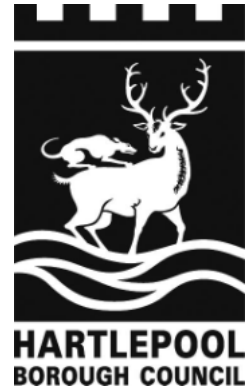


PLANNING COMMITTEE AGENDA



Friday 4 March 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 4 FEBRUARY 2011**
- 4. ITEMS REQUIRING DECISION**
 - 4.1 Planning Applications – *Assistant Director (Regeneration and Planning)*
 1. H/2008/0001 Brierton Moorhouse Farm, Dalton Back Lane, Hartlepool
 2. H/2010/0680 Land adjacent to The Cliff, Seaton Carew, Hartlepool
 3. H/2011/0019 Land at Windermere Road, Hartlepool
 4. H/2010/0668 Main Gate House, Camerons Brewery, Waldon Street, 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 Appeal by Mr Kelly, The Laurels, Blakelock Road, Hartlepool – *Assistant Director (Regeneration and Planning)*
- 4.7 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)*
- 7.3 Enforcement Action – 1A Hillcrest Grove, Elwick, 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 1 April, 2011 at 9.00 a.m.

Next Scheduled Meeting - Friday 1 April, 2011 at 10.00 a.m.

PLANNING COMMITTEE

4 March 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

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email: enquiries@pins.gsi.gov.uk

Decision date:
10 December 2010

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

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is by Mr William Morgan against the decision of the Hartlepool Borough Council.
- The application (ref: H/2010/0339 and dated 14 May 2010) was refused by notice dated 5 August 2010.
- The development is described as the 'use of 4 apartments approved under the provision of planning permission H/2006/0338, currently restricted to occupation by persons aged 55 and over, for general occupation'.

Decision

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

Reasons

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

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

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

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

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6. Of course, the spectre of young people spoiling the tranquillity of the place by kicking balls against apartment walls or skate-boarding across the car parks and damaging cars is understandable. But I think that it is a chimera. Although the apartments are pleasant, they are relatively peripheral and I doubt that they would be an obvious permanent choice for those seeking to bring up a young family; they would not comfortably accommodate a large household. As the planning officer indicates, the proper use of these premises would not necessarily disturb the amenity of elderly neighbours unduly. In my view that would largely be attributable to their design and layout. I can find no compelling reason why the proposal would engender the improper use of these apartments. However, it would widen the potential market for the dwellings, thereby encouraging financial institutions to provide mortgages and bring attractive dwellings into use. Taking all those matters into account, I consider that this proposal need not result in any noticeable additional noise and disturbance for existing residents. It would not, therefore, necessarily contravene policy GE1.
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 March 2011



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL BY MR KELLY, THE LAURELS,
BLAKELOCK ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council.

2. APPEAL

- 2.1 A planning appeal has been lodged against the refusal of Hartlepool Borough Council of an application for the erection of a detached bungalow with integral garage at The Laurels Blakelock Road Hartlepool.
- 2.2 The application was refused as it was considered that the development would detract from the visual amenities of the area and because of its impact on the neighbouring dwelling.
- 2.3 The appeal is to be determined by the written representations procedure and authority is therefore requested to contest the appeal.

2 RECOMMENDATIONS

- 3.1 Authority is given to contest the appeal.

PLANNING COMMITTEE

4 March 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 the erection of 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.
- 7 A neighbour complaint regarding the display of advertisements linked to the rebranding and refurbishment of a public house on Wooler Road.
- 8 A neighbour complaint regarding take-away receiving deliveries after 8:00pm not complying with a planning condition linked to premises on Raby Road.
- 9 A Councillor complaint regarding a drug counselling service recently started from a retail unit on York Road.

- 10 A neighbour complaint regarding car repairs happening at a residential property at Leaholme Road.
- 11 A neighbour complaint regarding a caravan site operating outside its permitted opening season times in Dalton Piercy.
- 12 A neighbour complaint regarding a breach of a residency condition linked to a planning consent for the erection of holiday cottages in Dalton Piercy.
- 13 A neighbour complaint regarding the erection of a rear boundary wall in excess of 2 metres high on Parton Street.
- 14 Officer monitoring recorded the display of advertisements linked to the rebranding and refurbishment of a public house on Mulberry Rise.
- 15 An anonymous complaint regarding a granny annex being used for independent residential occupation in breach of a condition linked to the planning consent for the related development on Netherby Gate.
- 16 A neighbouring business tenant complaint regarding the sitting of a steel container to the rear of industrial premises on Lower Oxford Street.
- 17 Officer monitoring recorded the various breaches of planning control and conditions linked to a planning consent for the provision of an additional vehicular access at residential property on Hillcrest Grove.
- 18 A neighbour complaint regarding the erection of a telecommunications antenna not in accordance with the approved plans on Wynyard Road.
- 19 A neighbour complaint regarding the erection of illuminated and non-illuminated signs on and in the grounds of a residential care home in Wynyard.
- 20 A neighbour complaint regarding the erection of boundary fence to the front and installation of an external flue to the side wall of a property on Formby Close, has been investigated. The works were determined as 'permitted development' not requiring planning permission and exempt from building regulations.
- 21 A neighbour complaint regarding a caravan repair business operating from a residential property on Gala Close.
- 22 A neighbour complaint regarding the change use from shop to off licence on Raby Road.
- 23 A neighbour complaint regarding the erection of porch to a property on Pannell Place.
- 24 A neighbour complaint regarding the untidy condition of a vacant residential property on Jesmond Road.

- 25 Officer monitoring recorded the installation of upvc bay window to the front, side entrance door and window to the rear of commercial property on Whitby Street, located within Church Street Conservation Area.

2. RECOMMENDATION

- 2.1 Members note this report.