

PLANNING COMMITTEE AGENDA



31 July 2013

at 10.00am

**in the Council Chamber,
Civic Centre, Hartlepool.**

MEMBERS OF PLANNING COMMITTEE:

Councillors Ainslie, Beck, Cook, Cranney, Fisher, Fleet, Griffin, James, A Lilley, G Lilley, Loynes, Morris, Robinson, Shields, Sirs and Wells.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the meeting held on 3 July 2013

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Regeneration)*

1. H/2013/0251 Oak Lodge Shooting Ground, Brierton Lane, Billingham – Variation of Condition (*page 1*)
2. H/2013/0281 Unit 3 Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool – Change of use from storage to dog breeding business (*page 11*)

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

- 4.3 Appeal at Benknow le Farm, Benknow le Lane, Hartlepool - Appeal Ref: APP/H0724/A/12/2188993 – Erection of an Agricultural Building Extension (Retrospective Application) – *Assistant Director (Regeneration)*



- 4.4 Appeal at 33 Harvester Close, Hartlepool Appeal Ref: APP/H0724/D/13/2197237 Erection of a Two Storey Rear Extension H/20/2013/0081 – *Assistant Director (Regeneration)*
 - 4.5 Darlington Local Plan: Making and Growing Places Development Plan Document: Preferred Options – *Assistant Director (Regeneration) (to follow)*
 - 4.6 Site Visit to the Sports Domes at Seaton Carew – For discussion
5. **ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**
6. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**

EXEMPT ITEMS

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

7. **ITEMS REQUIRING DECISION**
- 7.1 Enforcement Action Unit 3 Sandgate Industrial Estate - *Assistant Director (Regeneration)* (para's 5 & 6)
 - 7.2 Enforcement Action – Low Throston House 4 Netherby Gate, Hart Lane, Hartlepool - *Assistant Director (Regeneration)* (para's 5 & 6)
8. **ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

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 28 August 2013



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

3 July 2013

The meeting commenced at 10am in the Civic Centre, Hartlepool

Present:

Councillor: Councillor Rob Cook (In the Chair)

Councillors: Jim Ainsley, Kevin Cranney, Keith Fisher, Sheila Griffin, Marjorie James, Alison Lilley, Geoff Lilley, Jean Robinson, Linda Shields and Kaylee Sirs

In accordance with Council Procedure Rule 4.2 Councillor Paul Thompson was in attendance as substitute for Councillor Brenda Loynes

Officers: Damien Wilson, Assistant Director, Regeneration
Chris Pipe, Planning Services Manager
Richard Trow, Planning Officer
Sylvia Pinkney, Public Protection Manager
Peter Frost, Traffic Team Leader
Matthew Fothergill, Student Placement
Tony McNab, Solicitor
Jo Stubbs, Democratic Services Officer

30. Apologies for Absence

Apologies for absence were received from Councillors Paul Beck, Brenda Loynes, George Morris and Ray Wells.

31. Declarations of interest by members

Councillor Cook declared a personal interest in minutes 33 – item H/2013/0128.

32. Confirmation of the minutes of the meeting held on 5 June 2013

Confirmed.

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

Number:	H/2013/0218
Applicant:	Mr Steve Bell Vela Group, Greenbank, Hartlepool
Agent:	Jane Darbyshire and David Kendall, Joe Crinion, Millmount Ponteland Road, Newcastle upon Tyne
Date received:	08/05/2013
Development:	Erection of 4 buildings to provide student accommodation totalling 56 bedrooms with associated works
Location:	FORMER CROWN HOUSE SURTEES STREET HARTLEPOOL
Decision:	Minded to APPROVE subject to a legal agreement under S106 of the Planning Act securing £250 per bedroom towards Green Infrastructure

The applicant and agents were present at the meeting to answer any questions in relation to this matter.

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 07/05/2013 (Drawing No's: 3318 P 01 Revision N/A, 3318 P 02 Revision N/A, 3318 P 03 Revision N/A, 3318 P 04 Revision N/A, 3318 P 05 Revision N/A, 3318 P 06 Revision N/A, 3318 P 07 Revision N/A, 3318 P 08 Revision N/A and E-(90)-00-001 Revision 0), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without

modification the four buildings hereby approved shall be used solely for the purposes of accommodation of students undertaking full time educational courses, unless otherwise agreed in writing with the Local Planning Authority. In the interests of the potential adverse impact of an unrestricted consent on the use of the site and the surrounding area

5. Prior to the commencement of development hereby approved, a scheme highlighting how site CO₂ emissions will be reduced by 10% over the maximum CO₂ emission rate allowed by the Building regulations Part L prevailing at the time of development, will be submitted to and approved in writing by the LPA. The development hereby approved shall be constructed in line with the approved scheme in the interests of sustainable construction.
In the interests of sustainable construction
6. Prior to the commencement of development details of the proposed surfacing materials of all paths, roads, parking areas and hardstandings shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented at the time of development and, unless otherwise agreed in writing with the Local Planning Authority, retained for the lifetime of the development.
In the interests of highway safety and amenity
7. Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved a scheme of security measures incorporating 'secured by design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interests of crime prevention.
8. Notwithstanding the submitted details a scheme for the installation of a public footpath at the point of the old vehicular access onto Tower Street shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. Thereafter the footpath shall be implemented in accordance with the agreed details prior to the occupation of the development.
In the interests of highway safety.
9. Notwithstanding the plans and information submitted prior to the commencement of development full details of bin storage facilities serving the student accommodation shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented at the time of development and, unless otherwise agreed in writing with the Local Planning Authority, retained for the lifetime of the development.
In the interests of visual amenity
10. Notwithstanding the plans and information submitted prior to the commencement of development full details of cycle parking facilities serving the student accommodation shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the cycle parking should be secure locker type parking. The approved details shall thereafter be implemented at the time of development and, unless otherwise agreed in writing with the Local Planning Authority, retained for the lifetime of the development.
In the interests of visual amenity and secure cycle parking provision

11. 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.
12. 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.
13. Prior to the commencement of the development hereby approved by this planning permission a sound insulation scheme for the protection of the proposed student accommodation from external sources, including a nearby workshop and licensed premises, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include predicted noise levels within the buildings. Any works, which form part of the scheme, shall be completed in accordance with the approved scheme and prior to any part of the development being first occupied.
To protect the amenity of students from excessive noise from the neighbouring commercial premises
14. Details of all walls (including any retaining walls and details of their structural integrity), fences, gates 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.
15. Notwithstanding the plans and details for the apartment block located in the centre of the site hereby approved as outlined in Condition 2 of this approval the side window of the apartment block facing Tower Street shall be glazed with obscure glass which shall be installed before the building is occupied and shall thereafter be retained at all times while the windows exist. Alternatively, a scheme to amend the side elevation of the building and the provision of windows upon it shall be submitted shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the building shall be constructed and retained in accordance with the agreed details for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
To prevent overlooking
16. 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.

Number: H/2011/0350

Applicant: Mr M Ford, c/o Agent

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

Date received: 19/09/2011

Development: Erection of dwellinghouse (retrospective application)

Location: Nelson Farm, Nelson Farm Lane, HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The dwelling and its curtilage (as agreed by condition 6) hereby approved shall be removed from the site in its entirety and the land restored to its former condition on or before three years from the date of this permission in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority unless prior consent has been obtained to an extension of this period.
To assess the functional need and viability of the enterprise in accordance with Policy Rur7 of the adopted Hartlepool Local Plan.
2. The development hereby permitted shall be carried out in accordance with the plans 'A069734 Drawing No 01' and 'Agricultural Appraisal' received by the Local Planning Authority on 11 07 11, the Phase 1 Desk Study received by the Local Planning Authority on 11 08 11, 'Location Plan' received by the Local Planning Authority on 26 08 11, and the drainage details received by the Local Planning Authority on 21 09 11.
For the avoidance of doubt.
3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.
The site of the proposed dwelling(s) is in an area where the Local Planning Authority considers that new housing should only be allowed in exceptional circumstances where it is essential in the interests of agriculture or forestry.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property and to ensure the dwelling remains commensurate with the needs of the holding.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) or outbuildings shall be

erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

6. Notwithstanding the approved details, details of the final extent of the curtilage associated with the hereby approved dwelling shall be submitted to and agreed in writing by the Local Planning Authority within 6 months of the date of this permission.
For the avoidance of doubt.

34. Update on Current Complaints (*Assistant Director, Regeneration*)

Details were given of 12 ongoing issues currently being investigated.

Decision

The report was noted, Councillor James requested that she was updated outside of the meeting on item 10.

35. Review of Planning Delegations in Relation to Prior Approvals Process (*Assistant Director, Regeneration*)

The Assistant Director, Regeneration presented a report which reviewed the terms of the officer delegation scheme in relation to a number of relaxations to planning control which came into force on 30 May as contained within the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

It was not recommended to change the scheme of delegation in relation to these prior approval applications.

Decision

- (i) The report was noted.
- (ii) The scheme of delegation as proposed was approved.

36. Appeal Update Report (*Assistant Director, Regeneration*)

The report included details of the Council's planning appeal record since 2005 were detailed in Appendix 1 and a chart which reflected the way planning application decision were made and the percentage allowed and dismissed at appeal was also included in the report.

Decision

The report was noted.

37. Any Other Items which the Chairman Considers are Urgent

The Chair of Planning Committee referred Members to a letter to the Department for Communities and Local Government in response to concerns expressed by the Planning Committee on the 5th June 2013 in relation to the recent changes to permitted development rights, particularly those affecting homeowners and also the consultation outcome regarding these changes. The letter was noted.

The meeting concluded at 10.16 am

CHAIR

No: 1
Number: H/2013/0251
Applicant: Mrs K Calvert Larkspur Close HARTLEPOOL TS26 0UD
Agent: Mrs K Calvert 11 Larkspur Close HARTLEPOOL TS26 0UD
Date valid: 20/05/2013
Development: Variation of condition on planning application H/2012/0158 to remove condition No. 3 to enable use of the site for clay pigeon shooting on a year round basis
Location: Oak Lodge Shooting Ground Brierton Lane BILLINGHAM

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 Planning consent was granted in March 2000 (H/FUL/0569/99) for the use of this site for a private members clay pigeon shooting club for 6 hours a week during the summer and 4 hours a week in winter for a temporary period of 12 months.

1.3 This permission was renewed in 2001 (H/FUL/0038/01) for a further 12 months temporary period with revised shooting times. This permission also allowed the retention of two portable units which are used as a restroom and toilet facilities.

1.4 A further application was submitted in 2003 (H/FUL/0646/03) for the hours currently in operation. This application also included earth mounding to screen noise emissions along part of the north and east boundaries.

1.5 Planning permission was granted in June 2012 for the variation of conditions on approved application H/FUL/0646/03 to allow extended opening times (10.00-15.30 Sats/Suns, 18.00-20.30 Wed evenings and one introduction day per week 10.00-16.00 when required) on a year round basis, removal of existing clubhouse, erection of new clubhouse together with provision of children's play area and earth works/landscaping to boundaries

PROPOSAL AND SITE CONTEXT

1.6 The application site is located at the western end of Brierton Lane approx 500m to the west of the urban fence. The site which occupies an area of 8 ha (20 acres) is sited to the north of a small group of residential properties including Brierton Farm. A public right of way runs along the south west boundary of the site.

1.7 The site which has been in use for a clay pigeon shooting club is bounded by open fields to the north, east and west.

1.8 The application seeks consent for the variation of condition No.3 on planning application H/2012/0158 to enable the use of the site for clay pigeon shooting on a year round basis subject to hours restrictions.

1.9 For the avoidance of doubt Condition 3 of planning application H/2012/0158 denotes the aforementioned consent a temporary use and reads as follows:

The hours of use hereby approved and specified in conditions 10 and 11 shall be discontinued and the use of the site revert back to the hours permitted under the previous approval H/FUL/0646/03 on or before 20 June 2013 unless the prior written consent of the Local Planning Authority has been obtained to an extension of this period.

1.10 The reason the condition was attached was as follows:

To enable the Local Planning Authority to assess the use in the light of experience.

1.11 Condition 10 and 11 of planning application H/2012/0158 read as follows:

10. The use hereby permitted shall only operate between 10.00 hrs to 15.30 hrs Saturdays and Sundays and 18.00 hrs and 20.30 hrs Wednesdays and with the concession given in condition 11 at no other time without the prior written consent of the Local Planning Authority.

11. The site is to be used for no more than one day a week between the hours of 10.00 hrs and 16.00 hrs to allow introductory/corporate sessions to be staged. The Local Planning Authority is to be notified in writing at least two days in advance of any such event being staged.

1.12 For the avoidance of doubt it is prudent to state that should the pending application be approved and condition 3 be removed the site will operate in accordance with the hours of operations and days outlined in condition 10 and 11 above. Condition 3 was to allow the Local Planning Authority to assess the hours of use on a temporary basis to ascertain if any problems arose from the hours stated in conditions 10 and 11.

PUBLICITY

1.13 The application has been advertised by way of neighbour letters (5) and site notice. To date, there have been no neighbour responses received.

1.14 The period for publicity has expired.

CONSULTATIONS

1.15 The following consultation replies have been received:

Environment Agency – The Environment Agency has assessed this application as having a low environmental risk.

Natural England – From the information provided with this application, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on. The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPA's should seek the views of their own ecologists when determining the environmental impacts of this development.

Council's Ecologist – Granting the extension of hours on a permanent rather than a temporary basis should not have any adverse ecological effects therefore I have no objections to this proposal.

Ramblers Association – We consider the council was mistaken when it first allowed shooting on this site in 2000. This was because we considered the percussive noisy activity would adversely affect the enjoyment of users of nearby rights of way, BOAT Brierton 01 and FP Brierton 05.

Since 2000 the situation has worsened as the council has progressively relaxed the original conditions so that shooting is now causing disturbance over longer periods.

We regret that the council has taken no steps to quantify the effect of this noisy activity by carrying out independent surveys or by carrying out independent surveys or by sound measurement along FP 5 when shooting is taking place.

We ask the council to reject the application.

Public Protection – no objections to the current hours and the floating day being made permanent.

Economic Development – Further to the above planning application I fully support the proposals. The development forms part of Hartlepool's tourism and visitor market and contributes to the overall offer to the sector and helps Hartlepool to develop its leisure economy to create new jobs and attract private sector investment.

Countryside Access Officer – There are two public rights of way in proximity to the Oak Lodge Shooting Ground. One – Public Byway No.1, Brierton Parish – is not affected by this application. The second, Public Footpath No.5, Brierton Parish, which lies to the south of Oak Lodge Shooting Ground is similarly not affected by this application.

Traffic and Transportation – There are no highway or traffic concerns

Tees Valley Local Access Forum – A number of our members have expressed their interest in the above planning application. Having studied the plans and the comments made so far, it appears that the Environment Agency, describes the application as having, 'low environment risk', Natural England report, 'the application is not likely to result in significant impacts on statutory designates sites, landscapes or species'; the Traffic and Transportation and Rights of Way Officers within Hartlepool Borough Council both appear to have, 'no highway or traffic concerns' and the two rights of way are 'not affected by this application'.

However, one of our members has suggested the 'noisy activity would adversely affect the enjoyment of uses of nearby ROW'.

Having considered the observations made so far the TVLAF is of the view that whilst it is considered about the noise levels at the Gun Club, it has operated for some years under these albeit temporary opening hours and seeks only to formalise the times when it is operational. Having discussed the application we believe that if there have been no local complaints from residents about the noise then we have no objections to the application.

Greatham Parish Council – The Council feels that to have every day "shooting" is too much and it is too much to expect residents from quite a large area whose lives are impacted by the activities to have to tolerate it. They would like to see Sunday "quiet" so that they gain peace when in their own homes. The noise can be heard in Greatham and, it seems, villages to the north of the site.

PLANNING POLICY

1.16 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

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

GEP1: General Environmental Principles
Rur16: Recreation in the Countryside

Emerging Local Plan

1.18 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: Locational Strategy
ND2: Community Facilities and Services
LT1: Leisure and Tourism

Regional Policy

1.19 An Order to revoke the Regional Strategy for the North East was laid in Parliament. On the 22 March 2013 which resulted in the RSS being officially revoked on 15 April 2013.

National Policy

1.20 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.

14 - Presumption in favour of sustainable development

18 - Securing economic growth

19 - Securing economic growth

20 - Support economic growth in rural areas

PLANNING CONSIDERATIONS

1.21 The main considerations in this instance is the appropriateness of the proposal in terms of the policies and proposals contained within the Development Plan and the effect upon the amenities of the occupants of residential properties, the amenities of the area in general in terms of noise and disturbance and ecology.

PRINCIPLE OF VARIATION

1.22 As outlined above the previous application (H/2012/0158) was only given temporary consent to allow the Local Planning Authority to assess the use in light of experience. Specifically, the temporary consent was attached in order for the site to be monitored in terms of noise and disturbance. The Head of Public Protection has raised no objections to the proposal. It is therefore considered that the principle of removing condition 3 of planning application H/2012/0158 is acceptable. The justification for this reasoning will be discussed further in the remainder of this report.

AMENITIES OF THE OCCUPANTS OF RESIDENTIAL PROPERTIES AND THE AREA IN GENERAL

1.23 The main issue for consideration in assessing this application are the impact upon the amenities of residential properties and the area in general by way of the permanent retention of the opening hours approved under planning application H/2012/0158 as outlined earlier in this report.

1.24 Although no additional information was provided with the previous application (H/2012/0158) or the current application regarding noise levels produced at the site, a noise assessment study was carried out at the time of the original approval in 1999. Gunshot noise and background noise was measured in and around the site. The Head of Public Protection considered the noise study and concluded that the impulsive noise from shotguns could be audible at nearby residential properties and from public footpaths in the area.

1.25 With regard to this application, the Head of Public Protection has raised no objections to the proposed removal of the condition. It is prudent to state in the consideration of this proposal that the Council's Public Protection Team have received no noise complaints in relation to the shooting ground in the last year.

1.26 Whilst it is acknowledged that the use creates a level of noise and disturbance during the times of the day when the site is in operation and concern has been received from the Ramblers Association and Greatham Parish Council, on balance it is not considered that the use of the site on a permanent basis, at the hours and days conditioned by way of conditions 10 and 11 of planning application H/2012/0158 will be so significant so to sustain a refusal in this instance.

1.27 It is considered unlikely that the proposed variation will significantly impact upon highway safety issues. The Council's Traffic and Transportation Section have raised no concerns with the proposal.

ECOLOGY

1.28 The Council's Ecologist has stated that granting the hours of use on a permanent rather than a temporary basis should not have any adverse ecological effects therefore I have no objections to this proposal.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.29 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.30 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.

1.31 There are no Section 17 implications.

REASON FOR DECISION

1.32 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 hereby permitted shall be carried out in accordance with the plans numbered 20/001, 20/002, 20/003 and 90/001 and details received by the Local Planning Authority on 26-03-2012 and in relation to the children's play equipment by the email received on 10 April 2012 for planning consent H/2012/0158, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
2. For the avoidance of doubt the building approved under planning consent H/2012/0158 shall be used for a clubhouse in connection with the Oak Lodge Shooting Club and for no other purpose.
In the interests of the amenities of the occupants of neighbouring properties.
3. For the avoidance of doubt the development shall be constructed using the finishing materials submitted for condition 5 of planning consent H/2012/0158 and agreed in writing by the Local Planning Authority.
In the interests of visual amenity
4. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this consent. 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
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following this approval. 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
6. The use hereby permitted shall only operate between 10.00 hrs to 15.30 hrs Saturdays and Sundays and 18.00 hrs and 20.30 hrs Wednesdays and with the concession given in condition 7 at no other time without the prior written consent of the Local Planning Authority.

To clarify the extent of the permission.

7. The site is to be used for no more than one day a week between the hours of 10.00 hrs and 16.00 hrs to allow introductory/corporate sessions to be staged. The Local Planning Authority is to be notified in writing at least two days in advance of any such event being staged.

To allow the impact of the extended hours of operation of the site to be monitored.

8. Not more than 6 shooting stations (safety cages) shall be operated at any one time. The use of any additional shooting stations must be agreed in writing with the Local Planning Authority.

To clarify the extent of the permission.

9. The parking area indicated on plan no 90/001 received on 26 March 2012 for the approved planning application H/2012/0158 shall be available for members of the shooting club at all times when the clay pigeon shooting is being undertaken.

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

10. The signs agreed by way of condition 14 of planning consent H/2012/0158 warning that shooting is taking place shall be placed in a prominent position at either end of the application site adjoining the public right of way for the duration of each shooting session. The signs shall be removed at the end of each session.

In the interests of public safety.

11. All shooting with the exception of the 'Down The Line' shooting shall be in a generally south-westerly direction only, away from properties situated in the West Park area of the town.

In the interests of protecting the amenities of local residents from noise and disturbance.

12. The 'Down The Line' shooting shall only take place within the area of the site denoted as the 'Down The Line' range on the previously approved plan (07-10-2003)

In the interests of protecting the amenities of local residents from noise and disturbance.

13. Shooting within the 'Down The Line' range shall be in a generally south easterly or southerly direction only.

In the interests of protecting the amenities of local residents from noise and disturbance.

14. No shooting station shall be set up within 50m of a public right of way adjoining the application site.

In the interests of public safety

15. For the avoidance of doubt the planning permission hereby granted does not relate to any future development on the north east side of the site as shown on drawing no. 90/001 received 26/03/2012 submitted for the approved planning application H/2012/0158.

To clarify the extent of this permission

16. The existing club house shall be removed from the site and its site restored in accordance with a scheme first agreed in writing with the Local Planning Authority within one month of the club house approved under approved planning application H/2012/0158 being brought into use.

In order to ensure the redundant building is removed.

BACKGROUND PAPERS

1.33 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

- 1.34 Damien Wilson
Assistant Director (Regeneration)
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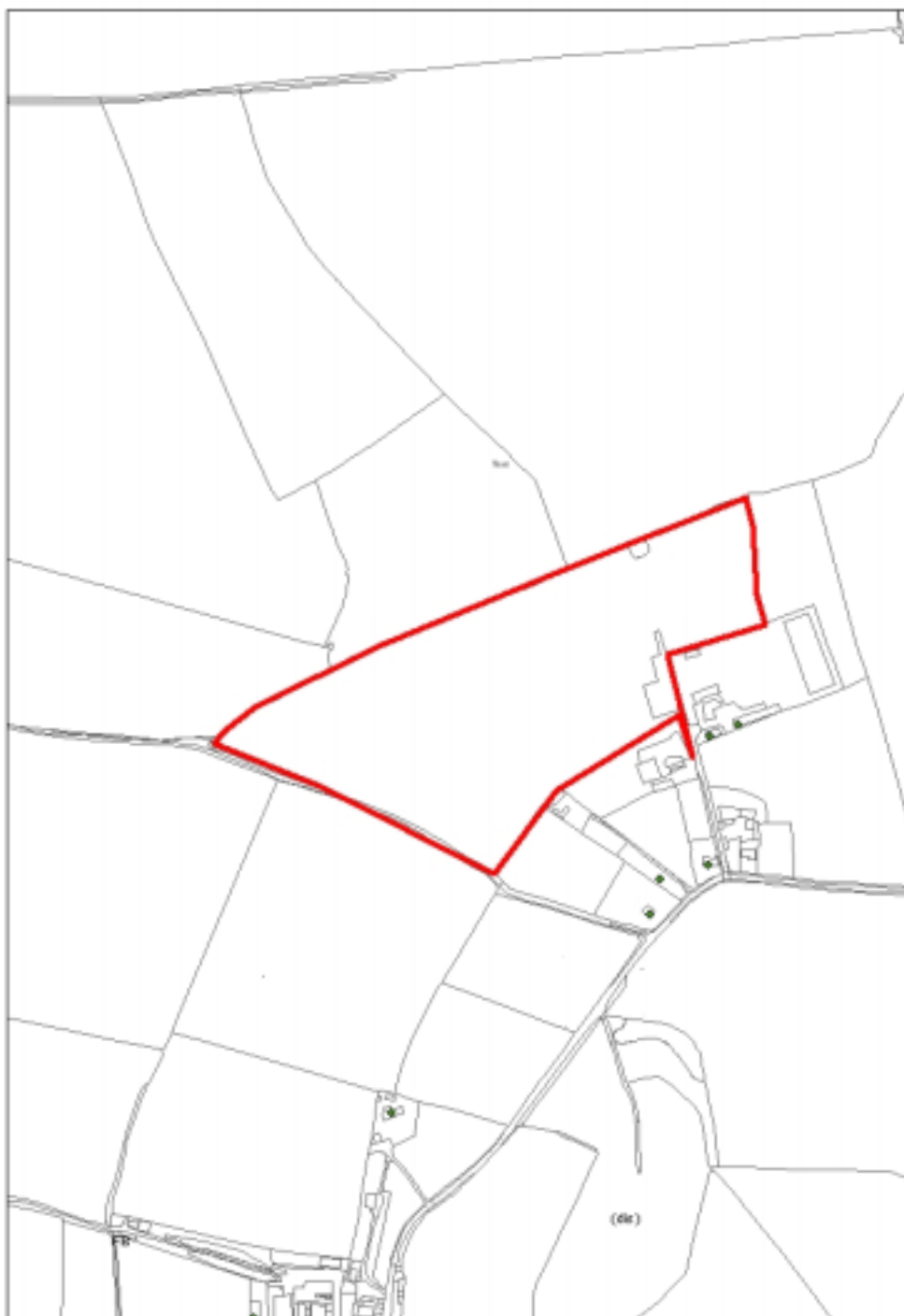
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OAK LODGE SHOOTING GROUND



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: 1:5000
Date : 17/07/13
H/2013/0251

No: 2
Number: H/2013/0281
Applicant: Mr J W Armstrong Jesmond Road HARTLEPOOL TS26 0HN
Agent: Mr J W Armstrong Cemetery Lodge Jesmond Road HARTLEPOOL TS26 0HN
Date valid: 30/05/2013
Development: Change of use from storage to dog breeding business
Location: Unit 3 Sandgate Industrial Estate Mainsforth Terrace 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.

PROPOSAL AND SITE CONTEXT

2.2 The application site is an existing yard located off a cul-de-sac on the east side of Mainsforth Terrace on the Sandgate Industrial Estate. It is enclosed on the west, south and east side by a high enclosure formed by steel sheets. The site is bounded to the north and west by an adjoining commercial site which is occupied by an L-shaped building. This backs onto the site with a blank elevation on its north side but is set back slightly from the site on its west side, there are several windows in this elevation. To the east is another small yard. To the south is a roundabout located at the end of the cul-de-sac opposite which are various commercial properties.

2.3 The proposal seeks retrospective consent for the use of the site for a dog breeding business. The site accommodates 4 dog pens, stable block, shed and caravan.

PUBLICITY

2.4 The application has been advertised by way of neighbour letters (1), and site notice. To date, there has been 4 letters of objection.

The concerns raised are:

- 1 Insufficient information provided
- 2 Noise pollution
- 3 Health risks from waste
- 4 Pens appear to be too small for the dogs
- 5 Concerns that the Animal Welfare Act 2007 will be violated
- 6 My adjacent site turned down for small wild creatures sanctuary

- 7 There are no assurances that the breeder would be a kennel club assured breeder
- 8 Concerns with regards to health risk and welfare for employees of nearby commercial business.
- 9 Dog pens provided not suitable for dogs
- 10 Not having potential owners visiting the site has all the hallmarks of puppy farming.

Copy Letters A

The period for publicity has expired.

CONSULTATIONS

2.5 The following consultation replies have been received:

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

Public Protection – This site will require a licence with the Local Authority under the provisions of The Breeding of Dogs Act 1973 & 1991 and The Breeding & Sale of Dogs (Welfare) Act 1999. We have received licence applications under the above Acts. If a licence is issued then the conditions would cover such issues as cleanliness, management etc.

Economic Regeneration - I can confirm that I object to the application as it is not compatible with the surrounding heavy industrial uses. The use constitutes a major departure from the type of activity we would encourage at Mainsforth Terrace and will also utilise a building and site that is primarily for industrial use and therefore will reduce our ability to attract further industrial investment.

Whilst not being directly involved in the welfare of animals the site appears to be wholly inappropriate for dog breeding, both in terms of the neighbouring uses but also in terms of the site itself which does not provide appropriate out door runs.

PLANNING POLICY

2.6 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

2.7 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
Ind5b: Industrial Areas
Ind6: Bad Neighbour Uses
Ind8: Industrial Improvement Areas.

Emerging Local Plan

2.8 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: Locational Strategy
EC4: General Employment Areas

Regional Policy

2.9 An Order to revoke the Regional Strategy for the North East was laid in Parliament. On the 22 March 2013 which resulted in the RSS being officially revoked on 15 April 2013.

National Policy

2.10 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.

14: Presumption in favour of sustainable development
196: Determination in accordance with the development plan
197: Presumption in favour of sustainable development

PLANNING CONSIDERATIONS

2.11 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 with particular regard to the principle of the development in policy terms, the impact on the character and function of the Sandgate Industrial Estate, the impact on the amenity of neighbouring businesses, visual amenity and highway safety

Principle of Development

2.12 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 2013 Local Plan. For this specific development proposal the 2006 Local Plan policies are up-to-date and therefore the emerging 2013 Local Plan policies are not considered as a material consideration in determining this application.

2.13 The site to which the application relates is designated under Policies Ind5 and Ind6 of the 2006 Local Plan to promote the development of B1, B2 and B8 uses on the Longhill/Sandgate industrial area. The development site is located within the 'Bad Neighbour Uses' area of Sandgate and as a result has been promoted as a site for waste businesses.

2.14 The surrounding uses which share a boundary with the site and fronting onto the main access road from Mainsforth Terrace and the wider industrial area are exclusively B2 (General Industrial Development) and B8 (Distribution and Warehousing) uses which are in the waste business sector. These surrounding uses contribute to an overall poor physical environment which includes the following issues which affect the development site 24hrs a day:

- Dust
- Wind blow waste/industrial debris
- Smells arising from waste/industrial storage
- Noise from plan and waste/industrial processes
- Vibrations from waste/industrial processes

2.15 It is considered that all these issues contribute to an environment which would be unsuitable to locate a business where the main use is for the breeding of animals.

Impact upon the character and function of the area

2.16 There are concerns with regard to the impact the development could have on the occupiers of adjoining properties in the future. If this type of development becomes established within this area, in the future the operator could complain with regard to the environmental issues resulting for adjoining users; which would otherwise be appropriate in this location. It would also not be appropriate for someone to live on site should this be required in future for animal welfare reasons. An approval therefore could result in the existing industrial businesses in the area having to change their business processes. This could have the potential to risk the wider economy of the Longhill/Sandgate industrial area.

2.17 It is considered that the use of a dog breeding business in this industrial area could have the potential to conflict with the adjoining existing users and will constrain both existing and future industrial uses. This view has been endorsed by Economic Regenerations objection to the scheme.

Impact upon amenity of neighbouring businesses

2.18 In terms of visual amenity it is not considered that the appearance of the use would create any significant impact upon the general appearance of the area.

2.19 The provision of this form of development within this area could have a detrimental impact upon the existing users by having a restrictive effect on the way the existing and future business operate.

Impact upon highway safety

2.20 Highways raise no concerns with the proposal. There is adequate off site parking provided.

Other Matters

2.21 It is acknowledged that many of the concerns raised by objectors relate to matters that are not planning considerations but can be dealt with through other legislative powers in particular licensing issues relating to animal welfare.

2.22 It should be noted that the Licensing application for a dog breeding establishment was refused on the 17th July 2013 as the veterinary surgeon highlighted that the arrangements at the premises are not suitable for a dog breeding establishment.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.23 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.24 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.

REASON FOR DECISION

2.25 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. The application site is located in an established industrial area. It is not considered that a dog breeding business in this location would be compatible with existing or future industrial and commercial uses in this area contrary to Policies GE1, Ind5b and Ind6 of the Hartlepool Local Plan 2006.

BACKGROUND PAPERS

2.26 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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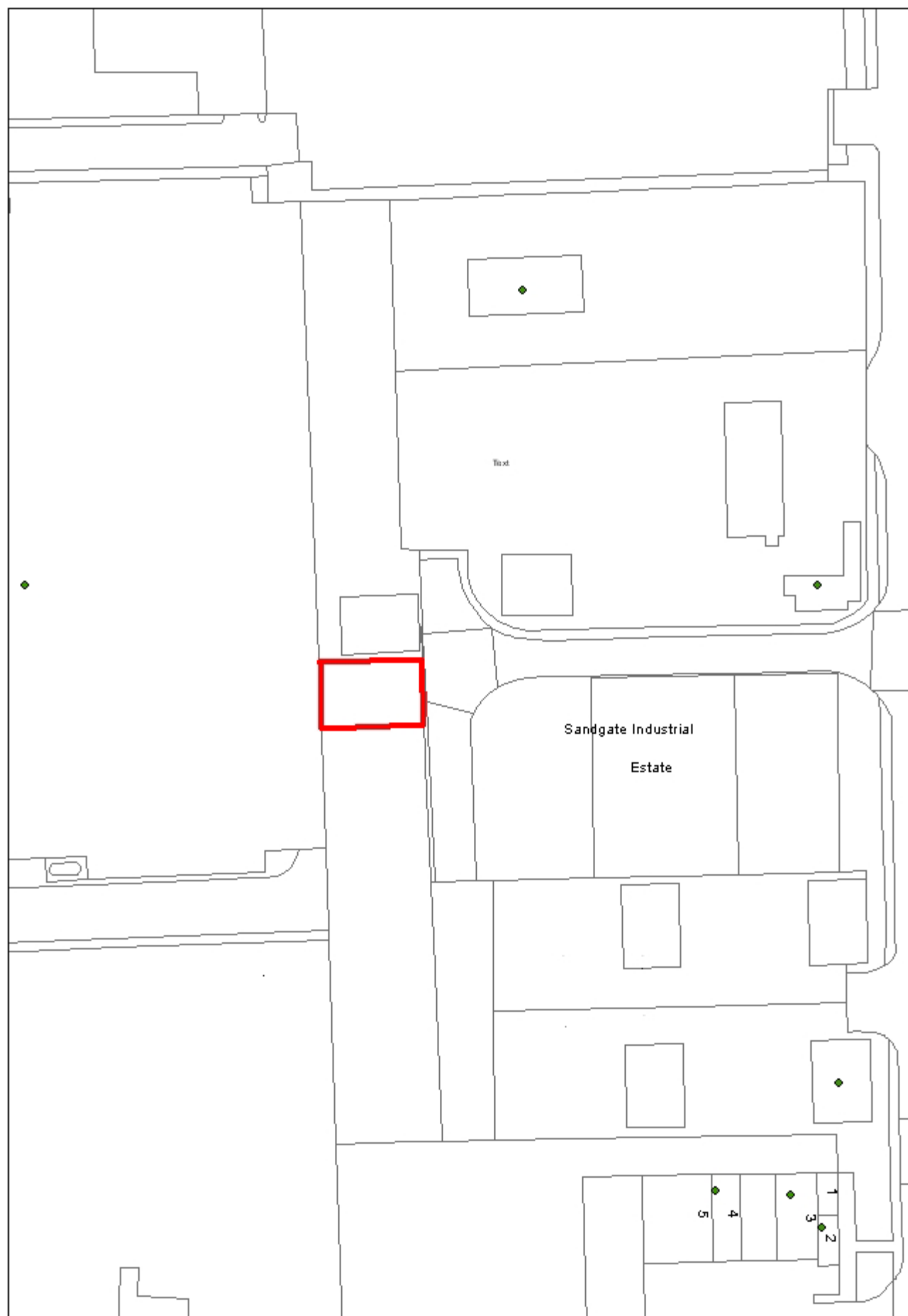
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UNIT 3 SANDGATE INDUSTRIAL ESTATE



POLICY NOTE

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

ADOPTED HARTLEPOOL LOCAL PLAN 2006

GEP1 (General Environmental Principles) - 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 (Access for All) - 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 (Crime Prevention by Planning and Design) - 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.

Ind5 (Industrial Areas) - 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.

Ind6 (Bad Neighbour Uses) - Identifies part of the Sandgate area for the location of bad neighbour uses. Such uses will only be permitted subject to criteria in the policy relating to nuisance, visibility, screening, size of site and adequacy of car parking and servicing.

Ind8 (Industrial Improvement Areas) - States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated industrial improvement areas.

Rur16 (Recreation in the Countryside) - States that proposals for outdoor recreational developments in rural areas will only be permitted if the open nature of the landscape is retained, the best agricultural land is protected from irreversible development, there are no new access points to the main roads, the local road network is adequate, the amount of new building is limited and appropriately designed, sited and landscaped, there is no disturbance to nearby occupiers, countryside users or nature conservation interest and adequate car parking can be provided. Within the Tees Forest area, planning

conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

EMERGING LOCAL PLAN POLICIES (2012)

SUS1 (Presumption in favour of Sustainable Development) – states that 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) - states that 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.

ND2 (Community Facilities and Services) - states that 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.

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.

LT1 (Leisure and Tourism) – states that the Borough Council will continue to develop the leisure and tourism facilities, including high quality accommodation, to build on the successful regeneration of the past decade.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

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.

18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new

development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

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.

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

PLANNING COMMITTEE

31 July 2013



Report of: Assistant Director (Regeneration)

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 regarding the paving of a front garden for vehicle hardstanding at a property on Pinewood Close.
2. An investigation has commenced regarding a badly fire damaged vacant industrial unit on Oaksway.
3. A complaint has been received regarding the pending opening of a beauty therapy shop in an industrial unit on Thomlinson Road. The unit benefits from a B1 use and the proposed use is a 'sui generis' use that does not fall within any of the use class's therefore requiring planning permission.
4. An investigation has commenced regarding an overgrown parcel of vacant land on Cresswell Drive.
5. An investigation has commenced in response to a complaint regarding a householder planning application neighbour notification procedure carried out for alteration to a property on Station Lane
6. An investigation regarding a gymnasium using the first floor of a commercial building on Andrew Street has been completed. The gym currently benefits under a planning consent and building regulation approval. No action necessary.
7. An investigation regarding the erection of boundary fences to the rear of neighbouring properties on Arch court has been completed. Permitted development rights apply. No action necessary.
8. An investigation has commenced in response to a complaint regarding the erection of stables on a piece of land to the rear of Stanmore Grove.

9. An investigation has commenced in response to complaint regarding the erection of single extension to the side and rear of a property on Elvan Grove.
10. An investigation has commenced in response to a complaint regarding a conservatory built not in accordance with “permitted development rights” at a property on Clavering Road.
11. Officer monitoring noticed materials deposited on land adjacent to an existing landfill site on Brenda Road.

2. RECOMMENDATION

- 2.1 Members note this report.

PLANNING COMMITTEE

31 July 2013



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT BENKNOWLE FARM, BENKNOWLE LANE, HARTLEPOOL – APPEAL REF: APP/H0724/A/12/2188993 – ERECTION OF AN AGRICULTURAL BUILDING EXTENSION (RETROSPECTIVE APPLICATION)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of the above planning appeal.
- 1.2 The appeal was allowed. A copy of the appeal decision is **attached**.
- 1.3 The Inspector also allowed an award of costs on the grounds that the Council had behaved unreasonably in refusing the application. The costs decision is also **attached**. The appellant has been invited to submit a claim for costs to the Council and this is awaited.

2 RECOMMENDATIONS

- 2.1 That Members note the outcome of the appeal.

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The Planning
Inspectorate

Appeal Decision

Site visit made on 28 February 2013

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

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

Decision date: 21 June 2013

Appeal Ref: APP/H0724/A/12/2188993

Benknowle Farm, Benknowle Lane, Hartlepool TS27 3HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr F Sturrock against the decision of Hartlepool Borough Council.
- The application Ref H/2012/0209 dated 25 April 2012 was refused by a notice dated 4 September 2012.
- The development proposed, as set out is the erection of an agricultural building extension.

Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural building extension at Benknowle Farm, Benknowle Lane, Hartlepool, in accordance with the terms of the application Ref H/2012/0209, dated 25 April 2012.

Application for Costs

2. An application for costs was made by Mr Sturrock against Hartlepool Borough Council. That is the subject of a separate decision.

Preliminary Matters

3. The extension is already in place and I have determined the appeal as relating to development which has already been carried out.
4. That said, I am not persuaded that the description of development set out on the application form i.e., *'the erection of an agricultural building extension incorporating a grain dryer'* is correct, since the extension does not physically *'incorporate'* the grain dryer.
5. In coming to a view on the development the subject of this appeal, it is pertinent to note that section 55(2)(e) of the Town and Country Planning Act 1990 means that the use of any land for agriculture (as defined in section 336) and the use of any building occupied with that land, and so used, does not involve 'development'. Consequently, no development is involved with a change between agricultural uses, whether or not such use is more intensive.
6. Grain drying is an accepted agricultural process and there is general agreement between the parties that a mobile grain dryer can be used anywhere within the holding. It is not dependant upon the extended barn for its operation. Indeed, it could be used within the original part of the barn itself, or in the open air.

www.planningportal.gov.uk/planninginspectorate

Appeal Decision APP/H0724/A/12/2188993

7. In particular, it is not "installed" within the extension, but is stored in the main building for most of the year and is simply brought into the extension at harvest time, when it is needed to dry grain. I am advised that this is a relatively brief seasonal use, comprising about 10-12 days each year. As confirmed by the appellant, for the remainder of the time, the extension is not used in association with the grain dryer, but is used for the storage of crops, fertiliser and agricultural equipment etc.
8. On that basis, whilst the erection of the extension itself requires a specific grant of planning permission, I take the view that planning control cannot properly be exercised over the range of genuine agricultural processes that may take place within it.
9. I recognise that this is contrary to the view set out at the start of the post-site visit email, which canvassed opinion on a number of points. However, having given further consideration to the information received, I am satisfied that the appeal building, i.e. the extension, does not physically incorporate the grain dryer. The dryer is just one of any number of pieces of farm machinery that could be stored, placed, or operated from time to time, within the building.
10. The Council describes the appeal development as '*the erection of an agricultural building extension (retrospective application)*' with the appellant's agent confirming that this is correct.¹ I shall deal with the appeal on this basis, although the reference to it being retrospective is superfluous. This is reflected in the header and formal decision above.
11. The extension measures some 12 metres x 9 metres and is just over 9 metres in height. It has been added to an existing, steel framed barn of substantial proportions. The barn is located a short distance to the west of Benknowle Farm, a former farmhouse with associated outbuildings, which are now in separate ownership from the extended barn. The barn was erected to replace a previous barn under the Prior Notification Procedure. Whilst the occupiers of Benknowle Farm have questioned the basis on which the replacement was made, that matter falls outwith the scope of this appeal, which is directed towards the planning issues associated with the extension.

Main Issues

12. The Council's Members determined the application contrary to the officer's recommendation for approval and refused planning permission on three grounds. In addition, occupiers of the nearby dwellinghouse raised a concern about their human rights.
13. The main issues in this appeal, are the effect of the extension on the living conditions of the occupiers of Benknowle Farm in terms of the extension itself, having particular regard to matters of outlook and overshadowing; in terms of possible uses of the extension, having particular regard to emissions of noise and dust; and in terms of their human rights.

Reasons

Outlook and Overshadowing

14. According to the Council, the barn itself is located about 23.5 metres to the west of the dwelling, with the extension being 45 metres southwest of the front

¹ Correspondence dated 30 April 2013

Appeal Decision APP/H0724/A/12/2188993

elevation. I accept that the extension is visible from the neighbouring property. However, it is open-fronted and is of a relatively light design. As a consequence, it does not appear imposing or dominant, particularly when viewed in relation to the main barn. As such, I consider that it does not have an unacceptably adverse effect on the outlook either from the house, or from the garden to Benknowle Farm, even having regard to the differences in land levels.

15. Due to its position in relation to the dwelling and outbuildings at Benknowle Farm, the extension would cast some shade, especially later in the day or during winter when the sun is low. However, it is sufficiently distant from the house (some 45 metres) to ensure that it would not add materially to other sources of shade, such as the main barn, or another barn located immediately to the south of the neighbouring garden.
16. The occupiers of Benknowle Farm also assert that the extension has reduced the level of daylight within the house, but there is no clear evidence to indicate that the levels of daylight within the house have been reduced by any material degree. From my observations, I am satisfied that the extension does not give rise to a substantial loss of sunlight or daylight to the neighbouring property.

Emissions of noise and dust

17. The Council and the occupiers of the neighbouring house assert that the use of the extension to house the mobile grain dryer during the periods that it is in operation, gives rise to unacceptable levels of noise and dust.
18. There is general agreement that the dryer fan is not the principal source of noise with the appellant's grain drying operation. Rather, the noise results mainly from using a tractor to power the grain dryer, in much the same way that tractors can be used to power other farm machinery or implements anywhere on the farm holding. The dust arises mainly, as I understand it, from the handling of the grain.
19. These are aspects of an ordinary agricultural process - the seasonal drying of an arable crop - which those who live in the countryside, close to working farms, are familiar with.
20. Although, while they are occurring, these processes can be a source of irritation, discomfort or distress to those living nearby, they are part and parcel of crop production and cannot be restricted or controlled through the Planning Acts.
21. One of the occupants of the neighbouring property is a young child whose recognised disabilities include seizures, visual impairment and significant physical, learning and communication difficulties. The medical evidence is that loud noise can cause seizure activity. His parents explain that not all the triggers for their child's epilepsy are known, but that he has a problem with prolonged periods of loud noise. He can then become distressed, which may disrupt his sleep pattern and this can, in turn, lead to further seizure activity.
22. I sympathise with their situation. An effect which, in most cases, could be judged to cause a moderate degree of inconvenience or irritation would, in this case, cause greater concern due to the potential effect on the child's health and the measures required to manage that risk. However, for the reasons given above, this is not a matter that can be controlled through the Planning Acts.

Appeal Decision APP/H0724/A/12/2188993

Human Rights

23. The occupiers of the dwellinghouse contend that the development amounts to an interference with their human rights. I take this to be a reference to the Human Rights Act 1998, as amended, and to Article 8 of the First Protocol of the European Convention on Human Rights, the right to respect for private and family life.
24. Having regard to the 1998 Act and to the judgement in *Coughlan*², these rights are material considerations in this appeal. I have also taken account of the judgements in *Buckley*, *Gosbee* and *Lough*³.
25. It could be argued that allowing the appeal might result in an interference with the private and family life of those neighbouring occupiers, in the sense that the extension would remain, and could be put to any genuine agricultural use, including some that might give rise to noise and dust.
26. However, that interference must be balanced against the legitimate aims that are stated in the relevant Articles. Having applied the twofold tests of proportionality in *Gosbee*, I believe that allowing the appeal would not have a disproportionate effect on the occupiers of the nearby dwelling.

Conclusions

27. I recognise that the extended barn is used for some seasonal agricultural processes that have been a source of irritation, discomfort and distress to the occupants of the neighbouring property, especially when regard is had to the particular needs of one of the family members. I am mindful, in this regard, of the objectives of Local Plan policy GEP1 which sets out general environmental principles to be taken into account when determining development proposals. These include the effects of noise and dust on the amenities of occupiers of adjoining properties.
28. With regard to paragraph 215 of the National Planning Policy Framework (the Framework) the objectives of this policy are consistent with the advice at paragraphs 109 and 123 of the Framework, which express an expectation that planning decisions will aim to avoid significant adverse impacts on health and quality of life as a result of noise and prevent existing development from being adversely affected by unacceptable levels of air or noise pollution. However, as I have explained, those processes are part and parcel of a working farm and the noise and dust that arise from them are outside the scope of planning control.
29. With regard to the other concerns of the Council and the neighbouring residents, namely those that arise from the size and siting of the extension itself, I find that the extension does not adversely affect the living conditions of those occupants such that planning permission should be refused.
30. The development delivers material benefits to the farming enterprise and thus draws support from Local Plan policy RUR7. This policy expects, among other things, that development in the countryside should take into account the compatibility of the design within its setting and the operational requirements of the agricultural industry.

² R v North & East Devon Health Committee ex p Coughlan [20 July 1999] (Times Report)

³ Buckley v UK [1996] ECHR; and G Gosbee v FSS and Sedgemoor DC [2003] EWHC 770 Admin CO/4367/2002; and David Lough and others v FSS and Bankside Developments Limited [2004] EWCA Civ 905 (COA)

Appeal Decision APP/H0724/A/12/2188993

31. The development would also comply with the objectives of paragraphs 14 and 28 of the Framework which places particular emphasis on measures to promote sustainable growth. It sets out a presumption in favour of sustainable development and promotes a prosperous rural economy and the development of agricultural businesses.
32. For the reasons given, I conclude, on balance, that the appeal should succeed and that planning permission should be granted.
33. I have considered possible conditions that might be imposed in this event. They include imposing a limit on the hours of operation of the tractor-powered grain dryer within the extension. In coming to a view on this, I have had regard to the advice in Circular 11/95 on the use of conditions in planning permissions. Paragraph 14 contains six policy tests which should be applied when considering the merits of proposed conditions. Two of these tests are that a condition must be reasonable and necessary.
34. On the matter of reasonableness, the degree of control imposed by a planning condition must be appropriate to the particular circumstances. On the matter of necessity, the question to be addressed is whether, in the absence of the condition, planning permission would have to be refused. If it would not, then the condition will need special and precise justification.
35. Even if the parties are agreeable to the imposition of a particular condition, it does not automatically follow that the condition is reasonable or necessary. It is a matter for me to determine, exercising my planning judgment, in the light of the circumstances of the case.
36. In this case, the planning permission is for an extension to an existing agricultural building, a building that might lawfully be put to any genuine agricultural process with no control over hours of operation. I recognise that, without a limit on the hours of operation, the grain dryer could, in theory, be operated for much longer periods than it is at present, although I am mindful that grain drying is generally a short-lived seasonal activity. I am very aware, in this regard, of the potential problems that this may cause for the adjacent occupiers, in particular, their child. However, a condition that seeks to limit just one of any number of agricultural processes that could be carried out in the appeal building, to specific times of the day would, in my judgement, fail the test of reasonableness. Moreover, were the grain dryer to be operated immediately outside the extension, it would not be controlled by the condition but could have the same, if not a more significant impact, since it would be closer to Benknowle Farm. Accordingly, having regard to the tests, I conclude that neither the suggested time-limit condition, nor any other condition, is appropriate in this instance.

K.A. Ellison

INSPECTOR



The Planning
Inspectorate

Costs Decision

Site visit made on 28 February 2013

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

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

Decision date: 1 July 2013

**Costs application in relation to Appeal Ref: APP/H0724/A/12/2188993
Benknowle Farm, Benknowle Lane, Hartlepool TS27 3HF**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr F Sturrock for a full award of costs against Hartlepool Borough Council.
- The appeal was against the refusal of planning permission for the erection of an agricultural building extension incorporating a grain dryer.

Decision

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

Reasons

2. Circular 03/2009, *Costs Awards in Appeals and Other Planning Proceedings* (the Circular) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense.
3. The application for costs was made with particular reference to paragraphs B16, B18, B19 and B20 of the Circular which relate to the need to substantiate each reason for refusal, provide realistic and specific evidence, demonstrate an understanding of context and to show reasonable planning grounds for taking a decision contrary to professional or technical advice. The application alleges a failure to distinguish between the visual impact of the existing barn and the extension, unsupported assertions as to the impact of noise and failure to provide realistic evidence as to any impact on health.
4. As the Council points out, the Circular recognises at paragraph B18 that planning appeals often involve matters of judgement. However, it also expects such judgements to be supported by realistic and specific evidence. Although the evidence in support of the first reason for refusal gave specific measurements as to the barn, the extension and distances to the neighbouring dwelling, it did not go on to demonstrate how this might realistically give rise to unacceptably adverse effects in relation to loss of light or dominance. No information was provided in relation to either ambient noise levels or levels when the machinery was in operation so that this reason for refusal lacked any objective or specific evidence. Although the third reason for refusal recognised that one of the occupants of the neighbouring dwelling was susceptible to noise, there is no evidence to show how this might have implications for his health or that of other occupants. In these respects therefore, the Council failed to substantiate its decision and behaved unreasonably.

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Costs Decision APP/H0274/A/12/2188993

5. Prior to my determination of the appeal, I consulted the parties on a range of matters in the interests of openness and fairness. It seems to me that the Council should not be required to meet any expense incurred by the Appellant in responding to those matters. For this reason, I consider that a partial rather than full award of costs is justified. This relates to those costs incurred in pursuing the appeal except for any costs incurred in responding to my further questions.
6. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has been demonstrated and that a partial award of costs is justified.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Hartlepool Borough Council shall pay to Mr Sturrock, the costs of the appeal proceedings limited to those costs incurred in making the appeal and excluding any costs incurred in responding to the further questions from the Inspector. The proceedings concerned an appeal more particularly described in the heading of this decision.
8. The applicant is now invited to submit to Hartlepool Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

K.A. Ellison

Inspector

PLANNING COMMITTEE

31 JULY 2013



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT 33 HARVESTER CLOSE,
HARTLEPOOL APPEAL REF:
APP/HO724/D/13/2197237 ERECTION OF A TWO
STOREY REAR EXTENSION H/2013/0081

1. PURPOSE OF REPORT

- 1.1 To notify Members of an appeal decision.
- 1.2 The appeal relates to the refusal of the Local Planning Authority to allow a two storey rear extension at 33 Harvester Close, Hartlepool. The application was refused under delegated powers by the Planning Services Manager in consultation with the Chair of Planning Committee.
- 1.3 The appeal was decided by written representation and dismissed by the Planning Inspectorate. The inspector concluded that the proposed two storey extension would be visually intrusive and result in poor outlook and loss of light, adversely affecting the living conditions of the occupiers of No. 35 Harvester Close.
- 1.4 A copy of the decision letter is attached to this report.

2. RECOMMENDATION

- 2.1 That Members note the decision.

3 CONTACT OFFICER

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Appeal Decision

Site visit made on 21 June 2013

by M Seaton BSc (Hons) Dip TP MRTPI

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

Decision date: 2 July 2013

Appeal Ref: APP/H0724/D/13/2197237

33 Harvester Close, Hartlepool, Cleveland, TS25 1DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Victoria Folland against the decision of Hartlepool Borough Council.
 - The application Ref H/2013/0081, dated 14 February 2013, was refused by notice dated 3 April 2013.
 - The development proposed is demolition of existing conservatory and construction of a two storey extension providing a ground floor family room with extended bedrooms above.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the living conditions of the occupiers of No. 35 Harvester Close, having regard to outlook and light.

Reasons

3. The proposed two-storey rear extension would replace the existing conservatory and would be adjacent to an existing single-storey rear extension on the neighbouring property to the north, No. 35 Harvester Close. The proposed two-storey extension would stretch further into the rear garden than the neighbouring extension, principally due to the appeal property being set approximately 1 metre further into the site. However, despite this, the proposed extension would not extend beyond the end elevation of the neighbouring extension by an amount that would result in a significant loss of light or outlook to users of the neighbouring ground floor accommodation.
4. The principal impact on the neighbouring property would be on the first floor accommodation in No.35 Harvester Close. From my observations at the site visit, the proposed extension would be adjacent to a neighbouring first floor bedroom window. As a result of the set-back of the appeal property and relatively limited separation distance between the adjoining properties, the proposed extension would introduce a significant bulk and mass of development in close proximity to the neighbouring property. As a consequence, the outlook from the first floor bedroom window would be adversely affected by the proximity of the proposed extension, which would create a sense of enclosure for users of the room. The impact would be exacerbated given the comparably open outlook currently afforded by the existing conservatory. Furthermore, the bulk and orientation of the extension to the south of the affected window would have a significant adverse impact on the level of light available to users of the room.

Appeal Decision APP/H0724/D/13/2197237

5. The appellant has referred to the reliance by the Council on standards which are based on the relationship between adjoining semi-detached properties, rather than detached houses. *Supplementary Note 4* of the *Hartlepool Local Plan (2006)* sets out guidance to be followed in the design of two-storey rear extensions for both semi-detached and detached properties. The need to accord with this note is explicitly referred to in Policy Hsg10 of the local plan. In respect of detached properties, the note is not prescriptive with respect of the size of extensions, but acknowledges that there may be flexibility to allow larger rear extensions than on semi-detached properties where the separation distance would be greater. However, in this instance and for the reasons set out above, my observations at the site visit have confirmed that the concerns raised by the Council would be justifiable in the context of the proposed development.
6. The appellant has referred to a local precedent set by similar relationships between properties in the immediate area, where one property is set further forward or back than its neighbours. I noted at the site visit that there were other properties in the vicinity where such a relationship was exhibited, but that this was not by any means a prevailing characteristic of development in the local area. In any event, and in the absence of any detailed evidence on this matter, each application and appeal must be determined on its individual merits, and this would not outweigh my concerns on the main issue.
7. The Council has also assessed the impact of the proposed extension on neighbouring properties to the south, namely No. 29 and No. 31 Harvester Close. From my observations on site, I would concur with the Council's conclusion that the relationship with these two properties, having regard to outlook, privacy and light, would not cause harm to neighbouring occupiers. However, this would not outweigh the harm that I have found in respect of the main issue.
8. I conclude that the proposed two-storey extension would be visually intrusive and result in poor outlook and loss of light, adversely affecting the living conditions of the occupiers of No. 35 Harvester Close. There would be conflict with Policies GEP1 and Hsg10 of the Hartlepool Local Plan (2006) and Policies ND4 and HSG7 of the emerging Hartlepool Local Plan (2013) as the proposed development would not safeguard existing residential amenity. Furthermore, the proposed development would conflict with the National Planning Policy Framework which seeks at paragraph 17 to secure a good standard of amenity for all existing occupants of land and buildings.

Other Matters

9. The appellant has made reference to the growth of the landfill site to the west of the appeal property and the affect on the properties in Harvester Close. However, the detailed circumstances surrounding the development of the landfill site are not before me in evidence, and I have not therefore given this matter any significant weight in reaching my decision.

Conclusion

10. For the reasons given above, I conclude that the appeal should be dismissed.

M Seaton

INSPECTOR

PLANNING COMMITTEE

31st July 2013



Report of: Assistant Director (Regeneration)

Subject: Darlington Local Plan: Making and Growing Places
Development Plan Document: Preferred Options June
2013

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval from the Planning Committee to object to Darlington Borough Council's Local Plan: Making and Growing Places Development Plan Document: Preferred Options regarding the numbers proposed for Gypsy and Traveller provision.

2. BACKGROUND INFORMATION AND ORIGINAL OBJECTION

- 2.1 This Development Plan Document (DPD) provides the site allocations for the Borough of Darlington and will form a fundamental part of their Local Plan. Planning Officers have reviewed the document and are broadly supportive of its overall aims which are to encourage growth and prosperity. This is important to Hartlepool, as Darlington is the gateway to the Tees Valley sub region with its key transport routes of the A1(M) Motorway, the east coast main line railway and Durham Tees Valley Airport.
- 2.2 However officers have concerns specifically regarding section 6.5 and Draft Policy MGP 20: Accommodating Travelling Groups and specifically the number of pitches proposed to be allocated in the draft policy. The DPD refers to a target of 35 pitches to be delivered in the first five years of the plan and has allocated for this figure. It then relies on extant planning permissions and the development management process to meet any remaining need.
- 2.3 Hartlepool Borough Council along with the other Tees Valley Local Authorities objected to Darlington's Potential sites for Gypsy and Travelling Showpeople Consultation in April last year which suggested that there was a need for 35 pitches in Darlington over the next 15 years rather than the 97 pitches identified by the joint evidence base, the Tees Valley Gypsy and Traveller Accommodation Needs Assessment (TVGTAA) which was completed in 2009.
- 2.4 The objection was based on concerns that Darlington in their evidence base document, were splitting the Tees Valley need for Gypsy and Travellers

pitches on a proportional basis between adjoining authorities in order '*to provide equity and fairness, to create sustainable and mixed communities that meet local needs arising across the Tees Valley* and not as a need where it arises basis as specified by the joint evidence base the TVGTAA.

- 2.5 The TVGTAA was based on needs where it is seen to arise methodology and was part of the evidence base for the Darlington Core Strategy. It is considered that this evidence is reliable and current and should be given due weight in determining planning policies for the local authorities in question.
- 2.6 It was Hartlepool's and the other Tees Valley authorities, view that the proportional split of pitches should be on a needs basis which would see each authority contributing fairly, reasonably and will be proportionate for the needs arising from an evidence base.

3 STATEMENT OF COMMON GROUND

- 3.1 Following these objections being made to Darlington's evidence paper and in the spirit of the Duty to Co-operate a Statement of Common Ground has been prepared to identify areas of agreement between the Tees Valley Local Authorities. The statement was prepared following a meeting between the five authorities on the 14 August 2012 and relates to matters surrounding the accommodation of Gypsies, Travellers and Travelling Showpeople. The full statement can be found attached as **Appendix 1**.
- 3.2 The following matters were agreed by all five Tees Valley authorities:
- The five authorities agree that the TVGTAA, provides a sound evidence base for planning policy documents and does not require a comprehensive update.
 - Taking into account the emphasis now placed in national guidance on assessing needs locally, each authority may produce updated evidence which could result in alterations to their individual pitch requirements, providing any such update is specific to the authority concerned, unless mutually agreed otherwise .
- 3.3 There were a number of other matters whereby Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees (the four authorities) were in broad agreement, but upon which Darlington Borough Council held an alternative view. These are summarised below:
- On the suggestion to re-apportion pitches across the Tees Valley on a basis other than by '*needs where it is seen to arise*', there was broad agreement between the four authorities that the approach to apportionment in the TVGTAA was correct. Darlington Borough Council highlighted the problems that could arise from such an approach and the need to address the recommendation of the study that the authorities involved aim to work in a proactive fashion to meet the needs identified.

- The four authorities all agreed that the suggestion of an ‘equal apportionment’ of pitches across the Tees Valley was neither robust nor evidence based.
- The four authorities agreed that, should there be any shortfall in planned pitch provision across the Tees Valley, there should not be a reliance on windfall sites to meet this requirement. There is no evidence or history of windfall sites coming forward to meet pitch requirements, and each authority should attempt to identify appropriate sites.

4 WHY HBC SHOULD MAINTAIN ITS OBJECTION

- 4.1 This DPD refers to, and is based on the “Potential sites for Gypsy and Travelling Showpeople Consultation” evidence paper published in March 2012 and planning officers have reviewed the DPD on this basis. Given the Council’s previous objection to this evidence paper detailed above (2.3-2.5) officers are of the opinion that the objections made in April 2012 to the evidence paper which advocated the apportionment of pitches across the Tees Valley should be split and the methodology used are still relevant to this DPD.
- 4.2 Notwithstanding this position, Darlington have recently and after the consultation on the DPD began, published an update to their evidence base which is titled Housing Technical Paper 4: Accommodating Travelling Groups July 2013. Officers will review this document with a view to working with Darlington Borough Council to resolve this issue under the emphasis of the duty to co-operate. However as this document is not part of the consultation process it should not be taken into account when responding to this consultation.

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

- 5.1 There are no Section 17 implications

6. LEGAL CONSIDERATIONS

- 6.1 The Government introduced Circulars in 2006 and 2007 (ODPM 01/2006 and ODPM 04/2007) in order to address the planning requirements of Gypsies and Travellers. These were subsequently replaced by the ‘Planning Policy for Traveller Sites’ (2012), which specifies that where there is an identified need to accommodate Gypsy and Travellers within an area a land allocation is required to be provided as part of the Local Plan.

7. EQUALITY AND DIVERSITY CONSIDERATIONS

- 7.1 Romany Gypsies and Irish Travellers are recognised under law as distinct ethnic groups. They are legally protected from discrimination under the Race Relations Acts (1976). The ‘Planning Policy for Traveller Sites’, published alongside the National Planning Policy Framework (2012), sets out that the Government’s aim is to ensure fair and equal treatment for travellers, in a way

that facilitates the traditional and nomadic way of life of travellers, while respecting the interests of the settled community.

8. RECOMMENDATION

- 8.1 That Members of the Committee agree to the objection to Darlington Borough Council's Local Plan: Making and Growing Places Development Plan Document: Preferred Options regarding the numbers proposed for Gypsy and Traveller provision in section 6.5 of the DPD.

9 REASON FOR THE RECOMMENDATION

- 9.1 To ensure that Darlington adhere to the agreements reached in the statement of common ground made in August 2013 on the apportionment of Gypsy and traveller pitches across the Tees Valley.

10. APPENDICES

- 10.1 Appendix 1 Statement of common ground to the provision of Gypsy and Traveller pitches in the Tees Valley August 2012.

11 BACKGROUND PAPERS

- 11.1 The following background papers were used in the preparation of this report:-
- Making and Growing Places Development Plan Document Preferred Options
<http://www.darlington.gov.uk/Living/Planning/Planning+Policy/makingandgrowingplaces.htm>

12. CONTACT OFFICER

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Appendix 1

Tees Valley Statement of Common Ground regarding the accommodation of Gypsies, Travellers and Travelling Showpeople.**Introduction**

1. This Statement of Common Ground has been prepared to identify areas of agreement between the Tees Valley Local Authorities of Darlington Borough Council, Hartlepool Borough Council, Middlesbrough Borough Council, Redcar and Cleveland Borough Council and Stockton Borough Council. The statement has been prepared following a meeting between the five authorities on the 14 August 2012 and relates to matters surrounding the accommodation of Gypsies, Travellers and Travelling Showpeople.

Background

2. This statement of common ground relates to the provision of Gypsy and Traveller pitches in the Tees Valley as a result of the findings of the Tees Valley Gypsy and Traveller Accommodation Assessment (TVGTAA). A brief background to the GTAA, which is agreed by all parties, is outlined below.
3. Circular 01/06: Planning for Gypsy and Traveller Caravan Sites and Circular 04/07: Planning for Travelling Showpeople (now replaced by Planning Policy for Traveller Sites, March 2012) included a requirement for a Gypsy and Traveller Accommodation Assessment (GTAA). Through the Housing Act, 2004, this duty for Local Authorities to carry out GTAAs is maintained.
4. In 2007 the North East Housing Board initiated a regional study, carried out by White Young Green (WYG), which identified a need for an additional 74 pitches across 4 of the Tees Valley authorities by 2020. It was considered in the Tees Valley that additional work would be required as Hartlepool was not included within the Tees Valley sub-regional estimate (they were incorporated within a sub-region with Easington and Sedgefield Districts), and the findings were based primarily on secondary data sources.
5. A joint study across the five Tees Valley authorities was, therefore, commissioned in order to establish local need, apportion the requirement across the Tees Valley Authorities and update the WYG study findings.
6. The TVGTAA was prepared by the Salford Housing and Urban Studies Unit (SHUSU) at the University of Salford (and was completed in January 2009) using the latest government guidance which was issued by the Department for Communities and Local Government (DCLG) in October 2007. This remains the most up-to-date government guidance on the preparation of Gypsy and Traveller Needs Assessments.
7. Tees Valley Gypsy and Traveller Accommodation Needs Assessment published in 2009 indicated the need apparent across the Tees Valley, based

on a needs where it is seen to arise methodology. The GTAA also included 36 recommendations for further action.

Matters of Agreement

8. The following matters are agreed by all five Tees Valley authorities:
- The five authorities agree that the TVGTAA, provides a sound evidence base for planning policy documents and does not require a comprehensive update.
 - Taking into account the emphasis now placed in national guidance on assessing needs locally, each authority may produce updated evidence which could result in alterations to their individual pitch requirements, providing any such update is specific to the authority concerned, unless mutually agreed otherwise

Matters where agreement has not been reached.

There were a number of other matters whereby Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees (the four authorities) were in broad agreement, but upon which Darlington Borough Council held an alternative view. These are summarised below:

- On the suggestion to re-apportion pitches across the Tees Valley on a basis other than by '*needs where it is seen to arise*', there was broad agreement between the four authorities that the approach to apportionment in the TVGTAA was correct. Darlington Borough Council highlighted the problems that could arise from such an approach and the need to address the recommendation of the study that the authorities involved aim to work in a proactive fashion to meet the needs identified.
- The four authorities all agreed that the suggestion of an 'equal apportionment' of pitches across the Tees Valley was neither robust nor evidence based.
- The four authorities agreed that, should there be any shortfall in planned pitch provision across the Tees Valley, there should not be a reliance on windfall sites to meet this requirement. There is no evidence or history of windfall sites coming forward to meet pitch requirements, and each authority should attempt to identify appropriate sites.