

PLANNING COMMITTEE AGENDA



Friday 30 March 2012

at 10.00 am

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. MINUTES

- 3.1 To confirm the minutes of the meeting held on 2 March 2012.

4. ITEMS REQUIRING DECISION

- 4.1 Planning Applications – *Assistant Director (Regeneration and Planning)*
1. H/2011/0661 Jesmond Road Primary School, Percy Street (*Page 1*)
 2. H/2011/0662 Jesmond Road Primary School, Percy Street (*Page 7*)
 3. H/2012/0047 Melbourne Hotel, Stockton Road (*Page 15*)
 4. H/2011/0650 Ashfield Caravan Park, Ashfield Farm, Dalton Piercy Road, Dalton Piercy (*Page 19*)
 5. H/2011/0657 Edenbrook, Holdforth Road (*Page 34*)
 6. H/2011/0651 Land at New holm Court (*Page 41*)
 7. H/2012/0083 139 Oxford Road (*Page 45*)
- 4.2 Update on Current Complaints – *Assistant Director (Regeneration and Planning)*
- 4.3 Appeal by Mrs Pauline Crow Site at Crows Meadow Farm, Dalton Back Lane, Billingham, TS22 5PG – *Assistant Director (Regeneration and Planning)*

- 4.4 Appeal Ref: APP/H0724a/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 – *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 Complaints File to be Closed 78 Winterbottom Avenue – *Assistant Director (Regeneration and Planning)*
- 7.2 Complaint Files to be Closed – 72 Annandale Crescent – *Assistant Director (Regeneration and Planning)*

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

9. FOR INFORMATION

Next Scheduled Meeting – Friday 27 April 2012 at 10.00 am in the Council Chamber, Civic Centre

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of Friday 27 April 2012 at 9.30 am

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

2 MARCH 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, Hilary Thompson, Paul Thompson, and Ray Wells.

Officers: Chris Pipe, Planning Services Manager
Jim Ferguson, Planning Team Leader
Kate Watchorn, Commercial Solicitor
Adrian Hurst, Principal Environmental Health Officer
Peter Frost, Traffic Team Leader
Chris Wenlock, Parks and Countryside Manager
Peter Graves, Conservation Officer
Ian Bond, Ecologist
David Cosgrove, Democratic Services Team

131. Apologies for Absence

Councillors Fenwick and Wright.

132. Declarations of interest by members

Councillor G Lilley declared a personal interest in Minute 134 'Planning Applications' H/2011/0643.

Councillor A Lilley declared a personal interest in Minute 134 'Planning Applications' H/2012/0029.

Councillor Wells declared an interest in Minute 134 'Planning Applicationa' H/2011/0643 and left the room during the consderation of the application.

133. Confirmation of the minutes of the meeting held on 3 February 2012

Confirmed.

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

The Assistant Director (Regeneration and Planning) submitted the following applications for determination.

Number:	H/2011/0614
Applicant:	Mr Raymond Liddell 5 St. Bega`s Glade, Hartlepool
Agent:	Peter Gainey Architectural Services, Mr Peter Gainey, 50 Granville Avenue, Hartlepool
Date received:	06/12/2011
Development:	Removal and replacement of shop front, windows and domers and removal of first floor window at rear
Location:	72 THE FRONT HARTLEPOOL
Decision:	Planning Permission Approved. Although the recommendation from officers was to refuse the proposal, the Planning Committee considered the merits of the scheme and disagreed with the recommendation. The Planning Committee considered that the regeneration benefits of improving the visual appearance of the premises outweighed the harm to the conservation area.

The committee considered written representations in relation to this matter.

The applicant, Mr Liddell, was present at the meeting and addressed the Committee.

Number:	H/2011/0643
Applicant:	ENVIRONMENT AGENCY, GLOBAL AVENUE, LEEDS
Agent:	HALCROW GROUP LTD, BUILDING 304, BRIDGEWATER PLACE, BIRCHWOOD BUSINESS PARK, WARRINGTON
Date received:	12/12/2011
Development:	Formation of realigned flood defence embankment, creation of a tidal habitat area and associated works

Location: LAND AT GREATHAM CREEK

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 (GETGMR/100/000RevA, GETGMR/100/002RevA, GETGMR/100/003RevA, GETGMR/100/004RevA, GETGMR/100/005RevA, GETGMR/100/006RevA, GETGMR/100/007RevA, GETGMR/100/008RevA, GETGMR/100/009RevA, GETGMR/100/010, GETGMR/100/011, GETGMR/100/012, GETGMR/100/013) and details received by the Local Planning Authority on 12th December 2011 and the drawing GETGMR/100/001RevA received at the Local Planning Authority on 9th January 2012, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. A) No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

The site is of archaeological interest.
4. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Halcrow dated December 2011.
To implement the scheme successfully and maintain the existing standard of flood protection.
5. The crest level of the new embankments shall be no lower than 4.4m AOD, as detailed on drawing GETGMR100/008RevA accompanying the planning

application.

To maintain the existing minimum standard of flood protection.

6. The development hereby approved shall be carried out having regard to the following:

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

a. human health,

b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

c. adjoining land,

d. groundwaters and surface waters,

e. ecological systems,

f. archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk

assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

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

5. Long Term Monitoring and Maintenance

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

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

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

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

7. Breaching of the current flood embankment to allow tidal inflows to the development shall not be commenced until such time as a scheme to decommission brine wells within the development area has been submitted to, and approved in writing by, the Local Planning Authority. Any such scheme shall be supported by detailed information following Environment Agency guidance on decommissioning boreholes. The scheme shall be fully implemented, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the Local Planning Authority.
There are numerous redundant brine wells within the development area that have not been decommissioned to an appropriate standard. These potentially provide direct pollutant pathways to the underlying Sherwood Sandstone principal aquifer. The brine wells may also connect the Sherwood Sandstone to underlying brine cavities, which may be having an unacceptable impact on this principal aquifer. It is acknowledged that decommissioning works are planned to occur prior to flooding of the development site.
8. Prior to the commencement of any works within 10m of the boundary of the site with the adjacent railway line a working method statement and details of proposed drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority.
In order to ensure that the integrity and operation of the Rail Infrastructure is not affected.
9. Prior to the excavation of any of the areas identified for potential borrow pits on the drawing GETGMR/100/001 RevA, details of the proposed location, extent and depth of excavations and proposals for the subsequent restoration of the

site, including working methodology, timescales, landscaping and aftercare shall be submitted to and approved in writing by the Local Planning Authority. This part of the scheme shall thereafter proceed in accordance with the approved details.

In the interests of the visual amenity of the area and in order to ensure that any issues in relation to the relationship of these works with neighbouring landuses can be addressed.

10. Access/egress for construction traffic shall be from the Tees Road (A178) only. Prior to the commencement of development details of the proposed temporary access arrangement to facilitate access and egress for construction vehicles including any temporary signage and facilities to prevent the deposition of mud/earth or other materials on the highway shall be submitted to and approved in writing by the Local Planning Authority. The agreed arrangements/facilities shall thereafter be implemented and maintained for the duration of the construction phase of the development.
In the interests of amenity and highway safety.
11. Prior to being undertaken details of the proposed works to the Hartlepool Water washout chambers shall be submitted to and approved in writing by the Local Planning Authority.
In the interests of visual amenity.
12. Prior to the construction of the public car park details of its design, location and means of access shall be submitted to and approved in writing by the Local Planning Authority. These details shall include details of related improvement works on the A178, including required road widening and the accommodation of a segregated right turn lane. The car park shall not be constructed unless the improvement works on the A178 are completed.
In the interests of highway safety.
13. Construction works on site shall be restricted to the period April to October (inclusive) in any year. Further, within this period the works on the proposed breaches in the existing embankment shall not be undertaken during the months of June and July in any year.
In the interests of ecology.
14. Prior to the commencement of development a breeding bird survey of the site shall be undertaken and be approved in writing by the Local Planning Authority. This shall identify the presence of breeding birds and measures to minimise any disturbance to the birds arising from the works. The works shall thereafter proceed in accordance with the measures so identified in the survey.
In the interests of ecology.
15. Following the completion of the construction phase of the development the area identified on the approved plan (GETGMR/100/001 RevA) as the proposed site compound shall be restored in accordance with a scheme and timetable first submitted to and approved in writing by the Local Planning Authority.
In the interests of visual amenity.

The committee written considered representations in relation to this matter.

A representative of the Environment Agency's consultants, Halcrow Group Limited was present at the meeting and responded to Members questions.

Number: H/2012/0015

Applicant: Mr Brendon Colarossi
Hartlepool Borough Council Engineering
Consultancy, Hanson House, HARTLEPOOL

Agent: Hartlepool Borough Council ,Mr Brendon Colarossi
Engineering Consultancy, Hanson House, Hanson
Square, HARTLEPOOL

Date received: 20/01/2012

Development: Restoration and re-establishment of groynes to front
of Town Wall

Location: Town Wall Southgate, HARTLEPOOL

Decision: **Minded to APPROVE however due to outstanding
publicity delegate the final decision to the
Planning Services Manager. Should any
objection be received delegate the final decision
to the Planning Services Manager in consultation
with the Chair of the Planning Committee**

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. Construction of the development hereby approved shall be carried out during the months of April to September inclusive only and at no other time unless otherwise agreed in writing by the Local Planning Authority.
In the interests of biodiversity.
3. The construction of the development hereby approved shall only be carried out between the hours of 7.30 and 19.00 Mondays to Fridays inclusive, 7.30 and 16.00 Saturdays and at no other time on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
4. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - (1) the parking of vehicles of site operatives and visitors;
 - (2) loading and unloading of plant and materials;
 - (3) storage of plant and materials used in constructing the development;
 - (4) the erection and maintenance of security hoarding;
 - (5) wheel washing facilities;
 - (6) measures to control the emission of dust and dirt during construction;
 - (7) turning on site of vehicles;
 - (8) the location of any site huts/cabins/offices;

- (9) the phasing of construction and subsequent access routes for HGV's, including estimated number of movements and duration together with the installation of temporary signage as appropriate on the highway network to direct construction traffic;
 - (10) details of proposed temporary lighting;
 - (11) details of isolated drainage systems for foul water to prevent discharge to surface or groundwater;
 - (12) details of containment measures for fuels, oils and chemicals;
 - (13) plans to deal with accidental pollution.
- To ensure the site is developed in a satisfactory manner.
5. The development hereby permitted shall be carried out in accordance with the plan and details received by the Local Planning Authority on 10/01/2012 (Drg.No. PR461/PA), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
 6. Final and large scale details, including separate cross sections of the three proposed groynes, showing the extent of the proposed proposed works for each groyne and location of the steps shall be submitted to and approved by the Local Planning Authority before development commences. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity and the character and appearance of the Conservation Area and the Town Wall.

Number: H/2012/0029

Applicant: Mr Chris Wenlock
Hartlepool Borough Council, Church Street Offices,
1 Church Street, Hartlepool

Agent: Hartlepool Borough Council, Mr Steven Wilkie,
Lynn Street, Hartlepool

Date received: 18/01/2012

Development: Change of use of Stranton Lodge to cafe with
proposed associated structural alterations and
extension, regularisation of the public retail element
of Stranton Nursery and associated car parking,
access road, lighting and landscaping

Location: STRANTON GARDEN NURSERY, TANFIELD
ROAD, HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plans numbered 315/03/01, 315/03/02 rev J, 315/03/03 rev C, 315/03/04, 315/03/10, 315/03/L001, 315/03/L003, BA3472PRO, BA3472AIA, BA3472TP and BA3472TS and details received by the Local Planning Authority on 18-01-2012 and plan 315/03/05 rev A received 31-01-2012 unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
4. The cafe shall only be open to the public between the hours of 08:30hrs and 16:30 hrs Mondays to Saturdays and 08:30hrs and 12:00hrs (noon) on Sundays and Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
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. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
7. Prior to commencement of the development hereby approved, further details of all lighting shall be submitted to and approved in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
8. The lighting units shall be fixed at all times to ensure that light is directed away from residential properties.
In the interests of the amenities of the occupants of neighbouring properties.
9. Before the cafe is brought into use the hereby approved car parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.
In the interests of highway safety.

The committee considered written representations in relation to this matter.

The applicant, Mr Chris Wenlock, was present at the meeting and responded to Members questions.

Number: H/2012/0056

Applicant: Mr Chris Wenlock
Hartlepool Borough Council, 1 Church Street,
HARTLEPOOL

Agent: Hartlepool Borough Council, Mr Steven Wilkie, Bryan
Hanson House, Lynn Street, HARTLEPOOL

Date received: 31/01/2012

Development: Change of use to horticultural depot to accommodate
the relocation of local authority horticultural depot,
internal storage for vehicles, equipment and materials

Location: Former Focus DIY Store Lynn Street, HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The use hereby approved shall be discontinued and the land restored to its former condition on or before 2 March 2017 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority, unless the prior written consent of the Local Planning Authority has been obtained to an extension of this period.
To enable the Local Planning Authority to assess the use in the light of experience.
2. The development hereby permitted shall be carried out in accordance with the plans and details Drg No(s) 110-01-01, 110-01-02, 110-01-03, 110-01-04, 110-01-05, 110-01-06, 110-01-L001 and 110-01-L002 received by the Local Planning Authority on 31 January 2012, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. No activity likely to cause nuisance by burning, dust or fumes/odours, or any activity that may otherwise interfere with the amenities of the surrounding area shall be carried out without the prior written consent of the Local Planning Authority.
In the interests of the amenities of the surrounding area.
4. Final details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed details shall be implemented prior to the operation of the hereby approved use.
In the interests of promoting sustainable transport.
5. Final details of the tarp system to cover the concrete storage bays shall be submitted and approved in writing by the Local Planning Authority. Thereafter the agreed details shall be implemented prior to the operation of the hereby approved use.
In the interests of visual amenity and neighbouring residential properties.

6. Prior to commencement of use a management plan/agreement to control access of depot vehicles to/from the accesses onto Reed Street and Surtees Street shall be submitted and approved in writing by the Local Planning Authority. Thereafter the site shall be operated in accordance with the approved management plan/agreement.
In the interests of the amenities of nearby residential properties.
7. The access onto Lynn Street shall be used solely for general cars/vehicles and not be used by depot vehicles.
In the interests of the amenities of nearby residential properties.

The applicant, Mr Chris Wenlock, was present at the meeting and responded to Members questions.

135. Appeal Ref: APP/H0724/A/11/2161037 Site at: The Grange, Piercy Farm, Dalton Piercy, Hartlepool
(Assistant Director (Regeneration and Planning))

The Planning Services Manager reported that a planning appeal had been lodged against Hartlepool Borough Council against seventeen planning conditions attached to planning permission H/2011/0232 (erection of a portico to main entrance, creation of bedroom above garage and installation of velux rooflight in garage roof (retrospective application)). The conditions appealed related to an occupancy restriction on the house, removing permitted development rights from the site, restrictions on the business operation of the livery, conditions outlining the site area and a number of conditions attached to previous planning approvals at the site which have failed to be discharged.

The appeal was determined by Written Representations and was allowed. A copy of the Inspector's decision was submitted for Members information.

Decision

That the report be noted.

136. Appeal Ref: APP/H0724/C/11/2164176 Unauthorised Erection of a Garage to Front of Property Cameron Lodge, Serpentine Road, Hartlepool – Assistant Director (Regeneration and Plan (Assistant Director (Regeneration and Planning))

The Planning Services Manager reported on the outcome of an Enforcement Appeal in relation to the unauthorised erection of a garage to front of Cameron Lodge, Serpentine Road which was determined by written representations. The appeal was dismissed and the Enforcement Notice upheld. A copy of the Inspector's decision was submitted for Members information.

Decision

That the report be noted.

137. Appeal Ref: APP/H0724/A/11/2162025 Joe's Skips, Brenda Road, Hartlepool (*Assistant Director (Regeneration and Planning)*)

The Planning Services Manager reported that a planning appeal has been determined in relation to the refusal of the Local Planning Authority to grant planning permission for the 'change of use' to a waste transfer station / recycling facilities and associated works (re-submitted application) at Joe's Skips, Brenda Road.

The appeal had been refused for the following reasons:

"It is considered that the proposed waste transfer station/recycling facility is sited outside of the area allocated for 'Bad Neighbour Uses' and would be detrimental to the amenities and living conditions of nearby residential properties contrary to policies GEP, Ind5 and Ind6 of the adopted Hartlepool Local Plan 2006."

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

The appeal was decided by the written representations procedure and had been allowed subject to conditions. The appellant was also awarded costs. Copies of the Inspector's letters were submitted. The Planning Services Manager indicated that in her view the application had been allowed with very 'light touch' conditions that could prove to be difficult to enforce.

Members questioned the Environment Agency's involvement and whether they had issued a licence for the site. The Planning Services Manager indicated that the EA had supported the council's initial refusal and had not yet granted a licence, though an application had been received.

Decision

That the report be noted.

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

The Committee's attention was drawn to thirteen current ongoing issues

which were being investigated. Any developments would be reported to a future meeting if necessary.

Councillor H Thompson sought further details of issue 1.
Councillor James sought further details of issue 5.
Councillor G Lilley sought further details of issue 6

Decision

That the report be noted.

139. Any Other Items which the Chairman Considers are Urgent

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

140. Complaints Update Report (*Assistant Director (Regeneration and Planning)*)

The Planning Services Manager tabled a report providing Members with an update on complaints received by the Planning Team at the request of the Chair of the Planning Committee.

The Planning Services Team received complaints on a daily basis, some of which were not related to planning or were not a planning breach. The Council had one Enforcement Officer in relation to dealing with potential planning breaches, however, during 2011 many planning officers had been involved in investigating complaints due to long term sickness of the Enforcement Officer.

Within the last 12 months 270 complaints had been received by the Planning Department, 91% of these complaints had been resolved within 4 months of being registered (which was the target set for dealing with complaints) or were pending, however, were still within target. Given the staffing issues associated with the team and the workload of officer's this was considered to be a significant achievement.

The Council procedure for dealing with planning complaints and enforcement procedures could be viewed on the council's website.

The Chair wished to record his thanks for the work undertaken by the team and the maintenance of the excellent performance indicators.

Decision

That the report be noted.

141. 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 paragraph 5 and 6 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, namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (para 5) and, Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6).

Minute 142 – Complaint Files to be Closed - 1 Whittrout Road , Hartlepool

Minute 143 – Enforcement Action: 72 The Front, Seaton Carew

Minute 144 – Enforcement Action – 301 Stockton Road, Hartlepool

142. Complaint Files to be Closed - 1 Whittrout Road , Hartlepool (Assistant Director (Regeneration and Planning)) (Exempt by virtue of paragraphs 5 and 6)

The Planning Services Manager sought member's authority to close an outstanding complaint case relating to 1 Whittrout Road, Hartlepool.

Decision

That the complaint file be closed and no further action be taken.

143. Enforcement Action: 72 The Front, Seaton Carew (Assistant Director (Regeneration and Planning)) (Exempt by virtue of paragraphs 5 and 6)

In light of the planning application H/2011/0614 relating to this property which was approved by the Committee earlier in the meeting (Minute no. 134 refers), the Planning Services Manager withdrew the report.

Decision

That the report be withdrawn and no further action be taken.

144. Enforcement Action – 301 Stockton Road, Hartlepool (Assistant Director (Regeneration and Planning)) (Exempt by virtue of paragraphs 5 and 6)

The Planning Services Manager sought member's authority for enforcement action, should this be required, in respect of the unauthorised use of 301 Stockton Road as a hostel.

Decision

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

145. Any Other Items which the Chairman Considers are Urgent

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

Planning Services Structure

The Planning Services Manager submitted for Members information a structure chart for the Planning Services Division including officer contact details.

Member Training

The Planning Services Manager informed Members that she had been requested to arrange two Member Training events for the new Council following the elections on 3 May 2012. The training events would be held on 14 May 2012 and would be timed to allow the maximum numbers of Members to attend. Members were reminded that if they had attended a training session last May, there was no need to attend the training scheduled for this May in order to qualify for membership of the Planning Committee as the code of conduct required attendance at a full training event every two years. This did not, of course, preclude Members attending the training as a 'refresher' of their knowledge.

Locally Listed Buildings

The Planning Services Manager advised members that a Local List identifying buildings, structures, parks, gardens and open spaces thought to be of special local architectural or historic interest had been agreed by the Portfolio Holder and published. A copy of the document "Locally Listed Buildings In Hartlepool" would be placed in the Members' Room.

Decision

That the report be noted.

The meeting concluded at 12.10 p.m.

CHAIR

No: 1
Number: H/2011/0661
Applicant: Gillamoor Mill Gillamoor York North Yorkshire YO62 7JU
Agent: Napper Architects Napper Architects 3 Waterloo Square
 Newcastle upon Tyne NE1 4DR
Date valid: 16/01/2012
Development: Residential development comprising conversion of former school to 38 apartments including conversion of former play shelter to refuse/recycling store and cycle store, provision of parking areas and landscaping including vehicle access from the existing highway, adaption of the existing boundary wall/fence, demolition of existing toilet blocks flanking main entrance and free standing block to northern boundary, removal of the existing canopy to the east elevation.
Location: JESMOND ROAD PRIMARY SCHOOL PERCY STREET
 HARTLEPOOL

The Application and Site

1.1 The application site is the former Jesmond Road Primary School which closed in July 2011.

1.2 Jesmond Road School is designated Grade II listed. The listing describes the building as a good example of a late board school built in a lively and well detailed Queen Anne style. The main building incorporating specialist blocks along with its ancillary structures including boundary walls, master's house and a play shed, these illustrate the range of building types and functions on a typical board school site.

1.3 Historical records show that the footprint of the building remains as built with the exception of small toilet blocks attached to the south west and south east corners of the main façade.

1.4 The former school building stands at the centre of the plot bounded by a red brick perimeter wall, pierced by three main entrances flanked by plain brick piers. The entrances have scrolled terracotta plaques denoting infant, boys and girls with direct access to their respective playgrounds. Original railings have been replaced with modern metal screens. A two-storey, two bay masters house in grey/red brick, with a pyramidal roof surmounted by a tall central chimney occupies the south east corner of the site; all of its windows and doors are modern replacements and it retains the original school bell on its north elevation. An original six bay play shed with a hipped roof of slate is situated within the former infant yard to the northwest.

1.5 The main school building is roughly rectangular in plan. The building comprises two and three storey ranges with shaped gables constructed of grey/red brick with dressings, including flat arches and bands, in red glazed brick and terracotta. Windows are mostly original timber sliding sashes. Roofs are pitched with slate covering and have multiple prominent chimney stacks.

1.6 Internally, the original plan of the school is retained with a large central hall on each floor, the lower hall having an inserted glass and timber partition. Each hall is flanked by five classrooms on each long side and separated from the hall by original wooden and glass partitions. Stairs to the upper floors are simple with original full height cupboards on each landing.

1.7 The surrounding area is predominately residential characterised by terraced properties to the south on Percy Street and to the north Everett Street, north cemetery is to the east.

The application

1.8 The proposal seeks to convert the former school to 38 apartments comprising 11 x 1 bedroom deck apartments, 5 x 1 bedroom apartments, 1 x 1 bedroom 2 storey apartment and a 1 x 2 bedroom deck apartment on the ground floor and 14 x 1 bedroom deck apartments, 2 x 1 bedroom apartment and 2 x 1 bedroom 2 storey apartment on the first floor and a 2 x 1 bedroom apartment on second floor. The works include the insertion or re-instatement of windows.

1.9 The works include the demolition of two toilet blocks on the south east and south west elevation facing Percy Street and a small single storey block facing onto Everett Street. These are of a modern design and have a negative impact upon the Victorian architectural design and character of a listed building. Much of the character of the existing building is evident in features such as half tiling to the stairways, parquet floors, fireplaces, terracotta plaques, and glazed and hardwood partitions. These will be retained and preserved wherever possible to ensure the history of the building becomes part of the fabric of the new development. A new central staircase is to be added to allow access to the upper floor flats.

1.10 The existing playhouse will be converted into a secure refuse/recycling and cycle store. Parking areas will be provided within the site, with boundary fencing/railings being renewed or repaired where necessary. The school masters house within the site remains unchanged.

Related application

1.11 H/2011/0662 Listed Building Consent for residential development comprising conversion of former Jesmond Road School to 38 apartments including conversion of former play shelter to refuse/recycling and cycle stores, provision of parking areas and landscaping. The demolition of toilet blocks (2) facing Percy Street and free standing block (1) facing Everett Street.

1.12 The above application for listed building consent is also before members on this agenda for consideration.

Publicity

1.13 The application has been advertised by site notice, press advert and neighbour notification (36). There has been 1 letter of objection raising the following concerns:-

- The appearance of a refuse store facing the main road would be unsightly, and not in keeping with the overall image of Percy Street;
- The noise associated with the recycling would be excessive;
- The store is south facing and therefore at risk of foul smells;
- If motorcycles use the store noise pollution from running engines would be unacceptable;
- The entrances for these stores should be made on the otherside facing into the car park

Copy letter C

The period for publicity has expired.

Consultations

1.14 The following consultation replies have been received:

Engineering Consultancy – No objection subject to a Section 80 Notice for the demolition works.

Traffic & Transportation – There should be a minimum 6 metre carriageway width between parking bays, this has not been provided in the primary car park in the vicinity of the disabled bays. Construction details of the new vehicular access should be provided prior to the commencement of works. The junction works should be carried out by a NRASWA accredited contractor. The existing pedestrian barrier and school zig zags on Everett Street and Jesmond Road should be removed at the developers expense. A joint inspection of the surrounding highway should be carried out with a Highway Inspector prior to the commencement of the works.

Public Protection – No objection

Landscape & Conservation – The property is grade II listed building. There are no objections to the proposal subject to detailed conditions. There are a number of trees within the site which require protection during construction works. A landscaping scheme is required this can be achieved by condition.

A site inspection was carried out by the Council Ecologist in 2010 to establish whether or not any proposals for its development/demolition would require a bat survey. It was concluded that a bat survey was not required, although an informative to advise the applicant of the protected status of bats and what action to take should they be discovered during works is to be added as an informative.

Hartlepool Civic Society – Pleased that the listed building is to be re-used. On balance think it is a good scheme and hope it will attract buyers and the finished apartments will enhance the area and will become a desirable place to live.

Property Service – No objection

Housing – No objection

Northumbrian Water - No objection

Police – The proposed development is located on the boundary of two wards Dyke House and Throston. Volume of crime in vicinity of the development is higher than average with particular offences of burglary, criminal damage and vehicle crime being recorded. There is also a risk of crime during construction. It is advised that the developer seeks to achieve a Secured by Design accreditation or at least apply the principles of Secured by Design where appropriate.

Planning Policy

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

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

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

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

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

HE8: States that traditional materials and sympathetic designs should be used in works to listed buildings and to adjoining or nearby properties affecting the setting of the building. These should be in keeping with the character and special interest of the building. Those internal features and fittings comprising an integral part of the character of the building should be retained where practical. Alterations to part of a listed building will only be approved where the main part of the building is preserved or enhanced and no significant features of interest are lost.

Hsg3: States that the Council will seek to tackle the problem of imbalance of supply and demand in the existing housing stock through programmes of demolition, redevelopment, property improvement and environmental and street enhancement works. Priority will be given to West Central and North Central areas of the town.

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

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

Rec2: Requires that new developments of over 20 family dwellings provide, where practicable, safe and convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

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

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.

The following national planning guidance is particularly relevant to the determination of this application:

- Planning Policy State (PPS)1: Delivering Sustainable Development
- PPS3: Housing
- PPS5: Planning for the historic environment

Planning Considerations

1.16 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, the impact of the development upon the amenities of the adjacent residential properties, the street scene in general and highway safety. The impact the proposal has on the building itself, which is a listed building is a significant consideration.

1.17 For the most part the proposal appears acceptable however there are a number of outstanding issues that need to be addressed. It is anticipated that these will be finalised prior to the meeting. A comprehensive update will follow.

RECOMMENDATION – Update report to follow.



JESMOND ROAD PRIMARY SCHOOL



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

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Scale: 1:1000

Date : 19/3/12

Drg No: H/2011/0661.

H/2011/0662

Drawn: GS

No: 2
Number: H/2011/0662
Applicant: Gillamoor Mill Gillamoor York North Yorkshire YO62 7JU
Agent: Napper Architects 3 Waterloo Square Newcastle upon Tyne NE1 4DR
Date valid: 16/01/2012
Development: Listed Building Consent for residential development comprising conversion of former Jesmond Road School to 38 apartments including conversion of former play shelter to refuse/recycling store and cycle store, provision of parking areas and landscaping including vehicle access from the existing highway, adaption of the existing boundary wall/fence, demolition of existing toilet blocks flanking main entrance and free standing block to northern boundary; removal of the existing canopy to the east elevation.
Location: JESMOND ROAD PRIMARY SCHOOL PERCY STREET HARTLEPOOL

The Application and Site

2.1 The application site is the former Jesmond Road Primary School which closed in July 2011.

2.2 Jesmond Road School is designated Grade II listed. The listing describes the building as a good example of a late board school built in a lively and well detailed Queen Anne style. The main building incorporating specialist blocks along with its ancillary structures including boundary walls, master's house and a play shed, these illustrate the range of building types and functions on a typical board school site.

2.3 The school was designed by architect E. Percy-Hinde of Liverpool (1864-1952) who won a competition to design the school 1895. Construction for the school started in 1902 and the school opened on 7 September 1903. Originally the school was 'all age' for up to 600 children. Later it became a separate infants (groundfloor) and junior (first floor). In the 1990s the school became a primary school, the school relocated to a new building at Jesmond Gardens in 2011.

2.4 Historical records show that the footprint of the building remains as built with the exception of small toilet blocks attached to the south west and south east corners of the main façade.

2.5 The former school building stands at the centre of the plot bounded by a red brick perimeter wall, pierced by three main entrances flanked by plain brick piers. The entrances have scrolled terracotta plaques denoting infant, boys and girls with direct access to their respective playgrounds. Original railings have been replaced with modern metal screens. A two-storey, two bay masters house in grey/red brick, with a pyramidal roof surmounted by a tall central chimney occupies the south east

corner of the site; all of its windows and doors are modern replacements and it retains the original school bell on its north elevation. An original six bay play shed with a hipped roof of slate is situated within the former infant yard to the northwest.

2.6 The main school building is roughly rectangular in plan. The building comprises two and three storey ranges with shaped gables constructed of grey/red brick with dressings, including flat arches and bands, in red glazed brick and terracotta. Windows are mostly original timber sliding sashes. Roofs are pitched with slate covering and have multiple prominent chimney stacks.

2.7 Internally, the original plan of the school is retained with a large central hall on each floor, the lower hall having an inserted glass and timber partition. Each hall is flanked by five classrooms on each long side and separated from the hall by original wooden and glass partitions. Stairs to the upper floors are simple with original full height cupboards on each landing.

2.8 The surrounding area is predominately residential characterised by terraced properties to the south on Percy Street and to the north Everett Street, north cemetery is to the east.

The application

2.9 The proposal seeks to convert the former school to 38 apartments comprising 11 x 1 bedroom deck apartments, 5 x 1 bedroom apartments, 1 x 1 bedroom 2 storey apartment and a 1 x 2 bedroom deck apartment on the ground floor and 14 x 1 bedroom deck apartments, 2 x 1 bedroom apartment and 2 x 1 bedroom 2 storey apartment on the first floor and a 2 x 1 bedroom apartment on second floor. The works include the insertion or re-instatement of windows.

2.10 The works include the demolition of two toilet blocks on the south east and south west elevation facing Percy Street and a small single storey block facing onto Everett Street. These are of a modern design and have a negative impact upon the Victorian architectural design and character of a listed building. Much of the character of the existing building is evident in features such as half tiling to the stairways, parquet floors, fireplaces, terracotta plaques, and glazed and hardwood partitions. These will be retained and preserved wherever possible to ensure the history of the building becomes part of the fabric of the new development. A new central staircase is to be added to allow access to the upper floor flats

2.11 The existing playhouse will be converted into a secure refuse/recycling and cycle store. Parking areas will be provided within the site, with boundary fencing/railings being renewed or repaired where necessary. The school masters house within the site remains unchanged.

Related application

2.12 H/2011/0661 Residential development comprising conversion of former Jesmond Road School to 38 apartments including conversion of former play shelter to refuse/recycling and cycle stores, provision of parking areas and landscaping.

The demolition of toilet blocks (2) facing Percy Street and free standing block (1) facing Everett Street.

2.13 The above application for planning permission for the works is also before members on this agenda for consideration.

Publicity

2.14 The application has been advertised by site notice, press advert and neighbour notification (36). No objections has been received.

2.15 The period for publicity has expired.

Consultations

2.16 The following consultation replies have been received:

Conservation Officer – The property is grade II listed building. There are no objections in principle to the proposal subject to detailed conditions.

English Heritage – No objection to the proposal subject to an archaeological record of the building prior to the conversion works being carried out.

Tees Archaeology – No objection fully support the proposal for conversion, the applicant has provided a full photographic inventory.

Civic Society – Pleased that the listed building is to be re-used. On balance think it is a good scheme and hope it will attract buyers and the finished apartments will enhance the area and will become a desirable place to live.

Planning Policy

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

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

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

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

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

HE8: States that traditional materials and sympathetic designs should be used in works to listed buildings and to adjoining or nearby properties affecting the setting of the building. These should be in keeping with the character and special interest of the building. Those internal features and fittings comprising an integral part of the character of the building should be retained where practical. Alterations to part of a listed building will only be approved where the main part of the building is preserved or enhanced and no significant features of interest are lost.

Hsg3: States that the Council will seek to tackle the problem of imbalance of supply and demand in the existing housing stock through programmes of demolition, redevelopment, property improvement and environmental and street enhancement works. Priority will be given to West Central and North Central areas of the town.

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

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

Rec2: Requires that new developments of over 20 family dwellings provide, where practicable, safe and convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

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

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.

2.18 The following national planning guidance is particularly relevant to the determination of this application:

- Planning Policy Statement (PPS)1: Delivering Sustainable Development
- PPS3: Housing
- PPS5: Planning for the historic environment

Planning Considerations

2.19 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 the impact of the development on the character and appearance of the listed building.

2.20 In terms of national policy, Planning Policy Statement (PPS5) states; *‘there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss has cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage assets or development within its setting’*

2.21 In this instance the designated heritage asset is the grade II listed school. The listing includes the Masters House, covered Play Shed and boundary wall to the site. The significance of the asset can be found in the composition of buildings on site, which has altered little since they were constructed. Internally the significance of the building can be found in the original internal arrangements that remain and the original fixtures and fittings which can still be found in the building. The open spaces of the halls to the ground and first floor remain, flanking either side of these are a number of classrooms. The classrooms are partitioned with timber and glazed screens some of which are moveable. Smaller details such as original shelving and cupboards are retained throughout the building.

2.22 Policy HE8 of the adopted Hartlepool Local Plan advises that alterations to listed buildings should be in keeping with the character and special interest of the listed building. The issue of the impact of the proposed alterations on the listed building are considered below.

2.23 Externally the alterations will be relatively minimal and restore some of the features which have been lost or which are deteriorating.

2.24 There are a number of new windows to be added at ground floor including the reinstatement of windows, alterations and repairs to existing external openings.

2.25 New stairs will be introduced into the hall space as access for the flats. A standard arrangement has been used for the majority of the classrooms to convert these into one bedroom flats. The arrangement will retain the classroom space with the use of a mezzanine floor to create a bedroom area over the main living space. The rooms will be extended into the halls adjacent to the classrooms to provide space for a bathroom and lobby with a study area over. In each of these rooms the

glazed screens between the classrooms will be retained in situ with stud walls either side to protect them. It is disappointing that the central halls will be reduced in size, although those on the ground floor have been compromised by some subdivision already. It is accepted that it is difficult to achieve a viable scheme for the property without this encroachment. The proposed design does enable evidence of the key circulation spaces to be seen in the building.

2.26 New openings will be made in the boundary to the Percy Street side of the site and the opening to the Jesmond Road boundary of the site is to be closed.

2.27 The proposed demolition works on the site are considered acceptable, the demolition of the toilet blocks facing onto Percy Street and the single block facing onto Everett Street are modern additions to the building which do not reflect the character of the listed building but are functional extensions to the property. The proposed alterations to the play shed to use as a refuse cycle store is considered to be an innovative use of this important structure and subject to the final details for the timber boarding it is considered acceptable.

2.28 The masters house is proposed to be retained as a separate dwelling with its own garden. No internal or external alterations are proposed.

2.29 The Conservation Officer raises no objection to the proposals subject to conditions which will ensure that the details of the conversion will respect the character and appearance of the listed building.

2.30 English Heritage raises no objection to the proposal subject to an archaeological record of the building being made. The applicant has provided a comprehensive photographic record of the building both internally and externally.

Conclusion

2.31 It is considered that the proposal, by encouraging investment into the area will have a positive impact. It will allow for the continued use of a prominent listed building to be brought back into use and retained. It is recommended that the application is approved.

RECOMMENDATION – APPROVE – subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the existing plan(s) No(s) AD(0)11, AD(0)12, AD(0)13, AD(0)14 AD(0)15 and proposed plan(s) No(s) AD(0)01, AD(0)02 Rev.2, AD(0)03, AD(0)04, AD(0)05, P1831/amr/1 subm.01 P1831/amr/5 subm.01 received by the Local Planning Authority on 20 December 2011 and Plan No AD(0)16 and amended Design and Access statement received by the Local Planning Authority on 16 January 2012, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

3. Notwithstanding the details submitted, prior to the commencement of the development hereby approved a method statement for the demolition of the toilet blocks (2) facing Percy Street and the single block facing Everett Street including details of how the remaining fabric of the building and the boundary treatment on Everett Street will be made good shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details approved. In the interests of the character and appearance of the listed building.
4. No development shall commence until large scale details of how the glazed panels within the proposed flats will be covered including materials to be used and method of fixing on both sides has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details so approved. In the interests of the character and appearance of the listed building.
5. Prior to the commencement of any works in connection with the installation of the new central staircase large scale details of the design including a method statement detailing:
 - 1) the materials to be used;
 - 2) how the opening is to be formed up to the first floor level;
 - 3) how the opening will be made good;
 should be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in accordance with the details so approved. In the interests of the character and appearance of the listed building.
6. No development shall commence until large scale sections and elevations detailing all new external and internal doors, all new windows and sills, new stairs and mezzanine platform including method of fixing to be installed into the flats including materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details so approved. In the interests of the character and appearance of the listed building.
7. No development shall commence until a schedule of works is submitted and approved in writing by the Local Planning Authority for the following:
 - a) treatment of flooring to flats;
 - b) treatment of flooring to communal spaces including hallways and stairs;
 - c) wall treatment to flats, hallways and stairs;
 - d) treatment of cupboards to hallways, flats and stairs including how they will be utilised;
 - e) details of entrance arrangements to flats including method of installation of any intercom equipment;
 Thereafter, the approved scheme shall be implemented in accordance with the details so approved. In the interests of the character and appearance of the listed building.

8. No development shall commence until details of boundary railings and gates, including where possible the cleaning and reusing of existing railings have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in accordance with the details so approved.
In the interests of the character and appearance of the listed building.
9. Notwithstanding the submitted details prior to the commencement of the development hereby approved details of the timber boarding and gates to the approved refuse/cycle store including method of fixing shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details so approved.
In the interests of the character and appearance of the listed building.
10. Large scale details shall be submitted to and approved in writing with the Local Planning Authority for any new boundary treatment including materials for the Masters House. Thereafter, the approved scheme shall be implemented in accordance with the details so approved.
In the interests of the character and appearance of the listed building.
11. Prior to the development hereby approved being brought into use details of the car parking areas including surface materials and marking of bays shall be submitted to and approved in writing to the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details so approved.

In the interests of the character and appearance of the listed building.
12. No development shall commence until details of ventilation and extraction equipment serving the kitchens and bathrooms shall be submitted to and approved in writing to the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details so approved.
In the interests of the character and appearance of the listed building.
13. No development shall commence until a schedule of works for any proposed repairs to the building has been submitted to and approved in writing by the Local Planning Authority. The repairs shall thereafter be undertaken strictly in accordance with the schedule as approved.
In the interests of the character and appearance of the listed building.

No: 3
Number: H/2012/0047
Applicant: HARTLEPOOL NDC TRUST STOCKTON ROAD
 HARTLEPOOL TS25 1RL
Agent: HARTLEPOOL NDC TRUST MELBOURNE HOTEL
 STOCKTON ROAD HARTLEPOOL TS25 1RL
Date valid: 17/02/2012
Development: Alterations to front dividing wall, removal and renewal of
 wrought iron railings and gates to front boundary wall and
 installation of new handrail
Location: MELBOURNE HOTEL STOCKTON ROAD
 HARTLEPOOL

The Application and Site

3.1 The application site is the Melbourne Hotel located on the west side of Stockton Road, close to the Burn Valley roundabout.

3.2 This three storey property, which has been in use as a hotel for a number of years, is a large semi detached building similar in size to the two properties to the north and the attached property. It is believed that the attached property and the two to the north are in residential use. There are houses opposite on Stockton Road and to the rear in Marske Street with commercial uses to the south in Stockton Road including a club and a vets practice.

3.3 The building, which has fallen into disrepair over recent times, has a front garden/forecourt with pedestrian access onto Stockton Road and vehicular access to the rear via the wide back street shared with properties on Marske Street.

3.4 Planning consent was granted in 2011 (H/2011/0114) for refurbishment works to the hotel in order for it to be brought back into use and to meet current standards for this type of property.

3.5 The works included the erection of a boundary wall between the hotel and the attached residential property (18 Stockton Road) to the front. This permission granted consent for a 2m high brick wall extending from the main front elevation of the property stepping down to 1m in height where it meets the existing front boundary wall adjacent to Stockton Road.

3.6 As a result of a complaint it was noted by the Councils Enforcement Officer that the works differ from those approved. As further works requiring planning consent were proposed, a second planning application was submitted.

3.7 This current application proposes amendments to the side wall together with the provision of replacement gate piers and railings and hand rail to the front steps.

3.8 At the time of the site visit most of the works had been completed apart from the hand rail adjacent to the steps and the front gates.

Publicity

3.9 The application has been advertised by way of neighbour letters (13). To date, there have been one letter of no objection and 6 letters of objection.

3.10 The concerns raised are:

- 1) Height of the wall.
- 2) Have not been consulted by the property owner.
- 3) The builder has gone ahead with the works which are unsightly and detrimental to the amenities of the open plan layout for the front gardens of the residential properties.
- 4) The wall should be reduced significantly.

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3.11 The period for publicity has expired.

Consultations

3.12 The following consultation replies have been received:

Traffic and Transportation – No objections in terms of highway safety

Planning Policy

3.13 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.

Planning Considerations

3.14 The main planning considerations in this particular case are the appropriateness of the proposals in terms of the policies and proposals contained

within the adopted Hartlepool Local Plan, the impact of the development on neighbouring properties and the street scene in terms of visual amenity and highway safety.

3.15 The current works to the hotel have been ongoing since last year when planning consent was granted. It is considered that the works carried out to date have made a significant difference to the appearance of the property and a positive contribution to the street scene in general.

3.16 The new gate piers and railings to the front of the property are considered to be appropriate for this type of property and are similar in size and design to the ones that were replaced.

3.17 Due to the change in levels in the front garden the new hand rail to the steps was considered to be necessary to improve safety for visitors to the front of the hotel. Level access is available to the rear of the site.

3.18 With regard to the boundary wall between the hotel and the attached dwelling, it should be noted planning consent would not be required for a boundary wall up to 2 metres in height provided that it was reduced in height to 1 metre within 2 metres of the front boundary wall.

3.19 The wall in question has been erected within the curtilage of the hotel with three steps in its height because of the change in levels of the forecourt. Two of the sections are under 2 metres high with the final section reduced to 1 metre. This is considered to be acceptable in terms of siting and design and does not appear to the officer to have a significant impact on either neighbouring properties or the street scene. In this particular case the last 2 metres of the wall adjacent to the public highway is the reason the wall between this property and 18 Stockton Road requires consent.

3.20 It should be noted that two properties within close proximity of the application site (12 and 28 Stockton Road) have high walls, fences and hedges around the front and sides of the properties.

3.21 As there is no vehicular access to the front of the application site, the Council's Highway Engineer has offered no objections in terms of highway safety.

3.22 In view of the above, the works that have been carried out are considered to be both acceptable and appropriate. Further details of the hand rail and the front gates will be required.

RECOMMENDATION – Approve subject to the following conditions:

1. Notwithstanding the submitted plans and details further details of the proposed hand rail and gates shall be submitted to and approved in writing by the Local Planning Authority.
For the avoidance of doubt.



MELBOURNE HOTEL, STOCKTON ROAD



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

Scale: 1:1000

Date : 19/3/12

Drg No: H/2012/0047

Drawn: GS

No: 4
Number: H/2011/0650
Applicant: MR M ASHTON DALTON PIERCY ROAD
 HARTLEPOOL TS27 3HY
Agent: Sean McLean Design The Studio 25 St Aidans Crescent
 Billingham TS22 5AD
Date valid: 15/12/2011
Development: Variation of planning conditions to allow extension of
 operational period from ten months to twelve months per
 year
Location: ASHFIELD CARAVAN PARK ASHFIELD FARM DALTON
 PIERCY ROAD DALTON PIERCY HARTLEPOOL

The Application and Site

4.1 Ashfield Farm is located approximately 1km to the north east of Dalton Piercy. The site adjoins a paddock along its eastern boundary, also in the applicant's ownership. The overall site is part of a cluster of holdings which are being used for various commercial and rural related enterprises. The site is accessed from Dalton Piercy Road via a track some 300m in length.

4.2 The application site is an operating touring caravan and camping site, which was approved by Members on the 8th August 2006. This was approved with some 13 conditions including that the site be restricted to the months of March to October and the requirement for the erection of an acoustic fence. An application to provide a licensed clubhouse on the site was refused by Members on the 1st August 2007, however this was allowed on appeal on 13th December 2007, subject to conditions.

4.3 An application was granted on the 5th March 2009 to vary a planning condition to allow the caravan and camping park and clubhouse to be open between 1st April and 31st January. Permission was also sought and granted within the same application to remove a condition to provide an acoustic fence.

4.4 On the 26th January 2010 planning permission was granted to change the use of a sheep paddock to provide storage for touring caravans as well as the provision of a residential caravan.

4.5 On 22nd December 2010 planning permission was granted for the erection of a single storey extension to the existing clubhouse measuring some 6m x 14m. In addition, permission was also granted which varied conditions attached to a previous approval to allow the consumption of food and drink on land surrounding the clubhouse.

4.6 The application seeks consent to vary conditions attached to previous approval H/2010/0625 to allow the operational period of the caravan and camping park and the clubhouse from ten months to twelve months of the year (all year round).

Publicity

4.7 The application has been advertised by way of neighbour letters (11). To date, there have been two responses received, one raising no objections and one letter not outlining any comments.

4.8 The period for publicity has expired.

Consultations

4.9 The following consultation replies have been received:

Public Protection – No objections

Conservation Officer – No objections

Traffic and Transportation – There are no highway or traffic concerns

Economic Development – With reference to the above application for Ashfield Caravan Park, Dalton Piercy, Economic Development and the Tourism Section would support this application. The increase in operational period would naturally provide more accommodation provision throughout the full year, therefore increasing visitor numbers and spend in the local economy.

Dalton Piercy Parish Council – The Council would like to object to the application as they have grave concerns that the site is not being run according to its licence. The site is for touring caravans but there are suspicions that there are permanent residents there already. The Council believes that the “clubhouse” is for the use of caravan travellers only but is, in fact, used by locals as a “pub”. There appears to be a change of use of the site already.

Further, the council also has doubts that the chalets attached to the fish ponds on the same site. They believed that the chalets were for those using the facilities and not contract workers which seems to be the case at present.

The parish requests that The Enforcement Officer looks into the points raised as soon as possible and before any further decisions are made with regard to the current application.

Planning Policy

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

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

landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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.

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

To10: States that proposals for touring caravan sites will only be approved where they do not intrude into the landscape and subject to highway capacity considerations, the provision of substantial landscaping and availability of adequate sewage disposal facilities.

Planning Considerations

4.11 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan outlined above and in particular the impact of the proposals upon neighbouring properties and surrounding area in terms of its affect on the local highway network, noise and disturbance and visual amenity.

4.12 Planning Policy Statement 7 (Sustainable Development in Rural Areas) is a material planning consideration and is supportive of tourism development in countryside areas providing that this is not to the detriment of the area. For the avoidance of doubt it is considered prudent to state that tourism is a year round activity. On balance, it is considered that the operating of the caravan site for 12 months of the year would not have an adverse affect on the surrounding area. The rationale for this consideration is expanded on further in the remainder of the report below.

Highway Issues

4.13 The Traffic and Transportation Team have stated that there are no highway or traffic concerns with the proposed variation to allow all year round opening. Officers do not consider that a twelve month operation would impact significantly upon the highway network.

Noise and Disturbance

4.14 It is not considered that the proposed variation of the conditions to allow all year round opening will have a detrimental affect on the surrounding area in terms of noise and disturbance. The site is surrounded by mature hedging and the neighbouring properties all benefit from a degree of separation from the site. Public Protection has raised no objections to the proposed variations. It is prudent to state that since the caravan site became operational the Council's Public Protection Team have received no noise complaints.

Visual Amenity

4.15 In terms of the impact of the proposal upon the visual and residential amenity of the open countryside and neighbouring properties key consideration has to be given to the reason as to why the operational period of ten months was previously conditioned and prior to that 8 months. Officers in determining planning application reference H/2010/0625 and H/2006/0333 did not consider that the use was suitable for the site throughout all of the year.

4.16 It is considered that the condition was attached for visual amenity purposes so to provide a degree of relief upon the landscape at a time of the year when foliage surrounding the site is not as prominent. The officer in considering the initial application for the provision of the touring caravan and campsite and its impact upon visual amenity considered that the site was not "in a particularly prominent position in relation to public viewpoints. It would be set back from Dalton Back Lane and screened behind a relatively mature hedge along its southern and western boundary. To the north and east of the site is well screened by a narrow strip of mature trees, which follows the line of the beck. Within the boundaries of the field itself a new hedge has been planted and the new hedge would form the perimeter of the caravan site. A small part of the site (the south eastern corner) would be visible from Summerhill although this would be at distance, and further planting and fencing would be used to help screen any impact". It is prudent to state that the planting as outlined above is still in situ. Further planting has also been provided in parts through a condition of approval requiring a landscaping scheme as part of the original application for the site (H/2006/0333). Given that the site is well screened and due to landscape characteristics is only marginally visible from outside of the site and along main access corridors such as Dalton Back Lane, it is not considered that the provision of touring caravans upon the site all year round would significantly impact upon either residential or visual amenity to a level whereby the Local Planning Authority could sustain a refusal.

4.17 Further to the above, of key consideration in the determination of this application are previous planning permissions on the site which have been implemented. Application Reference H/2009/0279 granted consent for the storage of touring caravans upon part of the site on an all year round basis. Whilst the area of the site permitted for storage purposes is further screened due to landscape characteristics it can still be seen from areas outside of the site. Again, it is prudent to state that neither the aforementioned storage area nor the camping site is widely visible from outside of the site boundaries. Therefore, given that caravans can remain on the adjacent site for storage on an all year round basis officers consider it

particularly difficult to substantiate any reasoning as to why this application should be refused. In addition to the above, there are permanent structures on site, such as the clubhouse and the toilet and shower block. Both of the aforementioned structures are constructed out of brick and thus are permanent structures. It is considered that the siting of the clubhouse and toilet block provide a greater impact upon the visual amenity of the area than that of touring caravans, particularly at times of the year when less clement weather would be far more frequent discouraging the use of the site by visitors, such as the months of the year this application is seeking for the site to be open (February and March).

4.18 In terms of the impact upon residential amenity, it is considered that given the separation distances associated with the site towards the neighbouring properties, the screening of the site and the landscape characteristics it is not considered that the site will be widely visible from any of the neighbouring properties. Moreover, it is not considered that the provision of caravans upon the site for a further two months of the year (all year round) would create any further significant amenity issues at a level whereby the Local Planning Authority could sustain a refusal. It is considered unlikely that the all year round use of the site would result in any significant material impact on the character and appearance of the surrounding countryside.

4.19 With regard to all of the above considerations, the landscaping provided as part of the original permission (H/2006/0333) assists in providing an element of screening over and above that of the existing trees, foliage etc. It is considered prudent in the interests of visual amenity for a condition to be attached requiring the landscape provided to be retained and if required replaced for the lifetime of the development.

4.20 An area of some concern for officers in the consideration of this application lies with the siting of caravans upon the site for extended period of time and the impact this would create upon visual amenity. This issue is discussed in depth in the remainder of this report.

Other Issues

4.21 Concerns have been raised by Dalton Piercy Parish Council in terms of the clubhouse being used as a public house. It is prudent to state in response to the aforementioned concerns that there is a condition imposed on the licensed clubhouse restricting the use of the premises to only resident occupants of the touring caravans and tents on the site at any particular time. The Local Planning Authority will continue to monitor the site and will investigate any complaints which are received with regard to the use of clubhouse by non residents of the site.

4.22 With regard to the concerns expressed by the Parish Council in terms of the holiday chalets located at Abbey Hill it is prudent to state that this is an entirely separate site under different ownership to that of Ashfield Caravan Park to which this application relates to and therefore does not form part of the consideration of this application. Notwithstanding this, the comments made by the Parish Council with regard to chalets at Abbey Hill are the subject of separate investigation by the Local Planning Authority.

4.23 Planning Policy Statement 7 states that ‘authorities should carefully weight the objective of providing adequate facilities and sites with the need to protect landscapes’. The Good Practice Guide on Planning for Tourism acknowledged the trend towards tourism as a year round activity and states that “Local planning authorities may attach conditions to planning permissions for holiday parks to ensure that they are used for holiday purposes only. However, with better caravan standards and the trend towards tourism as a year round activity, authorities should give sympathetic consideration to applications to extend the opening period allowed under existing permissions”. With regard to the conditions which should be imposed, Annex B of the aforementioned guide advises “...the demand for this accommodation may occur in areas in which the provision of permanent housing would be contrary to national or local planning policies which seek to restrict this development, for example in order to safeguard the countryside. The planning system can reconcile these two objectives through the use of occupancy conditions designed to ensure that holiday accommodation is used for its intended purposes”.

4.24 If members were minded to approve the variation of condition to allow all year round opening, it is recommended that a condition be attached stipulating that the touring caravans shall be occupied for holiday purposes only and shall not be a persons sole or main residence. The operators would also be required to keep an up to date register of names and addresses of all of the caravan owners and this information would be made available to the local authority upon request.

4.25 Whilst it is acknowledged that no conditions restricting the occupation of the site have been attached to previous approvals. The Local Planning Authority consider that there is justification to attach a condition as outlined above, given that the previous approvals only authorised the site to be open between certain months of the year. The Council’s Legal Section has advised that this is a reasonable condition to be attached. It is prudent to state within the context of this report that the condition which the Local Planning Authority are seeking to attach has been taken from an appeal decision (APP/W1335/A/07/2034354) attached by a planning inspector for a similar proposal in Country Durham. The application to which this variation relates to (H/2010/0625 – carried over from permission reference H/2008/0558 following a further variation) requires the site to be closed between the months of February and March. The condition requires all caravans upon the caravan and camping site (not the storage area) area to be removed. The condition therefore, in the wording prevent all year round residency of the site occurring or the siting of a caravan on a permanent basis. Officers consider that in allowing the proposed variation for all year round opening without the aforementioned condition attached would, dependent upon fact and degree allow for occupants of caravans to reside on the site for prolonged periods of time. This would potentially allow for many ‘holiday makers’ to consider their caravans to be their permanent residence, this is not considered to be appropriate. Whilst the Local Planning Authority have mechanisms to enforce against the permanent occupation of caravans as dwellings this process of enforcement is the subject of an evidence base, dependent upon individual case circumstances and other material considerations. The Local Planning Authority consider that the provision of the aforementioned condition would remove any doubt that the site is not suitable for permanent occupation similar to the control the Local Planning Authority benefited from by way of the condition this

application is seeking to be varied requiring the site to be cleared for two months of the year.

4.26 With regard to the concerns raised by the Parish Council in terms of the occupation of caravans on the site on a permanent basis, it is prudent to state that the Local Planning Authority has visited the site on a number of occasions and have not collated/received any evidence to support the views of the Parish Council.

Tourism

4.27 With regard to tourism, officers consider it prudent to outline that the caravan park with its operating restrictions will be at a commercial disadvantage compared with others in the wider area which operate without such restrictions. The Good Practice Guide on Planning for Tourism acknowledges this. Given this, officers consider that whilst the current break in operations upon the site fulfil their function in allowing a degree of respite upon the visual amenity of the area, the conditions, given the considerations outlined in the report above, appear on reflection unduly onerous in the context of the current holiday market. The Council's Economic Development Team have stated that, the increase in operations period would naturally provide more accommodation provision throughout the full year, therefore increasing visitor numbers and spend in the local economy.

Conclusion

4.28 On balance it is considered that the variation of conditions so to allow all year round opening of the touring caravan and camping site would not have an adverse effect on the surrounding area. Having regard to the policies identified in the Hartlepool Local Plan 2006 and Planning Policy Statement 7 with particular regard to the effect of the proposal on the amenity of neighbouring properties, the effect on the character and appearance of the surrounding area and countryside in general and the effect on the highway network and noise and disturbance the proposed variations are considered satisfactory and recommended for approval subject to the conditions set out below.

RECOMMENDATION – APPROVE – subject to the following conditions:

1. All trees, plants or shrubs implemented as part of the previously approved landscaping details under condition 4 of H/2006/0333 which 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 and thereafter retained for the lifetime of the development, unless the Local Planning Authority gives written consent to any variation
In the interests of visual amenity.
2. The caravan and campsite shall be restricted to the part of the site outlined in red on the Location Plan submitted with application H/2008/0558
For the avoidance of doubt.
3. The site outlined in red on the Location Plan submitted with application H/2008/0558 shall be used as a touring caravan site and camp site only and

under no circumstances for the siting of static caravans. Neither shall it be used for the storage of caravans.

In order to protect the visual amenity of the surrounding area.

4. The touring caravans shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

In order to prevent permanent residential occupation.

5. The licensed clubhouse shall not be used by members of the general public and shall not be used by anyone other than the resident occupants of touring caravans and tents on the site at any particular time and shall be used only for that purpose and no other.

In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.

6. The license clubhouse shall not be open between the hours of 11:00 hours and 23:00 hours Mondays to Saturdays and between 11:00 hours and 22:00 hours on Sundays.

In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.

7. Customers of the licensed clubhouse shall not purchase or consume drink or food or other refreshments anywhere other than within the area of the licensed clubhouse and the extension approved under H/2010/0625 and within the area shown hatched yellow on the plan: Drawing Title: Licenced Areas Ex. & Pr. submitted with application reference H/2010/0625 and no food or drink shall be consumed by customers anywhere else within the site.

In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.

8. None of the land within the site and outside of the area hatched yellow on the plan: Drawing Title: Licenced Areas Ex. & Pr. submitted with application reference H/2010/0625 shall be used as an amenity area or for any form of outside drinking/eating area without the prior written consent of the Local Planning Authority.

In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.

9. No music shall be piped or relayed to the outside from within the existing building or the extension to the clubhouse approved under planning reference H/2010/0625.

In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.

10. The use of the external areas hatched yellow on the plan Drawing Title: Licenced Areas Ex. & Pr. submitted with planning application reference H/2010/0625 for the consumption of drink or food or other refreshments shall cease at 22:00 hours

Mondays to Sundays or sunset whichever is the earliest and the external sliding/folding doors shall be closed and shall not be used (kept closed) after these hours.

In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.

11. No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the visual amenity of the area.

12. The drainage and the surface water treatment details approved under planning application H/2006/0333 shall be implemented and retained in working order, unless otherwise agreed in writing by the Local Planning Authority.

To ensure the site is adequately drained.



Appeal Decision

Hearing held on 30 October 2007

by Mrs K.A. Ellison BA, MPhil, MRTPI

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

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

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Decision date:
28 November 2007

Appeal Ref: APP/W1335/A/07/2034354

**Craggwood Caravan Park, Gordon Lane, Ramshaw, Bishop Auckland,
Co Durham DL14 0NS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which previous planning permissions were granted.
- The appeal is made by Craggwood Leisure Ltd against the decision of Teesdale District Council.
- The application Ref 6/2006/0168/DM, dated 21 April 2006, was refused by notice dated 2 August 2006.
- The application sought planning permission for development at Craggwood Caravan Park without complying with conditions subject to which three previous planning permissions were granted.
- The conditions in dispute concern the period of use of the caravans.
- The reasons given for the conditions relate to ensuring that the caravans are not used as permanent residences.

Decision

1. I allow the appeal and grant planning permission for the establishment of a holiday caravan site at Craggwood Caravan Park, Gordon Lane, Ramshaw, Bishop Auckland in accordance with application Ref 6/2006/0168/DM dated 21 April 2006, without compliance with:- condition number 2 previously imposed on planning permission CA48777 dated 26 May 1971; condition 3 on permission 6/81/213/DM dated 8 July 1981; and condition 3 on permission 6/81/215/DM also dated 8 July 1981 but subject to the other conditions imposed on each of those permissions, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:
 - 1) The caravans shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

Preliminary Matters

2. The appeal concerns the following permissions and conditions:-
 - (i) permission CA 48777 dated 26 May 1971 for the establishment of a holiday caravan site (Stage 1 site layout only) on fields Nos OS.500, part 546 and part 499 at Ramshaw, Evenwood, Co Durham. Condition

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2 states: *this consent shall not authorise the use of land as a site for the stationing of caravans except during the period of 1st March to 31st October in each year. During the remaining period of the year all caravans shall be removed from the site. The reason given was: to safeguard the amenities of the locality and to secure well-planned development;*

- (ii) permission 6/81/213/DM dated 8 July 1981 for the stationing of fifty holiday caravans at Cragg Wood Caravan Park. Condition 3 states: *the caravans hereby approved shall only be used for human habitation between 1st March and 31st October in any one year and the reason given was: to ensure that the caravans are not used for permanent residential use;*
 - (iii) permission 6/81/215/DM dated 8 July 1981 for the stationing of 10 holiday caravans at Cragg Wood Caravan Park. Condition 3 states: *the caravans hereby approved shall only be used for human habitation between 1st March and 31st October in any one year. Again, the reason given was: to ensure that the caravans are not used for permanent residential use.*
3. Copies of the site plans relating to the original permissions were not available but both the Appellant and the Council confirm that the site plan accompanying the appeal accurately identifies the area of land covered by the three permissions. That plan forms the basis of this decision.
 4. On the application form, the description of development is given as 'the variation of planning conditions to provide for a ten and a half month operating season'. The Appellant seeks to have the disputed conditions deleted and replaced by conditions concerning use of the caravans for holiday purposes only and associated monitoring arrangements.

Reasons

5. This part of Craggwood contains static, privately owned caravans. The site is located in the open countryside close to the village of Ramshaw.
6. Local Plan policy TR4 states that permission for static caravans will only be granted if occupation by any one person or groups of persons is limited to not more than six weeks in any one calendar year. At the Hearing the Council acknowledged that, whilst this is not directly concerned with extending the operating season of an existing caravan park, the policy expresses the Council's sentiment and underlying intention that holiday accommodation should be retained for its intended purpose, preventing permanent residential use. As my colleague noted with regard the 2002 appeal concerning an extension to the operating season, policy TR4 reflects the sound planning principle that holiday accommodation should not become permanent.
7. However, in the period since that appeal Planning Policy Statement 7 - *Sustainable Development in Rural Areas* (PPS 7) has been published as well as the *Good Practice Guide: Planning for Tourism* (the Guide). In addition, Planning Policy Guidance note 21: *Tourism* was cancelled in 2006. Thus, whilst policy TR4 provides a useful starting point for this appeal, I consider that PPS 7 is an important material consideration and that it is also necessary to have regard to the Guide.

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8. In relation to caravan parks, PPS 7 states at paragraph 39(i) that authorities should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes. Annex A, paragraph 23 of the Guide acknowledges the trend towards tourism as a year round activity and states that authorities should give sympathetic consideration to applications to extend the opening period allowed under existing permissions. In relation to conditions, Annex B advises they should be framed according to local circumstances and should be readily enforced in a way that is not unduly intrusive for owners or occupants.
9. The Appellant contends that in the period since the original permissions were granted, demand has changed from a single, longer holiday to frequent, short breaks which now include early November and the Christmas and New Year period. The disputed conditions place his business in a less advantageous position compared with local and national competitors whose more flexible operating season means they are better placed to cater for this change in demand. Various examples of appeal decisions and planning conditions imposed on similar businesses were provided in support of this.
10. In my view, it stands to reason that a caravan park with a restricted operating season will be at a commercial disadvantage compared with one which operates without such a restriction. Moreover, these changing trends are acknowledged in the relevant national guidance. Thus, although the existing conditions undoubtedly fulfil their function of ensuring that the caravans are not used as permanent residential accommodation, they appear unduly onerous in the context of the current holiday market.
11. The Council points to the concerns expressed by some nearby residents regarding the effect on Ramshaw village when the caravan park is open. In this respect I appreciate that people living on Gordon Lane, where the properties front directly onto the pavement, may be more vulnerable to disturbance at night associated with noise on the street. Nevertheless, since the additional use would take place over the winter months when the generally less clement weather conditions would discourage people from lingering in the street at unsociable hours, it seems to me that an extended season would be unlikely to give rise to a material increase in current noise levels. As such, the likely effect on local living conditions does not, in my judgement, amount to sufficient reason to maintain the restricted operating season on the basis of local circumstances. Moreover, I am mindful that other residents and businesses have expressed support for the appeal proposal.
12. On balance therefore, I conclude that the conditions are unreasonable within the terms of Circular 11/95, *The Use of Conditions in Planning Permissions* and should be deleted.
13. I note the Council's suggestion that the caravan park could instead be subject to a condition framed in the light of the six week limit contained in Local Plan policy TR4. However, in my view it would be unacceptably intrusive to introduce such a requirement on this caravan park which has never been subject to such a restriction over the many years it has been in operation.
14. On the other hand, Craggwood is located in attractive open countryside, close to facilities in Ramshaw and Evenwood. In my opinion, there is potential for

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the caravans to be used as permanent residences, so that controls as to their use are still necessary. At the hearing, it was agreed that any new conditions should require that the caravans should be for holiday purposes and not permanent residences and that there should be means of monitoring and enforcement. The condition I have imposed reflects these aims as well as the advice in Circular 11/95.

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed.

K.A. Ellison

Inspector

Appeal Decision APP/W1335/A/07/2034354

APPEARANCES

FOR THE APPELLANT:

Mr TM Bond, FRICS, IRRV	Charles F Jones & Son
Mr Joseph Cunningham	Director, Craggwood Caravan Park
Mr Billy Cunningham	Director, Craggwood Caravan Park

FOR THE LOCAL PLANNING AUTHORITY:

Mr G McGill, MRTPI	Locum Planning Officer, Teesdale Borough Council
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DOCUMENTS SUBMITTED AT THE HEARING:

Document 1	Letter of notification and list of persons notified
Document 2	Policy 14, Durham County Structure Plan
Document 3	APP/W1335/A/03/1107404 and 1107699, p4
Document 4	Permission 6/81/213/DM and plan
Document 5	Permission 6/81/215/DM and plan
Document 6	Plan 6/1975/0020/CM showing storage area referred to in CA48777 dated 26/5/1971
Document 7	Planning permission 3/2006/0961 Wear Valley District Council, concerning Bradley Mill Caravan Site



ASHFIELD CARAVAN PARK, DALTON PIERCY



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

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Scale: 1:3000

Date : 19/3/12

Drg No: H/2011/0650

Drawn: GS

No: 5
Number: H/2011/0657
Applicant: Ms Rachel Bell c/o 1B Parker Terrace Ferryhill Co.
 Durham DL17 8JY
Agent: MATTHEW TROTTER & MILLER Mr Antony Richardson
 82 Norton Road Stockton on Tees TS18 2DE
Date valid: 09/01/2012
Development: Change of use from residential (C3B) to residential care
 home (C2), erection of conservatory and 3 linked single
 storey buildings to provide bedrooms and store room
Location: EDENBROOK HOLDFORTH ROAD HARTLEPOOL

The Application and Site

5.1 The application site is a medium sized bungalow located on the north side of Holdforth Road. There are two bungalows immediately to the north of the site (1 and 2 Holdforth Court) with private access lane which runs to the east of the application site.

5.2 The site including the other bungalows is enclosed on 3 sides by Hartlepool Hospital and its car parks. Opposite is Kensington Court sheltered housing and the Merry-go-Round public house and car park.

5.3 Although built as a private residential bungalow, the property which was extended in 2002 has been in use as a mental health residential support unit for at least 10 years (according to the agent). There is no planning history relating to this use although it should be noted that Class C3 (dwelling houses) of the Town and Country Planning (Use Classes) (Amendment Order) 2010 allows the use of a dwelling by no more than 6 residents living together as a single household where care is provided for residents. The Design and Access statement indicates that the number of residents was less than 5.

5.4 At present the property has a small front garden and a good sized rear garden with a large area of hard standing to the side. There are high privet hedges to the east side and to rear.

5.5 The application as originally submitted involved the change of use of the property from residential (C3B) to a residential care home (C2). This will also include the erection of a conservatory to the rear of the property together with 3 linked single storey buildings to provide bed sitting rooms and a store room. A small log cabin will be erected in the north east corner of the remaining garden.

5.6 The three buildings have been described by the architect as pavilions and would be linked together and to the existing bungalow by a series of glazed corridors. Small open courtyards will be provided between the new units to separate the 'pavilions' and to act as light wells to the new rooms.

5.7 Each new unit will be fully equipped to provide self contained living accommodation comprising bed sitting room with small kitchen area and separate shower/wc. As originally submitted, the facility would provide 11 bedrooms together with ancillary storage, laundry, staffroom, large conservatory and communal room. A small garden would remain to the rear.

5.8 A row of four parking spaces had been indicated to the front of the property, each space directly accessed from Holdforth Road.

5.9 An amended scheme has now been received which reduces the size of the new build and provides a revised car parking scheme. This has been done as the result of concerns regarding the location of the parking spaces and the relationship with the highway. The number of bedrooms has been reduced to ten.

5.10 With regard to the use of the property, the applicants intention is to provide supported residential accommodation for people with mental health issues/learning difficulties such as autism and to assist them to return to the community with increased living skills.

5.11 The design and access statement indicates that the intention is to create a domestic atmosphere for the residents in order to allow for the residents to lead as 'normal a life as their individual circumstances permit' with support as required. Experienced staff will be on hand with additional visiting support workers when required. The number of staff proposed is 3 full time and 2 part time.

Publicity

5.12 The application has been advertised by way of neighbour letters (5). To date, there has been one letter of objection from the occupants of 2 Holdforth Close. Consultations were also carried out with the amended scheme.

5.13 The concerns raised are:

- 1) Concerns re parking and traffic congestion.
- 2) People will park on private driveway and block residents.
- 3) People would not want to use the hospital car park.
- 4) Where would staff park.
- 5) Overdevelopment of property.
- 6) Will be home for rehabilitation of people and the safety of family may be in question.

5.14 The period for publicity has expired.

Copy letters G

Consultations

5.15 The following consultation replies have been received:

Traffic and Transport –

I have strong concerns with the location of the 4 parking bays at the front of the property. The position of the bays will encourage reversing onto the main carriageway to the detriment of highway safety. Holdforth Road is a moderately busy highway and is the main route to the town's hospital, the property is actually located between the entrance and exit to the hospital. Parking to the property should be served by a single drive access with means for vehicles to turn around and leave the site in a forward gear. If the development was approved the drive access would be required to be widened to accommodate the 4 spaces. Works would need to be carried out by an approved NRASWA contractor.

With regard to the amended scheme –

The amended proposals are acceptable in Highway and traffic terms.

The parking provision meets minimum requirements and vehicles can exit the site in a forward gear. A boundary wall / fence will be required at the front of the property to prevent vehicles accessing the site from a point other than the official drive crossing. The parking bay at the front of building should be relocated slightly to allow access from all sides.

Public Protection – No objections

Northumbrian Water – No objections

Planning Policy

5.16 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.

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.

Planning Considerations

5.17 The main planning considerations in this case are the appropriateness of the development in terms of the policies and proposals contained within the Hartlepool Local Plan 2006 and the impact of the development on neighbouring properties in terms of amenity, visual amenity, siting and design and highway safety.

5.18 The site is located in a mixed use area which is dominated by Hartlepool General Hospital. Other uses in the area include the Merry go Round public House and the TA Centre, there are 2 residential bungalows to the rear of the application site and sheltered housing and flats to the south. In view of this, the principle of the change of use to provide residential care is considered to be generally in accordance with Local Plan Policy.

5.19 The residential land use of the three bungalows could be considered to be out of character with the other longstanding uses in the area. Notwithstanding this the proposed development must be considered in relation to the remaining 2 dwellings. This will be discussed further on in the report.

Highway Safety

5.20 The amended plans now indicate an extension to the bungalow on a smaller footprint with part of the development (pavilion) at the south west corner of the property being reduced to provide a good set back. This will allow 2 parking spaces to be provided which will not result in vehicles having to reverse out onto Holdforth Road. A third space will be provided at the front which will also be easily accessed.

5.21 The original plans showed 4 spaces in a row from which vehicles would have had to reverse out into the road into the flow of traffic. Holdforth road which is a bus route is very busy as it serves the hospital and a number of commercial uses. The main exit from the hospital car park is adjacent to these spaces and as such there could have been a conflict between vehicles leaving the hospital and cars reversing out of the care home. This was not considered to be acceptable in terms of highway safety hence the need for a revised scheme.

5.22 The Councils Highway Engineer has provided a copy of a speed survey produced by Middlesbrough Council in September 2011. This indicates traffic speeds taken between 7.30am and 9.45am in Holdforth Road. When analysed, the figures indicated a moderate level of speeding on this road. There have been 2 recorded injury accidents since 2009 both of which were classed as slight.

5.23 The Highway Engineer has commented that even though the amount of spaces has been reduced from 4 to 3 this would still meet the required parking requirement for this type of care home and would result in a safer scheme in terms of highway safety. Ideally the drive crossing for this property should be sited further away from the Hospital access however as this is an existing access, it is considered that the proposed changes will reduce the number of vehicles which can access the building to 3 and allow these vehicles to enter and leave the premises in a forward gear. This is considered to be safer than the existing situation.

5.24 Any unauthorised parking on the highway could result in parking fines.

Amenity

5.25 The pavilions have been designed with small courtyards in order to provide each unit with light and air. The revised scheme shows four separate units of single storey with pitched tiled roofs. The conservatory is a glazed lightweight structure with dwarf brick walls. There are no windows in the main side or rear elevation of the extension which could give rise to concerns regarding overlooking or loss of privacy. The side elevation faces onto the hospital car park and would be unlikely to have any impact here.

5.26 Separation distances between the main front elevations of the bungalows to the rear and the proposed extension exceed 15m and would therefore be considered to be acceptable in terms of the Council's guidelines for this type of relationship – front elevation and blank gable wall. Further there is a large detached garage belonging to the bungalow to the rear which would obscure much of the extension.

Other Issues

5.27 The concerns which have been raised regarding the type of people who would live in the home is not considered substantiated in this case as there is no evidence to suggest people living at this home would cause any anti social behaviour issues. The potential for parking on private property is a civil issue.

5.28 In conclusion the proposed use and extensions are considered to be acceptable and appropriate in land use terms for this mixed use area. Approval is therefore recommended for this application.

RECOMMENDATION – APPROVE - subject to the following conditions:-

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plan numbered 4325/100 and details received by the Local Planning Authority on 19-12-2011 and amended plan numbered 4325/1A received on 23-02-2012, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
4. The revised car parking area to the front of the site shall be marked out before the use of the property commences. Thereafter the parking area shall be be

provided and maintained at all times during the lifetime of the development.
In the interests of highway safety.

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.



EDENBROOKE, HOLDFORTH ROAD



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

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Scale: 1:1000

Date : 19/3/12

Drg No: H/2011/0657

Drawn: GS

No: 6
Number: H/2011/0651
Applicant: MR S BELL GREENBANK STRANTON HARTLEPOOL
 TS24 7QS
Agent: SJD Architects Mr S Dodds Hampdon House Falcon
 Court Wetland Way Preston Farm Stockton on Tees TS18
 3TS
Date valid: 03/01/2012
Development: Erection of ten dwellings, associated access road, drives
 and car parking including eight elderly persons bungalows
 and two wheelchair accessible bungalows
Location: LAND AT NEWHOLM COURT HARTLEPOOL

The Application and Site

6.1 The site to which this application relates is situated on land between Newholm Court and Leaholm Road, close to Stockton Road and Seaton Lane. The surrounding area is predominately residential in nature, although there is a small local centre located close by on Jutland Road. The site extends to 0.32ha, located to the south of Newholm Court. It was previously occupied by housing which were demolished in 2003. It has since been restored to grass and is bounded on all sides by high brick walls with security fencing and gates. The site also contains CCTV columns and cameras.

6.2 The application seeks consent for the erection of ten, single storey dwellings comprising eight, elderly persons two bedroom bungalows and two, two bedroom wheelchair accessible bungalows. The dwellings are to be owned and managed by the Vela Group as a Registered Social Landlord. The properties are to be constructed to Lifetime Homes Standards which incorporate features to enable the property to be accessible and flexible. The properties will also be constructed to Code for Sustainable Homes Level 3, in excess of the current Level 2 required through Building Regulations.

6.3 The site will be accessed from the existing road on Newholm Court. The layout of the site will comprise a single road, with properties either side, culminating in a cul-de-sac at the southern end of the site, with six properties being accessed via a shared surface. Each of the properties will have off-street parking spaces, with the accessible bungalows having two spaces, one with a car port.

Publicity

6.4 The application has been advertised by way of neighbour letters (40). To date, there have been no letters of objection.

6.5 The period for publicity has expired.

Consultations

6.6 The following consultation replies have been received:

Cleveland Police – Comments awaited.

Engineering Consultancy – Comments awaited.

Head of Public Protection – No objections.

Head of Property Services – Part of the site is owned by Hartlepool Borough Council.

Neighbourhood Services – Comments awaited.

Northumbrian Water – No objections. Requested condition in respect of surface water.

Traffic and Transportation – Comments awaited.

Planning Policy

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

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

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

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

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

sought.

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

Planning Considerations

6.8 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the principle of the development in policy terms, the effect of the proposal on residential amenity, visual amenity and design, highway safety and drainage.

Principle of Development

6.9 The application site is 'white land' in respect of the adopted Hartlepool Local Plan (2006). The surrounding land use on all sides is residential, the site is located within a predominately residential area. There is a previous residential use on the site, as it formed part of the dwellings of Lealholm Road. Whilst the site is grassed at present, it does not form part of any formal or informal area of open space given that access to the public is restricted through the use of high brick walls and security gates. The site has been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA) as a suitable for the delivery of housing.

6.10 The development will contribute towards the positive regeneration of the area, contributing additional provision towards increase choice for housing. Recent studies (Hartlepool Strategic Housing Market Assessment – SHMA 2007 and Tees Valley SHMA 2008) have highlighted a general shortfall within the Borough of affordable housing particularly in respect of single storey dwellings.

6.11 The site is appropriate for residential development and the dwellings proposed reflect the housing need in the Borough and local area. In light of all the above the principle of the proposal is considered acceptable in policy terms, subject to the relevant material planning considerations.

6.12 A number of consultation responses are outstanding. Furthermore, the response of the applicant is awaited in respect of outstanding highways matters. As such it is considered appropriate to provide an update report to Members, setting out the responses, the relevant planning considerations and recommendation.

RECOMMENDATION – UPDATE TO FOLLOW



LAND AT NEWHOLME COURT



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

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Scale: 1:1000

Date : 19/3/12

Drg No: H/2011/0651

Drawn: GS

No: 7
Number: H/2012/0083
Applicant: MR S WRIGHT 30 HUTTON AVENUE HARTLEPOOL
TS26 9PN
Agent: MR S WRIGHT GOLDEN TONES LTD 30 HUTTON
AVENUE HARTLEPOOL TS26 9PN
Date valid: 22/02/2012
Development: Change of use to tanning salon
Location: 139 OXFORD ROAD HARTLEPOOL

The Application and Site

7.1 The application site is a vacant retail unit which sits on the corner of Oxford Road and Peebles Avenue. The unit is within the Oxford Road Local Centre which include a hot food takeaway, greengrocer and newsagent, there are also other commercial uses within the immediate area. There are residential properties surrounding the local centre.

7.2 There is a light controlled pedestrian crossing and barriers adjacent the application site, with waiting restrictions along this stretch of Oxford Road. There is on street parking nearby, including a small number of spaces in a roadside parking bay.

7.3 Oxford Road is the main thorough fare for buses travelling into the town centre with a number of buses using the Oxford Road/Shrewsbury Street junction opposite the application site.

7.4 The application has been amended since first submitted to the Local Planning Authority and relates solely to the change of use from retail (A1) to a Tanning Salon (sui generis), a proposed car park to the rear was originally included in the application, this has been removed from the application.

Planning history relevant to the application

7.5 H/FUL/0297/94 – Erection of 4 lock up garages on land at the rear of 139 Oxford Road. The application was refused by Members and an appeal dismissed by the Planning Inspectorate on highway safety, it was acknowledged that there was insufficient room for manoeuvring in and out of the site.

Publicity

7.6 The application has been advertised by way of neighbour letters (8) and a site notice. To date, there have been 5 letters of objection.

The concerns raised are:-

- 1) extra traffic and lack of parking

- 2) noise from traffic and shops already a problem
- 3) ambulances, fire engines and council refuse vehicles have problems accessing Peebles Avenue
- 4) the opening times and car park is where problems will begin
- 5) no objection to the use as a tanning salon, but the car park is the problem
- 6) noise and disturbance.

Copy letter A.

The period for publicity expires before the meeting.

Consultations

7.7 The following consultation replies have been received:

Traffic & Transportation – No objection to the change of use to a Tanning Salon, the premises are located on a block of existing businesses. However there are concerns with the proposed car park and parking bay. Both parking areas are inaccessible and there is insufficient space within each area to manoeuvre safely.

Public Protection – It would be difficult to sustain an objection to this application considering the recent appeal decisions with regards to the hot food takeaways that are located in close proximity. This shop unit is part of a local centre which has a number of shops which are open 7 days/week including a hot food takeaway that is open until midnight and the local NISA store which is open into the evenings 7 days/week.

I would therefore have no objections to this application as it is unlikely that a tanning shop in this location will give rise to any additional impact than an A1 use that could occupy this premises unrestricted without requiring planning permission.

Planning Policy

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

Com5: States that proposals for shops, local services and food and drink premises will be approved within this local centre subject to effects on amenity, the highway network and the scale, function, character and appearance of the area.

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

GEP2: States that provision will be required to enable access for all (in particular for

people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

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

Planning Considerations

7.9 The main planning considerations in this case are the appropriateness of the development in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, the impact of the development on neighbouring properties and the streetscene in terms of visual amenity and on highway safety.

Policy

7.10 The application site constitutes a vacant retail unit within the Oxford Road Local Centre. The application proposal would result in a viable use for a vacant unit operating predominantly during the day time hours. It is considered that such a use is of a scale and function which does not have a detrimental impact to the character and appearance of the area. Therefore the proposed use is considered acceptable within a local centre in principle in accordance with the policies, particularly Policy Com5 of the adopted Hartlepool Local Plan 2006.

Traffic and Transportation

7.11 Traffic and Transport raise no objection to the proposed use however initial concerns were raised with the provision of a car park to the rear of the unit this has subsequently been removed from the application. It is recognised that the centre as a whole would tend to generate on-street parking in the nearby residential streets which lead off Oxford Road although there are a number of roadside parking bays within the vicinity.

Amenity

7.12 A number of concerns have been raised from nearby residents over the impact the proposed car park would have in terms of noise and disturbance and highway safety, these concerns have been addressed as the application no longer includes the rear parking area.

7.13 Concerns have been raised with regard to the operating times and use of the unit as a tanning studio creating noise and disturbance issues. However, it is considered that these concerns would be difficult to sustain given that this is an existing commercial unit within a designated local centre, the applicant have requested operating hours 10am till 8pm Monday to Saturday and 10am till 6.30pm on Sunday, this would not be unreasonable given that there are hot food takeaways, a bookmakers and mini market within the local centre which operate on longer operating times. Many of the opening times have been allowed on appeal. It is also considered prudent to note that the unit could operate as retail without a restriction in

opening hours. Public Protection raises no objection to the unit operating as a tanning salon.

7.14 It is considered that the proposed use would benefit the area by bringing a vacant unit back into use within a local centre. It is for the above reasons that the application is recommended for approval subject to conditions below.

RECOMMENDATION – APPROVE – subject to the following conditions:-

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The premises shall only be open to the public between the hours of 10am and 8pm Mondays to Saturdays and 10am and 6.30pm Sundays.
In the interests of the amenities of the occupants of neighbouring properties.
3. Notwithstanding the submitted details this permission relates to the change of use of the premises to a tanning salon and does not include consent for the car park as shown on the submitted plans.
For the avoidance of doubt.



139 OXFORD ROAD



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Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

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Scale: 1:1000

Date : 19/3/12

Drg No: H/2012/0083

Drawn: GS

UPDATE

No:
Number: H/2011/0661
Applicant: Gillamoor Mill Gillamoor York North Yorkshire YO62 7JU
Agent: Napper Architects Napper Architects 3 Waterloo Square
Newcastle upon Tyne NE1 4DR
Date valid: 16/01/2012
Development: Residential development comprising conversion of former school to 38 apartments including conversion of former play shelter to refuse/recycling store and cycle store, provision of parking areas and landscaping including vehicle access from the existing highway, adaption of the existing boundary wall/fence, demolition of existing toilet blocks flanking main entrance and free standing block to northern boundary, removal of the existing canopy to the east elevation.
Location: JESMOND ROAD PRIMARY SCHOOL PERCY STREET
HARTLEPOOL

Background

1.1 The item appears on the main agenda as item 1. Outstanding issues have been resolved.

Planning Considerations

1.2 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, the impact of the development upon the amenities of the adjacent residential properties, the street scene in general and highway safety. The impact the proposal has on the building itself, which is a listed building is a significant consideration.

Principle of the development

1.3 In terms of national policy, Government Planning Policy Statement 1 (PPS1): delivering Sustainable Development states that good planning practice should actively promote regeneration and accessibility (location and physical access) and the enhancement of the quality, character and amenity value of the urban area. This includes the efficient use or re-use of existing resources and seeks to encourage bringing back vacant and under used previously developed land and buildings into beneficial use.

1.4 PPS 3 (Housing) also promotes the re-use of previously developed land for housing in order to minimise the amount of Greenfield land being used for development.

1.5 PPS5 (Planning for the Historic Environment) states that the Government's overarching aim is that the historic environment and its heritage assets should be

UPDATE

conserved and enjoyed for the quality of life they bring to this and future generations. Policy HE7 states that:

“In decision-making local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset).”

1.6 Policy HE9 contained within PPS5 has additional policy principles guiding the consideration of applications for consent relating to designated heritage assets, states that:

“There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss has cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage assets or development within its setting”.

1.7 Policy Hsg 5 of the adopted Hartlepool Local Plan highlights the need to provide a variety of housing to meet demands from all sectors of the community. While in housing need terms there is a significant supply of flats/apartments in the town, the proposed re-use of this building will have a positive effect on the regeneration of this area of the town and will retain and bring back into use a listed building.

1.8 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.

1.9 It is considered that although the core strategy has not yet been adopted it would be prudent to assess the proposal against the relevant policies within the document as these will supersede the currently used local plan policies. The policies are listed below:

LS1:- Locational Strategy

CC1: CC2: CC4 – Minimising and Adapting to Climate Change;

ND1: ND2: ND3 – New Development

HSG4: HSG5: Housing

HE2: Historic Environment

1.10 The primary goal with regard to this application is the regeneration and re-use of a Listed Building in a prominent location in the town. There are certain considerations that need to be stated prior to the application being determined:

(i) Re-use of the Building for Residential Use

The redevelopment of the school building and grounds for residential use is considered an appropriate use in principle.

UPDATE

(ii) Developer Contribution Requirements

On such a scheme there would be an expectation that the developer would contribute commuted sums for play provision (£ 250 per dwelling), and green infrastructure (£ 250 per dwelling). Further to this there would be a requirement to provide an element of affordable housing and also a requirement to secure 10% of the development's energy supply from decentralised and renewable source.

1.11 However due to the nature of the building conversion, considering the Listed Building status, the economic viability of the development is put into sharp focus. Economic viability is a material consideration in deciding whether to require developer contributions as part of any development. The developer submitted a detailed breakdown of the development costs and profits associated with the development and this was then assessed by officers. All economic viability information submitted by the developer was seen as being a robust and accurate account of the cost/profit of the scheme. It is accepted by officers that the " developer profit" being realised as part of the development is significantly lower than we would normally expect on a residential development, and that all margins on the development were tight. A combination of high conversion costs and low end residential unit sale values meant that if any developer contributions were sought the overall scheme would be made economically unviable and the development would simply not progress.

1.12 As the primary goal is to ensure the building is re-used it is officers' views that no developer contributions should be sought as part of the application.

1.13 It is considered there would be significant regeneration benefits for the area in the re-development of this building. In view of the above, the re-use of this building for residential accommodation is considered to be appropriate in principle.

Effect on neighbouring properties and the street scene

1.14 The impact of the development on the amenity of neighbouring properties as well as the street scene needs to be considered.

1.15 The former school has been vacant for approximately 8 months and in that time has started to deteriorate, with windows being smashed and debris thrown into the site. The physical alterations for the refurbishment will improve the visual amenities of the building itself and the area in general.

1.16 The proposed works include the replacement of 10 windows at ground floor with traditional timber and 4 replacement doors on the north elevation (Everett Street). There are 6 new timber windows to be added and 2 replacement doors on the south elevation (Percy Street). On the west elevation (facing proposed car parking area) 2 ground floor windows reinstated and on the east elevation (Jesmond Road) 2 ground floor windows reinstated and two doors replaced with windows. The repair and refurbishment were necessary of all existing windows, doors, roof and rainwater goods will be carried out. These works can be controlled through condition to enable the character and visual appearance of the listed building to be retained.

UPDATE

1.17 The area is predominantly residential in character with a mix of bungalows and houses, the application for the conversion to 38 residential units would not be out of keeping with the surrounding area. The layout and design are considered to be acceptable and sympathetic in terms of the appearance and in terms of the relationship to the existing residential properties the required separation distances are achieved.

1.18 The existing master's house within the site grounds will remain unchanged, there is provision for a parking space for the property. There is a dedicated garden area to be created for the master's house in the north east corner of the site. No details of how this area will be enclosed have been submitted, however this can be controlled through condition.

1.19 Concerns have been raised from a neighbour with regard to the appearance of the refuse/recycle and cycle store, the risk of foul smells and the negative impact that the store will have on the area. The proposed store is an original feature of the school and was previously used as a play shelter it forms part of the listed building. The works to the store include endosing the sides and inserting lockable gates which will keep the bins etc tidy and should help in reducing any potential noise and smell issues arising. There is provision for tree/shrub planting to the north of the site in front of the store which will help screen the store from view. It is considered that the conversion of the shelter to keep the refuse/recycle bins and storage of cycles is an innovative way of bringing a listed building back into use. Final details of the materials to be used can be controlled through condition to ensure that the store will not have a negative impact upon the street scene.

1.20 It is not considered that the parking of vehicles within the site would cause unacceptable noise and disturbance for adjacent residents. However should any such issues occur this could be dealt with under separate legislation beyond the control of planning.

1.21 No objections have been raised from public protection or neighbourhood services.

1.22 The building is very prominent in the street scene, and can be viewed from a wide area; it is considered that its re-use and refurbishment will have a positive effect on its image, the street scene in general and the area as a whole.

1.23 Listed Building Consent is also required for the proposal and is listed as item 2 on the agenda (H/2011/0662).

1.24 No objections have been raised from English Heritage, the Civic Society or Hartlepool Borough Council Conservation Officer which consider that on balance the scheme will have a positive impact upon the area subject to appropriate details being agreed.

UPDATE

Highway Considerations

1.25 The existing boundary enclosure has five pedestrian gates, (two on Everett Street, one on Everett Street back lane and two on Percy Street) to be retained. There is an existing pedestrian access on Jesmond Road which is to be closed with materials to match the existing wall/fence detail. There are two vehicular accesses from Percy Street to be created which will enable access to two car parking areas one on the east side of the building providing 28 parking spaces and one on the west side providing 29 parking spaces. The vehicular access will have gates to restrict vehicles visiting the site. The final details of materials to be used can be controlled through condition.

1.26 Percy Street, Everett Street and Jesmond Road have no parking restrictions in place. It is considered that the level of off street parking being created is more than adequate for the number of residential units being created.

1.27 Traffic and Transport raise no objection to the parking provision provided however the detail submitted shows inadequate separation widths between some of the parking bays, therefore it would be appropriate to request final details to be submitted and approved prior to the car park being brought into use. This can be controlled through condition, and would not reduce the amount of parking proposed.

Conclusion

1.28 It is considered that the proposal, by encouraging investment into the area will have a positive impact. It will allow for the continued use of a prominent listed building to be brought back into use and retained. It is recommended that the application is approved.

RECOMMENDATION – APPROVE subject to the following conditions:-

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the existing plan(s) No(s) AD(0)11, AD(0)12, AD(0)13, AD(0)14 AD(0)15 and proposed plan(s) No(s) AD(0)01, AD(0)02 Rev.2, AD(0)03, AD(0)04, AD(0)05, P1831/amr/1 subm.01 P1831/amr/5 subm.01 received by the Local Planning Authority on 20 December 2011 and Plan No AD(0)16 and amended Design and Access statement received by the Local Planning Authority on 16 January 2012, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.

UPDATE

4. No development shall commence until details of the new vehicular access have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details so approved.
In the interests of highway safety.
5. Notwithstanding the submitted details a scheme for the parking of vehicles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and retained in accordance with the details so approved prior to the occupation of the first dwelling.
In the interests of highway safety.
6. Prior to the development hereby approved being brought into use details of the car parking areas including surface materials and marking of bays shall be submitted to and approved in writing to the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details so approved.
In the interests of the character and appearance of the listed building.
7. The access gate on the western boundary opening into Everett Street back alley shall be used for maintenance/emergency access only unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties and highway safety.
8. The development hereby permitted shall be carried out in accordance with the existing plan(s) No(s) AD(0)11, AD(0)12, AD(0)13, AD(0)14 AD(0)15 and proposed plan(s) No(s) AD(0)01, AD(0)02 Rev.2, AD(0)03, AD(0)04, AD(0)05, P1831/amr/1 subm.01 P1831/amr/5 subm.01 received by the Local Planning Authority on 20 December 2011 and Plan No AD(0)16 and amended Design and Access statement received by the Local Planning Authority on 16 January 2012, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the character and appearance of the listed building.
9. Large scale details shall be submitted to and approved in writing with the Local Planning Authority for any new boundary treatment including materials for the Masters House. Thereafter, the approved scheme shall be implemented in accordance with the details so approved.
In the interests of the character and appearance of the listed building.
10. Notwithstanding the submitted details prior to the commencement of the development hereby approved details of the timber boarding and gates to the approved refuse/cycle store including method of fixing shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details so approved.
In the interests of the character and appearance of the listed building.
11. Prior to the commencement of development temporary protective fencing shall be erected within the site at the limit of the crown spread of all retained trees, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the approved details and retained until the completion of the construction works.

UPDATE

In order to ensure the retained trees are protected from accidental damage during construction works.

12. 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.

13. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

In the interests of visual amenity.

UPDATE

No: 6
Number: H/2011/0651
Applicant: MR S BELL GREENBANK STR ANTON HARTLEPOOL
TS24 7QS
Agent: SJD Architects Mr S Dodds Hampdon House Falcon
Court Wetland Way Preston Fam Stockton on Tees TS18
3TS
Date valid: 03/01/2012
Development: Erection of ten dwellings, associated access road, drives
and car parking including eight elderly persons bungalows
and two wheelchair accessible bungalows
Location: LAND AT NEWHOLM COURT HARTLEPOOL

Background

6.1 This application appears as item 6 on the main agenda. The recommendation was left open as a number of consultation responses were outstanding. Those responses have since been received and are considered below.

Planning Considerations

6.2 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 effect of the proposal on residential amenity, visual amenity and design, highway safety and drainage.

6.3 As set out in the original report, the principle of residential development on this site is considered acceptable subject to the consideration of the following material considerations.

Residential Amenity

6.4 The main relationships for consideration are those with the existing properties to the north on Newholm Court and to the south on Seaton Lane. Separation distances to those properties outside of the site are considered acceptable in respect of the guidance set out in the Hartlepool Local Plan (2006). Plots 1 and 10 have blank gables facing gables of 34, 35 and 36 Newholm Court. The blank gables of plots 5 and 6 are over 18m from the rear of the closest properties on Seaton Lane – in excess of the 10m Local Plan guidelines.

6.5 Within the site, distances again are considered acceptable. Amended plans have been received which have re-sited the properties on plots 5 and 6 to ensure there is an acceptable separation distance of 20m between the two. Separation distances between the remainder of the properties in the scheme are considered acceptable.

6.6 On the basis of the above, it is considered that the proposal is unlikely to have a significant impact on residential amenity.

Design

6.7 The surrounding properties are largely two storey, although there are a number of single storey properties to the north within Newholm Court. The proposed dwellings are to be single storey, with dual pitched roofs. The properties are similar to those in the locality, in that they are of a relatively standard, modern design with canopy detailing to the front and pitched roofs.

6.8 The layout has been designed to reflect the existing built form of Newholm Court, following a continuous linear development from north to south. Sufficient amenity space has been provided for each of the dwellings, and each dwelling has sufficient parking provision. The layout incorporates soft landscaping and small areas of incidental open space.

6.9 It is considered that the proposed design and layout of the scheme is acceptable in the context of its surroundings and is unlikely to detract from the character of the area.

Highways

6.10 The proposed parking provision is considered acceptable with each property provided with at least one space with the accessible bungalows being provided with two spaces. The existing turning head near to 35 Newholm Court will need to be 'stopped up' and the land reverting to garden or a suitable highway verge / footway provided. It is considered that this can be dealt with through appropriate highways legislation.

6.11 Plots 3 to 8 will be accessed via a communal private drive which has not been designed to adoptable standards. Hartlepool Borough Council Highways Design Guidance allows for a maximum of five properties to be served from a private drive.

6.12 The applicant has demonstrated that this could be overcome by providing an access to the rear of plot 3 via the proposed turning head. However, the applicant is reluctant to proceed with such a layout given that it will incur increased costs and potentially constrain future phases of the development. It is also considered that the layout would be sub-standard in planning terms by reducing an incidental area of open space and introducing parking to the rear of plot 3, reducing private amenity space.

6.13 In the absence of adherence to the maximum of five properties to be served by private drive, the Council's Traffic and Transportation section has requested that the development is subject to an advanced payment code (APC) under S219 of the Highways Act (1980). The payment is held as a bond in order to protect the Council in the event the Council is required to carry out works to bring the shared drive up to adoptable standards. The applicant has indicated that they are unwilling to enter into the advanced payment code bond given the associated costs and given that the development will be owned and managed by the applicant as a Registered Social

Landlord. However, the applicant is prepared to enter into a legal agreement requiring the payment in the event that ownership of the development is transferred. The Council's Traffic and Transportation section, however, have indicated that it would not be considered appropriate to forego the requirement for an Advanced Payment Code in lieu of a legal agreement to implement the APC upon sale of the development. It is considered that this would not protect the Council's position in the event the Council had to undertake the works. As such the Council's Traffic and Transportation section have raised concerns with the scheme as proposed and consider that it does not conform to HBC Design Guidance.

6.14 The concerns of the Council's Traffic and Transportation section are acknowledged and Members will be minded to take into account the potential impact on the Council's position in respect of any future adoption required. Notwithstanding that, it is considered that the benefits of the scheme, in that it will deliver much needed accessible, single storey housing for the elderly, outweigh the highways concerns set out above.

Sustainability

6.15 The Code for Sustainable Homes sets out the national standard for the sustainable design and construction of new homes. The Code aims to reduce carbon emissions and promote sustainability. Recent developments by the applicant have achieved Code Level 4. However, achieving Code Level 4 in those instances was a requirement of the grant funding received at the time from the Homes and Communities Agency (HCA). The level of grant funding was provided in order to achieve the requisite Code level. Funding levels have since been significantly reduced and the minimum build standard required through HCA funding now sits at Level 3.

6.16 In this instance, however, the project does not benefit from any HCA funding and therefore is constrained only to standards set out in the Building Regulations, which require a standard less than Level 3. Notwithstanding that, the applicant is proposing to build to Code Level 3 standards through measures such as enhancing the building fabric, including gas savers to the boilers, flow restrictors to taps, water butts, recycling and composting facilities, and rain water harvesting. The proposals result in a significant project cost, albeit the measures are undertaken voluntarily beyond the Building Regulations requirement.

6.17 The Hartlepool Borough Council Core Strategy (Publication Document 2012) contains policy CC1: Climate Change which states that:

“Major new dwellings of 10 dwellings or above should secure, where viable and where the buildings allow, a minimum of 10% of their energy from renewable or low carbon sources and other appropriate design measures. Where it can be demonstrated that it is not appropriate to incorporate such provisions within the development, an off site scheme, or a contribution to a carbon management fund will be required, to be invested in off site renewable energy and efficiency projects within the Borough. The renewable or low carbon energy technologies must be made operational before any new or converted buildings are occupied.”

6.18 It is only upon reaching Code Level 4 that developments are required to incorporate renewable design features on site. The applicant has indicated that the imposition of the 10% renewable policy may render the scheme unviable, given the additional costs absorbed by the applicant in adhering to Code Level 3.

6.19 Whilst it is considered desirable to achieve on site provision of renewable infrastructure in accordance with emerging policy CC1, it is acknowledged that the policy is not yet adopted and therefore does not carry as much weight as adopted Development Plan policy. Nevertheless it is considered that given the efforts made to achieve higher sustainability standards than is required through Building Regulations. It is considered that the weight given to the need for affordable, single-storey dwellings in this location is greater than the need to provide on site renewables, particularly in light of the efforts made to achieve Code Level 3. It is considered that, subject to a condition requiring a scheme detailing measures to be taken to achieve high energy-efficiency and to minimise consumption in terms of energy efficiency best practice, the proposal is acceptable in terms of sustainability.

Drainage

6.20 Northumbrian Water have raised no objection to the scheme subject to the imposition of a planning condition requiring the submission and agreement of a detailed scheme for the disposal of surface water. On that basis it is considered that the scheme is acceptable in terms of surface water drainage. The Council's Engineering Consultancy has requested the applicant provide a detailed drainage strategy incorporating SuDS, in accordance with the Flood and Water Management Act (2010). It is considered appropriate to impose a condition requiring the strategy to be submitted to and agreed by the Local Planning Authority.

Other Issues

6.21 In terms of potential for crime and anti-social behaviour, the development has been designed with 'Secured by Design' principles. An appropriate condition requiring such measures is proposed. The scheme has been designed to minimise potential areas for anti-social behaviour and the layout designed as such to ensure the best level of natural surveillance possible. Cleveland Police have raised no objection to the proposals.

Conclusions

6.22 With regard to the relevant development plan policies and the relevant material considerations discussed above, it is considered that notwithstanding the concerns in respect of highways and sustainability, the development will provide much needed affordable housing, and is therefore on balance considered acceptable and recommended for approval subject to the conditions set out below.

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.

2. The development to which this permission relates shall be carried out in accordance with the following plans received by the Local Planning Authority on 03/01/12:
1035-10-003 (Rev C)
the following plans received by the Local Planning Authority on 16/12/11:
1035-10-014 (Rev B)
1035-10-015 (Rev B)
1035-10-016 (Rev B)
1035-10-017 (Rev A)
1035-10-018 (Rev A)
1035-10-020 (Rev A)
1035-10-021 (Rev A)
1035-10-023 (Rev A)
1035-10-024 (Rev A)
1035-10-026 (Rev A)
1035-10-027 (Rev A)
1035-10-029 (Rev B)
1035-10-030 (Rev A)
the following plans received by the Local Planning Authority on 26/3/12:
1035-10-025 (Rev B)
1035-10-019 (Rev B)
1035-10-022 (Rev B)
and the following plans received by the Local Planning Authority on 27/3/12:
1035-10-028 (Rev F)
1035-10-011 (Rev J)
For the avoidance of doubt.
3. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.
In the interests of visual amenity
4. No development shall commence until a detailed drainage scheme, incorporating SuDS measures, for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 'Development and Flood Risk' and complies with Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000. In discharging the condition the Developer should develop his Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000. Namely: Soakaway; Watercourse, and finally; Sewer.
5. Prior to the commencement of development, details of all external finishing materials, including surfacing materials, shall be submitted to and approved

by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

6. Prior to the commencement of development, a scheme of security measures incorporating 'secured by design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interests of security.

7. Prior to the commencement of the development hereby approved, a scheme detailing the measures that will be taken to achieve high-energy efficiency and minimise consumption in terms of energy efficiency best practice, shall be submitted to and approved in writing by the Local Planning Authority. This shall include a full formal assessment of the Code of Sustainable Homes. The scheme must be implemented in accordance with the approved scheme and retained as such for the lifetime of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

In the interests of sustainability.

8. Prior to the erection of the sheds hereby approved, details of the proposed sheds shall be submitted to and approved by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details.

In the interests of visual amenity.

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.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

PLANNING COMMITTEE

30 March 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 placing of a large static caravan in the side/front garden of a property on South Parade.
- 2 Officer monitoring recorded the independent residential occupation of a family/guest annexe on a large site adjacent to the A19 close to Elwick. The annexe benefits from planning consent specifically for a family/guest use and a condition linked to the consent prevents it use as a separate independent bungalow.
- 3 A neighbour complaint regarding the increased height of a party fence to the rear of a property on Brierton Lane.
- 4 Officer monitoring recorded the display of advertisement banner on boundary fencing A179 roundabout at Merlin Way and Bamburgh Road.
- 5 Officer monitoring recorded advertisement signs currently displayed after consent had expired on land at Easington Road.
- 6 Officer monitoring recorded the untidy condition of a future development sign currently displayed roadside verge on Merlin Way.
- 7 Officer monitoring recorded the untidy condition of a vacant property on Northgate.
- 8 Officer monitoring recorded the positioning of a portakabin in the playground of a school on Hart Lane.

2. RECOMMENDATION

2.1 Members note this report.

PLANNING COMMITTEE

30 March 2012



Report of: Assistant Director (Regeneration & Planning)

Subject: APPEAL BY MRS PAULINE CROW SITE AT
CROWS MEADOW FARM, DALTON BACK LANE,
BILLINGHAM TS22 5PG

1. PURPOSE OF REPORT

1.1 To notify members of the outcome of a planning appeal.

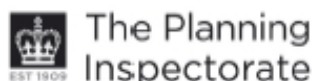
2. APPEAL

2.1 To inform members that the Planning Inspectorate as issued its decision in respect of a planning appeal in relation to the non determination of an application for the erection of a detached dwellinghouse at Crows Meadow Farm, Dalton Back Lane (H/2011/0268). The appeal was dealt with through the hearing procedure.

2.2 The appeal was allowed subject to conditions and an award of costs was made against the Council. A copy of the Inspector's decisions are attached.

3 RECOMMENDATION

3.1 That Members note the decision.



Appeal Decision

Hearing held on 19 January 2012

Site visit made on 19 January 2012

by Siân Worden BA DipLH MCD MRTPI

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

Decision date: 17 February 2012

Appeal Ref: APP/H0724/A/11/2162290

Crows Meadow Farm, Dalton Back Lane, Claxton, Billingham TS22 5PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Pauline Crow against Hartlepool Borough Council.
 - The application Ref H/2011/0268, is dated 13 May 2011.
 - The development proposed is the erection of 1 no. agricultural workers dwelling in connection with the equestrian enterprise.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 no. agricultural workers dwelling in connection with the equestrian enterprise at Crows Meadow Farm, Dalton Back Lane, Claxton, Billingham TS22 5PG in accordance with the terms of the application, Ref H/2011/0268, dated 13 May 2011, subject to the conditions set out in Schedule 1 at the end of this decision.

Application for costs

2. At the Hearing an application for costs was made by Mrs Pauline Crow against Hartlepool Borough Council. This application is the subject of a separate Decision.

Main Issue

3. I consider that the main issue in this case is whether the proposed dwelling is essential for the maintenance of a viable equestrian enterprise at Crows Meadow Farm.

Reasons

4. The appeal site is in a rural area on the edge of Hartlepool. The appellant's livery business was set up in 2007 since which time she and her family have been living in a mobile home on the site. The proposal is to replace this with a new house which would be classed as an occupational dwelling in the countryside. Such development is covered by Annex A of PPS7 *Sustainable Development in Rural Areas* and has to meet the two tests of function and finance.

Functional Need

5. Whilst more convenient for workers to live at or close to the premises the routine, day-to-day tending of the horses could probably be carried out by staff living elsewhere. An on-site presence is needed however for emergencies and

unpredictable events such as foaling, accidents and illness. I have been provided with a diary of events which have taken place during the past three years and which could have led to an animal being harmed had there been no-one available to respond urgently. I am also aware that a life-threatening accident has happened since the appeal was submitted. The need for a permanent on-site presence is supported in a letter from the appellant's vet.

6. The appellant has supplied calculations, made in line with industry standards, which show that the number of horses kept on site generates significantly more work than the 1900 hours per year one full-time worker can deliver. The need for the proposed dwelling relates, therefore, to a full-time worker and not to a part-time requirement.
7. There are no other dwellings on the site and no other existing accommodation in the area which would be suitable and available for occupation by the appellant. The proposed dwelling would be modest with three bedrooms and a single reception room; the utility room and downstairs wc would also be used by clients when visiting their horses. Its size would therefore be commensurate with the functional requirement and it would not be unusually large.

Financial Test

8. Financial information has been supplied for the past three years and shows that the enterprise has been established for this period and profitable throughout. On the basis of this data the appellant has been conditionally offered a reasonable mortgage. Despite the difficult economic climate and rises in the cost of essentials such as fodder and bedding, the net profit has increased. It rose by over £4000 between 2010 and 2011 indicating to me that the enterprise has a clear prospect of remaining financially sound.

Other planning requirements

9. In this case the only other planning matter of any moment is that of access. The highway authority response to consultation on the application was that a 2.4m x 90m sight line should be provided at the access point to Dalton Back Lane and the Council is content with this. I saw at my site visit that it would be practicable as long as the hedge on the highway land was kept well-trimmed. I see no reason why this would not be carried out.

Conclusion

10. The appellant has demonstrated that the proposed dwelling would be essential for the efficient functioning of an established use in the countryside and would meet other policy criteria. It would thus comply with Policy Rur12 of the Hartlepool Local Plan, adopted 2006, and with national policy set out in Annex A of PPS7. I have taken all the matters raised into consideration but not found any which provide compelling reasons to dismiss the appeal.

Conditions

11. In the light of Circular 11/95 *The Use of Conditions in Planning Permissions* and the discussion at the hearing I have attached the conditions set out in Schedule 1. In some instances I have substituted the model conditions. The curtilage is clearly defined on the agreed plans and the foul and surface water disposal details submitted during the application have not been queried. The conditions suggested to cover these matters are not therefore necessary.

-
12. That requiring compliance with the submitted plans is necessary for the avoidance of doubt and in the interests of proper planning. A deal of confusion arose over the plans and my aim that a clearly referenced set should be available to ensure the condition was enforceable. With the exception of Plan 1 these are as agreed at the hearing. The amendment to Plan 1 does not prejudice any interests and is acceptable for reasons of clarity. The 1:6000 location plan showing the wider holding is not necessary.
 13. The Council wished to tie the occupancy of the new dwelling strictly to Crows Meadow Farm in order, as I understand it, to avoid a future request for a further dwelling should that permitted now be occupied by an agricultural worker from elsewhere. Any future application, however, would be subject to the same, robust, scrutiny that has been the case here. Taking account of the advice set out in the circular I do not consider that such a restriction is either reasonable or necessary. The Council has drawn my attention to the recent case at Kirklevington (APP/H0738/A/11/2159569) where a restrictive condition was imposed. I have insufficient information to ascertain why this was necessary but it seems that the riding centre in that case was close to, leased land from, and also had family ties with, the neighbouring farm whilst still being a separate business entity. The model condition I have imposed will ensure that the dwelling permitted here remains in occupational occupancy.
 14. The conditions covering materials, boundary treatment and landscaping will protect the appearance of the site and surrounding area whilst that removing permitted development rights will, as well as also preserving visual amenity, ensure that the size of the dwelling remains commensurate with the needs of the enterprise. In the interest of precision I have limited the types of development for which rights would be removed to Classes A and E. The condition regarding the visibility splay will protect highway safety.
 15. The existing mobile home currently occupies the site of the permitted dwelling and will have to be moved before any work can take place. During construction the appellant and her family will live in a caravan. In these circumstances I do not consider the condition proposed by the Council to be unreasonable.
 16. For the reasons given above I conclude that the appeal should be allowed.

Siân Worden

Inspector

Schedule 1 - conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 2.
- 3) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.
- 4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.
- 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 permitted 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 works to be undertaken, and be implemented in accordance with the approved details and programme of works.
- 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 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.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A or E of Schedule 2 Part 1 shall be erected other than that expressly authorised by this permission.
- 9) No development shall be commenced until details of the visibility splay 2.4m x 90m to the south of the entrance to the site from Dalton Back Lane have 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 dwelling hereby permitted and retained for the lifetime of the development.
- 10) The mobile home shall be removed from the site and holding within six months of the commencement of the development.



Costs Decision

Hearing held on 19 January 2012

Site visit made on 19 January 2012

by Siân Worden BA DipLH MCD MRTPI

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

Decision date: 17 February 2012

Costs application in relation to Appeal Ref: APP/H0724/A/11/2162290 Crows Meadow Farm, Dalton Back Lane, Claxton, Billingham TS22 5PG

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mrs Pauline Crow for a full award of costs against Hartlepool Borough Council.
- The hearing was in connection with an appeal against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the erection of 1 no. agricultural workers dwelling in connection with the equestrian enterprise.

Decision

1. The application for an award of costs is allowed in the terms set out below.

Submissions and response

2. Both the submission by the appellant and the response by the Council were made in writing and I do not repeat them in full here.

Reasons

3. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. It seems that there were a number of omissions and shortcomings in the original application but they were whittled away until the definition of the visibility splay was the only outstanding matter. The correspondence indicates that it was this single issue which delayed the validation of the application for a month or so. I am aware that the Council's concerns sprang from a failure to comply with a visibility splay condition on the earlier planning permission. On the other hand, an application for a similar development which would use the same access point was validated at a similar time without the need to provide such information. To my mind the Council's refusal to validate the application in these circumstances was an indicator of unreasonable behaviour, as referred to in paragraph B8.
5. Once validated, the appellant became aware that the main reason for the delay in determining the application related to the Council's desire to restrict occupancy through a legal agreement rather than a condition. PPS7 *Sustainable Development in Rural Areas* and Circular 11/95 *The Use of Conditions in Planning Permissions* set out clearly that a condition should be

Costs Decision APP/ H0724/A/11/2162290

imposed to ensure that such development is kept available as an occupational dwelling. The circular includes a model condition. Furthermore, the Community Infrastructure Levy Regulations 2010 now limit the use of planning obligations including to those which are necessary to make the development acceptable in planning terms.

6. As the Council's members often have concerns about abuse in occupational dwelling cases and the use of a condition would have been a change to its current practice it was right for the Council to give consideration to the matter. In the face of the national policy and statutory position, however, and as the Council provided no compelling evidence as to why a S106 agreement might be necessary in this case, it is not clear why the application could not have been determined favourably within the period.
7. Some delay, perhaps to seek legal advice or because officers were on leave, might have been accepted by the appellant. There was communication between the parties but I do not consider that this amounted to a satisfactory explanation for the delay. Neither was there an agreed extension of time nor an estimate given for when the application would be determined. All things considered my view is that there were no substantive reasons to justify delaying the determination. Furthermore, a greater level of communication with the appellant might have enabled the appeal to be avoided. In the terms of paragraph B11 the Council's behaviour was thus unreasonable.
8. The resubmitted application presented an opportunity for the appeal to be withdrawn although I am not aware that the appellant made this clear to the Council at the time. As an identical application had been approved by the committee in November I see no reason why it was necessary to delay determination of the resubmitted application by also putting that to members.
9. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has been demonstrated and that a full award of costs is justified.

Costs Order

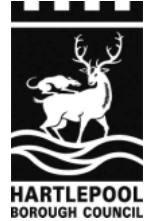
10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Hartlepool Borough Council shall pay to Mrs Pauline Crow, the costs of the appeal proceedings described in the heading of this decision.
11. The applicant is now invited to submit to Hartlepool Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Siân Worden

Inspector

PLANNING COMMITTEE

30 March 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 outcome of a planning appeal.

2. APPEAL

2.1 To inform Members that the Planning Inspector has issued its decision in respect of a planning appeal 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 appeal was allowed subject to conditions. A copy of the Inspector's decision is attached.

3. RECOMMENDATION

3.1 That Members note the decision.



Appeal Decision

Site visit made on 1 February 2012

by **D R Cullingford BA MPhil MRTPI**

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

Decision date: 29 February 2012

Appeal Ref: APP/H0724/A/11/2165280

110 Whitby Street South, Hartlepool, TS24 7LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is by Mr Colin Rafferty against the decision of the Hartlepool Borough Council.
- The application (ref: H/2011/0285 and dated 27 May 2011) was refused by notice dated 27 October 2011.
- The development is described as the 'change of use of former shop/warehouse into 5 units comprising warehouse with retail (B8), nursery (D1), café and hot food take-away (A5), storage unit (B8) and recording studio (D1) and alterations to elevations (part retrospective) (amended plans received)'.

Decision

1. For the reasons given below, I allow this appeal and grant planning permission for the change of use of the former furniture store at 110 Whitby Street South, Hartlepool to form 5 units entailing a warehouse with ancillary retail sales (Class B8), a nursery (Class D1), a café and hot food take-away (Classes A3 or A5), a storage unit (Class B8) and a recording studio (Class D1), together with alterations to elevations, including those already undertaken in accordance with the terms of the application (ref: H/2011/0285) dated 27 May 2011, subject to the following conditions:
 - 1) The further development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the plans received by the Local Planning Authority on 26 September 2011 and numbered 551:5, 551:4, 551:3 (Rev A), 551:2, and 551:1, unless otherwise agreed in writing by the Local Planning Authority or required by a condition set out below.
 - 3) No further development shall take place until samples of the materials to be used in the construction or alterations to the building, hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 - 4) The café and take-away use hereby permitted in Unit 3, as denoted on plan no.551:3 (Rev A), shall not take place other than between the hours of 07.00hrs to 18.00hrs on Mondays to Saturdays inclusive. The use shall not take place at any other time or at all on Sundays and Bank Holidays.
 - 5) The café and take-away use hereby permitted in Unit 3, as denoted on plan no.551:3 (Rev A), shall not begin until a scheme for the installation of equipment to control the emission of fumes and smells from the premises has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
 - 6) Within 1 month of the date of this permission, a scheme for the provision of 5 off-street bicycle parking spaces shall be submitted to the Local Planning Authority for approval. No further development shall take place and the uses, hereby permitted, in units 3, 4 and 5 shall not begin until the approved scheme has been implemented. Thereafter the cycle spaces provided shall be retained in accordance with the approved details.

- 7) Within 2 months of the date of this permission, the car parking spaces shown on plan no. 551:3 (Rev A) shall be laid out and provided on the site, including 2 spaces delineated as disabled spaces. No further development shall take place and the uses, hereby permitted, in units 3, 4 and 5 shall not begin until those parking spaces have been provided in accordance with plan no. 551:3 (Rev A). Thereafter the car parking spaces provided shall be retained and made available solely for that purpose.
- 8) The units shall be used only for the following purposes, as listed below, and for no other purpose (including any other purpose in 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 and re-enacting that Order with or without modification):

Unit 1	use for storage or as a distribution centre with ancillary retail sales (Class B8),
Unit 2	use as a crèche, day nursery or day centre (Class D1),
Unit 3	use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises (Classes A3 or A5)
Unit 4	use for storage or as a distribution centre (Class B8)
Unit 5	use as a recording studio (Class D1)

Reasons

2. The appeal building is a large shed-like structure at the northern edge of the Longhill Industrial Estate, a bleak assortment of sheds, workshops and warehouses to the south the town centre. It was previously used as a furniture warehouse and showroom, but it has now been subdivided to accommodate 5 separate units, of which 2 (units 1 and 2) are currently occupied; an additional opening has also been inserted in the main façade. The proposal is to retain the subdivided units and the existing uses (currently a mail order warehouse selling music and PA equipment, with some ancillary retail sales and a nursery) while completing the conversion of the remaining units intended to accommodate a café and hot food take-away outlet, a warehouse and a recording studio. The Council have carefully considered the scheme and, very fairly, indicated that it would be acceptable save for the use of unit 2 as a nursery. In their view, such a use would not be compatible with, or complementary to, existing or likely future uses on this industrial estate, contrary to 'saved' policies GEP1 and Ind5. That is the issue on which this appeal turns.
3. I appreciate that this is an established industrial estate where the intention is that uses other than those in Classes B1 and B8 should complement the predominant employment use and function of the place. But, this building stands at the northern edge of the estate and barely 30m from a playground and a small football pitch that serves as a modest 'buffer' to the relatively new terraced dwellings in Burbank Street just beyond. Moreover, many of the businesses in the immediate vicinity are service-based enterprises that must attract customers. There is a café, a recording studio, a dance studio, a landscape gardener, a DIY store, a plant hire depot and a car sales enterprise. In those circumstances, it does not seem to me that this nursery would be especially incompatible with the pattern of activity likely to occur here, nor would it be likely to impinge on the operations of the enterprises in this part of the industrial estate. In addition, it could provide a useful community facility for the nearby residential area around Burbank Street, as the submissions indicate. As such, the nursery would provide some local employment and contribute to a package of proposals to make good use of a large and vacant commercial building. In those circumstances, I consider that the retention of this nursery would not be incompatible with, or be likely to jeopardise, existing or future uses on this industrial estate.
4. I have considered all the other matters raised. Given the previous use of the appeal building as a furniture warehouse and showroom, I agree with the

appellant that the package of proposals here would be likely to enhance employment opportunities and contribute to the activity and vitality evident on this industrial estate. That, together with the use of a large vacant building, might encourage further investment and some environmental improvement of the place. I find nothing else sufficiently compelling to alter my conclusion that this appeal should be allowed, subject to the conditions set out above. Those conditions are intended to ensure that the scheme would be implemented as intended, that adequate parking facilities would be provided and that the emission of fumes and smells would be appropriately controlled. My decision rests on those assumptions.



INSPECTOR