

PLANNING COMMITTEE AGENDA



Friday, 7 January 2011

at 10.00 am

in the Council Chamber, Civic Centre, Hartlepool

PLANNING COMMITTEE:

Councillors S Akers-Belcher, Brash, Cook, Cranney, Hargreaves, James, Lawton, G Lilley, London, J Marshall, Morris, Richardson, Sutheran, Thomas, H Thompson, P Thompson, Wells and Wright.

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 December 2010

4. ITEMS REQUIRING DECISION

- 4.1 Planning Applications – *Director of Regeneration and Neighbourhoods*
 - 1. H/2010/0543 – Cecil House, Loyalty Road, Hartlepool
 - 2. H/2010/0657 – Travellers Rest, Stockton Road, Hartlepool
 - 3. H/2009/0195 – 32 Egerton Road, Hartlepool
- 4.2 Update on Current Complaints – *Assistant Director (Regeneration and Planning)*
- 4.3 Changes to Permitted Developer Rights for Householders – *Assistant Director (Regeneration and Planning)*
- 4.4 Appeal By Mr William Morgan Site At Sylvan Mews, The Wynd, Wynyard, TS22 5BF (paragraphs 5 and 6) – *Assistant Director (Regeneration and Planning)*

5. 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

6. ITEMS REQUIRING DECISION

- 6.1 Enforcement Action – Brierton Moorhouse Farm, Dalton Back Lane, Hartlepool (paragraphs 5 and 6) – *Assistant Director (Regeneration and Planning)*
- 6.2 Enforcement Action – Land Adjacent To The Route Into Hunter House Industrial Estate (Off Tees Road), Hartlepool (paragraphs 5 and 6) – *Assistant Director (Regeneration and Planning)*
- 6.3 Enforcement Action – 11 Moor Parade (paragraphs 5 and 6) – *Assistant Director (Regeneration and Planning)*
- 6.4 Enforcement Action – Unit 4, Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool (paragraphs 5 and 6) – *Assistant Director (Regeneration and Planning)*

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

8. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of 7 January 2011 at 9.30 am

Next Scheduled Meeting – Friday, 4 February 2011 at 10.00 am in the Council Chamber, Civic Centre, Hartlepool

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

3 December 2010

The meeting commenced at 10.00 a.m. in the Civic Centre, Hartlepool

Present:

Councillor Rob Cook (In the Chair)

Councillors: Kevin Cranney, Pam Hargreaves, Marjorie James, Trisha Lawton, Geoff Lilley, Francis London, John Marshall, Dr George Morris, Carl Richardson, Hilary Thompson, Paul Thompson and Ray Wells.

Also Present: Councillor Mary Fleet as substitute for Councillor Thomas in accordance with Council Procedure Rule 4.2.

Officers: Chris Pipe, Development Control Manager
Jim Ferguson, Principal Planning Officer
Adrian Hurst, Principal Environmental Health Officer
Peter Frost, Traffic Team Leader
Kate Watchorn, Commercial Solicitor
David Cosgrove, Democratic Services Team

93. Apologies for Absence

Councillors Brash, Sutheran and Thomas.

94. Declarations of interest by members

Councillor Cranney declared a personal interest in Minute No. 96, application H/2008/0675.

95. Confirmation of the minutes of the meeting held on 5 November 2010

Confirmed.

96. Planning Applications (*Assistant Director (Regeneration and Planning)*)

The Development Control Manager submitted the following applications for the Committee's determination.

Number: H/2010/0543

Applicant: CECIL M YUILL LTD
LOYALTY ROAD HARTLEPOOL

Agent: CECIL M YUILL LTD CECIL HOUSE LOYALTY ROAD
HARTLEPOOL

Date received: 22/09/2010

Development: Demolition of office building and erection of 25 detached, semi detached and terraced dwellings with associated roads, sewers and landscaping

Location: CECIL HOUSE LOYALTY ROAD HARTLEPOOL

Decision: **Deferred for Members site visit**

Number: H/2010/0625

Applicant: Mr Mark Ashton
Hillcrest Grove ElwickHARTLEPOOL

Agent: CLC Construction Services LTD Mr Chris Linton 1a Hillcrest
Grove Elwick HARTLEPOOL

Date received: 01/11/2010

Development: Erection of a single storey extension to clubhouse and variation of condition on approved application H/2008/0558 to allow the consumption of food and drink on land surrounding the clubhouse

Location: Ashfield Farm Dalton Piercy Road Dalton Piercy
HARTLEPOOL

Decision: **Minded to approve with the final decision delegated to the Development Control Manager for the consideration of any representations received prior to the expiry of publicity**

CONDITIONS AND REASONS

1. The development to which this permission relates (erection of a single storey extension to clubhouse) 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 29/10/2010 (Drawing Title: Existing, Drawn By: AJH, Drawing Title: Proposed, Drawn By: AJH, Drawing Title: Licenced Areas Ex. & Pr, Drawn By: AJH) , 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. Any trees, plants or shrubs implemented as part of the previously approved landscaping details under condition 4 of H/2006/0333 and 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.
5. The caravan and campsite shall be restricted to the part of the site outlined in red on the Location Plan submitted with application H/2008/0558.
For the avoidance of doubt.
6. The site outlined in red on the Location Plan submitted with application H/2008/0558 shall be used as a touring caravan site and camp site only and under no circumstances for the siting of static caravans. Neither shall it be used for the storage of caravans.
In order to protect the visual amenity of the surrounding area.
7. The touring caravan and camp site shall only be open to the public between the 1st April and 31st January inclusive and shall be closed at all other times.
In the interests of visual amenity and the site is not considered suitable for occupation throughout the year.
8. The existing licensed clubhouse and the extension hereby approved for the touring caravan and camp site permitted shall not be used by members of the general public and shall not be used by anyone other than the resident occupants of touring caravans and tents on the site at any particular time and shall be used only for that purpose and no other.
In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.
9. The license clubhouse and the extension hereby approved shall not be open other than at the times that the touring caravan and camp site is in operation and shall not be open other than between the months of April to January inclusive between the hours of 11:00 hours and 23:00 hours Mondays to Saturdays and between 11:00 hours and 22:00 hours on Sundays.

- In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.
10. Customers of the licensed clubhouse shall not purchase or consume drink or food or other refreshments anywhere other than within the area of the licensed clubhouse and the extension hereby approved and within the area shown hatched yellow on the plan: Drawing Title: Licenced Areas Ex. & Pr. submitted with this application reference H/2010/0625 and no food or drink shall be consumed by customers anywhere else within the site.
In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.
 11. None of the land within the site and outside of the area hatched yellow on the plan: Drawing Title: Licenced Areas Ex. & Pr. submitted with this application reference H/2010/0625 shall be used as an amenity area or for any form of outside drinking/eating area without the prior written consent of the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.
 12. No music shall be piped or relayed to the outside from within the existing building or the extension to the clubhouse hereby approved.
In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.
 13. The use of the external areas hatched yellow on the plan Drawing Title: Licenced Areas Ex. & Pr. submitted with this application reference H/2010/0625 for the consumption of drink or food or other refreshments shall cease at 22:00 hours Mondays to Sundays or sunset whichever is the earliest and the external sliding/folding doors shall be closed and shall not be used (kept closed) after these hours.
In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.
 14. No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the visual amenity of the area.
 15. The drainage and the surface water treatment details approved under planning application H/2006/0333 shall be implemented and retained in working order, unless otherwise agreed in writing by the Local Planning Authority.
To ensure the site is adequately drained.

Number: H/2008/0675

Applicant: Mr K Brough
THOMLINSON ROAD HARTLEPOOL

Agent: Mr K Brough EASY SKIPS (NE) LTD THOMLINSON
ROAD HARTLEPOOL

Date received: 20/11/2008

Development: Variation of condition 2 of planning approval H/2006/0394 to allow handling of onsite putrescible and hazardous waste

Location: EASY SKIPS THOMLINSON ROAD HARTLEPOOL

Decision: **Planning Permission Refused**

REASON FOR REFUSAL

It is considered that the variation of condition 2 of application H/2006/0394 to allow the handling of putrescible and hazardous waste would be detrimental to the amenities and general environment of nearby premises contrary to policies GEP1 Ind5 and Ind6 of the adopted Hartlepool Local Plan 2006.

97. Appeal by BNP Paribas Securities Services Trust Company (Jersey) Limited and BNP Paribas Securities Services Trust Company Limited As Trustees Of The Threadneedle Property Unit Trust Site At Units 1 And 2 Burn Road Hartlepool (H/2010/0245) (Assistant Director (Regeneration and Planning))

The Principal Planning Officer reported that a planning appeal had been lodged against the refusal of the Council to allow alterations to elevations and works to create three retail units and associated works to car park at units 1 and 2 Burn Road. The application was refused under delegated powers through the Chair of the Planning Committee. It was considered that the proposal by reason of its design, materials and appearance would have a detrimental impact on the character and appearance of Stranton Conservation Area, the setting of the grade II* listed All Saints Church and on the visual amenities of an area which is located on one of the main gateways to the town. The proposal was considered to be contrary to national and local planning policy, in particular PPS 5 Planning for the Historic Environment and associated practice guidance and policies HE1 and GEP7 of the Hartlepool Local Plan 2006.

The appeal was to be decided by written representations. Approval was sought to contest the appeal.

Decision

That the Assistant Director (Regeneration and Planning) be authorised to contest the appeal.

98. Appeal by Mr Richard Taylor Appeal Ref: App/H0724/D/10/2137194, Site at: 43 Ruswarp Grove, Hartlepool, TS25 2BA *(Assistant Director (Regeneration and Planning))*

The Development Control Manager reported that a planning appeal had been lodged against the refusal of the Local Planning Authority to allow the erection of a two storey extension to side to provide garage with master bedroom, dressing room and en suite and erection of a single storey extension at side/rear to provide lounge, dining room, kitchen, utility and store extension and provision of canopy to front at 43 Ruswarp Grove.

The appeal had been decided by written representations and dismissed by the Planning Inspectorate. The Inspector agreed with the Council that the scheme would have had a harmful effect on the occupiers of the adjacent bungalow 133 Elizabeth Way due to its height, scale and reduced separation distances. A copy of the decision was submitted for Members information.

Decision

That the report be noted.

99. Appeal by Mr A Henderson, Navigation Point, Hartlepool Marina *(Assistant Director (Regeneration and Planning))*

The Development Control Manager reported that a planning appeal had been lodged against the refusal of the Council for the demolition of the existing single storey amenity building and the erection of a new, mixed use building including A1/A3/A4 commercial use/retail (café/restaurant/pub/bar) at ground floor, café, kitchen, shower and toilet facilities at first floor together with 2nd floor glazed café/restaurant and roof terrace at Navigation Point.

The appeal had been dismissed on the grounds that the development would be unacceptably harmful to the character and appearance of the locality. The Inspector did not, however, agree with the Council's opinions regarding loss of parking and inadequate service facilities. In this particular instance, the Inspector awarded costs against the Council limited to those incurred in rebutting reason for refusal number 2. This related to the loss of parking spaces and the impact of the development on highway safety and the free flow of traffic. The Inspector considered that insufficient evidence had been provided by the Council to warrant this reason for refusal.

The Inspector did acknowledge that there was a drainage issue but felt that it could be dealt with by planning conditions. The agent has confirmed that a new application will be submitted to take account of the Inspector's comments regarding the design and appearance of the building.

Members questioned if it was possible to challenge the decision of the Inspector and what level of costs had been awarded. Officers indicated that the level of costs was not known at this date. It terms of challenging the

decision, officers considered that it would be difficult in this case as the inspector had made his decision on the basis of the information available to him at the time but that the need to provide robust evidence had been noted.

Decision

That the report be noted.

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

Members' attention was drawn to thirteen current ongoing issues, which were being investigated. Any developments would be reported to a future meeting if necessary.

Decision

That the report be noted.

101. Permitted Development Changes 2008 (*Assistant Director (Regeneration and Planning)*)

The Chairman indicated that this matter would be submitted to a future meeting of the committee.

102. Any Other Items which the Chairman Considers are Urgent

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

103. Hartlepool Core Strategy – Public Consultation on the Revised Preferred Options Report (*Assistant Director (Regeneration and Planning)*)

The Development Control Manager reported that the public consultation on the revise Preferred Options Report had commenced and would run through to 11 February 2011. The preferred options report was an early stage of the development of the Core Strategy for Hartlepool which would set out where the majority of new development in the town will take place over the next fifteen years. Members were advised that a copy of the Report had been placed in the Members room. The public consultation leaflet was distributed for Members information and the Chair encouraged Members to take part in the consultation process.

Decision

That the report be noted.

The meeting concluded at 11.20 p.m.

CHAIR

No: 1
Number: H/2010/0543
Applicant: CECIL M YUILL LTD LOYALTY ROAD HARTLEPOOL TS25 5BD
Agent: CECIL M YUILL LTD CECIL HOUSE LOYALTY ROAD HARTLEPOOL TS25 5BD
Date valid: 22/09/2010
Development: Demolition of office building and erection of 25 detached, semi detached and terraced dwellings with associated roads, sewers and landscaping
Location: CECIL HOUSE LOYALTY ROAD HARTLEPOOL

Background

1.1 This application was reported to the December 2010 meeting of the planning committee where it was deferred to allow for a Members site visit.

1.2 The site visit took place before today's meeting.

The Application and Site

1.3 Full planning permission is sought for the erection of 25 detached, semi detached and terraced houses. The properties will consist of 6 four bed houses, 11 three bed houses, 5 two bed houses and one two bed room bungalow suitable for a wheelchair user. The houses will largely be arranged around a spine road with access taken from Loyalty Road in the north west corner of the site. Three houses fronting onto Loyalty Road will have direct vehicular access onto Loyalty Road. The site will accommodate on site parking on drives and in garages.

1.4 The application site is currently occupied by an office building, associated landscaping and car parking. It is the head office of Yuill Homes Ltd. The office block is located on the western side of the site fronting onto Loyalty Road. In front (west) of the office building is a landscaped area of grass, shrubs, trees with an existing vehicular access and some visitor parking. To the rear (east) of the office block is the main parking area which benefits from mature well-established landscaping which includes semi mature trees, shrubs and hedges. The site also encompasses an area of land outside the boundary fence of the car park which fronts onto Belle Vue Way to the south and south east corner of the site. This part of the site is a landscaped area of grass and trees between the public road/footpath and the car park boundary fence. No development is proposed in this area. The site also encompasses a grassed area adjacent to 11 Burnaby Close upon which it is proposed to erect a bungalow.

1.5 The application site is bounded to the west by Loyalty Road on the other side of which are two-storey dwellinghouse, to the north and east by the rear gardens of bungalows fronting Burnaby Close, to the south by Belle Vue Way and to the southwest by the rear gardens of dwellinghouses fronting onto Travellers Gate.

1.6 A supporting statement submitted with the application advises that the application has arisen out of the need for the applicant to consider the operational future of Cecil House. The building is outdated and is becoming increasingly unsustainable in terms of maintenance, space requirements, cost effectiveness and energy efficiency. Of the options open to the applicant, modernisation, rebuilding, or relocating preferably within Hartlepool (with Cecil House redeveloped for housing) the applicant considers the latter the most feasible. The applicant considers the proposal for housing is the most appropriate land use in this residential area and that the relocation of the companies Headquarters will have positive regeneration benefits.

Recent Planning History

1.7 In June 2005 an application for the erection of 19 detached houses on the site was approved. This application was not implemented and expired in June 2010. (H/2005/5245)

1.8 An application for the erection of 32 dwellings on the site was withdrawn on 7th February 2005 when concerns were raised in relation to the principle of the development, design, density and layout, the loss of trees, highway issues and amenity. (H/FUL/1024/04).

Publicity

1.9 The original proposed plans were advertised by way of neighbour letters (32), site and press notices. Eight representations were received. Three letters of no objection. Five letters of objection.

1.10 One of those not objecting asks for reassurance in relation to the maintenance of the trees and a hedge within the site

The objectors raise the following issues:

1. Highway safety/increased traffic/congestion.
2. Request parking restrictions
3. Could access for properties fronting loyalty road be from rear or Loyalty road made one way.
4. Bungalow out of character should be turned with access provided from Burnaby Close for amenity and safety reasons.
5. Overlooking/visual intrusion
6. Contamination
7. Loss of incidental open space used by children, developer should provide play area.
8. Adequacy of infrastructure (drainage/flood risk and poor water pressure)
9. Encroachment due to movement of fence along A689.
10. Loss of trees.

1.11 The amended plans were advertised by neighbour notification (34).

1.12 Three letters of no objection and two letters of objection were received.

1.13 One of those not objecting asks for reassurance in relation to the future maintenance of trees on the site.

The objectors raise the following issues:

1. Increase in people/traffic.
2. Highway safety, narrow bend on a narrow winding road which serves existing housing estates, school and nursing home.
3. Road is subject to heavy traffic and congestion already on street parking development will make worse including access to school.
4. There are already empty houses in the town which cannot sell. Empty homes will attract vandalism and antisocial behaviour.
5. Pressure on sewage system.
6. Current road condition dangerous due to icy weather. It would be worse with additional traffic

The time period for representations has expired.

Copy letters **B**

Consultations

1.14 The following consultation replies have been received:

Hartlepool Water : I can confirm the following. Situated in the public footpath is a 3” metered supply currently feeding the offices. The connection is not adequate for the proposed build. We do not anticipate any diversion work.

Further to your telephone enquiry earlier today regarding concerns over water pressure in the area of the above development I can confirm that you should receive my original reply to your Notification of a Planning Application for this development shortly as it was posted on 30/11/10.

With regard to the water pressure question:

1. Hartlepool Water has a requirement imposed by our regulator OFWAT to maintain a minimum pressure of 10 metres head at a flow rate of 9 litres / minute on the customer side of the main stop tap to each property within our supply area. Our responsibility ends at this point which is usually at the boundary of the property.
2. A small number of properties within the area of the development raised concerns over pressure earlier this year, these were investigated and remedial works carried out.
3. Hartlepool Water is meeting its regulatory standards within this area.
4. Hartlepool Water has no objection to the new development on the grounds of water pressure.

Landscape Planning & Conservation : Given the relatively modern age of the building and its location it would fall outside of the requirement for a bat survey though as it involves the demolition of a large building then it would be sensible to issue an informative with any permission which flags up the potential for bats to be present in most buildings and gives guidance on what to do if they are found.

I have seen several schemes for this site previously and my only concern was that any small trees that were lost to accommodate the new layout would be replaced with species of a similar size and character within the same vicinity so as not to deprive existing residents of any amenity that they provide and to provide for the long term tree cover in this area.

My views are still the same and whereas I accept the loss of some of the trees on this site to accommodate the new layout, it is important that suitable landscaping is also included within this development and in this respect the following landscape conditions should be implemented. (Conditions included at end of report)

Environment Agency: The Agency has no objections.

An acceptable method of foul drainage disposal would be connection to the foul sewer. The Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

The Environment Agency recommend visiting <http://www.environment-agency.gov.uk/research/planning/82584.aspx> for standing advice regarding general surface water drainage issues.

Sustainable Energy Use / Renewable Energy Generation
We consider any future planning application should incorporate Sustainable Energy Use / Renewable Energy Generation principles. Nationally, the Government seeks to minimise energy use and pollution, and move towards a higher proportion of energy generated from renewable resources. In line with the Regional Spatial Strategy for the North East, we consider the proposed development should incorporate Policies 39 (Sustainable Energy Use) and 40 (Renewable Energy Generation).

In conforming to these policies the proposed development should be designed to ensure energy consumption is minimised and meets the Building Research Establishment's Environmental Assessment Method (BREEAM) "excellent" ratings. In addition, we consider the proposed development should have embedded a minimum of 10% energy supply from renewable resources.

Engineering Consultancy : I have reviewed the Ground Investigation Report submitted with the application. Based on this review, I request that our standard contaminated land condition is imposed on any permission. I have provided further details below:

- The Report (Scott Doherty Associated, dated October 2009 Ref SDA/09088/FINAL) includes a combined desk study and site investigation report.
- The desk study includes a site walkover study, consideration of the site history and environmental setting.
- The site investigation includes the drilling of 8no. boreholes to depths of between 3 to 4m below ground level. Gas monitoring standpipes were installed in four of the boreholes and monitoring of gas levels was undertaken on one occasion.
- 4no. topsoil, 6no. made ground and 3no. natural ground samples were subject to a suite of chemical tests including heavy metals, inorganic and organic determinants including speciated PAH/TPH. The report compares the testing levels in accordance with current industry guidance. From the assessment, raised benzo(a)pyrene (considered carcinogenic) was recorded in both existing topsoil and made ground materials. Scott Doherty subjected the results to statistical analysis which showed benzo(a)pyrene levels still above an unacceptable level.
- The report concludes stating that further investigation work is required to characterise the topsoil further. The report suggesting a series of exploratory trial pits and a further 6no. topsoil samples subject to analysis. The report also states that further ground gas monitoring is required in order to make a meaningful risk assessment.

I would agree with the assessment/discussion provided in the report. The formulation of the conceptual site model and consideration of the various pollution linkages identifies potential unacceptable risks with existing subsoil/made ground materials and uncertainties regarding existing topsoil materials. The report makes plausible recommendations for further site investigation works. Given that the report recommends utilising a capping system, and given the uncertainties of utilising existing topsoil materials, a degree of remediation and validation is likely (subject to the findings of any further investigation works). A section 80 notice will be required covering the demolition of the building.

Traffic & Transportation : The bin store at plot 1 is not located in a suitable position and would impede sight lines for vehicles leaving the driveway. I have no other comments with this scheme. (An appropriate condition requiring the relocation of the bin store is attached at the end of the report)

Northumbrian Water : Request condition requiring a detailed scheme for the disposal of surface water from the development to be submitted to and approved in writing by the Local Planning Authority.

Public Protection : I would have no objections to this application subject to the provision of an acoustic fence to the boundary of the site with the A689.

Planning Policy

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

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

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

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

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

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

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

Planning Considerations

1.16 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals within the Hartlepool Local Plan, design and layout, trees, the impact of the development on the amenity of the occupiers of nearby residential properties, noise, highways, drainage, water pressure and contamination.

Policy

1.17 The site is located in an area of existing housing and within the limits to development and its redevelopment for housing is considered acceptable.

1.18 In normal circumstances current policy would require that 10% of the houses to be provided (i.e. two) were affordable. The applicant however proposes instead to provide a single two bedroom bungalow suitable for a person in a wheelchair. It is recognised that there is a shortage of such accommodation in the town and it is understood that the developer has been in negotiations with a registered social landlord who is ready to acquire the property. As all the accommodation is provided on a single level, bungalows are land hungry, and the proposed bungalow site could accommodate two affordable dwellinghouses therefore in terms of the area of land within the site the developer is offering for affordable housing, this would be the same in either case. The applicant has provided evidence that demonstrates that there is no financial benefit in providing the bungalow instead of the two houses on the site. The site proposed for the bungalow is bounded to the east by a row of existing bungalows and it is considered a bungalow would be more appropriate here than a pair of dwellinghouses. In light of above in the current case the provision of a single two bedroom wheelchair accessible bungalow to meet the affordable housing requirement is considered acceptable.

1.19 In accordance with current local plan policies the developer has agreed to provide a developer contribution of £250.00 per dwellinghouse towards off site play and £50.00 towards green infrastructure or housing regeneration.

1.20 In policy terms the proposal is considered acceptable.

Design & Layout

1.21 The design of the individual dwellings is considered acceptable. The applicant has amended the proposed layout to address officer concerns in relation to parking and relationships within and without the site.

1.22 In terms of the relationship with properties outside the site the revised layout meets or exceeds the Council's guideline separation distances. It is not considered that the proposed development will unduly affect the amenity of neighbouring properties in terms of loss of light, privacy, outlook or in terms of any overbearing effect.

1.23 It is also considered that within the site the separation distances and relationships are acceptable.

1.24 The proposed housing development will replace an existing large office building on the site which is a somewhat incongruous structure in what is essentially a residential area. It is acknowledged that a number of small trees will be lost on the Loyalty Road frontage, and that a small area of incidental open space will be lost adjacent to 11 Burnaby Close however it is considered that the proposal overall will have an acceptable impact on the visual amenity of the area.

Trees

1.25 The site contains a good deal of mature landscaping. The revised proposals indicate that a number of small trees will be removed particularly on the Loyalty Road frontage. However, within the site others will be retained and the landscaping

on the Belle Vue Way frontage retained and enhanced. The arboriculturalist has raised no objections to the proposal but requested that a landscaping condition, be imposed and this is proposed.

1.26 A resident has raised the issue of responsibilities for the future maintenance of trees and bushes on site. The responsibility will lie with the relevant landowners.

The impact of the development on the amenity of the occupiers of nearby residential properties

1.27 In terms of the impact on neighbouring properties the layout has been revised to address officer concerns and now meets or exceeds the required separation distances in terms of neighbours. It is not considered that the proposed development will unduly affect the amenity of neighbouring properties in terms of loss of light, privacy, outlook or in terms of any overbearing effect.

Noise

1.28 The Head of Public Protection has requested that an acoustic fence be provided onto the A689 frontage to address any potential noise nuisance which might arise when the site is occupied. The applicant has requested instead a condition requiring an acoustic study with agreed measures identified, agreed, and implemented if necessary. This is acceptable and a relevant condition is proposed.

Highways

1.29 The layout has been revised to address the concerns raised by Traffic & Transportation in relation to parking arrangements within the site. Objections have been received on highways grounds. In particular that the development will contribute to congestion in the area, encourage on street parking on a blind bend and that the additional accesses onto Loyalty Road will be dangerous. The proposal accommodates adequate parking for the scale of development. Following the revisions to the layout Traffic & Transportation have advised that they have no objections to the development subject to the re-siting of a bin store on one of the plots. This has been conditioned. It should also be remembered that the proposed housing will replace an existing large office building. It is not considered that the objections on highway grounds could be sustained.

Drainage

1.30 Objections to the proposal have been received from neighbouring properties on the grounds that properties in the area have experienced drainage problems. The applicant has advised that foul and surface water will be to the public sewers. Northumbrian Water have not objected to the proposal but have requested a condition which will require the approval of the details for the disposal of surface water arising from the site. It is considered that with the proposed condition any concerns raised in relation to drainage can be satisfactorily addressed.

Water Pressure

1.31 Objectors have raised the issue of water pressure. Hartlepool Water are the water supplier and have advised that they have no objection to the development on the grounds of impact on water pressure. The proposal is therefore considered acceptable in terms of issues relating to water pressure.

Contamination

1.32 The site has been subject to a Ground Investigation Report which has identified higher than acceptable levels of certain contaminants. Further investigation work is required. The report has been examined by Hartlepool Borough Council's Engineering Consultancy which has requested that an appropriate condition be imposed. It is considered that with the proposed condition any concerns raised in relation to contamination arising from the development of the site can be satisfactorily addressed.

Other Matters

1.33 An objector has raised concerns that fences have been moved on the site. It is understood that the position of fencing on the Belle Vue Way side of the site was altered when panels were recently replaced. The proposed layout reflects this change. The layout retains a landscaped area onto Belle Vue Way which will be enhanced, the arrangement is considered acceptable.

1.34 An objector has raised concerns that his recent informal enquiry which included amongst other things the provision of an access onto Loyalty Road received an unfavourable response. This is the case however each proposal must be considered on its own merits and in the context of highway advice received at the time. Traffic & Transportation have raised no objections to the current proposal and a similar number of accesses onto Loyalty Road were approved as part of the originally approved scheme on this site. (H/2005/5245)

Conclusion

1.35 The proposal is considered acceptable and is recommended for approval subject to the completion of a legal agreement securing developer contributions.

RECOMMENDATION – APPROVE subject to the completion of a legal agreement securing developer contributions (an affordable wheelchair accessible bungalow, a play contribution of £250 per dwellinghouse, a green infrastructure/housing regeneration contribution of £50 per dwellinghouse), and the following conditions .

RECOMMENDATION - APPROVE

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 22 September 2010 as amended by the plans (VER 20 01, VER 20 02A, LIN 20 01, LIN 20 02, HYL 20 01, HYL 20 02, HOM 20 01, HOM 20 02, HAM 20 01, HAM 20 02,

CAN 20 01, CAN 20 02, DET 07 11B, DET 07 10C, DET 08 03A, DET 08 01A received by the Local Planning Authority on 16th November 2010, by the drawing R1 20 01 received by the Local Planning Authority on 19th November 2010, and by the drawing 290:02:01.J received by the Local Planning Authority on 22nd November 2010, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

3. The area(s) indicated for car parking on the plans hereby approved shall be provided before the use of the part of the site they serve 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.

4. 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.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

6. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

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

7. Notwithstanding the details submitted details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity and highway safety.

8. Prior to the commencement of development an acoustic survey shall be undertaken by an appropriately qualified person in accordance with a methodology to be first submitted to and agreed in writing with the Local Planning Authority. It shall include recommendations on any necessary measures to protect the occupants of the new development from any noise nuisance arising from the proximity of the A689. The measures required shall thereafter be agreed in writing with the Local Planning Authority and implemented prior to the occupation of any part of the development to which they relate. Thereafter the agreed measures shall be retained for the life time of the development.
In order to protect future occupiers of the development from any noise nuisance arising from the proximity of the A689.
9. Development shall not commence until a scheme for the disposal of surface water arising from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the details so approved.
To ensure that the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS 25 "Development and Flood Risk" and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.
10. The development hereby approved shall be carried out in accordance with the following:
 1. Site Characterisation
An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
 This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
 2. Submission of Remediation Scheme
A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The

scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

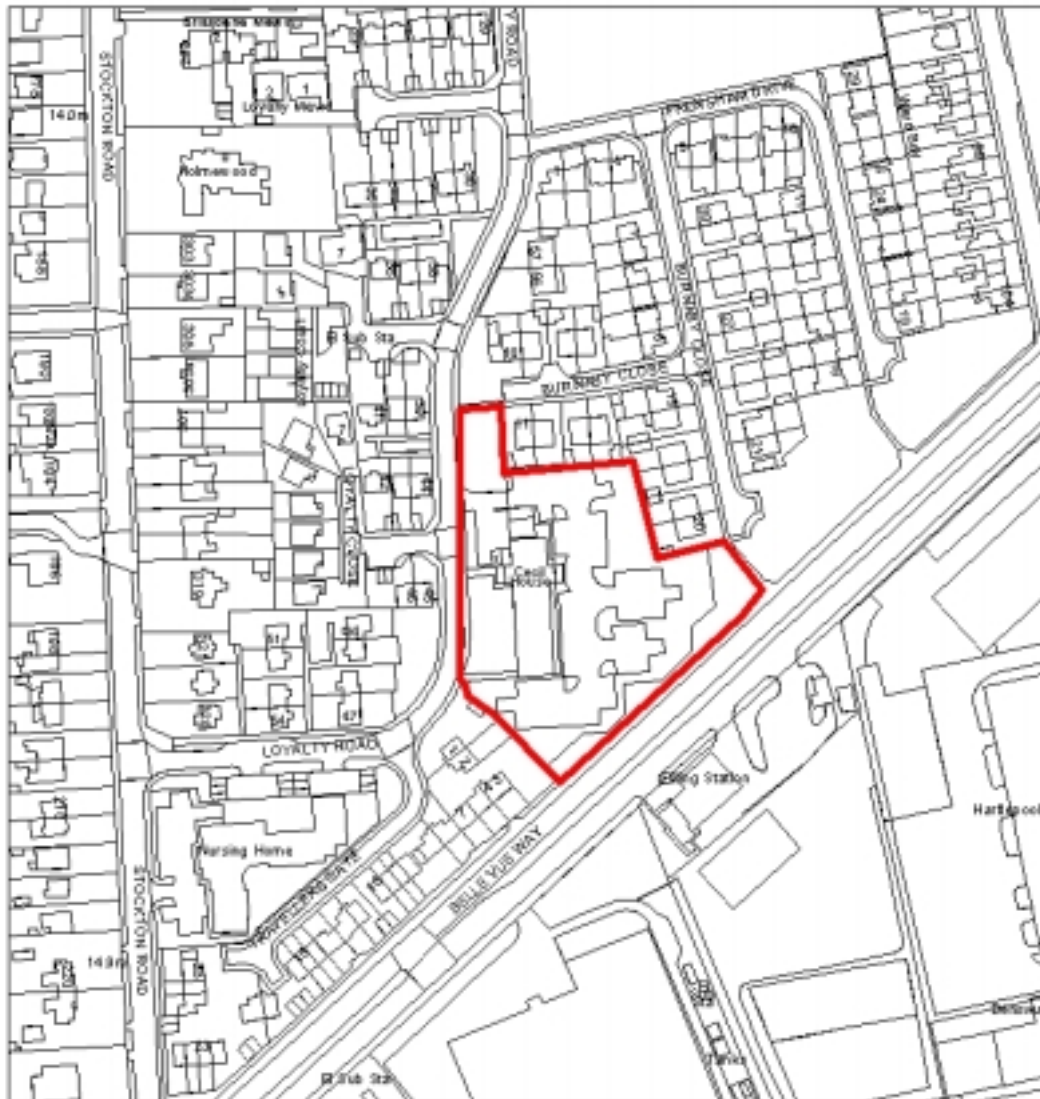
6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, 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, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. 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.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties.
13. 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 properties.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of highway safety, visual amenity and the amenities of the occupants of the adjacent residential properties.
15. Notwithstanding the details submitted, revised details showing the position of bin store on plot 1, shall be submitted to and approved in writing prior to its erection on site. The bin store shall thereafter be erected and retained in the approved location.
In the interests of highway safety.
16. Prior to the commencement of development the boundary treatments of plot 1, including the details of any proposed gates shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be provided and retained as approved for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority. No plant, shrub or tree in the rear (south) curtilage of this property to the west side of the vehicular access shall be allowed to grow to a height in excess of one metre, nor shall any object/structure greater in height than one metre above ground level be placed or erected in this area, unless otherwise agreed in writing with the Local Planning Authority.
In the interests of highway safety.

CECIL HOUSE, LOYALTY ROAD



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/11/10
	SCALE 1:2000	
Regeneration and Neighbourhoods Bryan Hanson House Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0543	REV

No: 2
Number: H/2010/0657
Applicant: Punch Partnership Jubilee House Second Avenue
 BURTON-UPON- TRENT DE14 2WF
Agent: Fusion by Design Miriam Scarlett Hope Rodley House
 Coal Hill Lane LEEDS LS13 1DJ
Date valid: 17/11/2010
Development: Provision of external drinking/dining area with pergola and
 associated lighting/heating to south entrance at front of
 building, ramped entrance and smoking shelter with
 heating/light to north entrance at front of building, new
 timber fencing/gate to north of the site and new catering
 extract system (replacement) and fencing to rear yard
 area
Location: Travellers Rest Stockton Road HARTLEPOOL

The Application and Site

2.1 The Travellers Rest is a large pub/restaurant located on the east side of Stockton Road (A689) opposite the junction with Brierton Lane. This large detached building is situated on a large site with parking to the front and sides with grassed areas and tarmac to the rear.

2.2 There are residential properties to the rear in Queensland Road, to the south in Wyverne Court and across the dual carriageway on Stockton Road. The site immediately to the north is vacant (formerly a petrol filling station).

2.3 Planning consent was granted in 1997 for the formation of a paved patio area to the front of the pub for outside eating and drinking. This has been implemented in a recessed area at the south west corner of the building (front).

2.4 The current proposal involves further works to this existing patio area together with a covered shelter for smoking at the north entrance to the pub, new timber fencing and gate to form a rear yard, fencing and gate to the northern part of the site and a new catering extract ventilation system to the rear, to replace the existing kitchen equipment.

2.5 The existing patio area (to the south) will be refurbished and will include a timber pergola with polycarbonate roof, post and rope enclosures, and heating/lighting facilities. New patio furniture is also included.

2.6 The smoking shelter will be formed adjacent to the north entrance. This structure will be open on 3 sides with a pitched, tiled roof. This will also be provided with heating and lights. Access to the pub will be improved at this entrance with the provision of a ramp.

2.7 A small yard area is to be created to the rear of the pub adjacent to the existing kitchen. This will involve erecting a 2.6m high close boarded timber fence to form a secure storage area. Additional fencing will be erected at the north end of the site to separate the existing parking area to the front of the site from the land to the rear.

2.8 The proposal also includes the provision of a new catering extract ventilation system to replace old equipment. The ducting will be located in the same place as the existing system.

Publicity

2.9 The application has been advertised by way of site notice and neighbour letters (19). To date there have been 3 letters of objection.

2.10 The concerns raised are:

- a) noise and smell from extractor
- b) noise pollution from extra vehicles parking to rear
- c) the facility should be sited to the rear of the property and the smoking shelter will have a severe detrimental impact on the character and balance of this prominent building (objections from the Hartlepool Civic Society)

Copy Letters C

The period for publicity has expired.

Consultations

2.11 The following consultation replies have been received:

Head of Public Protection – No objections subject to the following conditions – no piped music to be played outside and hours restricted to 9.00pm.

Traffic & Transportation – No objections

Northumbria Water – No objections

Cleveland Police – any moveable furniture/heaters etc should be stored inside the building when outside area is not in use. The lighting should be adequate for the use and all glasses for outside drinking should be plastic. The area should be covered by CCTV for safety of users. The eating/drinking area should be closed at dusk or 9.00pm whichever comes first.

Planning Policy

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

Com13: States that industrial, business, leisure and other commercial development will not be permitted in residential areas unless the criteria set out in the policy

relating to amenity, design, scale and impact and appropriate servicing and parking requirements are met and provided they accord with the provisions of Com8, Com9 and Rec14.

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

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

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

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

Tra15: States that new access points or intensification of existing accesses will not be approved along this road. The policy also states that the Borough Council will consult the Highways Agency on proposals likely to generate a material increase in traffic on the A19 Trunk Road.

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

Planning Considerations

2.13 The main considerations in this case are the appropriateness of the proposals in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, the impact of the development on neighbouring properties in terms of noise and disturbance and on the street scene in terms of visual amenity.

2.14 As previously mentioned, the use for outside eating and drinking has already been approved and has been implemented. It should be noted that large areas outside this pub/restaurant which are not used for car parking, could be used for eating and drinking without planning consent. The permission in this case relates to the erection of the pergola and other physical works related to the existing use.

2.15 The smoking shelter which has been designed to compliment the existing building, is located at the northern entrance to the building and is well distanced from

neighbouring properties – more than 50m from houses on the other side of Stockton Road and houses to the rear in Queensland Road. Taking into account the existing noise levels from heavy traffic on the dual carriageway, it is unlikely that the use of the smoking shelter would have a detrimental impact on neighbouring properties in terms of noise and disturbance.

2.16 Two letters of objection relate to smells and noise from the extract ventilation system. This equipment is a replacement for the existing system and will be sited in the same location. The ducting complies with the appropriate guidelines and will be terminated 1m above the eaves of the kitchen roof. The Council's Principal Environmental Health Officer has examined the details submitted and is satisfied that the equipment should not operate above the recommended noise levels for this type of catering equipment. It is unlikely that the use of the smoking shelter would have a detrimental impact on neighbouring properties in terms of noise and disturbance.

2.17 Cleveland Police have recommended that any new furniture and heaters etc should be stored within the building and that CCTV cameras should be installed for the safety of customers. Although they recommend that the drinking/heating area should be closed at 9pm or dusk whichever is the earlier, it should be noted that the existing planning consent allows the area to be used for the same hours as the public house.

2.18 In view of the fact that the provision of heating and lights will allow longer and more intensive use of this area it is considered appropriate to restrict the hours of use to 9pm.

2.19 The Hartlepool Civic Society has objected to the proposal on the grounds that the works are out of character and balance with the building. Whilst these are valid comments, the building is not Listed neither is it within a conservation area. Good design is considered to be one of the main objectives of planning, however it is not considered that the proposed works to the smoking shelter or provision of a pergola would be out of character with either the building itself or with the area in general.

RECOMMENDATION – APPROVE subject to the following conditions.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans and details, Drawing Nos. 2631-01 RevA, 2631-02 RevC, 2631-03, 2631-04 RevC, 2631-05, and 2631-06 RevA, received by the Local Planning Authority on 17 November 2010, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.

4. No music shall be played in the outside drinking/eating area or smoking shelter hereby approved.
In the interests of highway safety.
5. The outside drinking/eating area hereby approved shall be open for use by the public until 9pm. This area shall not be used beyond those times.
In the interests of the amenities of the occupants of neighbouring properties.

TRAVELLER'S REST

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 9/12/10
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0657	REV

No: 3
Number: H/2009/0195
Applicant: Mr Ashley Homsey EGERTON ROAD HARTLEPOOL
TS26 0BW
Agent: Malcolm Arnold 2 Siskin Close HARTLEPOOL TS26
0SR
Date valid: 23/04/2009
Development: Erection of a double garage/hallway/cloakroom extension
to front to enable conversion of existing garage to
gymnasium including works to existing retaining wall.
Location: 32 EGERTON ROAD HARTLEPOOL

The Application and Site

3.1 The application site is a large detached house on the north side of Egerton Road in the West Park area of the town. The property which has been extended, has large front and rear gardens.

3.2 Neighbouring properties in this well established residential area comprise a wide variety of houses and bungalows characterised by large gardens and tree-lined streets.

3.3 The house has been extensively altered and extended, planning approval being granted in 2006 for a two storey extension and replacement double garage to the side and front.

3.4 Planning consent was refused in June 2008 for the erection of a garage and first floor bedroom/ensuite extension to the front, a first floor en-suite extension to the side and new portico entrance. As a result of the refusal, a planning appeal was submitted and subsequently dismissed by the Planning Inspectorate. (A copy of that decision is attached as an appendix).

3.5 The current proposal involves the erection of a double garage/hallway/cloakroom extension to the front of the house to enable the existing garages to be converted to a gymnasium.

3.6 This single storey extension would be just over 8m in length, 7m wide and 3.8m to the highest point of the pitched roof and finished to match the existing house.

Background

3.7 Members may recall that this application was originally considered at the Planning Committee in June 2009 when a decision was made to carry out a site visit. Although the site visit did take place, further issues regarding works which had been carried out on site as part of a previous planning approval (H/2006/0715) arose and a neighbour dispute ensued.

3.8 The works involved the erection of a boundary retaining wall/fence and levelling of part of garden (part retrospective).

3.9 Briefly, the works to create a retaining wall between 32 Egerton Road and the adjacent property, 34 Egerton Road, are alleged to have caused damage to 34 Egerton Road. Investigations into this matter have been ongoing for some time and the application was put on hold until a final solution could be found to address the problem and resolve the dispute.

3.10 It was considered in the best interests of all concerned that no further building works should take place on this part of the application site until a final decision was reached. A number of structural engineers have examined the wall, including the Council's own engineer. Drawings and calculations have been produced by suitably qualified engineers and are now deemed to provide an acceptable solution to the problem.

3.11 The Council's engineer has also examined the drawings and calculations and is satisfied that the proposed additional works to the retaining wall will be acceptable.

Publicity

3.12 The application was originally advertised by way of neighbour letters (8) and as a result of this amended application (8). The original application received 3 letters of objection on the following grounds.

- a) the property is already over extended and out of keeping in the area
- b) will be unsightly from 34 Egerton Road and will result in a poor outlook
- c) previous extensions/work to the house have resulted in noise, disturbance, damage to grass verges and traffic congestion
- d) the site would be overdeveloped
- e) the existing property is an ugly building.

Copy letters A

Objections/comments regarding the amended scheme

- a) damage to patio and fencing due to land slippage
 - b) retaining wall is not suitable for the purpose
 - c) council has responsibility to protect neighbours property.
- Copy letter AA

The period for publicity expires before the meeting.

Consultations

3.13 The following consultation replies have been received:

Highways – no objections

Engineering Consultancy – the works proposed by JNP Consulting Engineers and vetted by Glyn Robinson Engineers is considered to be satisfactory.

Planning Policy

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

GEp1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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

Planning Considerations

3.15 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals within the Hartlepool Local Plan and the impact of the development on neighbouring properties and the street scene in terms of visual amenity. Consideration should also be given to the proposed works to reinforce the retaining wall.

3.16 Current Council policy states that extensions to residential properties should be of a size and design that harmonize with the existing dwelling and should be unobtrusive and not adversely affect the character of the area. The development should not significantly affect the amenities of neighbouring properties in terms of visual amenity. In this particular case, the following criteria are considered to be relevant:-

- 1) The effect on daylight and sunlight on nearby properties.
- 2) Dominance of one building by another.
- 3) Outlook from habitable rooms and private gardens.
- 4) Appearance of the proposal in relation to the house itself and the area in general.

3.17 32 Egerton Road is a large detached house which was originally located roughly in the centre of a large site, well set back from the road.

3.18 Apart from the adjacent detached house at 34 Egerton Road, most other neighbouring properties are well distanced from the application site and should not be significantly affected by the new single storey extension in terms of visual amenity. The proposed extension would result in a side elevation of almost 26m in length, close to the shared boundary with 34 Egerton Road. Whilst this may appear to be large, it should be noted, that there is a difference in site levels between the two houses of approximately 1.6m (the application site being the lower) separated by

a retaining wall with a 1.8m close boarded timber fence on top and substantial planting.

3.19 As previously mentioned, the application dwelling has already been extended close to the shared boundary with 34 Egerton Road where there are main living room windows at ground floor level and a sheltered patio area. However, given the difference in floor levels, the height of the existing fence and retaining wall, planting and the fact that the existing extension has little impact on the neighbouring property in terms of visual amenities, it would be difficult to sustain an objection to the proposed extension on these grounds. Only a small section of the roof of the extension (existing and proposed) would be visible from the ground floor of No 34.

3.20 In terms of the potential effect on the street scene and character of the area, it is unlikely that much of the extension would be visible above the existing high fences and gates to the front of the site.

3.21 Whilst it is acknowledged that 32 Egerton Road has already had a number of large extensions which have increased the size of the house significantly, the site which measures 58m long by 23m wide is still considered to be more than adequate to accommodate this additional extension. This proposal is fundamentally different to that refused on appeal and it is considered that none of the concerns reflected in that decision could be sustained with this proposal.

3.22 The works to reinforce the existing retaining wall are to be carried out at the same time as the proposed extension provided that planning consent is granted.

3.23 This will involve the erection of a further 26m long retaining wall adjacent to the existing retaining wall and built in three sections – Zone A, Zone B and Zone C. Zone A, which is located between the existing dwelling and the existing retaining wall, will be built to a higher specification than Zone B and C as considered appropriate by the applicants engineer, the neighbours engineer and the Councils engineer.

3.24 The Councils engineer is satisfied with the proposed works and recommends that they are carried out at the same time as the new garage extension. Full access must be available to all engineers during construction.

3.25 In conclusion, the proposed extension and retaining wall are considered to be acceptable in both siting and design and should have little impact on either neighbouring properties or the street scene in terms of visual amenity. The works to the retaining wall are considered to be necessary and appropriate.

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the

development shall be carried out in accordance with the approved details. In the interests of visual amenity.

3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 21 April 2009 and additional retaining wall plans and details received on 24 November 2010 and 25 November 2010, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt.
4. Full access to the site shall be given to the Council's Structural Engineer at all times during construction works.
To ensure that the proposed works are carried out in accordance with the amended plans and details.
5. The remedial works to the retaining wall hereby approved shall be undertaken in accordance with the approved details within 6 months of the date of this permission.
For the avoidance of doubt and in the interests of ground stability.



Appeal Decision

Site visit made on 6 February 2009

by **Malcolm Rivett BA (Hons) MSc MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
5 March 2009

Appeal Ref: APP/H0724/A/08/2091130

32 Egerton Road, Hartlepool, TS26 0BW

- 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 Ashley Hornsey against the decision of Hartlepool Borough Council.
- The application Ref H/2008/0265, dated 28 April 2008, was refused by notice dated 5 June 2008.
- The development proposed is described as erection of double garage to front and erection of first floor extension over existing garage/utility/dining.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue of the appeal is the effect of the proposal on the living conditions of the occupants of 34 Egerton Road, with particular regard to outlook and overshadowing.

Reasons

3. In addition to bringing the main two-storey part of no 32 significantly closer to the neighbouring dwelling, no 34, the proposal would increase the height of the existing garage/dining room extension of the appeal property by around 2.5m, the two-storey part of this projection extending around 10m forward of the front of the main part of the house. Despite its hipped roof, given this part of the proposal's height, length and proximity to the boundary with no 34, I consider that it would be unacceptably dominant in the outlook from this property's patio area and its kitchen and sitting room windows. I also agree with the Council that for much of the year the extension would be likely to overshadow these parts of no 34 during the early part of the day when the kitchen and, in the warmer months, the patio, are likely to be in use. I consider that these effects would cause significant harm to the living conditions of the occupants of no 34, despite this property's southern aspect from the front of the house remaining unaffected.
4. I accept that the appeal property's position, around 1.6m below the level of no 34, means that the proposal would result in less harm than would otherwise be the case. However, I consider that the height difference is not sufficient to make the scheme acceptable in terms of its effect on outlook and sunlight. Whilst no overlooking would result I do not accept the contention that the lack of windows at first floor level facing number 34 would limit the proposal's visual

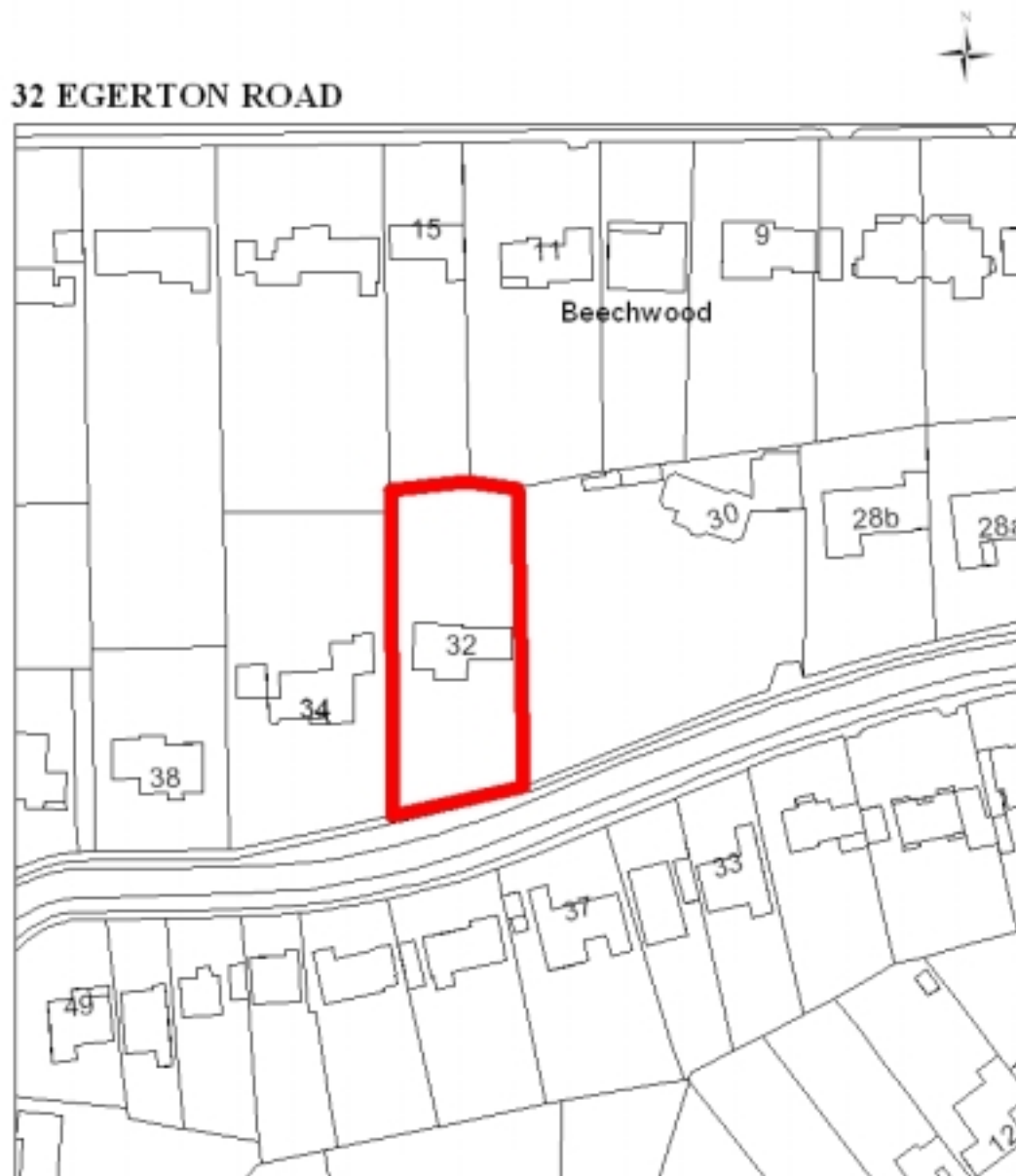
Appeal Decision APP/H0724/A/08/2091130

impact. The appellant argues that no 34 dominates and overlooks no 32, particularly since trees on the boundary between the properties were removed. However, that the appellant chose to remove the trees is not, in my view, justification for the appeal proposal and I consider that harmonisation, to some degree, of the heights of the two properties does not outweigh the harm the scheme would cause.

5. Of the policies referred to by the Council I consider policy Hsg10 of the adopted *Hartlepool Local Plan* to be most relevant to this appeal and I find that the proposal conflicts with its requirement that extensions to residential properties should not significantly affect the amenities of the occupiers of adjacent properties through overshadowing or by creating poor outlook.
6. Reference is made to other large extensions in the area although I have no evidence to suggest that these cause harm in the way that I have found this proposal would. I have noted the appellant's comment that the Council has indicated that no amendments to the scheme would be likely to be acceptable and I appreciate that the Local Plan identifies that there is a need for larger/higher value homes in the borough. However, the appeal property is already a large dwelling and I consider that this does not justify the proposal given the harm I have identified it would cause.
7. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Malcolm Rivett

INSPECTOR



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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 9/12/10
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2009/0195	REV

PLANNING COMMITTEE

7 January 2011



Report of: Assistant Director (Regeneration and Planning)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

- 1 A complaint regarding the installation of modern windows in a property on The Green, Elwick.
- 2 Officer monitoring recorded waste such as soil and brick tipped on a vacant commercial site on Tofts Farm West Industrial Estate. Waste on site is considered minimal. The site will be monitored to ensure the situation does not deteriorate.
- 3 Officer monitoring recorded a waste recycling business operating out of a large fabrication shed on Brenda Road.
- 4 Officer monitoring recorded waste material tipped on land adjacent The Paddock, Graythorp.
- 5 A neighbour complaint regarding a property's front and rear garden on Southbrooke Avenue in an untidy condition has been investigated. The gardens whilst untidy are not considered in such a state to warrant formal action under the terms of Section 215.
- 6 A neighbour complaint regarding the installation of monitoring equipment inside a substation on Wooler Road has been investigated. The works were determined as 'permitted development' not requiring planning permission.
- 7 A neighbour complaint regarding the untidy condition of a shared boundary fence to the rear of a property on Airdrie Grove.
- 8 A neighbour complaint regarding the erection of bin store and display of an advertisement banner to the front of a commercial property on Grange Road.

- 9 Officer monitoring recorded the storage of construction and demolition waste, skips, plant machinery on a site on Sandgate Industrial Estate.
- 10 A neighbour complaint regarding the erection of a carport to the side of a property on Honiton Way has been investigated. The works were determined as 'permitted development' not requiring planning permission and exempt from building regulations.
- 11 A neighbour complaint regarding the removal of two trees from the rear garden of a property on The Cliff, Seaton Carew.

2. RECOMMENDATION

- 2.1 Members note this report.

PLANNING COMMITTEE

7 January 2011



Report of: Assistant Director (Regeneration and Planning)

Subject: Changes to Permitted Developer Rights for householders

1. PURPOSE OF REPORT

- 1.1 To advise members of the changes to Permitted Development Rights in relation to householders, this report was requested by the Chairman of the Planning Committee.

2 INTRODUCTION

- 2.1 On 10th September 2008 the Department of Communities and Local published new rules that came into force on 1 October 2008 in respect of Permitted Development Rights for dwellings (this is in regard to building works that can be undertaken to the house and in the garden of a dwelling without the need to apply for planning permission). The changes have impacted on the advice which has previously been given by the Council and has also had implications for decisions in respect of Certificates of Lawfulness for proposed extensions and alterations to houses and outbuildings within the garden of the house.
- 2.2 If works that were previously considered to be Permitted Development were not commenced before the new legislation came into effect on 1 October 2008 then the proposal may no longer be considered as Permitted Development, unless of course the works comply with the new legislation. The legislation regarding permitted development is contained within The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 and can be found at <http://www.legislation.gov.uk/uksi/2008/2362/contents/made>
- 2.3 Most of these permitted development rights do not apply to flats or listed buildings, and the limits are more restrictive for houses in conservation areas. For many modern houses, conditions of the original planning permission for the house remove some or all of these rights. Or some permitted development rights may have been removed by issuing what is known as an Article 4 Direction. This will mean a planning application will be needed for development which normally does not need one. Before undertaking any

development, checks should be undertaken with the local planning authority to determine whether any restrictions on permitted development have been made.

3. THE STRUCTURE OF PERMITTED DEVELOPMENT RIGHTS

- 3.1 The rules on permitted development are sub-divided into a series of 'Parts'. Part 1 specifically deals with development within the curtilage of a house; Part 1 is then sub-divided into Classes covering various types of development:

Class A covers the enlargement, improvement or alterations to a house such as rear or side extensions as well as general alterations such as new windows and doors.

Class B covers additions or alterations to roofs which enlarge the house such as loft conversions involving dormer windows.

Class C covers other alterations to roofs such as re-roofing or the installation of roof lights.

Class D covers the erection of a porch outside an external door.

Class E covers the provision of buildings and other development on land surrounding the house (the 'curtilage').

Class F covers the provision of hard surfaces on land surrounding the house such as driveways.

Class G covers the installation, alteration, or replacement of a chimney, flue or soil and vent pipe.

Class H covers the installation, alteration, or replacement of microwave antenna such as satellite dishes.

- 3.2 There are also other Parts of the rules that may be relevant to householders. For example Part 2 covers matters such as erection or construction of gates, fences and walls. Part 40 covers the installation of domestic microgeneration equipment (such as solar panels).
- 3.3 The interpretation of Permitted Development Rights for householders can be complex and it is always advised that advice is sought from the local planning authority prior to any development. A very basic summary of permitted development rights is provided in appendix 1.
- 3.4 The new regime replaces, for the most part, the previous complex system of using percentages and volumes to calculate allowances for domestic extensions to the original property, with rules relying on dimensions.

4. GUIDANCE

- 4.1 Communities and Local Government have produced a Permitted Development for Householders Technical Guide in August 2010 as the 2008 changes were open to interpretation. The Technical Guidance gives an explanation of the

rules on permitted development for householders, what these means and how they should be applied in particular circumstances. The guidance is available on the internet http://www.planningportal.gov.uk/uploads/100806_PDforhouseholders_TechnicalGuidance.pdf

- 4.2 It is important that when considering whether a development proposal is permitted development, all of the relevant Parts of the rules and all the Classes within those Parts need to be taken into account. So whilst Part 1 Class A prevents the installation, alteration or replacement of a chimney, flue or soil and vent pipe from being permitted development, Class G includes such development as permitted development subject to the rules set out under that Class.
- 4.3 In order to be permitted development, a proposal must meet all the limitations and conditions under the Classes relevant to the proposal.
- 4.4 It is therefore essential that any proposed household development is considered in the context of the permitted development rules as a whole in order to determine whether it benefits from permitted development rights and therefore does not require an application for planning permission.

5. RECOMMENDATION

- 5.1 That Members note the report.

Appendix 1 – Summary of permitted development rights for householders

1. Class A – Extensions and Improvements

1.1 No extension forward of the principal elevation or side elevation fronting a highway.

1.2 No extension to be higher than the highest part of the roof.

1.3 Maximum depth of a single storey rear extension of 3m for an attached house and 4m for a detached house.

1.4 Maximum depth of a rear extension, if more than one storey, of 3m including ground floor.

1.5, In Conservation Areas no permitted development for rear extensions of more than one storey.

1.6 Maximum eaves height of extension is 3m if within 2m of boundary.

1.7 Maximum eaves and ridge height of extension no higher than existing house.

1.8 Side extensions to be single storey with maximum height of 4m and width up to half that of the original house.

1.9 Two storey extensions no closer than 7m to rear boundary.

1.10 Roof pitch of extensions higher than one storey to match existing house.

1.11 Materials to be similar in appearance to the original house.

1.12 No verandas, balconies or raised platforms.

1.13 Side facing windows to be obscure-glazed; any opening to be 1.7m above the floor.

1.14 In Conservation Areas no cladding of the exterior.

1.15 In Conservation Areas no side extensions.

1.16 The area of the garden covered by buildings must not exceed 50%.

2. Class B – Roof Extensions

2.1 A volume allowance of 40 cubic metres for terraced houses.

2.2 A volume allowance of 50 cubic metres for detached and semi-detached houses.

2.3 No extension beyond the plane of the existing roof slope forming the principle elevation of the property fronting a highway.

2.4 No extension to be higher than the highest part of the roof.

2.5 Materials to be similar in appearance to the original house.

2.6 No verandas, balconies or raised platforms.

2.7 Side facing windows to be obscure-glazed; any opening to be 1.7m above the floor.

2.8 Roof extensions not to be permitted on article 1(5) land.

2.9 Extensions to be set back at least 20cm from the eaves.

3. Class C – Roof Alterations

3.1 Any alteration to project no more than 150 millimetres from the existing roof plane.

3.2 No alterations to be higher than the highest part of the roof.

3.3 Side facing windows to be obscure-glazed; any opening to be 1.7m above the floor.

4. Class D – Porches

4.1 No changes to previous permitted development:

4.2 Can be constructed outside any external door.

4.3 The external ground area of the porch cannot exceed 3sq.m.

4.4 The porch cannot be more than 3m tall.

4.5 The porch cannot be within 2m of any boundary next to a highway.

5. Class E – Outbuildings, Enclosures, Swimming Pools and Oil and Gas Containers

5.1 No building, enclosure, pool or container forward of the principal elevation.

5.2 Buildings to be single storey with maximum eaves height of 2.5m and maximum overall height of 4m for a dual pitched roof or 3m for any other roof.

5.3 Maximum height 2.5m within 2m of a boundary.

5.4 No verandas, balconies or raised platforms.

5.5 Maximum 50% coverage of garden in total.

5.6 In National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, the maximum area to be covered by buildings, enclosures, containers or pools more than 20m from house to be limited to 10sq.m.

5.7 In Conservation Areas, buildings, enclosures, containers or pools at the side of the dwelling will require planning permission.

5.8 Within the curtilage of listed buildings, planning permission required.

6. Class F – Hard surfaces

6.1 Any surface installed in the front garden of more than 5sq.m must be either porous or drain to a porous or permeable surface within the garden.

7. Class G – Chimneys, Flues and Soil and Vent Pipes

7.1 The height must be less than 1m above the highest part of the roof.

7.2 In Conservation Areas land no installation on the principal elevation or a side elevation that fronts a highway.

8. Class H – Microwave Antenna

8.1 No more than two antennas. If only one, it can be up to 100cm long. If two are installed, only one can exceed 60cm long (to a maximum of 100cm). Any antenna on a chimney cannot exceed 60cm and cannot protrude above the chimney. The maximum cubic content for any antenna is 35 litres.

8.2 If there is no chimney, the antenna cannot protrude beyond the highest part of the roof.

8.3 If there is a chimney, the antenna cannot be higher than the highest part of the chimney or more than 60cm above the roof ridge, whichever is lower.

8.4 In Conservation Areas, the antenna cannot be on a chimney, wall or roof slope that faces onto and is visible from a highway (or waterway in the case of the Broads) and antennas cannot be installed on buildings that exceed 15m tall.

8.5 The antenna should be sited to minimise the effect on the external appearance of the building.

8.6 The antenna must be removed when it is no longer required.

PLANNING COMMITTEE

7 January 2011



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL BY MR WILLIAM MORGAN SITE AT SYLVAN MEWS, THE WYND, WYN YARD, TS22 5BF

1.0 PURPOSE OF REPORT

- 1.1 To advise members of the result of an appeal against the refusal of an application (H/2010/0339) for the use of four apartments at Sylvan Mews, restricted to occupation by persons aged 55 years and over, for general occupation.

2.0 THE DECISION

- 2.1 The appeal was allowed. The decision letter is **attached**.
- 2.2 The Inspector considered that the main issues arising from the appeal were concerns that the proposal could lead to the occupation of the apartments by young families resulting in additional noise and disturbance for existing residents and that parking problems could be exacerbated by the scheme.
- 2.3 The Inspector concluded that the proposal would not result in any additional noise and disturbance for existing residents. In terms of parking the Inspector considered it prudent that the provision of additional parking should be conditioned and imposed an appropriate condition. He concluded that the proposal would not seriously exacerbate any existing parking problems.
- 2.4 No claim for costs against the Council was made.

3.0 THE LEGAL AGREEMENT

- 3.1 A legal agreement also restricts the occupation of the apartments. In light of the appeal decision the authority of members is sought to vary the legal agreement to allow for the general occupation of the four apartments concerned.

4.0 RECOMMENDATION

- 4.1 That members note the result of the appeal.

- 4.2 That members authorise the variation of the legal agreement to allow for the general occupation of apartments 16, 19, 21 and 22.



Appeal Decision

Site visit made on 24 November 2010

by **D R Cullingford BA HPHI MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pni.gov.uk
or .uk

Decision date:
10 December 2010

Appeal Ref: APP/H0724/A/10/2136622

Sylvan Mews, The Wynd, Wynyard, Billingham, TS22 5BF

- 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 by Mr William Morgan against the decision of the Hartlepool Borough Council.
- The application (ref: H/2010/0339 and dated 14 May 2010) was refused by notice dated 5 August 2010.
- The development is described as the 'use of 4 apartments approved under the provision of planning permission H/2006/0338, currently restricted to occupation by persons aged 55 and over, for general occupation'.

Decision

1. For the reasons given below, I allow this appeal, and grant planning permission for the use of 4 apartments at 16, 19, 21 and 22 Sylvan Mews, The Wynd, Wynyard, Billingham, approved under the provisions of planning permission H/2006/0338 and currently restricted to occupation by persons aged 55 and over, for general occupation in accordance with the terms of the application (ref. H/2010/0339) dated 14 May 2010, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans submitted to the Local Planning Authority and numbered as 80825-GA-301, 80825-SI-302 and 80825-EL-302.
 - 3) Unless otherwise agreed in writing with the Local Planning Authority, the areas indicated for car parking on the plans, hereby approved, and numbered 16, 19, 21 and 22 shall be kept available for the use of the apartments to which this application relates at all times during the lifetime of the development.
 - 4) Unless otherwise agreed in writing with the Local Planning Authority, within 6 months of the date of this permission a scheme for an additional parking area and the access to it shall be submitted to the Local Planning Authority. The scheme shall include detailed landscaping proposals and planting schedules (or other measures) to protect the amenity of nearby residents. Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme shall be implemented within 1 year of the date of this permission and the additional parking provision shall, thereafter, be retained as approved for the lifetime of the development.

Reasons

2. These apartments are in a 3-storey block of 9 flats that is itself one of 4 similar blocks grouped around a substantial care home. The complex lies close to the 'village centre' in the spacious and sylvan surroundings of the peripheral Wynyard Estate. It is carefully designed. The complex was originally conceived as a 'care village', a section 106 Agreement restricting occupancy to people over 55 as well as offering 'first refusal' of places, and access to facilities, in the care home. The Agreement also required such particulars to be

Appeal Decision: APP/H0724/A/10/2136622

included in contracts of sale or rent, arrangements for the provision of a minibus and allowed for the construction of an overflow car park. Apart from the Agreement, the age restriction on the occupation of these apartments is reflected in the description of the approved development; there is no occupancy condition. The development approved in April 2007 was described as the *'erection of 50 bed residential care home and 4 blocks of apartments comprising 30 dwellings for occupation by people aged over 55'*.

3. The current proposal is simply to allow for the general occupation of the 4 apartments identified in Block 3; that would require a new planning permission with a new description of the approved development. Consequent amendments to the section 106 Agreement would also be required, but that must remain a matter for the parties involved. The intention is that 6 parking spaces would be specifically retained to serve the 4 apartments, thus meeting the requirement of 1.5 spaces per flat. Because there is no difference between the parking requirements for flats of this size occupied by those over 55 and anyone else, there would remain 15 spaces available for the care home and 45 spaces for all the apartments. In January this year permission was granted for Nos. 25-30 (in Block 4) to be available for 'general occupation' (ref. H/2009/0633).
4. Nevertheless, the Council are concerned that the current proposal could lead to the occupation of these apartments by young families resulting in additional noise and disturbance for existing residents, contrary to 'saved' policy GEP1. Some residents echo those concerns and also describe parking problems that could be exacerbated by the scheme. Those are the issues on which this appeal turns.
5. On the first issue, I realise that existing residents may well have appreciated the integrated nature of this development and found reassurance in the restricted occupancy of the apartments. But my understanding is that the terms of existing sales or rental agreements are not altered, in spite of the change in ownership of the care home. Hence, it is necessary to consider whether the restriction continues to serve a clear planning purpose. It has already been lifted on the apartments in block 4. In physical terms there is very little to distinguish those dwellings from the apartments that are the subject of this appeal. Moreover, although each apartment offers a fairly modest 2-bedroom dwelling, all are well appointed and well laid out on a floor plate of about 70m²; all enjoy at least one attractive outlook across the sylvan surroundings rather than just over the car parks and they are all designed to be largely separate from the other flats on the same floor, with at least 3 of the walls being external. The central communal area is 'legible' and straightforward; it also adjoins the non-habitable elements of each flat (like bathrooms and store rooms), thus minimising the potential for disturbance. In those circumstances, I do not think that it would be essential for the restriction to apply (or not) *en bloc*. And, although there are no private gardens or play areas, there are acres of space nearby and the neighbourhood centre is 'just round the corner'. There is no obvious physical impediment to these apartments being occupied by people below (even well below) 55 years of age that I can discern.

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6. Of course, the spectre of young people spoiling the tranquillity of the place by kicking balls against apartment walls or skate-boarding across the car parks and damaging cars is understandable. But I think that it is a chimera. Although the apartments are pleasant, they are relatively peripheral and I doubt that they would be an obvious permanent choice for those seeking to bring up a young family; they would not comfortably accommodate a large household. As the planning officer indicates, the proper use of these premises would not necessarily disturb the amenity of elderly neighbours unduly. In my view that would largely be attributable to their design and layout. I can find no compelling reason why the proposal would engender the improper use of these apartments. However, it would widen the potential market for the dwellings, thereby encouraging financial institutions to provide mortgages and bring attractive dwellings into use. Taking all those matters into account, I consider that this proposal need not result in any noticeable additional noise and disturbance for existing residents. It would not, therefore, necessarily contravene policy GEP1.
7. Turning to the second issue, the parking requirements do not distinguish between apartments occupied by those over or under 55; in both cases the requirement is for 1.5 parking spaces per dwelling. Hence, the proposal would have no direct impact on the amount of parking to be catered for here. Nevertheless, a clause in the section 106 Agreement relating to the original permission allows for the provision of additional parking if deemed necessary. The concerns expressed by residents seem to me to relate partly to that provision, although I agree that younger households (particularly those consisting of young professionals or managers) might exhibit higher levels of car ownership. For those reasons I consider that it would be prudent to provide additional car parking. As the planning officer points out, the original plans indicated that about 10 additional spaces could be accommodated to the south west of the apartment blocks. I saw that a new access might also be required (to prevent cars passing close to apartments in block 3 to reach the new car park) and additional landscaping implemented (to compensate for the landscaping lost in creating the 'overspill' car park). However, I doubt that a general landscaping scheme would be required; landscaping is already in place under the terms of the original permission. And, although I think that it would be reasonable to prepare a scheme within 6 months, the actual provision of the new car park might reasonably take a little longer. I shall impose appropriate conditions.
8. The other concerns raised by residents seem to me to relate largely to management issues. The incidents associated with inconsiderate parking are, as I understand it, being addressed. Residents have been advised that they should use their allocated parking space and that visitor spaces are to be retained for visitors. I saw that the parking areas have been clearly marked out to indicate the number of the apartment to which each space is allocated and that all 'visitor' spaces are prominently marked with a 'V'. The intention is that a traffic management plan would also monitor any abuse of the parking facilities so that 'offences' can be controlled and curtailed. I consider, therefore, that the proposal would not seriously exacerbate existing parking problems here.

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9. I find nothing else sufficiently compelling to alter my view that this proposal need not result in additional noise and disturbance for existing residents nor exacerbate parking problems. Hence, I conclude that this appeal should be allowed subject to the conditions (designed to ensure that the scheme is carried out as intended) set out above.



INSPECTOR