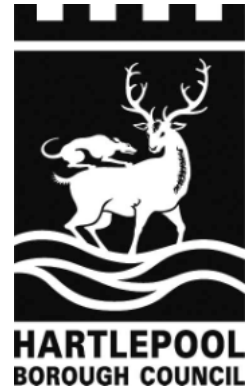


PLANNING COMMITTEE AGENDA



Friday 3 February 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 6 JANUARY 2012 (to follow)**
- 4. ITEMS REQUIRING DECISION**
 - 4.1 Planning Applications – *Assistant Director (Regeneration and Planning)*
 - 1 H/2011/0489 Mayfair Centre, Tees Road, Hartlepool.
 - 2 H/2011/0598 16 Hutton Avenue, Hartlepool.
 - 4.2 Appeal Ref: APP/H0724/a/11/2165280/NWF - 110 Whitby Street South, Hartlepool - Change of use of former shop/warehouse into 5 units – *Assistant Director (Regeneration and Planning)*
 - 4.3 Appeal By Mr Terence Bates Site At Brierton Moorhouse Farm, Dalton Back Lane, Hartlepool – *Assistant Director (Regeneration and Planning)*
 - 4.4 Appeal Ref APP/H0724/A/11/2167553 Demolition Of Existing Amenity Building And Erection Of A Two Storey Building Comprising Commercial Unit (Use Classes A1, A3 And A4) At Ground Floor And Yacht Club And Amenity Facilities At First Floor (Resubmitted Application) At Navigation Point, Marina (H/2011/0059) – *Assistant Director (Regeneration and Planning)*
 - 4.5 Northgate Local Centre – Parking Survey - *Assistant Director (Transportation and Engineering)*
 - 4.6 Update on Current Complaints - *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 - Former King Oswy Public House, Hartlepool - *Assistant Director (Regeneration and Planning)*

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

9. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place at 9.00 a.m. on the morning of the next Scheduled meeting which will be held on Friday 2 March, 2012.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

6 January 2012

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

Present:

Councillor Rob Cook (In the Chair)

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

Officers: Damien Wilson, Assistant Director, Regeneration and Planning
Chris Pipe, Planning Services Manager
Jim Ferguson, Principal Planning Officer
Kate Watchorn, Commercial Solicitor
Adrian Hurst, Principal Environmental Health Officer
Mike Blair, Highways, Traffic and Transportation Manager
Chris Scaife, Countryside Access Officer
Sarah Scarr, Landscape Planning and Conservation Manager
David Cosgrove, Democratic Services Team

102. Apologies for Absence

Councillors Fenwick, H Thompson and Wright.

103. Declarations of interest by members

Councillor A Lilley declared a personal interest in Minute no. ?

104. Confirmation of the minutes of the meeting held on 2 December 2011

Confirmed.

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

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

Number: H/2011/0568

Applicant: Mr William Morgan
B&K Developments c/o Agent

Agent: Prism Planning Ltd Mr Rod Hepplewhite Prism
Planning 1st Floor Morton House Morton Road
Darlington

Date received: 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

Decision: **Planning Permission Approved and members
authorised the amendment to the legal
agreement to allow general occupation of the
apartments**

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 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 where designated 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.

The Committee considered written representations in relation to this matter.

The Applicant's agent was present at the meeting and addressed the Committee.

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

Date received: 09/11/2011

Development: Erection of a detached dwelling house (resubmitted application)

Location: CROWS MEADOW FARM DALTON BACK LANE
BILLINGHAM

Decision: Planning Permission Approved

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting during the consideration of this planning application on the grounds that the considerations involved the likely disclosure of exempt information as defined in the paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006, namely information relating to the financial or business affairs of any particular person.

The meeting returned to open, public session prior to the decision being made and the following conditions and reasons being approved.

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans/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 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.

Number: H/2011/0495

Applicant: Mrs S Sharpe
Golden Flatts Primary School Seaton Lane
HARTLEPOOL

Agent: Golden Flatts Primary School Mrs S Sharpe
Seaton Lane HARTLEPOOL

Date received: 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

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 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.

Number: H/2011/0485

Applicant: Mr Colin Bolton
Hartlepool Borough Council Bryan Hanson House
Hanson Square Hartlepool

Agent: Hartlepool Borough Council Mr Colin Bolton
Property Services Division Bryan Hanson House
Hanson Square Lynn Street Hartlepool

Date received: 24/10/2011

Development: Structural alterations and extensions to facilitate change of use to provide cafe

Location: STRANTON CEMETERY LODGE TANFIELD ROAD HARTLEPOOL

Decision: **The Planning Committee requested details of the car parking to be associated with the development to be provided prior to determination and therefore deferred the item to a subsequent meeting**

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

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

Councillor James sought further details of issue 6.
Councillor Wells sought further details of issue 2.

Decision

That the report be noted.

107. Proposed Diversion of Public Footpath No 9, Kipling Road, Hartlepool (*Director of Regeneration and Neighbourhoods*)

The Countryside Access Officer reported that in June the Parks and Countryside Section had 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 was shown in Appendix 1 to the report.

The application was made by the developer of the site, Dunelm Property Services, on the grounds that the diversion was needed as part of the development and would redirect the public along a more enjoyable and direct route. The proposed diversion shown in the plan at Appendix 2 was 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. The report also set out the appropriate legal considerations and advertisement / consultation requirements prior to the finalised amendment being submitted to the Secretary of State for approval

Members supported the proposal subject to the applicant being responsible for the authority's appropriate legal costs. The officer indicated that this would be the case.

Decision

1. That the making of Diversion Orders to implement the footpath diversion proposal of Public Footpath No. 9 as reported and detailed in Appendix 2 to the report be approved;
2. That should no objections be received, or if any objections are received and are subsequently withdrawn, the Orders be confirmed; and,
3. Should any objections be received, and not subsequently withdrawn, the Orders be referred to the Secretary of State for confirmation.

108. Proposed Diversion of Public Footpath No 20, Elwick Parish, at Amerston Hill (*Director of Regeneration and Neighbourhoods*)

The Countryside Access Officer reported that in February 2010 the Parks and Countryside Section had 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 was shown in Appendix 1 to the report.

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. The proposed diversion as shown in Appendix 2 to the report was 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. The report also set out the appropriate legal considerations and advertisement / consultation requirements prior to the finalised amendment being submitted to the Secretary of State for approval. An amended list of consultees was submitted at the meeting for the Committee's information.

Members supported the proposal subject to the applicant being responsible for the authority's appropriate legal costs. The officer indicated that this would be the case.

Decision

1. That the making of Diversion Orders to implement the footpath diversion proposal of Public Footpath No. 20 as reported and detailed in Appendix 2 to the report be approved;
2. That should no objections be received, or if any objections are received and are subsequently withdrawn, the Orders be confirmed; and,
3. Should any objections be received, and not subsequently withdrawn, the Orders be referred to the Secretary of State for confirmation.

109. Appeal by Mr Thompson APP/HO724/D/11/2163076; 4 Grace Close, Seaton Carew, Hartlepool (*Assistant Director, Regeneration and Planning*)

The Planning Services Manager reported that a planning appeal had been lodged against the refusal of Hartlepool Borough Council for the erection of a two storey extension to provide study, lounge extension with bedroom and en-suite above and rear single storey sun lounge.

The Planning Inspector had 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.

The Planning Services Manager indicated that 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). The Planning Services Manager stated that the Inspector's decision had surprised officers. A copy of the full decision was appended to the report.

Decision

That the report be noted.

110. Developers Contributions Monitoring Report *(Assistant Director, Regeneration and Planning)*

The Planning Services Manager updated the Committee on the use and management of financial resources secured by planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended). A database had been set up to record contributions paid via section 106 planning obligations and unilateral undertakings. It was 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.

The database had 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. The information presented in the report was taken from the Council section 106 database. The database contained 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 was managed and updated by the Planning Services Monitoring Officer.

The funding secured from section 106 agreements covered a range of purposes including affordable housing, offsite play facilities and green infrastructure. The full details of which are set out in Appendix A to the report. A summary of the funds was set out in Appendix B.

Members questioned if there was any stipulation as to where the s106 monies should be spent; should they be spent in the area where the development was approved. The Planning Services Manager indicated that it depended on the agreement in place. Often play facilities for example were located within or close to developments.

Decision

That the report be noted.

111. Replacement Doors In Conservation Areas (*Assistant Director, Regeneration and Planning*)

The Landscape Planning and Conservation Manager submitted a report in response to Members requests made at the previous committee meeting 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.

The report set out the existing policy of replacement doors for properties in conservation areas, those in areas covered by Article 4 directions and listed buildings. Details of the guidance given on replacement doors as could be found in Supplementary Note 5 of the Local Plan was also set out as an appendix to the report, together with a copy of the guidance leaflet produced by the authority on replacement doors.

The Landscape Planning and Conservation Manager also reported that, as requested by the committee, she had contacted York City Council in relation to their conservation area policies. York had said that they did not have any specific policy on doors as such but did take a strong line on the use of 'traditional replacements'. York City Council did have extensive conservation areas but only limited areas covered by Article 4 Directions.

Members welcomed the information though did question the use of Article 4 Directions and the value gained from it. The officer stated that an Article 4 Direction controlled demolition and works to trees quite strictly and did also control changes to doors and windows. In a conservation area small changes to individual properties could, when looked at together, damage significantly the character of a conservation area and the reasons for declaring it a conservation area in the first place.

Members debated the issue further and did feel that consistency was required in conservation area decisions to give the public confidence in the process. Members did feel that this consistency also needed to apply to the council itself in the works it undertook in conservation areas and highlighted the implementation of advertising boards on the roundabout at the junction of Grange Road and Wooler Road as a bad example. Officers indicated that they would review the signs at the roundabout.

The Chair was concerned that the policy that had been agreed by the committee in relation to conservation areas and the implementation of replacement windows should be maintained and consistently applied. Members did feel that the current guidance did not give sufficient advice to residents on the materials that could be used and did not rule out the use of upvc. The Planning Services Manager commented that a one size fits all policy did not work and as with other authorities, the approach had always

been to consider each application on its merits. It also had to be noted that there were not very many such applications brought to Members in any event.

Members indicated that they would wish to see clear advice in a revised leaflet on replacement doors and windows on the types of materials that could be used. If the key factor was that the original 'look' of the property was maintained in historic character with the conservation area but that that in itself did not rule out the use of new materials, then that should be clearly stated. Officers indicated that Members wishes that no materials would be discounted **as long as they can meet the finer detailing required in that particular case** would be included in revised leaflets when printed but would be set out on the website advice as soon as practicable.

Decision

That the report, actions proposed and Members comments be noted.

112. Any Other Items which the Chairman Considers are Urgent

None.

113. 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 114 – Enforcement Action – MP Allan Skip Hire, Mainsforth Terrace, Sandgate Industrial Estate, Hartlepool – (paras 5 and 6)

Minute 115 – Enforcement Action – 2 St. Paul's Road, Hartlepool – (paras 5 and 6)

Minute 116 – Complaint Files to be Closed – 54 Seaton Lane – (paras 5 and 6)

Minute 117 – Complaint Files to be Closed – 45 Lancaster Road – (paras 5 and 6)

Minute 118 – Complaint File to be Closed – The Schooner Public House – (paras 5 and 6)

Paragraph 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Paragraph 6 - 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.

114. Enforcement Action – MP Allan Skip Hire, Mainsforth Terrace, Sandgate Industrial Estate, Hartlepool

(Assistant Director, Regeneration and Planning)

Authorisation was sought from the Committee to issue an enforcement notice, as deemed necessary, in respect of the placing of an Air Curtain Incinerator (ACI) on the MP Allen Skip Hire site in Mainsforth Terrace, Hartlepool. Further details are set out in the exempt section of the minutes.

Decision

That enforcement action be approved subject to the conditions set out in the exempt section of the minutes.

115. Enforcement Action – 2 St. Paul's Road, Hartlepool

(Assistant Director, Regeneration and Planning)

Authorisation was sought to take enforcement action, should this be required, in respect of the untidy condition of 2 St. Paul's Road, Hartlepool, by way of issuing a Section 215 Notice. Further details are set out in the exempt section of the minutes.

Decision

That enforcement action is not approved.

116. Complaint Files to be Closed – 54 Seaton Lane *(Assistant Director, Regeneration and Planning)*

The Planning Services manager reported on the proposed closure of a compliant file in relation to 54 Seaton Lane. Further details are set out in the exempt section of the minutes.

Decision

That the complaint file be closed.

117 Complaint Files to be Closed – 45 Lancaster Road

(Assistant Director, Regeneration and Planning)

The Planning Services manager reported on the proposed closure of a compliant file in relation to 45 Lancaster Road. Further details are set out in the exempt section of the minutes.

Decision

That the complaint file be closed.

118 Complaint File to be Closed – The Schooner Public House *(Assistant Director, Regeneration and Planning)*

The Planning Services manager reported on the proposed closure of a compliant file in relation to the erection of a sign at The Schooner Public House on Warrior Drive. Further details are set out in the exempt section of the minutes.

Decision

That the complaint file be closed.

Councillor P Thompson requested that his vote against the above decision be recorded.

The meeting concluded at 12.25 p.m.

CHAIR

No: 1
Number: H/2011/0489
Applicant: MR CHRIS STRUTHERS 2 ESH PLAZA SIR BOBBY
 ROSON WAY GREAT PARK NEWCASTLE UPON TYNE
 NE13 9BA
Agent: PERSIMMON HOMES (TEESSIDE) MR CHRIS
 STRUTHERS 2 ESH PLAZA SIR BOBBY ROSON WAY
 GREAT PARK NE13 9BA
Date valid: 28/10/2011
Development: Mixed use development for the erection of 249 dwellings
 and the redevelopment of the Mayfair Centre to
 incorporate D2, A1, A3 and A4 uses including erection of
 two air domes, alterations to shop and Mayfair Centre
 building including new balcony, alterations to car park,
 formation of various mounds, formation of golf course,
 childrens play areas, new lighting, alterations to vehicular
 entrance and landscaping including amenity open space
 (AMENDED PLANS RECEIVED)
Location: THE MAYFAIR CENTRE TEES ROAD HARTLEPOOL

The Application and Site

1.1 The application site is located on the south side of Seaton Carew. It currently consists of the Mayfair Centre a functions and entertainments venue with sporting facilities to the south and fields of rough grassland to the north. To the south the Mayfair Centre consists of a large building which houses a function rooms and bars and ancillary facilities. To the north of this is a golf driving range with an associated building. To the east is a caretakers bungalow. The site area to the north and west consists of fields consisting of rough grassland used for grazing horses. The remnants of a hedge line divide the northern most fields. A Public Right of Way crosses the site from east to south west. To the north and north west of the site are residential properties which predominantly back on to the site. The southern boundary of the site is formed by a large grassed bund some 6m high. On the other side of the bund is an industrial estate occupied by a number of commercial businesses. The Tees Road passes the east of the site on the other side of which is an area of rough grassland/dunes which form the western part of the Teesmouth and Cleveland Coast Special Protection Area (SPA)/Ramsar site which is a European site protected under the Habitats Regulations. To the north/north east of the site is a sports ground.

1.2 The application is a mixed use development consisting of housing, leisure and sporting facilities. It is envisaged that the housing element will be enabling development allowing the leisure and sporting facilities to be brought forward. The proposals have been amended following discussions during the course of the application. It is proposed to erect 249 houses in the fields immediately to the south of the existing housing areas (Headingly Court, The Ashes, Pavilion Close, Lingdale Drive). The houses will have a dedicated access from the Tees Road where turning facilities and improved bus stops will be accommodated. An emergency access

allowing footpath/cycle access and access for emergency purposes only will be accommodated directly to the housing areas to the north with a link to Headlingly Court. To the south of the housing a public open space/landscaped area will be formed.

1.3 In terms of the sports and leisure facilities. Two sports domes will be provided. The sports domes will be constructed of a durable membrane which will be inflated to form the dome. The football dome will accommodate six five-a-side pitches on a 3G surface. It will be some 134m x 52m x 16m high. It will be sited to the southwest corner of the site adjacent to the north west corner of the Mayfair building and the bund which forms the southern boundary of the site, in an area which is currently occupied by the driving range. A landscaped bund will extend from the existing bund on the southern boundary of the site to wrap around the northern end of the dome. The Golf Dome will be some 50m x 50m x 14m high. It will be sited to the south east side of the existing Mayfair building in an area currently used for car parking. It will accommodate a number of Golf Challenges including virtual driving ranges. The existing driving range shop will be altered and refurbished with the windows altered.

1.4 The Mayfair Centre itself will be altered and refurbished. It will be part rendered, canopy's added to doors opening and a new balcony with first floor doors and windows accommodated on the north eastern elevation. Internally the building will be altered and refurbished a 300 person bar/restaurant and events balcony will be accommodated at first floor. At ground floor two sports halls including a gym, a sauna/steam room, an interactive suite, sensory rooms, changing and waiting areas will be accommodated. A snagging Golf course will be provided which will wrap around the football dome in the north east corner of the site. Elsewhere externally the car parking area will be re-modelled, a café, seating area and a children's play area will be accommodated.

Publicity

1.5 The application has been advertised by neighbour notification site notice and in the press.

Three letters of no objection were received.

Twenty two letters of support were received. The supporters of the proposal made the following comments.

1. Excellent much needed. It will benefit Seaton Carew and area.
2. It will bring investment, a first rate sports facility, leisure and play facilities, visitors, jobs and more local housing.
3. It will provide healthy activities for families young people.
4. It will bring new life to the site, improve a wasteland and tidy up the area.
5. Increased housing choice.
6. Increased income from council tax and visitors.
7. It will put Hartlepool on the map as a sporting leader.
8. It will provide a facility which is not common in the north or the country.
9. A brave and bold step forward in difficult economic times which can only bring positive results.

10. Sure it will satisfy Hartlepool's policy on affordable housing.
11. It will stop the land being used as an escape route for thieves targeting the industrial estate.

Two letters were received from respondents who did not indicate whether or not they objected to the scheme but raised the following concerns.

1. Increased Traffic on Elizabeth Way which is already busy.
2. Loss of green space in spite of the number of empty properties in the town.
3. Proximity of landfill.

Fifteen letters of objection to the proposal have been received. The objectors raise the following issues.

1. The Hartlepool Local Plan stipulates the land would be used for Recreation & Leisure.
2. Impact on restricting neighbouring local businesses and future development (Nuclear Power Station, its replacement, and the industry on Tofts Farm Estate).
3. It encroaches on the Seaton Meadows landfill which receives waste. Can the council guarantee that no waste will leach through ground water or that the development will not be affected by airborne contaminants? The harmful impacts cannot be predicted with certainty.
4. Concerns development will put strains on existing drainage/sewage system. There have been a number of instances over the last 10 years, the development will exacerbate the problem.
5. The development, by reducing natural drainage, will increase the probability of flooding in Seaton. There are current drainage problems in some back gardens and fields due to underlying clay. Water pools in gardens in periods of high rain suggesting poor drainage or a high water table. It will also increase the possibility of ground water leaching materials from the landfill.
6. Noise and light pollution.
7. Proximity of housing will result in loss of light, outlook, privacy and be obtrusive and overdominant.
8. Lack of school places.
9. What transport links will be provided given cuts?
10. No need for the proposed leisure development. We currently have existing golfing facilities and football pitches, and school facilities whose use could be extended. The income would go to schools rather than the private sector.
11. How can we guarantee the recreation facilities will be provided?
12. Increased traffic. Tees Road is a notorious accident blackspot. Traffic already a constant stream will increase phenomenally. Access/egress to and from the estate will be problematic at busy times.
13. Increased traffic on Elizabeth Way and Station Lane recent developments have added to problems. Residential Travel Report states that development would facilitate people walking to shops/facilities. But currently people don't walk to shops, car park at Elizabeth Way shops is regularly packed.
14. It would be disappointing to sacrifice a large area of land to enable a small area to be crammed with activities, with the landfill mound somehow accommodated.
15. Public footpath crosses the site.

16. Proximity to Nuclear Power Station existing and new, landfill, Huntsman Tioxide and neighbouring industrial areas.
17. Disruption to Wildlife.
18. Loss of green space/habitat.
19. Loss of light.
20. Danger of use of some structures changing i.e. to music venues.
21. Concerns over leisure facilities opening times, safety, and security of neighbouring properties.
22. Sports domes will not be viable for young people due to costs of use and travel.
23. Don't want another derelict site or a music venue.
24. Developer has stated site would be developed over five years, it is unacceptable for local residents to endure noise, mess and disruption for this long.
25. Why build houses when homes are not selling and first time buyers struggling to get mortgages.
26. Increased pedestrian traffic.
27. Loss of property value.
28. Concerns raised by a nearby business regarding possible complaints from their 24 hour activities their operations.

Amended Plans have been advertised by neighbour notification, site notice and in the press.

The time period for representations has expired.

Seven letters of objection, six letters of no objection and one letter of support were received. A single letter was also received from an individual who did not specify their view but raised concerns.

The objectors raised the following issues:-

1. The Hartlepool Local Plan stipulates the land would be used for Recreation & Leisure.
2. How can we guarantee the recreation facilities will be provided?
3. Increased traffic/congestion. Tees Road is a notorious accident blackspot. Traffic already a constant stream will increase phenomenally.
4. Current drainage problems in back gardens and fields due to underlying clay. If drainage for the housing is not adequate existing problems will be exacerbated.
5. Noise and light pollution.
6. It would be disappointing to sacrifice a large area of land to enable a small area to be crammed with activities, with the landfill mound somehow accommodated.
7. Loss of view, from Greenfield to housing.
8. Bought house on understanding land would not be developed.
9. Increased use of footpath and potential antisocial behaviour.
10. Disruption to wildlife. Kestrel pair hunts/habitates in the field.
11. Proximity to landfill site, health & safety and its smells which will affect the residents.
12. Concerns regarding public rights of way which crosses the site and linkages.
13. Loss of privacy.
14. Increased traffic on Elizabeth Way and Station Lane recent developments have added to problems. Residential Travel Report states that development would

- facilitate people walking to shops/facilities. But currently people don't walk to shops, car park at Elizabeth Way shops is regularly packed. Don't consider developer comprehends travel situation on Elizabeth Way or Station Lane.
15. Question the use of the domes. Belief facility will be used as a performance venue for music festivals instead. Considers they will not be viable for young people due to costs. Don't want another derelict site or a music venue.
 16. Developer has stated site would be developed over five years, it is unacceptable for local residents to endure noise, mess and disruption for this long.
 17. Proximity to Nuclear Power Station existing and new, landfill, Huntsman Tioxide and neighbouring industrial areas. The number of people in the area will increase which could have implications for emergency planning.
 18. Concerns development will put strains on existing drainage/sewage system. There have been a number of instances over the last 10 years, the development will exacerbate the problem.
 19. Proximity of gable end to property.

The writer raising concerns raises the following issues:

1. Increased traffic on Elizabeth Way.

The supporter raised the following issues:

1. The town needs something like this cannot see why there should be objections.
2. Endless possibilities for future economy. It will attract people to the town as there is nothing else like it. It will be a first, allow the town to build and grow and give people something to be proud of.

The time period for representations has expired.

Copy letters **A**

Planning History

1.6 The site has a long and complicated planning history and has been the subject of a number of planning applications not all of which have been implemented. The most relevant are listed below. The applications show the Mayfair Centre has progressed from an equestrian facility to a sporting and leisure facility.

H/2007/0531 Variation of condition 8 of planning permission H/OUT/0502/04 to allow occupation of holiday accommodation for a period not exceeding 3 years. This application was withdrawn.

H/2006/0465 Renewal of planning permission H/FUL/0292/01 for the erection of a 36 bedroom hotel, restaurant, lounge bar, function suite, indoor leisure complex and car park. This application was withdrawn after it fell into abeyance when outstanding information relating to Flood Risk and information to support an out of centre use was not submitted.

H/2004/0502 Provision of various leisure facilities comprising holiday apartments, 2 no football pitches, 4 no tennis courts, changing rooms and refurbishment of

existing golf driving range including renewal of fencing (outline application) and part change of use of Mayfair Centre to create gymnasium and sauna with ancillary facilities (full details submitted). This outline application was approved in January 2005.

H/FUL/0663/01 Erection of an indoor events arena. Approved 30th April 2002.

H/FUL/0292/01 Renewal of planning permission H/FUL/0420/93 for the erection of a 36 bedroom hotel restaurant, lounge bar, function suite, indoor leisure complex and associated car parking. This application was approved in October 2001.

H/FUL/0420/93 Erection of 36 bedroom hotel, restaurant, lounge bar, function suite and indoor leisure complex and associated car parking - amended scheme for car parking. This application was approved in July 1996.

H/FUL/0174/93 Formation of new vehicular access to A178. This application was approved in June 1993.

H/FUL/0616/91 Variation of condition 6 attached to planning permission H/FUL/0448/91 to allow driving range floodlights to be switched off at 10pm. daily instead of 9pm. This application was approved in November 1991.

H/FUL/0448/91 Repositioning of previously approved golf driving range with reduced number of booths and an enlarged reception, display and sales building. This application was approved in November 1991.

H/FUL/1989/0057 Alterations, change of use and extension to equestrian arena to provide social facilities. Approved June 1989.

H/FUL/1988/0703 Change of use of land used as equestrian centre/football pitches to include use for market and car boot sales and alterations to vehicular access. Approved June 1989.

HFUL/1988/0135 Erection of buildings to provide driving booths and reception area and chain link fencing to form golf driving facilities. Approved May 1988.

HFUL/1986/0397 Creation of an open air golf driving range and putting green with car parking, grassed areas and perimeter fencing. Approved September 1986.

HFUL/1986/0296 Erection of indoor arena for equestrian, general sporting, social and community events with ancillary office, toilet, changing rooms and kitchen. Approved August 1986.

HFUL/1985/0053 Change of use from vacant land to leisure park for outdoor recreational use including archery, quoits, putting and mini golf. Approved July 1985.

HFUL/1985/0278 Change of use of part of land used for equestrian events to football pitches. Approved August 1986.

H/1982/0431 Detached bungalow with integral garage for warden accommodation in connection with riding centre. Approved 21/09/82.

H/1982/0148 Development of Equestrian Centre/Sports Centre. Approved June 1982.

Consultation Responses

1.7 The following consultation responses have been received.

Head Of Public Protection : I have looked at the amended plans. My previous comments still apply excluding the comments made with regards to the driving range which has now been removed from the proposed plans. (Previous comments follow).

The domes shall be restricted to sporting uses only and not for any other forms of entertainment. There shall be no music or tannoy systems to be installed or used in either of the domes. The football dome and golf dome shall only be open between the hours of 9:00hrs and 22:00hrs Monday to Friday and 9:00hrs and 21:00hrs on a Saturday and Sunday.

The screening between the housing and the leisure development should be continuous so as to provide no line of sight from the ground floors of the housing development into the leisure development. A sound insulation scheme to all habitable rooms to properties on the boundary of the housing development with the leisure development which will result in a minimum attenuation of 40dB(Dn,ew) shall be agreed in writing with the LPA and installed and maintained in accordance with the agreed scheme.

All external lighting and flood lighting to the site shall be installed and maintained in compliance with the lighting assessment submitted with the application and shall be provided and maintained to operate within the parameters of Environment Zone 3. Light trespass into windows in the residential development shall not exceed 10 Ev(Lux) prior to 22:00hrs and 1 Ev(Lux) after 22:00hrs.

The residential development is no closer to the Tofts Farm East Industrial Estate than the current housing at the east end of Bilsdale Road. I am not aware of any problems in relation to noise complaints concerning activities on the industrial estate. There is already a substantial bund between the industrial estate and the housing and the applicant is proposing additional bunding. I therefore do not believe that the additional residential development will have any additional impact on the operation or development of the industrial estate.

I would suggest a planning condition restricting the working hours on the construction phase to 07:00hrs to 18:00hrs Monday to Friday and 07:00hrs to 13:00hrs on a Saturday and no working on Sundays or Bank Holidays.

In terms of the Seaton Meadows Landfill. This site holds a PPC part A1 environmental permit which is issued and regulated by the Environment Agency. This permit controls pollution to the air, ground and water. The conditions of the permit transpose the requirements of the European landfill directive, the IPPC

directive and the requirements under the environmental permitting regulations. The measures, procedures and guidance set out within these directives are set out to prevent or reduce as far as possible negative effects on the environment, in particular the pollution of surface water, groundwater, soil and air, and on the global environment including the greenhouse effect, as well as any resulting risk to human health, from landfilling of waste, during the whole life-cycle of the landfill.

The previous EA guidance used to specify a minimum separation distance of 250m from an operational landfill to any residential development. The current guidance as far as I understand it requires each site to be risk assessed in order to establish distances from the boundary of the site to residential and recreational areas, waterways, water bodies and other agricultural or urban sites.

The existing housing at the end of Bilsdale Road is approximately 760m from the Seaton Meadows landfill site and the proposed housing would be some 607m plus. The Leisure development is more than 300m away and there is already leisure development on the site. There is a SSSI and other recreational facilities footpaths etc in even closer proximity.

I therefore cannot see why there should be any more impact on the proposed development over and above what currently exists.

Parks & Countryside : I do not have any objections to the proposal as long as the relevant public footpath (Public Footpath No.3, Seaton) is diverted to a new route that is no less enjoyable or satisfactory to the public users.

Landscape Planning & Conservation (Ecologist) : There are a number of ecological issues connected with the Mayfair Centre. The most important from a planning perspective is that parts of the development site and the adjacent rugby pitches are regularly used for foraging by birds, in particular curlew, that form one of the interest features of the adjacent Teesmouth & Cleveland Coast SPA/Ramsar site.

The potential effects of the development on these birds have been discussed in detail with Natural England and the scheme has been amended in various ways to incorporate mitigation measures to prevent an adverse effect on the SPA birds. This mitigation is described in section D4 of the report “AN EXTENDED PHASE 1 AND PROTECTED SPECIES SURVEY OF LAND AT SEATON CAREW”, version 4, by E3 Ecology Ltd, which has been provided as part of the application.

The application, with the mitigation in the above report embedded in it, has been subject to an Appropriate Assessment under the Habitats and Species Regulations 2010. The Appropriate Assessment has concluded that there would be no adverse effect on the integrity of the Teesmouth & Cleveland Coast SPA/Ramsar from this proposal either by itself or in-combination with other plans and projects. Natural England has signed off the Appropriate Assessment to state that they are satisfied with its conclusions. This conclusion is subject to the inclusion of the mitigation set out in section D4 of the above report; therefore it is crucial that compliance with section D4 is made a condition of any permission.

The soundness of the conclusion of the Appropriate Assessment is also dependent on the provision of the monitoring of the situation post development, as set out in section D5 of the above report. Therefore there should be a condition requiring a programme of monitoring, for two years, for the first year of construction of the sports facilities and the first year of their operation. Details of the monitoring programme to be agreed with the LPA in consultation with Natural England.

Other ecological issues identified as being associated with the project are:

- Loss of grassland, some of which has a greater than average diversity of herb species;
- Loss of a hedgerow and small amounts of scrub;
- Potential for breeding birds to be present;
- Potential for reptiles to be present.

Each of the above issues is also addressed in section D4 of the above report and I would only add the following comments.

I consider that the probability of reptiles being present is very low as the only records are from around 1km away. There have not been reptiles in this area historically and it is likely that these recent records stem from introductions. The precautions set out in Section 4 and in Appendix 2 will reduce the risk of harm to reptiles to a negligible level.

In line with PPS9 and the NERC Act, it is required that biodiversity is maintained and enhanced. The grassland on part of the proposed housing site is of greater than average species diversity though probably a little below Local Wildlife Site quality. Therefore the enhancement of the remaining grassland, including on the existing mound, is an important feature of the mitigation. I note that drawing c-771-08, Landscape zoning plan, indicates a fairly large area of scrub planting at the western end of the site. I would prefer to see this replaced by enhanced grassland as it is a rarer habitat in a Hartlepool context than scrub and it would also increase the area of land potentially available for foraging curlew. It is of course important that the loss of hedgerow and scrub is mitigated for but this is covered by the provision of a hedge along the southern boundary of the housing and planting of extra heavy standards around the larger leisure dome. The provision of a SUDS wetland is a very valuable enhancement as wetlands provide habitats for a wide variety of wildlife, including SPA birds.

I therefore conclude that the proposed scheme, subject to the mitigation proposed, would provide an enhancement to biodiversity in terms of the resulting habitats and would not have an adverse effect on the integrity of the Teesmouth & Cleveland Coast SPA/Ramsar.

Head Of Property Services : The residential land is covered by restrictive covenant. Also I believe the proposal will require some land on west side of Tees Rd for road widening (this land currently part of the Cricket Club (Council are freeholder, leased to Club (41 years unexpired))) plus some land on east side Tees Rd for bus stop (ownership slightly unclear but probably Council).

Economic Development : The prospect of new private sector investment and job creation at Seaton Carew is welcome as is the provision of visitor attractions. However it is important that the proposed development does not negatively impact on existing and potential future development prospects of the surrounding industrial Areas.

Neighbourhood Services : No objections from a Neighbourhood management perspective.

Northumbrian Water : In response to the original submitted plans Northumbrian Water raised no objections. They commented that the Masterplan shows Public Sewer easements and that there are many Public Sewers on the site, mostly Disposal Main or Rising Main so unsuitable for connection. Comments on amended plans are awaited.

Cleveland Emergency Planning Unit : On behalf of the Cleveland EPU (Hartlepool Borough Council and Cleveland Police) I can confirm that we do not register any objections to the planning application and this development.

The Ramblers Association : We have no comments on the amended plans. The changes do not appear to require modification of our earlier response to the original consultation (previous response follows).

A section of the diverted path will pass along estate roads where walkers will meet traffic. This is unfortunate but, given the design, if approved, it would seem a reasonable proposal provided suitable landscaping of the estate roads were made a condition of consent. Any alternative would probably require walking beside the busy Tees Road for some distance and then alongside traffic bearing estate roads; this would be a less desirable outcome for the public. We ask the council to condition any consent with the requirement to provide suitable landscaping along the estate roads the diverted path will follow to draw the developer's attention to Circular 1/09 (version 2, October 2009) Section 7, Planning permission and public rights of way; and to ensure the observance of the legal requirements involved in treatment and diversion of FP Seaton 03. The relevant paragraphs in the circular are: Paragraph 7.8— In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic .Paragraph 7.11— (contains many requirements; the paragraph has been split into its parts for ease of appreciation).

The grant of planning permission does not entitle developers to obstruct a public right of way. It cannot be assumed that because planning permission has been granted that an order under section 247 or 257 of the 1990 Act, for the diversion or extinguishment of the right of way, will invariably be made or confirmed.

Development, in so far as it affects a right of way, should not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect. The requirement to keep a public right of way open for public use

will preclude the developer from using the existing footpath, bridleway or restricted byway as a vehicular access to the site unless there are existing additional private rights. Planning authorities must ensure that applicants whose proposals may affect public rights of way are made aware of the limitations to their entitlement to start work at the time planning permission is granted. (paragraph 7.11).

Natural England : The proposal is close to Teesmouth and Cleveland Coast Special Protection Area (SPA)/Ramsar site which is a European site protected under the Habitats Regulations. Natural England requested that an Appropriate Assessment was undertaken in order to consider in-combination effects. Natural England are satisfied with the conclusions of the in-combination assessment and we are satisfied that this proposal is not likely to have a significant effect on the European site alone or in-combination with other plans or projects.

Environment Agency : In relation to the Seaton Meadows Landfill our permitting team did have a look at the application and didn't have any concerns. I can confirm that these changes (the amended plans) do not alter our comments of 23 November 2011. (Previous response follows). Having considered the submitted information, the Environment Agency has no objections to the proposed development but wishes to provide the following information:

Surface Water Drainage

Information provided with the application refers to proposals to investigate the use of soakaways and boreholes to dispose of surface water derived from the residential and leisure areas. We now understand from discussions with the consultants acting for the developer that the use of these methods have been ruled out as they are not considered feasible given the ground and groundwater conditions at the site. We now understand that the intention is to discharge surface water into existing surface water drainage systems subject to agreement.

Environment Agency Position – Flood Risk

The flood zones have been recently updated and the site lies entirely in flood zone 1 and it is therefore at the lowest risk of tidal or fluvial flooding.

Condition requested relating to the surface water management. Reason :To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Note

Information required includes confirmation that the proposed drainage network is suitably sized so can operate without flooding up to the 30 year peak storm event, and up to the 100 year peak storm event there is no on-site flooding while all storm water is retained on-site. Climate change must also be fully considered. The proposed discharge rate from the site must also be appropriate to prevent any flooding downstream.

Land Contamination

We have examined the following report supplied in relation to the above site:

- Phase 1 Land Quality Assessment (Desk Study), The Mayfair, Tees Road,

Seaton Carew, dated Sept 2011, prepared by Patrick Parsons.

In relation to the proposed development, in so far as it relates to land contamination, the Environment Agency only considered issues relating to controlled waters. The site lies in a sensitive environmental setting as it is located above the Sherwood Sandstone which is a principal aquifer. In terms of its vulnerability, the report acknowledges that there is an 'unknown thickness' of glacial till above the Sandstone beneath the site. The report recommended that a ground investigation is undertaken and on the basis of this a risk assessment carried out. The design of the site investigation should be based on good practice and consideration should be given to obtaining shallow groundwater samples and undertaking leaching tests to enable the developer to make informed decisions on the risk to controlled waters.

Consideration should also be given to gathering information on the nature and thickness of the superficial deposits above the Sherwood Sandstone to assess the potential for a pathway. Based on the proposals for further work we would recommend the following conditions are placed on any planning approval granted:

Environment Agency Position – Land Contamination

We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition requested to deal with the risks associated with contamination of the site. **Reason** The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use [i.e. landfill]. The environmental setting of the site is sensitive as it lies on the Sherwood Sandstone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

Informative/ advice to LPA: This condition has been recommended as the Environment Agency is satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

In line with the advice given in PPS23 we understand that the Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the LPA decide to obtain the necessary information under condition we would request that this condition is applied.

Condition requested to ensure that prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation is submitted and approved in writing, by the local planning authority. **Reason** Details are required to confirm that remedial work has been undertaken to address the risk of pollution to controlled waters that have been identified.

Condition requested to deal with any unexpected contamination. **Reason**

Unsuspected contamination may pose a risk of pollution.

Informative/advice to applicant: The Environment Agency recommends that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
- 3) Refer to our website at www.environment-agency.gov.uk for more information.

Environment Agency Position - Pollution Prevention

The proposed development will only be acceptable subject to the following planning condition being imposed:

Condition requested to ensure that prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor. **Reason** To prevent pollution of the water environment.

Disposal of Foul Sewage – Advice to LPA

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

Cleveland Police : These comments are made with the understanding that the developers are not to be seeking Secured By Design Accreditation. Cleveland Police make various recommendations relating to Crime Prevention including the physical security of doors and windows, deployment of on site security, the use of alternative products where possible as opposed to the use of lead, lighting, natural surveillance, planting, control of access to children's play areas, secure cycle storage, cctv , boundary treatments, location of garden sheds/bin stores, and paths.

Tees Archaeology : There is nothing noted on the Historic Environment Record for this area. I therefore have no objection to the proposal and have no further comments to make.

Health & Safety Executive (PADHI+) : HSE does not advise, on safety grounds, against the granting of permission.

Office for Nuclear Regulation : Comments awaited.

Engineering Consultancy : (Drainage) Further to my previous response I welcome the introduction of a minimum finished floor level for the development of 4.605m and would have no objection to this. I have noted the proposed raising of levels and this will need to be looked at in more detail particularly in the western section of the site to determine if any land drainage measures are necessary. However, I confirm my previous comments that this can be dealt with by a suitably worded planning condition requiring that a detailed scheme for surface water management be submitted and approved in writing prior to any development work commencing. (Previous Response Follows).

With reference to the above application I would support the Environment Agency's comments by letter dated 23rd November in respect of storm water drainage, namely that a detailed scheme for surface water management should be submitted and approved in writing prior to any development work commencing.

I also note the flood risk assessment and the conclusion that there is not a potential flooding situation from Rivers or the Sea and accordingly there is no need to set minimum finished floor levels for the development. The Council have recently completed a coastal strategy for this area and predicted erosion lines under the Do Nothing scenario have been developed. Should this situation evolve in the latter years of the development it will be protected by an actively eroding sand dune. The dune level at present is quite high but it is difficult to predict at what level this will roll back in future and a situation could develop whereby the development is lower than the sand dune, protected from coastal flooding solely by the dune. I would therefore request that a minimum level is adopted for the development which consists of the 1:200 year flood level plus climate change and an appropriate freeboard allowance. The 1:200 year flood level for this area can be determined from the Environment Agency with the calculation for minimum floor levels carried out in accordance with PPS 25.

Generally, I would also have the following observations:-

- I note that in correspondence between the Environment Agency and the applicant's Engineering representative Patrick Parsons Consulting Engineers, discussions have centred around upgrading the size of the existing culverted watercourse running parallel to Tees Road. I believe that the watercourse is the Riparian responsibility of the Council and therefore relevant approvals and consents will be required to upsize the culvert.
- Details will be required showing pipe sizes, gradients, depths, manhole locations etc.
- I note from the Northumbrian Water information that 2 rising mains are located near to the culverted watercourse which may restrict the available working area for any upsizing of the culvert. Consequently there may be a requirement for traffic management on Tees Road which should be discussed with HBC highways section.
- Long term maintenance issues in respect of the culvert will need to be agreed.
- The upsizing should take into account the capacity of the current culvert beneath Tees Road and ensure no flooding to the highway should the system surcharge.

Further comment can be provided upon receipt of detailed design and I would be happy to discuss any of the above further.

Engineering Consultancy (Contamination) : As per my previous response below, I request that my standard contaminated land condition is imposed. From the Phase 1 Desk Study (or preliminary risk assessment) contamination issues relating to ground gas were identified, and a programme to monitor this included 6 monitoring visits over 3 months. Again, I must reiterate that at least two of the monitoring visits must be undertaken where atmospheric pressure is less than 1000mb. The above measures must be incorporated into a wider/detailed site investigation which must include the various geo-environmental findings. (Previous Response Follows).

I have reviewed the Patrick Parsons Desk Study report (ref 11147, Sept. 2011). From this review, I request that my standard contaminated land condition is imposed on any approval. This is based on the information and recommendations presented within the report.

The desk study is sufficiently detailed, however Section 3 is confusing in so much as there is no differentiation between the site and land surrounding the site.

Section 5 details the proposed ground investigation works. Whilst a programme of 6 monitoring visits over 3 months has been proposed, I must make clear that this may require extending depending on the results. The consultant must ensure that the gas monitoring is undertaken over a variety of conditions, with at least two visits being undertaken where atmospheric pressure is less than 1000mb.

Traffic & Transportation : The internal layout of the housing development is acceptable.

The developer will need to implement the following measures on the A178.

The applicant has shown 2 new bus stops locations. Both bus stops will require raised kerbs for accessibility and the erection of 2 shelters. The existing bus stops in the vicinity of the site should be removed. Further details of the footway and bus stop arrangement on the east side of Tees Road are required there are concerns that the land required does not fall into the ownership of the developer or is part of the adopted highway. The roads and footways for the development to be constructed in accordance with the Council's design guide specification either through a section 38 or advance payment code agreements.

The current speed limit on Tees Road at this location is 60 mph. With the increase in vehicular movements due to the proposed development the speed limit should be reduced to 40 mph, the cost of all associated signing and legal costs to be met by the developer. The proposed speed limit should commence at approximately 30 metres south of the Mayfair Centre entrance.

The existing footway on Tees Road is a shared use footway for pedestrians and cyclists. Due to the potential for increased pedestrian flows on this section of road, the path between the proposed bus stop and Elizabeth Way should revert back to

pedestrians only, this would be considered appropriate due to the decrease in speed limit on Tees Road at this location. The developer should meet the costs of the amendments to the TRO (Traffic Regulation Order) and removal of signs.

The access road for the development needs to be in place before work commences on the houses (Under a section 278 or Section 38 agreement) or the developer to provide details about construction traffic onto the development in the interest of highway safety.

The developer to provide additional street lighting on Tees Road from the Mayfair Centre access to Elizabeth Way junction due to the increase pedestrian and vehicular use along the road.

A joint condition inspection of carriageway and footways should be carried out before any works commences.

The pedestrian island to the bus stop on the east side of Tees Road needs to be Abnormal Load friendly as Tees Road is part of Abnormal Loads route in Hartlepool, standard details can be provided by HBC Highways.

There is a public right of way which goes through the development. It will require diverting. This must be done before the development starts or a temporary diversion order will be needed.

Mayfair Centre Development

Based upon the parking assessment within the developers Transport assessment the car park capacity is only just adequate for weekend peak time usage, however it is considered that adequate informal parking can be accommodated within the site to cope with any overflow.

The proposed parking layout is acceptable.

The developer needs to outline the servicing arrangements for the Mayfair centre.

RSPB : Provided the additional points raised by Natural England are completed satisfactorily, we do not object to the proposals.

Sport England : Comments on amended plans awaited.

Cleveland Fire Brigade : I have viewed the amended plans. I have no further comments. (Previous comments follow). Cleveland Fire Brigade offer no representations to the development. However confirmation will be required that the development achieves the access and water supply requirements of fire safety approved document B volumes 1 and 2 respectively for access and water supplies.

POLICY

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.

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

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

GN3: Strictly controls development of this area and states that planning permission will only be granted for developments relating to open space uses subject to the effect on visual and amenity value and character of the area, on existing uses, the continuity of the green network and on areas of wildlife interest.

GN5: Seeks additional tree and woodland planting in this area through the use of planning conditions and obligations.

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.

Rec5: Identifies this location for the development and improvement of sports pitches.

Rec7: Identifies this site for outdoor recreational and sporting development requiring few built facilities.

Tra15: States that new access points or intensification of existing accesses will not be approved along this road. The policy also states that the Borough Council will

consult the Highways Agency on proposals likely to generate a material increase in traffic on the A19 Trunk Road.

Tra20: Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

PLANNING CONSIDERATIONS

1.8 A number of issues are still under consideration and key consultee responses are awaited. An update report will follow.

RECOMMENDATION : UPDATE report to follow.



MAYFAIR CENTRE, TEES ROAD



Copyright Reserved Licence 1000233902008

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 18/01/12
	SCALE 1:5000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRGNO H/2011/0489	REV

No: 2
Number: H/2011/0598
Applicant: Mr Chris McHale The Granary Gosden Common Bramley
 Guildord GU5 0BO
Agent: ASP Associates David Loughrey Vega House 8 Grange
 Road Hartlepool TS26 8JA
Date valid: 22/11/2011
Development: Alterations and change of use from nursing home to 28 no
 bed students accommodation (hall of residence) (C1 Use)
 including alterations to windows, doors and roof lights
Location: 16 HUTTON AVENUE HARTLEPOOL

The Application and Site

2.1 The application site is a large Victorian property located on the north side of Hutton Avenue within the Grange Conservation Area.

2.2 This attractive double fronted property which offers accommodation over three floors (2.5 storeys) was built as a single dwelling facing onto Hutton Avenue with large forecourt and large walled rear garden with access onto the back lane shared with Grange Road.

2.3 Neighbouring properties are a modern bungalow to the east (14) and mid 20th Century semi detached houses to the west (18 and 20), large mature semi detached houses opposite (Edwardian) and Victorian terraced to the rear in Grange Road.

2.4 The surrounding area comprises a wide variety of properties including nursing/care homes, flats, the former hospice and houses.

2.5 The application site itself has in the past been in use as bedsits after standing vacant for many years. In 1986 planning consent was granted for the use of the property as a nursing home (19 bedrooms). This use carried on for approx 17 years as Mount Oswald Nursing Home. A large single storey extension was added to the rear of the property in 2003 thus increasing the capacity of the home to 25 bedrooms and reducing the size of the rear garden significantly.

2.6 Planning consent was refused by members in 2008 for the change of use of the property together with demolition of the rear extension and the erection of single storey rear extension to provide 9 apartments (H/2007/0904). The application was refused on the grounds of parking and highway safety and impact on amenity of nearby residents. No appeal was however lodged. The home has now been closed for five years and remains vacant.

2.7 Trees to the front of the property and one to the rear are protected by Tree Preservation Order 64 and Conservation Area status. The building although within the Grange Conservation Area is not listed.

2.8 The proposal involves the change of use and alterations to the building to convert the property to a 'halls of residence' for students. The physical works include:

Main building

- Replacement of three roof lights to rear roof slope with larger roof lights
- Bricking up of two doors (laundry/corridor) in rear offshoot
- Provision of one roof light to front elevation (main roof)
- Provision of rear door to offshoot (replacing a window)
- Removal of small shed/store on west elevation
- Provision of new window to west elevation at ground floor

Modern extension

- Bricking up of double doors and removal of ramp to west elevation

2.9 The application forms indicate that materials will match existing where appropriate.

2.10 The submitted plans indicate seven parking spaces to the rear of the building accessed from the back lane. It is likely that a further two spaces could be provided in the forecourt.

2.11 Secure bin storage and cycle storage will be provided.

2.12 The internal conversion works will provide 17 bedrooms with ensuite facilities, three lounge/dining areas, two kitchens and laundry room at ground floor; seven bedrooms (ensuite), one lounge/dining room, one kitchen, and additional shower room on the first floor; four bedrooms (ensuite) and one kitchen/living room on the second floor.

2.13 The building is to be centrally heated and have fire alarms, smoke detection, emergency lighting and cctv could be installed in communal areas and externally around the perimeter of the building. Access to the building would be via card entry system.

2.14 Cleaning facilities will be provided by the management and monthly management inspections would be carried out throughout the building.

2.15 The applicant has confirmed in writing that a residential warden system would be provided in order to supervise the students and deal with any problems that may arise. The building would provide a good standard of accommodation for students attending colleges in Hartlepool. A letter of support has been provided from the Cleveland College of Art and Design.

Publicity

2.16 The application has been advertised by way of neighbour letters (14) press advert and site notice. To date, there have been 15 letters of objection.

2.17 The concerns raised are:

- a) Not in keeping with the conservation area
- b) The use for transient, non-local, young individuals would not be in keeping with the residential nature of the area.
- c) The external alterations should be in keeping with the conservation area
- d) Concerns with parking particularly given the already limited parking and the traffic concerns in the area
- e) Security issues with the use of the back lane for access to parking
- f) Noise and general disturbance - the use would result in substantial increase in the number of unsupervised young adults
- g) Waste management problems
- h) Anti social behaviour and late night disturbance
- i) There is a limited market for student accommodation in Hartlepool and the premises could end up as high volume, low quality accommodation for transient short term rent
- j) The building should be for family use not commercial or monetary gain
- k) Residents already have noise problems from other properties in the area
- l) As there is not a 24 hour warden how can residents be assured that student numbers will not increase ie parties, friends
- m) Health issues with build up of waste
- n) Neither of the colleges have any direct involvement with the scheme
- o) If granted permission the property could become other 'C1' uses ie hotel/hostel
- p) Too many people in the house
- q) There are a number of factual discrepancies in the application
- r) Insufficient parking provision
- s) The proposal does not address the use of the property during college vacations
- t) Six bedrooms in the annexe would be close to bedroom at 14 Hutton Avenue – concerns re noise
- u) Cannot put 28 students into one property without full time supervision
- v) The back lane is not adequate to cope with the additional traffic – children play in the back lane
- w) The proposed scheme would have a negative impact on the conservation area.
- x) The applicant should provide evidence that the colleges mentioned have made binding agreements regarding the use of the property

copy letter B

The period for publicity has expired.

In a recent letter in support of this application, the applicants agent has stated

- aa) There is a major shortfall in good quality student accommodation in the town
- bb) The property which was a nursing home would be of sufficient size for the proposal
- cc) It is not practical to revert the property to a single dwelling
- dd) The property has been on the market for five years
- ee) The applicant has the funding to carry out the works and bring the building back into use
- ff) The development meets the required parking standards (permits can be obtained from the Council for residents on street parking)

- gg) The applicant can 'control' the number of students with cars by agreement
- hh) During vacation time any vacant rooms would not be sub let
- ii) The applicant believes that the proposed use as student accommodation would compare well with the previous use as a 25 bed nursing home which would have has 24 hour comings and goings.

Consultations

2.18 The following consultation replies have been received:

Head of Property Services – no response received

Neighbourhood Services – no response received

Traffic and Transportation - The HBC Design guide requires 1 parking space per 6 beds, the development provides 7 spaces therefore this is acceptable.

The developer should provide secure cycle parking facilities for a minimum 6 cycles.

The Hartlepool Civic Society - Hutton Avenue in a Conservation Area, includes many interesting and desirable residences - and planning regulations, etc., have ensured that it remains a unique residential area.

After the huge amount of money which has been spent on the new college – it is understandable that the Principal and staff will want to make it successful and presumably they are increasing the scope of the courses and need to attract students from outside the area to make those courses viable.

However, to convert this property into student accommodation will be a radical, detrimental change with many factors needing to be taken into account.

A number of recent applications for this Avenue have been rejected because of inadequate parking spaces. Students these days, especially those whose homes are outside the area, will use cars and the number of spaces required will far outweigh those available.

The noise of cars and other means of transport will be noisy and disturb the residents. Student life as we all know, often means that students will be coming and going at all different times - often late at night and beyond – again changing the character of a quiet road.

College terms only cover about two-thirds of the year – the property will presumably be empty during the remaining time. It is very unlikely that a private developer will allow those properties to remain empty and will seek temporary tenants.

A disturbing aspect to this application is that is it for C1 – covering Hotels as well as Halls of Residence – if this were to be granted and circumstances change – then an hotel in this Conservation Area could be easily established.

In all, the whole ambiance will change and we can all cite areas where the whole character of an area can deteriorate in a very short time and lost forever.

We are surprised that plans were not made for student accommodation when the new college was designed. Presumably the case for funding included future course provision. Surely, it is not too late to re-design some of the former college premises for student accommodation – giving excellent access to the college and there would be space for car parks.

Again in the vicinity, are the upper floors of the Wilkinson (previously Binns) store, which could be converted into study/bedrooms with en suites. Space in Wesley Square may also become available. In close proximity to the College are also many other buildings (often deceptively large), which again could be converted.

In conclusion, the Society objects strongly to the use of 16 Hutton Avenue as a Hall of Residence for students. It is totally unsuitable and may only be the first such application - especially where nowadays countryside developers now have access to property information.

The whole area could radically change in a very short time and approval would set a dangerous precedent.

Public Protection - As the property is designed to accommodate 28 occupants it will unavoidably increase the level of activity around the premises and generate additional noise and disturbance than if the property was a family residence. However its previous use as a residential home would have also come with increased traffic movements etc and some increased disturbance to neighbouring properties. Should this application be approved I think it is essential that it is well managed and closely supervised and for this purpose serious consideration should be given to a residential warden or an alternative form of 24hour supervision on the premises.

Cleveland Police - These types of premises have the potential to create problems with regard incidents of crime and disorder. In order to reduce such risk the premises should be permanently managed by a responsible adult who has authority to manage and control the running of the building.

The building itself should have CCTV installed to cover entrance and grounds along with internal corridors. I would also recommend that all doors are certified to PAS 24 2007 doors of enhanced security. The building should incorporate an access control system to the main entrance. Flat doors should have either a door viewer fitted or a vision panel. All ground floor windows and easily accessible windows should comply with BS7950 1997.

Landscape Planning and Conservation - This property is located within the Grange Conservation. The application is for the change of use from a care home to a student hall of residence.

In considering this proposal it is important to clarify the significance of this site. Planning Policy Statement 5: Planning for the Historic Environment (PPS 5) states in policy HE7.2,

‘In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations.’

In this instance the heritage asset can be considered as two elements. The first, the building itself, is an undesignated asset, which makes a contribution to the historic environment it is located in. It is as an example of a detached house. In this particular conservation area the fact that the building is detached means that it is unusual as the predominant house type is semi-detached with most detached properties dating from the late 1800s to early 1900s located on Victoria Road. The second element is the Grange Conservation Area. This is a designated heritage asset and an appraisal carried out in 2009 defines the character of this conservation area.

The Grange Conservation Area Appraisal states, ‘the dominance of residential use defines the character of the conservation area.’ Further to this it goes on to note, ‘Nearly all of the residential use takes the form of single family dwellings. The majority comprises substantial semi-detached houses with a few converted to care homes or flats. Conversions of single family dwellings to flats could begin to harm character and appearance if this results in incremental changes to elevations, leaves gardens un-green and communal areas unmanaged, if greater parking demands have knock-on effects such as increased hard-standing or removal of boundary walls, or if there were a decline in residential amenity.’

The appraisal raises two issues in relation to land use. It states,

1. ‘It is important to keep single family dwellings as the predominant residential use type in the area. The effects of flat conversion and purpose-built flats must be controlled to ensure locally distinctive residential amenity and low density are preserved.’

2. ‘It is important to control the impact of commercial uses on the character and appearance of the area, particularly through parking, signage, loss of greenness and loss of residential amenity.’

In this area of Hutton Avenue there’s a mixture of single family dwellings, property divided into flats and a number of buildings used for commercial purposes.

PPS 5 also notes in policy HE7.5 that, ‘Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.’

At a local level, local plan policy HE1 is relevant in that it 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.’

The proposed use is contrary to the character of the area defined in the appraisal. The appraisal for the area states that ‘it is important to keep single family dwellings.’ It is accepted that a building on this scale, which has already been converted from a home to a commercial use and greatly extended, does not lend itself to conversion back to a home without extensive modifications. However the proposed use, at such an intensive level, would impact negatively on the character of the conservation area in this location and would not, as stated in PPS5 make ‘a positive contribution to the character and local distinctiveness of the historic environment.’

This view was supported in the appeal decision at 36 Hutton Avenue (APP/H0724/A/09/2107182) which was for the conversion of the property to ‘bed and breakfast guesthouse (10 beds)’. Paragraph 7 of the Inspectors decision is relevant in this instance. In commenting on the proposed commercial use of the building he states,

‘It would result in the introduction of a non-residential use into a largely residential street. I appreciate that permission was granted in 1990 for both 34 and 36 Hutton Avenue to be used as a 32 bed nursing home. But not only was that permission never implemented, but also it substantially pre-dates the designation of this Conservation Area in 2004; different consideration should now apply. Second, the scheme would perpetuate the use of the front garden as a hard surface in stark contrast to the many intact and verdant plots elsewhere. The important contribution of those features to the character and appearance of this Conservation Area is recognised both in the draft ‘character appraisal’ and in the control now exercised over the removal of front garden walls and the transformation of front gardens into parking plots, under the powers endorsed by an Article 4 Direction, operative since 2005. Although the scheme might not greatly alter the current appearance of the property, I consider that permission for the proposal would serve to endorse a form of development acknowledged (in the draft ‘character appraisal’) to ‘notably harm’ the character of the street scene. Moreover, I consider that the repetition of such development would be very damaging.’

The parallels between the two cases are clear. Although the existing use of the property is commercial this application proposes the introduction of a new type of commercial use into the area. This type of use, on this scale, is not found anywhere else in the conservation area. Permission was granted, prior to the designation of the conservation area, for commercial use at 16 Hutton Avenue, however, as the Inspector notes, ‘different consideration should now apply.’ Such a use is different in nature to the other commercial uses in the area. The use would revolve around term times so would no doubt see occupation of the building fluctuate depending on the time of year and result in a comparatively rapid turn over of residents as a college year is generally October to May. In comparison other commercial uses in the area, such as Nursing Homes, do not see such a defined flow or turn over of residents and from this respect are closer in nature to the majority of residential properties within the area.

Secondly in the case of 36 Hutton Avenue the inspector notes that the scheme would 'not greatly alter the current appearance of the property' however permission would 'serve to endorse a form of development acknowledged....to 'notably harm' the character of the street scene.' The proposal for 16 Hutton Avenue does not propose any alterations to the front of the building or any proposals to enhance the conservation area and restore elements that have been lost to the commercial conversion, for example the greening of the front garden or the restoration of timber sash windows to the windows. This is similar to, 36 Hutton Avenue, in that the proposal did not look to enhance the area or reinforce the character of the conservation area.

To conclude the proposal would harm the character of the Grange Conservation Area, the application would introduce a high density commercial use to a street which is predominantly low density, single, family homes and therefore would neither preserve nor enhance the character of appearance of the conservation area.

As no works are proposed that would effect the TPO trees within the site, no objections have been offered by the Councils arborist.

Planning Policy

2.19 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.

HE1: States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

HE2: Encourages environmental improvements to enhance conservation areas.

Hsg12: States that proposals for residential institutions will be approved subject to considerations of amenity, accessibility to public transport, shopping and other community facilities and appropriate provision of parking and amenity space. As well as local planning policy national planning policy should be considered. National Policy Guidance is contained within the following Planning Policy Statements:

PPS1 (Delivering Sustainable Development) states that ‘planning shapes the places where people live and work and the country we live in. Good planning ensures that we get the right development in the right place and at the right time’ and ‘sustainable development is the core principle underpinning planning’.

‘The government is committed to developing strong, vibrant and sustainable communities and to promoting community cohesion in both urban and rural areas. This means meeting the diverse needs of all people in existing and future communities, promoting personal well being, social cohesion and inclusion and creating equal opportunity for all citizens’.

‘Planning authorities should seek to promote communities which are inclusive, healthy, safe and crime free, whilst respecting the diverse needs of communities and the special needs of particular sectors of the community and promote more efficient use of land through higher density mixed use development and the use of suitably located previously developed land and buildings. Planning should seek actively to bring vacant and underused previously developed land and buildings back into beneficial use to achieve the targets the government has set for development on previously developed land and enhance as well as protect bio diversity, natural habitats, the historic environment and landscape and townscape character.’

PPS5 (Planning for the Historic Environment) sets out the governments objectives for the historic environment. These include the delivery of sustainable development, recognising that heritage assets are a non renewable resource; recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term and that wherever possible heritage assets are put to an appropriate and viable use that is consistent with their conservation.

In terms of local policy Policy HE1 of the Hartlepool Local Plan (Protection and Enhancement of Conservation Areas) states that 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 adjacent or nearby properties.

Particular regard will be had (amongst other things) to the scale and nature of the development and car parking. Development should be appropriate to a residential area. Whilst conservation areas are considered to be examples of special built environments which the Councils seeks to preserve and enhance, this does not however preclude new development.

Great care must be taken therefore to ensure that unsympathetic design and incompatible changes of use do not occur.

Policy GEP1 (General Environmental Principles) states that in determining planning applications due regard must be had to a number of issues and that encouragement will be given to maximising the development of sites in areas which can be easily accessed by the public and where they are accessible by public transport. Development should normally be of a scale and character in keeping with its surroundings and should not have a significant detrimental impact on occupiers of adjoining or nearby properties or on the environment generally.

In this particular case the proposal is located within a long established predominantly residential area close to Hartlepool Town Centre. Planning consent was granted in 1986 for the use of the building as a residential care home and subsequently extended and altered to its present size and appearance. The Grange Conservation Area was designated in 2004.

Other Planning Considerations

2.20 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006 and National Policy Guidance and in particular the impact of the proposal upon neighbouring properties in terms of residential amenity, noise and disturbance, parking and highway safety and the character of the Grange Conservation Area.

Residential Amenity

2.21 As previously mentioned the building is located in an area where there are a number of properties in use or previously used as care homes and subdivided into flats although the properties immediately adjacent to the application site are single dwelling houses.

2.22 The issue of noise and disturbance is a material planning consideration which must be given serious consideration. In this particular case, the property is an extended detached building with little amenity space and whilst it is acknowledged that the introduction of 28 young people could be a cause for concern in terms of noise and disturbance, the applicant has stated that 24 hour supervision would be provided on site, to deal with any anti social behaviour if necessary. As well as this, the applicant has offered to adopt a 'code of conduct' clause as part of the students tenancy agreement. All students will sign a 12 month tenancy agreement with a guarantor who would be liable for any damage.

2.23 In appeal cases Planning Inspectors have given significant weight to the effect of such a proposal on the living conditions of the surrounding properties and that conditions such as a 24 hour management presence would be sufficient to ensure control such a use.

2.24 The space around the building, particularly to the rear does not lend itself to outside recreation. Apart from the forecourt and the area for parking at the rear, most

of the space is in the form of pathways and it is unlikely that this would form an attractive space for parties etc.

2.25 Whilst there are windows in all elevations, some close to the boundaries, it should be noted that in its previous use as a care home, there would have been residents in most of the rooms. As 24 hour management is proposed (and can be conditioned) it is considered that this would seek to integrate the use into the surrounding area without significant issues relating to noise and disturbance.

2.26 The Council's Principal Environmental Health Officer has indicated that he would have no serious concerns in terms of the potential for noise and disturbance provided that the building was adequately supervised as stated by the applicant. This is endorsed by Planning Inspectors findings referred to above and also taking into account the existing and permitted uses below.

2.27 In comparison with the authorised use as a care home, the comings and goings of staff, doctors, health visitors, friends and relatives on a 24 hour basis may be considered to be similar in terms of its intensity to the proposed use as halls of residence. Further, the building could be used for a variety of other uses within the same use class such as hospital, clinic, residential school or children's' home amongst other things.

2.28 It is also considered that the abovementioned uses which could be implemented without prior planning consent, could give rise to a similar level of noise and disturbance to that proposed. Moreover the Local Planning Authority has the power to impose planning conditions which would not be attainable if the use was permitted.

2.29 In an appeal case (2010 for a similar use (31 bed new build) in a conservation area in Oxford) the Planning Inspector gave significant weight to the existing and permitted uses (in this case as a nursery school or any use in D1) and the activity generated he concluded that whilst there would be more activity in the evening... he considered that this would not be of a sufficient scale or impact to cause unreasonable harm to residents.

Parking and Highway Safety

2.30 A number of objectors refer to the issues of parking and the additional comings and goings to the property which could impact on highway safety and cause additional noise and disturbance. However, regard should be had to the existing and permitted uses as highlighted above.

2.31 The applicant has stated that the percentage of car users is fairly low among the student population and that the 9 spaces provided are more than adequate based on the standards used by Hartlepool Borough Council. However, no evidence has been submitted to support this.

2.32 Whilst the back lane which is shared with Grange Road is alley gated, it provides vehicular access to a number of properties in this area as well as to the application site.

2.33 The Councils Highway Engineer has commented that the proposal does meet the requirements for parking ie one space per six students and provided that some secure cycle parking can be provided within the site, then no objections would be offered to the change of use. The provision of cycle parking can be conditioned.

2.34 The building is located within 500m of York Road and the Middleton Grange Shopping Centre where there is a wide variety of services on offer. Both the College of Art and the College of Further Education are considered to be within walking distance. It is considered that the site is a sustainable urban location for the proposed use.

2.35 The applicant has stated that he is willing to operate a 'no car policy' as part of the students 12 month tenancy agreement should this be deemed necessary however this would not be enforceable under planning controls. There are however a number of appeal cases/planning applications relating to similar proposals which have as highlighted above imposed conditions relating to a 24 hour management presence such a condition can also include a strict system of control over the keeping of motor vehicles by the occupiers of the development. It is considered that this could adequately protect the character of the conservation area and control the amount of cars at the development.

2.36 There is a residents parking scheme in operation in Hutton Avenue and parking permits are available from the Council. Any vehicles parked without a permit would be at risk of incurring a fine.

2.37 Again, the comings and going associated with the proposed use could be similar to the existing authorised use or any other use within the use class.

Character and appearance of the Conservation Area.

2.38 Although the building is not listed, it is located within the Grange Conservation Area and as such is considered to be a heritage asset. An appraisal carried out in 2009 defines the character of this conservation area and states that the dominance of residential use defines the character of the conservation area and that nearly all of the residential uses take the form of single family dwellings.

2.39 It is important to keep family dwellings and to control the impact of commercial uses on the character and appearance of the area.

2.40 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 and appearance of the area and where the development does not adversely affect the amenities of occupiers of adjoining and nearby properties.

2.41 In terms of the impact of the works on the existing building, the works to the roof lights, alterations to rear/side doors and windows are considered to be acceptable provided that the appropriate materials are used. This could be dealt with by use of planning conditions and further details can be requested.

2.42 No alterations are proposed to the front elevation of the property other than refurbishment/repair work, cleaning, repainting and the addition of one roof light. These issues can also be controlled by condition and it is not considered that the works would have a detrimental or negative impact on either the building itself or the conservation area in general. The building which has taken on the appearance of neglect over the past few years due to the lack of regular maintenance would benefit from the proposed works to bring it back into use. The works to the building are therefore considered to be an enhancement to the conservation area.

2.43 As previously mentioned, this is a large building which has been extended in the past and has an authorised commercial use as a care home. In view of this, the question must be asked whether or not the new use which is considered to be a 'specialist residential use' would have more impact on the issues previously discussed ie parking, highway safety, residential amenity and impact on the conservation area than the extant use as a nursing home or permitted uses such as a hospital, clinic or children's home.

2.44 The applicant has stated that the previous use as a care home provided care to 25 residents on a 24 hour basis employing up to 33 members of staff. The home had an open visitor policy allowing friends and family to visit until 10 pm at night. The applicant has also provide a list of halls of residence which are located within Conservation Areas in places such as London, Reading, Birmingham, Sheffield and Brighton.

2.45 At a recent appeal for 36 Hutton Avenue to the west of the application site for the change of use of the building as a bed and breakfast guest house, the Planning Inspector placed significant weight on the fact that although the property had previously had permission for a commercial use within the conservation area this predated the designation of the conservation and had lapsed therefore the permitted use was as a dwelling house and as such new proposals should be given different consideration.

2.46 Should this application be for change of use of a dwelling house to halls of residence different considerations would be applied and it is likely that a refusal would be recommended.

Conclusion

2.47 As can be seen from the above considerations and discussions this application for a change of use is not straightforward and the resulting recommendation is finely balanced.

2.48 In considering this application a number of similar planning applications, appeal and relevant case law relating to student accommodation has been assessed. It is considered that in light of these and the material considerations outlined in this case approval is recommended.

2.49 It is considered that the proposal is on balance a well thought out scheme which preserves a redundant commercial building in the conservation area. The proposal would make a more efficient use of an existing urban site within a sustainable

location, concerns raised about car use and the impact of the development on parking can be controlled by condition. The concerns raised relating to impact on the character of the conservation area in terms of increased activity do not take into account the extant planning use or permitted uses of the building. It is considered that if adequately managed by warden service the proposal would not have an adverse effect on the area, this can be controlled by condition.

2.50 The comparisons with the authorised use as a nursing home and any alternative uses that could go ahead without the need for planning consent together with the benefits gained from bringing the property back into use are considered to outweigh the perceived impacts on the character and appearance of the conservation area.

2.51 The Councils Heads of Public Protection and Traffic and Transport have offered no objections in terms of noise and disturbance or parking and highway safety and provided that the building is managed to a high standard, the proposed change of use would appear to be acceptable.

2.52 The impact of the change of use on the character and appearance of the conservation area has also been carefully considered. Whilst it is fully appreciated that the use as halls of residence would have some impact on the character of the area, it is considered that the works would bring back into use a large extended commercial building which has been difficult to sell or find a viable use for. The applicant has stated that it is not practical or desirable to return the building to a single dwelling as there is no demand for a 25 bed dwelling.

2.53 The halls of residence would provide a 'specialist residential' use in line with government policy and would on balance be considered to protect/preserve the building within a heritage asset. The presence of a proportion of students can contribute to the diversity of local communities. However, it is acknowledged that there may be occasions where a concentration of such student accommodation could have an adverse effect on the mix and balance of a committee.

2.54 The applicant has supplied a statement of need from Cleveland College of Art and Design (CCAD) which emphasises that it has centred all its Higher Education (degree level) provision in Hartlepool and as part of expansion plans they are very enthusiastic at the prospect of some form of halls of residence for their students. The college has indicated that there is anecdotal evidence from UCAS fairs around the country and from their own open days which suggests potential students are deterred from coming to Hartlepool due to a lack of dedicated student accommodation. The college has stated that this development will be of benefit to both the students and to the local economy in Hartlepool.

2.55 In view of the above approval is recommended.

RECOMMENDATION -

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. Notwithstanding the submitted plans, prior to the commencement of the development, further details of all external alterations including new doors, windows, rainwater goods and external finishing shall be submitted to and approved in writing by the Local Planning Authority. The additional information should include detailed elevations and vertical/horizontal cross sections. The development shall thereafter be carried out in accordance with the details so approved. In the interests of the character and appearance of the Conservation Area
4. Before the use hereby approved comes into use a scheme for secure cycle storage for a minimum of 6 cycles and refuse storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details. In the interests of highway safety.
5. The premises shall be used for a students hall of residence and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification. For the avoidance of doubt.
6. The development hereby permitted shall be carried out in accordance with the plans numbered 1679/1 to 1679/9 and details received by the Local Planning Authority on 22-11-2011 unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt.
7. The halls of residence hereby approved shall provide accommodation for no more than 28 students. For the avoidance of doubt.
8. Prior to the occupation of the building, full details of a management scheme/agreement, including 24 hour on site supervision of the student occupiers and a strict system of control over the keeping of motor vehicles by the occupiers of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be retained/enforced during the life of the development. In the interests of the amenities of the occupants of neighbouring properties.

- 9 Prior to commencement of the development full details of all external lighting CCTV cameras, internal doors, extract ventilation (cookers/showers) and the access control system shall be submitted to and approved in writing with the Local Planning Authority.
Visual amenity and in the interests of security.
- 10 The areas indicated for car parking on the plans hereby approved shall be implemented retained and kept available for use at all times during the lifetime of the development.
Amenity and highway safety.



16 HUTTON AVENUE



Copyright Reserved Licence 1000233902008

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 18/01/12
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRGNO H/2011/0598	REV

No: 1
Number: H/2011/0489
Applicant: MR CHRIS STRUTHERS 2 ESH PLAZA SIR BOBBY
ROSON WAY GREAT PARK NEWCASTLE UPON TYNE
NE13 9BA
Agent: PERSIMMON HOMES (TEESSIDE) MR CHRIS
STRUTHERS 2 ESH PLAZA SIR BOBBY ROSON WAY
GREAT PARK NE13 9BA
Date valid: 28/10/2011
Development: Mixed use development for the erection of 244 dwellings
and the redevelopment of the Mayfair Centre to
incorporate D2, A1, A3 and A4 uses including erection of
two air domes, alterations to shop and Mayfair Centre
building including new balcony, alterations to car park,
formation of various mounds, formation of golf course,
childrens play areas, new lighting, alterations to vehicular
entrance and landscaping including amenity open space
(AMENDED PLANS RECEIVED)
Location: THE MAYFAIR CENTRE TEES ROAD HARTLEPOOL

Background

1.1 This application appears at item 1 on the main agenda. At the time of writing of the original report a number of issues were still under consideration and key consultee responses were awaited.

1.2 In the meantime further discussions have taken place with the applicant to address minor issues with the housing layout. In order to assist in the financing of the development the applicant has also secured a commitment from another housebuilder to develop a four acre portion in the centre of the site. This has necessitated some minor amendments to the layout. The basic layout will remain the same as previously proposed however the new house builders house types will replace those originally proposed. These changes are in the central portion of the housing site and do not affect the treatment adjacent to the boundaries with neighbouring properties. The net effect will be that the total number of houses will be reduced by five units to 244. In light of landownership issues in the south of the site the applicant has also amended the car parking layout for the leisure development.

Publicity

1.3 No further representations have been received. The time period for representations has expired.

Consultation Responses

1.4 Two further consultation responses have been received.

Sport England : It is understood that the residential component of the application site forms part of, or constitutes a playing field as defined in Article 10(2) the Town

and Country Planning (General Development Procedure) Order 1995 (as amended by SI 1996/1817 and SI 2009/453), in that it is on land that (is) allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The Policy states that; "Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the Specific circumstances applies. "Reason; Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

It is noted that although this application contains two distinct elements - the housing element, and the sport and leisure element – the former cross funds the latter and as such the sports element will not take place without the housing development.

The housing part of the development takes place on land allocated for playing field use in the Hartlepool Local Plan. With an area of just over 8 Ha this land was allocated in the Local Plan to overcome a shortage of pitch provision identified in the Playing Pitch Strategy which was carried out in 2004.

Sport England protects land allocated for playing field in exactly the same way it would land which contains playing pitches. In order for Sport England not to object to this development, it must comply with one of the exceptional circumstances set out in Sport England's playing field policy. There are three exceptional circumstances which could apply to this development. They are;

- E1 – Excess of provision in the locality
- E4 – Replacement provision to be made of equivalent quantity / quality
- E5 – Proposal involves sports facilities which bring greater benefit to sport than the playing fields lost

I will deal with each one in turn;

E1 – Excess of Provision

The full wording to this exceptional circumstance states;

'A comprehensive assessment of playing pitches, completed and adopted or updated in the last three years, using Sport England's methodology (or an alternative methodology acceptable to Sport England), taking into account the quantity, quality

and accessibility of playing pitches, and of current and future community needs has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment and the site has no special significance to the interests of sport.

Hartlepool's Playing Pitch Strategy (PPS) was adopted in 2004, and although some elements of it were revisited by Capita Symonds in 2007, it is now out of date. The Council and Sport England are working together and consultants have been appointed to undertake a new PPS, which should be in place by Autumn. While the Council have informed Sport England of some progress made at other sites that were detailed to also make additional playing pitches available, it is not possible to conclude that the allocated part of the application site is no longer needed for playing pitch provision.

E5 - Proposal involves sports facilities which bring greater benefit to sport than the playing fields lost

The full wording to this exceptional circumstance states;

'The proposed development is for an indoor or outdoor sports facility, provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the playing field.'

In order to assess the weight afforded to the proposed sports facilities, it is necessary to look at each of the sports facilities in turn:

Health and Fitness Suite - Active Places Power (APP) shows that Hartlepool has 6.41 health and fitness stations per 1000 population. This compares to the North East average of 6.06 per '000, and the England average of 5.93 per '000. The Capita Symonds Indoor Leisure Facilities Strategy in 2008 noted;

"The present supply is dominated by a limited number of large private sector facilities which target specific market sectors ranging from the more social, top-end Springs site to the more basic fitness-focussed Ellwood's Fitness World. However, most of the public centres have also opened fitness rooms as an adjunct to their principal facilities and as a mechanism for increasing participation – they also generate positive income streams.

The present supply of over 500 individual health and fitness stations or machines is more than double the demand expected from the application of the appraisal model and in relation to Sport England comparators. Although demand for such facilities is increasing, it is not likely to reach as high as 500. In Hartlepool, the supply of machines per 1,000 population is 50% higher than the English average.

As a result, care should be taken to ensure that there is not overprovision of fitness suites in Hartlepool although, as far as the Council is concerned, investment in these spaces within multi-activity sites can still be cost-effective if it takes trade from what is a competitive industry. With comparatively low disposable income in the Borough, good public facilities have potential to draw users from more costly commercial sites if the same ambience can be obtained at a lower rate – such income can cross-

subsidise activities which cost more to deliver than they generate in income eg. swimming”.

The APP statistics would suggest that the potential for over-provision of this facility type remains. Sport England would not advise the Council to place weight on the provision of this facility type in its own right, although in terms of the range of providers across Hartlepool it may be possible to put together a case that the mix of facilities within the suite and its intended market will address qualitative deficiencies in provision

Golf Centre – comprising indoor adventure golf area, indoor driving bays and simulators and golf ‘snagging’ area. The golf dome facilities are not modelled by APP but I am satisfied that they allow a route into the game for new participants, while allowing those that already participate to practice and improve key aspects of their game, particularly when inclement weather renders golf courses unplayable. Balanced against that however is the loss of the (existing) golf driving range in the amended plans. The driving range was the only such facility in Hartlepool, and with neighbouring local authority areas having no or below average levels of driving range provision, access to alternative provision is likely to be problematic. It remains unproven whether users of the driving range will simply use the facilities within the dome. In light of the above, Sport England considers that the proposal now offers only limited gains for golf.

Indoor 5 A-Side Football Centre - Again there is no specific modelling tool to look at the provision of this type of football facility. However from local knowledge Sport England is aware that there is no comparable indoor provision within the Tees Valley, (with the nearest facility being Durham City) and as such the facility does address a gap in provision. As such we would echo the FA’s pre-application ‘in principle’ support for the facility and suggest that weight can be afforded to the sporting benefit that this facility offers for football. It must be noted that indoor football facilities such as this act as supplement to and in support of local pitch-based football activity. Football dome offer the opportunity for year-round weather-proof training for teams at all levels and can help foster informal and formal five / six-a-side football. Such activity is undoubtedly beneficial to the development of football in the locality but it does not change the fact that the overwhelming majority of competitive football takes place on grass playing pitches.

In summary, while it is clear that the package of proposed sports facilities will be beneficial to sport, there are reservations as to the extent of that benefit, and as such it is not possible to conclude that the benefit would be greater than that that would be accrued if the playing field allocation were developed as intended.

The final exceptional circumstance is E4 Replacement/better quality playing fields provided for

The full wording of this exceptional circumstance states;

‘The playing fields of playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject

to equivalent or better management arrangements, prior to the commencement of development’.

The housebuilder does not own the application site, and has not offered replacement playing field on land it might own around Hartlepool. The playing field allocation part of the application site was however owned by Hartlepool Council when it was allocated for playing field in the Hartlepool Local Plan. (It is understood the land was sold in 2003 before the formal adoption of the current Hartlepool Local Plan in 2006). In allowing disposal of the site Hartlepool Council subsequently scuppered the chances of the playing field allocation being implemented. It is Sport England's view that if the Council is minded to relinquish the allocation to residential development, then the duty to re-provide the playing field should pass to the Local Authority. The Local Authority has significant land holdings in and around the urban area where a new replacement site could be found. Similarly they operate directly, or through Education sector partners, the majority of existing playing field sites within Hartlepool. Should the forthcoming Playing Pitch Strategy find that additional playing pitches are needed in Hartlepool, the Local Authority will be the primary agency in ensuring that additional provision is made.

While it is not possible to condition the planning approval to require the applicant to carry out works offsite or activities that they cannot control it is reasonable to condition development not to take place until a third party has undertaken works or activities. These types of conditions are known as Grampian conditions. Sport England is suggesting that the residential development should be the subject of a Grampian condition which stipulates;

- no development should take place until the completion of the Playing Pitch Strategy
- where the PPS identifies a need to re-provide the allocated site, the Council shall identify a site or sites for its replacement (including a clear timescale for their implementation) prior to the occupation of the 100th dwelling (for example)

While such an arrangement does not properly meet exceptional circumstance E4 (as strictly speaking the replacement provision should be made prior to loss), it is the only basis upon which Sport England would be able to not lodge an objection to this development. Subject to imposition of the following conditions, Sport England has **no objection** to the development. The conditions are;

- 1) No development shall take place on the land allocated for playing field until a Playing Pitch Strategy has been undertaken and adopted by Hartlepool Council.
- 2) Pursuant to the above condition, a scheme to replace the allocated playing field site (if the need for the allocation is re-affirmed in whole or part by the Playing Pitch Strategy) by a site or sites (including a clear mechanism for their implementation) shall be submitted to and approved by the Local Planning Authority (in conjunction with Sport England) prior to the occupation of the 100th dwelling.

If your Authority decided not to attach the above condition(s), Sport England would wish to maintain/lodge a statutory objection to this application. Should your Authority

be minded to approve this application without the above condition(s), then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Planning Casework Unit.

If you wish to amend the wording of the conditions or use another mechanism in lieu of the condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

Turning now to the detail of sports facilities, is not readily apparent from the submitted material how the indoor facility might help address the training needs that are often prevalent within the local football community. The FA have advised Sport England that Junior football is thriving in Hartlepool and there would seem to be an opportunity to develop links with local clubs such as Seaton Carew, Golden Flatts, Greatham, and St. Francis 2000. As such Sport England would suggest that should planning permission be granted, football network development will be necessary in conjunction with the Council's sports development team in order for this facility to bring full benefit to the development of football in Hartlepool.

Sport England have consulted with the Football Association over this development and they have offered the following specific guidance in respect of the indoor football facility;

- The surface specification for the indoor football dome meets the laboratory test level for the FIFA 1 star performance standard equivalent for small sided pitches and should be field tested in accordance with BS EN 15330-1. The proposed specification should be submitted to Sport England for approval before construction commences.
- The surface of the Artificial Grass Pitches shall not be changed without notifying the Local Planning Authority and in consultation with Sport England.
- Prior to the bringing into use of the development a Management and Maintenance Scheme for a period of 10 years to include measures to ensure the replacement of all artificial surface/s within the next 10 years and, management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the development.
- Prior to the first use of the development a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. The Agreement shall include details of pricing policy, hours of use, access by Seaton Carew FC, management responsibilities and include a mechanism for review. The approved Agreement shall be implemented upon commencement of use of the development.

Sport England would suggest that a number of these matters can be swept up by way of planning condition. Where this is not considered appropriate, we would suggest that they be forwarded to the applicant as close liaison with the FA at various levels will crucial to the success of this facility.

Office for Nuclear Regulation : (DRAFT RESPONSE) ONR would not wish to advise against this application. This advice takes into account the views that you have received from the mutli-agencies who are also consulted by your Authority about developments within the Detailed Emergency Planning Zone and extendibility region. The aim of that consultation is to assess and determine any impact upon the off site plan required under the Radiation Emergency Preparedness and Public Information Regulations (REPPiR) 2001. As the local authority has the duty under REPPiR for the off site plan it would be its duty to co-ordinate this. This decision is made without prejudice to the interests of other Divisions and Directorates of the Health and Safety Executive.

POLICY

1.5 An additional policy of the adopted Hartlepool Local Plan 2006 is relevant and was omitted from the original report in error.

Policy Rec14: States that major leisure developments should be located within the town centre. Then policy then sets out the sequential approach for preferable locations after the town centre as edge of centre sites including the Marina, then Victoria Harbour, or the Headland or Seaton Carew as appropriate to the role and character of these areas and subject to effect on the town centre, and then elsewhere subject also to accessibility considerations. The need for the development should be justified and travel plans prepared. Improvements to public transport, cycling and pedestrian accessibility to the development will be sought where appropriate.

Planning Considerations

1.6 The main planning considerations are policy, highways, relationship with adjacent industrial/commercial areas including hazardous installations, contaminated land, ecology, residential amenity, design/landscape and visual impact, drainage/flooding, relationship with the adjoining sports field, public rights of way and developer contributions.

POLICY

1.7 In policy terms the application is not straightforward.

GENERAL

1.8 Section 38(6) of the Planning and Compulsory Purchase Act 2004, states that " If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

1.9 Para. 31 of PPS1 Delivering Sustainable Development states that " The Regional Spatial Strategies and Local Development documents that are development plan documents form the framework for taking decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan

unless other material considerations indicate otherwise. Only policies in plans which can be implemented through the granting of planning permission can form the framework for decisions under section 38 of the Planning and Compulsory Purchase Act 2004." Para.10 of " The Planning System: General Principles" (the companion guide to PPS1) states that " Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise....."

CURRENT POLICY

NATIONAL POLICY

1.10 The most relevant current National Policy to the consideration of this application is outlined below.

1.11 PPS1 Delivering Sustainable Development (2005) sets out the national planning policy framework for delivering the sustainable development.

1.12 Paragraph 5 states "Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community".

1.13 PPS Planning & Climate Change (Supplement to PPS1) (2007) sets out how planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences.

1.14 Paragraph 42 advises that "In their consideration of the environmental performance of proposed development, taking particular account of the climate the development is likely to experience over its expected lifetime, planning authorities should expect new development to:

- comply with adopted DPD policies on local requirements for decentralised energy supply and for sustainable buildings, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable;
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption, including maximising cooling and avoiding solar gain in the summer; and, overall, be planned so as to minimise carbon dioxide emissions through giving careful consideration to how all aspects of development form, together with the proposed density and mix of development, support opportunities for decentralised and renewable or low-carbon energy supply;
- deliver a high quality local environment;

- provide public and private open space as appropriate so that it offers accessible choice of shade and shelter, recognising the opportunities for flood storage, wildlife and people provided by multifunctional green spaces;
- give priority to the use of sustainable drainage systems, paying attention to the potential contribution to be gained to water harvesting from impermeable surfaces and encourage layouts that accommodate waste water recycling;
- provide for sustainable waste management; and
- create and secure opportunities for sustainable transport in line with PPG13 including through:
 - the preparation and submission of travel plans;
 - providing for safe and attractive walking and cycling opportunities including, where appropriate, secure cycle parking and changing facilities; and
 - an appropriate approach to the provision and management of car parking.”

1.15 PPS3: Housing (2011) sets out the national planning policy framework for delivering the Government's housing objectives.

Paragraph 9 states “The Government's key housing policy goal is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. To achieve this, the Government is seeking:

- To achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community.
- To widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing, in particular those who are vulnerable or in need.
- To improve affordability across the housing market, including by increasing the supply of housing.
- To create sustainable, inclusive, mixed communities in all areas, both urban and rural.”

1.16 Paragraph 15 states that: “Local Planning Authorities should encourage applicants to bring forward sustainable and environmentally friendly new housing developments, including affordable housing development.”

1.17 Paragraph 23 states that: “Developers should bring forward proposals for market housing which reflect demand and the profile of households requiring market housing, in order to sustain mixed communities.”

1.18 Paragraph 27 confirms the Government's commitment to affordable housing when it states that: “The Government is committed to providing high quality housing for people who are unable to access or afford market housing, for example, vulnerable people and key workers as well as helping people make the step from social-rented housing to home ownership.”

1.19 Paragraph 29 charges Local Planning Authority's to establish policies which will deliver affordable housing required within their area. In relation to seeking developer contributions it states “...the presumption is that affordable housing will be provided on the application site so that it contributes towards creating a mix of housing. However, where it can be robustly justified, off-site provision or a financial contribution in lieu of on-site provision (of broadly equivalent value) may be accepted

as long as the agreed approach contributes to the creation of mixed communities in the local authority area.”

1.20 In determining planning applications paragraph 68 advises “Local Planning Authorities should take into consideration the policies set out in Regional Spatial Strategies and Development Plan Documents, as the Development Plan, as well as other material considerations”.

1.21 Paragraph 69 states that: “In general, in deciding planning applications, Local Planning Authorities should have regard to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives eg addressing housing market renewal issues.”

1.22 Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009) sets out the government's policies on Economic Development. It advises that the Government's overarching objective is sustainable economic growth. Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. Planning applications for economic development should be assessed against the following impact considerations: whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to climate change; the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car; the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured, whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives, the impact on local employment (EC10).

1.23 Planning Policy Statement 9 Biodiversity and Geological Conservation (2005) sets out the Government's vision for conserving and enhancing biological diversity. It includes the broad aim that planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible. Planning decisions should be based upon up-to-date information about the environmental characteristics of their areas and aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, Local Planning Authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected

species; and to biodiversity and geological interests within the wider environment. The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests.

1.24 PPG 17 sets out the Government's Policies in relation to Planning for Open Space, Sport & Recreation Sport & Recreation (2002). It advises that to ensure effective planning for open space, sport and recreation local authorities should undertake robust assessments of the existing and future needs of their communities for open space, sports and recreational facilities (1) and audits of existing facilities (3) in order to inform effective strategies for open space, sport and recreation and to inform policies in plans. It advises against building upon existing open space, sports and recreation buildings and land unless an assessment has been undertaken which clearly shows the open space, or buildings and land to be surplus to requirements (10). It advises that development may provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreation facility....where ever possible the aim should be to achieve a qualitative improvements to open spaces, or sports and recreational facilities (13). In relation to playing fields careful consideration to any planning applications involving development on playing fields. Where a robust assessment of need in accordance with this guidance has not been undertaken, planning permission for such developments should not be allowed unless the proposed development is ancillary to the use of the site as a playing field, the proposed development only affects land which is incapable of forming a playing pitch (or part of one); the playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity and quality and in a suitable location or the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field. In terms of mixed use sports, recreation and leisure facilities it advises that planning permission for such developments should only be granted where they are to be located in highly accessible locations in or adjacent to town centres, or in district or neighbourhood centres. Planning permission should not be granted for a location outside such a town centre if the resulting development would undermine the centre. (21). Planning permission for development in or near a Site of Special Scientific Interest (SSSI) for temporary or permanent sporting and recreational activities, should be granted only if the permission is subject to conditions that will prevent damaging impacts on the SSSI, or if other material factors are sufficient to override nature conservation considerations (29).

1.25 Planning Policy Statement 23 Planning & Pollution Control (2004) advises that the presence of contamination in land can present risks to human health and the environment, which adversely affect or restrict the beneficial use of land but development presents an opportunity to deal with these risks successfully. In considering proposals for development, LPAs should take account of the risks of and from pollution and land contamination, and how these can be managed or reduced.(9) The planning system should focus on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than the control of processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not seek to duplicate it.(10) Pollution

issues should be taken into account as appropriate in planning decisions (having regard to development plan documents and all material considerations). Where, for example, new housing is proposed close to a source of potential pollution, the risk of pollution from the normal operation of the process or the potential impacts and the extent to which the proposals address such risks will influence whether or not development should proceed, as will the availability of sewerage and the drainage infrastructure. (11) Contamination of land may threaten public health and safety, the natural environment, the built environment and economic activities, through its impacts on the users of the land, and on neighbouring users. Land contamination, or the possibility of it, is therefore a material planning consideration in the preparation of development plan documents and in taking decisions on individual planning applications. It remains the responsibility of the landowner/developer to identify land affected by contamination and to ensure that remediation is undertaken to secure a safe development.

1.26 In considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The LPA should satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks. Intending developers should be able to assure LPAs they have the expertise, or access to it, to make such assessments. (24). LPAs should pay particular attention to development proposals for sites where there is a reason to suspect contamination, such as the existence of former industrial uses, or other indications of potential contamination, and to those for particularly sensitive use such as a day nursery or housing likely to be used by families with children. In such cases, it should normally require at least a desk study of the readily-available records assessing the previous uses of the site and their potential for contamination in relation to the proposed development. If the potential for contamination is confirmed, further studies by the intending developer to assess the risks and identify and appraise the options for remediation should be required. (25). The remediation of land affected by contamination through the granting of planning permission (with the attachment of the necessary conditions) should secure the removal of unacceptable risk and make the site suitable for its new use. As a minimum, after carrying out the development and commencement of its use, the land should not be capable of being determined as contaminated land under Part IIA of the EPA 1990.

1.27 Planning Policy Statement 25 Development & Flood Risk (2010) requires that Local Planning Authorities should have regard to flood risk as a material consideration in the determination of Planning Applications and that planning applications should be accompanied by a Flood Risk Assessment where appropriate.

REGIONAL SPATIAL STRATEGY (2008)

1.28 In terms of the adopted North East of England Plan Regional Spatial Strategy to 2021 (2008) (RSS) the following policies are of relevance:

Policy 2 Sustainable Development states that planning proposals and Local Development Frameworks should support sustainable development and construction through the delivery of various environmental, social and economic objectives.

Policy 7 Connectivity and Accessibility states that planning proposals reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking.

Policy 16 Culture and Tourism states that planning proposals should promote culture and tourism, including provision for sport and leisure.

Policy 38 Sustainable Construction encourages Local Planning Authorities to promote sustainable construction through careful consideration of the design and layout of buildings, encourage energy efficiency and low consumption, and to promote the use of renewable energy. In the later respect advising that developments should secure 10% of their energy supply from renewable of low carbon sources.

1.29 It should be noted that the Localism Act 2011 will abolish the regional level of planning policy when it comes into force. This is a material condition in the consideration of planning applications.

HARTLEPOOL LOCAL PLAN (2006)

1.30 The relevant policies of the current adopted Hartlepool Local Plan (2006) are identified in the policy section in the main body of the report and National and Regional policies are contained in the section above. Whilst the application must be considered in the round for convenience the policy position for each of the main elements is set out below.

1.31 In terms of the sports and leisure element the site is an established sports and leisure development accommodating a function and entertainments venue and a Golf Driving Range. It lies within the limits to development identified within the Hartlepool Local Plan (2006). In terms of the detailed policies of the Hartlepool Local Plan Policy GN3 and Rec14 discussed below are considered most relevant.

1.32 Policy GN3 identifies the site as a buffer area, to the neighbouring Tofts Farm East and Hunter House Industrial Estate where development will be strictly controlled and planning permission will only be given to development which relates to the use of the land as parkland, recreational, or landscaped open space subject to there being no significant adverse impact on the visual and amenity value of the area, the character of the locality, facilities for sports or other formal or informal recreation or the continuity of the Green Network, and its links to the countryside or areas of wildlife interest. In broad terms it is considered that the proposal would accord with this policy.

1.33 Policy Rec14 advises that major leisure developments should be located within the town centre if there are no suitable sites then the policy sets out a sequential approach for preferable locations after the town centre as edge of centre sites including the Marina, then Victoria Harbour, or the Headland or Seaton Carew as

appropriate to the role and character of these areas and subject to effect on the town centre, and then elsewhere subject also to accessibility considerations. In respect to this policy, given the nature of the proposals combining leisure and sports (including golf) it is not considered that there is a sequentially preferable site available. It is also the case that the unique aspects of the proposal, particularly the golfing elements, are appropriate to the character of this location, given the existing uses on site, the nearby long established Seaton Carew Golf Club and the long standing tradition of providing Golf facilities in coastal locations. It should also be noted that with the impending closure of the existing Sports Centre in Seaton Carew the facility may meet a local need in this respect. It is acknowledged that the disaggregation of the development could be considered however it is considered that this would have a significant effect on ethos and the viability of the proposal as a whole. Given the nature of the development it is not considered that it will have a significant impact on the vitality and viability of the town centre. In broad terms it is considered that the proposal would accord with the main thrust of this policy. In conclusion the sports and leisure development is considered to be broadly in line with current Local Plan policy.

1.34 In terms of the housing development again the site lies within the limits to development identified within the Hartlepool Local Plan (2006). In terms of the detailed policies of the Plan Policy Rec 5 , Rec 7, GN5 and Tra15 discussed below are considered most relevant.

1.35 Policy Rec 5 identifies the site as an area where the Borough Council will encourage the development of sports pitches. Policy Rec 7 identifies the site for recreational and sporting development requiring few built facilities. Policy GN5 identifies the site as an area where the Local Planning Authority will seek to provide additional tree planting and will impose planning conditions to ensure that tree planting is provided as part of development proposal. Policy Tra15 advises that proposals to form new access points onto the A178 will not be allowed. The proposal will include a landscaping condition which will allow for hedge and tree planting and therefore the proposal is considered broadly in compliance with Policy GN5. However, the proposal to develop the site for housing, and to accommodate access onto the A179 is clearly contrary to the policies Rec 5, Rec 7 and Tra15 of the extant Hartlepool Local Plan 2006.

1.36 In conclusion, whilst the sports/leisure development is considered to be broadly acceptable in policy terms, the proposal to develop part of the site for housing and to utilise access onto the Tees Road would be contrary to current local plan policies.

EMERGING POLICY

THE DRAFT NATIONAL PLANNING POLICY FRAMEWORK (2011)

1.37 The Government has recently prepared a draft National Planning Policy Framework (2011) which included a period of consultation that ended on 17th October 2011. The National Planning Policy Framework (NPPF) sets out the Government's economic, environmental and social planning policies for England. It is intended that it will replace much of the current policy guidance.

1.38 The NPPF introduces a presumption in favour of sustainable development. It attaches significant weight to the need to support economic growth.

1.39 At paragraph 19 it identifies a set of core land-use planning principles which should underpin both plan-making and development management (development control) and should be taken into account by all those engaged in the planning system, from local authorities and developers through to communities. These principles are:

- planning should be genuinely plan-led,
- planning should proactively drive and support the development that this country needs.
- planning policies and decisions should take into account local circumstances and market signals such as land prices, commercial rents and housing affordability.
- in considering the future use of land, planning policies and decisions should take account of its environmental quality or potential quality regardless of its previous or existing use.
- planning policies and decisions should seek to protect and enhance environmental and heritage assets in a manner appropriate to their significance, and reduce pollution.
- planning policies and decisions should make effective use of land, promote mixed use developments that create more vibrant places, and encourage multiple benefits from the use of land in urban and rural areas.
- planning policies and decisions should enable the reuse of existing resources, such as through the conversion of existing buildings, and encourage, rather than restrict, the use of renewable resources (for example, by the development of renewable energy).
- planning policies and decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- planning policies and decisions should take account of and support local strategies to improve health and wellbeing for all; and
- planning policies and decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

1.40 In terms of development management (development control) the NPPF advises that its primary objective is to foster the delivery of sustainable development, not to hinder or prevent development.(53) It advises local planning authorities should approach development management decisions positively, attach significant weight to the benefits of economic and housing growth, influence development proposals to achieve quality outcomes and enable the delivery of sustainable development proposals (54).

1.41 In terms of housing the NPPF states “107. The Government's key housing objective is to increase significantly the delivery of new homes. Everyone should

have the opportunity to live in high quality, well designed homes, which they can afford, in a community where they want to live. This means:

- increasing the supply of housing
- delivering a wide choice of high quality homes that people want and need
- widening opportunities for home ownership; and
- creating sustainable, inclusive and mixed communities, including through the regeneration and renewal of areas of poor housing.

1.42. 108 To enable this, the planning system should aim to deliver a sufficient quantity, quality and range of housing consistent with the land use principles and other policies of this Framework.”

1.43 In terms of affordable housing the NPPF states that local planning authorities should (111) “where they have identified affordable housing is required, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities.” As the NPPF is at a draft stage it is considered that little weight can be attached to the document.

1.44 In terms of open space, sports and recreational facilities it recognises that access to good quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. The planning system has a role in helping to create an environment where activities are made easier and public health can be improved. (128) It advises that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the need for and benefits of the development clearly outweigh the loss. (129)

1.45 It is likely that this document will be revised following consultation and therefore little weight can be afforded to this.

THE CORE STRATEGY PREFERRED OPTIONS REPORT (November 2010)

1.46 The Borough Council is currently preparing a Local Development Framework which will guide development in the area for the period 2012 to 2027. Once adopted it will essentially replace the Hartlepool Local Plan (2006). It will comprise a number of documents including a Core Strategy. The Core Strategy will set out the spatial vision, spatial objectives and core strategic policies for the area. It will include allocations for housing, industry and other developments. This application site was not identified on any of the key diagrams within this document but it was anticipated to be included on the Proposals Map with the designation effectively carried over from the Local Plan and included as part of a new Green Infrastructure Policy.

1.47 At the Cabinet meeting of the 26th September 2011 the public responses to the Core Strategy Revised Preferred Options document were discussed and it was

resolved to progress to the Publication Stage of the Core Strategy. The Publication document will be published in February 2012. The publication stage will be the Council's final draft of the Core Strategy which will be "submitted" to the Secretary of State following a final round of consultation that will take place in February and March 2012.

1.48 The Core Strategy Preferred Options Report (November 2010) sets out the preferred options for the future development of Hartlepool. The relevant policies are listed below.

1.49 Preferred Options Policies CS1 (Locational Strategy) states that new housing developments will be located within a variety of locations including within the urban area on suitable and deliverable brownfield sites and on a number of greenfield sites.

1.50 Preferred Option policy CS2 (Climate Change) advises that a range of measures will be adopted to help minimise and adapt to climate change including requiring that major new developments should secure, where viable, a minimum of ten percent of their energy supply from decentralised and renewable or low carbon sources.

1.51 Preferred Option CS5 (Planning Obligations and CPO) advises that in appropriate circumstances the Borough Council will seek developer contributions towards amongst other things affordable housing, Green Infrastructure and Highway Improvements.

1.52 Preferred Option Policy CS8 identifies where 5,400 new homes will be delivered with 2,400 being either extant permissions or brownfield sites identified as suitable for residential use and the other 3,000 sites being on greenfield sites.

1.53 Preferred Option CS10 (Affordable Housing) advises that affordable housing will be required on all development of fifteen houses or more. It advises that a minimum affordable housing target of 10% will be delivered on all sites. However, it advises that higher percentages of affordable housing will be sought on a site by site basis where there is an identified local need and/or the economic viability of schemes allows for greater provision. The policy allows for off site provision, including the payment of commuted sums in certain circumstances.

1.54 Preferred Option CS24 (Built Environment) advises that the Borough Council will seek to ensure high quality and sustainable design by requiring development amongst other things to have regards to biodiversity, to public rights of way and countryside access, to achieve a high standard of energy efficiency, incorporate sustainable urban drainage where possible and appropriate building standards to reduce energy consumption.

1.55 Preferred Option CS28 (Green Infrastructure) advises that the Borough Council will work to actively improve the quantity and quality of green infrastructure and recreation and leisure facilities including improving access to sports pitches and open spaces with new cycleways and footpaths.

1.56 Preferred Option CS29 Natural Environment advises that the Borough Council will look to protect, manage and actively enhance the biodiversity, geodiversity, landscape character and green infrastructure of the Borough.

1.57 The proposal is not in accordance with the emerging Core Strategy document as it was not included as a housing site and may have continued the allocation from the Local Plan. Only limited weight should be afforded to this emerging Core Strategy as it is not yet adopted.

OTHER RELEVANT INFORMATION

1.58 A number of reports, including reports that have informed the preparation of the Core Strategy Preferred Options Report (see below) are relevant to the consideration of this application.

The **Hartlepool Strategic Housing Market Assessment (SHMA) (2007)** states that for Seaton Carew the housing need is for 20%(1 & 2) bedroom dwellings and 80% (3 & 3+ bedroom dwellings). Therefore the proposed housing mix is appropriate for housing need in the Seaton Carew and adjacent residential areas. It suggested a target for affordable housing on new development of 30% of which 80% should be social rented and 20% intermediate tenure.

The **Hartlepool Affordable Housing Economic Viability Assessment (2009)** looked at the likely effect on the viability of developments of requirements for affordable housing. The assessment showed that on the sites assessed under certain market conditions schemes including a 10% affordable housing are viable. This evidence was used to support the requirements of Preferred Option CS10 of the Core Strategy Preferred Options Report (see below) which sets a minimum requirement of 10% affordable provision but advises that a higher percentage will be sought where there is a need or the viability of the scheme allows.

The **Hartlepool Playing Pitch Strategy (2004)** is to be updated this year. The **PPG17 Audit and Assessment ;Open Space Sport and Recreations (2008)** provided an update on the position in relation to sports pitches. The site assessments identified an overall deficiency of 12.27ha of playing pitches throughout the town. The southern area had a deficiency of 5.06ha.

OTHER POLICY RELATED ISSUES

1.59 The minister for Decentralisation Greg Clarke issued **Written Ministerial Statement : Planning for Growth** on 23 March 2011 to support sustainable development that the country needs as it emerges from recession. The Department of the Communities and Local Government Chief Planner wrote to Local Planning Authorities on 30 March 2011 to inform them that this statement is capable of being regarded as a material planning consideration. The relevant part on the statement is as follows “In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy PPS4), and that they can give clear reasons for their decisions”.

PLANNING POLICY CONCLUSIONS

1.60 The policy position might be summarised as follows. The proposed sports and leisure development is considered to be broadly in line with the current Local Plan policies for the area. The proposed housing development and its proposed access onto the Tees Road is contrary to the current Local Plan policies.

1.61 In light of the above the Local Planning Authority must consider whether there are any other material planning considerations which would indicate that the application should be approved and in this respect there are a number of material planning considerations, of varying degrees of weight, which lend support to the proposal.

1.62 In terms of the proposed housing site and the consequent loss of land allocated for sports pitches/sport and recreation. The relevant land forms the northern part of the site and is currently subject to a covenant, in the council's favour, which effectively restricts the use of the land to outdoor recreation, sport development including playing fields, pitches and facilities. The land is not currently in use as sports pitches instead it appears to be used for the keeping/grazing of horses. A public footpath crosses the site however the land is not understood to be in general public use. In light of Sport England's concerns at the loss of land allocated for sports pitches the possibility of re-providing sports pitches on the site was explored however the need to address Natural England's requirements mean that it has not been possible to satisfactorily accommodate formal sports pitch use on the site. Lately Sport England have responded that subject to various Grampian conditions being imposed on the development again they would not object to the development. The requested conditions require:

- 1) No development shall take place on the land allocated for playing field until a Playing Pitch Strategy has been undertaken and adopted by Hartlepool Council.
- 2) Pursuant to the above condition, a scheme to replace the allocated playing field site (if the need for the allocation is re-affirmed in whole or part by the Playing Pitch Strategy) by a site or sites (including a clear mechanism for their implementation) shall be submitted to and approved by the Local Planning Authority (in conjunction with Sport England) prior to the occupation of the 100th dwelling.

1.63 Unfortunately whilst this would satisfy Sport England there are concerns in relation to the proposed conditions. The applicant has expressed initial concerns at the suggested conditions as meeting the requirements will essentially be beyond their control and the development could potentially be stifled. The Assistant Director of Community Services has expressed concerns that it will be difficult to give a specific timescale on any alternative pitch provision unless we have pre-identified where such funding is likely to come from. There may also be a requirement to identify the site through the Local Plan process and again this may cause delays. A legal view has also been sought and is awaited. In any case, irrespective of whether any such conditions are imposed on the development, in practice a review of the Council's Playing Pitch Strategy, will commence shortly and is expected to be

completed by July 2012. This will provide up to date analysis on the need for additional land to be allocated for playing pitch provision in Hartlepool and identify the net balance of this requirement, including any requirement for Seaton Carew. Thereafter Hartlepool BC will seek to address any requirements arising.

1.64 Setting aside Sport England's position for a moment, in considering the proposal to use the land for Housing the following material considerations should be considered. It is acknowledged that the Playing Pitch Strategy is out of date and under review, it is not therefore possible to conclude that the land in question is not needed to meet any shortfall in pitch provision. However the land has been formally allocated for sports pitches since 2006, previous to this in the 1994 plan identified the area as suitable for sporting facilities requiring few built facilities, and no such uses have been implemented on the site. It is currently rough ground used for the keeping/grazing of horses. It is no longer in public ownership and it is considered unlikely that any proposals for sports pitches or wider public sporting/recreational use will be brought forward. Against this the housing element of the proposal will essentially fund the provision of a significant leisure and sports facility to the wider benefit of the town.

1.65 The evidence submitted by the applicant in support of the application indicates that the capital costs of the sports and leisure facility can be delivered, providing appropriate revenue is secured from the sale of the housing land. It is therefore crucial to the success of the scheme. In terms of the operational viability, the financial information provided by the developer suggest that it will be in profit by year 4 and thereafter, however these are projections based on assumptions and as with all such information it is difficult to say, with any certainty, that the leisure development will be viable for the future.

1.66 It is acknowledged that the development will not accommodate outdoor sports pitches but it will provide for a range of sports and leisure facilities some of which will meet a gap in provision in the Tees Valley (Football Dome) and overall will greatly add to the quality of provision in the area. Sport England in their response confirm that the package of proposed facilities will be beneficial to sport.

1.67 It is also the case that the development includes substantial areas of public open space which will offer great potential for informal recreation which do not currently exist.

1.68 The wider planning considerations of the development are discussed below however it is considered that the housing located on the edge of the existing residential areas represent a natural and sustainable extension to the town. In light of the above, notwithstanding the loss of land allocated for sports pitches/sport and recreation, it is considered that considerable weight can be given to fact that the prospects of sports pitches being brought forward on the site are remote and the benefits arising from the development.

1.69 In terms of the proposal to take access from the A179 Tees Road. Again this element is contrary to Policy Tra15 which prohibits additional accesses onto the Tees Road. It is acknowledged that the access is contrary to the extant policy however in initial pre-applications discussions concerns were expressed at the

potential limitations of the access points into the housing estates to the north which led to the exploration of alternative options. It is clear that a vehicular access onto the Tees Road will have less impact on existing residents than an access through the estate. Notwithstanding the restrictive policy, Traffic & Transportation Section raised no objections to the proposal, subject to the implementation of various improvements which are discussed below and clearly this is a significant material consideration in considering this element of the above. In light of the above, notwithstanding Policy Tra15, it is considered that considerable weight can be given to the view of the Traffic & Transportation Section.

1.70 There are also other general material considerations which are relevant to the consideration of the proposal.

- 1) The site is located within the limits to development.
- 2) It is considered that the development will contribute to the long standing aspirations of Hartlepool Borough Council to regenerate Seaton Carew as a tourist destination.
- 3) The development would help support economic recovery in line with the spirit of the recent Ministerial Statement : Planning for Growth (2011).

CONCLUSION

1.71 It is clear from the discussions above that in terms of national and local policies the development presents some difficulties. However it is also clear that the development represents a significant opportunity to deliver a relatively unique sports and leisure development to the town attracting significant investment and tourism potential which will compliment the aspirations of Hartlepool Borough Council to regenerate Seaton Carew and encourage its development as a tourist destination. On balance it is considered that the material considerations identified above weigh in favour of the application and that the proposal can in principle be supported. The detailed planning considerations arising from the application are discussed below.

HIGHWAYS

1.72 The access/egress to the leisure/sporting elements at the Mayfair Centre will be via the existing accesses. In terms of the housing a dedicated access/egress from the Tees Road will be provided.

1.73 In terms of the proposal to take access from the A179 Tees Road, again as discussed above this element is contrary to Policy Tra15 which prohibits additional accesses onto the Tees Road. However in initial pre-applications discussions concerns were expressed at the potential limitations of the access points into the housing estates to the north which led to the exploration of alternative options. It is clear that a vehicular access onto the Tees Road will have less impact on existing residents than an access through the estate.

1.74 In order to facilitate access various improvements to the highway are proposed. A dedicated right turning lane will be accommodated and additional street lighting will

be provided. In addition new bus stops will be accommodated either side of the Tees Road with an associated footway and pedestrian crossing point including a central pedestrian refuge. An emergency access allowing footpath/cycle access and access for emergency purposes only will be accommodated directly to the housing areas to the north through a link to Headlingly Court.

1.75 In support of the application the applicant has prepared a Transport Assessment which concludes that “the proposed highway works associated with the proposed development will alter the character of the A178, Tees Road and will mitigate against the increase in highway safety risk resulting from the development. It is concluded that the proposed development will not have a significant adverse impact on highway safety on the surrounding network.” The Transport Assessment also concludes that the development will not have a material impact on the operational capacity of the surrounding road network. Travel Plans have also been submitted for the Residential and Leisure elements of the proposals. These explain how the developer will seek to minimise the traffic impact of the development by maximising the potential for the use of more sustainable travel modes. A range of measures are identified to promote sustainable travel patterns including the provision of new bus stops, pedestrian linkages to the housing estate to the north and the leisure development to the south, cycle and coach parking in the leisure development, information on public transport and pedestrian and cycle links will be provided within homebuyers welcome packs and where appropriate in marketing and promotional materials for the leisure development.

1.76 It is acknowledged that concerns in relation to highway issues have featured prominently in the responses of objectors to the proposals. However, Hartlepool's Borough Council's Traffic & Transportation Section, have considered the proposals and have not objected to the scheme subject to the implementation of various measures secured through appropriate conditions. These include conditions requiring the provision of approved access and associated street lighting, conditions requiring the agreement of details of the footway, bus stops and pedestrian refuge. In addition the implementation of various new or amended traffic regulation orders will be required including a reduction of the speed limit on the relevant stretch of the Tees Road to 40 mph and to accommodate the conversions of existing shared use pedestrian/cyclists footway to pedestrian use only. A separate legal process will be required to accommodate these new or amended traffic regulation orders. The legal and capital costs of implementing the improvements will be met by the applicant.

1.77 In light of the above it is considered that with appropriate conditions, the proposal is acceptable in highway terms.

RELATIONSHIP WITH ADJACENT INDUSTRIAL/COMMERCIAL AREAS INCLUDING HAZARDOUS INSTALLATIONS

1.78 The application site is located in an area of the town where residential areas give way to industrial and commercial areas. Immediately to the south is an industrial estate occupied by various factory units and a caravan storage place. The leisure element of the proposal is closest to the industrial estate with the housing estate set further back. A large landscaped mound forms the southern boundary of

the site providing an effective barrier to the activities on the neighbouring industrial estate.

1.79 An active landfill Seaton Meadows is also located to the south, the landfill is authorised to accept asbestos. A former landfill (Halls), which has now ceased is also located immediately to the south east of the site. Further to the south are various hazardous installations and parts of the site lie within the consultation zones of three of these hazardous installations. To the south east is Hartlepool Nuclear Power Station again the site lies within the consultation zone of the Station. It is also the case that a site adjacent to the Nuclear Power Station has been allocated as a site for a new Nuclear Power Station however no formal planning application for this development has been brought forward to date.

1.80 The relationship of the proposed development to the neighbouring industrial uses, including the various hazardous installations and the landfills is a material planning consideration. A number of objectors have also raised concerns at the relationship of the site to its industrial neighbours and the potential impacts on residents, emergency planning for the area, and the potential constraining effect the development might have on these sites.

1.81 In light of the location of the development the required consultations have been undertaken with the Health & Safety Executive including its Office for Nuclear Regulation, the Cleveland Emergency Planning Unit, the Environment Agency and Hartlepool Borough Council's Head of Public Protection.

1.82 In terms of the Nuclear Power Station, a draft response of the Office for Nuclear Regulation has been received this indicates that they would not advise against the application. (Before issuing their final response the ONR have asked that their comments are reviewed by the Cleveland Emergency Planning Officer as he has not objected it seems unlikely that they will change). In terms of the other Hazardous Installations, the HSE have advised that, on safety grounds, they do not advise against the proposal. The Cleveland Emergency Planning Unit have raised no objections to the proposal.

1.83 In terms of the landfills. The Halls landfill has ceased to operate, Seaton Meadows landfill is however operational and will be for some time. The closest part of the landfill is some 330m from the closest part of the leisure site and some 607m to the closest part of the housing site. This landfill site holds a PPC part A1 environmental permit which is issued and regulated by the Environment Agency. This permit controls pollution to the air, ground and water. The conditions of the permit transpose the requirements of the European landfill directive, the IPPC directive and the requirements under the environmental permitting regulations. The measures, procedures and guidance set out within these directives are set out to prevent or reduce as far as possible negative effects on the environment, in particular the pollution of surface water, groundwater, soil and air, and on the global environment including the greenhouse effect, as well as any resulting risk to human health, from landfilling of waste, during the whole life-cycle of the landfill. The Agency's permitting team, and Hartlepool Borough Council's Head of Public Protection have raised no objections to the proposal.

1.84 In terms of the relationship between the site and the other businesses located on the neighbouring industrial estate concerns have been raised by objectors including businesses on the estate that the development may affect their operation as residents might be sensitive to activities on the industrial estate. The Head of Public Protection has advised that the residential development is no closer to the Tofts Farm East Industrial Estate than the current housing at the end of Bilsdale Road and that he is not aware of any problems in relation to noise complaints concerning activities on the industrial estate. He points out that there is already a substantial bund between the industrial estate and the housing and he has advised that he does not consider that the additional residential development will have any additional impact on the operation or development of the industrial estate.

1.85 The final response of the Office of Nuclear Regulation is awaited however subject to their final response it is considered that the relationship with adjacent industrial areas including hazardous installations is acceptable.

CONTAMINATED LAND

1.86 In support of the application the applicant has submitted a phase 1 land quality assessment (desk study) to examine potential contamination issues on the site. This has identified potential risks which will need to be addressed. This has been examined by HBC Engineering Consultancy and the Environment Agency. No objections have been raised by these consultees, conditions have been requested however to ensure that any issues arising from contamination on the site are addressed. Subject to an appropriate condition it is considered that any issues arising from the contamination of the site can be addressed.

ECOLOGY

1.87 The application site is not subject to any ecological designations however to the east on the other side of Tees Road is an area of rough grassland/dunes which form the western part of the Teesmouth and Cleveland Coast Special Protection Area (SPA)/Ramsar site which is a European site protected under the Habitats Regulations.

1.88 During the course of the consideration of the application it transpired that birds from the SPA/Ramsar site were using parts of the site, and the adjacent sports ground, for foraging. In light of this concerns were initially raised by Natural England and the Royal Society for the Protection Of Birds. The potential effects of the development on these birds and measures to address their concerns, have therefore been discussed in detail with Natural England.

1.89 Following these discussions the scheme has been amended in various ways, in particular the domes have been re-sited and the extent of housing has been reduced. The applicant has also prepared a report "An extended phase 1 and protected species survey of land at Seaton Carew" which includes detailed mitigation proposals to prevent an adverse effect on the SPA birds and to enhance the ecological value of the site.

1.90 The amended application, which incorporates the mitigation in the above report, has been subject to an Appropriate Assessment under the Habitats and Species Regulations 2010. The Appropriate Assessment has concluded that there would be no adverse effect on the integrity of the Teesmouth & Cleveland Coast SPA/Ramsar from this proposal either by itself or in-combination with other plans and projects. Natural England have advised that they are satisfied with the conclusions of the Appropriate Assessment and that the proposal is not likely to have a significant effect on the European site alone or in-combination with other plans or projects. Similarly the RSPB have advised that provided the issues raised by Natural England are satisfied they do not object to the proposals.

1.91 It is considered that subject to conditions, controlling the details of the landscaping scheme, requiring the implementation of the mitigation measures outlined in the applicant's relevant ecological report (see above), and requiring post development monitoring, the proposal will be acceptable in terms of any potential impact on the Teesmouth & Cleveland Coast SPA/Ramsar and any general impact on the ecology of the area. It is considered overall the scheme will enhance the ecological value of the site.

RESIDENTIAL AMENITY

1.92 The impacts of the development on the amenity of neighbouring properties, as well as the amenity of future residents of the development itself, need to be considered. The closest neighbouring residential properties are located to the north and west of the development and predominantly face the site with their rear elevations save for one property which is gable ended onto the site.

1.93 A number of objections have been received on the grounds that the housing development will affect the light, privacy, and outlook of the neighbouring properties or will be over dominant given the proximity of the houses to the neighbouring properties. The housing layout has been amended and meets and in most cases exceeds the guideline separation distances, of 20m between principal elevations and 10m between principal elevations and gables, stated in the Hartlepool Local Plan 2006. It is considered the relationships between the housing development and its residential neighbours is acceptable and that the development will not unduly affect the amenity of the neighbouring properties in terms of loss of light, outlook, overlooking or in terms of any overbearing effects.

1.94 In terms of any direct highway impacts on the neighbouring residents, the vehicular access from the development will be onto the Tees Road and so the neighbouring residents should not be directly affected by vehicular traffic from the development. An emergency access which will also allow for pedestrian/cycle use has been retained to Headlingly Court, currently a cul-de-sac and a neighbour here has raised concerns that their amenity will be affected by its increased use particularly as it may attract antisocial behaviour. The neighbouring properties are set back from the footway and the relationship is typical of that found in housing estate layouts. It is not considered that the use of this access by pedestrians/cyclists, or its occasional use in an emergency, will unduly affect the amenity of neighbours and the route here will be closely overlooked, it is anticipated the natural surveillance will discourage any potential for antisocial behaviour.

1.95 The applicant has indicated a five year build out period for the housing development. Objectors have raised concerns that it is unreasonable to subject the existing residents to the disruptions of a building site over such a period. The Head of Public Protection has not raised any concerns on these grounds but has requested a condition be placed on construction activities which will restrict works to 07:00hrs to 18:00hrs Monday to Friday and 07:00hrs to 13:00hrs Saturdays with no working on Sundays and Bank Holidays. The site is relatively self-contained, with access to be taken from the Tees Road, which should help to limit disruption. It is also the case that it is unlikely that works would actively be taking place simultaneously over all parts of the site during this five year period with the works instead likely to proceed in defined phases. Phasing can be agreed with the developer at the outset in order to minimise disruption and the applicant has indicated that he is willing to accept such a condition. Whilst the concerns of the neighbours are understandable, it is considered that in light of the above it would be unreasonable to require the development as a whole to be brought forward within an accelerated timescale and with appropriate conditions imposed on working hours, phasing and access that disruption whilst not eliminated can be satisfactorily managed.

1.96 The potential impacts, on existing neighbours and the future occupants of the proposed housing, arising from the proposed Sports and Leisure Development located at the southern end of the site will need to be considered. In part the neighbouring housing areas will be buffered from the Sports and Leisure development by the proposed housing, to the east the existing housing areas are more distant and the area to the rear is to be retained as landscaped public open space.

1.97 The buildings comprising the Sports & Leisure Development, the two domes, the refurbished Mayfair Centre and the Shop will be clustered in the southeast corner of the site and will enjoy a dedicated access onto Tees Road. The closest of the buildings to the existing, and proposed, residential development will be the football dome. This building is substantial in terms of its size measuring some 134m x 52m x 16m high however the proposed plans show that it will be enveloped on its northern side by a substantial landscaped bund some 5m high and at its closest point it will be some 88m from the closest proposed residential property and some 300m from the closest existing residential property. No objections to the development have been raised by the Head Of Public Protection however he has requested various conditions be imposed. These conditions will restrict the use of the Domes to Sporting uses only, restrict their hours of use to 09:00 to 22:00, restrict the use of tannoy or music in the domes, require screening, require sound insulation to meet a required standard in the proposed houses and control external lighting. The proposed conditions will ensure that any potential for nuisance is effectively managed. It is not considered, with appropriate conditions, that the Sports and Leisure development will unduly effect the amenity of the neighbouring residential properties, existing or proposed, either in terms of their physical presence or in terms of their operation.

1.98 An objector has also raised concerns that the use might change in the future and the developer seek to operate the domes as a music venue. This is not

proposed within the current application and the conditions requested by the Head of Public Protection will strictly control the use of the domes, any further such uses would require a further permission and any application received would be dealt with on its own merits.

1.99 The relationship between the proposed housing area and the neighbouring industrial estate and hazardous installations is discussed above where, subject to the final views of the Office for Nuclear Regulation, the relationships is considered acceptable.

1.100 In terms of the impact of the development on the amenity of existing residents, and considerations in relation to the amenity of the future residential occupiers of the site, subject to the final views of the Office for Nuclear Regulation, the proposed development is considered acceptable.

DESIGN/ LANDSCAPE AND VISUAL IMPACT

1.101 The site consists of an existing leisure and sports development and an area of rough grassland. It is bounded by the rear fences of neighbouring residential properties and a Sports Ground to the north and a high grassed bund beyond which is an industrial estate. Further to the south other industrial/commercial development including the substantial structure of the Nuclear Power Station falls within the visual envelope around the site. It is an area of the town which to a large degree is influenced in terms of its visual quality, notwithstanding the screening afforded by the mound, by the close proximity of the industrial/commercial development to the south. For this reason beyond its usefulness, in part, as a foraging area for SPA birds it is considered its inherent landscape value is limited.

1.102 The original proposals have been amended following discussions and the amended plans show the Sports and Leisure development clustered in a relatively tight grouping in the south east corner of the site. The largest of the proposed buildings, the football dome will be set back some 140m from the Tees Road and this will help to limit its impact on the wider landscape, as will the landscaping proposed around the building. The smaller of the two domes the Golf Dome will be located on the east side of the existing Mayfair Centre set back some 45m from the Tees Road. Around the facilities a large area of land will be landscaped in accordance with an agreed landscaping scheme which will include tree and hedge planting and areas of grassland. It is accepted that the development proposed, particularly the Domes which are large structures both in terms of their footprint and height, will have a substantial presence. However given the industrial areas to the south, the position of the buildings, and the extensive landscaped area proposed this element of the proposed development is considered acceptable in terms of its design and landscape/visual impact .

1.103 The housing site is located adjacent to existing housing forming the existing built up area of Seaton Carew, whilst it will extend towards Tees Road, it will be set back some 125m. It will be bounded by housing to the north and west and it is considered it forms a natural extension to the housing. Its detailed layout is acceptable in terms of its relationship with the neighbouring properties and in highway terms (see above). It is considered that the mix of houses proposed is

acceptable in accordance with the findings of the Hartlepool Strategic Housing Market Assessment (SHMA) (2007). The housing proposals are considered acceptable in terms of their design and landscape/visual impact.

1.104 The domes are constructed of a durable membrane which will be inflated to form the domes. It is understood that the warranty on this product extends to fifteen years. Though the membrane may well last longer than the warranty period it will be likely to deteriorate over time. In light of this, as is the general practice with “temporary” buildings of this type, it would not be appropriate to allow a permanent permission for the Domes. Instead it is proposed to grant an initial fifteen year permission. The applicant will then be invited to renew these permissions at the appropriate time, allowing the condition of the Domes to be assessed in order to ensure that they are in an acceptable condition which does not detract from the visual amenity of the area. The applicant is agreeable to this.

1.105 In terms of sustainability the scheme has strengths and weaknesses. Due to viability issues the applicant has been unable to commit to onsite renewables. The site is however located on the edge of the existing built up areas and offers reasonably good access to goods, services and employment including access by means of transport other than the car. The scheme includes provision to improve the bus stops in the vicinity of the site. Travel Plans will also promote sustainable modes of travel.

FLOODING/DRAINAGE

1.106 The applicant has prepared a Flood Risk Assessment in support of the proposals.

This concludes that the site is within flood zone 1 and that it is therefore at the lowest risk of flooding and that the increase in the intensity of development on the site will not raise the risk of flooding. The HBC Engineering Consultancy, noted the finding of the recently completed Coastal Strategy, and noted that in the Do Nothing scenario, the future long term erosion of the dune system to the east of the site might make the site vulnerable to flooding. As a precaution he has recommended minimum floor levels and these have been agreed with the applicant.

1.107 The applicant's drainage proposals have also been the subject of discussions between the Environment Agency and the applicant. It is understood that surface water drainage will utilise existing surface water drains and foul sewage will be to be public sewer via an on site pumping station. The Environment Agency, HBC Engineering and Northumbrian Water have been consulted. No objections have been raised in principle to these proposals subject to the imposition of suitably worded conditions.

1.108 The proposal is considered acceptable in terms of issues relating to flooding and drainage subject to the imposition of appropriate conditions.

RELATIONSHIP WITH THE ADJOINING SPORTS FIELD

1.109 To the north and east of the housing site is an existing sports field. The Sports field accommodates a number of sports pitches. A Rugby pitch is located to the

south west corner of the field close to the boundary with the housing. The Sports Club have not objected to the proposal and it is understood are supportive of the scheme which overall will compliment their own facilities. Given the proximity of the Rugby pitch there are concerns as to how this relationship will be satisfactorily managed. A site meeting has taken place and it was agreed the applicant would enter into further discussions with the Sports Club to agree a mutually acceptable solution which would be likely to involve the reorientation of the Rugby Field and the selective use of ball nets. These discussions are ongoing however it seems that a mutually agreeable solution can be found.

PUBLIC RIGHTS OF WAY

1.110 A public right of way crosses the site and will need to be diverted to accommodate the development. The Countryside Access Officer and the Ramblers Association have been consulted and raised objections in principal to the scheme. The diversion of the footpath will need to be subject to a legal diversion which is a separate process to any requirement for planning permission. It is considered likely that any agreement would need to be secured through an appropriate legal agreement.

DEVELOPER CONTRIBUTIONS

1.111 The profits generated from the land sale for the housing element of the proposal will be used to fund the sports and leisure development. The viability of the housing scheme has been assessed in the light of this and the housing developers expectation of a reasonable level of return on his investment. In this context, having carefully reviewed the viability information submitted by the applicant, it is accepted that the development cannot achieve the minimum 10% contribution towards affordable housing which would normally be required. Instead, the applicant has agreed to make a contribution of either two affordable houses on site, or £80,000 for an off site contribution, and this is considered acceptable. The exact mechanism for the delivery of on site affordable housing should this be the option agreed is subject to discussion. In either case the on site affordable housing, or the off site contribution, will be secured through a section 106 agreement. The Cleveland Emergency Planning Unit have also requested a small contribution for the review of the Emergency Plan for the area and the applicant has agreed to this, again this will be secured through an appropriate legal agreement.

CONCLUSION

1.112 The proposal is, on balance considered acceptable and is recommended for approval subject to the completion of a legal agreement and appropriate conditions. The legal agreement will be likely to cover the Phasing & Delivery of Sports & Leisure development, management and provision of Public Open Space, treatment of adjacent sports pitches, affordable housing, Emergency Planning Contribution and a contribution towards the monitoring of the agreement.

1.113 The content of the agreement and the proposed conditions are being finalised and it is anticipated that these will be tabled at the meeting.

OTHER MATTERS

1.114 Part of the site, the housing land, is currently the subject of a covenant in the Borough Council's favour. This is a separate matter from the consideration of the planning application which is the subject of separate negotiations with the applicant.

RECOMMENDATION – MINDED TO APPROVE – subject to the final comments of the Office for Nuclear Regulation and the completion of an appropriate legal agreement and conditions the details of which is anticipated to be tabled at the meeting.

Under the provisions of the Town & Country Planning (Consultation) (England) Direction 2009 before issuing its decision the Local Planning Authority is required to notify the Secretary Of State. The Secretary of State will subsequently decide whether he is satisfied that the Local Planning Authority may proceed to determine the application or whether or not he wishes to call it in for his own decision.

PLANNING COMMITTEE

3 February 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: Appeal Ref: APP/H0724/a/11/2165280/NWF
110 Whitby Street South, Hartlepool
Change of use of former shop/warehouse into 5 units comprising warehouse with retail (B8), nursery (D1), café and hot food takeaway (A5), storage unit (B8) and recording studio (D1) and alterations to elevations

1. PURPOSE OF THE REPORT

- 1.1 To notify members of the lodging of an Appeal against the Council's refusal of planning permission for the above development and to seek authority for officers to contest the appeal. The application was refused in consultation with the Chair of Planning Committee. The original officer's report is attached.

2. APPEAL

- 2.1 To inform Members that a planning appeal has been lodged against the refusal of the Local Planning Authority to allow the change of use of former shop/warehouse into 5 units comprising warehouse with retail (B8), nursery (D1), café and hot food takeaway (A5), storage unit (B8) and recording studio (D1) and alterations to elevations at the former Michael O'Connors, 110 Whitby Street South, Hartlepool, TS24 7LP.

- 2.2 The application was refused for the following reason:

"The application site is located in an established industrial area. It is not considered that a children's nursery use (D1) in this location would be compatible with existing or future industrial and commercial uses in this area contrary to Policy GEP1 and Ind5 of the Hartlepool Local Plan (2006)."

- 2.3 The appeal is to be decided by written representations.

3. RECOMMENDATION

- 3.1 That authority be given to officers to contest the appeal.

Application No H/2011/0285

Proposal Change of use of former shop/warehouse into 5 units comprising warehouse with retail (B8), nursery (D1), cafe and hot food takeaway (A5), storage unit (B8) and recording studio (D1) and alterations to elevations (part retrospective) (amended plans received)

Location 110 WHITBY STREET SOUTH HARTLEPOOL

PS Code: 20



D
e
l
e
g
a
t
e
d

DELEGATION ISSUES	Neighbour letters:	10/10/2011
	Site notice:	20/07/2011
	Advert:	n/a
	Weekly list:	03/07/2011
	Expiry date:	01/08/2011
1) Publicity Expiry		
2) Publicity/Consultations The application has been advertised by site notice and neighbour letter (6). No objections have been received. The period for publicity has expired. Public Protection – No objections to the plans subject to an extract ventilation condition and an hours condition to the cafe element. Property Services – The site was originally owned by the Borough Council. The applicant should therefore check their deeds to ensure that there are no restrictive covenants that would prevent the development going ahead. Economic Development – No objection to the sub division of the warehouse property. Concerns over the proposed use particularly the provision of a nursery which will be in the same location as the proposed business/light industrial units. It would need to be clearly demonstrated that the nursery would not hinder the development of these units and of more traditional industrial uses in the general locality. Traffic and Transportation – A car crossing constructed to HBC standards should be provided on Bertha Street to allow access to car parking spaces. The works should be carried out by a NRASWA approved contractor. The provision for the parking of 5 pedal cycles should be provided in a suitably overlooked position. 2 parking spaces should be marked out for disabled use.		
3) Neighbour letters needed		N
4) Parish letter needed		N
5) Policy		
Com10: Retailing in Industrial Areas		

C:\oracomm\pin\PINKSHT.DOC

GEP1: General Environmental Principles
 GEP2: Access for All
 GEP3: Crime Prevention by Planning and Design
 Ind5: Industrial Areas
 Ind8: Industrial Improvement Areas

Comments: Object to the planning application with regard to the day care centre (D1) element. The previous concerns in relation to the A1 use have now been amended given the change to B8 with ancillary A1.

6) Planning Considerations

The site to which this application relates is a large commercial unit located on Whitby Street South, located within the Sandgate Industrial Estate.

The property is proposed to be sub-divided into 5 separate units comprising:

- Unit 1 – B8 warehouse with ancillary retail sales
- Unit 2 – D1 nursery
- Unit 3 – A3/A5 café with hot food takeaway
- Unit 4 – B8 storage
- Unit 5 – D1 recording studio

The works have partially been carried out and the sub-division has occurred in respect of units 1 and 2, which now have occupying businesses.

The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the principle of the development in policy terms, the impact on the character and function of the Sandgate Industrial Estate and the impact on highway safety.

Policy

Policy Ind5 of the Hartlepool Local Plan (2006) states that proposals for business uses and warehousing (included in classes B1 and B8) will be permitted in the following industrial areas: Longhill/Sandgate. Proposals for uses in class B2 and other uses which are complementary to the dominant use of a development will be approved where the Council is satisfied that they will not have a significant effect on adjoining or nearby properties, or prejudice the development of adjacent sites.

Policy Pu9 states that local, community based facilities will be permitted in residential areas. The policy states that where possible they should be located within or close to local centres.

The applicant has provided information to demonstrate that the current use in unit 1 is B8 with ancillary levels of retail. The unit currently sells music and PA related equipment. The majority of the unit's sales are via mail order, with only ancillary levels of stock sold from the shop unit within the building. As such it is considered that Unit 1 is acceptable on the basis of B8 use with ancillary levels of retail sales to visiting members of the public.

C:\oracoms\pin\PINKSHT.DOC



D
e
l
e
g
a
t
e
d



D
e
l
e
g
a
t
e
d

In terms of unit 2, it is considered that the current/proposed D1 nursery use is unacceptable. It is considered that the proposed D1 use is not complementary to the designated B1, B2 and B8 uses set out in Policy Ind5. It is intended to retain the industrial allocation at Longhill Industrial Estate and protect the future possible industrial uses for the site. A reduction in employment land could hinder long term economic benefits for the Borough and would not comply with the principals of sustainable economic growth. The proposed unit would result in the loss of industrial floor space to the detriment of the viability and vitality of the Longhill Industrial Estate. It is acknowledged a number of non-industrial uses exist in the locality, however, those uses are either considered to be of ancillary levels or appropriate within the context of the area, and as such the predominant nature of Longhill remains for industrial uses.

Furthermore, it is considered that the proposed nursery use has the potential to constrain both existing and proposed industrial uses in terms of noise and disturbance. It is considered that the use is not compatible with existing industrial uses and potential future uses given the conflict between the character of industrial uses. It is considered therefore that the proposed D1 use is unacceptable and will have a detrimental impact on the character and function of the Longhill Industrial Estate.

In terms of unit 3, it is considered that the proposed café/hot food takeaway use is acceptable in that it will provide an ancillary use which will serve existing and proposed industrial uses on Sandgate/Longhill and will contribute towards the character and function of the estate. Conditions could be imposed to ensure the use operates only during daytime hours in order to serve the businesses on the estate.

Unit 4 is considered acceptable in that it provides a B8 use which accords with policy Ind5 of the Local Plan (2006).

Whilst the proposed recording studio (D1) use in unit 5 is not strictly in accordance with Policy Ind5, it is considered that given the proposed occupiers are currently operating an identical use out of the adjacent property (108 Whitby Street South) and permission was granted for that use (H/2009/0046), it is considered unlikely that a refusal could be sustained on the proposed use.

Highways

It is considered that sufficient parking provision has been provided, although two spaces should be reserved for disabled parking and the provision of cycle spaces. Both those matters can be dealt with by condition. The proposal is otherwise considered acceptable on highway safety grounds.

Conclusions

Having regard to the relevant Hartlepool Local Plan (2006) policies and the relevant planning considerations discussed above, it is considered that the proposed D1 nursery use is unacceptable and will have an adverse effect on the character and function of the Longhill Industrial

C:\oracom\slip\IPINKSHT.DOC

Estate, and will constrain both existing and future industrial uses. The application is therefore recommended for refusal.	
7) Chair's Consent Necessary	Y
8) Recommendation	REFUSE
CONDITIONS/REASONS	
1. The application site is located in an established industrial area. It is not considered that a children's nursery use (D1) in this location would be compatible with existing or future industrial and commercial uses in this area contrary to Policy GEP1 and Ind5 of the Hartlepool Local Plan 2006.	
INFORMATIVE	

Signed:**Dated:**

Director (Regeneration and Neighbourhoods)
 Development Control Manager
 Principal Planning Officer
 Senior Planning Officer

I consider the scheme of Officer/Chair delegation to be appropriate/inappropriate in this case

Signed:**Dated:**

Chair of the Planning Committee



D
e
l
e
g
a
t
e
d

C:\oracoms\pin\PINKSHT.DOC

PLANNING COMMITTEE

3 February 2012



Report of: Assistant Director (Regeneration & Planning)

Subject: APPEAL BY MR TERENCE BATES SITE AT
BRIERTON MOORHOUSE FARM, DALTON BACK
LANE, HARTLEPOOL TS22 5PG

1. PURPOSE OF REPORT

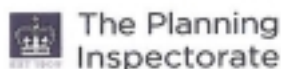
- 1.1 To inform members of the outcome of an appeal received in relation to the above site.

2. BACKGROUND

- 2.1 In September 2011 an application for the change the use of an agricultural building and land for use to manufacture and store garden furniture at Brierton Moorhouse Farm, Dalton Back Lane (H/2011/0311) was refused under delegated powers.
- 2.2 The applicant appealed against the refusal and the appeal has been allowed. A **copy** of the decision is attached for information. No application for costs was made.

3. RECOMMENDATION

- 3.1 That Committee note the outcome of the appeal.



Appeal Decision

Site visit made on 9 December 2011

by Christopher Millns BSc (Hons) MSc CEng FICE FCIHT

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

Decision date: 4 January 2012

Appeal Ref: APP/H0724/A/11/2161393

Brierton, Moorhouse Farm, Dalton Back Lane, Hartlepool TS22 5PN

- 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 Terence Bates against the decision of Hartlepool Borough Council.
 - The application Ref H/2011/0311, dated 10 June 2011, was refused by notice dated 7 September 2011.
 - The development proposed is the change of use of agricultural building and land edged red on plan to building internally to be used for manufacture of bespoke rustic garden furniture and area outside building edged in red as storage of reclaimed wood to be used in production of garden furniture. Height of wood to be seasoned on site not to exceed 1.8 metres.
-

Decision

1. I allow the appeal, and grant planning permission for the change of use of an agricultural building and land for use to manufacture and store garden furniture at Brierton, Moorhouse Farm, Dalton Back Lane, Hartlepool TS22 5PN in accordance with the terms of the application, Ref H/2011/0311, dated 10 June 2011, subject to the conditions in the attached schedule.

Clarification

2. The description of the development in the bullet point heading above is that used in the planning application. The development is more appropriately described as the change of use of an agricultural building and land for use to manufacture and store garden furniture. This is the description used by the Council and I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed change of use on the character and appearance of the surrounding countryside and whether it is a sustainable form of development.

Reasons

4. The proposal would result in the re-use of an existing agricultural building. The building is quite large and brick built. Its height and overall scale makes it prominent in the landscape although views are restricted to certain vantage points due to the topography of the surrounding land and the proximity of a large livery building to the east. The appeal proposals would not necessitate any changes to the existing building. The appellant proposes to store timber in

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

Appeal Decision APP/H0724/A/11/2161393

the area around the building and has agreed to keep the height to a maximum of 1.8 metres which could be controlled by a suitable planning condition. On this basis, it seems to me that the character and appearance of the surrounding rural area would be largely unaffected. The proposed change of use would not conflict therefore with the objectives of Policies GEPI and Rur7 of the Hartlepool Local Plan 2006 which seek to ensure that development proposals minimise intrusion in the landscape.

5. The proposed development would result in the building being unavailable for uses associated with the remaining land holding. The Council argues that this would give rise to pressure for additional buildings on the holding in the future. The Council cites the recent application by the appellant for equestrian use on adjacent land which the appeal building would be well placed to serve. However, the need for further buildings on the remaining land holding has been severely diminished in my view by the reduction in the size of the holding due to the significant developments which have already been granted planning permission on nearby land. Whilst the building might well be useful for the proposed equestrian use, this is an uncertain prospect and I have therefore given it only limited weight.
6. I agree with the Council that the proposed use need not be located in a rural area. On the other hand, the building appears suitable for the intended use and the Council accepts that it would have little impact on neighbouring amenity. Traffic movements would appear to be limited given that there would only be one person employed on the site, occasional deliveries of wood and transport to take away the finished products. The appellant proposes to sell his products on-line which would minimise the traffic implications of the intended use. A planning condition could restrict visits by customers or visiting members of the general public. Taking into account all of the above considerations I consider that, on balance, the proposal would be a sustainable development in this rural location. It would not therefore conflict with this objective in Policy Rur7 of the local plan and Planning Policy Statement 7: *Sustainable Development in Rural Areas*.
7. The conditions in my formal decision are based on those suggested by the Council. I have attached Condition 2 for the avoidance of doubt and in the interests of proper planning. Conditions 3 and 5 are necessary to ensure that use of the site is sustainable. In order to protect the amenity of neighbouring occupiers, including livery stables from undue noise, I have attached Condition 4.
8. Conditions 6 and 12 are needed to protect the environment from pollution. Conditions 7, 8, 9, 10 and 11 are required to minimise the effect of the change of use on the character and appearance of the area. I have not attached the condition suggested by the Council requiring the use to be restricted to the area enclosed by the red line on the site plan. This is already secured by the granting of planning permission and the terms of Condition 2 which require development to be carried out in accordance with the submitted plans.
9. For the above reasons, I consider that the appeal should be allowed.

Christopher Millns

INSPECTOR

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

2

Appeal Decision APP/H0724/A/11/2161393

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Except as provided for by Conditions 6, 7, 9, 10, 11 and 12, the development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Existing and Proposed Site Plan (BIG/IC/TB/286-103), Plans and Elevations (DP/12).
- 3) The premises shall be used only for the manufacture and storage of garden furniture and for no other purpose, including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended; or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
- 4) No powered tools shall be used on the premises.
- 5) The site shall not be open to customers, or visiting members of the general public.
- 6) No toilet/kitchen/washroom facilities shall be provided unless in accordance with details (including details of foul drainage) first submitted to and approved in writing by the Local Planning Authority. The facilities thereafter installed shall be in accordance with the details so approved and be retained for the lifetime of the development.
- 7) 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.
- 8) 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. 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.
- 9) Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby approved is commenced.
- 10) The use hereby approved shall not commence until proposals for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority and all such approved details have been implemented.
- 11) No material or articles shall be deposited or stacked outside the building except in areas and at stacking heights to be first agreed in writing with the Local Planning Authority.
- 12) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bonded compound should be at least equivalent to the capacity of

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

3

Appeal Decision APP/H0724/A/11/2161393

the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

PLANNING COMMITTEE

3 February 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL REF APP/H0724/A/11/2167553
DEMOLITION OF EXISTING AMENITY BUILDING
AND ERECTION OF A TWO STOREY BUILDING
COMPRISING COMMERCIAL UNIT (USE CLASSES
A1, A3 AND A4) AT GROUND FLOOR AND YACHT
CLUB AND AMENITY FACILITIES AT FIRST FLOOR
(RESUBMITTED APPLICATION) AT NAVIGATION
POINT, MARINA (H/2011/0059)

1. PURPOSE OF REPORT

- 1.1 To notify Members of a notification of a planning appeal.

2. APPEAL

- 2.1 To inform Members that a planning appeal has been lodged against the refusal of the Local Planning Authority to allow the above mentioned redevelopment of the site. The decision was to refuse a Planning Committee decision against officer recommendation. The application was refused for the following reason:

“It is considered that the proposed development by reason of its siting and design would appear unduly large and out of keeping to the detriment of the visual amenities of the area contrary to policy GEP1 of the adopted Hartlepool Local Plan 2006.”

The appeal is to be decided by written representations.

3. RECOMMENDATION

- 3.1 That authority be given to officers to contest the appeal.

PLANNING COMMITTEE

3 February 2012



Report of: Assistant Director (Transportation and Engineering)

Subject: NORTHGATE LOCAL CENTRE – PARKING SURVEY

1. PURPOSE OF REPORT

- 1.1 To inform the committee of the results of a parking survey undertaken on Northgate, The Headland in the vicinity of the local centre, which was carried out at the request of the Planning Committee (2 December 2011).

2. RESULTS

- 2.1 A parking survey was carried out on Northgate between Southgate and Brig Open. Parked vehicles were surveyed at 9.00am, 11.15am and 3.15pm on Friday 13th January 2012. The weather was fine but cold.

- 2.2 There are 65 available parking spaces (this figure may differ slightly as there are no marked parking bays (see attached plan)).

2.3 9.00am

In total there were 40 vehicles parked in the study area (62% capacity).

2.4 11.15am

In total there were 44 vehicles parked in the study area (71% capacity), of which 16 vehicles (25% capacity) had been recorded at 9.00am.

2.5 3.15pm

In total there were 34 vehicles parked in the study area (52 % capacity), of which 18 vehicles had been recorded at 11.15am (28% capacity), 12 of those vehicles were also recorded at 9.00am (19% capacity).

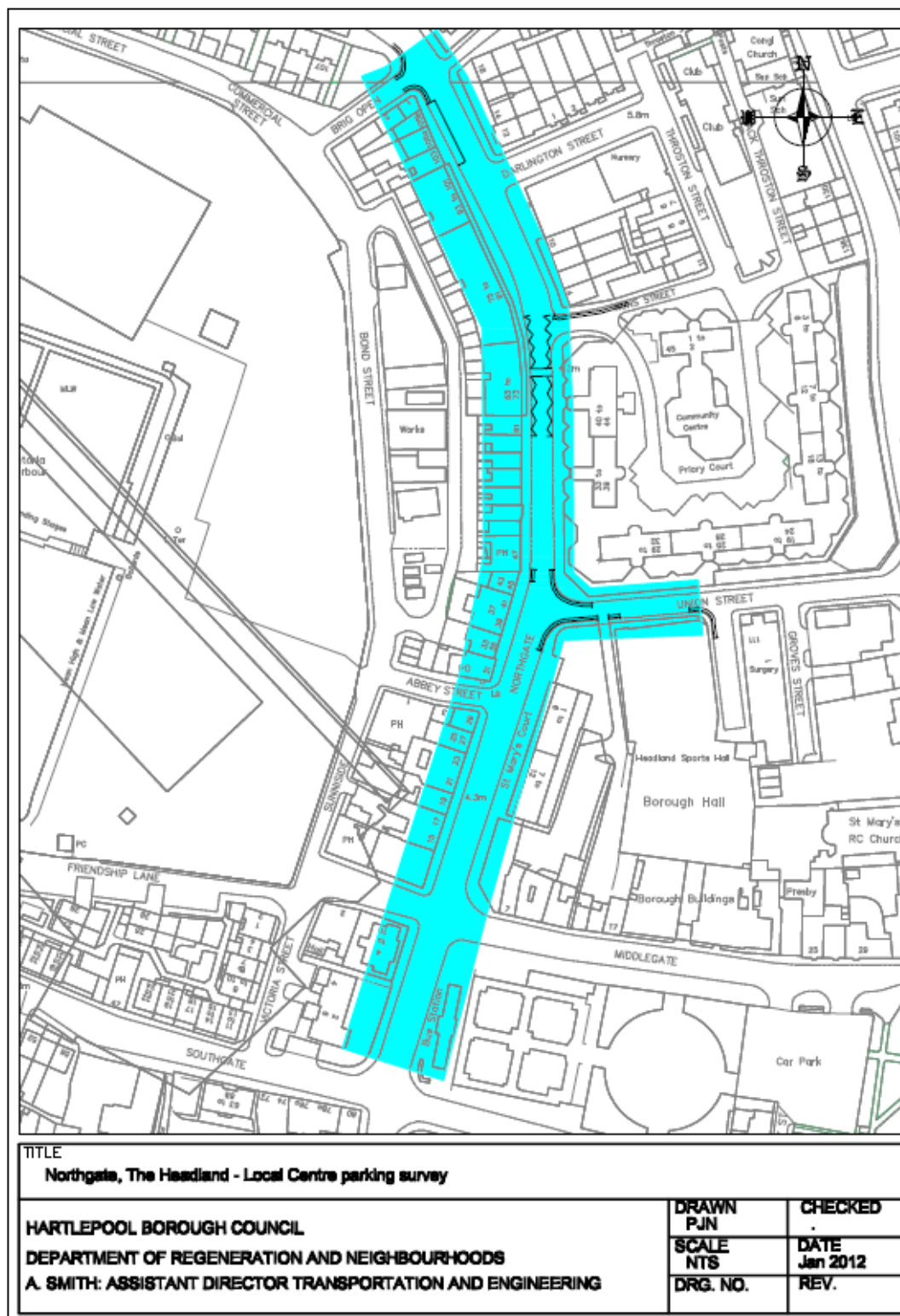
3. Conclusions

- 3.1 It was observed that vehicles park very close to some unregulated junctions, this leads to problems with visibility for pedestrians and other vehicles exiting the side streets. This was particularly evident at the Darlington Street junction, where plans are already under way to restrict parking either side of the junction, which would result in the loss of 2 parking spaces. The Middlegate junction may also benefit from restricting parking around the junction radii.
- 3.2 Parking is mainly centred on the west side of the carriageway between Middlegate and Darlington Street, during the peak period 84% of the capacity was being used, this is close to capacity and may well reach full capacity on another day. 44% of the vehicles recorded were long term parkers.
- 3.3 Overall between 25 – 28% of the parking capacity in the study area was taken up by long term parking. This figure does not indicate that there is a major problem with long term parking, and I would not consider it necessary to implement any time related restrictions in the area, as this may push long term parking into residential areas without suitable alternative parking being provided.

3. CONTACT OFFICER

Peter Nixon (Senior Traffic Technician)
Regeneration and Neighbourhoods (Transportation and Engineering)
Hartlepool Borough Council

Telephone Number 01429 523244
Email: peter.nixon@hartlepool.gov.uk



PLANNING COMMITTEE

3 February 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 A neighbour complaint regarding the parking of commercial vehicles at a residential property on Sedgewick Close.
 - 2 An elected Member complaint regarding the erection of a single storey extension to the side of a commercial property on West View Road on Council owned land.
 - 3 Officer monitoring recorded the erection of an attached single attached garage with a roof covered using Perspex sheets at a property on Ross Grove.
 - 4 A neighbour complaint regarding the provision of an external wood burner flue to a residential property on Valley Drive.
 - 5 A neighbour complaint regarding the erection of a boundary wall to the front not built in accordance with the approved plans linked to an approved change of use and refurbishment works to a former hotel on Stockton Road.
 - 6 A neighbour complaint regarding the erection of formwork to create concrete steps for emergency egress to a newly erected gas pressure reduction unit compound on Marsh House Lane, Greatham, has been investigated. The works in question had been created as an oversight and have been removed. An existing emergency access across a planted area exists on the northern side of the compound.
 - 7 Officer monitoring recorded the erection of rear boundary fence to incorporate council land into the garden of a property on Forester Close.

- 8 A member of the public complaint regarding the erection of a 1.8 metre (6ft) high boundary fence around the rear garden of an end property on Gulliver Road.
- 9 A complaint from a neighbouring commercial operator on Longhill Industrial Estate regarding Lorries queuing on the highway waiting to enter a waste transport depot. As this is a highway related complaint it has been redirected to the Waste and Environmental Services Manager for attention.
- 10 A neighbour complaint and officer monitoring regarding the display of advertisement chalkboards on railings to the front and side of a hotel on Grange Road.
- 11 Officer monitoring recorded the running of a business and permanent residential occupation of a caravan on a caravan park in Dalton Piercy.
- 12 A neighbour complaint regarding building works at a vacant commercial property on Duke Street has been investigated. The works related to a previous planning consent for the installation of a new shop front which had recently expired. A planning application to renew the consent has been submitted and will be reported to this Committee if necessary.

2. RECOMMENDATION

- 2.1 Members note this report.