitably increase the work of both councillors and local authorities whether or not there is a planning permission required. There is no doubt that local councillors' post bags will be increased because they will have neighbours who are not happy about excessive extensions."

"Doubling the permitted development rights – that is a very big extension on a semi-detached house or a detached house on a modern estate...and almost certainly will affect the amenity of neighbours."

- 3.6 Mr. Sharp went onto say: *"Schemes that have been refused for legitimate purposes could well now go ahead. My worry is that a number of things that local councillors have refused for very good reasons will now get developed – even those turned down on appeal."*

- 3.7 Although the debate regarding these changes rumbles on it is anticipated that the changes, which only apply to single storey extensions, are due to be consultation on (anticipated to be 4 weeks) and could be in force by the end of the year. As this consultation period is anticipated to be short, it is considered prudent to secure Members agreement to registering an objection and to making comments as part of the consultation to ensure Hartlepool's views are registered and taken into account. It is therefore requested that authority to issue a response is delegated to the Planning Services Manager in consultation with the Chair of the Planning Committee.

The consultation response would then be brought back to the next available Planning Committee after the end of the consultation period for information.

4 EQUALITY AND DIVERSITY CONSIDERATIONS

4.1 There are no equality or diversity implications.

5. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.1 There are no Section 17 Implications.

6 RECOMMENDATION

6.1 That the Planning Committee are minded to object to the proposed changes to Permitted Development Rights for Householders, however delegate the formal wording of the objection and comments to the Planning Services Manager in consultation with the Chair of Planning Committee.

7 BACKGROUND PAPERS

- Ministerial Statement: 'Housing and Growth' (6th September 2012)
- Press Releases from the RTPI 'Planning Daily' publication in Appendix A.

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APPENDIX A – PRESS RELEASES**Permitted development rights eased for three-year period**

By Jamie Carpenter Thursday, 06 September 2012

The government has unveiled plans to relax planning rules for a three-year period allow home owners and businesses to build larger extensions to their properties without the need for planning permission.

A written ministerial statement issued today by the communities secretary Eric Pickles said that the government would consult shortly on changes to "increase permitted development rights for extensions to homes and business premises in non-protected areas for a three-year period".

The statement said: "This will mean less municipal red tape to build a conservatory and similar small-scale home improvement and free up valuable resources in local authorities."

Deputy prime minister Nick Clegg told the BBC this morning that currently householders seeking to extend their properties can only do so by up to three metres without the need for planning permission.

He said: "What we're suggesting - we'll obviously consult on the precise details - is that for a limited period of time, we'll allow them [to extend their homes] by more than three metres. We hope that in some cases that means they will go ahead and get the local builder to come and extend their kitchen or their conservatory. That creates jobs, that creates economic activity."

According to press reports, for a limited period, people will be able to build larger extensions on houses - up to eight metres long for detached homes and six metres for others.

A Number 10 statement said that, for a time-limited period, the government would slash planning "red tape". It said that this would include "sweeping away the rules and bureaucracy that prevent families and businesses from making improvements to their properties, helping tens of thousands of home owners and companies".

Roger Hephner, head of planning and regeneration at real estate firm Savills, said: "Allowing larger extensions to be built without planning permission seems a gesture, rather than anything especially meaningful. It will be interesting to see the detail of what comes out in the General Permitted Development Order."

Tory borough to oppose 'foolish' extension plan

By Jamie Carpenter Thursday, 20 September 2012

A flagship Tory council is opposing the coalition's plan to allow householders to build larger extensions without the need for planning permission, warning that the measure would be 'permanently damaging to our built environment'.

Earlier this month, the government unveiled plans to relax for three years permitted development rights for extensions to homes and business premises in non-protected areas.

Communities secretary Eric Pickles told MPs that that the change would extend the existing policy of allowing a domestic extension of three metres to allowing one of roughly six metres, "provided it does not extend beyond half the garden".

The move was part of a package of measure to boost the economy unveiled by Prime Minister David Cameron. He was widely reported as saying that the proposals would "get the planners off our backs".

But the leader of the Conservative-led London Borough of Richmond upon Thames in south-west London has expressed his opposition to the proposal and has asked officers to consider ways to circumvent the measure if it goes ahead.

At a council meeting earlier this week, Richmond Council leader Lord True and cabinet member for planning Virginia Morris supported a motion from Lib Dem councillor Martin Elengorn, who had called on the council to resist the measure.

Morris told the meeting that the changes proposed by the coalition government "are against our own planning needs and wants".

She said: "We're not against lifting bureaucracy, but we are against conducting measures that will be permanently damaging to our built environment."

Morris said that the council would bid to "stop" the proposal by writing to the government to explain why it opposes the measure. She added that the council would ask Twickenham MP and business secretary Vince Cable to "call a stop to these measures".

Lord True said: "I have already asked the chief executive with officers to consider what this council might be able to do if we are not successful in getting these, in my view, very foolish proposals changed."

Extensions: public cool on permitted development changes

Public critical of permitted development changes

By Michael Donnelly Friday, 21 September 2012

More than 50 per cent of the general public think the government's plans to allow home owners to build larger extensions without the need for planning permission would be damaging to their neighbourhoods, according to a poll.

The YouGov poll commissioned by the Royal Institute of British Architects (RIBA) found that 54 per cent of respondents believed the proposals would mean the quality of the design of their neighbourhood would get worse.

Only a handful (7 per cent) thought that it would get better.

When asked the question, "How worried, if at all would you be about losing your influence over new extensions in your neighbourhood under a relaxed planning system", 30 per cent of respondents said they were "very worried", 31 per cent said "fairly worried", 30 per cent "not very worried", while 10 per cent said they were "not at all worried". Nine per cent answered "don't know".

RIBA past president and chair of the RIBA Planning Group, Ruth Reed said: "The government's new policy is rushed and if implemented could pave the way for poor design decisions which could damage our built environment for years to come.

"We agree that there is a need to reduce the red tape in our current planning system but as the British public have clearly expressed, this policy change must be more carefully considered to ensure we make our neighbourhoods better not worse."

"People must be given the right to be consulted on the impact of significant development in their communities in a fair and efficient way. These reforms will create anxiety amongst communities who have been promised more local influence by this government, not less."

The sample size for the poll was 2,013 adults. Fieldwork was undertaken between 14 - 17 September.

Pickles: public will 'take on' extension rebels

By Jamie Carpenter Monday, 24 September 2012

Communities secretary Eric Pickles has warned that the public will 'take on' councils who choose to block the coalition's plan to allow homeowners to build larger extensions without the need for planning permission by seeking damages against them.

Earlier this month, the coalition government unveiled plans to relax for three years permitted development rights for extensions to homes and business premises in non-protected areas ahead of a formal consultation.

A clutch of councils have spoken out against the plan, including Tory-run Richmond and Lib Dem-controlled Sutton in London.

Lord True, leader of the London Borough of Richmond-upon-Thames, last week said he had asked officers to consider ways to circumvent the "foolish proposals" if they go ahead.

Speaking yesterday on the BBC's *Sunday Politics* show, Pickles said that local authorities that did not want the relaxed planning rules to come into force in their area could invoke Article 4 directions, which enable local planning authorities to limit the effect of permitted development rights.

But he warned that councils that took this approach could be vulnerable to members of the public seeking damages against them.

Under Article 4 direction regulations, where 12 months' notice is given in advance of a direction taking effect, councils are not liable to pay compensation.

But where directions are made with immediate effect, or with less than 12 months' notice, compensation can be payable in relation to planning applications which are submitted within 12 months of the effective date of the direction and which are subsequently refused or where permission is granted subject to conditions.

Pickles said: "If [councils] decided not to do this, they have a thing called an Article 4 arrangement. If they do that, then a member of the public can seek damages against them. So it will be the public that will be taking on the councils if they decided to go against what will be a very reasoned, very civilised and very straightforward change."

The communities secretary also responded to criticism from the Planning Officers Society, which has warned that the proposals could lead to an increase in neighbourhood disputes.

Pickles said: "I'm just surprised that the professionals are saying this before they have even seen the plans.

"We've made it absolutely clear that existing protections for neighbours will remain.

"This is simply allowing people to extend a single storey extension of their home. It happens all over the country all the time. It will make a marginal difference, but an important difference."

Richmond Council: has opposed proposal to extend permitted development rights (picture credit: Maxwell Hamilton)
Council slams Pickles' 'unbelievable' extension intervention

By Jamie Carpenter Tuesday, 25 September 2012

A row over the coalition's plan to allow larger extensions to be built without planning consent has deepened after a Tory borough criticised the communities secretary's suggestion that residents may seek damages against councils that block the plan.

Eric Pickles warned on Sunday that the public will "take on" councils who choose to block the government's plan to relax for three years permitted development rights for extensions to homes and businesses in non-protected areas by seeking damages against them.

Pickles told the BBC's *Sunday Politics* show that local authorities that did not want the relaxed planning rules to come into force in their area could invoke Article 4 directions, which enable local planning authorities to limit the effect of permitted development rights.

He said: "If [councils] decided not to do this, they have a thing called an Article 4 arrangement. If they do that, then a member of the public can seek damages against them. So it will be the public that will be taking on the councils if they decided to go against what will be a very reasoned, very civilised and very straightforward change."

Pickles was responding to criticism from a group of local authorities which have spoken out against the plan, including Tory-run Richmond and Lib Dem-controlled Sutton in London.

Lord True, leader of the London Borough of Richmond-upon-Thames, last week said he had asked officers to consider ways to circumvent the "foolish proposals" if they go ahead.

In a statement issued yesterday, the London Borough of Richmond criticised Pickles' suggestion that members of the public could seek damages against councils that use Article 4 directions to block the relaxed planning rules.

Cabinet member for performance, Tony Arbour, said: "This suggestion from Mr Pickles is unbelievable. He is right, we would be able to use Article 4 directions that aim to protect and maintain the quality of an area.

"However, as I am sure Mr Pickles is already aware, this approach is fraught with issues and will result in additional red tape and expense for taxpayers. In this economic climate do we really want to be in a position that councils have to cover

unnecessary legal costs?"

Arbour urged the government to rethink the proposals. He said: "The answer is not to encourage additional bureaucracy and cost into the system. Costs that will have to be met somehow, again at the cost of the taxpayer."

Reforms 'not a done deal', says Lib Dem minister

By Jamie Carpenter Wednesday, 26 September 2012

Communities minister Don Foster has said that recently-announced proposals to streamline the planning system are 'not a done deal' as Liberal Democrat Members backed an emergency motion opposing the measures.

The emergency motion was overwhelmingly carried by Liberal Democrat Members this morning at the party's annual conference in Brighton.

The motion called on the government to withdraw its proposals for a three-year relaxation of permitted development rules and to drop its plans to allow developers to sidestep councils and appeal directly to the Planning Inspectorate to revise affordable housing obligations.

A series of Liberal Democrat councillors criticised the government's proposals during this morning's debate, warning that the measure to allow home owners to build larger extensions without the need for planning permission could cause neighbourhood disputes and lasting damage to the built environment.

Communities minister Don Foster, the Lib Dem MP for Bath, told conference delegates that he understood their concerns.

He said: "It is a coalition package, not a Liberal Democrat package. A Liberal Democrat package would look different."

Foster added: "I think we can push to make some improvements to the proposals. I understand your concerns in this motion and I am listening. It is not a done deal. There will be full consultation."

Speaking during this morning's debate, St Albans councillor Chris White said that the proposals represented "grotesque over-centralisation" and that the temporary relaxation of permitted development rules would have "permanent consequences". "It's time to say enough is enough," White told the conference.

Sutton councillor Jayne McCoy told delegates that permitted development rights are currently "very broad and have loopholes that are frequently exploited" and that councillors already deal with complaints from residents over permitted development. "It's not the planning system that is holding back growth," she said.

Keith House, an Eastleigh Borough Council councillor, said that the proposals were "daft". "The entire fabric of our planning system is likely to be undermined for decades and generations to come," he said.

And Prue Bray, councillor for Wokingham Borough Council's Winnersh ward, said that home owners wanting to build extensions are not put off by the need for planning consent.

She warned: "The relaxation would stop after three years, but its impact wouldn't.

"The damage isn't just environmental, it's political. People will look out of their windows and be reminded of a bad decision made by a government of which the Liberal Democrats were a part."

The news comes as another Tory-run council spoke out against the plan to allow larger extensions to be built without planning consent.

The London Borough of Wandsworth said that the proposal "does not strike the right balance".

Council leader Ravi Govindia said: "Wandsworth is a residential area and most houses have relatively small gardens. In many, many cases a six to eight metre extension would have a severe impact on neighbouring properties and those households must be protected.

"While this proposal may provide a boost to parts of the building industry it's unclear whether the benefits would outweigh the damage done to our neighbourhoods and neighbour relations.

"Under this government great progress has been made in cutting red tape and creating a more dynamic, locally controlled planning system. On the face of it, this reform does not strike the right balance."

Yesterday, the row over the government's plan to deepened after another Tory borough - Richmond-upon-Thames - criticised the communities secretary's suggestion that residents may seek damages against councils that block the plan.

PLANNING COMMITTEE

10 October 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: POTENTIAL NOMINATION TO LIST 34
WESTBOURNE ROAD

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to respond to the requests made by Members at the last Planning Committee in September for further information on the potential to list 34 Westbourne Road.

2. BACKGROUND

- 2.1 If a building is considered by the Secretary of State (for Culture, Media and Sport) to be of special architectural or historic interest it will be included in a list of such buildings.
- 2.2 The designation regime is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. This list is maintained by English Heritage. Applications for new entries, and to remove or amend an existing entry, are made to English Heritage, who will investigate the merits of the application and make a recommendation to the Secretary of State (for, Culture, Media and Sport) who will make the decision.
- 2.3 The special interest of a candidate building is assessed carefully. The Government has set out the criteria for selection in Principles of Selection for Listed Buildings (March 2010).
- 2.4 The special interest may arise from the contribution the building makes to the architecture or historic interest of any group of buildings of which it forms part. Many buildings are interesting architecturally or historically but in order to be listed a building must have special interest. The Secretary of State uses the following general criteria when deciding whether a building is of special interest.
- 2.5 Architectural Interest
To be of special architectural interest a building must be of importance in its architectural design, decoration or craftsmanship; special interest may also apply to nationally important examples of particular building types and

techniques (e.g. buildings displaying technological innovation or virtuosity) and significant plan forms;

2.6 Historic Interest

To be of special historic interest a building must illustrate important aspects of the nation's social, economic, cultural, or military history and/or have close historical associations with nationally important people. There should normally be some quality of interest in the physical fabric of the building itself to justify the statutory protection afforded by listing.'

3. **NOMINATION OF 34 WESTBOURNE ROAD FOR LISTING**

- 3.1 34 Westbourne Road is currently recognised as being a building of local significance to Hartlepool and as such is a locally listed building. The building is described on the local list as thus,

'Late 19th century semi-detached residential villa set in landscaped garden, largely unaltered. T-shaped layout with gabled roof in slate including roof dormer. Open eaves with exposed rafter ends. Fretted decorative barge board arched below gable pediment. Constructed in a mid red brick with contrasting bands in a grey/blue brick. Centrally located recessed entrance with six panelled door with tower over including pyramid roof. Original single timber sash windows to first floor. Square and canted bay windows to ground floor flanking front entrance with original timber sashes.'

- 3.2 The inclusion of the building on a local list recognises the property as a heritage asset. A heritage asset is defined by the National Planning Policy Framework as, 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.'
- 3.3 In assessing any application for listed building status consideration would be given to the quality of the architecture across the spectrum of properties of the same age, constructed for the same purpose. In addition should there be any historic associations these would be checked.
- 3.4 In identifying the property as a locally significant building no special historic associations were found however it was felt that in a local context the building was architecturally significant in that it retained many original features and it was a good example of this type of housing in Hartlepool. Given the age of the property there would be multiple examples of houses such as this across the country therefore examining the property from a national perspective it is unlikely to be of a level of architectural interest which would justify listed status.

4. **EQUALITY AND DIVERSITY CONSIDERATIONS**

- 4.1 There are no equality or diversity implications.

5. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.1 There are no Section 17 Implications

6. RECOMMENDATIONS

6.1 That the Planning Committee notes that on the basis of criteria laid down to assess the potential to list a building, 34 Westbourne Road is not of a quality which would merit nomination as a listed building.

7. BACKGROUND PAPERS

Principles of Selection for Listing Buildings, March 2010, DCMS

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PLANNING COMMITTEE

10 October 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL BY MR. MCHALE, 16 HUTTON AVENUE
(H/2011/0598)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of an appeal lodged against the refusal of planning consent against officer recommendations for alterations and change of use from nursing home to 28 no. bed students accommodation (hall of residence) (C1 Use) including alterations to windows, doors and roof lights at 16 Hutton Avenue.

2. THE APPEAL

- 2.1 The appeal was decided by written representations. The inspector allowed the appeal concluding that the proposal would preserve the character of the conservation area and would not adversely affect highway safety. Whilst there would be some implications for the living conditions of residents, the Inspector was satisfied that these could be safeguarded through the use of conditions. The appeal decision is **attached**.

3. RECOMMENDATION

- 3.1 It is recommended that Members note the appeal decision.



The Planning
Inspectorate

Appeal Decision

Site visit made on 6 August 2012

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

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

Decision date: 12 September 2012

Appeal Ref: APP/H0724/A/12/2173439

16 Hutton Avenue, Hartlepool, Cleveland TS26 9PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr C McHale against the decision of Hartlepool Borough Council.
 - The application Ref H/2011/0598 dated 14 November 2011 was refused by notice dated 5 March 2012.
 - The development proposed is alterations and change of use from nursing home to 28no. bed students accommodation (hall of residence) (C1 Use) including alterations to windows, doors and roof lights.
-

Decision

1. The appeal is allowed and planning permission is granted for alterations and change of use from nursing home to 28no. bed students accommodation (hall of residence) (C1 Use) including alterations to windows, doors and roof lights at 16 Hutton Avenue, Hartlepool in accordance with the terms of the application Ref H/2011/0598 dated 14 November 2011, subject to the conditions set out in the attached appendix.

Main Issues

2. The main issues are the effect of the proposal on the character of the surrounding area, with particular reference to its location in the Grange Conservation Area; its effect on the living conditions of residents, especially in relation to noise and disturbance; and its effect on highway safety.

Reasons

3. I have used the description of development provided by the Council since, by making reference to the proposed alterations, it more accurately represents the development shown on the appeal plans.
4. The appeal property is a substantial, detached Victorian house which was last used as a nursing home. There is also a modern, single storey addition which now occupies most of the rear garden space.

Issue 1 - conservation area

5. Hutton Avenue contains a mix of housing styles, being two or three storey Victorian properties of substantial size, often with decorative features. Overall, it seems to me that the character of this part of the conservation area is one of a prosperous suburb. This is reflected in the extracts quoted from the conservation area appraisal, that it is the dominance of residential use which

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defines the character of this conservation area. In this context, the contribution of the appeal property is particularly important due to its distinctive appearance within the street.

6. The change of use would involve minimal alterations to the outside of the building and has raised no concerns as to its impact on the appearance of the conservation area. Rather, the Council's objection is based on the impact of the proposed use on the character of the locality. I take the point that the appraisal seeks to resist the conversion of single family dwellings to flats and refers to the adverse impact which commercial uses have had on nearby Victoria Road. However, it seems that this approach rests on the incremental changes which can be made when a change out of single family use occurs such as the loss of gardens, unmanaged communal areas and the removal of front boundaries. That is not the case with the appeal scheme.
7. No. 16 has not been used as a single family home for a substantial period of time. Thus, unlike with the 2009 appeal¹, this proposal could not be said to endorse a change away from use as a single family dwelling. Also, no issue has been raised in relation to appearance so that the proposed use would not affect character through incremental change to the frontage, as highlighted in the conservation area appraisal. Consequently, the proposal would not come into conflict with the appraisal's aim to maintain the predominance of single family dwellings.
8. The only other manner in which an effect on character may occur, therefore, would be as a result of the difference between the current use as a nursing home and the proposed use for student accommodation. The care home had 25 bedrooms. The proposed hall of residence would have 28 rooms. I appreciate that the building would have some additional capacity and the occupants would probably be more sprightly so that some increase in the number of comings and goings is to be expected. However, in the context of this solid, suburban street, this difference would not be of such intensity as to affect its historic value as an example of prosperous Victorian residential suburban development.
9. On that basis, I conclude that the proposal would have a neutral effect on the conservation area, thereby preserving its character. As such, it would not conflict with Local Plan policy HE1, which seeks to preserve or enhance the Borough's conservation areas, or with that part of policy GEP1 which expects proposals to take account of their relationships with the surrounding area.

Issue 2 - Living conditions

10. The properties in the locality of No. 16 are predominantly in residential use. I recognise that the pattern of activity of 28 students going about their daily lives would be materially different from that of the former nursing home in terms of the timings and possibly also the number of comings and goings. These may also, to some degree, differ from those of other families in the street although, in this respect, the contrast may not be quite so great since some families could be expected to include persons of a similar age group. In any event, I observed during my site visit that there appears to be a reasonable degree of pedestrian and vehicle activity on this part of Hutton Avenue. Also, most of the properties are set some way back from the road.

¹ APP/H0274/A/09/2107182 36 Hutton Avenue

Appeal Decision APP/H0724/A/12/2173439

Against this background, I consider that the pattern of movement associated with the hall of residence would not give rise to an unacceptable level of noise and disturbance to residents in the general neighbourhood.

11. The properties either side of No. 16 are both in residential use. No 14, to the east, is a mainly single storey dwelling set in a long, narrow plot, so that various rooms lie close to or look towards the shared boundary. On the other side, No 18 is a traditional, semi-detached house. In keeping with the general character of the area, the boundary walls to the rear of No. 16 appear solid and substantial, establishing a good degree of separation between it and the houses to either side. Since the greater part of the accommodation would be at ground floor level, I consider that the relationship between the properties would be sufficient to ensure that no undue level of disturbance was caused to neighbours in the normal course of events.
12. Residents express particular concern as to the risk of disruptive behaviour such as music playing loudly at late hours, gatherings outdoors on summer evenings or inconsiderate parking on the street. However, the Appellant points out that the proposed management arrangements would include a live-in warden, who would be on hand to remedy such issues if they were to arise, as well as clauses in the tenancy agreements aimed at deterring unacceptable behaviour. In this respect, the view of the Council's own environmental health officer was that there would be no serious concerns, providing the building was adequately supervised. It seems to me that, although there is some potential for disturbance as a result of the relationship with neighbouring dwellings, the management arrangements which have been outlined would be sufficient to address any incidents which may occur. This is a matter which could be made the subject of a condition. Thus, whilst I recognise the depth of the concerns expressed, I consider that the proposal would not give rise to undue harm in this respect.
13. A further concern for residents is that their amenity may suffer in the longer term because, if the hall of residence proved not to be financially viable, other uses might be made of the property without the need to obtain planning permission. In the alternative, planning permission for this development might make it difficult to resist similar proposals in the locality, leading to a process of 'studentification'. The viability of the hall of residence, the potential for other uses to be made of the building and any cumulative impacts from development proposals which have not yet been made are all matters which fall outside the scope of this appeal. However, due to the relationship with the neighbouring dwellings, I do recognise that adverse effects may arise as a result of quite modest changes in the characteristics of the proposed use. Even so, since this aspect of the proposal could be dealt with by means of conditions, it is not sufficient reason to dismiss the appeal.
14. Although there would be some difference in the pattern of activity associated with the proposed hall of residence, I consider that this would not be such as to cause undue disturbance to the general neighbourhood. Whilst neighbouring dwellings would be more susceptible to disturbance from disruptive behaviour, I am satisfied that measures could be put in place to address such matters. On balance therefore, I conclude that the proposal would not have an unacceptable effect on the living conditions of residents and so would not be contrary to Local Plan policy GEP 1 insofar as it requires a proposal to take account of the effect on the amenities of occupiers of adjoining or nearby properties.

Appeal Decision APP/H0724/A/12/2173439

Issue 3 – highway safety

15. Parking would be provided mainly through the seven spaces to the rear of the property, which would be slightly above the Council's own standard for this type of development. The spaces would be reached via a gated access to the rear lane. Although this would mean that students would need to open and lock the gates, it appears that these arrangements work quite satisfactorily in relation to other properties nearby. There is nothing before me to indicate they would be any less acceptable to occupants of a hall of residence. As such, I consider that it has not been shown that the proposal would lead to excessive demand for on-street parking or congestion on nearby streets.
16. It is also suggested that the more intensive use of the gated area might present a risk to children at play. However, the conditions in the rear lane do not appear unduly hazardous and the level of use proposed for this parking area is quite modest. In all therefore, the proposal does not represent a risk to safety, provided drivers took appropriate care for their own and others' safety.
17. In the light of the above, I consider that the proposal would not lead to a worsening of current levels of safety and so would not be contrary to that part of Local Plan policy GEP 1 which requires account to be taken of the effect on highway safety.

Conditions

18. The Council has suggested a number of conditions and I have considered these in the light of the advice in Circular 11/95, *The Use of Conditions in Planning Permissions*.
19. A condition identifying the approved plans is necessary for the avoidance of doubt and in the interests of good planning. Although three separate conditions were suggested to deal with the works to the outside of the building, I consider these could all be addressed through a single condition. This is necessary to ensure a satisfactory appearance and to protect the character and appearance of the conservation area. Details of cycle and refuse facilities are necessary to ensure a satisfactory form of development. Given the relationship to adjoining dwellings, conditions setting out the number of students to be accommodated, to control possible future uses and to provide details of the management arrangements are all necessary to protect the living conditions of nearby residents. Although the hall would contain 28 rooms, the Appellant states one of these would be occupied by a warden and this is reflected in the relevant condition. Finally, a condition requiring provision of the parking spaces is reasonable in the interests of road safety.

Conclusions

20. I have found that the proposal would preserve the character of the conservation area and would not adversely affect highway safety. Whilst there would be some implications for the living conditions of residents, I am satisfied that these could be safeguarded through the use of conditions.
21. For the reasons given above, I conclude that the appeal should succeed.

K.A. Ellison

Inspector

Appeal Decision APP/H0724/A/12/2173439

Appendix to appeal decision APP/H0724/A/12/2173439

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1679/5 Rev C, 1679/6 Rev C, 1679/7 Rev C, 1679/8 Rev C and 1679/9 Rev C.
- 3) No development shall take place until full details of all external alterations, including new doors, windows, rainwater goods, external finishing, external lighting, CCTV cameras, extract ventilation and the access control system have been submitted to and approved in writing by the local planning authority. Details shall include detailed elevations and vertical and horizontal cross sections. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of refuse storage facilities and secure cycle storage for a minimum of 6 cycles have been submitted to and approved in writing by the local planning authority. The refuse and cycle storage shall be provided in accordance with the approved details before first occupation of the hall of residence.
- 5) The hall of residence shall be occupied by no more than 27 students and one warden at any one time.
- 6) The premises shall be used as a student hall of residence and for no other purpose (including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.
- 7) Before the use hereby permitted begins, a management scheme setting out details of the warden arrangements and provision of on-site supervision shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the first occupation of the hall of residence by students. Thereafter, the hall of residence shall operate in accordance with the approved scheme.
- 8) The development shall not be occupied until space has been laid out within the site in accordance with drawing No 1679/8 Rev C for seven cars to be parked and that area shall not thereafter be used for any purpose other than the parking of vehicles.

PLANNING COMMITTEE

10 October 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL BY MR JONATHAN AYRES
APPEAL REF: APP/H0724/A/12/2182316
SITE AT: 29 COURAGEOUS CLOSE
HARTLEPOOL TS25 1EU

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the council decision to refuse planning permission for a two storey extension at 29 Courageous Close.

2. THE APPEAL

- 2.1 A planning appeal had been lodged against the refusal of Hartlepool Borough Council to allow the erection of a two storey extension at the rear of the above property to provide a garden room with bedroom above. The decision was a delegated decision in consultation with the Chair of Planning Committee a copy of the delegated report is attached.
- 2.2 The appeal is to be dealt with by the written representation procedure authority is therefore requested to contest the appeal.

3. RECOMMENDATION

- 3.1 Authority be given to contest the appeal.

DELEGATED REPORT

Application No H/2012/0181

Proposal Erection of a two storey extension at the rear to provide garden room with bedroom extension above

Location 29 COURAGEOUS CLOSE HARTLEPOOL



PS Code:21

DELEGATION ISSUES	Neighbour letters: Site notice: Advert: Weekly list: Expiry date:	07/05/2012 N/A N/A 13/05/2012 29/05/2012
1) Publicity Expiry		
2) Publicity/Consultations		
The application has been advertised by way of neighbour notification. The time period for representation has now expired. One letter of no objection has been received from the neighbouring property of 30 Courageous Close.		
3) Neighbour letters needed N		
4) Parish letter needed N		
5) Policy GEP1: General Environmental Principles Hsg10: Residential Extensions Comments: The policy considerations with regard to this application will be discussed within the report below.		
6) Planning Consideration		
DESCRIPTION OF THE SITE AND PROPOSAL		
SITE: The application site, 29 Courageous Close, is a two storey detached property with gardens to the front and rear. It is located within a modern housing estate of similar style properties. The property is bounded to the north and south of the site by residential dwellings of a similar scale and appearance. To the east are further properties within Courageous Close. To the west of the site is a detached static caravan located within a residential caravan park.		
PROPOSAL: Planning permission is sought for the construction of a two storey extension to the rear of the property to provide garden room with a bedroom extension above. The single storey extension as proposed will project 3.3m from the rear wall of the original dwellinghouse at a width of approximately 7.3m. The bedroom extension located above will also project 3.3m from the rear wall of the dwellinghouse and will measure approximately 3.7m in width. The eaves to the single storey element of the works will measure 2.7m, a dual pitch roof will attach to the side elevation of the first floor element of the works proposed and the existing rear wall of the dwellinghouse. The maximum height of the roof to the single storey extension will measure 4.1m. The eaves of the first floor extension will match those		

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DELEGATED REPORT

of the existing dwellinghouse (5.8m). The maximum height of the roof will measure approximately 6.8m.

Planning History

There is no planning history either for this site or in the immediate vicinity relevant to the determination of this application.

PLANNING POLICY

NATIONAL POLICY:

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

REGIONAL POLICY:

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

LOCAL PLAN POLICY:

GEPI – 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.

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DELEGATED REPORT

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.

PLANNING CONSIDERATION AND ASSESSMENT

The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the adopted Hartlepool Local Plan 2006 and in particular the potential for loss of amenity of the occupants of neighbouring properties in terms of possible overlooking, overshadowing and/or poor outlook. Also necessary to be assessed will be the appearance of the proposals in relation to the existing dwellinghouse and, more generally the character of the streetscene.

Principle of the development:

Policy Hsg10 of the adopted Hartlepool Local Plan makes provision for the extension and alteration of dwellings subject to a series of criteria, namely, that works should not significantly affect the amenities of the occupiers of adjacent or nearby properties through overlooking, overshadowing or by creating poor outlook. Proposals shall be of a size and design and appearance that harmonises with the existing dwelling and should not be obtrusive and adversely affect the character of the streetscene.

It is not considered that the proposed extension to the dwelling can be suitably accommodated in the proposed location without impacting negatively on the outlook and privacy of the occupants of 112 Queen Street. The proposal is considered to be contrary to policies GEP1 and Hsg10 of the adopted Hartlepool Local Plan 2006. The justification for this reasoning is outlined in further detail in the remainder of this report.

Residential Amenities

Policies GEP1 and Hsg10 of the Local Plan requires that extensions/alterations to residential properties do not cause an unacceptable impact on the amenities of the occupiers of adjacent or nearby properties through overlooking, overshadowing or by creating poor outlook.

Whilst a letter of no objection has been received from the neighbouring property of 30 Courageous Close and no responses have been received from the remaining neighbouring properties consulted with regard to this application, notwithstanding this; it is prudent for the Local Planning Authority (LPA) to consider the impact the proposal will have on the aforementioned properties and whether or not a significant impact will be created of a level that the LPA could sustain a refusal.

To the rear of the application site is the neighbouring property of 112 Queen Street, a static caravan located upon a residential caravan park. The separation distance to be retained following the construction of the extension proposed at ground and first floor to the side elevation of the residential caravan will be approximately 9.5m. Given the separation distance proposed there are significant concerns that the relationship would lead to an unacceptable impact upon the amenities of the occupants of 112 Queen Street.



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DELEGATED REPORT

Supplementary Note 4, guideline 7 of the Hartlepool Local Plan 2006 (Separation Distances) states that:

In new housing development, the council seeks to ensure adequate space is provided between houses. Minimum separation distances of 20m where principal elevations face one another or 10m where a blank gable wall would face the front or back of a property are normally required. Extensions that would significantly reduce the separation distances between properties will not normally be permitted.

With regard to the above the case officer accepts that Government Guidance can be interpreted to allow a smaller separation distance in certain circumstances under Permitted Development Rights. However, it is prudent to assess each case on its own merits and given the site characteristics associated with the proposed development and the neighbouring properties, in particular 112 Queen Street, which is a single storey static residential caravan it is considered that the separation distance are constrained.

Whilst it is acknowledged that 112 Queen Street is a static caravan it is prudent to state within the context of this report that the caravan is permanently occupied and sited upon a residential caravan park, the caravan has a defined plot and a postcode, therefore for all intensive purposes it is considered to be a permanent dwelling and therefore the amenities of its occupants with regard to the abovementioned Hartlepool Local Plan policies are required to be considered.

It is considered that given the proximity of the proposed two-storey extension to the windows of the rear elevation of 112 Queen Street, including patio doors serving a room of a primary nature, it is anticipated that the scale and massing of the proposal and its close physical proximity is likely to lead to a detrimental dominance and overlooking effect impacting upon outlook and privacy, therefore significantly effecting the living conditions currently enjoyed by the occupants of the aforementioned property both from within the building and the garden areas. The proposal will affect the outlook from the windows of the rooms in the rear elevation of 112 Queen Street. It is considered that the fundamental consideration with regard to the application is the dominance impact the proposal would create.

It is for this reasons outlined above that the extension does not accord with policies GEP1 and Hsg10 of the adopted Hartlepool Local Plan.

Of further consideration in the determination of this application are the impacts of the proposed development upon the amenities of the occupants of the neighbouring property of 30 Courageous Close. The Officer does have concerns with regard to the projection of the proposed two storey extension (3.3m) and the impact this will create upon the living conditions of the occupants of 30 Courageous Close. Notwithstanding this, on balance, it is considered that, the physical relationship and orientation of the property is such that it is considered unlikely that the proposals would create any significant detrimental overshadowing/overlooking or dominance issues upon the living conditions of the occupants of 30 Courageous Close. Whilst it is acknowledged that the proposal is large and will have an impact on the outlook of the neighbouring property it is not considered that the impact upon the property will be of a level so to sustain a refusal. The justification for this reasoning is outlined below.

The Hartlepool Local Plan 2006 (Supplementary Note 4) states that, "In the case of

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DELEGATED REPORT

semi-detached and detached houses, where an extension is offset a significant distance from a neighbouring property (typically half the property width) an extension projecting up to 2.5m from the main wall of the property will normally be permitted. A larger extension may be allowed where a greater degree of separation exists between the properties".



The proposed two storey extension projects approximately 3.3m from the rear wall of the existing property, the proposal is located approximately 1.1m from the boundary. Whilst the proposal does not strictly accord with the aforementioned guidance it is considered acceptable in terms of the impact it will create upon 30 Courageous Close. The rear windows of 30 Courageous Close at first floor level closest to the party boundary serve a bathroom and at ground floor level serve a kitchen. Given that the window located at first floor level is obscurely glazed and also having regard to the orientation of the property it is not considered that the proposed extension will unduly affect the amenity enjoyed by the occupants of the dwelling within the bathroom area in terms of outlook or loss of light to a level whereby the Local Planning Authority could reasonably sustain a refusal.

The closest window to the boundary at ground floor level as referred to above serves a kitchen. Whilst the proposed extension will appear large from the outlook of this window and will create an impact upon the amenity of the occupants it is not considered that the impact created will be of an excessive level to substantiate part of the reason for refusal in this instance. Part of the consideration in arriving at this reasoning is having regard to the '45 degree rule' employed by several other Local Planning Authorities in considering planning applications. The case officer has used this method for the proposed development and the works will not be visible within the 45 degree angle taken from the centre of the first floor bedroom window closest to the application site.

With regard to the above, and in terms of the impact on the remaining windows in the rear elevation of 30 Courageous Close, including at ground floor level, on balance, it is not thought that the works will significantly impact on amenity of a level to sustain a refusal. In summary it is not thought the proposal will be harmful to outlook or will unduly affect the amount of sunlight entering the rear rooms of the aforementioned neighbouring property given the site relationships outlined above.

It is not considered that the proposed development would unduly affect the amenity of the remaining residential properties in the vicinity.

Streetscene

It is unlikely that it would appear unduly large or incongruous upon the streetscene as a result of the development.

Reason for Decision

Having regard to the policies identified in the Hartlepool Local Plan 2006 It is considered that the proposed two-storey extension, by virtue of its siting, design and scale would have a detrimental and overbearing effect upon the outlook and privacy currently enjoyed by the neighbouring property of 112 Queen Street. Moreover, given the restricted separation distances associated with the proposed extension and 112 Queen Street it is considered that there is potential for detrimental dominance and overlooking issues to be created to the detriment of the amenity of

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DELEGATED REPORT

the occupants of 112 Queen Street contrary to policies GEP 1 and HSG10 of the adopted Hartlepool Local Plan 2006.

7) Chair's Consent Necessary N

9) Recommendation

REFUSE

CONDITIONS/REASONS

Given the relationship and separation distances associated with the proposed two storey extension and the neighbouring property of 112 Queen Street it is considered that the proposed rear extension, by virtue of its siting, design and scale would appear unduly large and overbearing upon the outlook and privacy currently enjoyed by the neighbouring property all to the detriment of the amenity of the occupants contrary to policies GEP 1 and Hsg10 of the adopted Hartlepool Local Plan 2006.



Signed:

Dated:

Director (Regeneration and Neighbourhoods)
Planning Services Manager
Principal Planning Officer

I consider the scheme of Officer/Chair delegation to be appropriate/inappropriate in this case

Signed:

Dated:

Chair of the Planning Committee

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PLANNING COMMITTEE

10 October 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: TREE PRESERVATION ORDER NO. 230
4 HARTVILLE ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

To invite members to confirm the above Tree Preservation Order relating to trees within the property of 4 Hartville Road, Hartlepool.

2. BACKGROUND

- 2.1 The purpose of a Tree Preservation Order is to prevent the destruction of trees, usually longstanding mature trees that contribute to the visual amenity of an area and therefore retaining an environmental and visual asset. An Order can be modified or revoked at a later date subject to the approval of the Local Planning Authority but it does give the Council the power to ensure replacement trees are planted where necessary should any protected trees die or are removed.
- 2.2 On 19 June 2012 a Tree Preservation Order (TPO) was made under the Council's emergency powers to protect 10 Sycamore trees and 1 Common Ash tree at the above site. This followed speculation that the site could be developed. (See Appendix 1 for location plan and aerial photographs).
- 2.3 During the consultation process when making the Order, an objection was received and it is because of this that the Order has been brought to the Planning Committee. A copy of the objection and the response to it are provided in Appendix 2.

The main concerns raised by the objector are,

- That the TPO arose only after an informal enquiry into the Council's One Stop Shop.
- That the issues of Tree Preservation Orders did not arise when some trees on the site were removed previously because of neighbour complaints.

- The Council acting on behalf of the owner have a duty of obtaining “best value” in respect of the owner’s assets which were being disposed of.
- That there are no formal plans for the site at present and that when plans are drawn up for this site the vendor would consider the trees within the plans.

3 REQUIREMENT FOR TPO

- 3.1 The site on which the trees are growing had become progressively overgrown. In June 2011 the Council’s User Property and Finance Team informed the Arboricultural Officer that they were dealing with the land on behalf of the owner and requested advice on tree maintenance. As a result an inspection of a hedge and trees obstructing the highway was carried out. A work instruction was raised for the Council’s Parks and Countryside Section to carry out work to remove the obstruction from the Highway under the 1980 Highways Act. At the same time three trees which had a history of causing branch and root related damage to the adjacent property of 15 Verner Road were removed (See photographs and site plan at Appendix 3).
- 3.2 Shortly afterwards, following discussions over the land in question and acting on residents concerns about what was happening to the site, the Council took the decision that as the property was unoccupied, there was a distinct possibility that the mature trees growing on it could easily be felled or damaged. Concerns had also been raised by activity in Verner Road within the last two years where mature trees with no legal protection, have been felled, to the dismay of residents living there.
- 3.3 In March, the Arboricultural Officer carried out a detailed appraisal of all the trees on the site with a view to putting them on a Tree Preservation Order. The Tree Evaluation Method for Preservation Orders (TEMPO) was used. This assessment method is universally applied to establish a bench mark as to whether trees are worth protecting or not. The outcome of this was that out of an original 22 mature trees on this site, of those 11 were considered suitable for TPO.
- 3.4 As these trees are clearly considered an environmental asset and could possibly be at risk from development pressures, a Tree Preservation Order was subsequently made under The Town and Country Planning Act 1990 (Section 198) (See Appendix 4 copy of the Tree Preservation Order site plan).

4. RISK IMPLICATIONS

- 4.1 During their lifetime, trees require maintenance from time to time and there is a cost that goes with it. At this moment in time there appears to be no risk associated with these trees. Possible “nuisance” issues to the adjoining property of “Foxhaven”, a relatively new building, could arise. Should the Council be in a position where a tree causes damage it can always revoke the Order depending on the circumstances prevailing at the time.

5 EQUALITY AND DIVERSITY CONSIDERATIONS

- 5.1 There are no equality or diversity implications.

6. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 6.1 There are no Section 17 Implications.

7. RECOMMENDATION

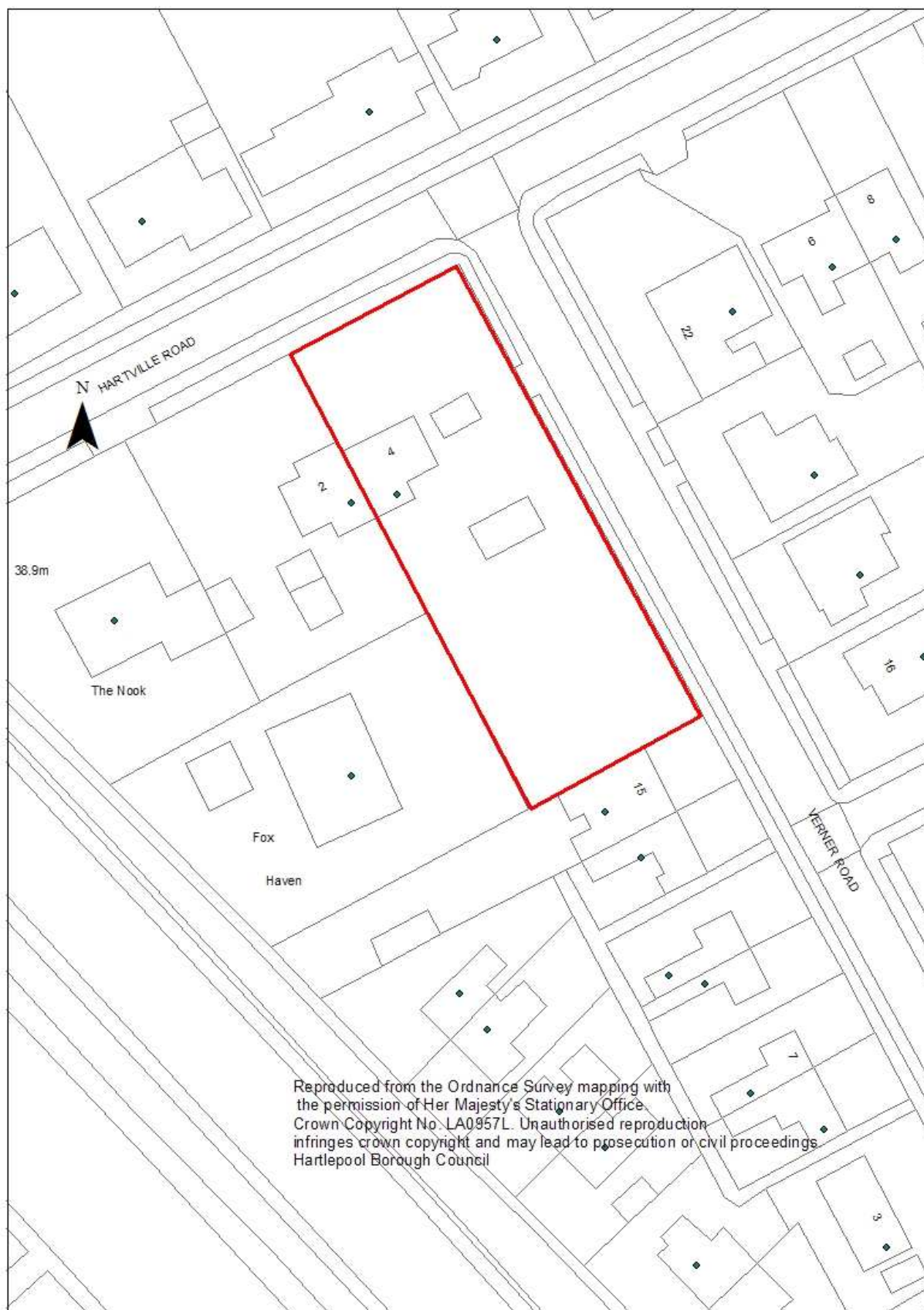
- 7.1 After giving consideration to the representation, it is recommended that Tree Preservation Order No. 230 be confirmed.

8. REASON FOR RECOMMENDATION

- 8.1 Under The Town and Country Planning Act 1990 (Section 198) if it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an Order with respect to such trees, groups of trees or woodlands as may be specified in the Order. It is with this in mind that the trees at 4 Hartville Road are considered at risk and the permission of the Planning Committee is sought to confirm the Order thus ensuring that works to the trees on this site can be controlled.

Appendix 1

Location Plan



Aerial Photograph of the Site



Appendix 2

Letter of Objection

Nicola Bailey
Director of Child and Adult Services

Date: 13th July 2012
Your Ref:
Our Ref: RM/130712/L1

Mr Chris Walker
Legal Division
Chief Executives Department
Civic Centre
Hartlepool
TS24 8AY

P O Box 96
Civic Centre
Hartlepool
TS24 8YW

Tel: 01429 266522
Fax: 01429 523908
DX60669 Hartlepool-1



<p>When telephoning please ask for: Rachel Millican 01429 284290</p>

Dear Mr Walker,

Re: TPO 230 – 4 Hartville Road, Hartlepool TS24 9RG

Hartlepool Borough Council has been appointed Deputy in respect of the owner of 4 Hartville Road, Mr Frederick Ainsley's property and affairs.

Having considered the letter and enclosing documents, dated 19 June 2012 (received 21 June 2012) regarding the proposed Tree Preservation Orders (TPO's), we wish to formally object to the proposals on Mr. Ainsley's behalf especially in relation to TP 1-5 for the following reasons:

1. The proposals appear to have come to light following an informal enquiry to the Council's Planning 'One Stop Shop.' This is despite the fact that other trees have recently been cut down at the owner's expense following complaints from neighbours.
2. The issue of TPO's was not raised when the aforementioned trees were removed. This is despite the fact that the trees were removed by the Council due to neighbour complaints. We therefore question the motive – visual amenity etc these were not raised when other trees were removed. It seems more likely that the reasons they are now being raised is to block any future development.
3. The Council have a duty to obtain 'best value' in respect of Mr Ainsley's assets, if this means the site should be developed, we consider the trees should not be subjected to Orders which may make the site less saleable especially as it appears that the TPO's are only being looked at now because of the proposed development to the area and not for any visual amenity they add to the area/enjoyment by the public.
4. There are no formal plans for the site at present. If/when plans are drawn we would be willing to work with prospective purchasers to ensure the trees are considered appropriately

If you require further information please do not hesitate to contact Rachel Millican on (01429) 284290.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Dickinson', written over a faint horizontal line.

J. Dickinson
Team Manager
User Property & Finance Team

Officer Reply to Letter of Objection

Dave Stubbs

Director of Regeneration & Neighbourhoods
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

Tel: 01429 266522
www.hartlepool.gov.uk

Our Ref:

Your Ref: RM/130712/L1

Contact Officer/Email: Derek Wardle ☎ 01429 523414 derek.wardle@hartlepool.gov.uk

13 August 2012



Rachel Millican
Principal Practitioner (User Property and Finance)
Child and Adult Services
P.O. Box 96
Civic Centre
TS25 8AY

Dear Rachel,

Re: Tree Preservation Order no. 230 – 4 Hartville Road, Hartlepool TS24 9RG

I refer to your letter of the 13th July 2012 concerning your formal objection to the above Tree Preservation Order.

In respect of the objections that you have raised, I will address each one sequentially.

1. *"The proposals appear to have come to light following an informal enquiry to the Council's Planning 'One Stop Shop.' This is despite the fact that other trees have recently been cut down at the owner's expense following complaints from neighbours."*

The Local Authority became involved in carrying out work to these trees to mitigate issues from branch related obstruction over Verner road under the 1980 Highways Act. There were also issues and branches obstructing the adjoining property of 15 Verner Road which had a previous history of subsidence attributable to the trees closest to the property.

Subsequently residents became concerned about tree loss and as part of the Council's pro-active assessment of trees under threat, the decision to look at this with a view to placing a Tree Preservation Order on this site was raised. Historically there have been trees removed from other properties in Verner Road in the past and we had been criticised by residents then for not acting sooner to protect them.

2. *"The issue of TPO's was not raised when the aforementioned trees were removed. This is despite the fact that the trees were removed by the Council due to neighbour complaints. We therefore question the motive – visual amenity etc these were not raised when other trees were removed. It seems more likely that the reasons they are now being raised is to block any future development."*

The reason that those trees were removed to the adjacent property of 15 Verner Road

has already been mentioned however there are also other trees on this site that were not placed on the Tree Preservation Order for similar reasons. An easy option would be to place every tree on the Tree Preservation Order but this **would** make the land undevelopable. Whether land can be developed is not a legal consideration when making a Tree Preservation Order and indeed it often means that a compromise has to be met. Most building plots however do accommodate trees as part of the development providing that the minimum separation distance between tree and new – build can be achieved. I would expect that every property developer is aware of BS 5837:2012 "Trees in relation to design, demolition and construction – recommendations" in this respect.

3. *"The Council have a duty to obtain 'best value' in respect of Mr. Ainsley's assets, if this means the site should be developed, we consider the trees should not be subjected to Orders, which may make the site less saleable especially as it appears that the TPO's are only being looked at now because of the proposed development to the area and not for any visual amenity they add to the area/enjoyment by the public."*

The Council also have a duty to protect the environment of those people living there already and Section 198 of the Town and Country Planning Act 1990 gives Local Authorities power to make tree preservation orders where it deems necessary. Section 198 (1) is worded as follows: "If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order."

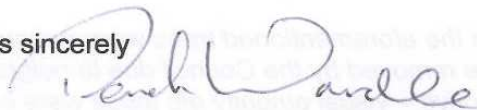
4. *"There are no formal plans for the site at present. If/when plans are drawn we would be willing to work with prospective purchasers to ensure the trees are considered appropriately."*

Without formal protection, any trees on the site are at the mercy of the developer and experience has shown that if they are in the way they will be damaged or removed either before or during construction. BS 5837:2012 "Trees in relation to design, demolition and construction – recommendations" is normally imposed as part of any planning permission to safeguard trees that are on a development site.

There is obviously a conflict of interests here and this development site is no different from any other that we deal with that has mature trees on it. Some people are happy to live with trees whereas others are not.

I have noted your comments and will be preparing a report for the Planning Committee to decide the outcome of whether to confirm the TPO based on the facts that I have given above.

Yours sincerely



Derek Wardle

Arboricultural Officer
R & N Planning Services (Conservation)

Appendix 3

Photographs Showing Trees Prior to the Tree Preservation Order

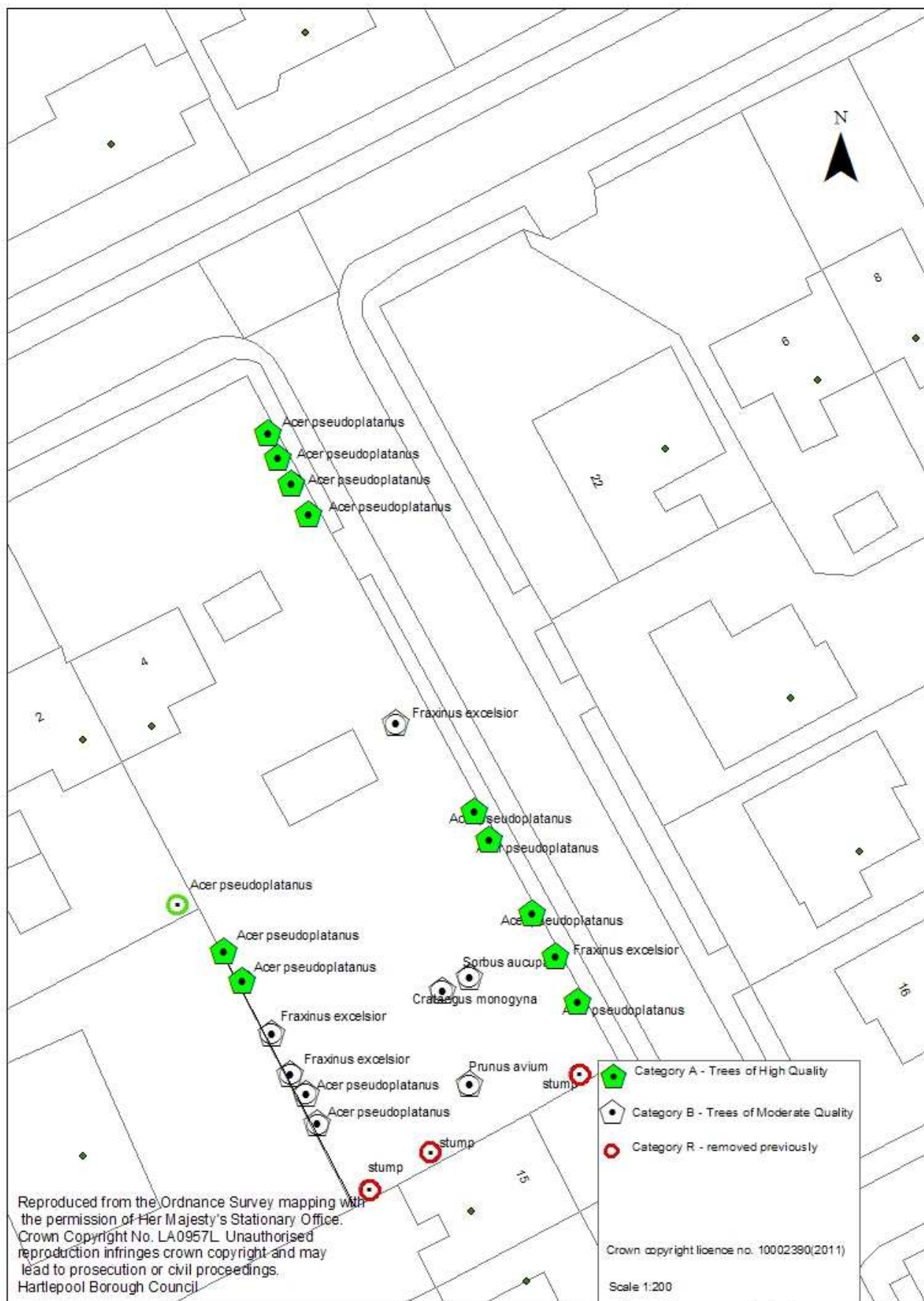


Obstruction to the footway



Encroaching canopy, stem and roots

Plan Showing Layout of trees on site indicating which trees were removed and those that are retained



Appendix 4

Copy of Site Plan for Tree Preservation Order No. 230



PLANNING COMMITTEE

10 October 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

- 1 A neighbour complaint regarding alterations to the rear of a property on Wynyard has been investigated. The alterations in question are works undertaken to make good an approved extension. No action required.
- 2 A police complaint regarding an unsecured and untidy vacant industrial site on Whitby Street South.
- 3 A complaint regarding the erection of a boundary fence and gate to restricting access to a number of hydrants owned by the water authority to the rear of properties on Baptist Street and Regent Street.
- 4 An anonymous complaint regarding the erection of an extension to the rear of a property on Hutton Avenue.
- 5 Officer monitoring recorded a banner advertisement display fixed to a roadside boundary fence on A179 Hart Road/Merlin Way.
- 6 A neighbour complaint regarding cars displayed for sale, repairs and discarded worn parts in the back street adjacent a motor services premise on Whitburn Street.
- 7 Officer monitoring recorded car boot sales being held at a community country park on Summerhill Lane has been investigated. Occasional car boot sales have been held this summer to assess the market which may result in the submission of a planning application for consideration.

- 8 Officer monitoring recorded the untidy condition of a neglected vacant former licensed premises on Park Road.
- 9 Anonymous resident complaint regarding the demolition and rebuilding of rear outhouse at a residential property on Conway Walk.
- 10 Anonymous neighbour complaint regarding the erection of a conservatory to the rear of a property on The Cliff, Seaton Carew.

2. RECOMMENDATION

- 2.1 Members note this report.