

PLANNING COMMITTEE AGENDA



3 April 2013

at 10.00am

**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. TO CONFIRM THE MINUTES OF THE MEETING HELD ON 6 MARCH 2013**
- 4. ITEMS REQUIRING DECISION**
 - 4.1 Planning Applications – *Assistant Director (Regeneration and Planning)*
 - 1 H/2013/0040 King Osw y Hotel, King Osw y Drive, Hartlepool (*page 1*)
 - 2 H/2013/0029 Land South of Raby Arms, Front Street, Hart (*page 13*)
 - 3 H/2012/0613 Brierton Farm, Brierton Lane (*page 25*)
 - 4 H/2013/0077 Central Library, York Road, Hartlepool (*page 34*)
 - 5 H/2013/0073 Stranton Cemetery Lodge, Tanfield Road (*page 40*)
 - 6 H/2012/0601 Niramax LTD Thomlinson Road, Hartlepool (*page 47*)
 - 7 H/2012/0078 OFCA Community Urban Farm, Summerhill Lane (*page 54*)
 - 4.2 Appeal at Seaton Meadows Landfill Site Relating to a Vertical Extension and Revised Restoration – *Assistant Director (Regeneration and Planning)*
 - 4.3 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 FOR INFORMATION / DECISION

7.1 25-27 Vicarage Road – *Assistant Director (Regeneration and Planning)*
(para 5 & 6)

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

No items

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 8 May 2013.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

6 March 2013

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, Dr George Morris, Robbie Payne, Linda Shields, Paul Thompson and Ray Wells.

In accordance with Council Procedure Rule 4.2 Councillor Sheila Griffin was in attendance as substitute for Councillor Carl Richardson.

Officers: Damien Wilson, Assistant Director, Regeneration and Planning
Chris Pipe, Planning Services Manager
Jim Ferguson, Planning Team Leader (DC)
Richard Trow, Planning Officer
Kate McCusker, Commercial Solicitor
Adrian Hurst, Principal Environmental Health Officer
Mike Blair, Highways, Traffic and Transportation Manager
David Cosgrove, Democratic Services Team

280. Apologies for Absence

Councillors Brash, Richardson, Robinson and Simmons.

281. Declarations of interest by members

Councillor Paul Thompson declared a personal interest in Minute No. 284, planning applications H/2012/0427 and H/2013/0014.

282. Confirmation of the minutes of the meeting held on 6 February 2013

Confirmed.

283. Planning Committee Site Visit to Tanfield Road, Hartlepool.

Immediately prior to the meeting, members had undertaken a site visit to

Tanfield Road to the site of planning application H/2012/0427 as agreed at the meeting held on 6 February 2013. A member raised concern that at the site visit a member of the Committee was seen in conversation with an objector to the application in breach of the Planning Code of Conduct. The Chair commented that the Member concerned would need to consider whether the conversation could be seen to prejudice their impartiality and not lead to any pre-determination on the application. The Member concerned indicated that the 'discussion'; had simply been the exchanging of greetings with an old family friend and had not at any point included reference to the planning application. The Member considered that their impartiality had not been compromised and neither that there were any need to make a declaration of interest.

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

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

Number:	H/2012/0427
Applicant:	GLEESON DEVELOPMENTS LTD CHRIS DODDS LUMLEY COURT CHESTER LE STREET
Agent:	CHRIS DODDS GLEESON DEVELOPMENTS LTD 3 LUMLEY COURT CHESTER LE STREET
Date received:	02/08/2012
Development:	Demolition of existing buildings and erection of 45 No. residential dwellings with associated works (amended scheme)
Location:	LAND AT TANFIELD ROAD TANFIELD ROAD HARTLEPOOL
Decision:	Minded to APPROVE subject to the completion of a legal agreement securing 5 affordable dwellings, developer contributions of £250 per dwelling towards off site play and £250 per dwelling for green infrastructure. The final wording of conditions was delegated to the Planning Services Manager and shall include a condition relating to a scheme to keep the road clean during construction.

The Committee considered representations in relation to this matter.

The applicant's representative (Mr Alder) and a representative of the objectors (Mr Gray) were present at the meeting and addressed the Committee.

Number: H/2013/0027

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

Agent: Sean McLean Design, 22 Map House, Portrack Grange Road, STOCKTON ON TEES

Date received: 18/01/2013

Development: Amendment to planning application H/2010/0679 for the erection of a dwellinghouse

Location: Crookfoot Farm Coal Lane Elwick HARTLEPOOL

Decision: **minor material amendment approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than 27th May 2015.
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 (non mains drainage information including details of Klargestor Bio Disc BA - BD, 1:10000, Map Showing Farm Boundary (and site location)) which had been received by the Local Planning Authority on 18th January 2013, as amended in respect of the elevations, plans and site layout by the plans (1293/01B Proposed Site Plan, 1293/03A Proposed Floor Plans, 1293/04A Proposed Elevations) unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.
The site of the proposed dwelling(s) is in an area where the Local Planning Authority considers that new housing should only be allowed in exceptional circumstances where it is essential in the interests of agriculture or forestry.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.

5. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
6. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, B, D or E of Schedule 2 Part 1 or Class A of Schedule 2 Part 2 of that Order shall be carried out other than that expressly authorised by this permission.
In order to ensure that the dwellinghouse remains commensurate with the needs of the enterprise and in the interests of the visual amenity of the area.
9. The development permitted by this planning permission shall only be carried out in accordance with the approved non-mains drainage scheme of a package treatment scheme discharging via pipe(s) to the Amerston Beck. The non-mains drainage scheme should adhere to the following mitigation measures:
 1. No connection to a soakaway or land drainage system, including land drains/ditches.
 2. No siting of the package sewage treatment plant within 50 metres or upslope of any well, spring or borehole used for private water supply (including the nearby public water supply boreholes).
 3. Any pipeline transferring the discharge from the package treatment plant to the watercourse should be suitably lined to prevent leakage, particularly where the pipes cross Hartlepool Water's water main.The proposed development site is located in an area of high environmental sensitivity as it lies in close proximity to one of Hartlepool Water's main public water supply abstractions. In addition, the route of the proposed pipeline, transferring the treated discharge

from the non-mains drainage scheme (package treatment plant) to the adjacent Amerston Beck crosses directly over Hartlepool's water main. The condition is to ensure protection of sensitive and important water resources.

10. This permission relates only to the provision of a dwellinghouse and ancillary development. It does not authorise the erection of any agricultural buildings shown as proposed on the approved site plan (Plan 1293/01 B).
For the avoidance of doubt.
11. The garage(s) hereby approved shall only be used for purposes incidental to the use of the dwellinghouse. It shall be kept available for the parking of vehicles and shall not be converted to a habitable room or rooms without the prior written approval of the Local Planning Authority.
In order to ensure that the dwellinghouse remains commensurate with the needs of the enterprise.

The Committee considered representations in relation to this matter.

The applicant and their agent (Mr Shadforth and Mr McLean) and a representative of the objectors (Mrs Whalley) were present at the meeting and addressed the Committee.

Number:	H/2013/0014
Applicant:	Mr Tony Davison, Hartlepool Borough Council, Summerhill Visitor Centre, Summerhill Lane, HARTLEPOOL
Agent:	Hartlepool Borough Council, Mr Tony Davison, Summerhill Visitor Centre, Summerhill Lane, HARTLEPOOL
Date received:	22/01/2013
Development:	Change of use of hardstanding area to car boot sales
Location:	SUMMERHILL VISITOR CENTRE, SUMMERHILL LANE, 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 22/01/2013 (Drawing No. SHCB L002) unless otherwise agreed in

writing by the Local Planning Authority.

For the avoidance of doubt.

3. The area shaded green on the approved plan (Drawing No. SHCB L002 received 22/01/13) shall not be used for car boot sales, unless otherwise agreed in writing by the Local Planning Authority.
A public footpath crosses the site and must not be obstructed.
4. The car boot sales hereby approved shall only be open to the public between the hours of 10:00 and 13:00 Saturdays and at no other time.
In the interests of the amenities of the occupants of neighbouring properties and the character and appearance of the area.

The Committee considered representations in relation to this matter.

Number: H/2012/0640

Applicant: Mr Nick Rowbotham, Dalton Back Lane, HARTLEPOOL

Agent: Mr Malcolm Arnold, 2 Siskin Close, Bishop Cuthbert, HARTLEPOOL

Date received: 04/01/2013

Development: Change of use to retail unit for the sale of motorcycle parts/spares and accessories, storage and office space (retrospective)

Location: Bon Accord, Dalton Back Lane, HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The retail unit shall be used for the sale of motorcycle parts/spares and accessories (Use Class A1) and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
In the interests of the amenities of the occupants of neighbouring properties.
2. The occupation and operation of the retail unit shall be limited to a person occupying Bon Accord, as delineated as a blue edge on the site location plan submitted on 27/12/2012, together with any resident dependents.
In the interests of the amenities of the occupiers of neighbouring properties and to ensure that the dwelling is not used as general residential accommodation.

3. Deliveries to the retail unit shall only take place between the hours of 07:00 and 21:00 Monday to Saturday inclusive.
In the interests of the amenities of the occupants of neighbouring properties.
4. The premises shall only be open to the public between the hours of 09:00 and 17:00 Mondays to Saturdays inclusive and at no other time on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
5. The area(s) indicated for car parking on the site plan received by the Local Planning Authority on 27/12/2012 (Sheet 3) hereby approved shall be retained at all times and kept available for its intended use during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties and highway safety.
6. The layout of the building shall not be altered and shall remain as shown on the plan (Sheet 4) received by the Local Planning Authority on 27/12/2012 unless otherwise agreed in writing by the Local Planning Authority.
To ensure the site is developed in a satisfactory manner.
7. The floor space of the shop area (as identified on the plan Sheet 4 received by the Local Planning Authority on 27/12/2012) within the respective retail unit shall remain as approved (69.825m²). There shall be no amalgamation of floor space associated with any of the remaining floor space within the building.
To ensure the site is developed in a satisfactory manner.
8. There shall be no external storage of vehicles, motorcycles, materials, scrap or parts unless a scheme for the provision of an area of external storage upon the site which identifies what will be stored, maximum stacking heights, screening and the maximum number of items or amounts to be stored externally is submitted to and agreed in writing by the Local Planning Authority. Any agreed scheme shall thereafter be carried out in accordance with the details agreed by the Local Planning Authority.
In the interests of the amenities of the area.
9. No dismantling/recycling/repair/servicing of vehicles or fabrication shall take place outside the building on site at any time.
In the interests of the amenities of the area.
10. There shall be no burning of any waste or other materials within the application site at any time.
In the interests of the amenities of the area.
11. No oil, petrol or any other trade effluents shall be permitted to drain to any public sewer, watercourse or soakaway.
To prevent the pollution of the water environment.
12. No additional floorspace shall be constructed or provided within the building hereby permitted, whether by means of mezzanine floors or other method, without the grant of a further specific permission by the Local Planning Authority
In the interests of adequate parking provision and to ensure the site is developed in a satisfactory manner.

13. Unless otherwise agreed in writing by the Local Planning Authority all external doors located on the retail unit shall be closed at all times except for the periods when deliveries are being received or during emergencies.
In the interests of the amenities of the occupiers of surrounding premises and properties.

The Committee considered representations in relation to this matter.

The applicant, Mr Rowbotham, was present at the meeting to respond to Member questions.

Number:	H/2012/0641
Applicant:	Mr Nick Rowbotham, Dalton Back Lane, HARTLEPOOL
Agent:	Mr Malcolm Arnold, 2 Siskin Close, Bishop Cuthbert, HARTLEPOOL
Date received:	04/01/2013
Development:	Erection of stables including tack room, a trailer store, hay loft and hardstanding (retrospective application)
Location:	Bon Accord, Dalton Back Lane, HARTLEPOOL
Decision:	Planning Permission Approved

CONDITIONS AND REASONS

1. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 27/12/2012 (Sheets 1, 2, 3, 4 and the site location plan), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
2. The stables/storage building hereby approved shall only be used as stables/storage incidental to the use of the dwelling house (Bon Accord) for private enjoyment and shall not be used for commercial purposes or in connection with any form of riding school.
In the interests of the amenities of the occupants of neighbouring properties.
3. Notwithstanding condition 1 for the avoidance of doubt the hay loft at first floor level of the building as shown on the approved plan (Sheet 2 - received by the Local Planning Authority on 27/12/2012) shall only be used for the storage of hay and any other equestrian related equipment

- unless otherwise agreed in writing by the Local Planning Authority.
To ensure the building is not used for general storage.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the stables/storage building hereby approved shall not be 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 adjacent residential property.
 5. The roof tiles used for this development shall match those of the existing main dwelling (Bon Accord) unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.

The Committee considered representations in relation to this matter.

The applicant, Mr Rowbotham, was present at the meeting to respond to Member questions.

Number:	H/2012/0597
Applicant:	Mr Jonathon Pattison, Moor Galloway & Co., Gillamoor Mill, Gillamoor, YORK
Agent:	The Design Gap, Mr Graeme Pearson, 7 Hylton Road, HARTLEPOOL
Date received:	20/11/2012
Development:	Residential development comprising six semi-detached two and a half storey dwellings with car parking for twelve cars (resubmitted application - amended scheme)
Location:	Land adjacent to 4-18 Percy Street, 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 amended plan numbered HD:PS:Sk.10 received by the Local Planning Authority on 10-01-2013 unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be altered or extended in any way without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

7. Details of all 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.

8. 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.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development,

whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

10. The area(s) indicated for car parking on the plans hereby approved shall be provided before the use of the site commences and thereafter be kept available for such use at all times during the lifetime of the development.

In the interests of the amenities of the occupants of neighbouring properties and highway safety.

11. Details of all external finishing materials for the parking and manoeuvring areas shall be submitted to and approved by the Local Planning Authority before development commences. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

The Committee considered representations in relation to this matter.

285. Planning and Development Brief Protocol (*Assistant Director, Regeneration and Planning*)

The Planning Services Manager reported on a proposed protocol for the production of planning and development briefs. The protocol had been devised to ensure that a consistent approach was taken to planning and development briefs and to give clarity to officers, residents and all other stakeholders with regard to the importance of briefs and how they were produced.

Over recent years the Planning Services Team had produced numerous planning and development briefs which were generally prepared for sites that were within the Council's ownership and were to be marketed. Although all briefs have been helpful in providing information with regard to development sites there had been some inconsistency in the way they had been produced, particularly with regard to public involvement and endorsement.

The protocol, as proposed, considered two categories on how to produce a planning and development brief and both were set out in appendices to the report:

- 1) For valuation purposes and endorsement (no consultation); any brief would form part of the marketing particulars;
- 2) For valuation purposes, endorsement and to seek resident and any other stakeholder views.

The Committee's comments on the protocols were sought as it was intended

that they would be reported to the appropriate policy committee under the new governance arrangements.

Members expressed concern at the protocol that would mean due to timescales that no consultation would be undertaken on the development brief yet it would still be considered to 'hold weight'. The Planning Services Manager commented that a brief that had been consulted upon would hold more weight but there were occasions when some very tight timescales were set. A member expressed concern at the amount of weight, if any, that could be applied to a development brief developed in a tight timescale and without consultation.

The Chair indicated that these were pertinent points that would be referred onto the appropriate policy committee. Members considered that the protocols still warranted further detailed discussions and should be received only at this time.

Decision

That the Planning Committee note the proposed protocol be received and Members' comments noted.

286. Exemption Request by Hartlepool Borough Council in relation to Permitted development rights for change of use from Commercial to Residential *(Assistant Director, Regeneration and Planning)*

Members' were advised of a response sent on behalf of the Planning Committee with regard to the Government's announcement of its intention to amend planning legislation to allow the a change of use from an office to residential use without the requirement of a planning application.

On 24th January 2013 the Government announced its intention to amend planning legislation to allow a change of use from an office use to a residential use without requiring a planning application. This move was intended to promote the delivery of more homes, a national priority for the current government and to stimulate the economy. However, there was recognition from government that in certain areas this relaxation could undermine prospects for economic growth, and therefore local authorities had been offered the opportunity to apply for exemptions for defined areas. Exemptions were required to be justified on the basis of the potential for significant national or local harm to the economy, and had to be submitted by 22 February 2013. Given the limited timeframe associated with the Local Authority's opportunity to assess and submit areas for exemption it was not possible to seek wider Members views and approval prior to submitting the exemption requests. The Vice Chair of Planning Committee and the Mayor were however consulted on the proposals.

The Council had sought an exemption from the forthcoming permitted development rights in the following areas:

1. Land at Middleton Road (Office Blocks of Mandale House, Garland House, Tranquility House and Arkgrove House), Hartlepool
2. Land at Queens Meadow Business Park, Hartlepool
3. Land at Sovereign Park, Hartlepool

The above sites were identified following an assessment of all B1 office uses within the Borough. A number of sites were discounted as they formed part of a wider mixed-use site or planning conditions had been placed upon the office buildings restricting their use to strictly B1.

Members raised concerns at the inclusion of the Mayor in the consultation on the response as they considered this to be in breach of the Constitution. It was considered that if the Mayor had been involved in a decision on the terms of the response, then the Constitution required that Scrutiny should also have been involved. The Chair indicated that the Vice-Chair had been consulted on the response in his absence and had supported the comments.

Decision

That the submission of the exemption requests to the Department for Communities and Local Government for the three areas at Middleton Road, Queens Meadow and Sovereign Park be endorsed.

287. Appeal Ref: APP/H0724/A/12/2182316, H/2012/0181, Erection of a Two-Storey Extension at the Rear to Provide Garden Room with Bedroom Extension Above, 29 Courageous Close, Hartlepool *(Assistant Director, Regeneration and Planning)*

Members were advised that the above appeal had been determined by the Planning Inspectorate by the written representations procedure. The appeal had been dismissed. A copy of the Inspector's decision was submitted for Members information.

Decision

That the report be noted.

288. Complaints Update *(Assistant Director, Regeneration and Planning)*

Members' attention was drawn to 8 ongoing issues which were currently being investigated. Further developments would be reported to a future meeting if necessary.

Decision

That the report be noted.

289. 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.

290. Stranton Conservation Area Management Plan (*Assistant Director, Regeneration and Planning*)

The Planning Services Manager tabled an update report on the draft Management Plan that had recently been produced for the Stranton Conservation Area and giving details of the public consultation that is taking place.

Members raised concerns with the conditions of particular shop frontages in the conservation area that they understood had received grant aid from both the Council and the former NDC (New Deal for Communities). Members considered that if the property owners had not complied with the terms of the grants, then as successor authority, the Council should claw-back the grant. The Chair requested that officers investigate the issue and report back to the Committee.

Decision

1. That the report be noted.
2. That the situation in relation to the compliance with previous commercial property grants be investigated and a further report submitted to a future meeting of the Committee.

291. Local Plan Examination in Public Update (*Planning Services Manager*)

The Planning Services Manager reported that the Examination in Public hearings on the Draft Local Plan had taken place in January and February 2013. The Planning Inspector had indicated in a subsequent letter, that whilst he was satisfied that the Council had complied with the duty to cooperate, he considered that there were a number of areas where the Local Plan was not sound. In most cases the Inspector was satisfied that he could recommend modifications to address these issues. However, this was not the case with the issue of provision for Gypsies and Travellers as he did not consider that the site proposed to be allocated for Gypsies and Travellers accommodation at Brenda Road was suitable or deliverable.

On the basis of this a suspension of the hearings had been put forward by the Planning Inspector to allow the Council to do further work in identifying a suitable site or sites for Gypsies and Travellers accommodation. The timetable for this further work was constrained as the suspension was only

permitted for up to 6 months.

The Planning team had already started this further work with a 'call for sites' exercise which commenced on the 18th February and would close on the 11th March 2013. In this 'call for sites' exercise, letters were sent to landowners, agents, consultants etc and public notices placed to allow landowners to submit potential sites for consideration for Gypsy and Traveller accommodation. The Planning Team would assess any sites submitted along with all Council owned sites in terms of suitability and deliverability criteria. It was anticipated that potential sites would go out to public consultation in April 2013 and a report would be presented to the relevant Committee under the impending governance arrangements in July 2013 with a view to submitting this further work to the Planning Inspector in late July 2013.

Once the further work had been carried out and submitted to the Planning Inspector it was likely a further hearing session would be required. If the local plan then passed the tests of 'soundness' it may be amended to take account of the Inspectors recommendations and then brought to the relevant Committee to be considered for adoption in late 2013.

Members requested that the update report be circulated to all Members for information.

Decision

That the report be noted.

The meeting concluded at 12.55 p.m.

CHAIR

No: 1
Number: H/2013/0040
Applicant: c/o Agent
Agent: Prism Planning Ltd Mr Rod Hepplewhite Prism Planning
1st Floor 11 High Row Darlington DL3 7QQ
Date valid: 08/02/2013
Development: Outline application for the demolition of public house and
erection of retail foodstore
Location: KING OSWY HOTEL KING OSWY DRIVE
HARTLEPOOL

PURPOSE OF REPORT

1.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

1.2 The application site is a vacant public house which has suffered from anti-social behaviour in recent years. There is no relevant planning history.

PROPOSAL AND SITE CONTEXT

1.3 The application site is the former King Oswy public house located on the eastern end of King Oswy Drive, to the north of Gilberti Place and opposite the junctions of Nesbyt Road and Bruntoft Avenue. Opposite the site on the north side of King Oswy Drive is St John Vianney Catholic Church and Presbytery and West View Methodist Church, St John Vianney RC Primary School is adjacent to the site. The surrounding area is predominantly residential in character. At the rear of the site there is an access road serving a garage court.

1.4 It is proposed to demolish the existing building and in its place erect a modern single storey retail unit. This is an outline application with some matters reserved at this time, however the means of access to the site, layout and scale are to be considered at this stage.

1.5 The building has been positioned to allow the relocation of the site access to a more central position, the drawing shows 18 parking bays, including 4 disabled bays, 2 cycle stands for up to 4 cycles a separate pedestrian access will be provided. In addition the applicant is proposing various highway safety improvements including the extension of the existing 20 mph zone, the relocation of the existing bus stop opposite the proposed entrance including the low floor infrastructure in order to improve road safety in the area.

1.6 A service bay will be provided in the south west corner of the site, with new fencing including an acoustic fence along the southern boundary and the residential properties on Gilberti Place. In addition a cash point will be provided.

1.7 In support of the application the applicant has provided a planning statement, a design and access statement, a statement of community involvement and a sequential assessment.

PUBLICITY

1.8 The application has been advertised by way of neighbour letters (38), site notice and press notice. To date, there have been 4 letters of objection and 1 letter of support and 2 letters of no objection.

The concerns raised include:

- 1 Retail food outlets next to schools contribute to an unhealthy life style and obesity issues in children.
- 2 The volume of stationary traffic using the outlet if a health and safety hazard accessing and leaving school.
- 3 Increase in traffic if a health and safety risk and could cause accidents for the 2 local schools close by.
- 4 Impact on existing local centre shops closing
- 5 People need affordable houses not more shops
- 6 Shop closures and redundancy

Copy Letters B

The period for publicity has expired.

CONSULTATIONS

1.9 The following consultation replies have been received:

Traffic and Transportation – No objection subject to relevant conditions:

- The extension of the 20 mph speed limit and any extra traffic calming required
- The relocation of a bus stop and low floor infrastructure, in order to improve road safety in the area.

Northumbrian Water – No comments to make on the application.

Engineering Consultancy – No objection

Economic Regeneration – No objection

Public Protection – No objection subject to relevant conditions:

- An hours restriction on deliveries to between the hours of 7:00am and 9:00pm
- An hours restriction on opening hours to those applied for in the attached application.

- A condition requiring an acoustic fence to the boundary between the application site and the neighbouring residential properties on Gilberti Place.
- A condition requiring final details and siting of any air conditioning and refrigeration units.

Ecology and Landscape – The existing building has none of the construction features that are typically associated with bat occupancy of a building, eg soffits, barge boards, cladding etc. It is considered that it is of low risk for the present of roosting bats and does not require a bat survey. However as bats are highly mobile species and a bat can turn up in almost any building, a standard informative to the applicant regarding the protected status of bats and what to do should one be found during construction.

The proposed new site access may necessitate the removal of one or two recently planted trees within the adjacent highway verge. Should their removal be necessary, the developer should either arrange for the relocation of these trees, or provide appropriate replacements.

The submitted plans provide a general indication of landscaping at the site, however there is insufficient detail to enable a full assessment of the landscaping proposal; therefore these details will be required by condition.

Police – No objections to the development subject to security measure being taken to combat/prevent crime and disorder and promote public safety, examples of this are CCTV coverage, shutters, intruder alarms.

PLANNING POLICY

1.10 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Local Policy

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

Com13 - Commercial uses in Residential Areas
 Com8 - Shopping Development
 Com9 - Main Town Centre Uses
 GEP1 - General Environmental Principles
 GEP2 - Access for All
 GEP3 - Crime prevention by Planning and Design GEP1:
 Tra1 - Bus Priority Routes

Emerging Local Plan

The following policies in the emerging Hartlepool Local Plan (anticipated to be 2013) are relevant to the determination of this application:

RC1 – Retail and Commercial Centre Hierarchy

ND4 – Design of New Development

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.

National Policy

In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the 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.

Para 56 – Good Design

PLANNING CONSIDERATIONS

1.11 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular, the principle of the proposed use, siting, design, noise and disturbance, anti-social behaviour considerations, highway and traffic considerations and the impact on nearby premises and properties.

Policy

1.12 The outline proposal is for a retail development although at this stage there is no end user. It is considered that the policies contained within the 2006 Local Plan are relevant and up to date. However policies COM8 and COM9 are not up to date and as a result policy RC1 of the emerging Local Plan is a material policy consideration.

Policy RC1 states:

“Proposals for main town centre uses in excess of 200m² gross floorspace not located in the town centre or a sequentially preferable centre, will be required to provide a robust sequentially preferable assessment. Where it is established that no suitable sequentially preferable centres are available to accommodate the proposals an appropriate location would be a location accessible by a choice of means of transport and/or which offer significant regeneration benefits.”

1.13 A sequential assessment has been submitted which looked at the nearby existing centres of King Oswy Drive and Brus Comer; it is considered that the sequential assessment is of an appropriate scope in considering all nearby centres which could accommodate the scale of the proposed development. It is accepted that there are no vacant or available units which could effectively accommodate the proposals.

1.14 The sequential assessment goes further to appraise the suitability of the application site. It is considered that the application site is an appropriate location when considering that the site can be accessed by a choice of means of transport (doorstep bus stops, popular pedestrian and cycle route and easy vehicular access). It is considered that the proposals offer the opportunity for significant regeneration benefits for a building that has been vacant for a number of years.

1.15 The proposal falls below the 500m² threshold whereby a retail impact assessment would be required. Notwithstanding this, it is considered that the proposals will not have the potential to undermine the vitality and viability of nearby existing centres of King Oswy Drive and Brus Comer. It is considered that the proposal is in accordance with policies in principle.

Principle of Development

1.16 The NPPF sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Whilst the appearance of the building has been reserved for a future application the scale and layout of the proposed building are considered appropriate and would have a positive contribution to the area.

1.17 The adopted Hartlepool Local Plan 2006 states that development should normally be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Policy GEP1 of the Local Plan states that development should take into account issues such as, the external appearance of the development, its relationships with the surrounding area, visual intrusion and loss of privacy. This is echoed in Policy ND4 of the emerging local plan 2012. It is considered that the provision of a retail unit on the site is acceptable. The site layout is considered to be acceptable in design terms.

Residential Amenities

1.18 The site is bounded by residential properties and a primary school opposite the site are residential properties and a church it is considered that the scale and principle of the development is acceptable in the location.

1.19 It is prudent to state that when an application is submitted to the Local Planning Authority for consideration, the LPA are duty bound to consider the application. In this instance the application is for a retail unit and not housing, whilst the aspirations of the local people would like to see houses on this site the LPA must consider the proposal as submitted. It is considered that retail development of this scale in this location is acceptable.

1.20 Concerns have been raised regarding the siting of a food outlet close to schools and the contribution it could have on an unhealthy life style and obesity issues in children. It is acknowledged that case law has given weight to 'healthy school' status when assessing a fast-food outlet near schools. However in the instance the development is for general retail and not a fast food outlet, it would be difficult to sustain an objection on these grounds.

Noise and Disturbance

1.21 It is not considered that the noise and disturbance created will be of a level which would significantly impact upon the amenity of the occupants of nearby residential properties.

1.22 The Head of Public Protection raises no objection to the development subject to conditions restricting the hours of operation to those applied for in the application, hours for deliveries, acoustic fencing and siting and design of any air conditioning and refrigeration units.

Impact on Local Economy

1.23 Concerns have been received with regard to the impact the proposed development will have on shops located in the immediate area and the general economy.

1.24 A sequential assessment has been submitted which looked at the nearby existing centres of King Oswy Drive and Brus Comer; it is considered that the sequential assessment is of an appropriate scope in considering all nearby centres which could accommodate the scale of the proposed development. It is accepted that there are no vacant or available units which could effectively accommodate the proposals.

1.25 Whilst it is acknowledged that the proposed development could potentially impact upon the function of several shops in the local area it is not considered that the impact will be of a level whereby the Local Planning Authority could sustain a refusal. Moreover, it is considered prudent in the context of this report to state that the current Use Classes Order allows for the change of use of a public house to other uses falling within Classes A1, A2 and A3, including general retail uses,

without a requirement for planning permission. Therefore, if the proposals were merely to convert the property and no extensions of the property were proposed, planning permission would only be required for external alterations or operational development within the site.

Traffic and Transportation

1.26 It is proposed that a new access to the site will be taken from a more central position on King Oswy Drive there are 18 car parking spaces provided within the site. The proposed parking formation will allow for delivery vehicles to safely enter and exit the site in a forward gear, clear of all the parking spaces proposed.

1.27 Concerns have been raised by objectors in relation to the increased traffic generation, highway safety implications, and the impact on existing accesses and parking arrangements in the immediate vicinity.

1.28 The Council's Traffic and Transportation Section have advised that the proposed parking provision for the development is within the HBC Design Guide and specification guidelines.

1.29 Traffic and Transportation have advised that the existing 20 mph speed limit be extended and traffic calming measures, the existing bus stop opposite the access needs to be relocated including the low level infrastructure this can be secured by condition. In highway terms the proposal is considered acceptable.

Landscaping and Boundary Enclosures

1.30 The proposed new site access may necessitate the removal of one or two recently planted trees within the adjacent highway verge, if removal of the trees are necessary, the trees should be relocated or compensatory trees provided. This can be secure by the relevant condition.

1.31 The submitted plans provide a general indication of landscaping at the site; however this matter is reserved for a future planning application.

Ecology

1.32 The existing building has none of the construction features that are typically associated with bat occupancy of a building, eg soffits, barge boards, cladding etc. It is considered that it is of low risk for the present of roosting bats and does not require a bat survey. However as bats are highly mobile species and a bat can turn up in almost any building, a standard informative to the applicant regarding the protected status of bats and what to do should one be found during construction

EQUALITY AND DIVERSITY CONSIDERATIONS

1.33 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.34 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. The final scheme will be designed with the reduction of crime and anti-social behaviour in mind.

1.35 Cleveland Police raise no objection on the proposal and have made recommendations in relation to security and CCTV provision. Concerns have been raised that the development might attract antisocial behaviour. It is acknowledged that such concerns can arise, however the building replaces a public house on the site from which potentially similar nuisances could arise. It is considered that with appropriate conditions covering the relevant security measures described and through the appropriate management of the premises these matters could be addressed.

REASON FOR DECISION

1.36 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION - APPROVE

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the appearance of the building and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
For the avoidance of doubt and to ensure a satisfactory form of development.
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. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 25 January 2013 and as amended by the plans received 21 March 2013, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

5. The gross internal floorspace of the retail unit hereby approved shall not exceed 440 square metres as shown on the approved drawing (AJR12:117 01).
In the interest of the vitality and viability of nearby local centres.
6. A scheme for the relocation or replacement of any trees within the highway verge that need to be removed to provide the new site access shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of highway safety.
7. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
In the interests of visual amenity.
8. The premises shall only be open to the public between the hours of 06:00 and 21:00 Mondays to Saturdays and 07:00 and 21:00 on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
9. Deliveries to the premises shall only take place between the hours of 07:00 and 21:00 on any day.
In the interests of the amenities of the occupants of neighbouring properties.
10. Details of all walls, fences and other means of boundary enclosure, including details of an acoustic fence to be provided to the southern boundary of the site and Gilberti Place, shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commences. Thereafter the development shall be carried out in accordance with the approved details. The acoustic fence shall be provided before the development is occupied and thereafter it shall be retained during the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
11. Details of the final siting and design details of any refrigeration and air conditioning unit(s) proposed for the retail unit hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of the visual amenity and the amenities of the occupants of neighbouring properties.

12. Prior to the retail unit hereby approved being brought into use a scheme for the extension of the existing 20 mph speed limit and traffic calming measures including signage shall be implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority. In the interests of highway safety.
13. Prior to the retail unit hereby approved being brought into use the relocation of the bus stop on King Oswy Drive opposite the proposed site entrance shall be in accordance with a scheme agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details. In the interests of highway safety.
14. Details and locations of external lighting shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The scheme shall be implemented in accordance with the approved details and thereafter retained as approved during the lifetime of the development, unless some variation is otherwise subsequently agreed in writing by the Local Planning Authority. In the interests of the amenities of the occupants of neighbouring properties.
15. The use hereby approved shall not commence until proposals for the storage of refuse within the site, including bins for customer use, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details. In the interests of the amenities of the occupants of neighbouring properties and the visual amenity of the area.
16. Details and locations of CCTV cameras upon the retail unit shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The scheme shall be implemented in accordance with the approved details and thereafter retained as approved during the lifetime of the development, unless some variation is otherwise subsequently agreed in writing by the Local Planning Authority. In the interests of the amenities of the occupants of neighbouring properties and in the interests of crime prevention.
17. At the time of development the redundant vehicular access onto King Oswy Drive, to the west of the proposed access shall be removed and the footway restored in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the retail unit hereby approved being brought into use. In the interest of highway safety and the visual amenity of the area.

BACKGROUND PAPERS

1.38 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are

available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

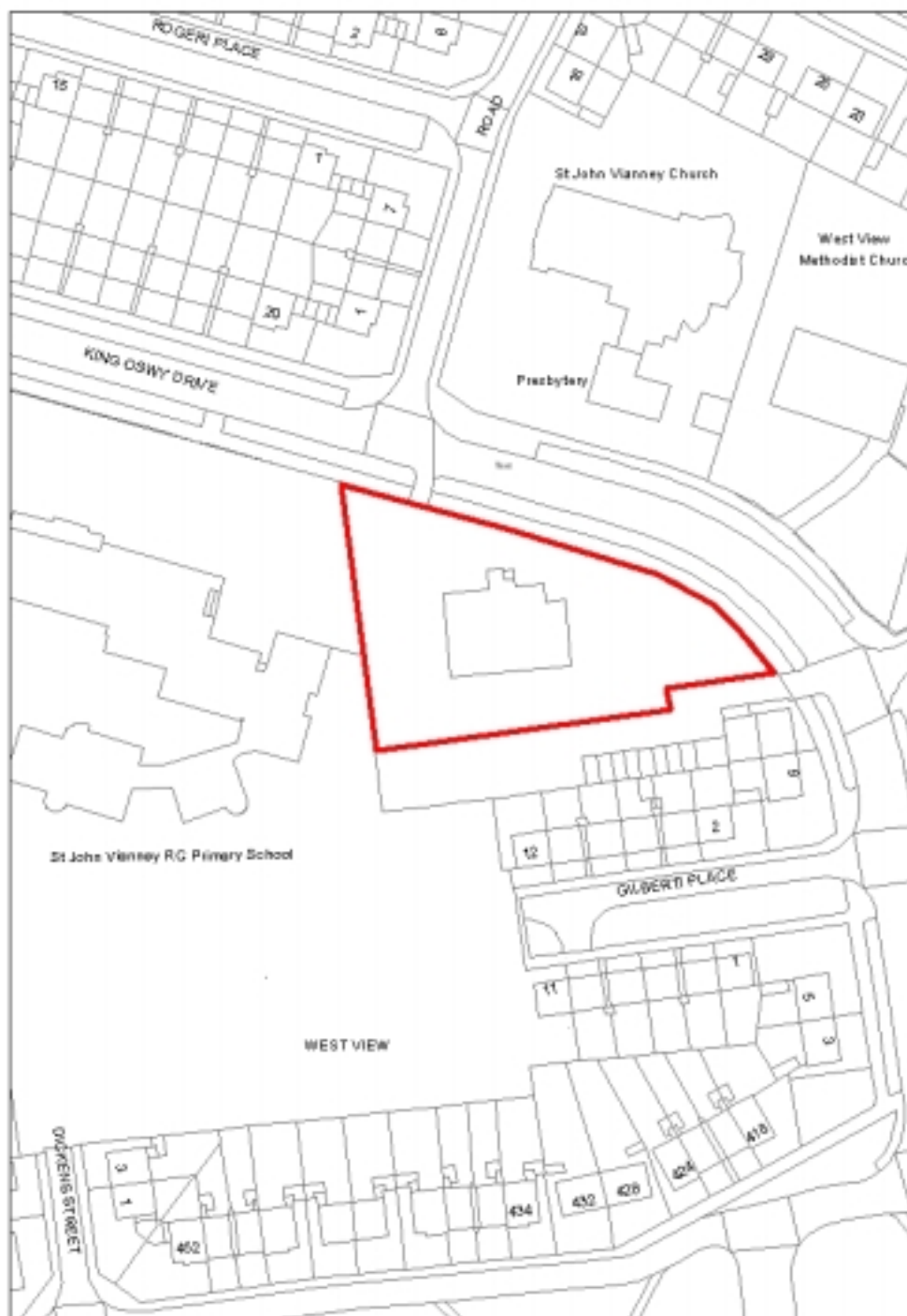
CONTACT OFFICER

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KING OSWY HOTEL



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
 Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT
 Department of Regeneration and Planning

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Scale: 1:1000
Date: 15/3/13
Drg No: H/2013/0040

No: 2
Number: H/2013/0029
Applicant: Yuill Homes Harbour Walk HARTLEPOOL TS24 0UX
Agent: Yuill Homes Tranquility House Harbour Walk
HARTLEPOOL TS24 0UX
Date valid: 18/01/2013
Development: Residential development comprising 22 dwellings,
associated road layout, landscaping and drainage
(resubmitted application)

Location: LAND SOUTH OF RABY ARMS FRONT STREET HART
HARTLEPOOL

PURPOSE OF REPORT

2.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

2.2 In September 2012 a planning application was submitted for a residential development comprising 23 dwellings upon the site to which this application relates. In November 2012 the application was withdrawn in order for the developer to address a number of issues such as separation distances, archaeology and highway considerations.

PROPOSAL AND SITE CONTEXT

2.3 The site to which this application relates is located south of the car park of the Raby Arms public house. The site is bound to the north by the aforementioned car park, by Millvale, a large detached bungalow located on Raby Close and No's 11 and 12 Hart Pastures. To the west and south of the site is bound by a tree belt which extends into the south and south-east of the application area. Beyond the southern tree belt lies the A179 Hart Bypass.

2.4 The application seeks consent for the erection of 22 dwellings, together with associated road access, landscaping and drainage infrastructure. All but two of the dwellings proposed are detached. Two semi-detached houses are proposed and will be of an affordable tenure.

2.5 The site layout has been amended since the application was originally submitted following concerns raised by Officers in terms of separation distances, layout and parking considerations.

PUBLICITY

2.6 As outlined above, the site layout has been amended since the application was originally submitted. The originally submitted application and the amended scheme have been advertised separately by way of neighbour letters (36), site notices (x3) and newspaper advert.

2.7 25 letters of objection have been received (including multiple representations from single addresses) and a four name petition. The concerns include the following to the original scheme:

1. Not in accord with Planning Policy LS1 – site allocated for 15 dwellings
2. Increase in housing numbers from 15 to 22 will have adverse impact on character of village
3. Affordable housing provision is insufficient
4. Access to site should be 60m from existing junction
5. A road safety audit should be carried out
6. Sewers need replacing
7. Drains are at capacity and overspill on a regular basis
8. Increase in traffic flows
9. Parking facilities should conform to HBC design guide
10. Concerns re new roundabout and proximity to main roundabout
11. The overflow of sewerage is detrimental to farming business – economic and farming constraint and health risk to local area
12. The site lies in a ground water catchment protection zone
13. The application should not be approved until the public right of way is diverted
14. The development will impact on the medieval field system which is considered to be a heritage asset
15. Flooding issues in the area
16. Major traffic congestion particularly on A179 roundabout – risk of accidents
17. Increase in noise from development on existing dwellings
18. Hart will lose village appeal
19. Already houses in village that have been for sale for more than 2 years
20. No need for new housing
21. Issues with crime from empty houses
22. Loss of field – sheep, trees, wildlife and bats
23. Devaluation of existing dwellings
24. Application has not been publicised properly – site notice not in good position
25. No letters have been received regarding the application
26. The new development is little different to the previous application which was withdrawn
27. Trees should be retained
28. There are better sites for housing
29. Village school is becoming overcrowded
30. Increase in traffic noise and pollution
31. Development is out of keeping with the village
32. Hart should remain a village not become an estate
33. This application should be postponed until the village rural plan consultations have been concluded
34. Access to the site is dangerous

- 35. Impact on viability of the pub
- 36. Impact on horses and riders close by
- 37. Problems with refuse collection
- 38. Bus company may withdraw service due to traffic issues caused by the development
- 39. Unattractive development
- 40. Smaller affordable houses are required
- 41. Development does not cater for the needs of villagers
- 42. The new development would overwhelm the village
- 43. Limited amenities and public transport in the village
- 44. Destroys green belt land
- 45. Existing dwellings will be affected – overshadowing and loss of light
- 46. Noise and vibration from A179 will be unacceptable to new dwellings
- 47. House types are not appropriate for village location
- 48. No cottages or bungalows have been included
- 49. Erosion of buffer zone

Concerns include the following to the amended scheme

- 50. Road safety
- 51. Huge increase in traffic to the village
- 52. Will overwhelm the resources of the village
- 53. Destroy the visual and historical appeal of the village
- 54. Will become an extension the Middle Warren and Bishop Cuthbert
- 55. Creation of noise by way of extra traffic
- 56. Proposed roundabout is too close to the existing roundabout
- 57. Flooding concerns
- 58. No need for more houses
- 59. The proposal is not in accordance with the Local Plan
- 60. Policy LS1 clearly sets out that the Village of Hart should only accommodate 15 new dwellings during the Plan period. It is considered that the proposal for 22 units significantly increases the proposed development figure for the village
- 61. Adverse impact on character of the rural village contrary to policy
- 62. A minimum of 10% affordable housing should be provided on site
- 63. A road safety audit has not been undertaken and therefore the application cannot be robustly considered
- 64. Parking facilities/standards should fully conform with the HBC design guide
- 65. Concerns regarding the impact upon the existing sewerage network

Copy Letters C

2.8 The period for publicity for the amended scheme is still outstanding but expires prior to the committee meeting.

CONSULTATIONS

2.9 The following consultation replies have been received with regard to the amended scheme:

Cleveland Fire Brigade – Vehicle access to be in accordance with B5 guidance in Approved Document B of the Building Regulations.

Adequate hydrant provision to be provided for the development that meets current guidance.

Northumbrian Water – The public sewer shown on layout plan does not now need diversion. Paragraph 10.14 of the Flood Risk Assessment states surface water to public sewer will be restricted to 5l/s. This is as required by Northumbrian Water.

Hartlepool Water – No objections

Countryside Access Officer – There is a public right of way (designation Public Footpath No.3, Hart Parish) that runs through the development site and it will need to be diverted under section 257 (1), Town and Country Planning Act 1990 as: "...it is necessary to do so in order to enable development to be carried out...".

The Developer will need to contact myself to discuss the diversion application, which is a separate application process to the planning application process. The route of the diversion as well as the remediation, surface and furniture to be installed will need to be discussed prior to any application being received.

There will be a cost incurred to carry out any diversion and the developer will need to be informed of the full process and time taken as well as the cost.

Environment Agency – No comments to make on the resubmission of the above application. However, our advice in relation to the discharge of foul sewage detailed in our previous letters dated 1 and 18 October 2012 still applies (disposal of foul sewage).

Arboricultural Officer - A comprehensive arboricultural impact assessment has been submitted in support of the resubmitted application. The assessment has been produced to comply with British Standard 5837:2012 'Trees in relation to design, demolition and construction Recommendations'. A total of fifteen individual trees and eight distinct groups of trees/shrubs are included in the assessment, with six individual trees identified for removal and three tree groups identified for partial removal.

Of the six individual trees identified for removal, three (T12, T14 and T15) are over-mature Ash trees which are in an advanced state of decline, two are small multi-stemmed trees (T11 and T13), and one is a Norway Maple (T1) which is the end tree of a group located adjacent to the proposed entrance to the development. It is not thought that the removal of these trees would have a significant adverse impact upon local amenity and therefore their removal is considered acceptable.

It will be necessary to remove a section of hedgerow (Group 2) at the eastern boundary of the site in order to create the proposed entrance to the development, and two sections of young to semi-mature trees (Groups 7 and 8) will need to be removed in order to allow construction of the proposed pumping station and the proposed dwelling at plot 14. It is not thought that the partial removal of these tree

groups would have a significant adverse impact upon local amenity and therefore their removal is considered acceptable.

A draft tree protection plan which indicates the positions of temporary protection barriers around the retained trees at the site has been included with the arboricultural impact assessment. The draft tree protection plan is considered generally acceptable; however, as is stated in section 5.7 of the arboricultural impact assessment, once all technical drawings regarding construction of the proposed development are completed, a finalised arboricultural method statement (which should include a finalised tree protection plan) appropriate to the proposals as approved should be submitted to and approved by the local planning authority prior to commencement of works on site. These details will be required by condition.

Turning to the landscaping of the proposed development, an indicative landscape layout has been submitted in support of the application which shows the retained trees, two areas of open space, and front and rear residential gardens to each dwelling plot. Insufficient detail has been submitted in order to allow a full assessment of the landscape proposal however; therefore these details will be required by condition.

With regard to the detail of the landscaping proposal, there are a number of particular considerations that I would recommend should be addressed. Details of estate type or post and rail type fencing to enclose the two areas of open space should be included. Lastly, the remaining areas of young/semi-mature trees at plots 1 and 14 should be selectively thinned, favouring the better quality individuals, in order to create more useable garden space. The landscape scheme should also include the planting of new trees, shrubs and hedges in appropriate locations.

Should the proposal be approved I would recommend inclusion of the following conditions:

No development shall take place until an arboricultural method statement, including 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.

Standard conditions J161 and J170 also apply.

Traffic and Transportation - The proposed access is located approximately 45 metres from the Hart Village / A179 roundabout and opposite an existing junction. Ideally for a road of this type new junctions should be sighted 60 metres or more

from existing junctions on the same side of the road and 30 metres from junctions opposite. In order to mitigate for this the developer is proposing to control traffic by implementing a mini roundabout. This will require minor works to the existing highway.

It is considered that a mini roundabout would be a suitable method of traffic management to be able to control traffic, however either one of the following 2 options needs to be implemented to improve the safety of the proposed junction particularly due to the proximity to the roundabout and the presence of the Raby Arms PH access.

Option 1 – Increase deflection on the roundabout, this will force vehicles to slow down on the approach to the roundabout. This may be restricted by existing physical factors.

Option 2 – Raise the junction to footway level, therefore in effect the roundabout will become a traffic calming feature and will help slow traffic entering the village.

Minor signing and lining will be required in advance of the roundabout to warn motorists of its presence.

These works would have to be carried out under a section 278 agreement.

As well as the above requirement, the proposals will be required to go through a road safety audit procedure, this would need to be carried out independently and at the developers cost.

With reference to the residents concerns about the possible increase in traffic generated by the proposed development. In traffic terms an extra 22 houses will generate minimal traffic movements, and would not compromise the efficiency of the Hart Village Roundabout. A recent site visit showed that at any one time no more than 3 vehicles were queued at the Hart Village roundabout and the junction was generally free during the morning peak hour.

I would not consider that the location of the proposed mini roundabout would cause queues of traffic to back up through the Hart Village Roundabout and compromise road safety.

The accident record in Hart does not indicate that there's a road safety issue in the village. 3 injury accidents have been recorded in the past three years, a slight and serious accident were recorded at the western most access into Hart, and a slight accident between the A179 and the Raby Arms PH entrance.

There are minor concerns with the layout, the applicant is proposing a number of properties which will be more 25 metres from the proposed highway, and this has amenity issues for any residents who will want refuse collected. The applicant can extend the length of adopted highway therefore shortening the private drive to comply with this requirement.

All roads and footways should be constructed in accordance with HBC Design Guide and specification requirements either under an advanced payment code arrangement or under a section 38 agreement.

Hartlepool Water – No objections

The Ramblers Association - We ask you to draw the developer's attention to the Government's views expressed in DEFRA Circular 1/09 Section 7. *'Planning permission and public rights of way'* viz.:

The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications

Any potential disadvantages to the public arising from alternative proposals proposed for an affected right of way can be minimised by early liaison between the developer, planning and highway authorities, local amenity groups, prescribed organisation (these include the Ramblers) and affected individuals...; Further the approach should minimise uncertainty, costs in revising design schemes and delay.

The early and effective consultation described in paragraph 7.6 should ensure that all matters of concern are raised without delay and dealt with, and if agreement can be reached, any statutory procedures associated with the making and confirmation of the necessary order can be initiated without delay once the details have been approved.

In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.

The TCP (Development Management Procedure) Order 2010 (SI 2010 N°2184) provides that development affecting a public right of way must be advertised in a local newspaper and by posting a notice on the site..... (The reference has been updated by the writer following changes to the Development Orders).

The grant of planning permission does not entitle developers to obstruct a public right of way. It cannot be assumed that because planning permission has been granted that an order under section 247 or 257 of the 1990 Act, for the diversion or extinguishment of the right of way, will invariably be made or confirmed,. Development, in so far as it affects a right of way, should not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect. The requirement to keep a public right of way open for public use will preclude the developer from using the existing footpath, bridleway or restricted byway as a vehicular access to the site unless there are existing additional private rights. Planning authorities must ensure that applicants whose proposals may affect public rights of way are made aware of the limitations to their entitlement to start work at the time planning permission is granted.

Hartlepool Civic Society - The Society still has concerns regarding this proposed development.

It is totally unnecessary - there is already within half a mile the Middle Warren huge housing development with numerous new unsold houses available, plans for even more are in the planning process. There is also a considerable number of presently occupied houses for sale.

In the proposed Local Plan - only 15 new houses were allocated for Hart Village.

Furthermore, at a time when the Neighbourhood Plan is being developed, including the village of Hart, it is unfortunate, to say the least, that this proposal is being put forward at this time.

The prospective residents for these houses will be subjected to constant noise from the very busy Hart Bypass and the roundabout - where heavily-loaded lorries are particularly noisy in low gear as they climb the incline. This is constant 24 hours a day and will only get worse.

Aesthetically, this unnecessary development is alien to the traditional village - adding 'estate design' houses to the stock of the previously poorly-designed developments is no reason to stick another 'housing estate in a field'. The existing village environment must be preserved. The Borough Council publicises its villages as an asset. This development will despoil Hart.

We would urge the Council to refuse this application.

Hart Parish Council - Having read through the documentation generated it appears that Yuill Homes have once more adopted a *laissez-faire* approach to this proposed development. The residents have in their comments covered most of the areas on which the Parish Council have grave concerns. In the document No. 11274700 Statement of Community Consultation paragraph 5.2 they state that there are houses of varying age and character present. This is true but the Parish Council are of the opinion that Yuill Homes have failed to grasp an opportunity to provide designs which fully reflect the older buildings within the village. This approach has been seen elsewhere when copies of the outlines, at least, of older buildings have allowed thoughtful extensions to small villages to be achieved. There is no place for 2½ storey houses in this location as they are totally out of character.

The doctrinaire adhesion to 10% affordable housing is disappointing. The housing designs proposed are quite suited to a large urban estate but certainly not within a rural location such as Hart. It is well established in rural villages that the demographic tendency is towards an older population and younger members tend to move away mainly because of the cost of housing within their birth place. There are a reducing number of children within Hart which does not appear to have been recognised in the application. The village school is full but only by occupation from families outside the village being transported from a wide area. This is evidenced by the traffic problems during term time which exasperates the difficulty of accessing the A179 at the eastern end.

There remains an availability of a wide range of housing in the near area of Hart is obvious. A range of dwellings within walking distance on the Throston and Warren estates is available and the builders have found it necessary to offer attractive deals in an effort to move these on the market. This in itself makes it questionable that this proposal would attract buyers particularly as houses in the villages generally have premium prices attached.

The offering of 22 houses instantly is an intense attack by the developer when the Local Plan has a suggested and acceptable 15 houses over a five year period.

It is a fact that all traffic, regardless of destination, emanating from Hart leaves the village by the eastern exit as the western exit is impossible particularly for journeys to towards the A19 due to the continuous traffic flow along the A179 in both directions. Indeed one of the bus services was lost to Hart as the schedule needed an extra 3 minutes to service another village and the investigation showed that more than this was being lost at this junction. Arriva bus drivers were frustrated to the extent that they drove eastwards to the roundabout then back up the A179 in order to make progress on their journey.

Engineering Consultancy – Comments awaited

Public Protection – Comments awaited

Cleveland Police – Comments awaited

PLANNING POLICY

2.10 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Local Policy

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

- GEP1 – General Environmental Principles
- GEP2 – Access for All
- GEP3 – Crime Prevention by Planning and Design
- GEP7 – Frontages of Main Approaches
- GEP9 – Developers' Contributions
- Hsg10 – Residential Extensions
- Hsg5 – Management of Housing Land Supply
- Hsg9 – New Residential Layout – Design and Other Requirements
- Rec2 – Provision for Play in New Housing Areas
- Rur14 – The Tees Forest
- Rur18 – Rights of Way
- Rur3 – Village Envelopes
- Tra16 – Car Parking Standards
- Tra20 – Travel Plans

Emerging Local Plan

2.12 The following policies in the emerging Hartlepool Local Plan (anticipated to be 2013) are relevant to the determination of this application:

SUS1 – The Presumption in Favour of Sustainable Development
 LS1 – Locational Strategy
 CC1 – Climate Change
 CC2 – Energy Efficiency
 ND1 – Planning Obligations and Compulsory Purchase Orders
 ND3 – Telecommunications and Utilities
 ND4 – Design of New Development
 HSG1 – New Housing Provision
 HSG4 – Overall Housing Mix
 HSG5 – Affordable Housing

Regional Policy

2.13 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.

National Policy

2.14 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the 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.

Paragraph 14: Presumption in favour of sustainable development

Paragraph 50: Delivering a choice of homes

Paragraph 56: Good Design

Paragraph 61: Connection between people and places

Paragraph 66: Taking account of local views

Paragraph 96: Minimise energy consumption

Paragraph 196: Determination in accordance with the development plan

Paragraph 197: Presumption in favour of sustainable development

PLANNING CONSIDERATIONS

2.15 Having regard to the requirement of Section 38(6) of the Planning and Compulsory Purchase Act 2005 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, impact upon the character and appearance of the area, the effect of the proposals on neighbouring properties, premises and land uses, the effect of the proposals on highway safety/parking, ecology, trees, drainage, flooding, noise and disturbance, archaeology, public rights of way, affordable housing provision and developer contributions.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.16 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.17 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

2.18 The comments of Cleveland Police's Architectural Liaison Officer are awaited and will be presented in a comprehensive update report to follow.

RECOMMENDATION – Comprehensive update Report to Follow

BACKGROUND PAPERS

2.19 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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LAND SOUTH OF THE RABY ARMS



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT
Department of Regeneration and Planning

COPYRIGHT RESERVED LICENCE 1000233902013
Scale: 1:5000
Date : 15/3/13
Drg No: HI2013/0040

No: 3
Number: H/2012/0613
Applicant: Mr Benjamin Jobson Jobsons Brierton Farm Brierton Lane
BILLINGHAM TS22 5PP
Agent: AJ Riley Architects Mr Andrew Riley 24 Bedford Road
Nunthorpe MIDDLESBROUGH TS7 0BZ
Date valid: 02/01/2013
Development: Conversion of former granary building to provide four
bedroomed dwellinghouse
Location: Brierton Farm Brierton Lane

PURPOSE OF REPORT

3.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

3.2 None.

PROPOSAL AND SITE CONTEXT

3.3 The application site is located within a large group of farm buildings and dwellings within the rural area west of the urban boundary of the town with access onto Brierton Lane.

3.4 There are a number of separate farms in this hamlet together with the associated dwellings and farm houses. Vehicular access to the site is from the north on Brierton Lane and from the south (secondary access) onto Dalton Back Lane. Brierton Quarry (disused) lies to the north east of the site.

3.5 The farm has been reduced in size to 11 acres in recent years and comprises a wide range of agricultural buildings and animal sheds together with the main farm house and cottage.

3.6 The application seeks consent for the conversion of an existing traditional barn to a 4 bedroom dwelling. This barn currently forms the northern side of a quadrangle of buildings.

3.7 The two storey building, constructed in the early part of the 19th century, originally housed cattle with grain storage above. Typical of its time the building retains a number of features of architectural or historic merit and is included in the Councils Locally Listed Buildings and therefore considered to be a heritage asset.

There are brick buildings on the other 3 sides of the quadrangle with access to the central courtyard through an arched gateway onto Brierton Lane.

3.8 The application states that although the building is structurally sound, considerable internal upgrading will be required to meet current thermal standards. Externally, apart from new windows and doors in existing openings, and the re opening of the existing ventilation slits, only minor re pointing in lime mortar and re roofing in red clay pan tiles will be carried out to main building. Stone finials will be retained and new cast iron rainwater goods provided. The lean to building will be refurbished in matching English Bond brickwork with external Yorkshire boarding in larch.

3.9 Once complete, the new dwelling will provide living accommodation comprising lounge, hall, bed/ensuite and utility room in the main building with 3 bedrooms, bathroom and ensuite above. The former single storey lean- to will provide garden room and kitchen/breakfast room on the ground floor. Two parking spaces have been provided in the internal courtyard. An area to the north of the building has been marked on the location plan as private amenity space for the new dwelling.

PUBLICITY

3.10 The application has been advertised by way of site notice and neighbour letters (3). To date, there has been one letter of comments received. The comments note that the proposed development is next to a working farm and within 30m of livestock buildings

Copy Letters D

3.11 The period for publicity has expired.

CONSULTATIONS

3.12 The following consultation replies have been received:

HBC Ecologist – Low risk of bat roosts. Does not appear to be any suitable nesting locations for barn owls. Likely that some bird species such as starlings, sparrows or swallows would nest in the building. Works outside of breeding bird seasons. Opportunity to include beneficial features for biodiversity for example roosting opportunities.

HBC Engineering Consultancy – No objections.

HBC Parks and Countryside – The application site covers Public Byway No.1, Brierton. The applicant will need to make sure that at no time materials, equipment or vehicles are placed upon the right of way at any time.

HBC Public Protection – Large neighbouring operational farm would have an adverse impact from noise associated with the pig unit and odours from livestock farming. Impacts also from farming activities such as vehicle movements, grain drying etc. The application should be resisted.

HBC Traffic and Transport – Site provides a minimum of 2 parking spaces. There are no highway or traffic concerns with this application.

Environment Agency – No objections.

Greatham Parish Council – No objections.

Northumbrian Water – No objections.

Ramblers – No objections received.

Tees Archaeology – No objections, conditions recommended.

PLANNING POLICY

Local Policy

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

GEP1 – General Environmental Principles
 GEP2 – Access for All
 GEP3 – Crime Prevention by Planning & Design
 Rur12 – New Housing in the Open Countryside
 Rur14 – The Tees Forest

Emerging Local Plan

3.14 The following policies in the emerging Hartlepool Local Plan (anticipated to be 2013) are relevant to the determination of this application:

HSG3 – New Dwellings Outside of Development Limits
 ND4 – Design of New Development

Regional Policy

3.15 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.

National Policy

3.16 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the 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.

3.17 Paragraph 55 states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances.

PLANNING CONSIDERATIONS

3.18 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the design of the scheme, the impact on neighbouring properties/uses, the impact on the surrounding area, highway safety, the public right of way and drainage.

Principle of Development

3.19 In terms of the policies of the extant Hartlepool Local Plan (2006) (Policy Rur 12) new dwellings in the countryside are only allowed in exceptional circumstances and it is not considered that the proposal would meet any of the exceptional circumstances. However, policy Rur12 is not in accordance with the NPPF when considering paragraph 55, and as a result can be considered out of date. Limited weight should therefore be given to Policy Rur12 in determining this planning application. On that basis paragraph 55 in the NPPF and policy HSG3 in the emerging 2012 Local Plan are the most appropriate policies in the Development Plan with which to determine the application.

3.20 NPPF paragraph 55 states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- a) The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- b) Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- c) Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or

d) The exceptional quality or innovative nature of the design of the dwelling.

3.21 The proposals involve the re-use of redundant buildings, and would improve the immediate setting of the surrounding area. The barn is also a Locally Listed building which will be sympathetically restored and brought back into use as a dwelling. The proposals are therefore considered to be in accordance with paragraph 55 b and c of the NPPF.

3.22 In terms of the emerging Hartlepool Local Plan (2012) this has recently undergone examination, although the examination has been suspended, this has been on the issues of the gypsy and traveller site allocation. The Inspector's report is awaited once further information has been submitted. As a result, for this specific application, paragraph 55 in the NPPF and the emerging Local Plan policies should be giving the most weight when having regard to the policy context of the proposal.

3.23 Policy HSG3 is the main policy with regard to the proposals. The policy wording in the Local Plan 2012 Submission document is subject to change pending the Inspector's report. The Council have put forward proposed changes to the HSG3. The relevant point of the policy in this instance is point 6) which states, 'the development would represent the best viable use or secure the future of the heritage asset'. The proposed development would bring back part of a heritage asset, which in its current form is having an adverse impact upon the setting and character of the heritage asset, back into use. It is considered that the development significantly enhances the setting of the locally listed building and the scheme is therefore considered to be acceptable in respect of policy Hsg3.

3.24 It is considered in Policy terms that the principle of the development is considered acceptable.

Design

3.25 The building which lies adjacent to the Public Right of Way (Brierton Lane) presents its north and east elevations to public view. Whilst the main barn is considered to be both attractive and interesting, the northern lean-to consists of a variety of materials such as brick, old boards and rusty corrugated metal sheets. The land around this northern side is also in an untidy condition.

3.26 As previously mentioned the conversion works include the re use of the existing door and window openings which will be refitted with timber doors and windows in a style appropriate for the age and style of the building. The kitchen lean-to will be incorporated into the natural roof slope of the main building. Timber boarding above new brickwork will form the new north elevation.

3.27 It is considered that the proposed works will have a significant positive impact on the area and will restore and reuse a redundant farm building which has recently been locally listed for its architectural and historic merit. The works are considered to be both appropriate and acceptable.

Amenity

3.28 In terms of its relationship to existing buildings, it should be noted that the barn is part of an existing quadrangle of farm buildings. The nearest dwelling is the applicant's main house approximately 22m south of the barn with other outbuildings/barns between. It is acknowledged that the layout proposed is dictated by the existing buildings and that the normal separation distances recommended by the Council cannot be provided. The new dwelling will face into the quadrangle directly onto another barn which is not used as a dwelling but is within the applicant's ownership and control.

3.29 There are already a number of dwellings in the area some of which are directly associated with the farms and farm activities or are lived in by family members.

3.30 Comments received from an adjacent farm indicate that whilst there are no objections to the proposal, the development is next to a working farm close to buildings used to house livestock. As the applicant is also a farmer it is likely that this issue has been recognised and that any future occupants of the building would be aware of this relationship.

3.31 The Council's Head of Public Protection has indicated that the neighbouring farm to the west has a large pig unit which can house up to 400 pigs as well as farming up to 300 sheep along with arable activities. It is considered that there will be significant adverse impacts upon the occupiers of the proposed dwelling, namely from the noise associated with the pig unit both day and night. It is also considered that there will be significant impacts on the occupiers in terms of odours from the livestock farming, particularly the handling of slurries and manure. Furthermore, there are also potential significant impacts from other farming related activities on the neighbouring farm such as vehicle movements, noise, dust and odours from activities such as grain drying which can occur 24 hours a day. On that basis it is considered that the proximity to the adjacent farm will mean there is a significant detrimental impact upon the living conditions of the future occupiers.

3.32 Whilst the applicant has indicated that they would be prepared to accept a condition which restricted the occupancy of the property to agriculture only, it is considered that regardless of whether the occupiers work within agriculture or not, the impact from an adjacent farm which is not within the control of the applicant is of level which would detrimentally affect their living conditions.

Highway Safety

3.33 No objections have been raised by the Council's Traffic and Transportation section. Two parking spaces have been provided within the internal courtyard which already has a direct access from Brierton Lane.

Public Right of Way

3.34 The Council's Countryside Officer has commented that the application appears to have an impact on the public right of way. While the renovation works are being

carried out, the access road will be used by visitors/builders to the site. Once the works are complete the road will be used by the occupant. No building work will be carried out on the road or any closer to it than the existing building. There is sufficient space on the opposite side of the road and within the site to store materials and equipment associated with works. Provided that there is no encroachment on the highway, it is not considered that the works will affect the public right of way.

Drainage

3.35 The method of foul drainage will be a package treatment plan and soakaway. The Environment Agency has commented that there are no objections and that the treatment plant would meet the current criteria. Further details of the soakaway and the treatment plant can be required by condition.

Contamination

3.36 The Council's contaminated land database shows three areas of unknown filled ground within close proximity to the site. There is also a disused quarry, now referred to as a landfill site on the Environment Agency's records, approximately 130m to the east. There is potential risk to the property from ground gases and as such a Preliminary Risk Assessment (Phase 1 Desk Study) will be required to consider the risks further.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.37 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.38 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

3.39 The final scheme if approved could be designed with the reduction of crime and anti social behaviour in mind.

REASON FOR DECISION

3.40 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION – REFUSE

1. It is considered that the proximity of the proposed dwelling to the adjacent farm and the level of noise and disturbance from the associated farming activities would be detrimental to the living conditions of future occupiers of the proposed dwelling, contrary to policy GEP1 of the adopted Hartlepool Local Plan (2006).

BACKGROUND PAPERS

3.41 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

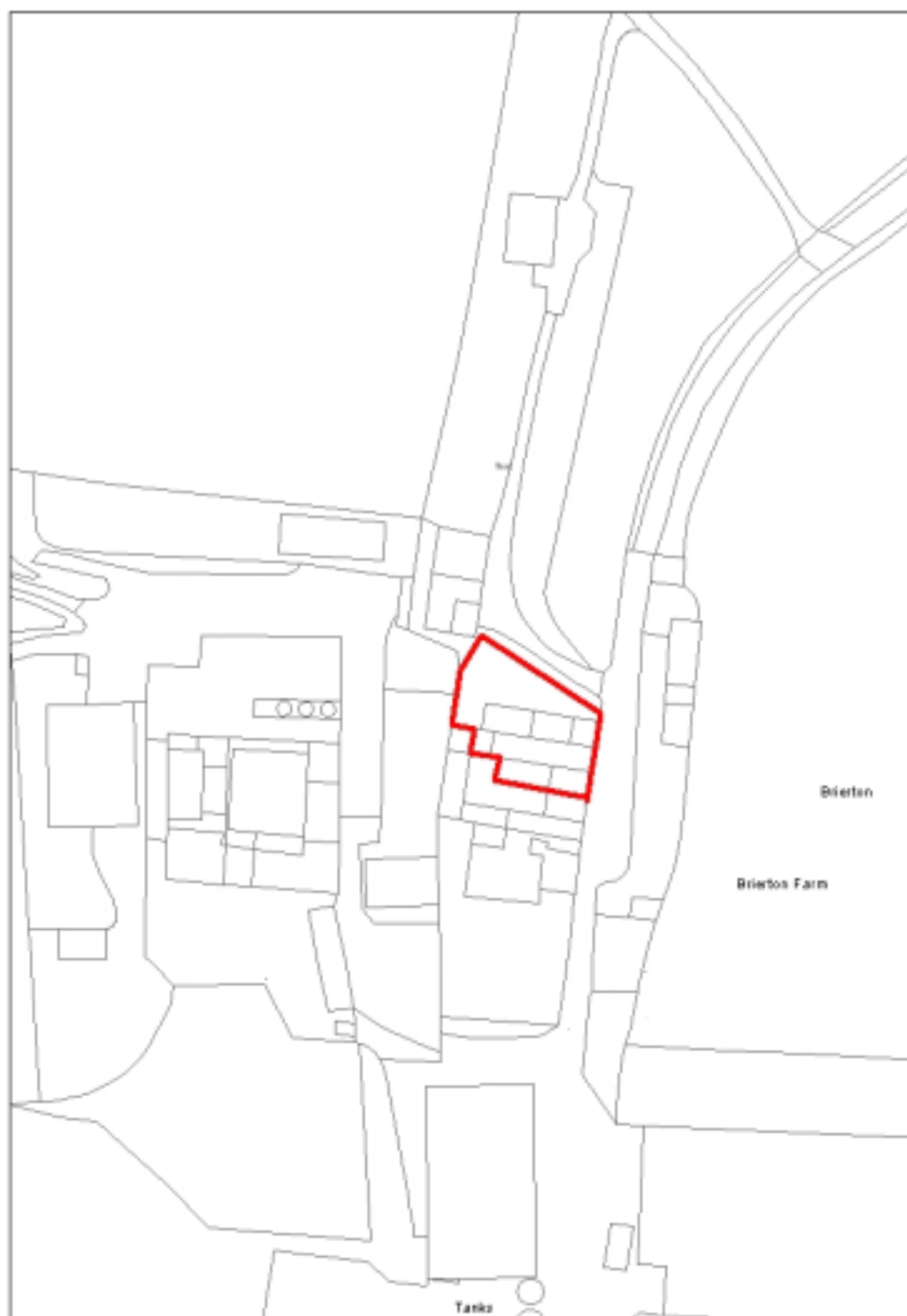
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BRIERTON FARM



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT
Department of Regeneration and Planning

COPYRIGHT RESERVED LICENCE 1000233902013
Scale: 1:1000
Date : 21/3/13
Drg No: HI/2012/0613

No: 4
Number: H/2013/0077
Applicant: Mrs Jayne Halliday Central Library 124 York Road
HARTLEPOOL TS26 9DE
Agent: Hartlepool Borough Council Mrs Jayne Halliday Central
Library 124 York Road HARTLEPOOL TS26 9DE
Date valid: 13/02/2013
Development: Additions to existing library uses to incorporate licensed
literary events, murder mystery plays and other events
Location: Central Library York Road HARTLEPOOL

PURPOSE OF REPORT

4.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

4.2 NONE

PROPOSAL AND SITE CONTEXT

4.3 The application relates to the addition of uses to existing permissions of Hartlepool Central Library. The application seeks consent to hold specific literary events such as murder mystery plays at the Central Library.

4.4 The site to which this application relates to will not require any alterations to take place either internally or externally as the current layout of Hartlepool Central Library is suitable to hold the proposed additional uses.

PUBLICITY

4.5 The application has been advertised by way of site notice. To date, no comments have been received on the application.

CONSULTATIONS

4.6 The following consultees were contacted in relation to this application:

Economic Regeneration – no objections

Traffic and Transport – no highway or traffic concerns

Public Protection – comments awaited

PLANNING POLICY

4.7 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Local Policy

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

Com1- Development of the Town Centre
 Com2- Primary Shopping Area
 GEP1- General Environmental Principles
 GEP2- Access for All
 GEP3- Crime prevention by Planning and Design
 Tra15- Restriction on Access to Major roads

Emerging Local Plan

4.9 The following policies in the emerging Hartlepool Local Plan (anticipated to be 2013) are relevant to the determination of this application:

LS1- The Location Strategy
 ND2- Community Facilities and Services
 RC2- The town centre

Regional Policy

4.10 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.

National Policy

4.11 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the 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.

Para 2- Ensuring the vitality of town centres (page 7)

Para 8- Promoting healthy communities (page 17)

PLANNING CONSIDERATIONS

4.12 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the policies found within the existing and emerging Hartlepool Local Plan.

Principle of Development

4.13 The application site to which this application relates is Hartlepool Central library in the heart of the town centre. The application seeks consent to add uses to the existing permissions, including permission to sell alcohol at specific ticketed literary events taking place in the central library, and the ability to hold small scale literary murder/ mystery plays. Hartlepool Central Library will not require any alterations to take place either internally or externally as the current layout is suitable to hold the proposed additional uses.

4.14 It is considered that the proposed use is acceptable in relation to the policies set out in the adopted and emerging Hartlepool Local Plan. It is considered that the proposed additional use will be unlikely to have a significant impact upon the character and appearance of the area or highway safety.

Amenity

4.15 The library opening hours will be increased from 10am-6pm Monday to Friday and 10am-2pm on Saturdays, to 10am-11pm Monday-Saturday under the new proposal. This is to accommodate the addition of the literary events whilst still providing the library services under the original operating hours.

4.16 It is considered that the proposed additional uses of Central Library, including the later opening times and the prospective licence to sell alcohol, would not have any detrimental impacts upon business owners and nearby residents to the site. Confirmation is awaited from Public Protection regarding this proposal.

Character and Appearance of the area

4.17 Given that there will be no material change to the interior or exterior of the Central Library building it is not considered that the use will significantly impact upon the character and appearance of the area.

Highway Safety

4.18 Due to the time of day the proposed literary events and murder/ mystery plays are to be carried out, the new additional proposal should not cause any additional traffic along the main access roads around the town centre site at the peak time when most other town centre businesses are operating. Most stores and businesses in Middleton Grange Shopping Centre and along York Road close at approximately 6pm, meaning the level of footfall after this time will be reduced.

4.19 There will be no changes to the 10 allocated car parking places for Hartlepool Central Library as a result of the proposed additional uses. Given the level of car parking available in the town centre it is not considered that the proposed use would create any detrimental highway safety issues in terms of adequate parking provision.

Conclusion

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

EQUALITY AND DIVERSITY CONSIDERATIONS

4.21 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.22 There are no Section 17 implications.

REASON FOR DECISION

4.23 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to no objection from Public Protection the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 13/02/2013 (drawing no. 503/33/1001) unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. For the avoidance of doubt the Central Library's primary use is as a library, this permission does allow for ancillary literary events such as murder mystery plays.
In the interest of the amenity of the area .

4. For the avoidance of doubt the hereby approved use(s) allowed under condition 3 shall take place within the library building and not within its curtilage.
In the interests of the amenity of the area.
- 5 The premises shall only be open to the public between the hours of 09:00 and 23:00 Mondays to Saturdays and at no time on a Sunday
In the interest of the amenities of the occupants of neighbouring premises.

BACKGROUND PAPERS

4.24 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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Scale: 1:1000
Date : 15/3/13
Drg No: H/2013/0077

No: 5
Number: H/2013/0073
Applicant: Mr Chris Wenlock 1 Church Street HARTLEPOOL TS24 7DS
Agent: Hartlepool Borough Council Mr Steven Wilkie Bryan Hanson House Lynn Street HARTLEPOOL TS24 7BT
Date valid: 12/02/2013
Development: Variation of planning application H/2012/0029 to amend the hours of opening to Monday to Saturday 8.30am to 6.30pm and Sundays and Bank Holidays 8.30am to 6.30pm
Location: STRANTON CEMETERY LODGE TANFIELD ROAD HARTLEPOOL

PURPOSE OF REPORT

5.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

5.2 Planning permission was granted on 5 March 2012 for the “change of use of Stranton Lodge to cafe with proposed associated structural alterations and extension, regularisation of the public retail element of Stranton Nursery and associated car parking, access road, lighting and landscaping”. The application was considered by Members at the Planning Committee on 2 March 2012.

PROPOSAL AND SITE CONTEXT

5.3 The application site is located in the north east corner of Stranton Cemetery. There are residential properties immediately to the north in Westbrooke Avenue and Westbrooke Grove and to the east in Tanfield Road and Stockton Road.

5.4 The Council owned cemetery lies to the west and south of the site together with further nursery and operational buildings. The main access to the site is from Tanfield Road.

5.5 The site currently comprises a number of structures to the eastern side including poly tunnels, greenhouses and a garden centre style shop, which are used in connection with the Council run Stranton Nursery selling horticultural and gardening products to the public.

5.6 The western ‘half’ of the site contains the Stranton Lodge building with associated office extension, garden, forecourt and outbuildings. To the rear of this is a redundant area with unused outbuildings and concrete garage bases.

5.7 Stranton Cemetery Lodge was originally built as a dwelling in the early 20th century and has been used as an office with training facilities for Hartlepool Borough Council. The attached buildings which are modern and single storey are used as offices for cremators and cemetery management staff.

5.8 The approved permission related to three main elements:

- a) change of use of Stranton Lodge to café including alterations and extensions
- b) regularisation of the public retail element of Stranton Nursery and
- c) formation of car parking, access road, lighting and landscaping.

5.9 Condition 4 of the planning permission stated:

“The café shall only be open to the public between the hours of 08:30hrs and 16:30hrs Mondays to Saturdays and 03:30hrs and 12:00hrs (noon) on Sundays and Bank Holidays.”

5.10 This application seeks to vary condition 4 to allow the opening hours of the café to be extended to 18:30hrs on all days.

PUBLICITY

5.11 The application has been advertised by way of neighbour letters (39). To date, there have been three letters of objection.

5.12 The concerns raised include:

- Traffic
- Noise
- Parking problems

Copy Letters E

5.13 The period for publicity has expired.

CONSULTATIONS

5.14 The following consultation replies have been received:

Engineering Consultancy – No objections received.

Neighbourhood Services – No objections received.

Public Protection – No objections.

Traffic and Transportation – No highway or traffic concerns.

PLANNING POLICY

5.15 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Local Policy

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

Com13 – Commercial Uses in Residential Areas
 GEP1 – General Environmental Principles
 GEP2 – Access for All
 GEP3 – Crime Prevention by Planning & Design

Emerging Local Plan

5.17 The following policies in the emerging Hartlepool Local Plan (anticipated to be 2013) are relevant to the determination of this application:

LS1 – Locational Strategy
 SUS1 – The Presumption in favour of Sustainable Development
 ND4 – Design of New Development

Regional Policy

5.18 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.

National Policy

5.19 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the 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.

PLANNING CONSIDERATIONS

5.20 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular with regard to the impact of the proposal on the amenity of surrounding residential properties in terms of noise and disturbance from the café and vehicular traffic.

Principle of Development

5.21 The principle of the development as a whole has been established by virtue of the initial planning permission. On that basis the development is considered acceptable subject to consideration of the impact of the extended opening hours upon residential amenity.

Amenity

5.22 The café is well distanced from residential properties. To the east, residential properties in Tanfield Road are approximately 90m from the café. To the north properties on Westbrooke Avenue are approximately 80m away. The boundaries of the site are well screened by hedges, trees and high fences. The proposed opening hours would continue to restrict operating to daytime hours only, which will negate any potential noise and disturbance impacts during unsociable hours. The relationship between the café and residential dwellings is such that it is unlikely the proposed hours would result in a significant direct impact upon residential amenity in terms of noise and disturbance from the café itself. The Council's Head of Public Protection have raised no objections to the proposal.

5.23 It is acknowledged that the extension in opening hours would potentially result in an increase in activity on the site, in turn potentially increasing levels of vehicular traffic to and from the site. Notwithstanding that, it is not considered that the extended opening hours would result in such significant increases in vehicular traffic as to be detrimental to the living conditions of those residents on Tanfield Road. Whilst movements may increase, again they will be dictated by the opening hours which will remain restricted to daytime hours. Finally, it is considered that sufficient parking provision is provided within the site to cater for any increase in vehicular traffic. The Council's Traffic and Transportation section have raised no highway or traffic concerns with the proposals.

5.24 It is considered therefore on the basis of the above that the proposed extended opening hours of the café would not have a significant detrimental impact upon the residential amenity of surrounding residents.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.25 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.26 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

5.27 There are no Section 17 implications.

REASON FOR DECISION

5.28 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION - APPROVE

1. The development to which this permission relates shall be begun not later than three years from the date of the original permission (H/2012/0029).
To clarify the period for which the permission is valid.
2. The development shall be carried out in accordance with the details for all external finishing materials approved under condition 2 of H/2012/0029.
In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plans numbered 315/03/01, 315/03/02 rev J, 315/03/03 rev C, 315/03/04, 315/03/10, 315/03/L001, 315/03/L003, BA3472PRO, BA3472AIA, BA3472TP and BA3472TS and details received by the Local Planning Authority on 18-01-2012 and plan 315/03/05 rev A received 31-01-2012 unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
4. The cafe shall only be open to the public between the hours of 0830hrs and 1830hrs.
In the interests of the amenities of the occupants of neighbouring properties.
5. The development shall be carried out in accordance with the approved details of all walls, fences and other means of boundary enclosure approved under condition 5 of H/2012/0029.
In the interests of visual amenity.
6. The development shall be carried in accordance with the approved plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells as approved under condition 6 of permission H/2012/0029.
The use shall not commence until the approved details have been installed.
Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.

7. The development shall be carried out in accordance with the approved details of all lighting as approved under condition 7 of H/2012/0029.
In the interests of the amenities of the occupants of neighbouring properties.
8. The lighting units shall be fixed at all times to ensure that light is directed away from residential properties.
In the interests of the amenities of the occupants of neighbouring properties.
9. Before the cafe is brought into use the hereby approved car parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.
In the interests of highway safety.

BACKGROUND PAPERS

5.29 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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STRANTON CEMETERY LODGE



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Scale: 1:1000
Date : 15/3/13
Drg No: HI/2013/0073

No: 6
Number: H/2012/0601
Applicant: MR K WANLESS JOHN SHADFORTH HOUSE
THOMLINSON ROAD LONGHILL INDUSTRIAL ESTATE
HARTLEPOOL TS25 2NS
Agent: WARDELL ARMSTRONG LLP MR ANDREW ROE CITY
QUADRANT 11 WATERLOO SQUARE NEWCASTLE
UPON TYNE NE1 4DP
Date valid: 23/11/2012
Development: Erection of compound containing gas engines and
associated equipment for the control of landfill gas and
generation of electricity (Supporting Information Received
18/1/13)
Location: NIRAMAX LTD THOMLINSON ROAD HARTLEPOOL
HARTLEPOOL

PURPOSE OF REPORT

6.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

6.2 The application site has a long and complex planning history, commencing in 1989 when planning permission was granted for the reclamation of land by infilling. (HCOU/0579/89).

6.3 This was superseded by 1995 permission (CM/H/3/95), granted subject to conditions requiring the tip to be finished by 2003 and approving a final restoration plan showing final heights and contours. Wastes were restricted to non-putrescible, non-hazardous, commercial industrial and construction waste.

6.4 On 11 January 2002 an application was approved to extend the life of the tip until 2018, and to allow the deposit of putrescible waste streams in cell 8 onwards on a one year temporary basis (H/FUL/0144/01).

6.5 The Landfill Permit (held by the Environment Agency) was varied to extend the waste types on 26 February 2002.

6.6 On 30 January 2002, the housing now consisting of Harvester Close was granted planning permission (HFUL/0569/01). Both the Environment Agency and the Head of Public Protection raised no objection to the application. The site was deemed part of a large-scale long term housing site identified in the 1994 Local Plan.

6.7 The latest restoration plan, including final heights and contours was approved under permission HFUL/0238/02 on 25th January 2003.

6.8 In 2006, the Environment Agency agreed a capping timetable which required 4 cells to be capped by the end of that year and 3 more by the end of 2007.

6.8 In October 2006 SWS requested an extension to the capping timetable, as the site was in the process of being sold, giving assurances that they would cap cells 1-7 by the end of 2007. An extension was agreed by the Environment Agency. In March 2007, the proposed sale had apparently collapsed. The site was eventually acquired and operated by Niramax from November 2007.

6.9 In July 2008, the Environment Agency required a change to the profile of the site, achieving a more 'domed' profile in order to facilitate a correctly engineered cap and to improve surface water drainage, working broadly to the originally agreed post-settlement height.

6.10 Importation of waste was completed in July 2011. The site is being progressively restored with the eastern and northern flanks now fully capped. The remainder of the site is to be capped in 2013. It is anticipated that full restoration of the site will be completed by the end of 2013.

PROPOSAL AND SITE CONTEXT

6.11 The site to which this planning application relates is the Niramax waste management site located on Thomlinson Road located within the Longhill Industrial Estate – an area comprising a number of established industrial sites, including a range of waste management sites.

6.12 The wider site within the applicant's control comprises an existing landfill which forms the eastern element of the site, lying at the southern end of Mainsforth Terrace, adjacent to the Durham Coast rail line and opposite the residential properties of Harvester Close. Furthermore, the site comprises an operational recycling and waste transfer station and associated buildings which are accessed from Thomlinson Road.

6.13 This application seeks consent for the siting of a compound containing gas engines and associated equipment for the control of landfill gas and the generation of electricity from the landfill gas.

6.14 Landfill gas is currently collected by a pipe network which results in gas being combusted through a flare stack which is currently sited on the western side of the landfill.

6.15 The proposed compound will contain mobile equipment, sited on a concrete slab comprising:

- A Perkins 500kW generator house in an acoustic container measuring 8.85m x 3.2m x 2.9m high with a vent height of 6.3m.
- A Perkins 375kW generator housed in an acoustic container measuring 8.85m x 3.2m x 2.9m high with a vent height of 6.3m.

- A 1m high cabinet containing control equipment.
- Bunded oil and coolant tanks.

6.16 The equipment will be finished in green with stainless steel exhaust silencers mounted to the roof of the containers. The compound will be bordered by a 2.4m high palisade fence. The gas will be collected from the existing series of pipes within the landfill. The energy generated from the generators will then be exported to the grid via an existing sub-station within the site.

6.17 The facility is proposed to operate constantly and remain on site for a period of 15 years, after which time the equipment and bases would be removed and the site restored.

6.18 Access during construction and operation would be taken via the existing access road to the site from Thomlinson Road.

PUBLICITY

6.19 The application has been advertised by way of site notices, press advert and neighbour letters (49). To date, there have been 27 letters of objection.

6.20 The concerns raised include:

- Risk of toxic gases/emissions impacting upon residents;
- Odours
- Noise
- Nuisance
- Dust
- Vermin
- Health implications
- Visual impacts
- Proximity to residential areas
- Pollution
- Safety
- Character of the area
- Questionable/misleading information provided with application
- Property values
- Planning permission should not have been allowed past 2002/2003
- Infringement of human rights

Copy Letters F

6.21 The period for publicity has expired.

CONSULTATIONS

6.22 The following consultation replies have been received:

Environment Agency – No objections. A permit variation will be required. Further comments in respect of air dispersion modelling awaited.

Northern Powergrid – No comments received.

Northumbrian Water – No objections.

Ecologist – The nearest designated nature conservation sites are Hartlepool Submerged SSSI and West Harbour and Carr House Sands Local Wildlife Site. These are both 500m from the application site. It is reasonable to conclude that there would no adverse impacts on these sites.

Economic Development – No objections.

Public Protection – The site of the compound is located within an industrial estate and is well separated from residential properties by some 280m. Having reviewed the Air Quality Assessment and the Noise Assessment, I am satisfied that the air quality objectives are well within the required limits and there will be no noise impact from the development. The generators will be regulated under the controls of an Environmental Permit administered by the Environment Agency which will require the monitoring and control of the exhaust emissions from the plant.

Traffic and Transportation – No highway or traffic concerns.

PLANNING POLICY

6.23 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Local Policy

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

GEP1 – General Environmental Principles
GEP3 – Crime Prevention by Planning & Design
Ind5 – Industrial Areas

Emerging Local Plan

6.25 The following policies in the emerging Hartlepool Local Plan (anticipated to be 2013) are relevant to the determination of this application:

SUS1 – Presumption in Favour of Sustainable Development
LS1 – The Locational Strategy
ND4 – Design of New Development
EC4 – General Employment Land
EC5 – Waste Operations

Regional Policy

6.26 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.

National Policy

6.27 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the 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.

6.28 Para 5 of Planning Policy Statement 10: Planning for Sustainable Waste Management states that Waste Planning Authorities should adhere to the following principles in determining planning applications:

- controls under the planning and pollution control regimes should complement rather than duplicate each other and conflicting conditions should be avoided;
- work effectively with pollution control authorities to ensure the best use is made of expertise and information, and that decisions on planning applications and pollution control permits are delivered expeditiously;

PLANNING CONSIDERATIONS

6.29 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development and the potential impact on residential amenity in terms of visual impact, pollution notably noise and air quality. Consideration is also given to the impact of the proposal on the character of the surrounding area, the effect on highway safety and ecology.

6.30 Further comments are awaited from the Environment Agency in respect of their consideration of the submitted Air Quality Assessment. On that basis it is considered prudent to provide a full update report setting out the discussion of the relevant planning considerations following receipt of the Environment Agency's comments.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.31 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

6.32 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

6.33 There are no Section 17 implications.

RECOMMENDATION – UPDATE TO FOLLOW

BACKGROUND PAPERS

6.34 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

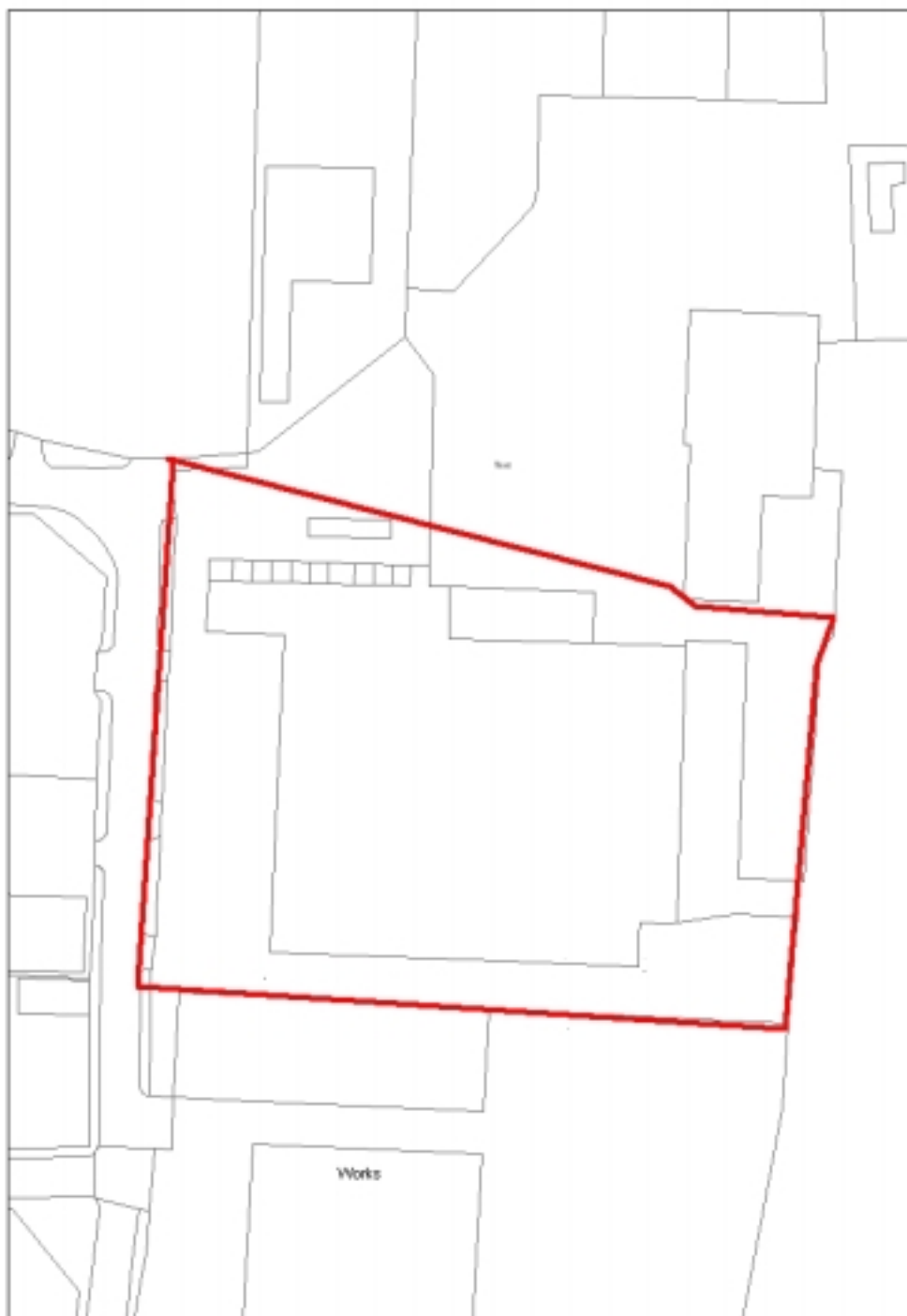
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NIRAMAX, THOMLINSON ROAD



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Scale: 1:1000
Date : 15/3/13
Drg No: HI/2012/0601

No: 7
Number: H/2012/0078
Applicant: Mr M Ashman 24 Catcote Road HARTLEPOOL TS25 3JS
Agent: Owton Fens Community Association Mr M Ashman 24 Catcote Road HARTLEPOOL TS25 3JS
Date valid: 17/08/2012
Development: Siting of four storage containers for storing animal feed, tools, equipment and fencing and toilet block, erection of animal pens and fencing and rabbit house
Location: OFCA Community Urban Farm Summerhill Lane HARTLEPOOL

PURPOSE OF REPORT

7.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

7.2 Planning permission (H/2010/0539) was granted on 18 January 2011 for the 'siting of four storage containers for storing animal feed, tools, equipment and fencing, siting of toilet block, erection of animal pens and fencing and rabbit house'. The permission was granted on a one year temporary basis. Planning permission for the development therefore lapsed on 18 January 2012.

PROPOSAL AND SITE CONTEXT

7.3 The site comprises an area of agricultural land to the west of Catcote Road, located on Summerhill Lane. The site is currently used for the purposes of a community urban farm which was granted permission in 2007 (H/2006/0765). As set out above, planning permission was further granted for the siting of containers, toilet block, animal pens and fencing as part of the development.

7.4 The application seeks consent for the retention of five storage containers and a portacabin for the purposes of storage of animal feed, tools and equipment, toilet use and office facilities on a permanent basis. The containers are currently sited within the frontage of the site adjacent to the access and car parking of the site. Further to those works, the application also seeks consent for the retention of four single storey sheds within the adjoining field for the purposes of sheltering animals. To the front of the sheds are pens for the use of the animals. Finally there is an area to the north of the site fenced off for a riding area and pony paddock. The fences are less than 2m in height and therefore planning permission is not considered to be required by virtue

of the provisions of Class 2 of the Town and Country Planning (General Development Procedure) Order (1995).

PUBLICITY

7.5 The application has been advertised by way of neighbour letters (4). To date, there have been no letters of objection.

7.6 The period for publicity has expired.

CONSULTATIONS

7.7 The following consultation replies have been received:

Ecologist – No ecological concerns with the proposal.

Public Protection – No objections.

Traffic and Transport – There are no highway or traffic concerns.

Cleveland Police – No objections received.

Environment Agency – Object due to lack of information on foul drainage.

Hartlepool Water – No objections received.

Northumbrian Water – No objections.

PLANNING POLICY

7.8 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Local Policy

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

GEP1 – General Environmental Principles
GEP3 – Crime Prevention by Planning and Design
GN5 – Tree Planting
Rec9 – Recreational Routes
Rur1 – Urban Fence
Rur14 – The Tees Forest
Rur7 – Development in the Countryside

Emerging Local Plan

7.10 The following policies in the emerging Hartlepool Local Plan (anticipated to be 2013) are relevant to the determination of this application:

LS1 – Locational Strategy
ND4 – Design of New Development
NE1 – Green Infrastructure

Regional Policy

7.11 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.

National Policy

7.12 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the 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.

PLANNING CONSIDERATIONS

7.13 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on residential amenity, visual amenity highway safety and drainage.

7.14 Discussions are ongoing between the applicant and the Environment Agency in an attempt to resolve the drainage concerns raised. It is anticipated that the issue will be resolved prior to the meeting and is therefore considered appropriate to provide a full update report setting out the relevant planning considerations prior to the meeting.

EQUALITY AND DIVERSITY CONSIDERATIONS

7.15 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

7.16 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

7.17 There are no Section 17 implications.

RECOMMENDATION – UPDATE REPORT TO FOLLOW

BACKGROUND PAPERS

7.18 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

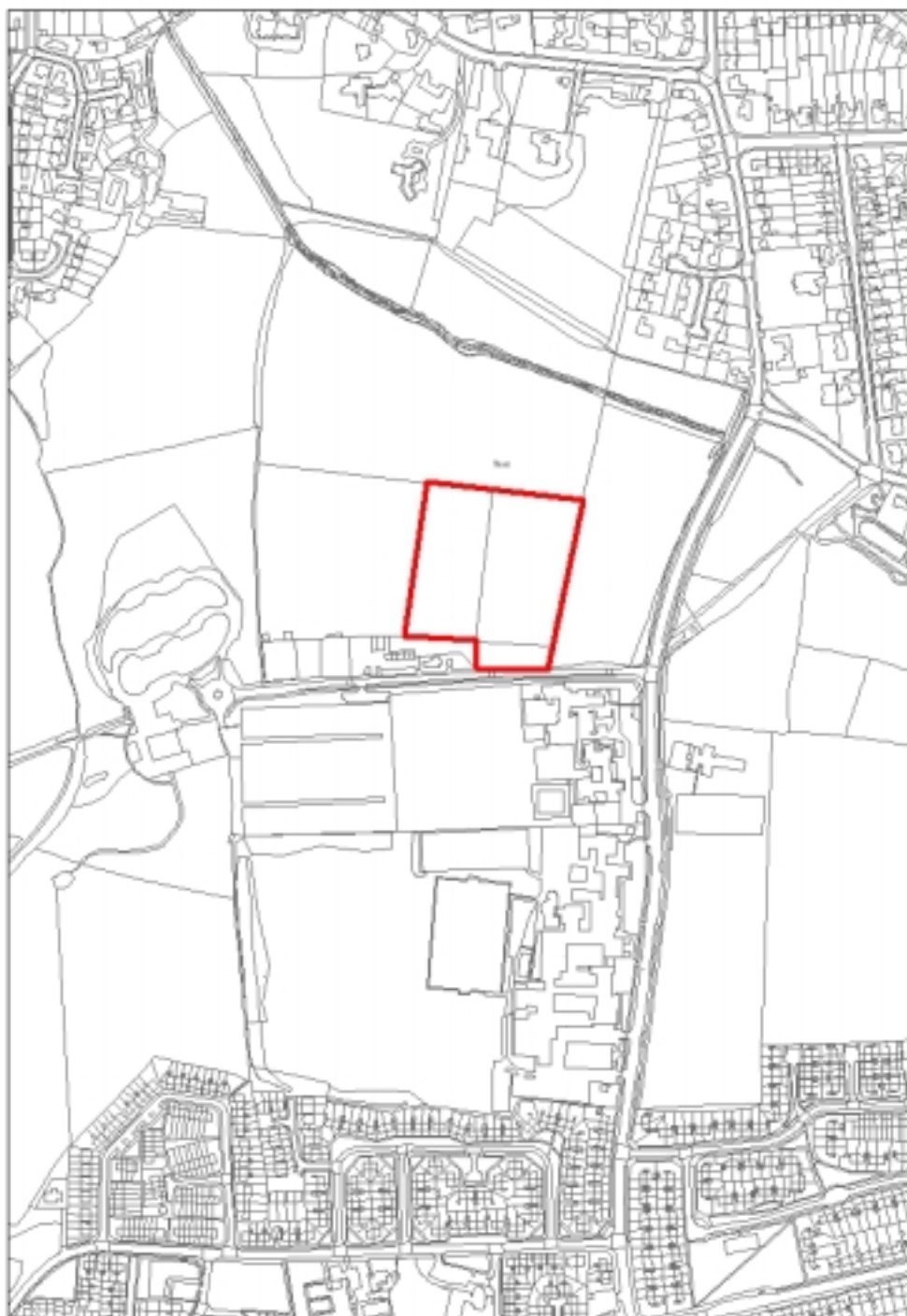
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SUMMRHILL LANE



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT
Department of Regeneration and Planning

COPYRIGHT RESERVED LICENCE 1000233902013
Scale: 1:5000
Date : 15/3/13
Drg No: HI/2012/0078

UPDATE

No: 2
Number: H/2013/0029
Applicant: Yuill Homes Harbour Walk HARTLEPOOL TS24 0UX
Agent: Yuill Homes Tranquility House Harbour Walk
HARTLEPOOL TS24 0UX
Date valid: 18/01/2013
Development: Residential development comprising 22 dwellings,
associated road layout, landscaping and drainage
Location: LAND SOUTH OF RABY ARMS FRONT STREET HART
HARTLEPOOL

UPDATE

2.1 This item appears as item 2 on the main agenda. The responses from Tees Archaeology, the Council's Public Protection Team, Engineering Consultancy Team and Ecologist have been received and are set out below.

2.2 A further 7 letters of objection have been received following the completion of the initial committee report. The period for publicity is still outstanding but expires prior to the committee meeting. Any further representations received will be tabled at the meeting. The further 7 letters of objection raise the following concerns:

1. Highway safety and parking issues
2. Drainage and flooding issues
3. The loss of another green field site
4. Impacts upon living conditions
5. The proposal is contrary to district wide local plan policies, with regard to design, density, landscaping, physical consideration, open space and parking provision.
6. Impact on wildlife
7. Loss of trees
8. Impact on trade at nearby public house
9. Impact on living conditions during building works
10. Proposal will have further impact on the bus services in the village
11. Proposed houses are out of keeping
12. Concern regarding method of consultation
13. Proposed development would have a dominating impact on us and our rights to the quiet enjoyment of our property, Article 8 of the human rights Act states that a person has the substantial right to respect for their private and family life.

ADDITIONAL CONSULTATION RESPONSES RECEIVED

2.3 The following consultation replies have been received for the amended scheme:

Tees Archaeology - The application site lies within the historic medieval village of Hart and close to the find spot of an important Anglo-Saxon cross. The paddock of

UPDATE

land itself contain the earthwork remains of a least one platform (function unknown) and an area of ridge and furrow (medieval ploughing).

The application now includes a report on the results of a field evaluation (NPPF 128) and I can confirm that this is sufficient to give an informed decision on the impact of the proposal on the significance of the heritage assets.

In summary the platform feature appears to be 19th century, perhaps connected to clay quarrying and is not historically significant. The ridge and furrow dates from the 13th-14th century and could be considered of local interest, however its importance is insufficient to preclude development. The report acts as an appropriate level of record for the ridge and furrow.

The report for the work suggests that there is a strong likelihood for discrete archaeological features to survive across the site and suggests that archaeological monitoring during topsoil stripping would be advisable. I agree with this proposal and recommend that this is achieved by means of a planning condition

Public Protection – I would have no objections to this application subject to the following conditions;

Notwithstanding the information provided in the noise assessment submitted with the application a sound insulation scheme to the habitable rooms of plots 1,5,6,7,13,14,19 and 22 shall be agreed in writing with the LPA and thereafter installed and maintained for the life of the development.

Notwithstanding the information provided in the noise assessment submitted with the application the details of the acoustic fence to the rear of the Raby Arms shall be agreed in writing with the LPA and thereafter installed and maintained for the life of the development.

Notwithstanding the information provided in the noise assessment submitted with the application the details of the acoustic barrier to the boundary with the A179 Hart Bypass shall be agreed in writing with the LPA and thereafter installed and maintained for the life of the development.

Engineering Consultancy – I do not have any objections to the proposal.

I note that it is the intention for both foul and storm drainage to be discharged into the Northumbrian Water system. The applicant will need approval off NWL to make a connection into their apparatus. The site is currently an undeveloped grassed field with no controlled/managed drainage. Surface water flows at present across the site will follow the natural topography; should the area be developed then this would allow flows to be directed and collected appropriately.

Ecologist - No objections

Cleveland Police – no comments received

PLANNING CONSIDERATIONS

UPDATE

2.4 Having regard to the requirement of Section 38(6) of the Planning and Compulsory Purchase Act 2005 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, impact upon the character and appearance of the area, the effect of the proposals on neighbouring properties, premises and land uses, the effect of the proposals on highway safety/parking, ecology, trees, drainage, flooding, noise and disturbance, archaeology, public rights of way, affordable housing provision and developer contributions..

PRINCIPLE OF DEVELOPMENT

2.5 The Hartlepool Local Plan 2006 forms part of the Development Plan and is still the overriding consideration for determining planning applications. However, the 2006 Local Plan is in the process of being replaced by the emerging 2012/2013 Local Plan. Currently the 2012/13 Local Plan Examination process has been suspended to allow for clarification in terms of Gypsy and Traveller provision, however, the Planning Inspector has noted that he is happy that other elements of the Plan can be modified where necessary to make the plan sound. Therefore the policies within the emerging 2012/2013 Local Plan hold significant weight when determining planning applications. The principle of housing development upon the site has been established by way of Policy HSG1 of the Emerging Local Plan which identifies the site for approximately 15 dwellings. The proposal seeks consent for 22 dwellings upon the site, which is slightly higher than that envisaged but is considered on balance to be in broad accordance with Policy HSG1. Notwithstanding this, the key theme running throughout the National Planning Policy Framework (NPPF) is that of sustainable development. The application site is considered to be located in an appropriate and sustainable location, within the revised village limits, in an area of low floor risk. Moreover, the proposal will provide some much needed affordable housing units within the village.

2.6 In light of the above, The Local Planning Authority considers that in principle the provision of 22 dwellings on the site is acceptable in terms of land use policy should all other material planning considerations be satisfied.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA

2.7 Some public objection to the development has been received relating to the impact on the character of the village. The National Planning Policy Framework 2012 (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraphs 63 and 64 of the NPPF state that, in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Further, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

UPDATE

2.8 The Hartlepool Local Plan 2006 and the emerging Local Plan advise that development should normally be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Policy GEP1 of the 2006 Local Plan states that development should take into account issues such as, the external appearance of the development, its relationships with the surrounding area, visual intrusion and loss of privacy. Policy ND4 of the Emerging Local Plan states that all new development should be designed to take into account a density that is reflective of the surrounding area.

2.9 Officers consider that the density of the site (16.9 dwellings / Ha) is acceptable. The separation distances proposed between dwellings within the site accords with and in many instances exceeds the guidance set out in the Hartlepool Local Plan 2006. The proposed layout includes areas of open space, retained landscaping and the provision, in the majority, of large dwellinghouses sited upon generous plots.

2.10 Officers consider that the character and appearance of Hart village as a whole is varied, consisting of a mixture of house types, ages and styles. Given the context of the area in general and taking into consideration the mixed appearance of the neighbouring properties/premises, in terms of both scale and design, it is considered that the design, scale and massing of the proposed dwellings are acceptable and will not detrimentally impact upon the character and appearance of the area.

EFFECT OF THE PROPOSALS ON NEIGHBOURING PROPERTIES, PREMISES AND LAND USES

2.11 It is considered that the layout of the 22 dwellings upon the site has been designed in such a way so to restrict the impact upon the amenity of the neighbouring properties adjoining the site and overlooking it. The layout of the site has been amended since it was originally submitted to substitute house types and orientate plots no's 20, 21 and 22 away from the bungalow of Millvale which abuts the northern boundary of the site. It is considered that the scale of all 22 dwellings are proportionate to that of neighbouring properties and the plots upon which they are located.

2.12 It is considered that the relationships between the properties and premises adjoining the site and in the immediate vicinity and the proposed dwellings are acceptable. The separation distances between all of the properties proposed with regard to the front, side and rear of the neighbouring properties comply with the guidance outlined in the Hartlepool Local Plan 2006 and are therefore considered acceptable. It is not considered that any of the dwellings will appear overly dominant or oppressive upon the outlook and living conditions of any of the neighbouring properties in the area.

2.13 The layout of the site is considered to be acceptable and in terms of appearance will assimilate itself quickly into the wider streetscene. Whilst it is acknowledged that the design of the proposed housing is modern in appearance it is not considered that it will appear jarring in terms of its relationships with existing housing or the public house located in the immediate area and will quickly assimilate

UPDATE

into the wider area. Officers consider that the proposed design of the dwellings accords with the principles outlined within the NPPF and Local Policy. It is not considered that the proposal would create a significant impact upon the living conditions of any of the properties surrounding the site, the operations of the public house abutting the site or any of the remaining land uses in close proximity to a level whereby the Local Planning Authority could sustain a refusal.

IMPACT UPON HIGHWAY SAFETY/PARKING

2.14 A key concern within the public responses to the planning application relate to issues surrounding highway safety and parking provision.

2.15 The vehicular and pedestrian access to the development is via a new roundabout constructed adjacent to the existing access serving the Raby Arms public house car park. Objections to the application include considerations that the access point is hazardous and that the development will create traffic generation detrimental to highway safety. Further concern has been received advising that a road safety audit has not been undertaken and therefore the application cannot be robustly considered.

2.16 The Council's Traffic and Transportation Team have been consulted on the application. With regard to the proposed mini roundabout, the Team consider that the provision of a roundabout would be a suitable method of traffic management to be able to control traffic, however the existing proposal would need amending to improve the safety of the proposed junction particularly due to the proximity to the existing A179 roundabout and the presence of the Raby Arms public house access. The Team have advised that in addition to amendments to the current mini roundabout proposal minor signing and lining will be required in advance of the roundabout in order to warn motorists of its presence. The above works would be carried out under a section 278 agreement.

2.17 In line with the concern received outlined above relating to a road safety audit. The Traffic and Transportation Team have advised that the proposals will be required to go through a road safety audit procedure. With regard to this, the applicant has confirmed that a revised junction layout is to be submitted incorporating amendments proposed by the Traffic and Transportation Team. Furthermore, the applicant has confirmed their agreement to a road safety audit being undertaken based on an amended layout received 26 March 2013. Following discussions with the Traffic and Transportation Team it is envisaged that an acceptable junction layout can be achieved which would not be to the detriment of highway safety.

2.18 In terms of increased traffic generation. The Traffic and Transportation Team do not consider that the traffic movements associated with an additional 22 houses will compromise the efficiency of the A179 Hart Village Roundabout. The Team do not consider that the accident record in Hart demonstrates that there is a road safety issue in the village.

UPDATE

2.19 In terms of the layout of the residential development, Officers consider that an acceptable level of parking provision is proposed. The Traffic and Transportation Team have raised concern with the layout, in that the applicant is proposing a number of properties which will be more than 25 metres from the proposed highway, and this has amenity issues for any residents who will want refuse collecting. With regard to this, as per the junction amendments outlined above the applicant has resolved this concern by amending the site layout to increase the areas of road to be adopted and therefore bring all of the proposed dwellings within 25 metres of the proposed highway.

ECOLOGY

2.20 Concerns have been raised regarding a loss of wildlife and bats by way of the proposed development. Officers have held discussions with the Council's Ecologist regarding the residential development of the site during which no objections were received.

LANDSCAPING AND TREES

2.21 The site features mature trees to the periphery of the proposed development. A comprehensive arboricultural impact assessment has been submitted in support of the resubmitted application. A total of fifteen individual trees and eight distinct groups of trees/shrubs are included in the assessment, with six individual trees identified for removal and three tree groups identified for partial removal.

2.22 Of the six individual trees identified for removal, three are over-mature Ash trees which are in an advanced state of decline, two are small multi-stemmed trees, and one is a Norway Maple which is the end tree of a group located adjacent to the proposed entrance to the development. The Council's Arboricultorist has viewed the proposed plans and supporting information and does not consider that the removal of the aforementioned trees would have a significant adverse impact upon local amenity and therefore their removal is considered acceptable.

2.23 Further to the above, it will be necessary to remove a section of hedgerow at the eastern boundary of the site in order to create the proposed entrance to the development and two section of young to semi-mature trees will need to be removed in order to allow construction of the proposed pumping station and the proposed dwelling upon plot 14. Again, the Council's Arborist does not consider that the partial removal of these tree groups would have a significant adverse impact upon local amenity and therefore their removal is considered acceptable.

2.24 With regard to tree protection, a plan which indicates the positions of temporary protection barriers around the retained trees at the site has been included with the arboricultural impact assessment. The Council's Arborist has no objections in principle to the draft tree protection plan, however, once all technical drawings regarding construction of the proposed development are completed, a finalised arboricultural method statement should be submitted to and approved by the Local Planning Authority. This can be appropriately addressed by way of a condition.

UPDATE

2.25 With regard to landscaping, the Arborist has requested the submission of a landscaping scheme should the application be approved. Notwithstanding this, the applicant has provided an indicative landscaping plan which shows the trees to be retained, two areas of open space, and front and rear residential gardens to each dwelling. The applicant has indicated that the majority of the proposed landscaping works to the open space areas will consist predominantly of grass with the provision of several shrubs. The applicant has been in discussion with the relevant Council team and has agreed to pay a commuted sum of £21,579 for the open space areas to be adopted and thereafter maintained.

DRAINAGE AND FLOODING

2.26 Key areas of concern within the public responses to the planning application relate to issues surrounding flooding and drainage.

2.27 Issues relating to flooding and drainage are considered in the Flood Risk and Surface Water Management Strategy submitted by the applicant in support of the application. With regard to drainage, Section 10 of the document outlines that the development of the site will require a new drainage system and will be adopted by Northumbrian Water under a Section 104 agreement. In terms of foul drainage, given the level of the site and existing manhole levels it will not be possible for a gravity connection to be made. Therefore, it will be necessary to construct a pumping station. The location of the pumping station is shown on the proposed site plan.

2.28 The supporting Flood Risk and Drainage Strategy states that the provision of a pumping station has been accepted in principle by Northumbrian Water but this will be the subject of detailed design which can be controlled by condition and appropriate legal agreements between the developer and Northumbrian Water. No objections have been received from Northumbrian Water, the Environment Agency or the Council's Engineering Consultancy Section with regard to the proposed methods of foul drainage.

2.29 With regard to surface water drainage it is prudent to state that there is a surface water sewer crossing the site. The Flood Risk and Surface Water Management Strategy submitted by the applicant in support of the application outlines that Northumbrian Water have agreed in principle that a connection to the existing 225mm diameter sewer can be made at a point adjacent to the proposed entrance of the site.

2.30 The Flood Risk and Drainage Strategy outlines that an initial appraisal of the surface water drainage system has been undertaken in order to confirm the most likely location and form of water storage. Given the site topography and layout constraints it is proposed that an underground storage pipe will be provided under the new estate road. The Council's Engineering Consultancy Section has advised that as the site is currently an undeveloped grassed field with no controlled/managed drainage. Surface water flows at present across the site will follow the natural topography, should the area be development then this would allow flows to be directed and collected appropriately. The Environment Agency has made no

UPDATE

objections to the method of surface water drainage. Northumbrian Water has advised that surface water flows to public sewer should be restricted to 5 litres per second (5l/s). This can be conditioned should members be minded to approve the application.

2.31 Notwithstanding the above, given that no detailed drainage plans of below ground infrastructure or any elevational or detailed drawings of the proposed pumping station have been submitted it is considered prudent in this instance for the aforementioned information to be required by way of a condition.

NOISE AND DISTURBANCE

2.32 Some public objection relates to an increase in noise and disturbance associated with the proposed development in terms of comings and goings and during the construction of the dwellings. Also necessary to be assessed will be the living conditions of the occupants of many of the proposed dwellings given the relationships between the site and the A179 bypass.

2.33 The Noise Assessment Report submitted in support of the planning application advises that noise levels in the open areas and gardens within the development site will exceed the World Health Organisation (WHO) guideline limit. The aforementioned Report therefore advises that there is therefore a need for mitigation measures to be implemented for external areas to meet the WHO criteria. Noise emanating from the beer garden of the Raby Arms must also be mitigated to ensure adequate amenity in the gardens of the proposed plots directly adjacent to the beer garden.

2.34 The Council's Public Protection Team has considered the proposal and has raised no objections to the proposal subject to conditions relating to the provision of sound insulation to the habitable rooms of plots 1,5,6,7,13,14,19 and 22, the provision of acoustic fences to the rear of the Raby Arms public house and an acoustic barrier to the boundary with the A179 Hart bypass. The details of all of the aforementioned requirements would be required to be submitted to and agreed in writing, installed and thereafter retained for the lifetime of the development should members be minded to approve the application. Subject to these mitigation measures, Officers are satisfied that the levels of amenity afforded to the occupiers of the proposed dwellinghouses will be acceptable.

2.35 In terms of the impact upon the amenity of the occupants of neighbouring properties by way of increased noise and disturbance associated with the development, officers do not consider that the levels of noise associated with the occupation of the proposed dwellings or the traffic noise associated with comings and goings from the site will be so significant to create a detrimental impact upon the living conditions of neighbouring properties.

2.36 A letter of objection has been received from a neighbouring property stating that the development would have a dominating impact on the quiet enjoyment of their dwellinghouse which would conflict with Article 8 of the Human Rights Act which states, that a person has the substantial right to respect for private and family life.

UPDATE

With regard to the issue of the Human Rights Act (1998) the determination of this application is considered to involve the following human rights issues:

- Articles 8: Right to respect for private and family life.
 - i) Everyone has the right to respect for his/her private and family life, his/her home and his/her correspondence.
 - ii) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.
- The First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his/her possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

2.37 It is considered that this report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

ARCHAEOLOGY

2.38 The application site lies within the historical medieval village of Hart and close to location of where an important Anglo-Saxon cross was found. An Archaeological Evaluation Report has been submitted which includes a report on the results of a field evaluation. Tees Archaeology have confirmed that the information provided is sufficient to give an informed decision on the impact of the proposal on the significant of the heritage assets.

2.39 Tees Archaeology have considered the information provided and consider that there is a strong likelihood for discrete archaeological features to survive across the site and suggest that archaeological monitoring during topsoil stripping would be advisable. Should members be minded to approve the application it is considered that such a requirement can be achieved by way of a planning condition.

PUBLIC RIGHTS OF WAY

2.40 The Ramblers Association and the Council's Countryside Access Officer have provided comment on the proposal. There is a public rights of way that runs through

UPDATE

the development site and it will need to be diverted under section 257 (1), or the Town and Country Planning Act 1990 as “...it is necessary to do so in order to enable development to be carried out...”.

2.41 The effect of a development on public rights of way is a material consideration in the determination of applications for planning permission. With regard to the diversion it is proposed that the right of way will rerouted through the proposed housing estate to the rear of plots 14 and 15 and to the front of plots 17 and 18. It is considered that the proposed diversion will improve the safety of users of the footpath as it will be overlooked and illuminated. The diversion of the right of way will be subject to a separate application considered outwith the planning system.

AFFORDABLE HOUSING

2.42 Some public objection has been received with regard to the levels of affordable housing proposed upon the site. The applicant originally proposed to construct 2 affordable homes. These properties would be built for and managed by Housing Hartlepool, and will be traditional semi-detached, 3 bedroom, 2 storey homes.

2.43 Following the submission of the application the Local Planning Authority has undertaken a viability assessment appraisal. The outcome of the appraisal demonstrated that the proposed development would be unviable if any more than 2 affordable dwellings were to be provided on site. Notwithstanding this, the appraisal also demonstrated that the proposed scheme would be viable if the developer provided 2 affordable units on site and paid an off site affordable housing contribution of £62,316. This equates to 13.6% affordable housing provision. The aforementioned contribution will be secured by way of a legal agreement.

PLANNING OBLIGATIONS

2.44 Policy GEP9 of the Hartlepool Local Plan 2006 states that The Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of development. A developer contribution is a mechanism which can enhance the quality of the development and enable proposals which in the absence of the obligation may be refused planning permission. For instance where it is not appropriate for a developer to provide areas for open space or play equipment etc within a development site, the developer will be required to make a financial contribution to provide or maintain it elsewhere within the surrounding area.

2.45 As well as the 2 onsite affordable housing units, the offsite affordable contribution and the adoption figure for the areas of open space as outlined above in this report. in this instance the Council considers it reasonable to request the following developer contributions and obligations as part of a Section 106 legal agreement:

1. £250.00 per dwellinghouse towards off site play
2. £250.00 towards green infrastructure
3. the completion of a targeted training and employment charter

UPDATE

2.46 The applicant has agreed to pay all of the contributions outlined within this report.

SUSTAINABILITY

2.47 The proposed development will achieve a 10% improvement (i.e. reduction) on energy consumptions on the required Building Regulations standards, across the site as a whole. The energy savings have been achieved through the installation of photovoltaic's on selected plots. Should members be minded to approve the application a condition will be attached requiring a scheme of energy saving methods to be submitted, agreed and installed.

OTHER MATTERS

2.48 Concern has been raised that the planning application has not been advertised properly. With regard to this, in terms of the Government requirements as set out in the Development Management Procedures Order 2010 publicity for this type of application was required to be by one of the following methods:

- (a) (i) By site display in at least one place on or near the land to which the application relates for not less than 21 days (site notice); OR
(ii) By serving the notice on any adjoining owner or occupier (neighbour notification); and
- (b) By publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

2.49 With regard to publicity for the application in question, the originally submitted application and the amended scheme have been advertised separately by way of neighbour letters (36), site notices (x3) and newspaper advert.

2.50 Given the above, it is considered that the Local Planning Authority has exceeded the requirements as set out in the Government regulations.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.51 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.52 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. It is considered that the scheme will be designed with the reduction of crime and anti social behaviour in mind.

REASON FOR DECISION

UPDATE

2.53 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – The application is minded to approve subject to the completion of a Section 106 legal agreement requiring the contributions as outlined in the report, the agreement of an acceptable revised junction layout and the favourable outcome of the pending road safety audit being agreed with the Council's Traffic and Transportation Team with the final wording of conditions delegated to the Planning Services Manager covering the following areas:

1. Timing of the development
2. Plans and details (including the revised junction)
3. Finishing materials
4. Removal of permitted development rights
5. Landscaping
6. Landscape retention
7. Surface water and foul drainage plans
8. Elevations of the pumping station
9. Tree protection
10. Surfacing materials
11. Boundary fencing details
12. Acoustic Fencing
13. An Acoustic Barrier
14. Noise insulation measures
15. Scheme to minimise energy consumption
16. Wheel washing during construction
17. Archaeology monitoring
18. Controlling flows to the public sewer
19. Any recommendations outlined within the road safety audit, for example signage.

BACKGROUND PAPERS

Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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UPDATE

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UPDATE

No: 6
Number: H/2012/0601
Applicant: MR K WANLESS JOHN SHADFORTH HOUSE
 THOMLINSON ROAD LONGHILL INDUSTRIAL ESTATE
 HARTLEPOOL TS25 2NS
Agent: WARDELL ARMSTRONG LLP MR ANDREW ROE CITY
 QUADRANT 11 WATERLOO SQUARE NEWCASTLE
 UPON TYNE NE1 4DP
Date valid: 23/11/2012
Development: Erection of compound containing gas engines and
 associated equipment for the control of landfill gas and
 generation of electricity
Location: NIRAMAX LTD THOMLINSON ROAD HARTLEPOOL
 HARTLEPOOL

UPDATE

6.1 This application appears as item 6 on the main agenda. The recommendation was left open as further comments were awaited from the Environment Agency in respect of the submitted air quality assessment. Those comments have now been received and consideration of the relevant material planning considerations are set out below.

PLANNING CONSIDERATIONS

6.2 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development and the potential impact on residential amenity in terms of visual impact, pollution notably noise and air quality. Consideration is also given to the impact of the proposal on the character of the surrounding area, the effect on highway safety and ecology.

Principle of Development

6.3 Policy Ind5 of the adopted Hartlepool Local Plan (2006) states that proposals for general industrial development and for other uses which are complementary to the dominant use of a development will be approved where the Borough Council is satisfied that they will not have a significant detrimental effect on the amenities of the occupiers of adjoining or nearby properties or prejudice the development of adjacent sites. As such consideration will need to be given to the potential impacts of the development on nearby residential properties in terms of visual impacts, noise, air quality, odours, dust and overall health implications.

6.4 Planning Policy Statement 10: Planning for Sustainable Waste Management remains extant following the introduction of the National Planning Policy Framework (NPPF) in 2012. PPS10 therefore contains current Government policy in respect of

UPDATE

waste management and remains a material consideration in the determination of planning applications. Paragraph 5 of PPS10 states:

“Waste planning authorities should adhere to the following principles in determining planning applications:

- controls under the planning and pollution control regimes should complement rather than duplicate each other and conflicting conditions should be avoided;
- work effectively with pollution control authorities to ensure the best use is made of expertise and information, and that decisions on planning applications and pollution control permits are delivered expeditiously;
- in considering planning applications for waste management facilities before development plans can be reviewed to reflect this PPS, have regard to the policies in this PPS as material considerations which may supersede the policies in their development plan. Any refusal of planning permission on grounds of prematurity will not be justified unless it accords with the policy in *The Planning System: General Principles*.”

6.5 PPS10 goes on to state that in considering planning applications for waste management facilities, local authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities. Whilst the potential impacts of those processes are a material consideration in the determination of this application, the statutory control of those impacts is the remit of the Environment Agency and a matter for the environmental permitting regime. PPS10 makes clear that the purpose of the planning system is to control the development and use of the land in the public interest and to focus upon whether the development is an acceptable use of the land. It states “waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.”

6.6 Government guidance on the management of landfill gas, published by the Environment Agency (LTGN03, 2004 – replacing Waste Management Paper 27 Landfill gas DoE, 1991a) states:

“To control the potential risk associated with gas migration and emissions, landfill gas must be removed from the waste, treated and, if possible, utilised. The gas collection system thus forms a key element of the control and minimisation of the risks from landfill gas, which would otherwise result in unacceptable impacts.”

6.7 Additional EA guidance, (‘Guidance on Landfill Gas Flaring’, 2002) makes clear that, “*in the landfill gas control hierarchy, gas collection with energy recovery is preferred to enclosed flaring.*” Currently the landfill gas on the site is flared through an existing stack located on the western side of the site. The proposal is therefore appropriate in terms of moving the development up the landfill gas management hierarchy by utilising the gas for energy production, rather than simply burning the gas off to prevent off-site migration.

UPDATE

6.8 In light of the above, it is considered that the principle of the development is acceptable. The proposed development is an expansion of the existing waste management facility and in land use terms is considered acceptable. The suitability of the proposal itself is dependent on the consideration of the material considerations set out below.

Residential Amenity

6.9 The closest residential properties to the proposed location of the facility are those on Harvester Close and the wider Warrior Park area, some 280m to the east of the application site. Significant consideration will need to be given in terms of the effect of the proposal on those residents closest to the site, having regard to the following potential impacts.

Visual

6.10 The proposed generators are designed to have a maximum vent height of 6.3m. The generators themselves are less than 3m in height with associated boundary fencing and equipment cabinets less than 2.5m in height. The existing landfill forms a visual buffer between the residential properties on Harvester Close and the proposed development. Even taking into account any future reduction in the size of the landfill due to settlement, it is considered that the proposed works are of a scale which will not be directly visible from the closest residential properties and therefore the works which are the subject of this application are unlikely to have a significant visual impact.

6.11 The proposed development will be visible from parts of Thomlinson Road, adjacent to the western boundary of the site. The proposed equipment will be seen within the context of the existing large industrial buildings on site and also on adjacent sites. The area is heavily industrial in nature and it is considered that the size and siting of the development is such that it is unlikely to have a significant impact upon the visual amenity of the estate.

Noise

6.12 The application is supported by noise data for the proposed generators. It is indicated that the noise output from the two generators is 68dBA at 10m. This reduces to 39dB(A) at the nearest residential property. For comparative purposes, the Environment Agency's 'Integrated Pollution Prevention and Control (IPPC) Horizontal Guidance for Noise, Part 2 – Noise Assessment and Control (2004)' indicates that typically, a normal conversation at 1m distance equates to approximately 55db(A). Furthermore, the reading of 39db(A) does not take into account physical and environmental factors which would potentially reduce the noise impact.

6.13 Firstly, the distance involved and the presence of the landfill between the source of the noise and the closest sensitive receptors will offer a significant acoustic barrier. Secondly, the generator will sit within the context of an existing industrial

UPDATE

estate and its associated noise outputs. It is considered that the noise output from the generators will not be of a discernable level to the most sensitive receptors. The Council's Public Protection Team has indicated that noise from the generators is unlikely to have a significant impact upon those residential properties on Harvester Close and the wider Warrior Park area. Any noise impacts experienced from the development will be a matter for the Environment Agency to control through the IPPC permitting regime. On that basis it is considered that development is acceptable in terms of noise impacts.

Air Quality/Odours/Dust

6.14 In regard to any emissions from the development, again these are controlled by the Environment Agency through the IPPC Environmental Permit for the site.

6.15 As set out above, PPS10 makes it clear that waste planning authorities should not concern themselves with the control of processes which are a matter for the pollution control authorities (in this case the Environment Agency). The planning and pollution control regimes are separate but complementary. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. PPS10 then goes on to state that waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

6.16 Landfill gas is comprised of mainly methane gas and carbon dioxide with smaller amounts of Nitrogen, Oxygen and water vapour. There will also be the presence of trace amounts of other compounds. The air quality assessment undertaken as part of the application modelled the levels of nitrogen dioxide (NO_x) and carbon monoxide at the location of a number of receptors. The Aermol model and the method within the assessment are recognised diffusion models used widely in the assessment of air quality. These were modelled as these are the largest volume of the products of combustion that will be emitted from the generators.

6.17 One of the main purposes of flaring landfill gas is to reduce the potential for gas to give rise to odours. There is, however, potential in open flaring for odours to occur. It is considered that the proposal will improve the existing situation in that it will reduce the potential for odours from flaring by utilising the gas for energy generation purposes. The nature of the proposal means it is unlikely to give rise significant levels of dust.

6.18 The Environment Agency has indicated that the applicant's Environmental Permitting Regulations (EPR) Permit (BW2145IR) allows up to 3MW thermal input for flaring and utilisation (Schedule 1 Table 1.1) within the permitted area and limits are set for emissions from the flare and landfill gas engines (Schedule 4 Table S4.2). Emission parameters are assessed at the permitting stage and limits are set for Nitrogen Oxides, Carbon Monoxide Total VOC's, and Non-Methane VOC's. These limits will be regulated by the Agency.

6.19 The applicant will be required to vary the permit before works can start. The permit variation to bring the utilisation compound within the permit boundary will not

UPDATE

change these limits and therefore the development must accord to the EA regulated limits, as set out above.

6.20 It is not considered that the proposed development would result in unacceptable emissions and unduly impact upon the health and living conditions of the closest residential properties.

Highway Safety

6.21 Access to the site is to be taken from the existing road into the site from Thomlinson Road. Beyond the initial construction stages, access will only be required for maintenance purposes. No physical works are required to facilitate access. The Council's Traffic and Transportation section have raised no highway or traffic concerns with the proposals. On that basis it is considered that the development is unlikely to have a significant impact upon the highway network.

Ecology

6.22 The nearest designated nature conservation sites are Hartlepool Submerged Forest SSSI and West Harbour and Carr House Sands Local Wildlife Site. Both sites are in excess of 500m from the application site at their nearest points and separated from it by the landfill. The Council's Ecologist has assessed the proposals and concluded that there would be no adverse effect on these sites from the proposed development. On that basis the proposal is considered acceptable in ecological terms.

Other Issues

6.23 A number of objectors have raised the issue of the Human Rights Act (1998) and consider the proposed scheme to be an infringement of their human rights in accordance with the Act.

6.24 The determination of this application is considered to involve the following human rights issues:

- Articles 8: Right to respect for private and family life.
 - i) Everyone has the right to respect for his/her private and family life, his/her home and his/her correspondence.
 - ii) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.
- The First Protocol

UPDATE

Every natural or legal person is entitled to the peaceful enjoyment of his/her possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

6.25 It is considered that this report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

6.26 The concerns of residents are acknowledged and are material to the consideration of the application. However, it is considered having regard to those issues as discussed in the report, that there are unlikely to be significant, detrimental impacts from the development upon residents and the utilisation of landfill gas for energy generation is preferable to the existing flaring arrangement. The proposal is therefore in line with Government policy guidance and is considered acceptable.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.27 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

6.28 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

6.29 There are no Section 17 implications.

CONCLUSIONS

6.30 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE

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 approval shall be removed from the site and the land restored to its former condition on or before 31/12/2028 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority unless prior consent has been obtained to an extension of this period.
The building is not considered suitable for permanent retention on the site.

UPDATE

3. The development hereby permitted shall be carried out in accordance with the plans NT11281/001 (Rev A) and NT11281/002 (Rev A) received by the Local Planning Authority on 26 Nov 2012 and the Supporting Statement, Appendix 1 (Technical Data Sheets) and Appendix 2 (Air Dispersion Modelling) received by the Local Planning Authority on 18 01 2013.
For the avoidance of doubt.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
5. The noise output from the development shall not exceed 68dB LAF measured at 10m with a sound level meter that meets the Class 1 requirements of IEC 61672 and BS EN 61672.
In the interests of the amenities of the occupants of neighbouring properties.

BACKGROUND PAPERS

Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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No: 7
Number: H/2012/0078
Applicant: Mr M Ashman 24 Catcote Road HARTLEPOOL TS25 3JS
Agent: Owton Fens Community Association Mr M Ashman 24 Catcote Road HARTLEPOOL TS25 3JS
Date valid: 17/08/2012
Development: Siting of four storage containers for storing animal feed, tools, equipment and fencing and toilet block, erection of animal pens and fencing and rabbit house
Location: OFCA Community Urban Farm Summerhill Lane HARTLEPOOL

UPDATE

7.1 Further drainage information has been submitted to the Environment Agency for further consideration. The comments of the Environment Agency are awaited. On that basis it is considered necessary to withdraw the application from the agenda.

RECCOMENDATION – Withdrawn from agenda

BACKGROUND PAPERS

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<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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POLICY NOTE

The following details a precis of the policies referred to in the main agenda. For the full policies please refer to the

Adopted Hartlepool Local Plan (2006)

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.

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

GEP9: States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

Rur1: States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

Rur3: States that expansion beyond the village limit will not be permitted.

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 to 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.

Rur12: States that isolated new dwellings in the countryside will not be permitted unless essential for the efficient functioning of viable agricultural, forestry, or other approved or established uses in the countryside and subject to appropriate siting, design, scale and materials in relation to the functional requirement and the rural environment. Replacement dwellings will only be permitted where existing accommodation no longer meets modern standards and the scale of the development is similar to the original. Infrastructure including sewage disposal must be adequate.

Rur14: States that proposals within the Tees Forest should take account of the need to include tree planting, landscaping and improvements to the rights of way network. Planning conditions may be attached and legal agreements sought in relation to planning approvals.

Rur18: States that rights of way will be improved to form a network of leisure walkways linking the urban area to sites and areas of interest in the countryside.

GN5: Seeks additional tree and woodland planting in this area through the use of planning conditions and obligations.

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

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

Com1: States that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. The town centre presents opportunities for a range of commercial and mixed use development subject to policies Com2, Com8 and Com9. Proposals for revitalisation and redevelopment should improve the overall appearance of the area, and also public transport, pedestrian and cycleway facilities and linkages. The Borough Council will encourage the enhancement of existing or creation of new open spaces and will seek to secure the reuse of vacant commercial properties including their use for residential purposes. Proposals for A3, A4 and A5 uses will be subject to policies Com 12 and Rec13 and will be controlled by the use of planning conditions.

Com2: States that in this area retail development of an appropriate design and scale in relation to the overall appearance and character of the area will be approved. Other uses will only be allowed where they do not impact on the primary retail function of this area or adversely affect the character and

amenity of the surrounding area. Display window frontages may be required through planning conditions. Residential uses will be allowed on upper floors where they do not prejudice the further development of commercial activities.

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

Com9: States that main town centre uses including retail, office, business, cultural, tourism developments, leisure, entertainment and other uses likely to attract large number of visitors should be located in the town centre. Proposals for such uses outside the town centre must justify the need for the development and demonstrate that the scale and nature of the development are appropriate to the area and that the vitality and viability of the town centre and other centres are not prejudiced. A sequential approach for site selection will be applied with preferred locations after the town centre being edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Proposals should conform to Com8, To9, Rec14 and Com12. Legal agreements may be negotiated to secure the improvement of accessibility.

Com13: States that industrial, business, leisure and other commercial development will not be permitted in residential areas unless the criteria set out in the policy relating to amenity, design, scale and impact and appropriate servicing and parking requirements are met and provided they accord with the provisions of Com8, Com9 and Rec14.

Tra1: Sets out the measures that will be taken to improve the passage of buses and the comfort of passengers along the north-south bus priority route. Other bus priority routes will be identified.

Tra16: The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

Tra18: Sets out the considerations for the development rail based freight handling facilities including impact on surrounding area and provision of adequate access.

Tra20: Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

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

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

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.

Ind5: States that business uses and warehousing will be permitted in this area. General industry will only be approved in certain circumstances. A particularly high quality of design and landscaping will be required for development fronting the main approach roads and estate roads.

Emerging Local Plan Policies (2012)

SUS1: Presumption in favour of Sustainable Development; When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

LS1 : Locational Strategy; The development of Hartlepool will be based on a strategy of maintaining a compact urban form with most expansion being concentrated in areas adjoining the existing built up area.

CC1 advises that the Council will work with partner organisations to help minimise and adapt to climate change

CC2:(Energy Efficiency) advises that the Council will seek to ensure high levels of energy efficiency in all new developments

HSG1: The Borough Council will seek to ensure that new housing provision in the Borough will be delivered through housing sites that have already been identified in the urban area, newly identified sites on the edge of the urban area and villages and elsewhere in the Borough.

HSG3: New Dwellings Outside of Development Limits; The Borough Council needs to be satisfied that proposals are in accordance with the criteria established in the policy:

- 1) there is a clearly an established essential functional need for a full time rural worker to live permanently at or near the rural based enterprise.
- 2) that the rural based enterprise is financially sound.
- 3) that the need for a dwelling can not be met by another existing dwelling nearby.
- 4) that the dwelling is of a size commensurate with the size/value of the rural based enterprise.
- 5) Or where the development would represent the best viable use of secure the future of a heritage asset.
- 6) Or that the dwelling is groundbreaking/innovative in design or construction.

HSG4: (Overall Housing Mix); The Borough Council will ensure that all new housing will contribute to achieving an overall balanced housing stock that meets local needs and aspirations.

HSG5: (Affordable Housing Provision) advises that affordable housing will be required on all developments of fifteen houses or more. It advises that a minimum affordable housing target of 10% will be required on all sites. The affordable provision, tenure and mix, will be negotiated on a site by site basis having regard to economic viability and evidence of housing need, aspiration and the local housing market. The policy allows for off site provision, including the payment of commuted sums in appropriate circumstances.

ND1: (Planning Obligations and Compulsory Purchase Orders) advises that in appropriate circumstances the Borough Council will seek developer contributions towards amongst other things affordable housing, play provision, green Infrastructure and Highway Improvements.

ND2 – The Borough Council will seek to ensure, in accordance with the spatial vision of this plan, that everyone now and in the future has access to community facilities which meet the Borough's infrastructure, educational, social, leisure and health needs. This will involve the maintenance and improvement of existing facilities, where practicable and also the provision of new facilities in the future to complement new developments and to improve their sustainability.

ND3: (Telecommunications & Utilities) covers the provision of utilities infrastructure where necessary as parts of new development.

ND4: Design of New Development; The Borough Council will seek to ensure developments are of a high quality design. All new developments should be designed to take into account, where relevant, a number of factors including:

- The layout, scale, massing and height, which reflects and enhances the distinctive features and character of the area and improves the environment they are located within.
- The relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, loss of privacy, visual intrusion and light pollution. Tandem development will not be permitted.

EC4: General Employment Land; Proposals for general industrial development (B2 use class) will be approved where the Borough Council is satisfied that they will not have a significant detrimental effect on the amenities of the occupiers of adjoining and nearby properties or prejudice the development of adjacent sites.

EC5: Waste Operations; The Borough Council has allocated a site at Graythorp Industrial Estate for facilities to manage and recycle commercial and industrial waste which will meet expected need within the plan period. Beyond this allocation no further new facilities will be approved.

RC1 – The Borough Council has identified and defined a hierarchy of retail and commercial centres that will offer a variety of sites that are economically attractive, diverse and in appropriate sustainable locations throughout the Borough.

RC2 – The Town Centre shall continue to be the primary shopping centre in the Borough.

NE1 – The Borough Council will safeguard green infrastructure within the Borough from inappropriate development and will work with partners actively to improve the quantity and quality of green infrastructure and recreation and leisure facilities throughout the Borough based on evidence of local need. Over the plan period this will mean enhancing green infrastructure and addressing the identified shortfall in the amount or quality of green existing infrastructure.

National Planning Policy Framework (NPPF) 2012

Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For plan-making this means that: local planning authorities should positively seek opportunities to meet the development needs of their area;

- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 50: To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

Paragraph 55 states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- a) The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- b) Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- c) Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- d) The exceptional quality or innovative nature of the design of the dwelling.

Paragraph 56: The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 61: Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and

decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 66: Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

Paragraph 96: In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Paragraph 196: The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

Paragraph 197: In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

PLANNING COMMITTEE

3 APRIL 2013



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL AT SEATON MEADOWS LANDFILL SITE
RELATING TO A VERTICAL EXTENSION AND
REVISED RESTORATION

1. PURPOSE OF REPORT

- 1.1 To notify Members of the lodging of an Appeal against the Council's Refusal of planning permission for the abovementioned development and to seek authority for officers to contest the appeal. The application was refused by Members of the Planning Committee contrary to Officer's advice.

2. APPEAL

- 2.1 The application was refused for the following reasons:

1. The Tees Valley Joint Minerals & Waste Core Strategy DPD (2011) advises that there is sufficient capacity for the landfilling of municipal solid and commercial and industrial waste to 2021 and that there is therefore no need for additional landfill capacity. The proposal would therefore be contrary to the Tees Valley Joint Minerals & Waste Core Strategy DPD (2011) and contrary to PPS 10 Planning for Sustainable Waste Management (2005).

2. It is considered that the proposed development, by reason of the height, mass and form of the resultant landform would have an incongruous appearance in this location and therefore have a detrimental impact on the character and appearance of the area contrary to policy GEP1 of the adopted Hartlepool Local Plan (2006) and PPS 10 Planning for Sustainable Waste Management (2005).

- 2.2 The appellant is requesting that the appeal is dealt with by Public Inquiry.

3. RECOMMENDATION

- 3.1 That once confirmation is received by the Planning Inspectorate that the appeal is valid authority be given to officers to contest the appeal.

PLANNING COMMITTEE

3 April 2013



Report of: Assistant Director (Regeneration and Planning)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

- 1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:
1. An investigation has commenced in response to a complaint received regarding two properties in various states of unkemptness on Eamont Gardens and Elwick Road
 2. An investigation has commenced in response to a complaint received regarding engineering operations undertaken to move top soil onto council owned land on a vacant industrial site on Brenda Road.
 3. An investigation has commenced regarding an oversight to a restrictive use condition linked to a planning approval for a livery and equestrian business in Dalton Piercy.
 4. An investigation in response to Councillors raising concerns about the period of time two adjoining shop units have been untidy on Vicarage Road, has been investigated.
 5. An investigation has commenced in response to a complaint received regarding the erection of a two storey extension and detached garage to the rear of a property on Hutton Avenue being built unlike the approved plans.

2. RECOMMENDATION

- 2.1 Members note this report.