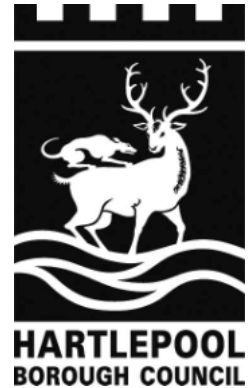


PLANNING COMMITTEE AGENDA



Friday 4 February 2011

at 10.00 a.m.

in the Council Chamber, Civic Centre, Hartlepool.

MEMBERS OF 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. TO CONFIRM THE MINUTES OF THE MEETING HELD ON 7 JANUARY 2011

4. ITEMS REQUIRING DECISION

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

1. H/2010/0717 Land opposite Glamis Walk, Hartlepool
2. H/2010/0703 Station Hotel, 132 Station Lane, Hartlepool
3. H/2010/0609 The Workshop, White Hart Court, Hartlepool
4. H/2010/0672 Throston Grange Court, Hartlepool
5. H/2010/0716 Sure Start North, Hindpool Close, Hartlepool
6. H/2010/0602 42 Egerton Road, Hartlepool
7. H/2010/0648 Land to rear of St Marks Church, Hartlepool
8. H/2010/0558 Cliff House Foundry, Hartlepool
9. H/2010/0654 103 Park Road, Hartlepool

4.2 Emerging Affordable Housing Policy in the Core Strategy – *Assistant Director (Regeneration and Planning)*

- 4.3 Appeal – Erection of A Single Storey Side and Rear Extensions to Provide Garage and Kitchen Extension and Canopy to front 15 Ruskin Grove (H/2010/0483) – *Assistant Director (Regeneration and Planning)*
- 4.4 Appeal – Former Garages Site Land to Rear of Stanmore Grove, Seaton Carew (H/2010/0067) – *Assistant Director (Regeneration and Planning)*
- 4.5 Appeal by Mr William Morgan Site at Sylvan Mews, The Wynd, Wynyard – *Assistant Director (Regeneration and Planning)*
- 4.6 Update on Current Complaints – *Assistant Director (Regeneration and Planning)* – *Assistant Director (Regeneration and Planning)*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

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

EXEMPT ITEMS

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

7. ITEMS REQUIRING DECISION

- 7.1 Enforcement Action – 4 Park Square, Hartlepool (paragraphs 5 and 6) – *Assistant Director (Regeneration and Planning)*
- 7.2 Enforcement Action – Sandgate Recycling, Mainsforth Terrace, Sandgate Industrial Estate, Hartlepool (paragraphs 5 and 6) – *Assistant Director (Regeneration and Planning)*

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

9. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of Friday 4 March, 2011 at 9.00 a.m.

Next Scheduled Meeting - Friday 4 March, 2011 at 10.00 a.m.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

7 JANUARY 2011

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

Present:

Councillor George Morris (In the Chair)

Councillors: Jonathon Brash, Pamela Hargreaves, Marjorie James, Trisha Lawton, Geoff Lilley, Francis London, Carl Richardson, Stephen Thomas , Paul Thompson, Hilary Thompson, and Ray Wells.

Officers: Damien Wilson, Assistant Director (Regeneration and Planning)
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

104. Apologies for Absence

Councillors Rob Cook, Kevin Cranney, and Edna Wright

105. Declarations of interest by members

None.

106. Confirmation of the minutes of the meeting held on 3 December 2010.

Confirmed.

107. 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: **Planning Permission Approved subject to the completion of a legal agreement securing developer contribution (an affordable wheelchair accessible bungalow, a play contribution of £250 per dwelling and a green infrastructure housing regeneration contribution of £50 per dwelling house)**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 22 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 including enhancements to the Belle Vue Way boundary, a tree retention and

removal plan and the inclusion of the existing Beech hedge to the rear of Burnaby Close, 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 property.
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 property.
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 the amenities of the occupants of the adjacent residential property.
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.
17. Notwithstanding the submitted details a scheme for the monitoring of vehicle parking levels within the hereby approved residential development to be carried out by the developer, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall include details of arrangements for the monitoring of the parking levels for 6 months after the occupation of the last dwelling to be occupied, and proposals for the consultation with residents for the hereby approved residential scheme; if as a result of the investigations required by this condition in the opinion of the Local Planning Authority a Traffic Regulation Order is required; the developer will implement the required measures within a time period to be agreed by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.
In the interest of highway safety.

The Committee considered representations in relation to this matter.

The applicant's representative, Mr S Jackson, and an objector, Mr P Cartwright, were present at the meeting and addressed the Committee and responded to Member questions.

Councillor Carl Richardson requested that his vote against the above decision be recorded in accordance with Council procedure rule 17.5.

Number:	H/2010/0657
Applicant:	Punch Partnership Jubilee House Second Avenue BURTON-UPON-TRENT
Agent:	Fusion by Design Miriam Scarlett Hope Rodley House Coal Hill Lane LEEDS
Date received:	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

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the 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 only be open for use by the public between the hours of 8am to 9pm on any day.
The heaters and lighting facilities in the drinking/eating area and smoking shelter hereby approved shall not operate outside the above hours on any day.
In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

The applicant's agent, Ms V Davies, was present at the meeting and responded to Member questions.

H/2009/0195

Applicant: Mr Ashley Hornsey
EGERTON ROAD HARTLEPOOL

Agent: Malcolm Arnold 2 Siskin Close HARTLEPOOL

Date received: 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

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plans 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. Prior to the commencement of development the applicant shall give two weeks notice to the Development Control Section of Hartlepool Borough Council of his intention to start work on site. Thereafter 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. Prior to the construction of the hereby approved extension the remedial works to the retaining wall hereby approved shall be completed in accordance with the approved details.
For the avoidance of doubt and in the interests of ground stability.

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

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

Councillor H Thompson sought further information in relation to the

installation of modern windows in a property in Elwick.

Decision

That the report be noted.

109. Changes to Permitted Development Rights for Householders *(Assistant Director (Regeneration and Planning))*

The Development Control Manager submitted a report, at the request of the Chair, setting out the changes to permitted development rights introduced in 2008 for Members information. The report set out the main aspects of the permitted development rights and gave a summary of the rights for householders in an appendix to the report.

Decision

That the report be noted.

110. Appeal By Mr William Morgan - Site At Sylvan Mews, The Wynd, Wynyard *(Assistant Director (Regeneration and Planning))*

The report advised 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.

The Inspector had allowed the appeal and a copy of the decision letter was submitted for members information. 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.

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.

The Principal Planning Officer also reported that there was a legal agreement which restricts the occupation of the apartments. In light of the appeal decision members authority was sought to vary the legal agreement to allow for the general occupation of the four apartments concerned.

Members questioned that while the Inspector had upheld the appeal, was the situation that if the legal agreement was not varied, the apartments could not be occupied by people under 55 years old. Before coming to their

decision members requested clarification as to whether there was a right of appeal in the event that members declined to vary the legal agreement. The Solicitor commented that she would need to seek clarification on that point as it was an unusual position.

Decision

That the matter be deferred to allow the Solicitor to clarify the situation regarding the applicant's right of appeal in the event that members declined to vary the legal agreement on the site. The report to return to the next meeting for consideration.

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

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 5 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006, namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para. 5) and information which reveals that the authority proposes — (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Minute 112 – Enforcement Action – Brierton Moorhouse Farm, Dalton Back Lane, Hartlepool

Minute 113 – Enforcement Action – Land Adjacent To The Route Into Hunter House Industrial Estate (Off Tees Road), Hartlepool

Minute 114 – Enforcement Action – 11 Moor Parade, The Headland, Hartlepool

Minute 115 – Enforcement Action – Unit 4, Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool

112. Enforcement Action – Brierton Moorhouse Farm, Dalton Back Lane, Hartlepool *(Assistant Director (Regeneration and Planning))*

The Committee was requested to consider enforcement action in relation to breaches of planning permission at Brierton Moorhouse Farm. Further details are set out in the exempt section of the minutes.

Decision

The recommended enforcement action was approved; specific details are set out in the exempt section of the minutes.

113. Enforcement Action – Land Adjacent To The Route Into Hunter House Industrial Estate (Off Tees Road), Hartlepool *(Assistant Director (Regeneration and Planning))*

The Committee was requested to consider enforcement action in relation to the use of land without planning permission on the Tees Road. Further details are set out in the exempt section of the minutes.

Decision

The recommended enforcement action was approved; specific details are set out in the exempt section of the minutes.

114. Enforcement Action – 11 Moor Parade, The Headland, Hartlepool *(Assistant Director (Regeneration and Planning))*

The Committee was requested to consider enforcement action in relation to unauthorised works without planning permission at 11 Moor Parade. Further details are set out in the exempt section of the minutes.

Decision

The recommended enforcement action was approved; specific details are set out in the exempt section of the minutes.

115. Enforcement Action – Unit 4, Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool *(Assistant Director (Regeneration and Planning))*

The Committee was requested to consider enforcement action in relation to unauthorised land use at Sandgate Industrial Estate. Further details are set out in the exempt section of the minutes.

Decision

The recommended enforcement action was approved; specific details are set out in the exempt section of the minutes.

The meeting concluded at 11.30 a.m.

CHAIR

No: 1
Number: H/2010/0717
Applicant: Mr Richard Harlanderson Parks and Countryside
Department 1 Church Street HARTLEPOOL TS24 7DS
Agent: Groundwork North East Miss Leah Remington Linthorpe
Cemetery Lodge Burlam Road MIDDLESBROUGH TS5
5AP
Date valid: 10/01/2011
Development: Creation of a play area with associated landscaping
Location: Land opposite Glamis Walk HARTLEPOOL

The Application and Site

1.1 Approval is sought for the creation of an equipped play area adjacent to Glamis Walk and Hamilton Road. The application site is currently green open space. The area is already used for a number of informal play activities. The proposed site is adjacent to an existing walk/cycle way. To the north of the site are residential properties in Glamis Walk and Wynyard Mews. To the east is Hamilton Road and Jarvis Walk is located to the west. Owton Manor Lane is located to the south of the area of open space.

1.2 The Council has received funding through the national Playbuilders scheme, which outlines a commitment to improved play opportunities for children in England at Government level. This site has been identified to use the existing user base in the area and provides a robust play space presenting wider play opportunities to children. The ward in which the site is located was identified as a priority area for improvements to recreation facilities through Hartlepool Borough Council's own consultations.

1.3 One of the main principles underpinning the Playbuilder strategy is that an element of acceptable and managed risk be re-introduced into children's play. It is proposed to introduce a number of natural and manmade landscape features. The application proposes the installation of the following facilities:

1. Basket Swing
2. Climbing and balancing equipment
3. Rotating equipment
4. Embankment slide
5. Landscaping elements including mounds and ditches and tree planting

1.4 The 'playbuilder' ethos is a key element of the government's National Play Strategy, the key element of the government's National Play Strategy. There is a similar application on today's agenda for a site in Hindpool Close.

Publicity

1.5 The application has been advertised by way of neighbour letters (80). To date, there has been one response received raising no objections. Given the early stages

in the consultation process and the telephone discussions the officer has had with residents it is likely that a number of objections will be received.

1.6 The period for publicity is still outstanding and expires after the meeting.

Consultations

1.7 The following consultation reply has been received:

Public Protection – No objections

The consultation period is still outstanding.

Planning Policy

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

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

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

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

GN2: Strictly controls development in this green wedge where planning permission will only be given for development comprising extensions to existing buildings within the area, or providing ancillary facilities to recreational uses, or providing wildlife sites and subject to the effect on the overall integrity of the green wedge.

Planning Considerations

1.9 The main planning considerations in this instance are the appropriateness of the proposal in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the effect of the proposal on the amenity of neighbouring properties, the effect on the character and appearance of the surrounding area, the potential for crime and/or anti-social behaviour, highway safety, the effect on the character and appearance of the area in general, and tree/landscaping issues.

1.10 The principle of the scheme, in terms of providing adequate facilities for play space within the area is considered appropriate subject to the detailed consideration of the aforementioned issues. A number of key consultation responses are awaited and the period for publicity is ongoing. It is considered appropriate therefore to address all consultation and neighbour responses received in a comprehensive update report to follow.

RECOMMENDATION – Update to follow



HARTLEPOOL
BOROUGH COUNCIL

GS

18/02/11

1:2000

Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT

H/2010/0717

REV

No: 2
Number: H/2010/0703
Applicant: 93 Park Road Hartlepool Cleveland TS26 9HP
Agent: Howson Developments Mr Steve Hesmondhalgh
 Thorntree Farm Bassleton Lane Thornaby Stockton on
 Tees TS17 0AQ
Date valid: 20/12/2010
Development: Demolition of Station Hotel and erection of retail unit (Use
 Class A1) with associated car parking (resubmitted
 application)
Location: STATION HOTEL 132 STATION LANE HARTLEPOOL

The Application and Site

2.1 The application site is a former public house located on the north side of Seaton Lane. It is bounded to the north by allotments. To the west is a railway embankment. To the east are a dwellinghouse and its associated rear garden. To the south is Station Lane beyond which are housing which faces the site, access to the railway station and allotments.

2.2 It is proposed to demolish the building and in its place erect a modern single storey retail unit. The building will be constructed with brick walls and a grey metal sheet roof. In addition a cash point will be provided. The total gross internal floor area of the building will be some 390.7 square metres. The applicant has indicated the unit will be occupied by Sainsbury's. A service yard will be provided in the northwest corner of the site. Sixteen parking spaces will be provided on the eastern side and toward the rear of the site, including four spaces for disabled persons. The existing vehicular entrance will be widened. The proposed stated hours of operation are 07:00 to 23:00 Monday to Saturday. The development incorporates CCTV cameras and lighting. In addition the applicant is proposing various highway safety improvements in the vicinity of the access including the replacement of the safety railings under the railway bridge with a type which will allow for improved visibility at the access and a vehicle activated sign on Station Lane to discourage speeding.

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

Recent Planning History

2.4 Members may recall that a similar application for the demolition of the station hotel and erection of two retail units and associated car parking (H/2010/0426) was refused in October 2010 for the following reasons:

1. On the basis of the information provided and the evidence of the Hartlepool Retail Study 2009 it is considered that the development would be likely to have a significant detrimental impact on the vitality and viability of the

Elizabeth Way local centre contrary to policies EC14, EC16 and EC17 of PPS4 and policies Com8 and Com9 of the adopted Hartlepool Local Plan 2006.

2. On the basis of the information provided the applicant has failed to provide a robust sequential assessment to demonstrate that the development, or at least part of it, cannot be accommodated in a sequentially preferable site contrary to policies EC14, EC 15, and EC17 of PPS4 and policies Com8 and Com9 of the adopted Hartlepool Local Plan 2006.

2.5 The main differences in respect to the current application are outlined below. A single retail unit is now proposed and the overall size of the building is some 78 square metres smaller. The building has also been repositioned slightly further back on the site and oriented so that it more closely follows the building line of adjacent housing and allows for a wider landscaped area to the front. The car parking layout has also been altered with overall car parking reduced by one space and four rather than two disabled persons parking spaces now proposed. The cycle parking has also been re-sited.

Publicity

2.6 The application has been advertised by neighbour notification (76), site notice and in the press.

2.7 To date six letters of objection, five letters of support and one letter of no objection were received.

The objectors have raised the following issues:

- Concern that site has been allowed to deteriorate by the developer.
- Increased traffic including HGVs will have a detrimental impact on the quality of life or residents.
- The development will depend on customers in cars.
- Access arrangements/substandard visibility even with suggested improvements.
- Highway safety – road is dangerous and notorious for speeding cars.
- Applicant says no road traffic incidents, there have been at least four.
- Lack of parking will encourage dangerous parking on road
- Noise, pollution and traffic from construction and use.
- May have a negative impact on units at the Elizabeth Way Local Centre.
- Access for pedestrians to railway station will be more difficult due to increased traffic.
- Sequential assessment biased as developer wants to promote the site.
- Elizabeth Way Local Centre is a preferable site.
- The installation of three phase electricity will require digging up of road.
- If post box is moved people will still need to park on road causing congestion.
- Any signs introduced to discourage speeding will be useless unless enforced.
- The developers proposal to use the existing building would be preferable as it would retain more parking.

The supporters have raised the following issues:

- Benefit to community.
- Increased choice of shops and more competition.
- Traffic on Westerdale Road is dangerous.
- Cash machine at Elizabeth Way Local Centre frequently out of order.
- Development will improve the site which is becoming an eyesore at entrance to Seaton Carew.

Copy letters **A**

2.8 The period for publicity expires prior to the Planning Committee.

Consultations

2.9 The following consultation replies have been received:

Head of Public Protection: I would have no objections to this application subject to the following conditions. The provision of an acoustic fence between the car park and 130 Station Lane the details to be agreed with the LPA. An hour's restriction on opening hours to those applied for. A restriction on deliveries to between 7:00 am and 9:00pm. A restriction on the size of delivery vehicles to prevent servicing by large articulated vehicles to the site.

Cleveland Police: I would like to make the following comments, in addition to the attachment included which is for the attention of the applicant, which recommends Secured By Design accreditation be sought. If SBD accreditation is not being sought, having viewed the application I would like to make the following comments from a Crime and Disorder prospective.

The proposed cycle parking area appears to be in a well overlooked area as are the majority of the proposed car parking spaces, these areas have natural surveillance from within the store, however the proposed staff parking areas do not have any natural surveillance. I would recommend for these bays that a window be installed on the North elevation of the building to facilitate this, and/or the installation of CCTV equipment to cover these outside areas. (The submitted plan shows CCTV cameras are proposed).

The gate and fenced area around the delivery area should be of a minimum of 2.4 metres in height and the bins are secured by a fixing point away from the building. The fence should have all horizontal support rails on the inside to eliminate climbing aids. It is recommended that all lighting in car park area meet the requirements as stipulated by HBC Street Lighting standards. The apparent shrubbery on north east corner of the car park should be kept to a minimum to reduce the opportunity of any would be offenders being hidden.

I would like further information relating to the side and rear boundary treatments of the site.

With regards to the proposed siting of the cash point on the East elevation of the building. This is an obvious area where people are vulnerable with their money. I would recommend the following be put in place as an advised minimum standard with regards to the cash point. A clear area around it so as users are not feeling crowded by other users. The ATM should be covered by security lighting, external cctv covering the machine together with internal cctv on the premises. The premises must have a monitored intruder alarm in order to ensure a response should an incident occur. The rear of the ATM should be covered by PIR movement detectors or door contacts, either as a separate monitored alarm or linked to the monitored intruder system. I would also recommend the ATM itself have a reflective device fitted above to give users greater visibility, have an anti tamper device fitted and a camera fitted within it in addition to those provided by the premises.

Any cctv and monitored alarm system fitted at the premises should meet approved standards these are on the SBD website.

Engineering Consultancy: I note that storm drainage is intended to be disposed to soakaway. A detailed drainage design will be required for this and an appropriately worded planning condition should be imposed.

Landscape Planning & Conservation: My previous comments to you in respect of application no. H/2010/0426 are still valid although now the current scheme is aesthetically more pleasing and spacious in terms of the soft landscaping that is shown to be part of it.

The new layout now provides a more pleasing perspective from Station Lane and as stated within the applicant's Design and Access Statement the new building is to be set back in line with the buildings to the East and by doing so provides an open area of grassland at the front which enhances the setting to the development. An additional grassed area included at the rear also lessens the car parking density from the original application.

A tree survey was also submitted by the consultancy firm of Elliot Consultancy Ltd and this provides a short overview of the few trees that are present here, with recommendations that there is nothing of any significance and that they are all rated as below average condition.

Returning to the grassed area to be put at the front of the proposed development where it bounds Station Lane this could accommodate several trees and I am asking that in determining this application that these are incorporated within the scheme.

To conclude, my only concern therefore, is the planting of additional trees at the front of the development and that this is submitted with a detailed landscaping scheme showing tree locations. Subject to a Landscaping Scheme being implemented I have no objection with the proposal as it stands.

Economic Development: No objection.

Environment Agency: This proposal falls within the scope of the Environment Agency's Flood Risk Standing Advice and therefore the Agency should not have

been consulted on this application.

Traffic & Transportation: The proposed parking provision is acceptable, a minimum 3 disabled spaces should be provided therefore the disabled allocation may be reduced by 1 space if the developer wishes. The servicing arrangements for the development are acceptable.

On the parking layout there should be 6 metres from the end of the disabled parking bay safety zone and the footway. This does not appear to be the case. To achieve the necessary 6 metres the width of the footway would need reducing and the bays set back in the landscaping area or relocating the disabled bays within the site.

The provision of a Vehicle activated sign and visi rail are acceptable measures to mitigate against the concerns raised about the sight lines at the proposed access.

Parking restrictions should be provided at the developers cost, either side of the access to prevent cars parking on the highway.

The existing access on the western end of the site requires removal and a footway reinstated this would be at the expense of the applicant. These highway works should be carried out by accredited NRASWA contractor and the works carried out before the shop becomes operational.

Northumbrian Water: No comments received. Raised no objections to the previous application for a similar development on the site.

Tees Archaeology : I commented on this scheme at one stop shop last year. The Station Hotel was built in 1872. It is a historic building associated with the industrial development of Seaton Carew in the later 19th century. I recommend that a record is made of the current building prior to demolition in line with the advice given in PPS5 HE12.3. This could be enforced by means of a planning condition.

Network Rail : No comments received. Raised no objection in principle to the previous application for a similar development on the site, but made various recommendations in order to ensure that the safety, integrity and operation of the railway is not affected.

Planning Policy

2.10 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.

Com8: States that the sequentially preferred locations for shopping development are firstly within the town centre, then edge-of-centre sites, Victoria Harbour and then

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

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

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.

See system

Planning Considerations

2.11 The main planning considerations are policy, design/layout/impact on the visual amenity of the area, impact on the amenity of neighbours, highway considerations, crime, trees, proximity of rail line, and heritage issues.

2.12 At the time of writing consultation responses are outstanding an update report will therefore follow.

RECOMMENDATION – UPDATE report to follow.

STATION HOTEL, STATION LANE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 18/02/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0703	REV

No: 3
Number: H/2010/0609
Applicant: Mr M Crosbie Holyrood Crescent Hart HARTLEPOOL
TS27 3BB
Agent: Mr M Crosbie 11 Holyrood Crescent Hart HARTLEPOOL
TS27 3BB
Date valid: 03/11/2010
Development: Erection of a wooden shed to the rear of the premises for
the storage of cleaning equipment and low value stock
(retrospective application)
Location: The Workshop White Hart Court Hart HARTLEPOOL

The Application and Site

3.1 The site to which this application relates is the premises of Hart Industrial Tools, a two-storey terraced commercial property located adjacent to residential properties within White Hart Court, Hart.

3.2 A single storey rear extension to the property was approved in 2001 (H/FUL/2001/0112) for the purposes of additional storage. That permission was granted subject to a condition restricting use of the rear access door to emergencies only.

3.3 The application seeks consent for the retention of a single storey wooden shed to the rear yard area of the premises, adjacent to the existing single storey extension. The shed is proposed for the purposes of storage and is accessed via a door through the extension directly into the shed. The shed has a dual pitched roof, measuring 3.1m in height, with a floor area of 8.68m².

Publicity

3.4 The application has been advertised by way of site notice and neighbour letters (7). To date, two letters of no objection and three letters of objection have been received.

3.5 The concerns raised are:

- a) Access to the shed is taken through the emergency door – rear door is for emergencies only;
- b) Emergency door to rear is being used resulting in noise from the workshop to disturb residential area;
- c) Access to the shed would be in breach of original condition r.e. emergency access;
- d) Fumes and noise from machinery due to emergency access being left open;
- e) Application states there is no windows however shed contains a window;
- f) The shed is disproportionate for the area and is out of character with the existing building;

- g) It is for commercial use and is positioned too close to residential properties;
- h) The surrounding area is not of commercial appearance and adjoins residential garden;
- i) The development is unnecessary and inappropriate over development to a commercial property given its close proximity to the adjoining residential property and surrounding area.
- j) Noise from use of emergency exit being left open.

3.6 The period for publicity is ongoing and expires prior to the meeting. Any additional comments received in the interim will be tabled at the meeting.

Copy Letters B

Consultations

3.7 The following consultation replies have been received:

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

Head of Public Protection – No objections.

Cleveland Police – No comments.

Hart Parish Council – No comments received.

Planning Policy

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

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

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

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

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

Planning Considerations

3.9 The main issues for consideration in this instance are the appropriateness of the proposal in relation to the relevant Hartlepool Local Plan (2006) policies. Particular regard is to be had to the principle of the development, to the effect of the proposal on the amenity of neighbouring and surrounding properties in terms of overlooking, overshadowing, dominance, outlook, noise and disturbance, the effect on the character and appearance of the existing property and the surrounding area in general, and the impact on highway safety.

Principle of Development

3.10 The proposal seeks to extend an existing commercial unit for the purposes of associated storage. It is considered the principle of such an extension is acceptable in this instance subject to consideration of the issues discussed below.

Amenity

3.11 The main relationship for consideration is that with the adjoining property, 3 White Hart Court. That property is a two storey, terraced residential property. The shed is located in the rear yard area of the application site, adjacent to the rear garden on 3 White Hart Court. The adjoining property benefits from a detached garage forming the majority of the boundary with the application site. Beyond that the rear access door to the property is located closest to the shared boundary. Whilst there is a slight stagger between the two properties, the levels also differ with the adjoining property sitting slightly higher than the ground floor level of the application site. In addition, there are no ground floor windows closest to the shared boundary in the adjacent property however a window does exist in the shed facing No 3 White Hart Court given the shed is proposed to be used for storage and can be controlled via condition it is not considered that there would be any significant issue in terms of overlooking. It is considered that, due to the size and siting of the shed, it is unlikely to have a significant impact on the visual amenity of 3 White Hart Court in terms of overlooking, overshadowing, dominance and outlook.

3.12 A number of concerns have been raised in respect of the potential for noise and disturbance. The shed is proposed for the use of storage only. This can be controlled through a suitably worded planning condition restricting the use of the shed for storage only. It is not considered that the shed is appropriate for working practices which could result in significant noise and disturbance. It is acknowledged that a number of concerns have been raised in respect of the door in the rear extension being used in non-emergencies. In this instance the applicant has indicated that the shed will be accessed only by an internal door directly from the extension into the shed. This can be ensured through a suitably worded planning condition. Furthermore, the use of the rear door in the single storey rear extension in non-emergencies would be a breach of condition 4 of H/FUL/2001/0112. Complaints in that regard are under investigation and any future action will be separate from this application. The Council's Head of Public Protection has raised no objections to the proposals. In light of the above it is considered that in this instance, given the requisite controls, the proposal is unlikely to result in significant issues of noise and disturbance.

3.13 In relation to additional neighbouring properties, in particular those to the rear on Clevecoat Walk, it is considered the relationship is such that it is unlikely that the shed will have a significant impact on the amenity of those properties.

Existing Property/Surrounding Area

3.14 Whilst the application site is a commercial property within an area characterised by residential properties, from the rear there is little difference in terms of design and appearance to suggest as such. In addition the size and siting of the shed is such that it does not appear unduly large or out of keeping with the existing property. The shed is typical of those usually found to the rear of residential properties, indeed there is a detached garage and shed in the rear garden of the adjoining property. It is considered that the shed does not appear unduly dominant or visually intrusive in respect of the existing property. Furthermore it is considered that the shed is not out of keeping with the character of the area nor is it detrimental to the character or appearance of the street scene in general.

Highway Safety

3.15 The Council's Traffic and Transportation section have raised no objections to the proposal. It is considered unlikely that the proposal will give rise to significant highway safety issues.

Trees

3.16 The shed is sited on an existing area of hard standing with the rear yard area. As such it is considered that it is unlikely that it will have a significant impact on the protected trees to the rear of the property. The Council's Arboricultural Officer has no objection to the scheme.

Other Issues

3.17 Cleveland Police has raised no objections to the proposals. It is considered therefore that there are no significant security issues with the proposal and the development is unlikely to give rise to significant issues of crime and/or anti-social behaviour.

Conclusions

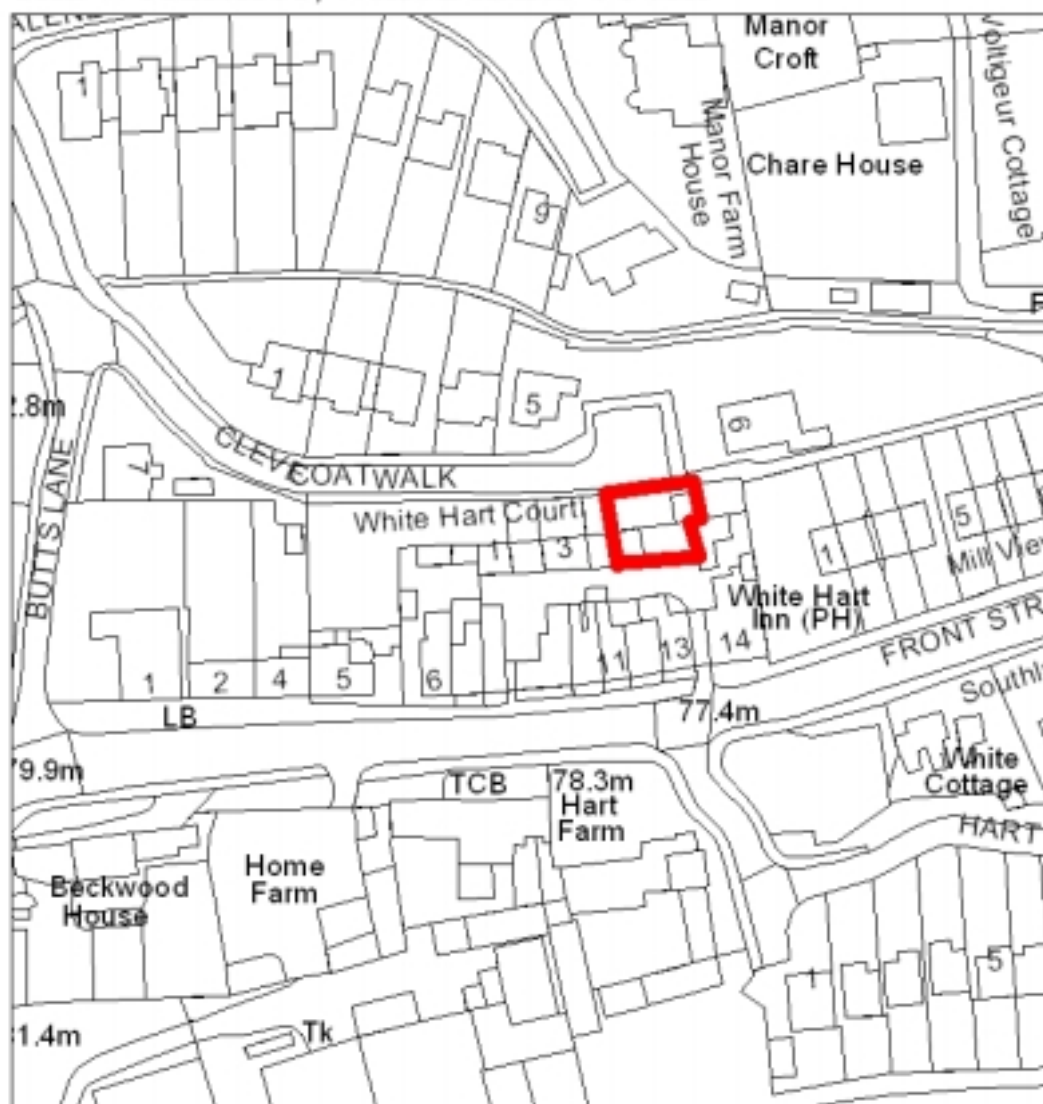
3.18 With regard to the relevant Hartlepool Local Plan (2006) policies and the relevant planning considerations discussed above, the application is recommended for approval subject to no further materially different objections and the conditions set out below.

RECOMMENDATION - APPROVE subject to no further materially different objections being received, and the conditions set out below.

1. The development hereby permitted shall be carried out in accordance with the plans and details 'Existing Rear Elevation', 'Erection of Garden Shed' and location plan received by the Local Planning Authority on 13 10 10, and the plans 'Rear Elevation', and 'Side Elevation' received by the Local Planning Authority on 03 11 10.
For the avoidance of doubt.

2. The development hereby approved shall only be used for storage in connection with workshop use of the main building and shall not be used for any other purpose.
In the interests of the amenities of the occupants of neighbouring properties.
3. The development hereby approved shall be accessed via the internal door from the existing building only and at no time shall be accessed via the external door. The external door in the development hereby approved shall remain closed at all times and shall be used only in an emergency. The external door shall not be used as a service or general access to and from the building.
In the interests of the amenities of the occupants of neighbouring properties.
4. The development hereby approved shall only be accessed and/or occupied between the hours of 08.00 and 17.00 Mondays to Fridays inclusive, and 09.00 and 13.00 Saturdays.
In the interests of the amenities of the occupants of neighbouring properties.
5. There shall be no outside storage within the rear yard area at any time unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
6. The existing rear gate onto Clevecoat Walk shall only be used in the event of an emergency or for the maintenance/improvement of the property and shall be kept closed at all other times. The gate shall not be used as a service or general access to or from the building.
In the interests of the amenity of the occupants of adjacent residential property.

THE WORKSHOP, WHITE HART COURT



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 18/02/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0609	REV

No: 4
Number: H/2010/0672
Applicant: Mr Ed Alder Investor House Colima Avenue
 SUNDERLAND Tyne and Wear SR5 3XB
Agent: Ben Bailey Homes Mr Ed Alder Investor House Colima
 Avenue SUNDERLAND SR5 3XB
Date valid: 25/11/2010
Development: Residential development comprising 17 three and four
 bedroomed dwellings and associated works (resubmitted
 application)
Location: Throston Grange Court Monmouth Grove
 HARTLEPOOL

The Application and Site

4.1 The application site is a brownfield site having previously been used as a nursing home, of which the buildings have been demolished leaving a cleared site. The site is situated on Monmouth Grove in the predominantly built up area of the Throston Grange area of Hartlepool comprising of mainly housing with schools and local services located nearby.

4.2 Full planning permission is sought for the erection of 17 three and four bedroom dwellings and associated works. The site is owned by Hartlepool Borough Council. The applicant is Ben Bailey Homes. It is intended that the site be developed for 100% market housing. Emerging local policy would require that 10% of the houses to be provided (i.e. two) were affordable. Notwithstanding this, as part of the terms of sale, Ben Bailey Homes are willing to enter into a legal obligation to build 5 affordable housing units on behalf of Endeavour Housing Association on land to the rear of St Marks Church and Community Centre at Clavering Road a site which is also owned by Hartlepool Borough Council. The application at Clavering Road is linked to this application and is also on the committee agenda for consideration at the meeting (H/2010/0648). The two sites are proposed be tied together by way of a legal agreement for the offset affordable provision and would be appropriately worded so that the affordable units are completed prior to the commencement of development at the Monmouth Grove site.

4.3 The proposed housing will be erected within a cul-de-sac. The houses will incorporate gardens, landscaping and off street parking. All proposed dwellings will have a garage. The site is bounded to the north by bungalows in Tenby Walk, to the south by properties in Flint Walk which encompass front gardens facing the application site. To east of the site beyond the proposed entrance is Chepstow Walk and the north is an area of open space with Conway Walk located beyond.

Publicity

4.4 The application has been advertised by way of neighbour letters (72), site notices (x4) and press advert. To date, there has been one letter of objection.

4.5 The concerns raised are:

1. Regarding the provision of a six foot high fence to the boundary of the site which will impact upon amount of light entering the objectors windows.

The period for publicity has expired.

Copy Letters D

Consultations

4.6 The following consultation replies have been received:

Traffic and Transportation – Roads and footpaths to be constructed to adoptable standard, by either section 38 agreement or advance payment code agreements.

Landscape and Conservation – The applicant has submitted a tree report in support of the application which provides details of the position, type, size, structural condition and physiological condition of the existing trees at the site.

Most of the trees were found to be in generally fair to good condition with 11 assessed as being category B (moderate quality and value), 6 Category C (low quality and value) and 3 category R (remove, dead, dying and dangerous).

The proposal involves the removal of most of the existing trees from the site in order to facilitate the development, with only four trees shown to be retained, two of which are located within the rear garden of plot 1, one to the rear of plot 8 and one to the rear of plot 11.

The removal of most of the existing trees at the site is regrettable and will result in a loss of visual amenity in the short to medium term; however the applicant has sought to retain a small number of the existing trees and has provided a landscaping scheme which includes the planting of replacement trees.

The existing trees to be retained should be protected during the course of construction works by temporary protective fencing in accordance with BS5837:2005 and as tree protection measures have not been submitted with the application, these will be required by condition.

The landscaping scheme includes the provision of 12 heavy standard trees to be located in the front gardens of the proposed properties. However, the scheme includes the planting of a number of apple trees and given the potential for the fruit of these trees to become a cause for complain in the future, I would recommend that they be reconsidered and submitted with Holly or flowering Pear.

The submitted boundary details show a proposal for the site to be bounded by a 1.8m high close boarded fence, however the site is currently bounded by an approximately 1.5m high wall which on the western boundary retains the shrubs and trees contained in planters. Should this wall be removed then the contents of the planters would be unrestrained and may collapse. Therefore it is recommended that,

instead of removing the existing wall and replacing it with fence, the existing wall is retained and a smaller fence be provided on top of it in order to attain the desired height of boundary.

Standard conditions apply.

Northumbrian Water – No objections

Hartlepool Water – No comments received

Public Protection – No objections

Tees Archaeology – No objections

Engineering Consultancy - I have reviewed the 'Ground Investigation Report' (Scott Doherty Associated Ltd, SDA/10044/FINAL, Aug 2010) for the above application.

Following this review, I consider that a ground gas risk assessment is required. Therefore I request that a suitably worded condition is imposed on any permission. I have provided more information below.

The Ground Investigation report includes:

- A combined PRA and site investigation, with site walkover, an assessment of the historical/environmental setting, and inclusion of a conceptual site model. The PRA phase of the report did not highlight any contamination issues.
- Fieldwork included the excavation of 9no. trial pits (to between 3.3 and 3.7m), 6no. window sample boreholes (to between 3.5 and 5.0m). Gas monitoring standpipes were installed in 3no boreholes, and monitoring was undertaken on one occasion. From this visit, carbon dioxide was recorded up to 4%; therefore the report does make valid recommendations for a ground gas risk assessment.
- Both soil and water samples were subject to chemical testing. From this testing, no elevated concentration levels were recorded other than 1no. TPH values within the natural deposits. I consider that the GAC value Scott Doherty have derived for TPH (C10-C40) to be inappropriate; I would only accept derived TPH values using a CLEA model where individual fractions have been considered; regardless of this, I do not consider the TPH value, as recorded, to be problematic.

Other than the requirement for a ground gas risk assessment, could I request that the applicant or the applicant's consultant confirm the intention regarding re-use of onsite materials, i.e. the chemical nature of the existing topsoil and subsoil made ground would be suitable for use in proposed garden areas, however I note the presence, consistently, of fill materials including concrete, metal, plastic, bricks. These materials are undesirable in soft landscaped garden areas. Could I have some assurance that this material will be screened/removed prior to replacement within gardens areas?

Cleveland Police - Cleveland Police operate the 'Secured by Design' initiative. This is an ACPO and Home Office scheme which promotes the inclusion of crime prevention measures into new developments. I would recommend that this development seeks to achieve Secured by Design Standards which will help to reduce incidents of crime and disorder if the following recommendations are implemented there is no reason why this development should not achieve Secured by Design accreditation.

Dwelling Boundaries

The proposed development is located within an existing housing estate which will result in the development inheriting features such as rear footpaths to side and rear of dwellings which is not desired. I am aware that this cannot be avoided but would therefore recommend that boundary treatments to these areas are enhanced with a 200mm boxed trellis to the top of the proposed 1.8m close boarded fence. I would also recommend a more secure sub divisional fencing than the proposed post and rail. I would recommend a close boarded fence min 1.4m with 1.8m fence every third plot to prevent any runs through rear gardens. It is also important to have some demarcation between public and private areas at the front of dwellings a low brick wall fence or hedge would be appropriate to a max of 1m I would also recommend that any boundary fencing should have the horizontal supporting rail placed on the private side of the boundary fence to avoid providing a climbing aid.

Landscaping

I understand that the existing tree and shrub planting area is to be incorporated into the dwelling gardens this will prevent this area being subject to miss use. Any proposed landscaping should not hinder natural surveillance nor conflict with street lighting.

Door Security

These should comply with PAS 24 1999 Doors of enhanced Security any glazing to doors and immediate adjacent should be laminated min 6.4mm. Door sets should be fitted with a door chain or limiter. Front Door a door viewer must be fitted between 1.2m and 1.5m from the bottom of the door unless a vision panel is incorporated in the door

Window Security

These should be certified to BS7950 1997 windows of enhanced security.

Dwelling Security Lighting

Lighting is required to illuminate external doors car parking and garages areas I would recommend Dusk to dawn low energy lamps with a manual override.

Intruder Alarms

A 13amp non switched fused spur suitable for an alarm system should be fitted. If an alarm system is to be fitted this should comply with BS EN 50131&PD6662

Street Lighting

All street lighting for footpaths and highways must comply with BS5489.1.2003. The lighting scheme should not create shadows and the overall uniformity of light is expected to achieve a rating of 0.4Uo and should never fall below 0.25Uo.

Further to above I have concerns with regard bin storage a number of plots do not appear to have a side access to the rear gardens if it is proposed to have bin storage to the front then this must be in a purpose secure unit. Any side access gates should be lockable and fitted as close to the front of the building as possible. I would also wish to raise the risk of valuable metal theft such as lead flashing consideration should be given to a substitute material. During construction period this is particular at risk along with other theft from building sites suitable preventive measures are recommended.

Planning Policy

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

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

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.

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

Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and

accessibility to public transport. The policy also provides general guidelines on densities.

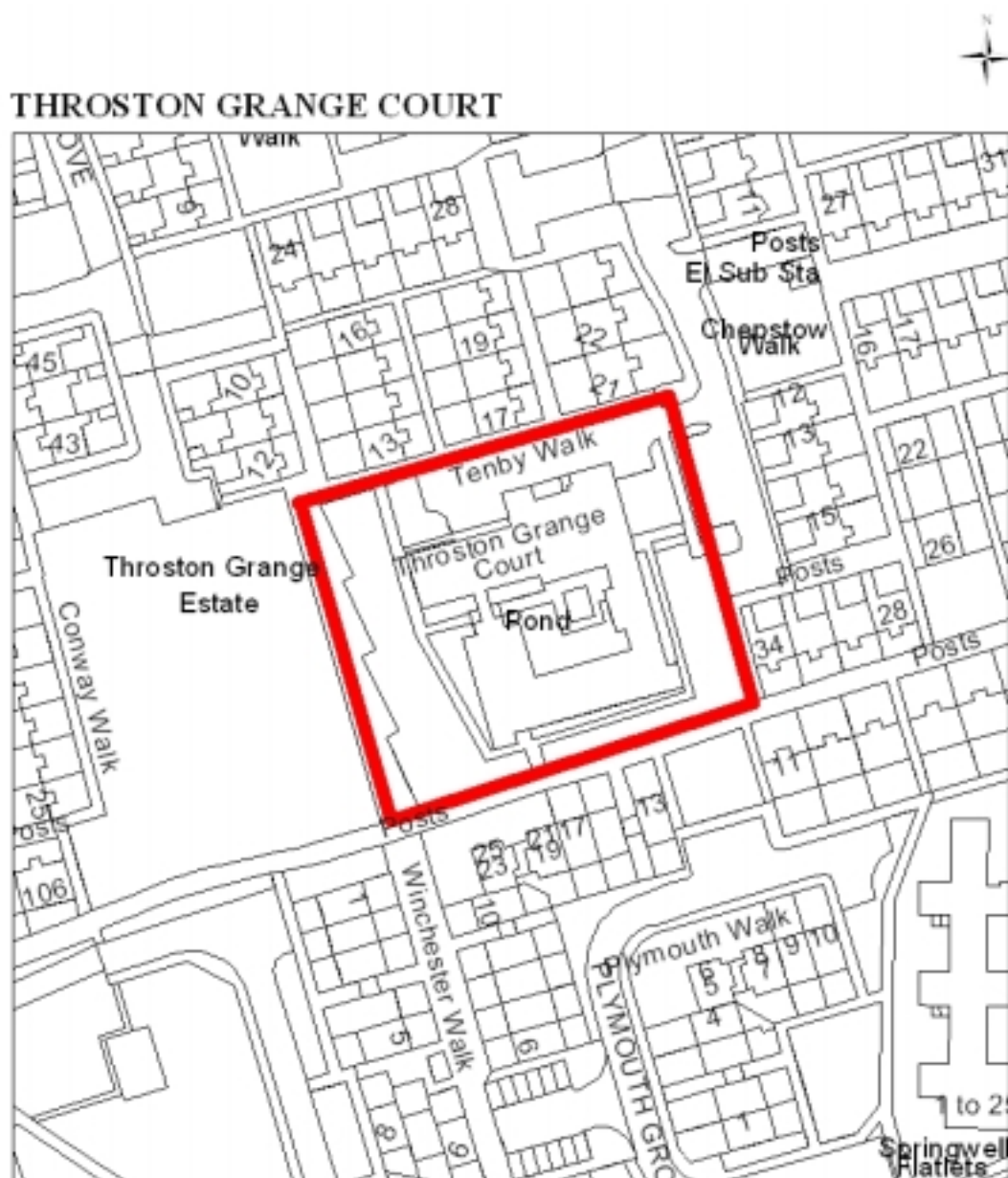
Tra16: The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

Planning Considerations

4.8 The main issues for consideration in this case are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan 2006 in terms of design and layout, trees, the impact of the development on the amenity of the occupiers of nearby residential properties, highways and ground contamination. Of particular significance to the consideration of this application is the residential scheme proposed at land to the rear of St Marks Church and the Community Centre at Clavering Road (H/2010/0648) in terms of the proposed 'offset' of affordable housing. As outlined earlier in the report, this is proposed be subject to an appropriately worded legal agreement.

4.9 In general the proposal appears to be acceptable in principle subject to the detailed consideration of the aforementioned issues. With regard to the Clavering Road scheme there are a number of issues outstanding and the Local Planning Authority are awaiting the submission of an amended plan which will require re-consultation. Given that the two proposals are intrinsically linked. It is considered necessary for an update report to be provided to address the considerations of both schemes.

RECOMMENDATION – Update report to follow



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 18/02/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0672	REV

No: 5
Number: H/2010/0716
Applicant: Mr Richard Harlanderson Parks and Countryside
 department 1 Church Street HARTLEPOOL TS24 7DS
Agent: Groundwork North East Miss Leah Remington Linthorpe
 Cemetery Lodge Burlam Road MIDDLESBROUGH TS5
 5AP
Date valid: 10/01/2011
Development: Creation of play area with associated mounding and
 landscaping
Location: Land opposite Sure Start North Main Centre Hindpool
 Close HARTLEPOOL

The Application and Site

5.1 The site to which this application relates is an area of open space to the south of the car park on Hindpool Close which serves the Phoenix Centre and the Sure Start centre. To the east of the site are the residential properties of Hindpool Close, to the south the residential properties of Viscount Close which is separated by landscaped mounding and to the west a railway line.

5.2 The application seeks consent for the creation of a play area with associated mounding and landscaping. The play area forms part of the Council's Playbuilder programme which has seen a number of similar schemes implemented across the town in the last year. The Playbuilder scheme seeks to create a challenging and exciting play space targeted at the 8-13 age range which takes account of the natural setting and landscaping of the area.

5.3 The pre-application consultations has identified a need for such play facilities within the area. The proposed scheme will comprise of low mounding to the northern boundary of the site to aid separation from the car park. The following equipment will be provided:

- Spinner including safety surface with height of 1.6m;
- Pendulum swing measuring 3.2m in height;
- Climber with a height of 4.5m;
- Scramble boulders on the existing embankment to the south.

5.4 The 'playbuilder' ethos is a key element of the government's National Play Strategy. There is a similar application on today's agenda for a site in Glamis Walk.

Publicity

5.5 The application has been advertised by way of site notice and neighbour letters (10). To date, there have been no objections received.

5.6 The period for publicity is ongoing, however, and expires after the meeting.

Consultations

5.7 The following consultation replies have been received:

Engineering Consultancy – Contamination assessment will be needed given sensitivity of the development. With this in mind, I request our standard contaminated land condition is attached to any permission.

Traffic and Transportation – Comments awaited.

Public Protection – No objection.

Community Services – Comments awaited.

Property Services – Housing Hartlepool own some of the application site.

Neighbourhood Services – Comments awaited.

Fire Brigade – Cleveland Fire Brigade have no comments regarding the proposal to create a play area with associated mounding and landscaping.

Community Safety – Support the application. Recommend that new development be incorporated within camera patrol patterns of existing CCTV systems.

Planning Considerations

5.8 The main planning considerations in this instance are the appropriateness of the proposal in relation to the relevant Hartlepool Local Plan (2006) policies. Particular regard is to be had to the principle of development, the effect of the proposal on the amenity of neighbouring properties, the effect on the character and appearance of the surrounding area, the potential for crime and/or anti-social behaviour, and highway safety.

5.9 A number of consultation response are awaited, and publicity of the application is ongoing. It is considered appropriate therefore to address all consultation and neighbour responses received, and all relevant considerations in a comprehensive update report to follow.

RECOMMENDATION – UPDATE TO FOLLOW



SURE START NORTH, HINDPOOL CLOSE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 24/01/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0716	REV

No: 6
Number: H/2010/0602
Applicant: Mr Ian Butler 42 Egerton Road HARTLEPOOL TS26 0BW
Agent: Cad-Link Architectural Services Ltd Alan Roberts 26 Mountston Close HARTLEPOOL TS26 0LR
Date valid: 22/11/2010
Development: Erection of first floor extension and alterations at front to provide utility room/cloak room and study with bedroom above, provision of an entrance canopy, garden room at rear and detached garage and garden store
Location: 42 Egerton Road HARTLEPOOL

The Application and Site

6.1 The application site is 42 Egerton Road a detached property located in a predominantly residential area. The application has been brought to Planning Committee due to issues raised by the Vice Chairman of Planning Committee he considers that the application should be determined by the Planning Committee.

6.2 The application proposes the erection of a first floor extension and alterations to the front of the dwellinghouse to provide a utility room/cloak room and a study with bedroom above, the provision of an entrance canopy a garden room to the rear and a detached garage and store.

6.3 In summary the works to the property include:

First floor extension and alterations – This element of the proposed works will remove the sloping roof and dormer window over the existing garage. The works will extend above the existing garage in line with the most forward front wall of the original dwelling forming an eaves height at first floor level matching that of the existing dwelling. The ridge height will match that of the existing dwelling. The existing garage will be converted to form a study with a bay window being provided projecting 0.6m from the front elevation of the original dwellinghouse.

Provision of an entrance canopy – The canopy will be positioned in front of the existing front door. It will be supported by way of two posts and will measure 2.5m at the eaves with a maximum height of approximately 3.3m,

Garden room extension to the rear – The garden room as proposed will project a maximum of 5m from the rear wall of the original dwellinghouse at a width of 4.1m. The roof will measure 2.4m at the eaves with a maximum height of approximately 3.2m. The design of the garden room incorporates a predominately brick elevation facing No.40 Egerton Road. At 3.9m the garden room chamfers in approximately 45 degrees where a window is located.

Detached garage in rear garden – The proposed garage will be located with the rear garden area off the party boundaries of No.40 Egerton Road by 0.3m and Glendower by a minimum of 1.2m. The garage will measure 2.1m at the eaves with a maximum height of 4.85m.

Boundary Wall – Permission is also sought for the provision of a boundary wall. The wall will be constructed in brick with pillars measuring a maximum height of 1.1m at its highest point.

6.4 The external elevations of the existing property and the proposed works will include the provision of render and timber panelling which will give the appearance of a mock Tudor property.

6.5 Land levels at the site slope from east to west meaning that the neighbouring property of 40 Egerton Road is located marginally lower than that of the application site.

6.6 The streetscene in the immediate area as outlined above is residential in nature. There is a varied housing mix in the area made up of 1930's style detached properties and bungalows as well as modern individually designed detached dwellings.

Publicity

6.7 The application has been advertised by way of neighbour notifications. One objection has been received and is summarised as follows;

1. The exterior design is not in keeping with the design of the estate
2. The property is elevated approximately three feet above our property which results in us having to look up at them and them looking down to us. This situation would be exasperated where windows would overlook out windows and garden. Examples:
 - The ground floor window will overlook our front garden and lounge window,
 - The ground floor dining room window will overlook our rear garden and sun lounge window
 - The ground floor garden room window will overlook our rear garden and sun lounge window
3. The rear extension will cut out the sunlight from our sun lounge window. And we will be looking on to a big blank wall
4. The elevated drive will cause undue disturbance from vehicle fumes and noise to our sun lounge and rear garden

6.8 The period for publicity has expired.

Copy letters G

Consultations

6.9 The following consultation replies have been received:

Traffic and Transportation – There are no highway or traffic concerns

Planning Policy

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

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

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

6.11 The main issues to consider when assessing this application are the potential for loss of residential amenity for neighbouring properties in terms of possible overlooking, overshadowing and/or poor outlook. The appearance of the proposed extensions in relation to the existing dwellinghouse and the street scene in general will be assessed.

6.12 The Vice Chairman of Planning Committee has raised issues regarding the potential for a number of cars to park upon the driveway areas which are being created. The issue raised is addressed in the report below.

Visual Amenity and Design

6.13 Planning Policy Statement 1 (PPS1) sets out the Government's commitment to good design. Paragraph 33 of PPS1 states that good design ensures attractive, usable, durable and adaptable places and is a key element in achieving development which is sustainable. It is considered prudent to state that good design is indivisible from good planning. Paragraph 34 of PPS1 states that, design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

6.14 Policy GEP1 of the adopted Hartlepool Local Plan 2006 states that development should normally be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. The policy states that development should take into account issues such as, the external appearance of

the development, its relationships with the surrounding area, visual intrusion and loss of privacy.

6.15 The proposal has been assessed thoroughly on site from a number of vantage points including the rear garden area of No.40 Egerton Road.

6.16 Given the context of the area and the mixture of house types, appearances and scales in general and taking into consideration the appearance of the proposed alterations and works it is considered that the design of the proposed development, in terms of its visual appearance is acceptable. It is considered that the proposed alterations and materials proposed, subject to condition, would not be incongruous within the streetscene and would assimilate into the wider housing in the immediate area.

6.17 With regard to the overlooking concerns which have been raised. It is considered that the physical relationship and orientation of the property to the neighbouring property of No.40 Egerton Road is such that, it is unlikely that the proposals would create any significant detrimental amenity issues upon the living conditions of the occupants of the neighbouring property. It is considered prudent to state that the provision of a window to the dining room could be inserted without the need of planning permission. Therefore, the windows which need to be assessed in detail are those serving the study and the garden room to the rear. In both cases it was considered that due to the obtuse angles in which the occupiers would have to look out of the aforementioned windows in order to gain a view into the neighbouring property it is unlikely that a significant level of overlooking would be created in both instances. In addition, with regard to the windows located in the garden room there is also screening upon the party boundary to the rear garden areas which would help reduce any potential impact. With regard to the window to the proposed study it is further considered that the front garden areas and windows to the front elevation can be viewed by the general public using the highway to the front of the property.

6.18 In terms of loss of light it is considered that there will be an impact upon, particularly the sun lounge and front lounge of the neighbouring property No.40 Egerton Road the impact will not be so significant as to sustain a refusal. The projection of the garden room albeit large is offset approximately 5m from the party boundary and in excess of 10m from the side elevation of No.40. Whilst changes in gradient will make the garden room appear more dominant it is considered that the aforementioned considerations make the proposal acceptable.

6.19 With regard to the concerns raised regarding the impact upon the neighbouring property by way of vehicle fumes and disturbance the case officer is of the view that whilst there will be a level of disturbance in terms of noise whilst cars are being manoeuvred within the property given the nature of the development as a whole the disturbance created will be so infrequent it is considered that the disturbance caused will not be significant. A condition is attached restricting the garage for uses incidental to the main dwellinghouse.

6.20 The Vice Chairman of Planning Committee has raised issues regarding the amount of driveway being provided to the side and rear garden and the potential for a number of vehicles to use these areas for parking. It is prudent to state that the

parking of vehicles within the curtilage of a dwellinghouse is not a material planning consideration and can not be controlled provided it is not in connection with an unauthorised use such as running a business from home. A condition is attached restricting the garage for uses incidental to the main dwellinghouse. Notwithstanding the above, the driveway areas proposed are in fact permitted development and therefore could be provided without the need of planning consent.

Highways

6.21 Traffic and Transportation have raised no concerns with regard to the proposed development.

Streetscene

6.22 As outlined earlier in this report, given the mixture of house types and styles in the immediate area it is not considered that the proposed development will appear incongruous upon the streetscene.

Conclusion

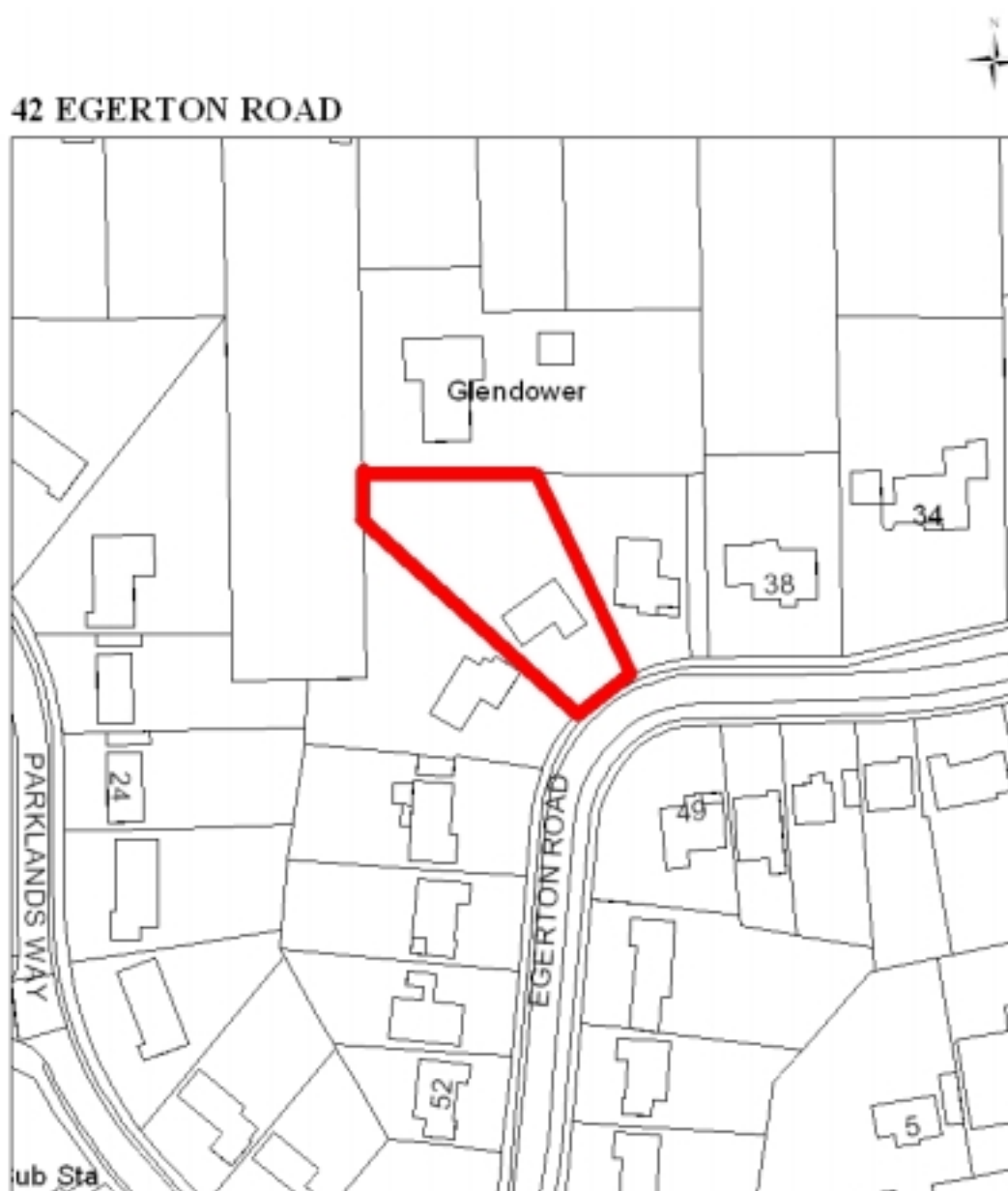
6.23 Having regard to the policies identified in the Hartlepool Local Plan 2006 above and in particular consideration of the effects of the development on the amenity of neighbouring properties in terms of overlooking, overshadowing and its appearance in relation to the existing dwellinghouse and streetscene in general, the development is considered satisfactory and recommended for approval subject to the conditions set out below.

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 13/10/2010 (Existing ground floor layout - project number 10/12: Drawing number 001, existing first floor layout - project number 10/12: Drawing number 002, existing elevations - project number 10/12: Drawing number 003, proposed ground floor layout - project number 10/12: Drawing number 004, proposed first floor layout - project number 10/12: Drawing number 005, proposed elevations - project number 10/12: Drawing number 006, proposed detached garage - project number 10/12: Drawing number 007, proposed site layout - project number 10/12: Drawing number 008, proposed boundary wall - project number 10/12: Drawing number 012, 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 including an external

brick, render and timber sample. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.

4. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows shall be inserted in the elevation of the extensions facing 40 and 44 Egerton Road without the prior written consent of the Local Planning Authority.
To prevent overlooking.
5. The garage hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein.
In the interests of the amenities of the occupants of neighbouring properties.



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 18/02/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0602	REV

No: 7
Number: H/2010/0648
Applicant: Endeavour House St. Mark's Court THORNABY TS17 6QN
Agent: Ben Bailey Homes Mr Chris Dodds Investor House Colima Avenue Sunderland Enterprise Park SUNDERLAND SR5 3XB
Date valid: 24/11/2010
Development: Erection of four two storey dwellinghouses and a bungalow with associated works (Further amended plans received - alteration to site layout)
Location: Land to the rear of St Marks Church and Community Centre Clavering Road HARTLEPOOL

The Application and Site

7.1 The application site is an area of incidental open space located to the rear of St Marks Church on Clavering Road. The wider area of incidental open space is divided by a road which provides vehicular access to the site. The southern part of the site, to which this application relates, is identified for development, whereas the northern part is to be retained as incidental open space. The application site is 0.48 acres (0.19 hectares) in an area and is relatively flat and clear of any buildings. There is a local centre to the south east of the site. The surrounding area is predominately housing.

7.2 Full planning permission is sought for the erection of four two storey dwellinghouses and a bungalow with associated works. The site is owned by Hartlepool Borough Council. It is intended that the site be developed for 100% affordable housing. Ben Bailey Homes is the applicant and will enter into an agreement with the Council and Endeavour Housing Association to build the affordable units. The dwellings will be constructed to Code for Sustainable Homes Level 3 in order to meet the standards required by the RSL (Registered Social Landlords), Endeavour Housing Association. The affordable housing proposed has been offset from another proposal for housing in the town at Monmouth Grove, H/2010/0672. The application at Monmouth Grove is intrinsically linked to this application and is also on the committee agenda for consideration. The two sites will be tied together by way of a legal agreement for the offset affordable provision from the aforementioned scheme and will be appropriately worded so that the five affordable units are completed prior to the commencement of development at the Monmouth Grove site.

7.3 The site boundary has previously been amended and upon writing this report further amended plans showing an alteration to the site layout have been received. The houses will be accessed off a private road located to the north of the site. All proposed dwellings will have two parking spaces and gardens to the front and rear. A 3m tree buffer is proposed to the southern boundary of the site bounding the rear curtilages of the commercial properties located upon Clavering Road. To the north

of the site are residential properties located in Turnberry Grove. To the west is Templeton Close and Gleneagles Road to the east.

Publicity

7.4 The initial layout has been advertised by way of neighbour letters (31), site notices (x4) and press advert. To date, there have been five letters of objection, there are outlined below.

1. Concerns regarding loss of daylight/sunlight entering rear rooms
2. Close proximity of the development to property and overlooking concerns
3. The grassed area is currently used by children for sporting activities. There is no other grassed areas in the local vicinity for the children to use.
4. Concerns regarding future occupiers of proposed houses.
5. Concerns regarding increase in street crime.
6. Concerns regarding existing accesses onto application site from neighbouring properties
7. Concerns regarding height of land as development would look into bedroom windows
8. Concerns regarding access to maintain outer fence of neighbouring properties boundary.
9. Noise and disturbance issues.

7.5 The revised layout has been advertised in the same manner as the initial layout however no responses have been received to date. Should any responses be received prior to the meeting they will be reported accordingly.

The period for publicity expires following the meeting.

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Consultations

7.6 No consultation responses have been received with regard to the amended scheme. The consultation responses to the initial round of consultations are outlined below:

Landscape and Conservation – Landscaping scheme required by way of condition.

Traffic and Transportation – Road and footpaths to be constructed to adoptable standard, by either section 38 agreement or advance payment code agreements. The highway verge required upgrading to a footway. All highway works need to be carried out by a NRASWA contractor.

Public Protection – The application site is directly adjacent to the Gillen Arms. Concerns regarding the relationship with the properties on plots 1 and 2 with the beer garden and service yard areas.

Planning Policy – The principle of development is acceptable subject to the enhancement/improvement to the northern area of incidental open space and suitable boundary treatments to the southeast of the site.

Cleveland Fire Brigade – No objections

Planning Policy

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

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

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.

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

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

Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and

accessibility to public transport. The policy also provides general guidelines on densities.

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

7.8 The main issues for consideration in this case are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan 2006 in terms of design and layout, trees, the impact of the development on the amenity of the occupiers of nearby residential properties and the future occupants of proposed properties, noise and disturbance, highways and legal obligations. The application at Monmouth Grove, which is intrinsically linked to this one, is of particular consideration in the determination of this application. As outlined earlier in the report, this is proposed to be subject to an appropriately worded legal agreement.

7.9 In general the proposed amendments to the site layout and the scheme in general appears to be broadly acceptable in principle subject to the detailed consideration of the aforementioned issues. Given that all consultations are outstanding it is necessary for a comprehensive update report to follow.

RECOMMENDATION – Update report to follow

LAND TO THE REAR OF ST MARKS CHURCH



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 18/02/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0648	REV

No: 8
Number: H/2010/0558
Applicant: Mr M Ashman Catcote Road HARTLEPOOL TS25 3JN
Agent: Mr M Ashman Owton Fens Community Association
 Catcote Road HARTLEPOOL TS25 3JN
Date valid: 26/11/2010
Development: Change of use to mixed use development comprising
 mattress recycling, tyre recycling and end of life vehicle
 depollution, provision of recycling bays and siting of a
 portacabin
Location: Cliff House Foundry Ainsley Street HARTLEPOOL

The Application and Site

8.1 The site to which this application relates is an industrial site, located on Ainsley Street just off Mainsforth Terrace. The surrounding area is characterised by industrial uses including scrap yards and waste recycling facilities. To the south of the site is the former Whitegates Garden Centre site which is the subject of a separate planning application (H/2010/0700). The site itself was formerly used as a vehicle recycling facility and is occupied by a large single storey building at the eastern end of the site. At present the site is occupied by a large stockpile of mattresses which are proposed to form the basis of the operations for which planning permission is sought in this instance.

8.2 The application seeks consent for a change of use to a mixed use development comprising mattress recycling, tyre recycling and end of life vehicles (ELV) recycling. The application seeks consent for the provision of four recycling bays for the storage of waste material, with recycling operations to be undertaken with recycling equipment contained within the aforementioned recycling shed. The process will largely focus on the recycling of mattresses which will involve separating the mattresses received from public and private sector sources into scrap metal wire and a fine flock material, both of which will then be transported off-site for sale. The tyre recycling will also involve the shredding of tyres, again for sale off-site. The ELV recycling is a continuation of current practices on site.

8.3 The aforementioned building was granted planning permission in 2006 (H/2006/0163). A previous planning application was submitted in 2010 for the change of use to a waste transfer station (H/2010/0143), however, the application was withdrawn in anticipation of the submission of this application.

8.4 The site is proposed to operate between 8am and 5pm Monday to Friday.

Publicity

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

8.6 The period for publicity has expired.

Consultations

8.7 The following consultation replies have been received:

Environment Agency – The proposal involves no increase in flood risk to users/operatives or to adjacent land, people or property. Recommend an evacuation plan/procedure is in place due to partial location within tidal flood zone 3. Potential for risk to controlled waters from land contamination. No assessment has been made with the application. Advise imposition of EA standard land contamination conditions.

The site has a waste permit (EAWML 60084) which allows for the activities in respect of ELVs, mattress and tyre recycling. Any de-pollution activities should be carried only on impermeable surfaces with sealed drainage systems.

Traffic and Transportation – No traffic or highway concerns.

NWL – No objections.

Head of Public Protection – I have no objections to this application subject to conditions requiring all mattress shredding to take place within a building and a condition restricting the storage height of materials within the site.

Economic Development – No objection to the proposals. However it is imperative that strict conditions and controls are implemented particularly in light of the range of issues that area has faced in relation to waste storage and recycling sites.

Engineering Consultancy – Comments awaited.

Fire Brigade – Comments awaited.

Planning Policy

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

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

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments

where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

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

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

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

Ind8: States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated industrial improvement areas.

Planning Considerations

8.9 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the principle of the development in policy terms, the impact on the amenity and character of the surrounding properties and area and the effect on highway safety.

Principle of Development

8.10 Policy Ind6 of the Hartlepool Local Plan (2006) states that proposals for the development for bad neighbour uses (including the sorting and/or storage of waste materials, scrapyards, car breakers yards) will be permitted only in the Sandgate area, provided that there will be no significant nuisance to adjacent premises or highway users by virtue of dust, smell, vibration, smoke, noise mud or slurry, that the site is not visually prominent from the highway or railway line, that it is sufficiently screened, of a sufficient size and provides adequate car parking.

8.11 It is considered that the proposal is in principle an appropriate land use in this particular location and is acceptable subject to consideration of the relevant issues below. Any use of the site for the purposes of additional waste recycling or waste transfer activities would require the benefit of a separate planning permission and the Local Planning Authority retains control in that respect.

Character of Surrounding Area

8.12 The site is located on Mainsforth Terrace, within the Sandgate Industrial area. The Sandgate area is characterised by industrial and 'bad neighbour' uses, including scrap facilities, waste transfer stations, waste recycling facilities and end of life vehicle recycling facilities. It is considered therefore that the proposed use is not out of character with the surrounding area and unlikely to have a significant impact on the character, appearance and function of the surrounding area.

Amenity

8.13 The principal concerns in amenity terms are the potential for noise, odours, dust, and litter. Neither the Environment Agency nor the Head of Public Protection have raised any objection to the proposal. It is considered that the proposed storage of mattresses, tyres and vehicles will be solely within the proposed bays on the southern side of the site. It is considered that a condition requiring details of the proposed bays to be agreed prior to their erection will ensure that they are satisfactorily designed to ensure there are no significant off-site impacts in relation to dust or litter. In addition a condition restricting storage heights will again mitigate any significant impact on neighbouring sites as well as aiding the visual impact of the site.

8.14 It is considered that the source of issues regarding odours, dust, mud, litter and vermin are principally a result of the waste streams operating on the site, particularly any malodorous or putrescible elements. In this instance the site is only proposing to deal with mattresses, vehicles and tyres and no general waste streams. This can be conditioned accordingly by condition. Furthermore it is unlikely the material brought onto the site will contain elements which can be considered particularly malodorous and it is therefore considered unlikely that the proposal will have an impact on surrounding property and the wider area in terms of odours.

8.15 In the event of any incidental quantities of putrescible waste being found in incoming streams, an appropriate condition can be imposed to ensure that they will be separated and disposed of off-site at an appropriately licensed facility. The Council's Head of Public Protection is satisfied that a condition requiring such elements to be separated, stored in an enclosed container and removed from the site in 48 hours would adequately control potential nuisance. Additionally, conditions controlling the material to be handled on the site, dust suppression measures to be implemented, an adequate wheel washing facility, litter catchment fencing and as discussed a limit on storage heights are considered to satisfactorily mitigate the potential impact of the proposal on the amenity of surrounding properties.

8.16 It is considered that the level of activity proposed, in the context of the industrial surroundings, should not result in noise levels which would have a significant impact on the amenity of surrounding properties.

8.17 Furthermore, the site is also regulated by the Environment Agency through a waste management permit. That permit will require measures to control the potential pollution element of the site in terms of those set out above. Additionally, the permit will control the tonnages the site is allowed to operate with.

8.18 In light of the above, it is considered that there is sufficient control in place to ensure the site operates without having a significant impact on the amenity of the surrounding area.

Highway Safety

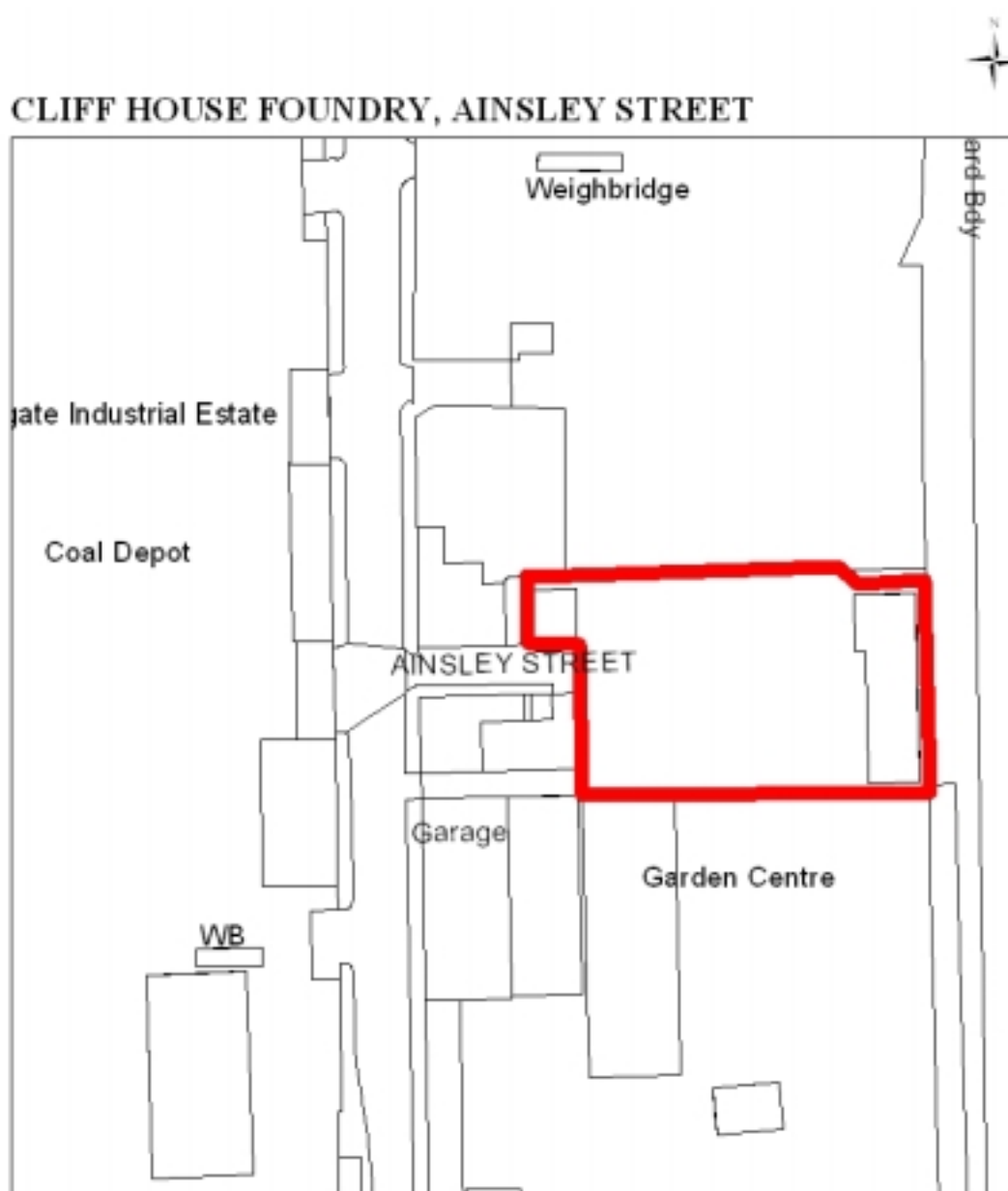
8.19 The Council's Traffic and Transportation section has raised no objections to the proposals. Sufficient on-site parking has been provided and there is sufficient room within the site for vehicles to manoeuvre. On that basis it is considered unlikely the proposal will have a significant impact on highway safety.

Other Issues

8.20 In terms of drainage, Northumbrian Water have raised no objection to the proposal.

8.21 The comments of Cleveland Fire Brigade are awaited in respect of the potential for fire risk on site. In addition the comments of the Council's Engineering Consultancy are also awaited in respect of ground contamination. On that basis it is proposed to provide an update report discussing the above issues and setting out the proposed recommendation.

RECOMMENDATION - UPDATE REPORT TO FOLLOW.



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 18/02/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0558	REV

No: 9
Number: H/2010/0654
Applicant: Mrs Nichola Wilson 35 Arncliffe Gardens Hartlepool
TS26 9JG
Agent: Mrs Nichola Wilson 35 Arncliffe Gardens Hartlepool TS26
9JG
Date valid: 15/11/2010
Development: Change of Use from Shop (A1) to Cafe /Sandwich Shop
(A3)
Location: 103 PARK ROAD HARTLEPOOL

The Application and Site

9.1 The site to which this application relates is an end-terraced commercial property, located on Park Road within an area containing a mixture of commercial and residential elements. The property was formerly a beauty salon but is currently vacant.

9.2 The application seeks consent for the change of use of the property from a shop (A1) to use of a cafe (A3). The cafe will sell sandwiches and hot food for consumption by visiting members of the public on the premises. It is also indicated that ancillary elements of food (sandwiches, soup, baked potatoes etc) will be available for take away.

Publicity

9.3 The application has been advertised by way of site notice and neighbour letters (5). To date, there has been 2 letters of no objections, 1 letter of support, and 2 objections (3 letters of objection from one property) and a 139 name petition in objection received.

9.4 The concerns raised include:

- a) Odours from cooking will be absorbed by wool stocks in adjacent property;
- b) Development will exacerbate parking problems;
- c) Loss of business at adjacent property;
- d) Litter will be generated;
- e) Odours will result in a loss of business and loss of jobs;
- f) Enough similar businesses in the area already;
- g) Previous nail bar caused strong odours;
- h) Increased risk of fire.

The period for publicity has expired.

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Consultations

9.5 The following consultation replies have been received:

Head of Public Protection – No objections subject to an extract ventilation condition and an hours condition. Providing the party walls are in good condition, an extract condition should be sufficient to ensure no impact in terms of odours. I am satisfied with the opening hours proposed.

Traffic and Transportation – There are no highway or traffic concerns. Parking is available outside of the premises and surrounding streets for 30 minutes. With the limit to 30 minutes parking there will be a constant turnover of available parking. Since the premise has a lawful A1, the increase in traffic generated by a small cafe would be minimal. No concerns on parking grounds with the proposal.

Northumbrian Water – No objections.

Planning Policy

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

Com4: Defines 10 edge of town centre areas and indicates generally which range of uses are either acceptable or unacceptable within each area particularly with regard to A1, A2, A3, A4, A5, B1, B2, & B8 and D1 uses. Proposals should also accord with related shopping, main town centre uses and recreational policies contained in the plan. Any proposed uses not specified in the policy will be considered on their merits taking account of GEP1.

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.

Planning Considerations

9.7 The main planning considerations in this instance are the appropriateness of the proposal in relation to the relevant Hartlepool Local Plan (2006) policies. Particular regard is to be had to the principle of the development, the effect on the character and function of the area, the effect on neighbouring and surrounding properties and the impact on highway safety.

Principle of Development

9.8 Policy Com4 of the adopted Hartlepool Local Plan (2006) states that proposals within edge of Town Centre areas will be permitted provided that they do not adversely affect the character, appearance, function and amenity of the area. The site is located within the Park Road West area as defined under policy Com4. The policy states that retail, offices, residential and commercial uses (falling within classes A1, A2, A3 and B1) will be permitted. Drinking establishments and hot food takeaways (A4 and A5) will not.

9.9 It is considered therefore that the provision of an A3 use in this location is acceptable in principle subject to consideration of the following issues.

Surrounding Area

9.10 The property is located in an area of Park Road which is characterised by a range of commercial premises including a guitar shop, a wool shop, a public house, newsagents and car garages, as well as residential (predominately first floor flats). It is considered that the provision of an A3 use in this locality is appropriate within the context of its setting. Whilst there are businesses selling food within the area, it is not considered that the provision of an additional cafe in this instance would result in a proliferation of such uses which would significantly alter the character or function of the area. It must be considered that the property has a lawful A1 use and could be operated as a number of retail businesses, including a sandwich shop, without the need for planning permission. Furthermore the proposed use would have the potential benefit of bringing a vacant unit back into use during daytime hours, which will enhance the appearance and function of the area. On that basis it is considered unlikely that the proposal will have a detrimental impact on the scale, character, function or appearance of the surrounding area.

Amenity

9.11 The main consideration in respect of amenity is the potential for the proposal to have an impact on neighbouring properties in respect of noise, disturbance and odours. In terms of odours, a number of concerns have been raised that odours from cooking processes will have the potential to filter through the party wall and have a detrimental impact on the stocks of wool in the adjacent property. The Council's Head of Public Protection has reviewed the application and considers that appropriate extract ventilation equipment can sufficiently remove odours without significantly affecting neighbouring properties. The requirement for equipment to be agreed and installed prior the commencement of development can be adequately controlled through a suitably worded planning condition. It also considered appropriate to impose a condition requiring details of the party wall to be submitted, and any attenuation measures to be agreed and implemented prior to the

commencement of the development to ensure that the party wall is in sufficient condition to prevent filtration of any odours from the application site.

9.12 In terms of noise and disturbance, the Council's Head of Public Protection has raised no objections to the proposals. It is considered that the cafe is unlikely to give rise to significant noise and disturbance issues beyond those associated with the lawful use of the property for A1 development. In addition daytime hours have been proposed and these can be adequately controlled through planning condition (8am-6pm Mon-Sat and 10am-4pm Sun). It is considered therefore that the proposal is unlikely to have an impact on the amenity of neighbouring properties during unsociable hours. It should be noted that use of the property for the purposes of a hot food takeaway would require a separate planning permission. Whilst the applicant has indicated that ancillary levels of hot food will be cooked on the premises and sold for consumption off the premises, it is indicated that these are proposed to be at levels ancillary to the main use as a cafe and are typical of other cafes and sandwich shops found across the town. In light of the above, it is considered that the proposal is unlikely to have a significant impact on neighbouring and surrounding properties.

Highway Safety

9.13 There is on-street car parking on Park Road and surrounding streets with restrictions to a maximum of 30 minute periods. The Council's Traffic and Transportation section have reviewed the proposals and has raised no concerns. It is considered that the proposed use will be unlikely to give rise to significantly greater levels of vehicular traffic than would be associated with the lawful use of the premises for retail. In addition, the 30 minute restriction means that there is likely to be sufficient turnover of available parking. On that basis it is considered unlikely that the proposal will give rise to significant parking concerns and it is unlikely to have a significant impact on highway safety.

Other Issues

9.14 Concerns have been raised in respect of the potential for increased litter from the development. It is considered, however, that the proposal is unlikely to give rise to levels of litter beyond those which could be associated with an A1 use in this property, for example a sandwich shop. It is considered therefore that it is unlikely that a refusal could be sustained on grounds of increased litter.

9.15 In terms of fire risk, it is not considered that the proposal will be one which will give rise to significantly higher fire risk than one which could be implemented under the properties lawful A1 use. In addition to planning permission, the applicant will also need to comply with food and hygiene licensing regimes. Concern in respect of unlawful parking to the rear of the premises creating a fire risk is a matter for highways legislation to enforce.

9.16 Two planning applications for the change of use of the application property to a hot food takeaway were refused in 1982 (H/25/82 and H/599/82) on the grounds of the impact on neighbouring properties in relation to odours, noise and disturbance. The current proposal seeks consent for a café rather than a hot food takeaway, and daytime opening hours which can be adequately controlled by condition. Furthermore, the Council's Head of Public Protection considers that the provision of

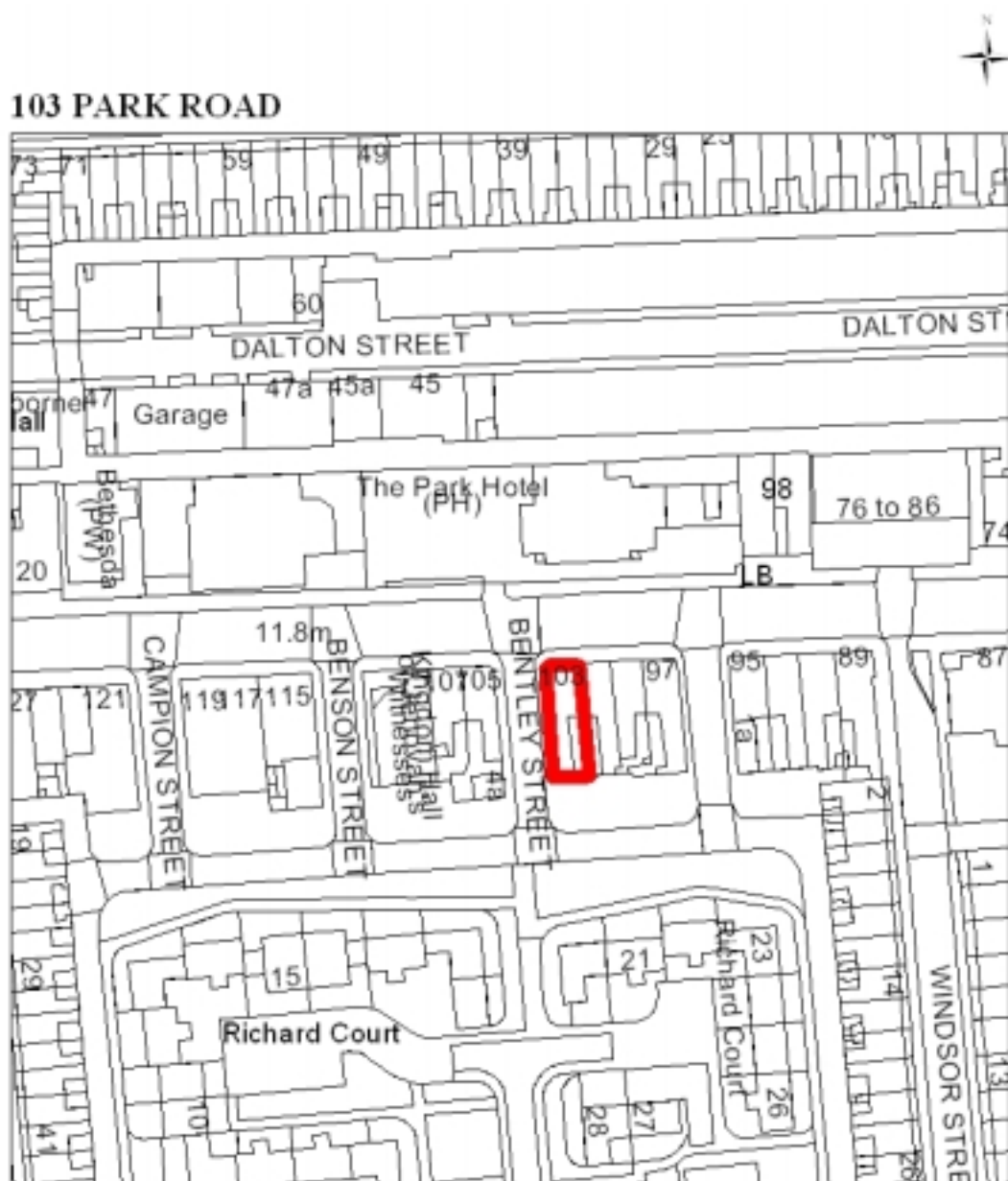
satisfactory extract ventilation equipment can sufficiently reduce the risk of significant impacts in respect of odours. This can be adequately controlled by condition. It is also considered that a condition requiring an assessment of the party wall and the provision of any necessary attenuation measures will further provide protection against potential odour impacts.

Conclusions

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

RECOMMENDATION - APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans 'Existing Layout' and 'Site Location Plan' received by the Local Planning Authority on 23 11 10, and 'Proposed Plan' and 'Current Plan, and details in letter received by the Local Planning Authority on 15 11 10.
For the avoidance of doubt.
3. The premises shall only be open to the public between the hours of 08.00 and 18.00 Mondays to Saturdays inclusive and between the hours of 10.00 and 16.00 on Sundays and at no other time.
In the interests of the amenities of the occupants of neighbouring properties.
4. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
5. The use hereby approved shall not commence until details of the existing party wall with 101 Park Road have been submitted to the Local Planning Authority. Thereafter the use hereby approved shall not commence until details of any attenuation measures to the party wall deemed necessary in relation to odour filtration by the Local Planning Authority have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed measures shall be implemented and retained in accordance with the agreed details prior to the commencement of the use hereby approved.
In the interests of the amenities of the occupants of neighbouring properties.



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 18/02/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0654	REV

No: 1
Number: H/2010/0717
Applicant: Mr Richard Harlanderson Parks and Countryside
Department 1 Church Street HARTLEPOOL TS24 7DS
Agent: Groundwork North East Miss Leah Remington Linthorpe
Cemetery Lodge Burlam Road MIDDLESBROUGH TS5
5AP
Date valid: 10/01/2011
Development: Creation of a play area with associated landscaping
Location: Land opposite Glamis Walk HARTLEPOOL

Background

1.1 The application appears on the main agenda as item 1.

1.2 Since the previous report was prepared, consultation responses from a number of sections have been received. These are addressed below. At the time of writing five letters of objection have been received. The concerns raised include:

- 1 Anti-social behaviour
- 2 Underage drinking
- 3 Vandalism
- 4 Area is not policed sufficiently
- 5 Noise concerns
- 6 Out of keeping
- 7 Impacts upon residents lifestyle
- 8 Increase in traffic creating access concerns
- 9 The proposal will de-value properties
- 10 Fire hazard

Consultations

1.3 The following consultation replies have been received:

Head of Property Services – The site is on land owner by Hartlepool Borough Council

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

Engineering Consultancy – No objections

Landscape and Conservation – I welcome the creation of the proposed playbuilder site, which includes the planting of new trees set out in a number of distinct groups. No specific details, other than the locations of the trees to be planted, have been provided in support of the application; therefore these will be required by condition.

Head of Community Services – As part of the playbuilder provision and in recognition that this has been well consulted upon I fully support the proposal.

Head of Public Protection – No objections

Cleveland Fire Brigade – No objections

Police – No objections in principle to the scheme but comments regarding the following:

1. Siting on green area. As close to corner of Hamilton Road and Glamis Walk. Natural surveillance
2. Maintenance of existing tree canopies.
3. Lighting is recommended.
4. Consideration of CCTV.
5. Materials used should be considered in relation to vandalism and fires.
6. Boundary treatments and access, i.e. small fence/hedging. This is in relation to dogs etc.
7. Maintenance of site.
8. Any proposed planting to be below 1m. re surveillance and bund to be below 1m.
9. Consideration of mounding in relation to natural surveillance.

Should any detailed comments be provided they will be tabled at the committee meeting.

Community Safety Officer – Support the overall principal of the proposal. The area does suffer spasmodic incidents of anti-social behaviour and consequently the safety and security of both users and equipment should be considered within the overall plans. A low level fence would be appropriate. Height of existing and proposed planting needs to be controlled. There are concerns regarding the use of wood in the design and the potential fire risk. Light levels in the immediate area need to be reviewed. Proactive site management would minimise risks.

Planning Considerations

1.4 The main planning considerations in this instance are the appropriateness of the proposal in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the effect of the proposal on the amenity of neighbouring properties, the effect on the character and appearance of the surrounding area, the potential for crime and/or anti-social behaviour, highway safety, the effect on the character and appearance of the area in general, and tree/landscaping issues.

Policy

1.5 The site is within the Owton Manor Green Wedge where new development will be strictly controlled. Planning approval will only be given for the erection of buildings or structures there which, among other things, provide recreational facilities provided there is no significant adverse effect on the overall integrity of the Green

Wedge. The provision of play facilities is considered appropriate in principle in policy terms.

Character and Appearance of the Area

1.6 The proposed play equipment is located on an area of open space. The application site is considered appropriate location for the proposed facilities in land use terms. The Design and Access statement accompanying the application states that the new space aims to incorporate landscaping elements that aim to contain the play space and make it less attractive as a route for motorbikes, without compromising the Playbuilder principles. The landscaping and mounding will create a space which is separate from the wider area, currently used for informal play.

1.7 New play spaces have a broader appeal across varying age ranges, with zones based on different movement types and imaginative play spaces including more natural features. Grass matting impact surfacing will be installed under play equipment. The scheme has been designed to enhance the visual appearance of the open grassland. The site is considered an appropriate location for the proposed use. It is considered that the facilities and associated landscaping are of a size and siting which are unlikely to have a significant adverse effect on the character or appearance of the area.

Amenity

1.8 The nearest residential properties are located approximately 50 metres away from the closest pieces of play equipment adjacent to the existing footpath which cuts across the area of open space. While residential properties are fairly close to the application site it is considered that the separation distances proposed are more than acceptable in this instance.

1.9 It is not considered that the proposed Playbuilder will have an unacceptable impact on the amenities of these properties in terms of noise, nuisance and disturbance. The Head of Public Protection has no objections to the proposed development. It is considered that the facilities are of a size, siting and appearance as not to have a significant effect in terms of overlooking, dominance or outlook.

Crime and Anti-Social Behaviour

1.10 The Police, Community Safety Officer and letters of objection have raised concerns regarding the use of wood in the proposals and the potential for arson. With regard to this the Fire Brigade have raised no objections to the proposed development. It is considered that the materials proposed are appropriate given the appearance and context of the proposed development. The use of wood in the design of proposals of this type has been evident in similar schemes which have been approved and provided throughout the town.

1.11 Comments from the Police and the Community Safety Officer outline the consideration of fencing around the site. The Playbuilder principle presumes against the use of fencing as this can discourage some children from using the play space. Notwithstanding this, officers consider it prudent to impose a condition requiring the

submission of a planting scheme which includes the provision of low level planting surrounding the site. This is considered appropriate so to create a demarcation line.

1.12 With regard to the provision of lighting and CCTV in the area. The applicant has responded stating that lighting and CCTV would be beneficial however funding is not available at this moment in time. Notwithstanding this, the provision of lighting would encourage late night use of the facility which would have the potential to increase the risk of anti-social behaviour.

1.13 Concerns have been raised regarding the use of proposed and existing trees as well as mounding and the impact this could have on surveillance. It is considered that concerns with regard to planting could be alleviated by appropriate management of the site which will fall within the remit of Hartlepool Borough Councils Parks and Countryside Department. With regard to mounding concerns, a condition has been attached restricting the mounding to the embankment side to be no more than 2 metres in height. The slide area makes up a small part of the site, the remainder of the site is relatively open. It is therefore not considered that a refusal could be sustained given the openness of the wider site and area in general.

1.14 With regard to the remaining concerns the site to which the application relates and the remainder of the site is public space which can be used at any time, for a number of different activities by a number of people. Therefore, any additional disturbance which may be created by way of this development is not considered to be so significant as to refuse planning permission on these issues alone.

1.15 The Council's Play Inspector inspects all its outdoor fixed play spaces daily and promptly removes litter and hazardous objects and repairs any damaged equipment where necessary.

Highway Safety

1.16 The Council's Traffic and Transportation section have raised no concerns. It is considered unlikely that the proposal will have a significant effect on highway safety.

Trees and Landscaping

1.17 The proposal includes tree planting. This should provide an enhancement to the site visually. No concerns have been raised from the Councils Arboricultural Officer. A condition has been attached for the submission of a landscaping scheme outlining details in relation to the species of trees.

Contamination

1.18 The Council's Engineering Consultancy have raised no objections to the proposal in terms of potential ground contamination.

Other Issues

1.19 The concern regarding de-valuation of surrounding properties is not a material planning consideration.

Conclusion

1.20 With regard to the relevant policies and proposals held within the Hartlepool Local Plan (2006) and with regard to the relevant planning considerations as discussed above, the proposal is considered acceptable in principle subject to the conditions set out below. However given that the period for publicity expires following the committee date it is recommended that the final decision be delegated to the Development Control Manager for the consideration of any further objections/comments received after the committee date.

RECOMMENDATION – Minded to approve with the final decision delegated to the Development Control Manager for the consideration of any further representations received after the committee date.

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 24/12/2010 (TITLED: Owton Play Area, Groundwork North East TV 055 and site location plan file ref: TV05/001), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced, this shall include a scheme of low level planting around the perimeter of the site. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, and include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out following the completion of the development. 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
5. The hereby approved mounding upon which the embankment slide will be located upon as shown on approved plan 'TV055 002' (Received by the Local Planning Authority on 24/12/2010) shall not exceed 2 metres in height from existing ground level.

UPDATE

4.1

In the interests of visual amenity and adequate surveillance.

UPDATE

4.1

No: 2
Number: H/2010/0703
Applicant: 93 Park Road Hartlepool Cleveland TS26 9HP
Agent: Howson Developments Mr Steve Hesmondhalgh
Thorntree Farm Bassleton Lane Thornaby Stockton on
Tees TS17 0AQ
Date valid: 20/12/2010
Development: Demolition of Station Hotel and erection of retail unit (Use
Class A1) with associated car parking (resubmitted
application)
Location: STATION HOTEL 132 STATION LANE HARTLEPOOL

Background

2.1 This application appears on the main agenda at item 2. The recommendation was left open as consultation responses were outstanding.

Additional Representations Received

2.2 Since the last report was written four additional letters of objection and two additional letters of no objection have been received. Three of those objecting raise the following issues.

- 1) The development will take vital trade from Elizabeth Way Shops, which will lead to business closure and empty shops.
- 2) There are already empty shops which could be used including at the nearby Jutland Road.
- 3) The junction onto the main road is dangerous with a dip under the bridge.

2.3 The fourth letter of objection is from a Planning Consultant representing the owners of Elizabeth Way Shops. This writer raises a number of issues.

- 1) Any regeneration benefits would not outweigh concerns in relation to the potential negative impacts of the development on the vitality and viability of local centres.
- 2) PPS 4 requires an assessment of impacts to be undertaken for any development likely to have a significant impact on other centres. In light of the reasons for the previous refusal the current application should have addressed the issues of retail impact. It does not do so.
- 3) The writer has serious concerns regarding the adequacy of the impact assessment carried out by the applicant and provides evidence which he considers shows that the proposed retail development is likely to have a significant adverse impact on the Elizabeth Way Local Centre.
- 4) The estimated turnover of the proposed store is £3.47 m. The catchment is not defined but the writer agrees that the development will primarily serve existing residents in the surrounding area and new residential development on Seaton Lane. It would also attract passing trade.

- 5) Competing centres in the catchment are Elizabeth Way Local Centre, Jutland Road local centre, Seaton Carew and Teesbay Retail Park. The writer's impact assessment predicts that the development would divert to 21% of the current turnover of Jutland Road shops and 37% of the current turnover of the Elizabeth Way Shops. In terms of Elizabeth Way the writer suggests most of this impact is likely to be on the Spar supermarket, the baker, greengrocer, butcher and newsagent.
- 6) The writer advises that the impact predicted at Elizabeth Way is clearly a significant adverse impact and that the reduction in trade could make the SPAR store unprofitable and lead to its closure. The loss of this anchor store would significantly weaken the vitality and viability of the local centre. The level of impact would be sufficient for the council to refuse the application.
- 7) The writer advises that the impact on Jutland Road would be significant and could affect the viability of the convenience store trading. The loss of that store would significantly weaken the vitality and viability of the local centre.
- 8) The writer does not consider that a strong fall back position exists because of the configuration of the floorspace. Sainsbury would be very unlikely to want to operate a new convenience store within a substandard layout.
- 9) The Jutland Road centre is sequentially preferable, it is in a poor condition. There is potential for this centre to be redeveloped and the redevelopment could provide opportunities for a small food store.
- 10) The Eden Park site is out of centre but is better located in terms of access and highway safety.
- 11) The writer urges the Council to refuse the application on impact grounds.

Copy letters A

Additional Consultation Responses Received

2.4 Northumbrian Water : My concern on this site is that surface water from the car park should not connect to Public Sewer in Station Lane. There is a beck immediately to the north of the site. If the extent of the development is only to knock down and replace the building and its roof is already connected to the sewer then I would allow it to continue. If the information is not available, then control by condition.

Planning Considerations

2.5 The main planning considerations are policy, design/layout/impact on the visual amenity of the area, impact on the amenity of neighbours, highway considerations, crime, proximity of rail line, trees, drainage and heritage issues.

POLICY

2.6 The proposal is for a retail development and it is intended that it will be occupied by a major retailer (Sainsbury). It is anticipated that the principal retail activity would relate to the sale of convenience goods. The site is not located within the town centre or a local centre.

Policy PPS4 (published December 2009) Planning for Sustainable Economic Growth sets out government policy in relation to town centres and town centre uses including retailing. It postdates the current Local Plan policies and is therefore a material consideration in the determination of this planning application. Guidance on the application of PPS4 is provided within "Planning for Town Centres: Practice Guidance on need impact and the sequential approach" (2009). The government's overarching objective is sustainable growth. The objectives identified for planning include promoting the vitality and viability of town and other centres by amongst other things focusing new growth, and town centre uses including retailing, on existing centres and by encouraging competition and choice. The statement includes a number of development management policies which can be taken into consideration when determining planning applications. The new guidance removes the requirement for applicant's in edge of centre locations to demonstrate need instead considerations focus on the sequential test and the impact of a development. The guidance advises that a positive and constructive approach should be taken towards applications for economic development and that planning applications that secure sustainable economic growth should be considered favourably (EC10).

2.7 A sequential assessment is required for retail developments outside a town centre, and not in accordance with an up to date development plan, where the gross floor space exceeds 200 square metres as is the case here. An impact assessment is also required for out of centre retail developments, which are not in accordance with an up to date development plan, that would be likely to have a significant impact on other centres again as is the case here. (EC14). The issues to be assessed in any such impact assessment include the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area, the impact on town centre vitality and viability, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area. (EC16). The guidance advises that applications for development outside of the town centre and not in accordance with an up to date development plan should be refused where the applicant has not demonstrated compliance with the requirements of the sequential approach, or, there is clear evidence that a proposal is likely to lead to significantly adverse impacts taking into account any cumulative effects. (EC17) Judgements about the extent and significance of any impacts should be informed by the development plan (where this is up to date), recent local assessments of the health of town centres, and any other published local information (such as town centre or retail strategies). (EC17).

2.8 Current Local Plan policies predate PPS4 and in terms of these policies the site lies outside Hartlepool Town Centre and any designated local centre. Policy Com8 (Shopping Development) sets out the preferred sequential locations of shopping development. The town centre is the preferred location followed by edge of centre sites, the Victoria Harbour Regeneration Area and then other out of centre locations. Policy Com 9 (Main Town Centre Uses) advises that retail development should be located in the town centre. The policy requires proposals outside the town centre to justify need, that the scale and nature of the proposal is appropriate and that the vitality and viability of the town centre and other centres is not prejudiced. It also advises that for proposals outside the town centre the sequential approach to site selection be applied. It is noted that parts of these policies which predate PPS4,

particularly the requirement for developers to demonstrate need, are not entirely in step with current government advice with its focus on the sequential approach and impact.

2.9 The Hartlepool Retail Study 2009, assess the current position of the retail sector in Hartlepool and demonstrates that retailing is a dynamic sector of the economy even during recession. However, developers and investors are now much more cautious of promoting retail development, particularly speculatively, and require greater certainty before investing. The Retail Study states that throughout the entire plan period there is no identified need for further A1 comparison or convenience goods floor space in the Borough. It warns “9.18 It is estimated that there is a £27 million deficit in convenience goods expenditure (as at 2009).....9.19 extreme caution should be exercised in permitting new floor space in locations outside the established centres within Hartlepool”. The closest local centre to the development and, therefore the one most likely to be affected by it, is that at Elizabeth Way. This provides most of the day-to-day facilities and retail needs for the local area. In terms of the Elizabeth Way Shopping Centre the Hartlepool Retail Study concluded in 2009 “(7.14) In short the centre provides a localised convenience shopping facility which appears to be performing well and is popular amongst the local community. There is a good mix of uses and it provides a convenient and attractive environment for visitors”. Currently there is one vacant unit at the local centre. There is also an existing planning permission for a small extension to the shopping parade, for two additional units and a first floor flat, which was granted in 2009, work has recently begun on this development (H/2009/0379).

2.10 In summary national and local policy, described above, requires the developer to demonstrate that there is no sequentially preferable site available which could accommodate the development and to provide an impact assessment to assess the impact of the proposal on existing centres. The applicant's sequential assessment demonstrates that given the expressed desire for the development to serve Seaton Carew (though no catchment is in fact defined) and the size of the unit required there is no sequentially preferable site available to meet the identified retailers needs. The applicant has not however provided any robust impact assessment to demonstrate that the proposed development will not have a detrimental impact on the vitality and viability of nearby local centres. Instead the applicant merely states in the supporting planning statement “there is no clear evidence that the proposal is likely to lead to significant adverse impacts set out in either policies EC10.2 and EC16.1. The proposals are small in scale and would (be) unlikely (to) have any significant detrimental impact upon existing local shops in the area of Seaton Carew.” The applicant also promotes the “fall back” position and regeneration benefits to further justify the proposal (see below). The applicant has made no substantive attempt to assess the impacts of the proposal on existing centres. The Hartlepool Retail Study 2009 on the other hand provides clear evidence that the retailing sector in Hartlepool is in a vulnerable position, that there is a large deficit in convenience goods expenditure and advises that extreme caution should be exercised in permitting out of centre retail premises as proposed here. The store proposed may be small relative to Sainsbury's portfolio however the sales generated by even the smaller stores of leading retailers can be considerable and consequent impacts arising from trade diversion from existing centre can also therefore be considerable. Sales which could have supported existing or future traders within the designated local centres

could well instead be diverted to the application site. (The Sainsbury Annual Report (2010) for example indicates that its average trading intensity per square foot for 2009/2010 was some £20.42 (sales per week (including VAT, excluding fuel)). For a store with a trading area of 280 square metres (3,014 sq ft) as proposed this would suggest the store would generate sales in the region of some £3.2 million per year). The consequences of this trade diversion for the local centres could well be extremely damaging especially in circumstances where the Hartlepool Retail Study 2009 is advising that there is already a deficit in convenience goods expenditure in Hartlepool and is advising extreme caution.

2.11 The applicant also advances a fall back position which he considers represents “exceptional circumstances” which strengthen the case for the proposal. The applicant’s fallback position relies on the fact that the existing public house could be converted to retail use without the need for planning permission. In support of this position, the applicant has submitted drawings which indicate that a sales area of some 158 square metres could be accommodated on the ground floor with ancillary accommodation (Staffroom, Office, and stores) provided on the first floor. However, this would still mean that the trading area of a shop based in the converted public houses would be just over half of what is proposed in the application (56%). It would result in a retail unit which would be a very different proposition than the one currently proposed and which would be unlikely to be an attractive option for a major retailer like Sainsbury. It would consequently be very unlikely to have the same degree of impact on the nearby local centres. Notwithstanding this the applicant himself in his planning statement considering whether the building could be retained concludes “The existing building is not suited for retail purposes in its present form and would require significant extension and alteration to suit the needs of a modern convenience store. The applicant has already identified an end user for the site, a national retailer who are seeking a purpose built building of sufficient size to meet their needs. It is therefore not appropriate to consider the retention of the building as this would not provide the required space to meet the needs of the end user.” (6.43). It is not considered therefore that a strong fall back position exists in this case and consequently that little weight should be attached to the fall back position.

2.12 The Hartlepool Retail Study 2009 advises that even taking an ultra long term view with regard to convenience goods expenditure there is insufficient capacity for further convenience goods retail floor space in Hartlepool. As a result it states that extreme caution should be exercised in permitting new floor space outside of existing centres. The applicant has failed to provide a robust impact assessment to demonstrate that the proposal would not impact on nearby local centres. As a result there remains significant concern that any new convenience retail floor space would be likely to have a negative impact on the existing retail units at nearby local centres, particularly Elizabeth Way, and their continued vitality and viability. The proposals would have the potential to compete with and draw trade from these Local Centres. At least 50% of the retail units at the Elizabeth Way Local Centre for example derive their business from convenience shopping.

2.13 In the absence of any robust impact assessment from the applicant to the contrary, on the basis of the information provided and the evidence of the Hartlepool Retail Study 2009 it is considered that the development would be likely to have a significant detrimental impact on the vitality and viability of the Elizabeth Way Local

Centre. It is considered that the proposals are not therefore in accordance with PPS4 and the policies of the Hartlepool Local Plan 2006. The proposals would be contrary to policies EC14, EC16 and EC17 of PPS4 and policies Com8 and Com9 of the Hartlepool Local Plan 2006.

2.14 It is acknowledged that the development would bring forward regeneration and employment benefits for the site however these would not outweigh the concerns at the potential negative impact of the development on the vitality and viability of the nearby local centre.

DESIGN/LAYOUT/IMPACT ON THE VISUAL AMENITY OF THE AREA

2.15 The proposed building is a modern single storey retail building, whilst it contrasts somewhat with the neighbouring two storey dwellinghouses located in the street, it is typical of the type of buildings which accommodate modern retail units and the proposed design is considered acceptable in this location.

2.16 The proposal will replace the existing Station Hotel building which has deteriorated in recent years overall having a positive impact on the visual amenity of the area.

2.17 It is considered that the design of the building and layout is acceptable and that the proposal will have an acceptable impact on the visual amenity of the area.

IMPACT ON THE AMENITY OF NEIGHBOURING PROPERTIES

2.18 The property is bounded to the east by residential properties and there are also residential properties to the south and south east on the other side of Station Lane which face the site. The residential property immediately to the east faces the site with a blank gable and the rear garden is enclosed by a high close boarded fence. In considering the impacts on the amenity of neighbours the physical impact of the development and issues arising from its use must be considered.

2.19 In terms of the physical impact of the development the proposed building is single storey and located some 15 to 16m from the closest part of the boundary of the neighbouring property to the east whilst the closest part of the closest dwellinghouse on the south side of Seaton Lane is located some 27.4m from the building. Given the design of the development and the relationships with the nearby neighbours, in particular the separation distances involved, it is not considered that the development will unduly affect the amenity of the neighbours in terms of loss of light, privacy, outlook or in terms of any overbearing effect.

2.20 In relation to the use of the premises concerns have been raised that the development will give rise to nuisance. It is acknowledged that such concerns can arise however the building replaces a public house on the site from which potentially similar nuisances could arise. The Police and Public Protection have raised no objections to the proposals subject to conditions (acoustic fencing, size of delivery vehicles, hours of operation, hours of deliveries). It is considered that with appropriate conditions any concerns could be addressed.

HIGHWAY CONSIDERATIONS

2.21 It is proposed that access from the site will be taken via a modified access from Station Lane, within the site 16 car parking spaces are accommodated. The applicant has also proposed to install a vehicle activated sign to discourage speeding on Station Lane and to replace the pedestrian barriers under the railway bridge with a type that allows for clearer visibility through them.

2.22 Concerns have been raised by objectors in relation to the increased traffic, highway safety, the access arrangements, parking and that access to the railway station will be more difficult due to increased traffic. Traffic & Transportation have assessed the proposed arrangements. They have requested a minor adjustment to the parking layout to ensure that maneuvering areas to the rear of the disabled parking areas of 6m are retained. The applicant has indicated he is willing to amend the layout to address this issue. Traffic & Transportation also recommend conditions requiring the imposition of traffic regulation order controlling parking on Station Lane and the reinstatement of the footway at a redundant entrance at the west end of the site. It is considered that all these matters could be conditioned were the scheme otherwise acceptable. In highway terms therefore the proposal is considered acceptable.

CRIME

2.23 Cleveland Police have been consulted on the proposal and made various recommendations in relation to security, alarms, CCTV, lighting, enclosures and landscaping. As previously indicated concerns have been raised that the development might attract antisocial behaviour. It is acknowledged that such concerns can arise however the building replaces a public house on the site from which potentially similar nuisances could arise. It is considered that with appropriate conditions covering the relevant security measures described and through the appropriate management of the premises these matters could be addressed.

PROXIMITY OF RAILWAY LINE

2.24 The site is located adjacent to a railway line. Network Rail have been consulted. They have not responded, however they did respond to a similar scheme which was recently refused on the site (H/2010/0426). At that time whilst they highlighted issues which will need to be addressed they raised no objection to the proposal. It is considered that with appropriate conditions any concerns regarding the safety, integrity and operation of the railway could be addressed.

TREES

2.25 In support of the application the applicant has submitted a tree assessment. It notes that tree cover on the site is limited to three self seeded Elderberry and a single semi mature Swedish Whitebeam. The report concludes that these trees are not of a quality which would require their retention as part of the proposed redevelopment.

2.26 The tree assessment also comments on trees on the railway embankment to

the west, which lies adjacent to but outside of, the application site. It advises that cover here consists of low level shrub species (Bramble, Elderberry etc) and a single Apple tree and semi mature Sycamore tree. It concludes that the quality of these specimens is poor but nonetheless, given the existing buildings and hardstanding already on the site, the development as proposed can be undertaken without causing significant damage or loss to these trees/shrubs.

2.27 The Council's Arboriculturalist has raised no objections to the proposal and has asked that in the event that the application were approved an appropriate landscaping condition which would also secure tree planting on the frontage be imposed.

2.28 In terms of its impact on trees, outwith or within the site, the proposal is considered acceptable. If the proposal were otherwise acceptable an appropriate landscaping scheme could be secured by a relevant planning condition.

DRAINAGE

2.29 The applicant initially indicated that surface water from the site would be disposed of to a soak-away. Additional information was requested however the applicant confirmed it was proposed to dispose of surface water to the public sewers. Northumbrian Water have indicated that whilst they would accept surface water arising from the building, in relation to the car park/hardstanding they have asked that the applicant explore alternative means of disposal pointing to a nearby beck. It is not clear at this stage as to whether this would be a feasible option. The applicant's comments have been requested and Northumbrian Water have been asked to confirm that in the event that alternatives are unfeasible they would accept surface water discharge from the car park/hardstandings. If they indicate they could then this matter could be conditioned to allow the applicant to explore all available options.

HERITAGE ISSUES

2.30 Tees Archaeology have commented that the Station Hotel is a historic building associated with the industrial development of Seaton Carew in the later 19th century.

2.31 They have recommended therefore that a record is made of the current building prior to its demolition. The applicant has agreed to this. It is considered that this could be conditioned were the proposal otherwise acceptable.

CONCLUSION

2.32 It is acknowledged that the development would bring forward regeneration and employment benefits however these would not outweigh the concerns regarding the potential negative impact of the development on the vitality and viability of the nearby local centre. The application is therefore recommended for refusal.

RECOMMENDATION - REFUSE

UPDATE

4.1

1. The applicant has failed to demonstrate that the proposed development would not have a significant adverse impact on existing Local Centres. On the basis of the information provided and the evidence of the Hartlepool Retail Study 2009 it is considered that the development would be likely to have a significant detrimental impact on the vitality and viability of the Elizabeth Way Local Centre contrary to policies EC14, EC16 and EC17 of PPS4 and policies Com8 and Com9 of the adopted Hartlepool Local Plan 2006.

No: 4
Number: H/2010/0672
Applicant: Mr Ed Alder Investor House Colima Avenue
SUNDERLAND Tyne and Wear SR5 3XB
Agent: Ben Bailey Homes Mr Ed Alder Investor House Colima
Avenue SUNDERLAND SR5 3XB
Date valid: 25/11/2010
Development: Residential development comprising 17 three and four
bedroomed dwellings and associated works (resubmitted
application)
Location: Throston Grange Court Monmouth Grove
HARTLEPOOL

Background

4.1 The application appears as item 4 on the committee agenda.

4.2 The application is intrinsically linked to a residential scheme proposed at land to the rear of St Marks Church and the community centre at Clavering Road. This item is also on the committee agenda. It was anticipated at the time of writing the committee report that officers would be in a position to outline all considerations comprehensively for both sites in an update report. However, since the initial report was prepared there are a number of outstanding issues with regard to the Clavering Road Scheme. In addition, an appropriately worded legal agreement is required to tie the two sites together. Given that this application is linked to the Clavering Road scheme, it is considered appropriate in the interests of fully informing Members to withdraw the item from the committee agenda.

UPDATE

4.1

No: 5
Number: H/2010/0716
Applicant: Mr Richard Harlanderson Parks and Countryside
department 1 Church Street HARTLEPOOL TS24 7DS
Agent: Groundwork North East Miss Leah Remington Linthorpe
Cemetery Lodge Burlam Road MIDDLESBROUGH TS5
5AP
Date valid: 10/01/2011
Development: Creation of play area with associated mounding and
landscaping
Location: Land opposite Sure Start North Main Centre Hindpool
Close HARTLEPOOL

5.1 This application appears on the main agenda as item 5. The recommendation was left open as a number of consultation responses were awaited and publicity in respect of the application was outstanding.

5.2 Amended plans were submitted to reflect a land ownership issue and neighbour re-consultation was undertaken accordingly, prior to the writing of the original committee report.

5.3 The revised plans indicate a smaller scheme, omitting an aerial runway, re-locating the proposed scramble boulders from the embankment to the site itself, and reducing the size of the site significantly from that previously proposed.

5.4 Publicity of the application is outstanding and expires following the meeting. Since the original report, 1 letter of objection has been received. The concerns raised include:

- a) Increased noise levels;
- b) Lack of control over equipment use;
- c) Anti-social behaviour on an evening;
- d) Lack of fencing or landscaping on existing mound;
- e) Lack of privacy in rear garden and ground floor windows;
- f) Will CCTV be able to look into garden and windows?
- g) Will the equipment be cleaned every day?
- h) Will there be any lighting provided?
- i) Why can't it be sited behind the Sure Start?

Copy Letters F

5.5 Any further letters of objection received prior to the meeting will be tabled accordingly.

5.6 The following consultation replies have been received:

Traffic and Transportation – Concerns that a physical boundary is needed to prevent children entering the car park. No traffic or highway concerns.

Cleveland Police – Proposed mounding will deter vehicular access. The mounding should hinder natural surveillance from nearby dwellings and the community centre. Recommend the mounding does not exceed 1m in height. The area should be adequately lit. Proposal has natural surveillance from nearby houses, however, concerned about the relationship with the railway tunnel and open waste land. It is essential therefore that the existing CCTV system is used effectively to help ensure safe use of the facility. Materials and structures should be robust and not provide ammunition to cause damage or harm.

Community Safety – Sure Start has fully operation CCTV system. Agree that existing CCTV provision should be used as far as possible. There should be no intent to specifically focus on the play builder facility unless repetitive or serious incidents warrant intervention.

Neighbourhood Services – No objections received.

Community Services – No objections received.

Planning Considerations

5.7 As set out in the original report, the main planning considerations in this instance are the appropriateness of the proposal in relation to the relevant Hartlepool Local Plan (2006) policies. Particular regard is to be had to the principle of development, the effect of the proposal on the amenity of neighbouring properties, the effect on the character and appearance of the surrounding area, the potential for crime and/or anti-social behaviour, and highway safety.

Principle of Development

5.8 The site is partially allocated under policy Rec8 of the adopted Local Plan (2006) for areas of quiet recreation. The policy indicates that the identified areas should provide for informal recreation for people of all ages, particularly young and old. It is considered the principle of the Playbuilder scheme, in that it provides open, informal play space with no defined boundaries is considered appropriate within the context of Rec8. The site is also partially located within an area identified under policy GN3(a) for the protection of key green spaces. The policy states that permission will only be granted for developments which relate to the use of the land as parkland or other amenity, recreation of landscape open space subject to the considerations discussed below.

5.9 On that basis it is considered that the development is appropriate in principle, subject to the consideration of the following issues.

Amenity

5.10 The site is proposed approximately 40m from the closest property on Hindpool Close. The closest property on Viscount Close to the south is approximately 38m from the site. In addition there is existing mounding to the south of the site which will largely screen the site from the rear gardens and windows of the properties on Hindpool Close.

5.11 It is considered that the proposed play facilities are sited an adequate distance and of such a scale as to negate any significant effect on the amenity of surrounding residents, in terms of overlooking and outlook.

5.12 The Council's Head of Public Protection has raised no objections in respect of noise and disturbance. It is considered that the provision of a play area within an area of open space with links to the existing Sure Start centre and Phoenix Centre is acceptable and the proposal should not unduly increase levels of noise and disturbance to the detriment of the amenity of surrounding residential properties.

Character and Appearance of the Area

5.13 The application site is considered an appropriate location for the proposed facilities in land use terms. In terms of the size and siting, the play area is considered unlikely to have a significant adverse effect on the character or appearance of the area. Whilst the proposals include apparatus at heights up to a maximum of 4.5m, the site is within an area of open space, adjacent to a car park and close to Sure Start and Phoenix Centres buildings. It is considered unlikely that the proposal will be obtrusive or dominant on the character of appearance of the surrounding area. The proposed play area is designed to integrate with the surrounding area through the use of varying types and amounts of landscaping including mounding and planting which will be required through a suitably worded planning condition. It is considered that the proposal is acceptable in terms of its impact on the character and appearance of the surrounding area.

Highway Safety

5.14 The Council's Traffic and Transportation section has raised no objections to the proposals. There is sufficient parking available in the adjacent car park. It is considered unlikely the proposal will have a detrimental impact on highway safety.

Crime and/or Anti-social Behaviour

5.15 The Police have indicated that the materials used in the scheme should be robust and deter potential damage or harm. It is indicated that the proposed equipment will be fixed, with materials including steel, rope and rubber grass matting surface.

5.16 The Playbuilder principles presume against the use of fencing as a means of discouraging use of the site, and it is therefore considered that the use of fencing bounding the site would not comply with the principles of the Playbuilder programme and would potentially discourage use of the site.

5.17 The Police have indicated that the proposed mounding will help deter vehicular access to the site from the adjacent car park, however, it should not be to a height in excess of 1m as to prevent the natural surveillance offered by the surrounding residential properties, the Sure Start and Phoenix Centre to the north. This can be controlled through a suitably worded planning condition. It is indicated that because of the siting of the proposal closer to the railway tunnel, it is essential that the existing CCTV system is considered to effectively cover the safe use of the facility.

5.18 The Community Safety Officer has indicated that the existing CCTV system at Hindpool Close can cover the site and the adjacent car park and wider area. Whilst

the CCTV camera is owned by Hartlepool Borough Council, it is operated by the Sure Start premises independently. It is considered therefore that the use of the CCTV for site coverage could not be secured by way of planning condition as it places an obligation on a third party. The Community Safety Officer has indicated that the indication from the CCTV operator that the cameras do/will cover the wider curtilage of the Sure Start property offers sufficient coverage. It is considered that the proposed scheme does not warrant constant CCTV coverage, and the Council's Community Safety Officer is satisfied that the proposal would not give rise to levels of crime and/or anti-social behaviour that would warrant permanent CCTV coverage.

5.19 Comments from the Police have indicated that the area should be adequately lit. It is considered in this instance that the principle of the scheme is to offer an open, informal play space and it is considered that existing lighting serving the adjacent car park should provide a degree of security for users of the play space. Furthermore it is considered that the provision of lighting would encourage late night use of the facility which would have the potential to increase the risk of anti-social behaviour.

5.20 It is considered on that basis that the proposals would be unlikely to give rise to significant increased levels of crime and/or anti-social behaviour.

Other Issues

5.21 It is considered appropriate in this instance for the scheme to incorporate a degree of landscaping to complement the existing and proposed mounding. This can be adequately controlled through condition.

5.22 The Council's Engineering Consultancy have raised no objections to the proposal in terms of potential for contamination, however, a condition is recommended requiring a contamination assessment to be submitted given the sensitivity of the development.

5.23 In terms of concerns raised in respect of lack of control over use of the equipment, it is considered that the scheme is proposed for informal and casual play use by the public and must be determined on that basis. It is considered that fencing on the existing mound to the south would be unduly obtrusive and out of character with the area. Furthermore, it is considered that the existing mounding is of sufficient depth and size to screen the majority of the site from views to the south.

5.24 Matters in respect of existing CCTV being able to view surrounding residential properties is not a material consideration in this instance as the CCTV is not related to this application, and is considered to be a matter of the Police under the Data Protection Act. The Council's Parks and Countryside section have indicated that the equipment, as with other play equipment across the town, will be cleaned and maintained on a daily basis. The Fire Brigade have raised no objections to the proposals and it is considered therefore that the scheme is unlikely to give rise to significant levels of fire risk.

Conclusions

5.25 With regard to the relevant Hartlepool Local Plan (2006) policies and the relevant planning considerations discussed above, the proposal is considered

acceptable and is minded to approve subject to the conditions below with the final decision to be delegated to the Development Control Manager as publicity is outstanding.

RECOMMENDATION – Minded to APPROVE subject to the conditions below with the final decision delegated to the Development Control Manager for the consideration of any further representations received after the committee date.

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 approved shall be carried out in accordance with the plans 'TV056-003' and 'TV056-001A' received by the Local Planning Authority on 20 01 11.
For the avoidance of doubt.
3. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the 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.
5. The hereby approved mounding as shown on approved plan 'TV056-003' shall not exceed 1 metre in height from ground level.
To ensure the site is adequately overlooked from surrounding areas.
6. The development hereby approved shall be carried out having regard to 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

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed at the site, 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 proposal hereby approved shall not be extended or altered in any way, and no additional equipment shall be erected on the site 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.

7. Prior to the commencement of the development, details of a scheme for the erection of fencing on the northern boundary of the site adjacent to the existing car park shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the agreed details prior to the use of the site and retained as such for the lifetime of the development.

In the interests of highway safety.

No: 7
Number: H/2010/0648
Applicant: Endeavour House St. Mark's Court THORNABY TS17 6QN
Agent: Ben Bailey Homes Mr Chris Dodds Investor House Colima Avenue Sunderland Enterprise Park SUNDERLAND SR5 3XB
Date valid: 24/11/2010
Development: Erection of four two storey dwellinghouses and a bungalow with associated works (Further amended plans received - alteration to site layout)
Location: Land to the rear of St Marks Church and Community Centre Clavering Road HARTLEPOOL

Background

7.1 The application appears as item 7 on the committee agenda.

7.2 It was anticipated that all outstanding issues with regard to the application would be clarified at the time of writing the update report, however since the initial report was prepared there has been limited progress and the time period for publicity is outstanding. There are also outstanding issues with regard to the formation of a scheme to enhance/improve the adjacent area of incidental open space. Given the number of outstanding issues it is considered prudent in the interests of fully informing Members to withdraw the item from the agenda for it to be considered at a future meeting. The application at Monmouth Grove is intrinsically linked to this application and is also on the committee agenda for consideration. Given the above this item is also withdrawn.

UPDATE

4.1

No: 8
Number: H/2010/0558
Applicant: Mr M Ashman Catcote Road HARTLEPOOL TS25 3JN
Agent: Mr M Ashman Owton Fens Community Association
Catcote Road HARTLEPOOL TS25 3JN
Date valid: 26/11/2010
Development: Change of use to mixed use development comprising
mattress recycling, tyre recycling and end of life vehicle
depollution, provision of recycling bays and siting of a
portacabin
Location: Cliff House Foundry Ainsley Street HARTLEPOOL

Update

8.1 This application appears on the main agenda as item 8. The comments of the Fire Brigade and the Council's Engineering Consultancy in respect of the application have now been received.

8.2 The Council's Engineering Consultancy have indicated that the Environment Agency's standard conditions will be sufficient to cover any potential contamination aspects of the proposal. On that basis it is considered that the potential risk of contamination to controlled waters can be adequately controlled through suitably worded planning conditions.

8.3 The Fire Brigade have indicated that any stack of any materials indicated in the County of Cleveland Act 1987 should adhere to the limits required by the Act. The only material to which this application relates identified in the act are tyres. The Act states the stacks of tyres, under the circumstances of this application, should be limited to no higher than 3 metres in height. A condition is proposed to limit stack heights to 2 metres as the bays shown on the submitted plans. The Fire Brigade have otherwise raised no concerns with the proposals.

Conclusions

8.4 With regard to the relevant Hartlepool Local Plan (2006) policies and the relevant considerations both above and discussed in the original report to Committee, the application is considered acceptable and recommended for approval subject to the following conditions.

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans 280/206 and 300/47F/2002 Rev A received by the Local Planning Authority on 08 11 10.
For the avoidance of doubt.

UPDATE

4.1

3. The permission hereby granted relates to the recycling of waste mattresses, waste tyres and end of life vehicles only and no other waste material shall be brought onto the site at any time.
In the interests of the amenities of the occupants of the surrounding area.
4. Waste material brought onto the site in accordance with condition 3 shall be deposited or stored within the defined bays hereby approved as shown on approved plan 300/47F/2002 Rev A received on 8 November 2010 only and on no other part of the site at any time.
In the interests of the amenities of the occupants of the surrounding area.
5. Waste material brought onto the site in accordance with conditions 3 and 4 shall not be deposited or stored to a height exceeding 2m.
In the interests of the amenities of the occupants of the surrounding area.
6. Waste mattresses and end of life vehicles brought onto the site in accordance with condition 3 shall be worked /processed on only within the recycling shed as shown on approved plan 300/47F/2002 Rev A received on 8 November 2010 only and on no other part of the site at any time.
In the interests of the amenities of the occupants of the surrounding area.
7. The site shall only operate between the hours of 08.00 and 17.00 Mondays to Fridays inclusive and at no other time or any time Saturdays, Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
8. There shall be no burning of any materials or waste on the site.
In the interests of the amenities of the occupants of the surrounding area.
9. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct or via soakaways.
To prevent pollution of the water environment.
10. Notwithstanding the submitted details, within 1 month of the date of this permission, final details of the construction of the external storage bays shall be submitted to and agreed in writing by the Local Planning Authority.
Thereafter, within 1 month of the date of the Local Planning Authority's agreement, the bays shall be implemented in accordance with the agreed details and thereafter retained as such for the lifetime of the development.
To ensure the site is developed in a satisfactory manner.
11. Within 2 months of the date of this permission, the following components of a scheme to deal with risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - 1) A preliminary risk assessment which has identified:
 - a) all previous uses;
 - b) potential contaminants associated with those uses;
 - c) a conceptual model of the site indicating sources, pathways and receptors;
 - d) potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Thereafter, the scheme shall be implemented in accordance with the agreed details and within a timescale to be first agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. No waste material shall be brought onto the site until the above has been submitted to and agreed in writing by the Local Planning Authority.

The information provided with the application indicates that the site has been subject to the potentially contaminative land-use (i.e. foundry and End of Life Vehicle operation). The environmental setting of the site is sensitive as it lies on the Sherwood Sandstone principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the development.

12. No material or waste shall be brought onto the site and no development shall commence until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

The information provided with the application indicates that the site has been subject to the potentially contaminative land-use (i.e. foundry and End of Life Vehicle operation). The environmental setting of the site is sensitive as it lies on the Sherwood Sandstone principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the development.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained approval in writing from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Unsuspected contamination may exist at the site which may pose a risk to controlled waters.

14. No development shall be carried out and no further materials shall be brought onto the site until a scheme for the disposal of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented and retained in accordance with the agreed details throughout the life of the development unless otherwise agreed in writing by the Local Planning Authority.

To ensure that proper means are provided for the disposal of foul and surface water from the development.

15. Notwithstanding the submitted details, final details of the proposed hard surfaces on site shall be submitted to and approved in writing by the Local

UPDATE

4.1

Planning Authority within 2 months of the date of this permission. The development shall thereafter be carried out in accordance with those details and retained as such for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

To ensure the site is developed in a satisfactory manner.

16. Within 1 month of the date of this permission, a wheel wash scheme to prevent mud or waste being deposited on the highway by vehicles leaving the site shall be submitted to and agreed in writing by the Local Planning Authority and implemented within 2 months of the date of the Local Planning Authority's agreement. Thereafter the approved scheme shall be available and be used for its intended purpose at all times during the life of the development.

In the interests of highway safety.

17. Unless otherwise agreed in writing by the Local Planning Authority dust suppression equipment shall be provided in accordance with a scheme to be first agreed in writing by the Local Planning Authority within 2 months of the date of this permission. Once installed the equipment shall be retained for the life of the development and shall be available for use at all times while the facility is operational.

In the interests of the amenities of the occupants of the surrounding area.

18. Unless otherwise agreed in writing by the Local Planning Authority screen fencing and litter catch fencing of a height and design to be first submitted to and approved in writing by the Local Planning Authority shall be placed around the boundaries of the working areas of the site within 2 months of the date of this permission. The approved fencing shall be implemented in accordance with the agreed details within 1 month of the date of the Local Planning Authority's agreement. The screen and litter catch fencing or similar replacement fencing in the event that the approved fencing is damaged and cannot fulfill its function shall thereafter be retained during the life of the life of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the amenities of the occupants of the surrounding area.

UPDATE

4.1

19. The parking bays as detailed on plan 300/47F/2002 Rev A received on 8 November 2010 shall be implemented within 1 month of the date of this permission and thereafter shall be retained for its intended use during the lifetime of the development.
In the interests providing adequate parking facilities.

PLANNING COMMITTEE

4 February 2011



Report of: Assistant Director (Regeneration and Planning)

Subject: Emerging Affordable Housing Policy in the Core Strategy

1. PURPOSE OF REPORT

- 1.1 The purpose is to advise members of the emerging planning policies in the Core Strategy Preferred Options regarding affordable requirements concerning private housing developments.

2. INTRODUCTION

- 2.1 Affordable housing is housing designed for those, whose income generally denies them the opportunity to purchase houses on the open market. Affordable housing is either outright Socially Rented or Intermediate Tenure housing in the form of Shared Ownership or Shared Equity schemes whereby the affordable units are retained and managed in the long term. Affordable houses are generally owned and managed by Registered Providers such as Housing Hartlepool.
- 2.2 Affordable housing can be delivered either as a 100% affordable development or as part of a private market housing development, where a smaller percentage of the overall dwellings are affordable in tenure and the majority are private.
- 2.3 In the future it may be difficult to secure grant funding for subsidised 100% affordable housing and as a result other mechanisms need to be utilised to secure ongoing affordable housing provision. Securing affordable housing as part of private residential developments provides perhaps the most realistic way of securing new affordable housing developments in the future.
- 2.4 Planning Policy Statement 3 Housing (PPS3), sets out the national planning policy framework for delivering the Government's housing objectives with regard to new housing provision.
- 2.5 Using guidance established in paragraphs 21, 21, 22, 27, 29 and 30 in PPS3 the Borough Council has drawn together various sources of evidence to establish an affordable housing target, what type and tenure of affordable

housing is required, when it will be required and how it will be managed in the future.

- 2.6 The affordable housing policy is proposed in the Core Strategy Preferred Options document, currently out to public consultation. The closing date for comments is Friday 11th February 2011.

3. AFFORDABLE HOUSING REQUIREMENT THRESHOLD

- 3.1 Affordable housing is proposed to be required on all residential developments that consist of a gross addition of 15 dwellings or more. This will include lapsed or renewals of unimplemented planning permissions, changes of use and conversions.
- 3.2 PPS3 states that a minimum site size threshold of 15 dwellings should be used. There is no local evidence to suggest that a lower or greater threshold should be set, therefore the minimum threshold of 15 dwellings is seen as being appropriate.

4. AFFORDABLE HOUSING TARGET

- 4.1 A minimum affordable housing target of 10% will be delivered on all sites. Higher percentages of affordable housing will be subject to negotiation on a site-by-site basis where there is an identified local need and/or the economic viability of schemes allows for a greater provision. The following paragraphs summarise the evidence behind reaching the minimum 10% target.

Hartlepool Strategic Housing Market Assessment 2007 (SHMA)

- 4.2 The SHMA identified the current and future housing need in the Borough. An analysis of the current and future housing markets concluded that market demand was exceeding supply in most areas and that a degree of pressure in the current housing market was a result of considerable uplift in house prices across the Borough over the past five years. A shortfall of affordable units was identified; this affordable need was heightened by the limited capacity of the social rented sector with low vacancy rates and long waiting lists.

- 4.3 The report suggested a target for affordable housing on new developments of 30% of which 80% should be social rented and 20% intermediate tenure.

Tees Valley Strategic Housing Market Assessment 2008 (TVSHMA)

- 4.4 The TVSHMA identified the current and future housing need in the Tees Valley and the Borough. The assessment supported the affordable housing need identified within the Hartlepool SHMA. In addition to this it suggested a 20% affordable housing requirement for housing developments across the Tees Valley. This 20% figure was viewed as achievable and reasonable figure to expect private developers to contribute to, based on a comparison of sensible affordable housing policies in place across the North East of England and local needs within the Tees Valley.

- 4.5 Since the two SHMA's were completed there have been profound changes in the housing market with specific consequences for the economic viability of new housing developments. Government and Planning Inspectors guidance and successful challenges by housebuilders, on non-flexible affordable housing policies resulted in the Borough Council needing to pay close attention to the subject of economic viability. Based on this concern the Borough Council carried out an Affordable Housing Economic Viability Assessment in 2009

Affordable Housing Economic Viability Assessment 2009 (AHEVA)

- 4.6 The results of the economic viability assessment show that in current market conditions, the development of residential property is generally economically unviable, regardless of affordable housing.
- 4.7 The results suggest that any policy put in place will need to be flexible and perhaps have built in trigger points or similar mechanisms which enable more affordable housing to be delivered as market conditions improve.
- 4.8 The assessment states that setting a policy at 0% based on the results of the baseline analysis is unsustainable across the course of the plan period and will not meet the identified housing need of people across the Borough. In order to ensure that any future developments are viable and not stifled by an onerous affordable housing requirement, the policy should be flexible enough to have regard to prevailing market conditions. This method will allow both for the maximisation of affordable housing on site and the viability of schemes aiding delivery in the long term.
- 4.9 The assessment shows that on the sites assessed, in certain market conditions, schemes including 10% affordable housing are viable. It is the aim of the Local Authority to maximise the number of affordable homes delivered across the Borough, regardless of market conditions. Therefore a policy which builds in both some certainty for landowners and developers and flexibility to account for differing market conditions and allows for the establishment of viability on a scheme by scheme basis would seem to be the best way of meeting this role.
- 4.10 If the affordable housing policy was not designed to be flexible in terms of setting a target that it economically viable it may be viewed as being undeliverable and subsequently found unsound by a Planning Inspector. This has been proven by successful legal challenges against inflexible Local Plan and Core Strategy affordable housing policies, and successful planning application appeals, by developers, especially national housebuilders.

5. WHERE AFFORDABLE HOUSING WILL BE PROVIDED

- 5.1 It is expected that affordable housing will be delivered through on-site provision and where appropriate be pepperpotted. However in certain circumstances it will be acceptable for provision to be made off-site, where:

- Applicants can provide sound, robust evidence why the affordable housing cannot be incorporated on-site, and/or
- The Borough Council is satisfied that off site provision or a commuted sum will benefit the wider housing regeneration agenda in the Borough.

5.2 The flexibility in the policy with regard to off-site provision and/or the provision of a commuted sum is crucial when considering the potential for continuing the delivery of housing regeneration, enabling new houses to be more affordable or acquiring properties in renewal schemes in the centre of town, without significant public money subsidy.

6. TYPE OF AFFORDABLE HOUSING PROVIDED

6.1 Applicants will be expected to achieve a target of 80% social rented and 20% intermediate tenure mix on each site. Housing type and tenure split will be negotiated on a site-by-site basis, having regard to the most up-to-date evidence of need, mix of tenures of existing housing nearby, the desire to create balanced communities and the constraints and requirements of providing on-site provision.

6.2 The proposed 80/20 tenure split and the size/type of affordable dwellings required is informed by both the Hartlepool SHMA and the Tees Valley SHMA; reflecting the predominant housing need in the local area.

7. AFFORDABLE HOUSING DELIVERY AND MANAGEMENT

7.1 Unless in exceptional circumstances, all affordable units will be delivered in partnership with a Registered Provider by means of a Legal Agreement, and appropriate provision to secure long term availability.

8. WORKED EXAMPLE

8.1 A worked example of a theoretical planning application is detailed below, to demonstrate how affordable housing could be secured:

Application	Residential development consisting of 79 dwellings
Location	Fens Ward
Date	2011
Total Affordable Target	10%
On Site Provision	5% (4 affordable dwellings)
Off Site Provision	5% (4 affordable dwellings)
Fens Affordable Housing Need	19% 1-2 bed 66% 3+ bed 15% Older Persons

Tenure Split	80 Social Rented (SR) 20 Intermediate (INT)
On Site Affordable Provision	1 x 2 bed dwellings (1 x SR) 2 x 3 bed dwellings (1 x SR, 1 x INT) 1 x Older Persons Bungalow (1 x SR) 4 x Total Affordable Dwellings (3 X SR, 1 x INT)
Off Site Affordable Commuted Sum	Market Sale Price = £120,000 Commuted Sum = 60% of Market Price 4 x £72,000 Commuted Sum Commuted Sum = £288,000

8.2 For the worked example above, the off-site commuted sum could be used to:

- Build 3 affordable dwellings on Council owned land, or
- Acquire 4 units on a housing regeneration site, or
- Put into an equity share scheme to encourage private home ownership and sales (done with success at Headway), or
- Put into an existing private or Housing Hartlepool scheme to secure more affordable housing.

9. RECOMMENDATION

9.1 That Members note the report and the Core Strategy Preferred Options document.

PLANNING COMMITTEE

4 February 2011



Report of: Assistant Director (Regeneration and Planning)

Subject: **APPEAL – ERECTION OF A SINGLE STOREY SIDE AND REAR EXTENSIONS TO PROVIDE GARAGE AND KITCHEN EXTENSION AND CANOPY TO FRONT
15 RUSKIN GROVE (H/2010/0483)**

1.0 PURPOSE OF REPORT

- 1.1 To advise members of the outcome of an appeal lodged against the refusal of planning consent for the erection of a single storey side and rear extension to form a garage and kitchen extension at 15 Ruskin Grove.

2.0 THE APPEAL

- 2.1 The application was refused on the grounds that the proposed development would be to the detriment of highway safety and visual amenity.
- 2.2 The appeal was decided by written representations and the Inspector subsequently allowed the appeal.
- 2.3 The appeal decision is attached.

3. RECOMMENDATION

That Members note the decision.



The Planning
Inspectorate

Appeal Decision

Site visit made on 20 December 2010

by Kevin Ward BA (Hons) MRTPI

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

Decision date: 30 December 2010

Appeal Ref: APP/H0724/D/10/2140254

15 Ruskin Grove, Hartlepool TS25 5PR

- 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 Luke Evans against the decision of Hartlepool Borough Council.
- The application Ref H/2010/0483, dated 12 July 2010, was refused by notice dated 6 October 2010.
- The development proposed is a single storey side and rear extension forming garage and kitchen extension.

Decision

1. I allow the appeal and grant planning permission for the erection of a single storey front, side and rear extension to provide garage and kitchen extension and canopy to front at 15 Ruskin Grove, Hartlepool TS25 5PR in accordance with the terms of the application Ref H/2010/0483, dated 12 July 2010 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2010/01, 2010/02, 2010/03, 2010/04.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. The description of the proposed development set out in the heading above is taken from the application form. However, I have adopted the description used by the Council in its decision notice in the interests of clarity.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The appeal property does not currently have any provision for off-street parking. I saw from my site visit that whilst there are some dedicated parking bays along the street, there is also some on-street parking, including at the head of the cul-de-sac, near the appeal property. In order for vehicles to

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Appeal Decision APP/H0724/D/10/2140254

access the proposed garage, they would need to cross over the footway outside the appeal property and part of the grass verge at the end of the cul-de-sac. The driveway in front of the garage would be significantly less than the 5m minimum guideline referred to in Supplementary Note 4 to the Hartlepool Local Plan.

5. Vehicles parked in front of the garage would overhang onto the footway and beyond. However, given the position of the appeal property at the end of the cul-de-sac, this would not cause an obstruction to passing motorists or pedestrians and given the width of the road, it is not likely to have any significant effect on vehicle turning and manoeuvring. Furthermore, the demand for on-street parking is likely to be reduced with the provision of the garage.
6. The Council's Highway Section has indicated that it would have no objections to a vehicle crossover in principle. Although this would be likely to involve the loss of part of the grass verge, I consider that it would not have any significant effect on the character and appearance of the street scene.
7. I consider therefore that the proposed development would not have an adverse effect on highway safety.
8. I have imposed a condition to require matching materials in the interests of the character and appearance of the area and a condition to ensure that development is carried out in accordance with approved plans for the avoidance of doubt and in the interests of proper planning.

Conclusion

9. For the above reasons and taking account of other matters raised I conclude that the proposed development would accord with Policy GEP1 of the Hartlepool Local Plan and that the appeal should succeed.

Kevin Ward

INSPECTOR

PLANNING COMMITTEE

4 February 2011



Report of: Assistant Director (Regeneration and Planning)

Subject: **APPEAL – FORMER GARAGES SITE LAND TO REAR OF STANMORE GROVE, SEATON CAREW (H/2010/0067)**

1.0 PURPOSE OF REPORT

- 1.1 To advise members of the outcome of an appeal lodged against the refusal of planning consent for outline planning permission for the erection of two detached dwellings with detached garages at the former garages site, land to the rear of Stanmore Grove, Seaton Carew.

2.0 THE APPEAL

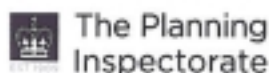
- 2.1 The Appeal was decided by written representations. The Inspector dismissed the appeal on the following grounds:-

- a) the proposal would be contrary to Hartlepool Local Plan Policy
- b) detrimental impact on existing residential properties due to shape and size of the site together with the substandard access road in terms of noise and disturbance.
- c) the living conditions of future occupants would be 'less than ideal' in terms of the narrow access to the site and the existing flood alleviation scheme equipment.

- 2.2 The appeal decision is attached.

3. RECOMMENDATION

- 3.1 That Members note the decision.



Appeal Decision

Site visit made on 21 December 2010

by Ruth V MacKenzie BA(Hons) MRTPI

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

Decision date: 10 January 2011

Appeal Ref: APP/H0724/A/10/2137486

Former garages site, land at rear of Stanmore Grove, Seaton Carew, Hartlepool TS25 1DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr John Turner against the decision of Hartlepool Borough Council.
- The application (Ref No H/2010/0067, dated 4 February 2010) was refused by notice dated 31 March 2010.
- The development proposed is the erection of 2 No dwellings and detached garages.

Application for costs

1. An application for costs was made by Hartlepool Borough Council against Mr John Turner. The application is the subject of a separate Decision.

Decision

2. I dismiss the appeal.

Main Issues

3. I consider that the main issues in this appeal are firstly, the effect of the proposed dwellings on the character and appearance of the site; and, secondly, the impact on the living conditions of nearby residents and the future occupants of the proposed dwellings themselves, with particular reference to access and noise.

Inspector's Reasons

4. The application has been made in outline, with all matters of detail reserved for later determination. A site layout plan has been submitted, but it is purely for indicative purposes.

The first issue – effect on the character and appearance of the site

5. The site lies within the urban area of Seaton Carew and is in a sustainable location. The principle of residential development would normally be acceptable for sites such as this. However, largely because of nearby allotments, the appeal site is designated as a Key Green Space. Policy GN3 of the adopted Hartlepool Local Plan (LP) seeks to protect Key Green Spaces from development which is unrelated to their use or amenity. The proposed residential development would fall into this category.

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Appeal Decision APP/H0724/A/10/2137486

6. Unlike the informal parking that takes place on the site at present, I consider that the 2 dwellings and the garage block would permanently diminish the openness of this Key Green Space. I accept that recent developments by Northumbrian Water on adjoining land have affected the site's setting. I also accept that, apart from its openness, the site itself adds little to the visual amenity of the Key Green Space of which it is a part. Nevertheless, I consider that the proposed residential development would fly in the face of LP policy GN3 because it would have a materially adverse effect on the site's open character and appearance.

The second issue – living conditions

7. The access to the site would be via a narrow track which connects at a sharp angle to the turning circle at the end of Stanmore Grove. The track passes between the side wall of No 35 Stanmore Grove and the rear garden fence of No 55 Glentower Grove. Its width falls short of the 4.1m advised in the Council's *Design Guide and Specification*. Indeed, I saw that much of the track is little more than 3m wide.
8. Furthermore, because of the site's shape and size, and the position of the access track, I consider that there is a strong likelihood that the proposed block of 4 garages and the associated parking and hardstanding area would be near to the neighbouring houses in Glentower Grove, as shown on the indicative layout plan. The houses have short rear gardens under 10m long and I anticipate that the noise of vehicles coming and going from the garages could be disturbing to residents in their rear gardens and rear-facing rooms.
9. The narrowness of the access track and the noise of vehicles manoeuvring in and out of the garages would, in my opinion, unacceptably worsen the living conditions of the nearby residents of Stanmore Grove and Glentower Grove.
10. I now turn to the living conditions of the future occupants of the 2 proposed dwellings. I consider that the site's proximity to a 7m vent stack and other equipment which forms part of a flood alleviation scheme, together with the inconveniences of the narrow access, would lead to living conditions which, although tolerable, would be less than ideal.
11. LP policy Hsg9 requires, amongst other things, that development should not have a significant detrimental effect on the occupiers of proposed and existing dwellings. LP policy GE1 incorporates the same objective in its list of general environmental principles. For the reasons given above, I have decided on the second issue that the proposed development would fail to satisfy these policies because it would lead to unacceptable living conditions for nearby residents and the future occupants of the proposed dwellings themselves.

Conclusion

12. For the above reasons, and taking into account all other matters raised, I have concluded that the proposed development is unacceptable. The appeal is therefore dismissed.

Ruth V MacKenzie

INSPECTOR

<http://www.planning-inspectorate.gov.uk>

2

PLANNING COMMITTEE

4 February 2011



Report of: Assistant Director (Regeneration and Planning)

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

1 BACKGROUND OF REPORT

- 1.1 This matter was reported to the January 2011 meeting of the Planning Committee when members requested clarification as to whether there was a right of appeal in the event that members declined to vary a legal agreement. The matter was deferred to allow the Solicitor to clarify the situation regarding rights of appeal.
- 1.2 The Solicitor has looked into this matter and confirmed that there is a right of appeal to the Secretary of State in the event that a request to modify or discharge a planning obligation is refused. Such an appeal would likely be in the form of a public inquiry or hearing. Further as with Planning Appeals there is a provision for costs to be awarded against a Local Planning Authority where the Authority was seen to be acting unreasonably. In this case, should members decline to vary the agreement they might be seen to be attempting to frustrate the decision of the Planning Inspectorate thus the Authority could be seen to be acting unreasonably.
- 1.3 The original report and recommendation are set out below.

2 PURPOSE OF REPORT

- 2.1 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.

3 THE DECISION

- 3.1 The appeal was allowed. The decision letter is **attached**.
- 3.2 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.

- 3.3 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.
- 3.4 No claim for costs against the Council was made.

4 THE LEGAL AGREEMENT

- 4.1 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.

5 RECOMMENDATION

- 5.1 That members note the result of the appeal.
- 5.2 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 MPhil 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.gov.uk
ov.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

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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 GE1. 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 GEPI.
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

PLANNING COMMITTEE

4 February 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 cars displayed for sale parked on a grass verge on Hart Lane.
- 2 Officer monitoring recorded a planning condition breach namely the lighting of unauthorised fires at a permitted waste recycling facility on Mainsforth Terrace.
- 3 A neighbour complaint regarding the erection of a conservatory to the rear of a property on Stonethwaite Close.
- 4 A resumed complaint to draw attention to pursuing enforcement action regarding planning consent refused to retain railings to create a balcony on the roof of a detached residential garage on Hart Lane.
- 5 A resumed complaint to draw attention to pursuing enforcement action regarding planning consent refused to erect boundary walls, entrance gates and incorporation of land into residential curtilage, on a farm on the Coast Road.
- 6 A complaint regarding the placing of barbed wire and broken glass on the rear wall surrounding a residential property on York Road.

2. RECOMMENDATION

2.1 Members note this report.