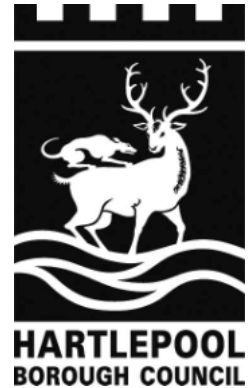


PLANNING COMMITTEE AGENDA



Friday 6 January 2012

at 10.00 a.m.

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Barclay, Brash, Cook, Fenwick, James, Lawton, A Lilley, G Lilley, Morris, Richardson, Robinson, Shields, Simmons, Sirs, 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 2 DECEMBER 2011**
(To Follow)
- 4. ITEMS REQUIRING DECISION**
 - 4.1 Planning Applications – *Assistant Director (Regeneration and Planning)*
 - 1 H/2011/0495 Golden Flatts School, Seaton Lane, Hartlepool (*page 1*)
 - 2 H/2011/0485 Stranton Cemetery Lodge, Tanfield Road, Hartlepool (*page 5*)
 - 3 H/2011/0576 Crows Meadow Farm, Dalton Back Lane, Billingham (*page 10*)
 - 4 H/2011/0568 Sylvan Mews, The Wynd, Wynyard, Billingham (*page 19*)
 - 4.2 Update on Current Complaints – *Assistant Director (Regeneration and Planning)*
 - 4.3 Proposed Diversion of Public Footpath No 9, Kipling Road, Hartlepool – *Assistant Director (Regeneration and Planning)*
 - 4.4 Proposed Diversion of Public Footpath No 20, Elwick Parish, at Amerston Hill – *Assistant Director (Regeneration and Planning)*
 - 4.5 Appeal by Mr Thompson APP/HO724/D/11/2163076; 4 Grace Close, Seaton Carew, Hartlepool TS25 2PF – *Assistant Director (Regeneration and Planning)*
 - 4.6 Developers Contributions Monitoring Report – *Assistant Director (Regeneration and Planning)*

4.7 Replacement Doors In Conservation Areas – *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 – MP Allan Skip Hire, Mainsforth Terrace, Sandgate Industrial Estate, Hartlepool (paras 5 and 6) – *Assistant Director (Regeneration and Planning)*
- 7.2 Enforcement Action – 2 St. Paul's Road, Hartlepool (paras 5 and 6) – *Assistant Director (Regeneration and Planning)*
- 7.3 Complaint Files to be Closed – 54 Seaton Lane (paras 5 and 6) – *Assistant Director (Regeneration and Planning)*
- 7.4 Complaint Files to be Closed – 45 Lancaster Road (paras 5 and 6) – *Assistant Director (Regeneration and Planning)*
- 7.5 Complaint File to be Closed – The Schooner Public House (paras 5 and 6) – *Assistant Director (Regeneration and Planning)*

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

9. FOR INFORMATION

Next Scheduled Meeting and Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of the next scheduled meeting to be held on Friday 3 February, 2012 at 9.00 a.m.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

2 December 2011

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

Present:

Councillor Rob Cook (In the Chair)

Councillors Allan Barclay, Marjorie James, Trisha Lawton, Alison Lilley, Geoff Lilley, Dr George Morris, Carl Richardson, Jean Robinson, Linda Shields, Chris Simmons, Kaylee Sirs, Hilary Thompson, Paul Thompson and Ray Wells.

Officers: Chris Pipe, Planning Services Manager
Jim Ferguson, Principal Planning Officer
Kate Watchorn, Commercial Solicitor
Adrian Hurst, Principal Environmental Health Officer
Sarah Scarr, Landscape Planning and Conservation Manager
David Cosgrove, Democratic Services Team

86. Apologies for Absence

Councillors Jonathan Brash, Mick Fenwick and Edna Wright.

87. Declarations of interest by members

Councillor Wells and G Lilley declared personal interests in Minute No. 92 "Able UK Ltd Site Tees Road, Hartlepool".

88. Confirmation of the minutes of the meeting held on 4 November 2011

Confirmed.

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

The Assistant Director, Regeneration and Planning submitted the following planning applications for determination.

Number: H/2011/0498

Applicant: MR MIHDINALMAS
QUEEN STREET HARTLEPOOL

Agent: MR MIHDIN ALMAS 2 QUEEN STREET
HARTLEPOOL

Date received: 03/10/2011

Development: Change of use to hot food takeaway

Location: 35 NORTHGATE HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 03-10-2011, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Prior to the commencement of the development hereby approved, the building shall be provided with noise insulation measures, details of which shall be submitted for the consideration and approval of the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between ground floor takeaway and first floor flat. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development.
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 premises shall only be open between the hours of 0800hrs and 2200hrs Mondays to Saturdays and 1700hrs and 2200hrs on Sundays and Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.

90. Update on current complaints (*Assistant Director, Regeneration and Planning*)

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

Councillor Richardson sought further details of issue 15.
 Councillor Wells sought further details of issue 13.
 Councillor H Thompson sought further details of issue 7.
 Councillor Lawton sought further details of issue 3.
 Councillor Sirs sought further details of issue 17.
 Councillor James sought further details of issue 8.
 Councillor Simmons sought further details of issue 18.

Decision

That the report be noted.

91. Replacement Doors in Conservation areas (*Assistant Director, Regeneration and Planning*)

The Landscape Planning and Conservation Manager reported that at the last meeting of the committee an item was brought requesting permissions for officers to take enforcement action against a door installed in a property covered by an Article 4 Direction without the benefit of consent. Members considered the information presented and concluded that no enforcement action should be taken. The item led to some discussion around replacement doors in conservation areas. The policy background relating to replacement doors was set out in the report in terms national and local policies.

The Landscape Planning and Conservation Manager reported that in February 2009 the Committee agreed a policy relating to windows in conservation areas. The policy enables residents to use modern materials alongside traditional solutions when replacing windows. It should be noted that these policy guidelines were created in light of a number of planning appeals and decisions made by this committee around the use of modern materials in conservation areas. In considering replacement doors in conservation areas consent is not required in all cases to carry out such works.

There were three different levels of control of development in conservation areas: -

1. Properties in conservation areas
2. Properties in conservation areas covered by an Article 4 Directions
3. Listed buildings

The number of applications received by the authority to replace doors on

residential properties in conservation areas or listed buildings was relatively small. In the past year (October 2010 – October 2011) a single application for a modern replacement door at a dwelling had been received. The retrospective application was refused and an appeal was subsequently dismissed. In the preceding year two applications for replacement doors were made, both of these applications were using traditional materials.

In 2009 the Committee agreed policy guidelines in relation to replacement windows in conservation areas. There is a relatively generic window style found across the eight conservation areas in Hartlepool. This enabled guidelines to be developed which would encompass replacement windows in most cases.

There are a wide variety of designs of doors across all eight conservation areas. There is not a one size fits all approach for doors and the type and style of doors found in conservation areas varies greatly. Currently applications for replacement doors were determined on a case by case basis. The appropriateness of a replacement doors is considered in light of the design and detailing of the new door, and how this replicates the original door. If the application is to replace a modern door, a judgment is made if the door is of an appropriate design and style to the age of the property.

The current policy did not preclude the use of modern materials in replacement doors. To date it has been found that modern doors do not replicate the characteristics of a traditional timber door and therefore they would not usually be recommended for installation in historic properties. This view had been supported in appeal decisions in Hartlepool and case law elsewhere.

General guidance on replacement doors was provided on the Council's website. The information included details on different elements of a door, carrying out repairs to timber doors and points to think about when replacing doors.

The Landscape Planning and Conservation Manager outlined the risks of allowing the use of non-traditional materials in conservation areas, one of which was the potential for conservation areas being placed on the English Heritage 'At Risk Register'. This register monitors all aspects of heritage at risk across the country. It would provide an indication that the previous investment in conservation areas by the Council, English Heritage, and in the case of the Headland, the Heritage Lottery is not being protected. This could put at risk potential future grant schemes if it is perceived that funding will not be protected in the long term.

It was considered that as there were such a low number of applications for replacement doors in conservation areas that the issue was not currently impacting on the character and appearance of the conservation areas in a detrimental way. Given the wide variance of circumstances it was considered that in practice there could be no hard and fast rules on replacement doors and that each situation needed to be considered on its own merits in the

context of guidance, approved policy and any relevant considerations from case law.

The Committee debated the issue at some length. It was considered that some guidance should be given to assist both members and applicants in such cases. Officers understood such concerns but did repeat the view that not one size fits all in the case of replacement door applications. Members did feel that this was not the case and guidance was needed. Members did feel that the authority could be more 'lenient' in the way it considered such applications, particularly when residents were often only wishing to save energy within their homes.

The Committee acknowledged the considerable work that had been undertaken to develop the guidance in relation to replacement windows in conservation areas but did feel that the authority was being seen as rather draconian on this issue. Members referred to the situation in York where upvc windows seemed to be widely accepted and suggested that information on its policy be obtained. The Chair indicated that this would be done and the information circulated to Members.

Members discussed the issue of the differing types of materials and their ability to replicate traditional designs and the wider issues of fuel poverty. It was suggested that further work did need to be undertaken to look at what was and what was not acceptable in replacement doors in conservation areas so that some guidelines, however wide, could be agreed to assist the general public and the Committee in determining such applications.

Decision

That the report be received and that a further report responding to the issues raised by Members be submitted to a future meeting of the Committee.

92. Able UK Ltd Site Tees Road, Hartlepool (*Assistant Director, Regeneration and Planning*)

The Principal Planning Officer reported that in November 2007 Able UK Ltd had received a series of planning approvals related to its site on Tees Road, Hartlepool. The applications were approved subject to the completion of a section 106 agreement. The approved works involved works to extend the dockside facilities (Quay 11). In light of these works the agreement required amongst other things that the developer pay the Council a sum of £ 150,000 ("the compensatory payment") for the purpose of creating an area of intertidal habitat of not less than 1.5 hectares to compensate for the loss of intertidal habitat arising from works to the dockside (Quay 11). The agreement was completed in November 2007.

It was envisaged that the £ 150,000 would be applied by the Borough Council as a contribution to a scheme being brought forward by the Environment Agency (EA), the Managed Realignment Scheme, for the creation of intertidal habitat at Greatham Creek. The EA was in the final stages of preparing an application for submission to seek planning permission for the scheme. The

application was yet to be considered but it was anticipated that it would have major benefits for wildlife and the environment in this area and would link with other similar initiatives in Stockton Borough in particular Saltholme.

Part of the Environment Agency's proposals would involve the creation of a bund to contain and control the flow of water within their site. The creation of the bund would be likely to require the importation of clay to create the structure. This would need to be acquired at cost to the project.

Able UK Ltd had links with Alab Environmental Services which operated the nearby landfill at Seaton Meadows. Part of their operation required the extraction of clay prior to land-filling, surplus not required for restoration works was normally sold. In light of this the Environment Agency had approached the Council to enquire as to whether a payment in kind, i.e. £ 150,000 worth of clay, rather than a cash sum could be considered as "the compensatory payment".

It was considered that the proposal to secure a payment in kind, i.e. £ 150,000 worth of clay, rather than cash, to be utilised in the implementation of the Environment Agency's Managed Realignment Scheme at Greatham was acceptable and that the legal agreement be varied to allow for this as an option should the Environment Agency's scheme receive planning approval.

Members were concerned at the link between the two companies deciding the value of the clay and that the market was not being tested. Officers indicated that the money would in any case simply be passed through to the EA for them to complete the scheme. One benefit of the arrangement would be that rather than Able providing the finance to purchase the clay, but the clay itself through their arrangement with Alab, is that no VAT would be payable so more clay could be supplied. If insufficient clay was supplied for the £ 150,000 for the scheme, the EA would have to purchase more itself.

The Planning Services Manager commented that the EA was recommending this course of action to the authority as a means of completing the s106 agreement.

Decision

That authority be given to officers to vary the legal agreement relating to the Able UK site to allow as an option for "the compensatory payment" to be paid in kind, (£ 150,000 worth of clay), and for the clay to be used in the proposed Environment Agency Managed Realignment Scheme at Greatham in the event that planning permission is granted for that scheme. The final wording of the variation to be delegated to the Planning Services Manager in consultation with the Chief Solicitor.

93. Appeal by Mr T Horwood appeal reference APP/H0724/A/11/2156050/NWF Site at: 42 Bilsdale Road, Hartlepool (Assistant Director, Regeneration and Planning)

Members were advised of the outcome of a planning appeal received in relation to the erection of a detached single storey dwelling house for use in connection with the existing dwelling house at 42 Bilsdale Road. The appeal was dismissed and the appeal decision letter was submitted.

The Inspector concluded that the development would have a harmful effect on the living conditions of the donor property (no 42) and the neighbouring property (no 40) in respect of noise and general disturbance. The Inspector also concluded that the proposal was contrary to Council policy relating to the provision of ancillary residential accommodation. A claim for costs was also dismissed.

Decision

That the report be noted.

94. Appeal by Mr I Boagey appeal ref no: APP/H0724/H/11/2156692 Site at 12-14 Montague Street *(Assistant Director, Regeneration and Planning)*

Members were advised of a planning appeal decision relating to a planning appeal that had been lodged requesting removal of condition 4 of planning approval H/2010/0622 (attached) which stated:

‘ Unless otherwise agreed in writing with the Local Planning Authority the windows hereby approved shall be white in colour’

‘ In order to protect the character of the conservation area and in the interests of visual amenity’.

The Planning Inspector dismissed the appeal concluding that removing condition number 4 would have a detrimental effect on the character and appearance of the Headland Conservation Area, contrary to the provisions of Hartlepool Local Plan Policies HE1 and Hsg 10. The decision letter was submitted for Members’ information.

Decision

That the report be noted

95. Appeal ref: APP/H0724/A/11/2157369/NWF Grab and Go, Mainsforth Terrace, Hartlepool *(Assistant Director, Regeneration and Planning)*

Members were informed that a planning appeal had been determined in relation to the refusal of the Local Planning Authority to grant planning permission for the ‘ change of use from vehicle dismantling yard to storage of skips, plant, brick, rubble, stone, clay, top soil and wood’ at Grab & Go, Mainsforth Terrace, Hartlepool.

The appeal was refused for the following reasons:

“It is considered that the proposed development would compromise the strategic aims for sub-regional waste planning set out in the Tees Valley Minerals and Waste DPDs as there is sufficient provision for waste management capacity within existing sites, and the proposal would be contrary to Policy MWP4 and MWC8 of the Tees Valley Minerals and Waste DPDs (2011) which identifies the Graythorp area as the strategic location for the provision of waste management facilities within Hartlepool.”

“It is considered that the proposal, by way of odour, noise, dust and visual intrusion, would have an unacceptable detrimental impact on the amenity and viability of neighbouring and surrounding properties when considered cumulatively within the context of Sandgate Industrial Estate, resulting in an unacceptable concentration of waste facilities in the locality, contrary to policy GEP1 and Ind6 of adopted Hartlepool Local Plan (2006) and policy MWP12 of the Tees Valley Minerals and Waste DPDs (2011).”

The appeal was decided by the written representations procedure. The appeal was allowed subject to conditions. A copy of the decision was submitted. The Appellant was also awarded costs. Copies of the Inspector's Appeal Decision and Costs Decision were submitted for Members' information.

Members expressed their disappointment at the decision, particularly after the Mayor had indicated his wish to see no further waste transfer stations within the town. The Planning Services Manager commented that while the Mayor's comments were a political statement, the Council adopted policy did reflect those comments. The Chair indicated that this decision was disappointing for Members and residents.

Decision

That the report be noted.

96. Appeal ref: APP/H0724/C/11/2164176 Unauthorised erection of a garage to front of property, Cameron Lodge, Serpentine Road, Hartlepool *(Assistant Director, Regeneration and Planning)*

Members were informed that an appeal had been lodged against the service of an enforcement notice by the Council requiring the removal of an unauthorised garage to the front of Cameron Lodge, Serpentine Road, Hartlepool.

Authority was granted by Members to commence enforcement proceedings if deemed necessary at the meeting of 12 August 2011. Attempts to secure the removal of the garage by negotiation subsequently failed and the enforcement notice was issued on 10 October 2011, taking effect on 9 November 2011. The notice required the removal of the structure in its entirety within 28 days from the date the notice took effect.

The Appellant had appealed against the notice. Appeal proceedings commenced on 7 November 2011. The enforcement notice was, therefore, suspended pending the outcome of the appeal which was to be decided by written representations.

Decision

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

97. Appeal ref: APP/H0724/H/11/2164143 Display of 3 advertisement hoardings land at Clarence Road, Hartlepool *(Assistant Director, Regeneration and Planning)*

Members were informed that an appeal had been lodged against the service of a discontinuance notice against the display of advertisements at land at Clarence Road, Hartlepool. Authority was granted by Members to commence discontinuance proceedings under the 2007 Advertisement Regulations if deemed necessary at the meeting of 12 August 2011. The notice had been issued on 13 September 2011, taking effect eight weeks following deemed service (10 November 2011).

The notice required the cessation of the use of the site for the display of advertisements within a period of two months from the date the notice took effect. The Appellant had appealed against the notice. Appeal proceedings commenced on 9 November 2011 and were to be decided by written representations.

Decision

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

98. Any Other Items which the Chairman Considers are Urgent

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

99. Consultation on The Draft Local Development Orders for Enterprise Zones *(Assistant Director, Regeneration and Planning)*

The Planning Services Manager reported on the consultation period for the Draft Local Development Orders for Enterprise Zones which expires on 23rd December 2011. The report highlighted the Hartlepool Enterprise Zones, the Simplified Planning: Local Development Orders (LDO's) and the Statutory Consultation Period. The final LDOs would be prepared through considering

all representations made during the Statutory Consultation process. The final LDOs would be presented to Council for Adoption in March 2012. It was anticipated that the final LDOs would come into effect on 1st April 2012. Members were invited to forward any comments they may have to the Planning Policy Team.

Decision

That the report be noted.

100. 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 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.

Minute 101 – Enforcement Action 34 Osbourne Road, Hartlepool – 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 (para 6).

101. Enforcement Action 34 Osbourne Road, Hartlepool
(Assistant Director, Regeneration and Planning) (Paras 5 and 6)

The Committee was requested to consider enforcement action, should this be required, in respect of the untidy condition of 34 Osborne Road by issuing a Section 215 Notice.

Decision

Enforcement action was approved in accordance with the conditions set out in the exempt section of the minutes.

The meeting concluded at 11.25 a.m.

CHAIR

No: 1
Number: H/2011/0495
Applicant: Mrs S Sharpe Seaton Lane HARTLEPOOL TS26 8NL
Agent: Golden Flatts Primary School Mrs S Sharpe Seaton Lane HARTLEPOOL TS26 8NL
Date valid: 13/10/2011
Development: Change of use and alterations including ramp and french doors to caretakers bungalow to parents/carers centre
Location: Golden Flatts School Seaton Lane HARTLEPOOL

The Application and Site

1.1 The site to which this application relates is the caretaker's bungalow – a single storey residential property located within the grounds of Golden Flatts Primary School. There are residential properties opposite the site. The school is accessed from Seaton Lane.

1.2 The application seeks consent to change the use of the bungalow from residential (C3) for community uses associated with the existing school (D1) for staff and pupils, parents and governors. Examples of the uses include family learning, parenting groups, nurture groups, health/medical services. The unit will be under the management of the school.

1.3 The application is presented to Members as the proposal involves a change of use of a Council owned building. There are no objections to the scheme.

Publicity

1.4 The application has been advertised by way of neighbour letters (8). To date, there have been no objections.

1.5 The period for publicity has expired.

Consultations

1.6 The following consultation replies have been received:

Head of Traffic and Transportation - No objections.

Head of Public Protection – No objections

Planning Policy

1.7 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.

Rec6: Seeks the wider community use of school sports and playing field facilities. Developers contributions may be sought in this respect.

Planning Considerations

1.8 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 potential impact on neighbouring residential properties in terms of noise and disturbance and the potential impact on highway safety.

1.9 It is acknowledged that the use of the property for school related activities has the potential to have an impact on those properties on Seaton Lane and the associated groves, especially if carried out after normal school hours. It is considered unlikely the activities proposed would give rise to levels of noise and disturbance which would significantly affect the amenity of neighbours, particularly when considered within the context of the existing school grounds. It is unlikely any levels of noise from the property would be above and beyond current levels that are experienced from the day to day activity of the main school itself.

1.10 It is indicated that the proposal is unlikely to result in an increase of traffic into the site, and it is considered unlikely therefore that the neighbouring properties will experience disturbance from increased traffic noise. To allow a level of consistency with this type of development within an existing school it would be prudent to allow operating hours on a daily basis of 8am till 8pm. It is considered appropriate to impose such hours via condition to ensure that use of the property does not occur during unsociable hours.

1.11 The Council's Head of Public Protection has raised no concerns with the scheme and it is considered unlikely on the basis of the above that the proposal will give rise to significant levels of noise and disturbance.

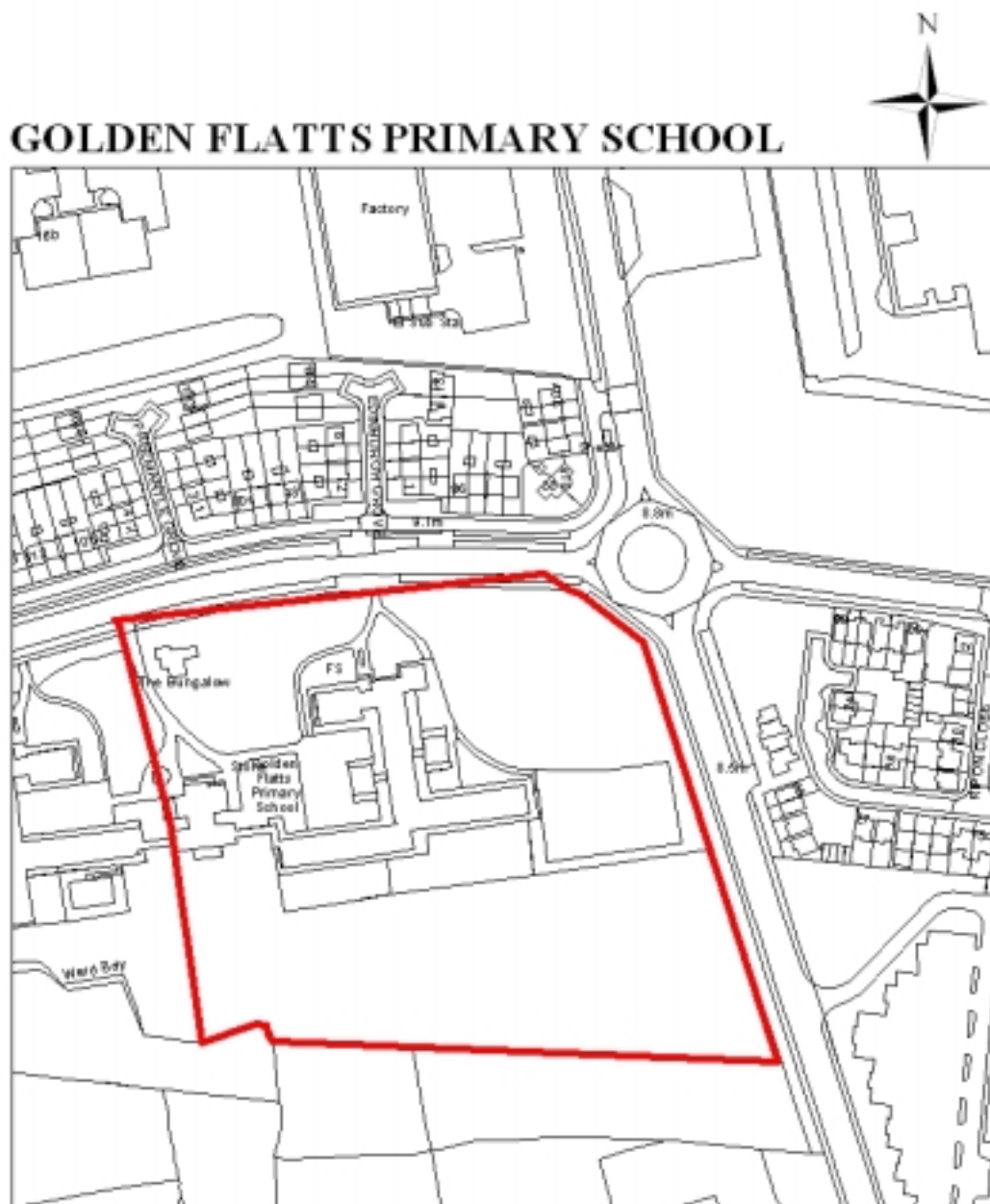
1.12 As discussed above it is considered unlikely that the proposal will result in a significant increase in vehicular traffic. There is existing parking in place on the site. The Council's Traffic and Transportation section have raised no objection to the proposals. The proposal is considered acceptable in highway safety terms.

Conclusion

1.13 Having regard to the relevant Hartlepool Local Plan (2006) policies, and the relevant planning considerations discussed above, the proposal is considered acceptable 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 3 October 2011 and Drg No: 711/42/2001 Rev A and 711/42/2002 Rev F received 25 October 2011, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. The premises shall only be used between the hours of 08.00 and 20.00.
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 13/12/11
	SCALE 1:2000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRGNO H/2011/0495	REV

No: 2
Number: H/2011/0485
Applicant: Ms Colin Bolton Bryan Hanson House Hanson Square
 Hartlepool TS24 7BT
Agent: Hartlepool Borough Council Mr Colin Bolton Property
 Services Division Bryan Hanson House Hanson Square
 Lynn Street Hartlepool TS24 7BT
Date valid: 24/10/2011
Development: Structural alterations and extensions to facilitate change
 of use to provide cafe
Location: STRANTON CEMETERY LODGE TANFIELD ROAD
 HARTLEPOOL

The Application and Site

2.1 The application site is part of the Stranton Cemetery Lodge building located towards the north of Stranton Cemetery. There are houses to the north in Westbrooke Avenue, nursery buildings (plants) to the east/south east and cemetery to the south west.

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

2.3 Although there is some existing parking within the cemetery site (informal) no allocated parking has been provided with the application for the café. A plan has however been included showing a proposed parking scheme which would be the subject of a separate planning application. This plan indicates the provision of a new car park and access road to the north of the lodge, immediately to the rear of properties on Westbrooke Avenue.

2.4 More than 40 parking spaces are shown together with kerb side parking (8 spaces) on Tanfield Road but within the cemetery grounds.

2.5 The current planning application relates to the use of the ground floor of the lodge as a café. A small extension to the rear will provide kitchen and servery together with a covered patio area. The extensions and patio will be finished in materials to match the existing building. The patio will have a pitched slate roof and sliding glass doors to the rear which would allow the patio to be open on the north west elevation.

2.6 No alterations are proposed for the first floor of the building.

2.7 The opening hours requested are from 8.30am to 4.30pm Mondays to Saturdays and 8.30am to 12pm (noon) Sundays and Bank Holidays.

Publicity

2.8 The application has been advertised by way of neighbour letters (40) and site notice. To date, there have been 4 letters of no objection

The period for publicity has expired.

Consultations

2.9 The following consultation replies have been received:

Traffic and Transport - No objections subject to the provision of car parking

Public Protection - No objections subject to the provision of extract ventilation.

Landscape Planning and Conservation - Stranton Cemetery and the buildings within it, including the Lodge Building, are on the draft Local List for Hartlepool and therefore identified as a heritage asset. Government policy guidance on identified heritage assets is given in PPS5 Planning Policy Statement 5 which, in Policy HE9 states, that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset the greater the presumption in favour of its conservation should be. The Lodge Building is within Stranton Cemetery but in the context of the Local List overall is one of the buildings of lesser significance and has also already been altered to some degree.

The proposed alterations are all to the rear of the Lodge Building, where alterations have already occurred. The front of the Lodge is not to be altered as part of the proposals. The front elevation and appearance was the main criteria for inclusion in the Local List besides its location in a wider context of Stranton Cemetery. In this context there are no objections to the application, but a planning condition is requested to ensure that the proposed materials for walls, roofing materials and windows and doors are submitted to ensure an appropriate final appearance.

Planning Policy

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

Com12: States that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

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

2.11 The main planning considerations in this case are the impact of the development in terms of the policies and proposals contained within the Hartlepool Local Plan and the impact of the development on the amenities of neighbouring properties/uses in terms of noise and disturbance, visual amenity and on highway safety.

2.12 The change of use to provide a café is considered to be acceptable in policy terms. The use would offer a service to visitors to both the cemetery and the Council run nursery.

2.13 The extension and alterations are well designed and should have a positive effect on both the existing building and the street scene in terms of visual amenity. The original building although attractive, has been altered and extended with an unsympathetic extension sometime in the past.

2.14 Notwithstanding this, the proposed works will improve the lodge particularly to the rear where the building and yard/garden are in a poor condition.

2.15 As the lodge is well distanced from residential properties it is unlikely that the proposed use would have a significant impact in terms of noise and disturbance. Residential properties in Tanfield Road and Westbrooke Avenue are approx 90m away from the lodge. Boundaries are well screened by hedges and trees.

2.16 Given that the opening hours requested are restricted to day time use only, it is considered that the proposed development would be acceptable.

2.17 As previously mentioned, no additional parking has been provided with this application. The accompanying parking layout (drawing no 316/09) has been submitted for illustrative purposes only at this stage. Notwithstanding this it is likely that any future parking will be similar in location and layout.

2.18 Any planning consent granted at this stage would be conditioned to prevent the use of the new facility prior to the submission and approval of an appropriate car parking scheme. The Councils Highway Engineer is satisfied that adequate parking

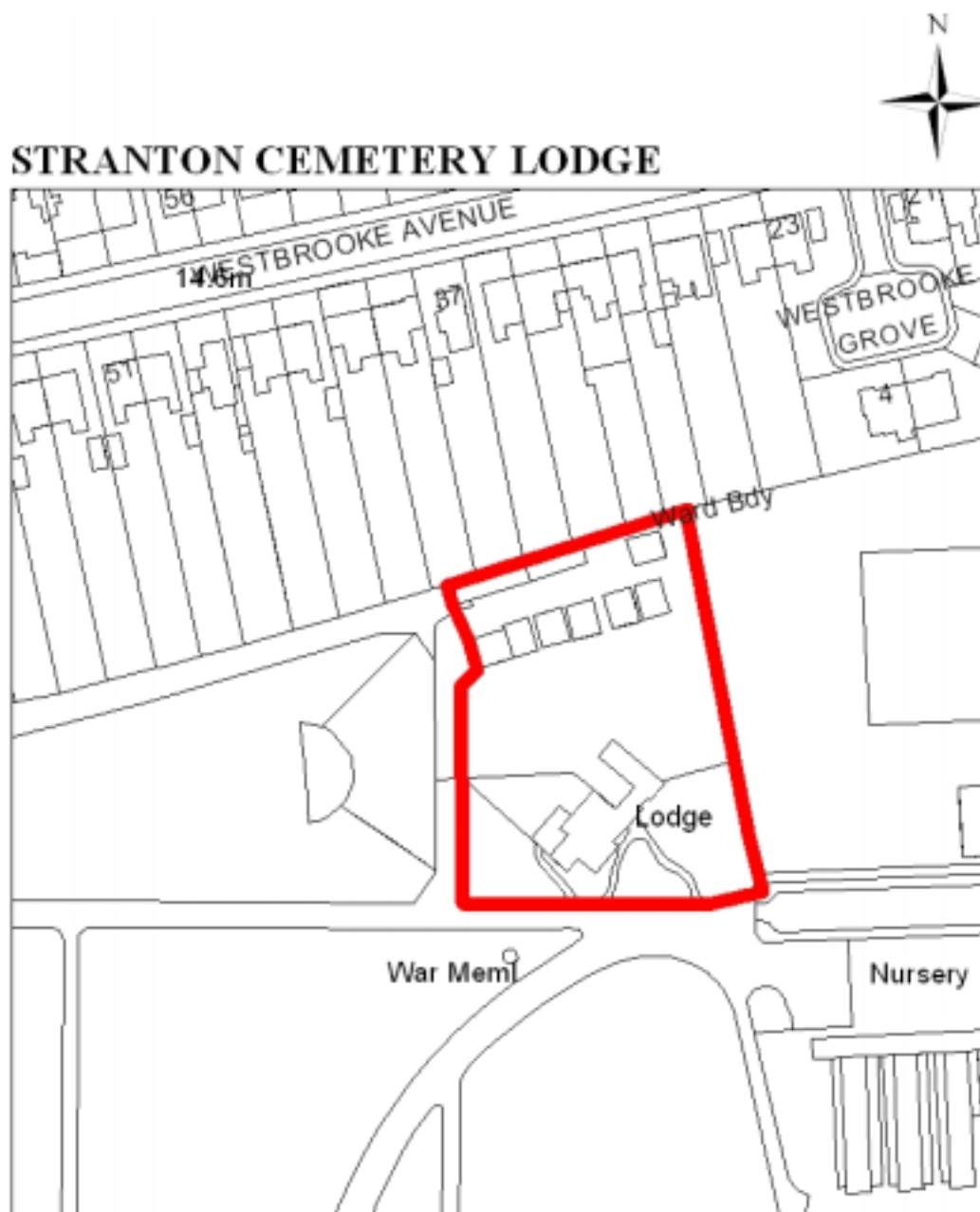
can be provided within the area and would therefore have no objections to the current proposal.

2.19 No objections have been raised by the Councils Head of Public Protection provided that the appropriate extract ventilation system is installed.

2.20 In view of the above approval is recommended for this change of use.

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. 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 27-09-2011 and 24-10-2011 unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
5. The premises shall only be open to the public between the hours of 0830hrs and 1630hrs Mondays to Saturdays and 0830hrs and 1200hrs (noon) on Sundays and Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
6. 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.
7. Notwithstanding the submitted plans the property shall not be brought into use as a cafe until further plans and details of the proposed car park have been submitted to and approved in writing by the Local Planning Authority.
For the avoidance of doubt.
8. The consent hereby granted does not relate to the provision of the car park and access road as shown on plan number 316/09 dated July 2011.
For the avoidance of doubt.



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 13/12/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRGNO H/2011/0485	REV

No: 3
Number: H/2011/0576
Applicant: Mrs Pauline Crow c/o Agent
Agent: Prism Planning Ltd Mr Steve Barker Prism Planning 1st Floor Morton House Morton Road Darlington DL1 4PT
Date valid: 09/11/2011
Development: Erection of a detached dwelling house (resubmitted application)
Location: CROWS MEADOW FARM DALTON BACK LANE BILLINGHAM

Background

3.1 An application identical to the one currently before members was considered at the November meeting of the planning committee (H/2011/0268). That application is currently the subject of an appeal on the grounds of non determination and the Local Planning Authority cannot now determine it. However in the meantime members were asked to take a view on what their decision would have been had they been free to do so. Members indicated that they would have approved the application. This information has been passed to the Inspectorate and the appeal will be considered in due course.

3.2 In the meantime the applicant has submitted an identical application and this is now before members.

The Application and Site

3.3 The application site is an existing livery business located to the west side of Dalton Back Lane. The holding currently accommodates a mobile home, a stable building accommodating 16 stable boxes and a tack room, a small barn and surrounding fields. Access is taken to the north east corner of the site via an access shared with neighbouring holdings, including a site where Planning Permission was recently granted for a caravan site, and a neighbouring livery business. To the south are fields surrounded by hedges. To the east is Dalton Back Lane and to the north is the shared access road and beyond the neighbouring livery business. The proposed site of the caravan park lies beyond fields to the west.

3.4 Planning permission is sought for the erection of a two storey 3 bedroom dwellinghouse. The dwellinghouse will be located to the east of the existing stable block complex in the location of an existing mobile home. It will accommodate the owner/operators of the livery business.

3.5 In support of the application the applicant has provided details of accounts for the last three years and a planning statement. This explains that the business has been in operation for at least three full years, with the mobile home on site since the middle of 2007, and has been profitable for the last three years (2008/9, 2009/10, 2010/11). In support of the functional need the applicant explains that a

there is a need for a full time worker resident on site for animal welfare reasons, for security reasons and to reassure customers that acceptable welfare arrangements are maintained. Given the need for a residential presence on site the applicant does not consider that there is alternative residential accommodation in the area which could meet this need.

Planning History

3.6 H/2005/5320 Erection of a building for a horse livery business and the siting of a caravan for 3 years. Approved November 2005. This permission related to a livery building and the siting of a residential caravan to serve the holding. Condition 5 restricted the occupancy of the caravan to a person solely or mainly employed in the agricultural/livery business operating from the then unit (Brierton Moor House Farm).

3.7 H/2007/0425 Variation of condition 5 of planning permission H/2005/5320 to allow the siting of a caravan in association with 17 acre unit (Crows Meadow Farm) and substitution of caravan type. Approved July 2007. This permission allowed the caravan to be occupied by the operator of the smaller unit following the subdivision of the original unit.

3.8 H/2008/0422 Erection of a hay barn. Approved September 2008.

3.9 H/2009/0671 Formation of new access road and associated works. This application to form a separate access from the Dalton Piercy Road to serve the unit was refused on the grounds that the site was served by an existing access and therefore the proposed duplication of the access would represent unnecessary sporadic development in the open countryside contrary policies which seek to protect the countryside. A subsequent appeal was dismissed.

3.10 H/2011/0268 Erection of a detached dwellinghouse. This application, identical to the one currently under consideration is currently the subject of an appeal on the grounds of non determination (see above). Members have indicated that had they been free to determine the application it would have been approved subject to conditions.

3.11 The applicant's unit has been formed from the subdivision of a larger unit which was the subject of the original 2005 application and originally extended to some 80 acres encompassing the applicant's site and the site of the other livery to the north. The original owner retained the land to the west and recently obtained permission for a touring caravan and camping site on land to the west (H/2008/0001).

Publicity

3.12 The application has been advertised by neighbour notification (10), site notice and press advert. The time period for publicity expires on 29th December 2011. No representations have been received to date.

Consultation

3.13 The following consultation replies have been received:

Public Protection & Housing : No objections

Northumbrian Water : No objections

Landscape Planning & Conservation : As the proposal would result in a new dwelling in a rural location it is recommended that, in order to soften the impact of the proposed development and provide a degree of screening, a landscaping scheme to include tree and hedge planting be required by condition.

Environment Agency : No objections.

Traffic & Transportation : No highway or traffic concerns with this application.

Greatham Parish Council : No comments received.

Dalton Parish Council : No comments received.

Engineering Consultancy : No comments received.

National Grid : No comments received.

Finance : See appendix A on Pink Papers

Planning Policy

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

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

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.

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.

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

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

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

Rur7: Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements of agriculture and forestry and viability of a farm enterprise, proximity of intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

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

3.15 The main planning considerations are considered to be policy, design, impact on the visual amenity of the area, drainage and highway safety.

POLICY

3.16 The site is located in open countryside outside the limits to development. National guidance (PPS7) and Local Plan policies in relation to new housing development are restrictive unless the housing is required to support existing activities on well established units suitable to a rural location. Policy requires that there is a clearly established existing functional need (The need for a residential presence might arise for example for animal welfare reasons), the need relates to a full time worker, the unit has been established for at least three years, profitable for

one and has a clear prospect of remaining so, and the functional need could not be met by other accommodation in the area.

3.17 In support of the application the applicant has provided supporting information including details of accounts for the last three years. As this information includes financial information this is discussed at **appendix A on the pink papers** where it is concluded that in policy terms the proposal for a new house to serve the unit is acceptable.

DESIGN/IMPACT ON THE VISUAL AMENITY OF THE AREA

3.18 The proposed design of the house is considered acceptable. It is a three bedroom two storey house of a relatively modest scale and is considered commensurate with the needs of the holding as required by the national guidance and policy. The site is located in a relatively low lying area with rising land to the north and south. It is located in relatively close proximity to the existing building on the site and it is not considered that the house will be unduly prominent particularly if the site is appropriately landscaped.

DRAINAGE

3.19 The site has no mains drainage and foul sewage will be disposed of to an existing septic tank serving the mobile home. Surface water will be disposed of to a soakway. The Environment Agency following the receipt of clarifying information have raised no objections to the proposal. A condition is proposed requiring the final details of drainage to be agreed.

HIGHWAY SAFETY

3.20 Access to the site is taken from Dalton Back Lane to the east of the proposed house site. A neighboring landowner who owns land to the west of the site has previously advised that the applicant has no control over the land on the north side of the access and therefore that the applicant should enter into a legal agreement to secure the maintenance of the required visibility splay there. The applicant however has previously advised that he does not consider the legal agreement is necessary and considers that there is uncertainty as to whether such an agreement could be obtained.

3.21 Another neighboring landowner who actually owns the land to the north of the access, also operates a livery, and it is in his own interest to maintain the visibility splay for his own customers safety. Recent applications by the neighboring landowners will, or do, include conditions/agreements to secure the access visibility to the north should they be implemented. The matter has been discussed with Traffic & Transportation given the current application is for a single house, which is unlikely to add significantly to the current use of the access, and the nature of the road it is considered that it would be difficult to resist the application on the grounds that the maintenance of the northern splay cannot be secured as part of this application. It is considered prudent however to impose a condition requiring the maintenance of an appropriate visibility splay across land in the applicant's ownership to the south of the access point. This pragmatic view has been taken in

relation to other applications, served by the same access, where this issue has previously arisen.

OTHER MATTERS

3.22 The permission for the mobile home located on the site has expired. The applicant has previously indicated that this would be removed from the site on approval with a smaller caravan being brought on site whilst the build progresses. The applicant will co-ordinate, project manage and largely build the development and contends therefore that permitted development rights would allow for the siting of the caravan during the build. Clarification has been sought that this is still the case. Given the fact that it is accepted that there is a functional need for a residential presence on the site and the implications for the business arising from the enforced removal of the mobile home it is not considered prudent to recommend enforcement action against the mobile home at this stage. In the absence of a permission however it is considered prudent to condition the removal of the mobile home.

CONCLUSION

3.23 The proposal is considered acceptable and is recommended for approval subject to 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 following plans/drawings, Site Plan 1:1000 @A3 received at the Local Planning Authority on 13th December 2011, drawing no 4 of 6 (showing proposed elevations) received at the Local Planning Authority on 9th November 2011, drawing no 5 of 6 (Showing proposed ground and first floor layout) received at the Local Planning Authority on 9th November 2011, drawing no 6 of 6 (Showing proposed site layout and loft space) received at the Local Planning Authority on 9th November 2011, and other details received by the Local Planning Authority at the time the application was made valid on 9th November 2011, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. The occupation of the dwelling(s) hereby approved shall be limited to a person solely or mainly, or last employed prior to retirement, in the commercial livery business located on the holding (Crow's Meadow), as defined by the blue line on the drawing entitled Location Plan 1:6000 received by the Local Planning Authority on 9 November 2011, or a dependent of such a person residing with him or her, or a widow or widower of such a person.

The site of the proposed dwelling(s) is in an area where the Local Planning Authority considers that new housing should only be allowed in exceptional circumstances where it is essential in the interests of agriculture or forestry or an appropriate rural enterprise.

4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
5. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
6. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
8. Notwithstanding the details submitted prior to the commencement of development details of the proposed methods for the disposal of foul and surface water arising from the site shall be submitted to and approved in writing with the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved and the approved drainage details shall be retained for the lifetime of the development.
To prevent pollution of the water environment and in order to ensure that the site is adequately drained.
9. 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.
In order to ensure that the dwellinghouse remains commensurate with the needs of the enterprise in accordance with PPS 7 and in the in the interests of the visual amenity of the area.
10. 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)/outbuildings shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the visual amenity of the area.

11. The curtilage of the dwellinghouse hereby approved shall be as indicated by the red line shown on the approved drawing (Site Plan 1:1000 @A3) received at the Local Planning Authority on 9th November 2011. The curtilage shall not be extended without the prior written consent of the Local Planning Authority.
For the avoidance of doubt and in the interests of the visual amenity of the area.
12. No development shall be commenced until details of the proposed visibility splay 2.4m X 90m to the south of the entrance to the site from Dalton Back Lane has been submitted to and approved in writing by the Local Planning Authority. The approved visibility splay shall be implemented prior to the occupation of the dwellinghouse hereby approved and retained for the lifetime of the development.
In the interests of highway safety.
13. The mobile home shall be removed from the site/ holding within six months of the commencement of the development.
In order to ensure that the mobile home is removed from the site/holding.



CROWS MEADOW FARM



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 13/12/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRGNO H/2011/0576	REV

No: 4
Number: H/2011/0568
Applicant: Mr William Morgan c/o Agent
Agent: Prism Planning Ltd Mr Rod Hepplewhite Prism Planning
 1st Floor Morton House Morton Road Darlington DL1
 4PT
Date valid: 04/11/2011
Development: Change of use of 14 apartments approved by planning
 application H/2006/0338, currently restricted to occupation
 by persons aged 55 years and over, for general
 occupation.
Location: 2, 3, 5, 7, 8, 10, 11, 12, 15, 17, 18, 20, 23 AND 24
 SYLVAN MEWS THE WYND WYN YARD BILLINGHAM

The Application and Site

4.1 The application site is fourteen apartments located within three apartment blocks. It forms part of a care home and apartment development located on the Wynyard Estate at the junction of The Wynd and Wynyard Woods. To the west/north west is the Care Home and a parking area. To the west is another apartment block and parking areas. To the south is a small copse beyond which is housing which fronts onto Spring Bank Wood.

4.2 Planning permission was originally granted for the erection of a 50 bed residential care home and 4 blocks of apartments comprising 30 dwellings for occupation by people aged over 55 in April 2007 (H/2006/0338). A legal agreement was completed in connection with the permission (dated 23rd April 2007). The legal agreement secured the provision of a minibus service, restricted the occupancy of the apartments to people aged 55 years and over, secured access for the occupiers of the apartments to the facilities and services of the care home, provided for the residents of the apartments to be notified and have first option on any vacancies in the care home, required the clauses of the legal agreement to be included in any sales/renting particulars and allowed for the construction of overflow car parking facilities if the Local Planning Authority considered it necessary. The development was subsequently implemented.

4.3 The applicant is seeking permission to allow for the general occupation of fourteen apartments. This will mean that the occupation of the apartments will not be restricted to persons 55 years and over. The three apartment blocks are located in the south east corner of the site. Three of the apartments are located in block 1 a two storey block of six apartments, two on the ground floor and one on the first floor. Six of the apartments are located in block 2 a three storey block of nine apartments, two on the ground floor, three on the first floor and one on the second floor. Five of the apartments are located within block 3 a three storey block of nine apartments, two on the ground floor, one on the first floor and two on the second floor. In effect in combination with the recent permissions outlined below this will mean that no

apartments in the development will be subject to the age restriction.

Relevant Planning History

4.4 H/2006/0138 Erection of a residential care home (50 beds) and 4 blocks of apartments (30 units). Withdrawn.

4.5 H/2006/0338 Erection of a 50 bed residential care home and 4 blocks of apartments comprising 30 dwellings for occupation by people aged over 55. Approved 23/04/2007.

4.6 H/2009/0518 Use of six apartments approved under the provision of planning permission H/2006/0338, currently restricted to occupation by persons aged 55 years and over, for general occupation. This application was withdrawn in favour of the application below when the Case Officer noted that the development as built had deviated from the approved scheme (H/2009/0633).

4.7 H/2009/0633 Retention of amendments to the approved design and layout and use of six apartments (25-30), currently restricted to use by persons 55 and over, for general occupation. This application to allow six of the apartments to be used for general occupation by persons of any age and to retain various minor amendments to the approved design and layout was approved in January 2010.

4.8 H/2010/0339 Use of four apartments approved under the provision of planning permission H/2006/0338, currently restricted to occupation by persons aged 55 years and over, for general occupation. This application to allow four apartments (16, 19, 21 & 22) to be used for the general occupation by persons of any age was refused by Committee against Officer recommendation in August 2010. A subsequent appeal was allowed. Appeal decision **attached**. A condition on the appeal decision required the provision of an additional parking area and this has been provided.

4.9 H/2011/0118 Use of six apartments (1,4,6,9,13 and 14 Sylvan Mews) approved by planning application H/2006/0338, currently restricted to occupation by persons aged 55 years and over, for general occupation. Approved 16th May 2011.

Publicity

4.10 The application has been advertised by site notice, neighbour notification and in the press (39). The time period for representations has expired.

4.11 One letter of no objection and five letters of objection have been received.

4.12 The objectors raise the following issues.

1. Concerns regarding increased noise, traffic and disturbance. Impact on elderly residents and care home.
2. Lack of Carparking.
3. Landscaping is substandard.
4. Keeping the restriction would make the flats more lettable.

5. Oversupply of empty flats in Wynyard.
6. Families are living in the flats which are substandard.
7. Who will compensate the people who have bought the flats?
8. The original consent should not have been granted. Residents concerns should have been listened to.
9. Light pollution and visual intrusion already an issue.
10. Change results from poor business decisions why should residents pay for this.
11. Why not change to warden controlled flats for the elderly.
12. Hope committee will visit the site.

Copy letters **C**

Consultation Responses

4.13 The following consultation replies have been received:

Public Protection : No objection.

Grindon Parish Council : When the apartments were first built, and only over 55's were able to reside there the car parking was developed accordingly as it was felt that the over 55's would have no more than one car. In opening the age group to any age Grindon Parish Council wishes to object to this application as it is felt that the residents there may have more than one car and this will place a burden on the existing parking spaces. It is a concern that the overspill will park on the main road into Wynyard, causing obstructions and congestion.

Elwick Parish Council : Objects. The houses were built as part of a retirement estate and should remain so.

Traffic & Transportation : The development as a whole has provided 1.5 parking spaces per flat, this conforms with required specification, however, the HBC design guide and specification requires that 10% of the parking capacity of a flatted development is allocated to disabled parking. Therefore we would require 2 parking spaces allocated to disabled parking for this application. There are no further Highway or Traffic concerns. (As the development is already constructed Traffic & Transportation have subsequently confirmed that there is no requirement for the provision of two spaces allocated for disabled parking).

Stockton Borough Council : Wynyard Village has been identified in the Planning the Future of Rural Villages in Stockton-on-Tees Borough document as an unsustainable location and as such no further development of Wynyard Village would be supported. However given that the residential units are existing, providing that the required car parking and amenity space can be provided no objections are raised to the removal of the condition.

Planning Policy

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

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

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.

Rur2: States that housing and employment land is identified within the Wynyard limit to development but that expansion beyond that limit will not be permitted.

Planning Considerations

4.15 The main planning considerations are policy, highways and the impact on the amenity of neighbours.

POLICY

4.16 The application relates to existing apartments within three apartment blocks located within the limits to development for Wynyard. The proposal to extend the occupancy to include persons under 55 years is considered acceptable in policy terms.

HIGHWAYS

4.17 The applicant has indicated that 21 of the existing parking spaces will be retained to serve the apartments in line with the Highway Authority's requirement that 1.5 spaces are retained per dwelling.

4.18 A condition on the recent appeal decision required the provision of additional parking and this has now been provided to the west of the apartment complex. In highway terms the proposal is considered acceptable.

IMPACT ON THE AMENITY OF NEIGHBOURS

4.19 A number of objections had been received in relation to the current application. Concerns have been raised in relation to the impact opening up the occupancy of the apartments to younger people might have on the amenity of the care home and neighbouring apartments. These matters were considered by the Planning Inspector

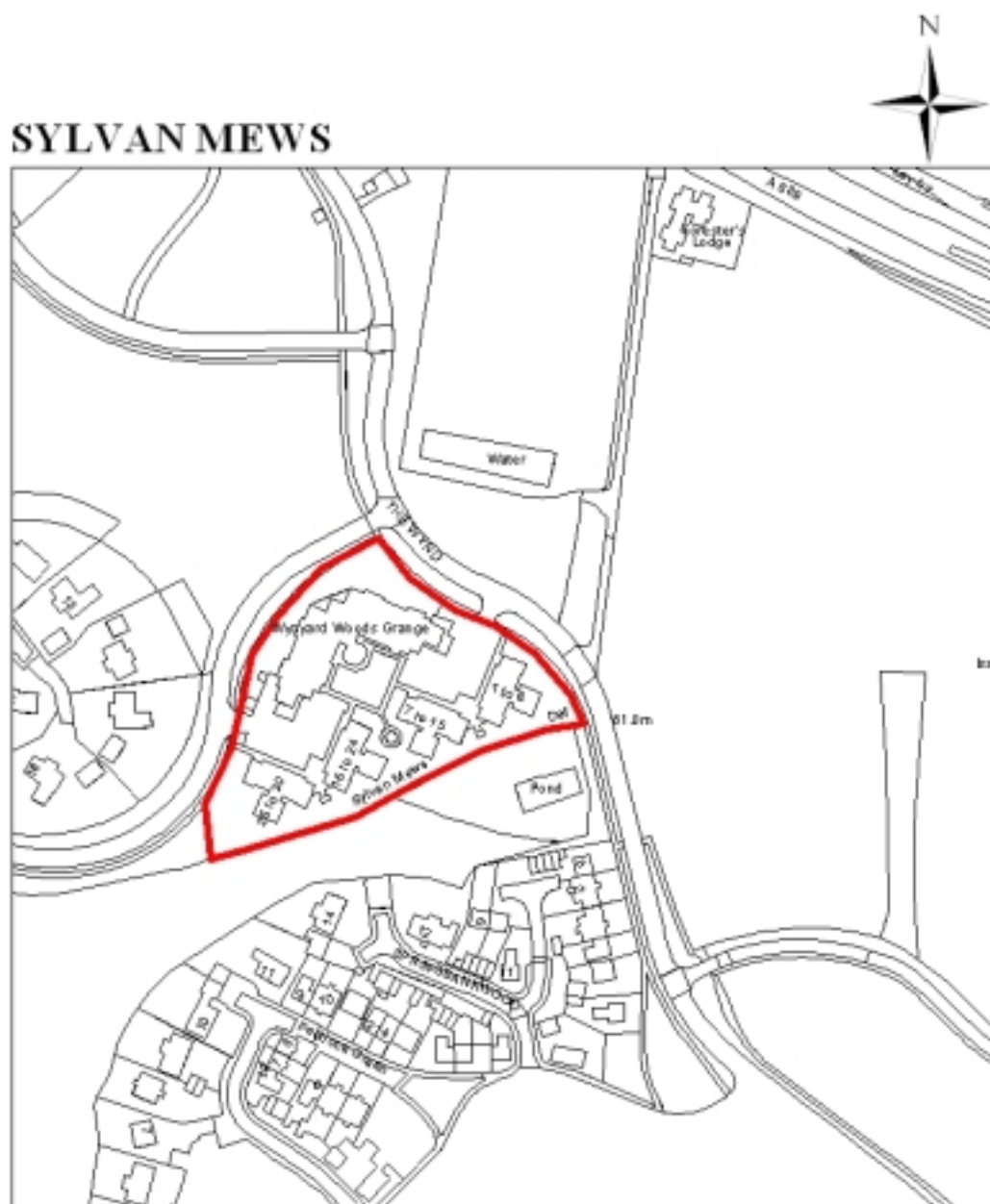
in detail when he considered, and allowed, the recent appeal on the site he concluded “Taking all matters into account, I consider that this proposal need not result in any noticeable additional noise and disturbance to existing residents”. The apartments are small two bedroom apartments and it is difficult to see that they would generally be an attractive housing option for large families. It might be the case however that younger occupants might be expected to attract additional activity to the site. The Head of Public Protection has not objected to the proposal and in line with the view expressed by the Inspector it is not considered that the proper use of the apartments would necessarily unduly disturb the amenity of any elderly neighbours, or the neighbours outwith the site. Any issues of antisocial behaviour would need to be addressed by the appropriate authorities.

Conclusion

4.20 The proposal is considered acceptable and the application is recommended for approval. The current legal agreement will also need to be amended to allow for the general occupation of the units in question.

RECOMMENDATION – That members **APPROVE** the application subject to the conditions below and that members authorise the amendment of the extant legal agreement to allow for the general occupation of the apartments.

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 plan(s) (80825/G2/001, 80825/G2/003, 80825/G2/004, 80825/GA/301) and details received at the Local Planning Authority on 4th November 2011, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Unless otherwise agreed in writing with the Local Planning Authority within one month of the date of this permission details of the parking spaces to be designated to each apartment for parking, including any shared visitor parking, shall be submitted to and approved in writing by the Local Planning Authority. The parking areas shall thereafter be kept available for the use of the apartments to which they are designated, or for visitor use, in accordance with the agreed details and retained for the approved use at all times during the lifetime of the development.
For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties and highway safety.



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 13/12/11
	SCALE 1:2000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRGNO H/2011/0568	REV



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.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.

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

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

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

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

6 January 2012



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 Officer monitoring recorded building alterations resulting in the conversion of a commercial property to provide two self-contained apartments on Raby Road. A planning permission for the works in question has expired.
- 2 A neighbour's complaint regarding a vehicle use of from a domestic garage in Cresswell Drive.
- 3 A Parish Council complaint regarding the decline of a vacant farmhouse and outbuildings on Piercy Road, Dalton Piercy.
- 4 Officer monitoring recorded the display of a banner advertisement fixed to chain linked perimeter fencing of a children day nursery on Throston Grange Lane.
- 5 Officer monitoring recorded alterations to a garage flat roof changed to a tiled lean-to roof at a property on Elizabeth Way.
- 6 A neighbour complaint regarding a hot food takeaway on Catcote Road operating outside its permitting opening hours.
- 7 Officer monitoring recorded the erection of close boarded fencing along the top of an existing high boundary wall at a property on Silverbirch Road.
- 8 Officer monitoring recorded the display of an advertisement board inside a farmer's field adjacent to the A19 Elwick South Junction.
- 9 Officer monitoring recorded the erection of boundary wall incorporating brick pillars to a property on Chaucer Avenue.

- 10 A neighbour complaint regarding the erection of bamboo screening along the top of an existing boundary fence at a commercial property on Grange Road.
- 11 Officer monitoring recorded the sub division of a property on Stockton Road to create a granny annex.
- 12 Officer monitoring recorded the erection of a side brick wall to a property on Claymore Road. The works in question are ‘ permitted development’ not requiring planning permission.
- 13 Officer monitoring recorded the display of twenty nine (29) flagpoles at a newly constructed college on Stockton Street.
- 14 Officer monitoring recorded the erection of a side boundary fence to a property on Runciman Road.
- 15 Officer monitoring recorded the erection of a display of a free standing advert in the car park of a public house on Stranton.
- 16 Officer monitoring recorded the erection of a wooden box-like extension to the rear of a takeaway located within the King Oswy Drive shopping parade.
- 17 A neighbour complaint regarding alterations and change of use to a habitable room of a domestic integral garage at a property on Clover Road. In this case planning permission is required as a result of ‘ permitted development rights’ removed from the original planning permission for the estate.
- 18 A complaint regarding the storage of building materials in the rear yard of a residential property in Tankerville Street adversely affecting the amenity of the area.

2. RECOMMENDATION

- 2.1 Members note this report.

PLANNING COMMITTEE

6 January 2012



Report of: Director of Regeneration and Neighbourhoods

Subject: PROPOSED DIVERSION OF PUBLIC FOOTPATH
NO 9, KIPLING ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 This report seeks approval for the making and subsequent confirmation of the diversion of Public Footpath No 9, Kipling Road, Hartlepool as shown in **Appendix 2**

2. BACKGROUND

- 2.1 On the 28th June 2010 the Parks and Countryside Section received an application to divert a section of the Public Footpath No. 9 that runs through a new Housing Hartlepool development, behind Kipling Road. The location of the development is shown in **Appendix 1**.
- 2.2 The application was made by the developer of the site, Dunelm Property Services on the grounds that the diversion was needed to be carried out as part of the development and would redirect the public along a more enjoyable and direct route.
- 2.3 The proposed diversion (see **Appendix 2** for details) is to re-route:
- A southern section of Public Footpath No. 9 to a more practical and enjoyable route just to the east and north of its present position
- 2.4 Originally the application was accepted using the Town and Country Planning Act 1990 section 257, whereby the diversion application must be submitted within the first six months of the development or when the development is not substantially complete. This was done by the agent/applicant but due to unforeseen circumstances the application did not advance quickly enough to use this legal procedure.

- 2.5 The alternative legal procedure to use has therefore been the Highways Act 1980 section 119. This procedure requires tougher criteria to be met and is the direction through which this report is now based.

3. LEGAL TESTS

- 3.1 Under Section 119 of the Highways Act 1980 several criteria must be met before a diversion order is made. The order making authority must be satisfied that:

- It is expedient to divert the path in the interests of either the public or the landowner, occupier or lessee of the land crossed by the path.
- The diversion does not alter the termination of the path other than to another point on the same path or on another highway (including rights of way) connected with it and which is substantially as convenient to the public.

- 3.2 Under the same section of the Highways Act 1980 the Council or (if the diversion order is opposed) an Inspector must apply a number of legal tests. The Council or Inspector must be satisfied that:

- The diversion is expedient in the interests of the persons stated in the order.
- The path will not be substantially less convenient to the public as a consequence of the diversion.
- It is expedient to confirm the order having regard to the effect it will have on public enjoyment of the path a whole, on the land served by the existing path, and on the land affected by the new path taking into account the provision for payment of compensation. In this case no such provision, for compensation, is necessary, as the proposed diversion will run within the same land ownership as the existing path, to be diverted.

Consideration of Legal Tests

- 3.3 When looking at the legal tests as provided within the Highways Act 1980, Sections 119, 119(6), 119(6A), the following questions have been considered:

3.4 **Landowner/Public Interest**

The application was made by the developer, acting as agents for Housing Hartlepool in their own interest. The application also stated that the diversion would also be in the interest of the public. The diverted path is needed, to provide a more enjoyable and safe route for people to use to access the immediate area. The diversion is required; to give the public a

more enjoyable route to use that allow less confusion and greater accessibility to a wider section of the community.

3.5 The Council's consideration of expediency

The Council may consider it expedient to divert the afore-mentioned path on the grounds that the newly diverted path will provide a more enjoyable route to the north of the newly built houses and so on to Summerhill Countryside Park thus providing the user with a safer and more enjoyable experience.

3.6 Termination Points

The diversion does not alter the termination point of the path at the northern end. At the south eastern end of the diversion, the termination point is moved a few meters to the north, onto the new entrance to the housing development.

3.8 Consideration of the order to divert (Section 119(6))

When considering the order of diversion, the Council may consider that the order is satisfactory and works providing a positive addition to the rights of way network being in the interests of the public in general as well as local landowners. It will serve a wider section of the community adding to the safety and sustainability of the highway infrastructure.

3.9 Consideration of the Rights of Way Improvement Plan (Sections 119(6A))

When looking at the legal tests for diversion with regards to the Rights of Way Improvement Plan, the Council feels that in this case there are no material provisions to be met, above normal management of the conclusion of the orders. The diverted routes are already owned and managed by the existing landowner of Amerston Hill.

4. FINANCIAL IMPLICATIONS

4.1 The cost of diversions to the landowner will be £ 1,500.00

4.2 Hartlepool Borough Council have considered and concluded that the applicant should pay for the full cost, as quoted in 2010.

5. DIVERSITY

5.1 It is believed that there are no Diversity issues or constraints in relation to the diversion of the public footpath at Kipling Road development.

6. ACCESS/DDA

6.1 Hartlepool Access Group and Hartlepool Borough Council Access Forum have been consulted. In their opinion all reasonable steps have been taken

to create a path that suits the needs of Mobility and Visually Impaired Groups.

7. CONSIDERATION OF AGRICULTURE AND FORESTRY

- 7.1 It is believed that there are no agricultural or forestry issues or constraints in relation to the diversion of the public footpath at Kipling Road housing development

8. CONSIDERATION OF BIODIVERSITY

- 8.1 It is believed that there are no biodiversity issues or constraints in relation to the diversion of the public footpath at the Kipling Road housing development

9. CONSULTATIONS

- 9.1 Full informal consultation was carried out with all relevant parties, including all the relevant user groups. None of these informal consultees raised any objections to the proposals concerned. A full list of consultees is provided as **Appendix 3**.
- 9.2 Both Access Groups and the Ramblers Association have requested that alternative route be a width of at least 2 metres.

10. SECTION 17

- 10.1 Section 17 of the Crime and Disorder Act 1988 requires Local Authorities and Police Authorities to consider the community safety implications of all their activities.
- 10.2 Section 17 states:
- ‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’.*
- 10.3 The Community Safety Implications, in respect of the diversion of the public footpath at Kipling Road housing development, have been taken into account and that all has been reasonably done to prevent crime and disorder.

11. RECOMMENDATIONS

11.1 That the Planning Committee:

- approves the making of Diversion Orders to implement the proposal as shown in **Appendix 2**;
- if no objections are received, or if any objections which are received are subsequently withdrawn, the Orders be confirmed; and,
- if any objections are received, and not subsequently withdrawn, the Orders be referred to the Secretary of State for confirmation.

12. BACKGROUND PAPERS

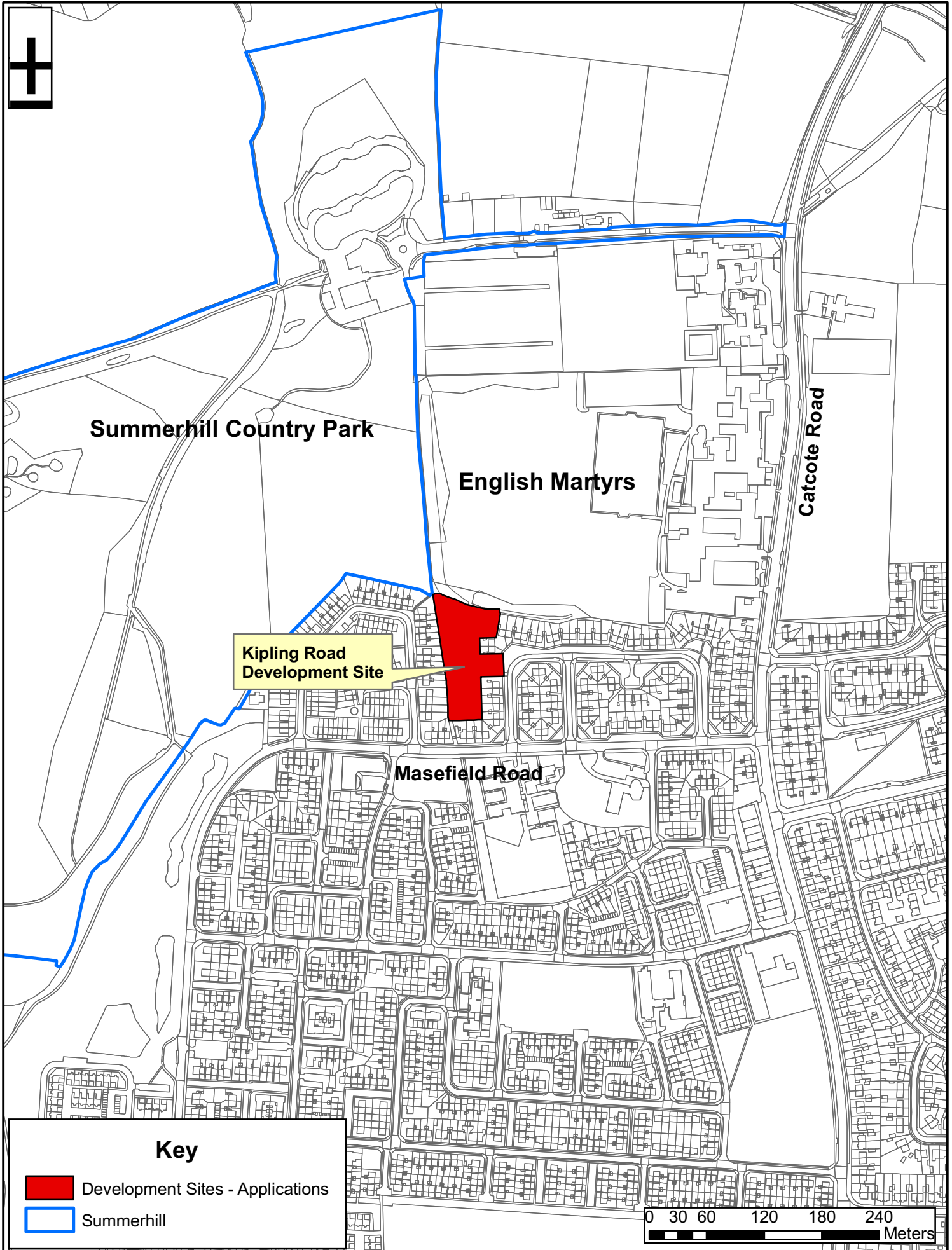
12.1 There are no background papers attached to this report.

13. CONTACT OFFICER

Chris Scaife
Countryside Access Officer
Regeneration and Neighbourhoods Department
1 Church Street
Hartlepool
TS25 7DS

Telephone: (01429) 523524
Email: chris.scaife@hartlepool.gov.uk

Appendix 1- Kipling Road Development Site - Location Plan



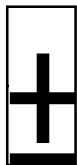
Crown Copyright. All rights reserved (100023390 (2010))

Sub Title: Kipling Road Development Site
 Scale: 1:5,000
 Date: 27th May 2011
 Drawn By: Parks and Countryside Section

Hartlepool Borough Council
 Regeneration and Neighbourhoods Department
 Parks and Countryside
 Church Street Offices
 1 Church Street
 Hartlepool, TS24 7DS
 Tel: 01429 523524
 Fax: 01429 523450

Public Footpath Hartlepool No. 9; Diversion Kipling Road

APPENDIX 2



KEY

- A - NZ 449076 : 531211
- B - NZ 449054 : 531212
- C - NZ 449005 : 531293
- D - NZ 449003 : 531307
- E - NZ 449009 : 531297
- F - NZ 449045 : 531279
- G - NZ 449053 : 531219
- H - NZ 449076 : 531218

D

E

C

F

G

H

B

A

KEY

- Diversion proposals
- Working Copy - Public Footpaths

0 4 8 16 24 32
Meters



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Sub Title: Kipling Road Diversion
Scale: 1:825
Date: 30th September 2010
Drawn By: Parks and Countryside Section

Hartlepool Borough Council
Regeneration and Neighbourhoods Department
Parks and Countryside
Church Street Offices
1 Church Street
Hartlepool, TS24 7DS
Tel: 01429 523524
Fax: 01429 523450

Appendix 3 – Kipling Road Development Diversion – Hartlepool Public Footpath No. 9

List of Consultees during consultation 2010

Ward Members:

Councillor G Worthy
Councillor L Sutheran
Councillor s Akers-Belcher

Portfolio Holder:

Leisure, Culture and Tourism – Councillor H Thompson

User Groups:

Ramblers Association
Hartlepool Access Group
Hartlepool Blind Welfare

Hartlepool Borough Council Services:

Ecology
Tees Archaeology
Planning
Property Services
Apparatus
Street Lighting

Utilities:

CE Electric
Northern Gas Networks
Telecom – Virgin Media
Telecom - BT
Water Hartlepool Water Authority
Northumbrian Water Authority
National Grid
Environment Agency
Northern Utility Services

PLANNING COMMITTEE

6 January 2012



Report of: Director of Regeneration and Neighbourhoods

Subject: PROPOSED DIVERSION OF PUBLIC FOOTPATH
NO 20, ELWICK PARISH, AT AMERSTON HILL

1. PURPOSE OF REPORT

- 1.1 This report seeks approval for the making and subsequent confirmation of the diversion of Public Footpath No 20, Elwick Parish, at Amerston Hill as shown in **Appendix 2**.

2. BACKGROUND

- 2.1 On the 22nd February 2010 the Parks and Countryside Section received an application to divert a section of the Public Footpath no. 20 that runs through a field and the main farm track, to the north of the property of Amerston Hill. The location of Amerston Hill is shown in **Appendix 1**.
- 2.2 The application was made by the owner of Amerston Hill on the grounds that the diversion would redirect the public along a more enjoyable and direct route.
- 2.3 The proposed diversion (see **Appendix 2** for details) is to re-route: A central section of Public Footpath No. 20 to a more practical and enjoyable route just to the north of its present position

3. LEGAL TESTS

- 31 Under Section 119 of the Highways Act 1980 several criteria must be met before a diversion order is made. The order making authority must be satisfied that:

- It is expedient to divert the path in the interests of either the public or the landowner, occupier or lessee of the land crossed by the path.
 - The diversion does not alter the termination of the path other than to another point on the same path or on another highway (including rights of way) connected with it and which is substantially as convenient to the public.
- 3.2 Under the same section of the Highways Act 1980 the Council or (if the diversion order is opposed) an Inspector must apply a number of legal tests. The Council or Inspector must be satisfied that:
- The diversion is expedient in the interests of the persons stated in the order.
 - The path will not be substantially less convenient to the public as a consequence of the diversion.
 - It is expedient to confirm the order having regard to the effect it will have on public enjoyment of the path as a whole, on the land served by the existing path, and on the land affected by the new path taking into account the provision for payment of compensation. In this case no such provision, for compensation, is necessary, as the proposed diversion will run within the same land ownership as the existing path, to be diverted.

Consideration of Legal Tests

- 3.3 When looking at the legal tests as provided within the Highways Act 1980, Sections 119, 119(6), 119(6A), the following questions have been considered:

3.4 **Landowner/Public Interest**

The application was made by the Landowner in his own interest. The application also stated that the diversion would also be in the interest of the public, to provide a more enjoyable and direct route for people to use to access the immediate area. The diversion is required; to give the public a more enjoyable route to use that allow less confusion and greater accessibility to a wider section of the community.

3.5 **The Council's consideration of expediency**

The Council may consider it expedient to divert the afore-mentioned path on the grounds that the newly diverted path will provide a more enjoyable and less confusing route to the north of Amerston Hill.

3.6 **Termination Points**

This diversion does not alter the termination point of the path at any point along its route

3.7 Consideration of the order to divert (Section 119(6)).

When reviewing the order for diversion, the Council may consider that the order is satisfactory and works providing a positive addition to the rights of way network being in the interests of the public in general as well as local landowners. It will serve a wider section of the community adding to the safety and sustainability of the highway infrastructure.

3.8 Consideration of the Rights of Way Improvement Plan (Sections 119(6A))

When looking at the legal tests for diversion with regards to the Rights of Way Improvement Plan, the Council feels that in this case there are no material provisions to be met, above normal management of the conclusion of the orders. The diverted routes are already owned and managed by the existing landowner of Amerston Hill.

4. FINANCIAL IMPLICATIONS

4.1 The cost of diversions to the landowner will be £ 800.00.

4.2 Hartlepool Borough Council have considered and concluded that the benefit to the public, especially those with mobility and visual impairments, will be such that a reduction of costs is justified. Normally the overall costs for diversion amount to approximately £ 1,500.00.

5. DIVERSITY

5.1 It is believed that there are no Diversity issues or constraints in relation to the diversion of the public footpath at Amerston Hill.

6. ACCESS/DDA

6.1 Hartlepool Access Group and have been consulted. In their opinion all reasonable steps have been taken to create a path that suits the needs of Mobility and Visually Impaired Groups.

7. CONSIDERATION OF AGRICULTURE AND FORESTRY

7.1 It is believed that there are no agricultural or forestry issues or constraints in relation to the diversion of the public footpath at Amerston Hill

8. CONSIDERATION OF BIODIVERSITY

- 8.1 It is believed that there are no biodiversity issues or constraints in relation to the diversion of the public footpath at Amerston Hill

9. CONSULTATIONS

- 9.1 Full informal consultation was carried out with all relevant parties, including all the relevant user groups. None of these informal consultees raised any objections to the proposals concerned. A full list of consultees is provided as **Appendix 3**.
- 9.2 Both Access Groups and the Ramblers Association have requested that alternative routes be a width of at least 2 metres,

10. SECTION 17

- 10.1 Section 17 of the Crime and Disorder Act 1988 requires Local Authorities and Police Authorities to consider the community safety implications of all their activities.
- 10.2 Section 17 states:
- ‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’.*
- 10.3 The Community Safety Implications, in respect of the diversion of the public footpath at Amerston Hill, have been taken into account and that all has been reasonably done to prevent crime and disorder.

11. RECOMMENDATIONS

- 11.1 That the Planning Committee:
- approves the making of Diversion Orders to implement the proposal as shown in **Appendix 2**;
 - If no objections are received, or if any objections which are received are subsequently withdrawn, the Orders be confirmed; and,
 - If any objections are received, and not subsequently withdrawn, the Orders be referred to the Secretary of State for confirmation

12. BACKGROUND PAPERS

- 12.1 There are no background papers attached to this report.

13. CONTACT OFFICER

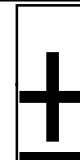
Chris Scaife
Countryside Access Officer
Regeneration and Neighbourhoods Department
1 Church Street
Hartlepool
TS25 7DS

Telephone: (01429) 523524
Email: chris.scaife@hartlepool.gov.uk

Location plan of Amerston Hill Farm

APPENDIX 1





KEY

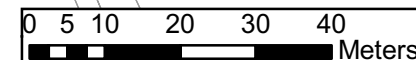
- A - NZ 443274:530680
- B - NZ 443372:530680
- C - NZ 443368:530715
- D - NZ 443273:530682

Existing gap in hedge (to be retained)

Existing Stile (to be retained)

KEY	
Existing Public Footpath	
Diversion Proposal	

Amerston Hill



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Sub Title: Amerston Hill Farm Diversion
Scale: 1:1,000 - A4
Date: 17th May 2010
Drawn By: Parks & Countryside Section

Hartlepool Borough Council
 Regeneration and Neighbourhoods Department
 Parks and Countryside
 Church Street Offices
 1 Church Street
 Hartlepool, TS24 7DS
 Tel: 01429 523524
 Fax: 01429 523450

Appendix 3 – Low Stotfold Farm Diversions

List of Consultees during consultation 2010

Ward Member:

Councillor H Thompson

Portfolio Holder:

Leisure, Culture and Tourism – Councillor H Thompson

User Groups:

Ramblers Association

Hartlepool Access Group

Hartlepool Borough Council Services:

Ecology

Tees Archaeology

Planning

Property Services

Utilities:

CE Electric

Northern Gas Networks

Telecom – Virgin Media

Telecom - BT

Water Hartlepool Water Authority

Northumbrian Water Authority

National Grid

Environment Agency

Northern Utility Services

PLANNING COMMITTEE

6 January 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL BY MR THOMPSON
APP/HO724/D/11/2163076
4 GRACE CLOSE, SEATON CAREW,
HARTLEPOOL TS25 2PF

1. PURPOSE OF REPORT

To advise members that the above appeal has been determined by the Planning Inspectorate by the written representations procedure.

2. THE APPEAL

2.1 A planning appeal had been lodged against the refusal of Hartlepool Borough Council for the erection of a 2 storey extension to provide study, lounge extension with bedroom and ensuite above and rear single storey sun lounge.

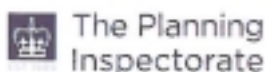
2.2 The Planning Inspector allowed the appeal and granted planning permission subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: drawings ref 150311 numbered 1-8 inclusive and site location plan, all received on 29 March 2011.

2.3 In allowing the appeal the inspector concluded that the scheme would not harm the appearance and character of the host property or the street scene. There would be no material conflict with the provisions of Policies GEP1 and Hsg 10 of the Hartlepool Local Plan (2006)

3. RECOMMENDATION

3.1 That members note the decision.



Appeal Decision

Site visit made on 29 November 2011

by **C J Checkley BA(Hons) MRTPI**

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

Decision date: 14 December 2011

Appeal Ref: APP/H0724/D/11/2163076

4 Grace Close, Seaton Carew, Hartlepool, TS25 2PF

- 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 Neil Thompson against the decision of Hartlepool Borough Council.
- The application Ref H/2011/0185, dated 29 March 2011 was refused by notice dated 9 September 2011.
- The development proposed is 2-storey extension to provide study, lounge extension with bedroom and ensuite above and rear single-storey sun lounge.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2-storey extension at the side to provide study and lounge extension with bedroom and ensuite over and a single-storey sun lounge extension at the rear at 4 Grace Close, Seaton Carew, Hartlepool, TS25 2PF, in accordance with the terms of the application, Ref H/2011/0185, dated 29 March 2011, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: drawings ref. 150311 numbered 1-8 inclusive and site location plan, all received on 29 March 2011.

Main Issues

2. The main issue is the effect of the development upon the appearance and character of the host property and the street scene.

Reasons

3. The appeal site includes a four-bedroom detached house with gardens to the front, side and rear. The property sits on a relatively large corner plot within a cul-de-sac. The neighbouring dwellings are positioned in a horseshoe pattern

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Appeal Decision APP/H0724/D/11/2163076

around the cul-de-sac head looking towards the site. The property benefits from a fenced side garden which is set back from the road edge behind a grassed amenity strip which includes some planting against the outside of the fence.

4. The 2-storey side extension would add a full height and full depth extension to the side gable, whilst the single-storey rear projection would replace the existing conservatory with a larger and wider rear extension.
5. The combined extensions would be cumulatively large in scale. The side extension would not be subordinate to the host dwelling in the sense of having a set-back or a set-down in the roofline. However, no terracing effect would result as the extensions would not stand next to any other dwelling. Additionally, the proposed front bay and canopy would mirror existing features within the host property. The rear projection would not be dissimilar to others found locally. Overall, the extensions proposed would reflect the form and character of the existing house.
6. Although the side extension would take up most of the side garden, the grassed amenity strip with its planting would be retained, so that the new extensions would not look cramped, dominating or unduly intrusive on this particular corner site. I note there are no objections to the scheme from the local community.
7. I conclude that the scheme would not harm the appearance and character of the host property or the street scene. There would be no material conflict with the provisions of Policies GEP1 and Hsg 10 of the Hartlepool Local Plan (2006) or the objectives underlying the provisions of the associated Supplementary Planning Guidance regarding house extensions, especially those which seek to avoid extensions that dominate host dwellings or appear unduly intrusive within the street scene.
8. My attention has been directed to several existing extensions locally, but these do not appear directly comparable in all respects to the scheme before me. My decision is made on the merits of this particular scheme on this site. In deciding to grant permission, I am requiring the use of matching materials so that the new extensions will blend with the existing house. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

C J Checkley

INSPECTOR

PLANNING COMMITTEE

6th January 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: DEVELOPERS CONTRIBUTIONS MONITORING REPORT

1. PURPOSE OF REPORT

- 1.1 To update the Planning Committee in the use and management of financial resources secured by planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended).

2. BACKGROUND

- 2.1 This report is presented to the Planning Committee and relates to the management and allocation of resources accrued through planning obligations.
- 2.2 Circular 05/2005: Planning Obligations (Para B50) advises local authorities to carefully monitor all legal agreements. Once planning obligations have been agreed, it is important that they are implemented or enforced in an efficient and transparent way, in order to ensure that contributions are spent on their intended purpose and that the associated development contributes to the sustainability of the area. This will require monitoring by local planning Authorities, which in turn may involve joint-working by different parts of the Authority.
- 2.3 A database was set up to record contributions paid via section 106 planning obligations and unilateral undertakings. It is used to record each section 106 individually to include any payments received and their purpose together with the details of what the money was spent on and where.
- 2.4 The database has proved very successful in monitoring expenditure of section 106 contributions received by the council and ensuring that resources are spent appropriately and in a timely fashion.

- 2.5 The information used in this report is taken from the Council section 106 database. The database contains the financial details of all planning obligations and unilateral undertakings signed under section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991. It is managed and updated by the Planning Services Monitoring Officer.
- 2.6 The funding secured from section 106 agreements covers a range of purposes including affordable housing, offsite play facilities and green infrastructure. The full details of which are contained in Appendix A.
- 2.7 A summary of the funds is contained in Appendix B.

3. RECOMMENDATION

- 3.1 Members note the report

4. BACKGROUND PAPERS

- 4.1 There are no background papers.

5. CONTACT OFFICER

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Planning Services Manager
Bryan Hanson House

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E-mail: christine.pipe@hartlepool.gov.uk

APPENDIX A

SECTION 106 DEVELOPERS CONTRIBUTIONS

HOUSING

DATE RECEIVED	PLANNING APPLICATION	DEVELOPER	APPLICATION SITE	AMOUNT RECEIVED	AMOUNT WITHDRAWN	TOTAL HELD
22/08/2006	H/2004/0312	Bett Homes	Owton Grange	£ 40000		£ 40000
19/01/2007	H/2004/0769	Bett Homes	Owton Grange	£ 10900		£ 50900
19/01/2007	H/2004/1031	Bett Homes	Owton Grange	£ 2727		£ 53627
02/07/2007	H/2005/5440	Haslam Homes	Owton Grange Inglefield	£ 10908		£ 64535
10/08/2007	H/2004/0754	Brossley Homes	Lancaster Road	£ 32000		£ 96535
05/08/2009	H/2005/5709	Bellway	G/Flatts South Beach	£ 166000		£ 262535
07/12/2010		Environmental upgrade work	Headway		£ 50000	£ 212535
20/12/2010		Demolition works	Brenda Road		£ 83750	£ 128785
04/08/2011		Perth Street App	H/2011/0392		£ 19865	£ 108920

APPENDIX A

SECTION 106 DEVELOPERS CONTRIBUTIONS

PLAY FACILITIES

DATE RECEIVED	PLANNING APPLICATION	DEVELOPER	APPLICATION SITE	INTENDED USE	AMOUNT RECEIVED	PAYMENTS OUT
19/01/2007	H/2004/0769	Bett Homes	Owton Grange	Jutland Road	£ 1668	
19/01/2007	H/2004/1031	Bett Homes	Owton Grange	Jutland Road	£ 909	
02/07/2007	H/2005/5440	Haslam Homes	Owton Grange Inglefield	Jutland Road	£ 5454	
10/08/2007	H/2004/0754	Brossley Homes	Lancaster Road	King George V Play Area	£ 20000	£ 20000
28/11/2008	H/2008/0319	Housing H/Pool	Thackeray Road	Summerhill Play Area	£ 1200	£ 1200
05/12/2008	H/2007/0783	McNicholas	204/212 York Road	Burn Valley Gardens	£ 1000	£ 1000
12/12/2008	H/2007/0300	Taylor Wimpey	Chatham Rd/ Raby Rd	Brougham School Site	£ 44750	£ 44750
13/02/2009	H/2008/0638	Housing H/Pool	Smyth Place	Clavering Play Area	£ 5500	£ 5500
13/02/2009	H/2008/0640	Housing H/Pool	Warren Road	King George V Play Area	£ 13000	£ 13000
10/03/2009	H/2007/0637	Endeavour H	Stockton Road	Burn Valley Gardens	£ 7200	£ 7200
17/07/2009	H/2008/0645	Housing H/Pool	Chesterton Road	Burn Valley Gardens	£ 1500	£ 1500

APPENDIX A

05/08/2009	H/2005/5709	Bellway	G/Flatts South Beach	Jutland Road	£ 20750	
11/03/2010	H/2009/0703	Housing H/Pool	Kipling Road	Summerhill Play Area	£ 5000	£ 5000
18/03/2010	H/2010/0085	Housing H/Pool	Seaton Lane	Seaton sea front adding to the Playbuilder areas	£ 750	£ 750
18/03/2010	H/2010/0086	Housing H/Pool	Seaton Lane	Burbank held for further improvements to the new playbuilder	£ 3500	£ 3500
06/08/2010	H/2009/0701	Housing H/Pool	Maxwell Court	Owton to be added to the Playbuilder areas	£ 4750	£ 4750
20/10/2010	H/2009/0521	Housing H/Pool	Seaton Lane	Seaton sea front adding to the playbuilder areas	£ 6250	£ 6250
20/10/2010	H/2009/0522	Housing H/Pool	Charles Street	Burbank held for further improvements to the new playbuilder site	£ 5000	£ 5000
05/11/2010	H/2009/0618	Housing H/Pool	Belle Vue	Belle Vue Centre £ 10000 Rossmere £ 14250	£ 24250	£ 24250
09/11/2010	H/2010/0292	Housing H/Pool	Easington Road	Claveing held for further improvements to the new Playbuilder site	£ 17000	£ 17000

APPENDIX A**SECTION 106 DEVELOPERS CONTRIBUTIONS****CYCLEWAY**

DATE RECEIVED	PLANNING APPLICATION	DEVELOPER	APPLICATION SITE	AMOUNT RECEIVED
09/09/2010	H/2007/0262	Clevestone	Brenda Road	£ 1500
13/10/2010	H/2007/0262	Clevestone	Brenda Road	£ 1500
14/12/2010	H/2007/0262	Clevestone	Brenda Road	£ 1500
16/03/2011	H/2007/0262	Clevestone	Brenda Road	£ 1500
12/05/2011	H/2007/0262	Clevestone	Brenda Road	£ 1500
14/09/2011	H/2007/0262	Clevestone	Brenda Road	£ 1250

SECTION 106 DEVELOPERS CONTRIBUTIONS**BUS STOP**

DATE RECEIVED	PLANNING APPLICATION	DEVELOPER	APPLICATION SITE	AMOUNT RECEIVED
05/08/2009	H/2005/5709	Bellway	G/Flatts South Beach	£ 500

SECTION 106 DEVELOPERS CONTRIBUTIONS**PUBLIC ART**

DATE RECEIVED	PLANNING APPLICATION	DEVELOPER	APPLICATION SITE	AMOUNT RECEIVED
28/09/2006	H/2006/0169	Mandale	Baths Coronation Drive	£ 10000

SECTION 106 DEVELOPERS CONTRIBUTIONS**GREEN INFRASTRUCTURE**

DATE RECEIVED	PLANNING APPLICATION	DEVELOPER	APPLICATION SITE	AMOUNT RECEIVED
17/07/2009	H/2008/0645	Housing H/Pool	Chesterton Road	£ 3750
06/08/2010	H/2009/0701	Housing H/Pool	Maxwell Court	£ 950
19/11/2010	H/2010/0292	Housing H/Pool	Easington Road	£ 3400

APPENDIX B

SECTION 106 DEVELOPERS CONTRIBUTIONS

SUMMARY OF ACCOUNT

Play Facilities	£ 28781
Housing	£ 108920
Green Infrastructure	£ 8100
Cycle	£ 8750
Public Art	£ 10000
Bus Stop	£ 500
Total	£ 165051

PLANNING COMMITTEE

6th January 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: REPLACEMENT DOORS IN CONSERVATION AREAS

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to respond to the requests of Members made at the last planning committee in December for further information on replacement doors in conservation areas and ways in which the authority can provide information to the public on this subject.

2. BACKGROUND

- 2.1 At the last meeting of this committee an item was brought outlining the policy background to replacement doors in conservation areas. Members raised a number of queries regarding the type of materials that could be used and how this information could be communicated to residents in conservation areas. In addition Members queried the policies used by other local authorities.
- 2.2 The item led to discussion around replacement doors in conservation areas and particularly the use of modern materials. This report clarifies the policy background relating to replacement doors and offers examples of policy in neighbouring authorities along with information on the actions taken by officers to provide guidance to members of the public.

3. EXISTING POLICY ON REPLACEMENT DOORS

- 3.1 In considering replacement doors in conservation areas consent is not required in all cases to carry out such works. There are three levels of control of development in conservation areas outlined below:

1. Properties in conservation areas

There are properties located in conservation areas which have limited restrictions covering the changes that can be carried out. These restrictions do not cover replacement doors

2. Properties in conservation areas covered by Article 4 Directions

Most homes have permitted development rights. This allows homeowners to carry out minor changes to their properties without the benefit of planning permission. Such minor changes, when accumulated, can greatly change the character of a conservation area. To control such changes an Article 4 Direction is put in place, requiring planning permission for some works such as changing windows. article 4 Directions apply in The Headland, Grange, Elwick and Seaton Carew Conservation Areas.

3. Listed buildings

Listed building consent is required for any alterations which change the appearance of a listed building. This would include replacement doors.

3.2 There does not appear to be a trend for applications for replacement doors with only three applications being received in the past two years. Two of those applications were for replacement doors using traditional materials and one was a retrospective application for a door in UPVC.

3.3 Existing policy would be considered when assessing any application for replacement doors in the form of Planning Policy Statement 5; Planning Policy for the Historic Environment and local policy in the form of the local plan. The relevant policy is HE1 which states,

‘Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area and where the development does not adversely affect the amenities of occupiers of adjoining or nearby properties.’

Therefore in examining any application for a replacement door the main consideration would be the impact the door has on the character or appearance of the area. This policy does not specifically mention materials, but the choice of this is something that would be considered when assessing the appearance of a door.

4. **POLICY WITHIN THE TEES VALLEY**

4.1 No local authority within the Tees Valley has a specific policy or a piece of guidance relating to replacement doors in conservation areas using modern materials. Evidence from other authorities appears to be similar to that experienced at Hartlepool. Whilst officers would encourage the use of traditional materials on historic properties within the area, the use of modern materials has been accepted on modern buildings and on some modern extensions.

5. GUIDANCE ON REPLACEMENT DOORS

- 5.1 Guidance on replacement doors can be found in Supplementary Note 5 of the Local Plan. The relevant guidance covers two paragraphs and can be found in **Appendix 1** of this report. One short paragraph refers to joinery and the second to the type of door which would be appropriate to a property.
- 5.2 Further guidance has also been produced in the form of a leaflet on doors. This leaflet along with a number of leaflets on windows was circulated to all properties in conservation areas in February 2010. Copies of these leaflets can also be viewed on the Council's website. The leaflet provides general information on doors along with guidance on carrying out repairs to doors and replacement doors. The leaflet does encourage the use of traditional materials. A copy of this guidance can be seen in **Appendix 2**. In many cases traditional doors can be repaired which can be the most cost effective solution for the homeowner and the aim of the leaflet was to assist homeowners in this regard.
- 5.3 The guidance that is available addresses generic cases and should be used in a general manner as each application is considered on its own merits. As stated in the previous committee report, there are a wide variety of designs of doors across all eight consideration areas. There is no one size fits all approach for doors and the type and style of doors found in conservation areas varies greatly. Infinite styles can be created because a joiner can tailor a door to an individual specification.
- 5.4 Energy efficiency considerations were raised at the previous meeting. Approximately 20% of energy in a home is lost through windows and doors. English Heritage guidance advises that when considering improvements for energy conservation it is important to remember that traditional buildings perform very differently from modern buildings. There is information on the Council's website via a link to a website set up by English Heritage entitled, 'Climate Change and Your Home' which provides advice and guidance to owners of historic properties on a range of subjects including Energy Conservation in Traditional Buildings. Residents enquiring on such matters are guided to this website or provided with copies by officers if they do not have
- 5.5 Members indicated that it may be prudent to produce specific guidance on the use of modern materials. Given the small number of applications which have been submitted it would seem that it would be more prudent to deal with each one on a case by case basis. The generation of guidance would not cover the variety of doors in conservation areas and in considering each individual application guidance can be tailored to the specific requirements of that applicant.

6 SUMMARY AND FUTURE ACTIONS

- 6.1 In conclusion there are a small number of applications for replacement doors in conservation areas or at listed buildings each year. This would indicate that

this issue is not currently impacting on the character and appearance of the Boroughs conservation areas in a detrimental way.

- 6.2 Guidance is currently available from Council sources and elsewhere to provide advice on replacement doors in historic buildings and associated subjects. This would suggest that there is not a requirement to produce further guidance which would merely replicate that which exists already. Officers will ensure that this guidance is readily available and accessible to all residents who require it by making it available through the authority's website and via enquiries relating to doors through the One Stop Shop.

7 RECOMMENDATION

- 7.1 It is recommended that the Committee notes the report and the actions proposed by officers.

8 BACKGROUND PAPERS

- 8.1 There are no background papers

9. CONTACT OFFICER

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APPENDIX 1

Extract from Hartlepool Local Plan,

Supplementary Note 5

Design Guidance for development in Conservation Areas and For Works to Listed Buildings

Joinery (Paragraph 60)

The design and quality of joinery, consisting of windows, dormers, doors, doorcases and other items can greatly affect the final appearance of a building.

Doors

A variety of doors are found in Conservation Areas and on Listed Buildings. It is important that the style of door should be appropriate, the age of the building determining this. Thus on the earliest buildings (usually of agricultural origin) doors were typically boarded or ledged and braced construction. Door furniture was also usually simple (a Suffolk latch and keyhole). On Georgian and Victorian buildings to front elevations, two, four, or six panelled doors, with plain or raised panels and bolection moulding were usual with a fanlight above the door, the latter usually divided by glazing bars, sometimes of elaborate design.

APPENDIX 2

Doors

The front door of a property is often the focal point of a building. It is a means of entry to the home and creates a first impression for visitors.

The earliest doors were built to last. Constructed in oak they were usually simple rows of planks, laid vertically, edge to edge, joined and strengthened by timber pegs or iron nails driven through planks set across the back.

Panelled doors began to appear in houses in the late 16th century. Two panelled doors could be seen on properties with heavy fielded panels. These panels have a raised central flat surface often with bevelled edges.

As classical architecture began to influence more and more design the number of panels increased. Six panelled doors were increasingly used on large properties throughout the country. However more commonly on 18th century smaller townhouses four panelled doors were used as six panelled doors would have been out of proportion.

In the 19th century front doors continued to mirror the changing architectural styles. This included the introduction of etched and sometimes stained glass within doors.



APPENDIX 2

Parts of a traditionally constructed door

Traditional timber doors were often the works of craftsmen.

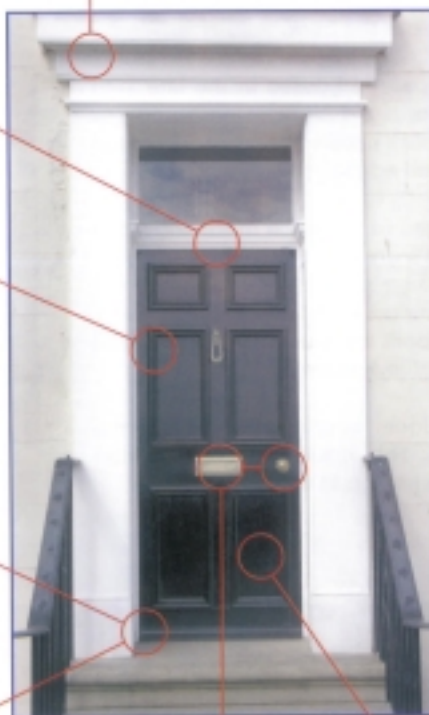
The basic components include:

A **doorcase** can take a variety of forms depending on the architectural style of the property. Some are deep with panels which usually mirror those found on the door, others can be shallow and simple with little elaborate detailing or moulding.

Rails are found at the top, bottom and in the middle of the door to give added strength.

Stiles run vertically the full height of the door and carry the locks to one side and the hinges on the other.

Doors were constructed using **mortice and tenon joints**. This construction allows the timber panels to move slightly as the timber expands and contracts with changes in temperature and humidity.



The term **door furniture** covers items such as letter boxes, door knockers, door handles and finger plates.

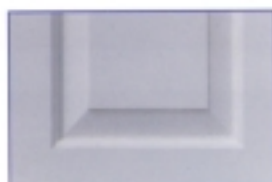
Fanlights are windows found over the door. They are often semicircular and can have glazing bars. Some have the number or name of the house painted in the centre of the window.



Panels fill the spaces between the rails and the stiles. These can be of varying styles which is often influenced by the age and architectural style of the property.

Panels and mouldings to doors

Doors have different styles of moulding and panels below - are some common examples.



APPENDIX 2

Repairing timber doors

Due to their construction timber doors can often be easily repaired. Below some common faults are outlined along with solutions.

Problem	Solution
Sticking when the door and the frame rub together due to the timber swelling as a result of changes in the weather.	Carefully plane or sand the door to allow smoother opening and closing. Alternatively you could rub a wax candle on the door and frame.
Wet rot at the bottom of the door where it comes into contact with wet stonework.	The affected timber can be cut away and new treated timber spliced into its place.
Faulty or loose hinges causing the door to sag leading to creaking or rubbing against the frame.	Loose hinges can be tightened. Hinges should be kept lightly oiled to eradicate creaking and reduce wear.
Joints becoming loose due to swelling and shrinkage that occurs in timber during seasonal changes.	Loose joints can be repaired by the insertion of new wedges and re-gluing with wood glue.
Split or cracked panelling	This can be repaired by loosening them and re-gluing the broken pieces in situ.

Where problems develop with a door these should be repaired as quickly as possible. Leaving the problems could lead to further issues developing with the door.

The best way to prevent problems with your door is to regularly maintain it. This also allows you to assess the door for signs of any defects.

- Before painting the door check for any defects. It may be necessary to strip off old layers of paint before re-painting to prevent a build up of paint that obscures the mouldings on the door.
- When removing the paint use a hot air gun or liquid paint stripper. Blow torches and solutions that could damage the wood, such as 'tank' stripping ('dipping'), are not recommended.
- Carry out any repairs that may be needed. Small areas of decay should be cut out and the area treated with a preservative before filling any holes and cracks with flexible exterior wood filler. Larger areas of decay can be cut out and a new piece of wood spliced in. The hinges, lock and other door furniture can be replaced at this point.
- If the door has previously been stripped and is in good condition it may only require sanding down in preparation for decoration.
- The door can then be painted.

Colours

Consider the age and style of your property when choosing a colour for your door. Dark blue, dark green, burgundy, black and white are often found on Georgian properties.

On Victorian and Edwardian properties brighter colours can be found.

If you live in a terrace or a semi detached house, look at other properties in the street and the colours that are used. This will ensure that your choice of colour is complementary to the other properties.

Georgian (circa 1700-1837)**Victorian/Edwardian (circa 1837-1910)**

APPENDIX 2

Replacing a timber door

It is rare for a door to suffer so much damage that complete replacement is required. In the circumstances where replacement is necessary the following should be considered:

- If you intend to replace the door to your property you may require planning permission or listed building consent. You should write to the Council's One Stop Shop providing information on the existing door in your property and details of the door you'd like to install. Informal, written advice will be provided outlining any formal consent that may be required. The address is at the bottom of this page
- If the original door exists you can ask a joiner to reproduce a replica door. Remember to ask them to match the door exactly including the size of the panels in the door and the type of moulding used. The door furniture such as letterboxes, doors knockers and handles if in good condition can be transferred over from your original door.
- If the original door has been replaced you could ask a joiner to make you a replica door. Have a look in the street that you live in and those next to you with similar houses to yours. There may be original doors remaining that you could ask a joiner to copy.
- Look at the door case to your property. This may give an indication of the number of panels that the door had and the style of the moulding.
- Doors bought "off the peg" rarely replicate the detailing of a traditional door. Both timber and UPVC doors very often include alien details such as mock fanlights which often look out of place on older buildings. In addition the standard sizes often don't fit the wider door openings of historic buildings



The panels in this door mirror those found in the doorcase.



These modern doors do not reflect the traditional details found on the properties they provide the entrance to.



One Stop Shop, Development Control, Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT
or alternatively **E-mail:** developmentcontrol@hartlepool.gov.uk

For further information on this leaflet contact:

Landscape Planning and Conservation
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Hartlepool
TS24 7BT

E-mail: landscape.planning@hartlepool.gov.uk
Tel: 01429 523275