

PLANNING COMMITTEE AGENDA



Wednesday 22nd April 2015

at 10.00 am

in the Council Chamber,
Civic Centre, Hartlepool

MEMBERS OF PLANNING COMMITTEE:

Councillors Ainslie, S Akers-Belcher, Barclay, Cook, Dawkins, James, Lilley, Martin-Wells, Morris, Payne and Springer

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 25th March 2015

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Regeneration)*

1. H/2015/0097 9 Hardwick Court

4.2 Appeal at Land at Brenda Road – *Assistant Director (Regeneration)*

4.3 Appeal at Land at Scallywaggs Nursery, Warrior Drive – *Assistant Director (Regeneration)*

5. ITEMS FOR INFORMATION / DISCUSSION

5.1 Update on Current Complaints – *Assistant Director (Regeneration)*



6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

FOR INFORMATION

The next Scheduled Meeting will be held on Wednesday 13th May 2015.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

25th March 2015

The meeting commenced at 10.00am in the Civic Centre, Hartlepool

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Allan Barclay, Marjorie James, George Morris, Robbie Payne and George Springer

In accordance with Council Procedure Rule 4.2 Councillor Paul Beck was in attendance as substitute for Councillor Stephen Akers-Belcher

Officers: Peter Devlin, Chief Solicitor
Damien Wilson, Assistant Director (Regeneration)
Andrew Carter, Planning Services Manager
Jim Ferguson, Planning Team Leader (DC)
Adrian Hurst, Principal Environmental Health Officer
Mike Blair, Highways, Traffic and Transportation Manager
Fiona Stanforth, Planning Policy Officer
Jo Stubbs, Democratic Services Officer

123. Apologies for Absence

Apologies were submitted by Councillors Stephen Akers-Belcher, Keith Dawkins, Geoff Lilley and Ray Martin-Wells

124. Declarations of interest by members

None

125. Confirmation of the minutes of the meeting held on 18th February 2015

Approved

126. Planning Applications (*Director of Regeneration and Neighbourhoods*)

Number: H/2015/0023

Applicant: MR CHRIS POOLEY ALPHA 3, THE BUNTINGS STOWMARKET

Agent: THE SHADBOLT GROUP MR IAN CARMAN 18 BEWICK ROAD GATESHEAD

Date received: 26/01/2015

Development: Demolition of Educational Development Centre and erection of two six bedroom residential care bungalows, and four two storey buildings to accommodate sixteen one bedroom Independent Supported Living Apartments

Location: LOT 1 FORMER EDUCATION DEVELOPMENT CENTRE SEATON LANE HARTLEPOOL

John Hutton from Shadbolts and Bill Rowntree from Mariner Care were present at the meeting and available to answer members' questions on the three planning applications. A member queried the amount of designated disabled parking bays being provided. The Highways, Traffic and Transportation Manager confirmed that 3 disabled bays had been designated as per the Council's standard parking requirement. The Applicant commented that most of the residents would not have their own transport and the intention was to provide community buses to transport residents as and when required. However should more disabled bays be required in the future they would be happy to allocate spaces as and when required. Members asked that this be included in the planning conditions.

A member requested that the ward members be included in discussions as to where the planning contribution funding would be spent, given the need for play facilities and green space in the Jutland Road area. The Planning Services Manager advised that officers would initially identify appropriate sites. Ward members were asked for their comments and could suggest alternatives. In this case no alternatives had been suggested.

A member highlighted a previous planning decision not to allow the building of properties in Brenda Road intended for the elderly and ex-servicemen due to noise concerns. This proposal would have similar issues. The Planning Team Leader advised that sound insulation and acoustic fencing would be provided on the site, commenting that officers had recommended approval for the Brenda Road site.

A member queried whether an outside gym area could be provided for the elderly residents. The Planning Services Manager indicated that a site for the sports provision contribution had already been identified but this could be considered for future developments.

Members approved the application unanimously.

Decision: **Minded to APPROVE** subject to the completion of a legal agreement to secure the following developer contributions, green infrastructure (£7,000), built sport (£7,000) and play (£7,000), the conditions in the report and an additional condition requiring additional parking for disabled persons. The decision is subject to the consideration by the Planning Services Manager of any additional representations received prior to the expiry of the consultation period, with the final decision including authority to add, delete or amend conditions delegated to the Planning Services Manager.

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

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 details received by the Local Planning Authority on 19 January 2015 and the following drawings received at the Local Planning Authority on the days indicated: 2365A-101 (Lot 1 Existing Site Plan) received 19 January 2015, 2365A-102 Rev B (Lot 1 Proposed Site Plan) as amended by condition 17, 2365A-1A-102 Rev A (Building 1A Elevations), 2365A-1A-101 Rev A (Building 1A Plans), 2365A-1B-101 Rev B (Building 1B Plans and Elevations), 2365A-1C-101 Rev B (Building 1C Plans and Elevations), 2365A-1D-101 Rev A (Building 1D Plans), 2365A-1D-102 Rev A (Building 1D Elevations), 2365A-1E-101 Rev B (Building 1E Plans and Elevations) and 2365A-1F-101 Rev B (Building 1F Plans and Elevations) received 12 March 2015. For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
4. The development hereby approved shall be carried out having regard to the following:
 1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the

approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: a. human health, b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, c. adjoining land, d. groundwaters and surface waters, e. ecological systems, f. archeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. 2. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. 3. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. 4. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. 5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are

subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. 6. Extensions and other Development Affecting Dwellings. If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. No development shall commence until such time as a scheme for the surface water management system within the site including the detailed drainage / SuDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the life time of the development to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
6. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. In the interests of visual amenity.

7. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of the health and appearance of the preserved tree(s).
8. No development shall take place until a detailed scheme of noise insulation measures for the residential elements of the development has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 (Guidance on Sound Insulation and Noise Reduction for Buildings). Thereafter the approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter. To ensure that the buildings are adequately soundproofed in the interests of the amenity of their occupants.
9. No development shall take place until the details of an acoustic wall/fence to the East, West and Southern boundary of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the wall/fence shall be constructed in accordance with the approved details prior to the occupation of the dwellings and be permanently retained thereafter. In the interests of the amenities of the occupants of the residential units.
10. Details of the proposed bin stores and including position and materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented and retained for the lifetime of the development. In the interests of visual amenity.
11. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays. In the interests of the amenities of the occupants of neighbouring properties.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in

- the interests of the amenities of the occupants of the adjacent residential property.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
 14. This permission relates to the provision of sixteen independent supported living apartments (Class C2 Use) (Building Nos 1B, 1C, 1E and 1F drawing 2365A-102 Rev B), two residential care dwellings (Class C2 Use) (Building 1A and 1D drawing 2365A-102 Rev B) and the development shall not be used for any other uses including any other uses within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification. For the avoidance of doubt, and to ensure that the buildings are used for the uses proposed in order to ensure adequate parking provision is accommodated and in the interest of the amenity of neighbouring properties.
 15. No development shall commence until details for the disposal of foul water from the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved. In order to ensure satisfactory disposal of foul water.
 16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity.
 17. Notwithstanding the submitted details prior to the commencement of development a revised proposed site plan, showing additional vehicle parking for disabled persons, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the plan so approved and the approved parking provided prior to the buildings being brought into use and retained thereafter for the intended vehicle parking use for the lifetime of the development. In the interests of highway safety.

Number: H/2015/0024

Applicant: MR CHRIS POOLEY ALPHA 3, THE BUNTINGS STOWMARKET

Agent: THE SHADBOLT GROUP MR IAN CARMAN 18
BEWICK ROAD GATESHEAD

Date received: 26/01/2015

Development: Erection of one four bedroom residential care bungalow and four two storey buildings to accommodate twenty one Independent Supported Living one bedroom apartments

Location: LOT 2 SEATON LANE HARTLEPOOL

Members approved the application unanimously. It was noted that the additional condition relating to additional parking for disabled persons on the Lot 1 application would be included.

Decision: **Minded to APPROVE** subject to the completion of a legal agreement to secure the following developer contributions, green infrastructure (£6,250), built sport (£6,250) and play (£6,250), the conditions in the report and an additional condition requiring additional parking for disabled persons. The decision is subject to the consideration by the Planning Services Manager of any additional representations received prior to the expiry of the consultation period, with the final decision including authority to add, delete or amend conditions delegated to the Planning Services Manager.

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3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this

- purpose. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
4. 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.
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 4. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local

Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. 5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. 6. Extensions and other Development Affecting Dwellings. If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. No development shall commence until such time as a scheme for the surface water management system within the site including the detailed drainage / SuDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the life time of the development to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.

6. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. In the interests of visual amenity.
7. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of the health and appearance of the preserved tree(s).
8. No development shall take place until a detailed scheme of noise insulation measures for the residential elements of the development has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 (Guidance on Sound Insulation and Noise Reduction for Buildings). Thereafter the approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter. To ensure that the buildings are adequately soundproofed in the interests of the amenity of their occupants.
9. No development shall take place until the details of an acoustic wall/fence to the East and Southern boundary of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the wall/fence shall be constructed in accordance with the approved details prior to the occupation of the dwellings and be permanently retained thereafter. In the interests of the amenities of the occupants of the residential units.
10. Details of the proposed bin stores including position and materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter the approved scheme shall be implemented and retained for the lifetime of the development. In the interests of visual amenity.
11. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays. In

- the interests of the amenities of the occupants of neighbouring properties.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
 13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
 14. This permission relates to the provision of twenty one independent supported living apartments (Class C2 Use) (Building Nos 2B, 2C, 2D and 2E drawing 2366A-102 Rev B), and one residential care dwelling (Class C2 Use) (Building 2A drawing 2366A-102 Rev B) the development shall not be used for any other uses including any other uses within Classes C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification. For the avoidance of doubt, and to ensure that the buildings are used for the uses proposed in order to ensure adequate parking provision is accommodated and in the interest of the amenity of neighbouring properties.
 15. No development shall commence until details for the disposal of foul water from the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved. In order to ensure satisfactory disposal of foul water.
 16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity.
 17. Notwithstanding the submitted details prior to the commencement of development a revised proposed site plan, showing additional vehicle parking for disabled persons, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the plan so approved and the approved parking provided prior to the buildings being brought into use, and retained for the intended vehicle parking use for the lifetime of the development.

In the interests of highway safety.

Number: H/2015/0025

Applicant: MR CHRIS POOLEY ALPHA 3, THE BUNTINGS STOWMARKET

Agent: THE SHADBOLT GROUP MR IAN CARMAN 18 BEWICK ROAD GATESHEAD

Date received: 26/01/2015

Development: Erection of ten Independent Supported Living bungalows, a four bedroom residential care dwelling and a two storey day centre

Location: LOT 3 SEATON LANE HARTLEPOOL

Members approved the application unanimously. It was noted that the additional condition relating to additional parking for disabled persons on the Lot 1 and Lot 2 applications would be included.

Decision: **Minded to APPROVE** subject to the completion of a legal agreement to secure the following developer contributions, green infrastructure (£3,500), built sport (£3,500) and play (£3,500), the conditions in the report and an additional condition requiring additional parking for disabled persons. The decision is subject to the consideration by the Planning Services Manager of any additional representations received prior to the expiry of the consultation period, with the final decision including authority to add, delete or amend conditions delegated to the Planning Services Manager.

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2. The development hereby permitted shall be carried out in accordance with the details received by the Local Planning Authority on 19 January 2015 and the following drawings received at the Local Planning Authority on the days indicated, 2367A-100 (Lot 3 Location Plan) received 19 January 2015, 2367A-102 Rev E (Lot 3 Proposed Site Plan) received 11 March 2015 as amended by condition 20, 2367A-3D-101 Rev A (Building 3D Plans and Elevations) 2367A-3E-101 Rev A (Building 3E Plans and Elevations) 2367A-3F-101 Rev A (Building 3F Plans and Elevations) 2367A-3C-101 Rev A (Building 3C Plans and

Elevations) 2367A-3B-101 Rev A (Building 3B Plans and Elevations) received 10 March 2015 and 2367A-3A-102 Rev B (Building 3A Elevations) 2367A-3A-101 Rev B (Proposed Plans) received 11 March 2015. 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.
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 3. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
 4. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved

development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. 5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. 6. Extensions and other Development Affecting Dwellings. If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. No development shall commence until such time as a scheme for the surface water management system within the site including the detailed drainage / SuDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the life time of the development to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public

- authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
6. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. In the interests of visual amenity.
 7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity.
 8. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of the health and appearance of the preserved tree(s).
 9. No development shall take place until a detailed scheme of noise insulation measures for the residential elements of the development has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 (Guidance on Sound Insulation and Noise Reduction for Buildings). Thereafter the approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter. To ensure that the buildings are adequately soundproofed in the interests of the amenity of their occupants.

10. No development shall take place until the details of an acoustic wall/fence to the Southern boundary of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the wall/fence shall be constructed in accordance with the approved details prior to the occupation of the dwellings and be permanently retained thereafter. In the interests of the amenities of the occupants of the residential units.
11. Details of the proposed bin stores and cycle park including position and materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter the approved scheme shall be implemented and retained for the lifetime of the development. In the interests of visual amenity.
12. The use of the daycentre 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.
13. The day centre shall only be open to the public between the hours of 9am and 12 Midnight Mondays to Sunday inclusive. In the interests of the amenities of the occupants of neighbouring properties.
14. No music shall be played in, or be piped/relayed to, the external garden areas or outside seating area of the day centre. In the interests of the amenities of the occupants of neighbouring properties.
15. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays. In the interests of the amenities of the occupants of neighbouring properties.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
17. 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.
18. This permission relates to the provision of ten independent supported living bungalows (Class C2 Use) (Building Nos 3C, 3D, 3E and 3F, drawing No: 2367A-102 Rev E), residential care dwelling (Class C2 Use) (Building 3B drawing 2367A-102 Rev E) and day centre (Class D1 Use) (Building 3A drawing 2367A-102 Rev E) the development shall

not be used for any other uses including any other uses within Classes C2 and D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification. For the avoidance of doubt, and to ensure that the buildings are used for the uses proposed in order to ensure adequate parking provision is accommodated and in the interest of the amenity of neighbouring properties.

19. No development shall commence until details for the disposal of foul water from the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved. In order to ensure the satisfactory disposal of foul water.
20. Notwithstanding the submitted details prior to the commencement of development a revised proposed site plan, showing additional vehicle parking for disabled persons, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the plan so approved and the approved parking provided prior to the buildings being brought into use, and retained for the intended vehicle parking use for the lifetime of the development.
In the interests of highway safety.

127. Appeal at land at former Coastguards Office, Moore Terrace, Headland, Hartlepool (*Assistant Director (Regeneration)*)

Members were advised that an appeal had been lodged against the refusal of the Local Planning Authority, against officer recommendation, to allow the change of use of the former coastguards' station to a dwelling. The appeal will be decided by written representation.

Decision

That authority be given to officers to contest the appeal.

128. Neighbourhood Planning Update (*Assistant Director (Neighbourhoods)*)

Members were given a brief update on Neighbourhood Planning in Hartlepool. Introduced under the Localism Act 2011 Neighbourhood Planning was intended to give local people greater ownership of plans and policies that affect their local area and provide communities with the opportunity to develop a community-led framework for guiding the future development, regeneration and conservation of an area. Once adopted a Neighbourhood Plan becomes part of the formal planning process and must be in general conformity with national planning policy and the Local

Authority's Development Plan. Three Neighbourhood Plans were currently under development in Hartlepool: Hartlepool Rural, Headland and Wynyard. Members were advised as to the current status of each Neighbourhood Plan.

With reference to the Wynyard Neighbourhood Plan members queried whether the ward councillors had been involved in the process. The Planning Policy Officer advised that the plan was being developed by the Wynyard Residents Association with support from Stockton Borough Council and Hartlepool Borough Council. She was unsure what level of involvement Hartlepool's ward councillors had been given. Members commented that this had been described as a partnership but without member involvement it was not a true partnership. The Chair asked that the ward councillors be involved. The Assistant Director confirmed he would investigate and circulate an update within a week.

The Chair of Headland Residents Association highlighted his involvement in the formulation of the Headland Neighbourhood Plan. However he had previously been advised that there was not a need to officially declare an interest in this case.

Decision

That progress in relation to Neighbourhood Planning in Hartlepool be noted

129. Appeal at land at Quarry Farm, Elwick Road, Hartlepool (*Assistant Director (Regeneration)*)

Members were advised of a recent appeal decision in relation to land at Quarry Farm. Planning members had previously refused an application for the erection of 81 dwellings at the site, against officer recommendations. The developer had subsequently appealed this decision and an inquiry had taken place following which the inspector had allowed the appeal. It was noted however that the developer had not pursued a claim of costs against the Council which could have been substantial. Members queried whether it would be possible that a letter be sent to the developer thanking them for this and indicating a willingness to work together in the future. This would be sent through the economic development department. The Assistant Director commented that although legal costs had been avoided there had still been expenditure on the part of the Council in terms of officer time and employment of consultees to mount a defence. Members noted this but that it was incumbent upon officers to defend decisions made by councillors.

The Chair advised that a decision in relation to the Tunstall Farm appeal was not expected until June.

Decision

That the decision be noted

130. Update on Current Complaints (*Assistant Director (Regeneration)*)

Members’ attention was drawn to 14 ongoing issues currently being investigated.

With reference to a complaint regarding the display of posters at a sports centre on Brierton Lane a member advised that similar posters had been placed on railings outside Burn Valley Gardens. They queried whether there had been any prosecutions for fly posting. The Chair commented that he would not advocate this as any benefits would be outweighed by the cost of prosecuting. Members suggested spot fines for littering but this could only be done if those responsible were caught in the act.

The Planning Services Manager advised members of residents’ concerns that land currently being resurfaced in Tanfield Road would be turned into a car park. This was not the intention.

Decision

That the report be noted

131. 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.

132. Compulsory Purchase Orders (CPO)

A member referred to a consultation on CPOs currently being carried out by the Secretary of State for Communities and Local Government. At a recent Finance and Policy Committee members had requested that their concerns at the length of the process be highlighted as part of the consultation response. He asked that the Planning Committee endorse this and be involved in the process. The Chief Solicitor indicated that the consultation was due to run until 9th June. The stated intention was to make the process clearer, fairer and more efficient although the Assistant Director did not believe that the changes would be particularly radical. Members suggested that officers liaise with the Local Government Association during the consultation process to find other Local Authorities with a similar viewpoint.

133. Future site visit and meeting

Members were advised that a site visit to the south west extension would take place on 15th April 2015. Transport would be leaving the Civic Centre at 10am. A member queried why the site visit was taking place in April when the decision was not expected to be taken until May. The Chair advised that this was to allow the officers ample time to address any concerns which might become apparent following the site visit. A further additional Planning Committee meeting had also been scheduled for 22nd April 2015.

The meeting concluded at 10:55am

CHAIR

No. 1
Number: H/2015/0097
Applicant: Mr M Streeting 9 Hardwick Court HARTLEPOOL TS26 0AZ
Agent: ASP Associates 8 Grange Road HARTLEPOOL TS26 8JA
Date valid: 11/03/2015
Development: Alteration to window types and removal of two bay windows
Location: 9 Hardwick Court HARTLEPOOL

PURPOSE OF REPORT

1.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

1.2 The application is submitted under Section 96A of the Town and Country Planning Act 1990 (as amended) and relates to a non-material amendment to an existing planning permission (H/2013/0602).

Planning history

1.3 A planning application was submitted to and approved (H/2009/0130) on 7th May 2009 for the erection of a two storey lounge, bedroom and en-suite extension to the side, and a two storey garage, utility and bedroom extension to the opposing side.

1.4 A further planning application was submitted (ref. H/2013/0602) with amended proposals. This application was for the erection of two storey extensions at the side and at the rear to include a balcony, a first floor extension over garage, a single storey extension at the rear and a porch at the front.

1.5 This application was advertised by way of 10 neighbour notification letters and a site notice. A number of objections were received regarding this proposal with concerns raised over the scale of the extensions in relation to the plot size and the character of other properties on the street, privacy issues and a lack of shutters on the proposed windows. The application was approved by Committee with the permission issued on 9th March 2014.

1.6 This application for a non-material amendment has been called in for consideration at Planning Committee at the request of a Councillor.

PROPOSAL

1.7 The proposals within this non-material amendment are for a retrospective change for the removal of two bay windows at ground floor level in favour of two non bay windows, one on the original dwelling and the other on the two storey west side extension. The proposals also include a retrospective change to the window types on the front, side and rear elevations of the original dwelling and the extensions. The front elevation windows will change from six 'pane' Georgian Style windows to four 'pane' top lights and a single pane bottom. The side and rear elevation windows will change to full clear pane windows. The shutters originally proposed are to remain unchanged.

1.8 It should be noted that under Schedule 2 Part 1 Class A of the Town and Country (General Permitted Development) Order 1995 (as amended) the proposals to change the windows of the original dwelling house do not require planning permission. It is only the alterations to the windows of the extension which require consent.

SITE CONTEXT

1.9 The property is a two storey south east facing detached dwelling located on the north west side of Hardwick Court. Properties on Hardwick Court are of similar size and style and all face inwards towards the green space within the circular highway. The dwelling is located in the Rural West Area of Hartlepool.

PUBLICITY

1.10 As defined by section 96A of the Town and Country Planning Act 1991 (as amended) it is at the discretion of the Local Authority on whether to consult neighbours on any application for a non-material amendment. With regard to this application, it was considered that neighbour consultations were not required due to the minor changes proposed.

CONSULTATIONS

1.11 Consultation has been by way of three Councillor Notification letters.

PLANNING POLICY

1.12 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Local Policy

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

GEP1: General Environmental Principles
Hsg10: Residential Extensions

National Policy

1.14 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

Paragraph 56 – Requiring Good Design

Paragraph 60 – Approach to design

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

1.15 The main issues for consideration in this instance are the principle of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan 2006, and in particular any impact on the character of the property and the street scene and impact on neighbour amenity.

Principle of Development

1.16 Policy Hsg10 of the adopted Hartlepool Local Plan 2006 makes provision for the extension and alteration of dwellings subject to a series of criteria, namely that works should not significantly affect the amenities of the occupiers of adjacent or nearby properties through overlooking, overshadowing or by creating poor outlook. Proposals shall be of a size and design and appearance that harmonises with the existing dwelling and should not be obtrusive and adversely affect the character of the street scene.

1.17 The principle of development in terms of the extensions and their design has already been accepted by the granting of permission for application H/2013/0602. The proposal was considered to be acceptable subject to conditions.

Impact on the character of the property and street scene

1.18 With regard to the existing planning permission ref. H/2013/0602, it was considered that on balance, there was no detrimental impact on the character of the property or the street scene arising from the proposed extensions.

1.19 The property is of a style which is consistent with other properties on the street. Some of the neighbouring properties have also been extended and incorporated new windows or removed bay windows. Concerns were raised on the previous application regarding the proposed window design which did not incorporate shutters. However, these concerns were dispelled once an amended plan was submitted to incorporate shutters to be in keeping with the rest of the street.

1.20 It should be noted that the proposals to change the windows on the original property would not require planning permission. It is only the change to the windows on the extended parts for which consent is sought.

1.21 The extensions built as part of the existing permission (H/2013/0602) were designed to be sympathetic in terms of style with matching bricks and white UPVC window frames. The new window types are considered to still be sympathetic to the property and street scene in general.

1.22 It is not considered that the changing of window types at no.9 Hardwick Court will significantly impact on the visual character of the property or the street scene. The proposed alterations are therefore considered acceptable in accordance policy GEP1 and Hsg10 of the Hartlepool Local Plan and with Paragraphs 56 and 60 of the National Planning Policy Framework.

Impact on neighbour amenity

1.23 Policies GEP1 and Hsg10 of the Hartlepool Local Plan 2006 require that extensions/alterations to residential properties do not cause an unacceptable impact on the amenities of the occupiers of adjacent or nearby properties through overlooking overshadowing or by creating poor outlook.

1.24 With regard to the existing planning permission ref. H/2013/0602, the impact on neighbour amenity was found to be acceptable. The minor nature of the changes proposed as part of this non-material amendment application means that neighbour amenity is considered to be unaffected in terms of outlook, privacy, overlooking, or overshadowing for neighbours.

1.25 Neighbours on either side (no.8 and no.10 Hardwick Court) and also to the rear (no.22 Auckland Way) will not be subjected to any additional loss of privacy by the changes as there is no enlargement of any windows or new windows proposed. Outlook is also mainly unaffected due to the minor change in window frames and openings.

1.26 It is considered that neighbour amenity will not be unduly affected by the changes proposed.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.27 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.28 There are no Section 17 implications.

REASON FOR DECISION

1.29 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION - APPROVE

BACKGROUND PAPERS

1.30 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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9 HARDWICK COURT



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PLANNING COMMITTEE

22 April 2015



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT LAND AT BRENDA ROAD.
HARTLEPOOL APP/H0724/W/15/3005751 OUTLINE APPLICATION WITH ACCESS (ALL OTHER MATTERS RESERVED) FOR THE DEMOLITION OF BUILDINGS ON THE SITE AND REDEVELOPMENT TO PROVIDE A RESIDENTIAL CARE HOME (70 BEDS - USE CLASS C2), 300 RESIDENTIAL APARTMENTS WITH CARE FOR PERSONS AGED 55 AND OVER (USE CLASS C2), 50 RESIDENTIAL APARTMENTS (USE CLASS C3) 80 KEY WORKER APARTMENTS (USE CLASS C3), 80 HOUSES (USE CLASS C3), COMMUNITY CENTRE (USE CLASS D1), RETAIL (USE CLASS A1), WORKSHOPS AND OFFICES (USE CLASS B1) 641 PARKING SPACES, BANDSTAND AND ASSOCIATED WORKS.
(H/2014/0177)

1. PURPOSE OF REPORT

- 1.1 To notify members of the receipt of an appeal.
- 1.2 The appeal relates to the refusal of the Local Planning Authority of an application for the above mixed use development at Brenda Road.
- 1.3 The appeal will be decided by the Written representations procedure. The application was refused at the November 2014 meeting of the Planning Committee, against officer recommendation, for reasons relating to the loss of employment land and the developments constraining effect on nearby businesses.

2. RECOMMENDATION

- 2.1 That authority be given to Officers to contest the appeal.

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PLANNING COMMITTEE

22 APRIL 2015



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT LAND AT SCALLYWAGGS NURSERY WARRIOR DRIVE. HARTLEPOOL ERECTION OF A DETACHED SINGLE STOREY BUILDING TO CREATE ADDITIONAL FACILITIES FOR EXISTING NURSERY SCHOOL. APP/H0724/W/15/3005307. (H/2014/0303)

1. PURPOSE OF REPORT

- 1.1 To notify members of the receipt of an appeal.
- 1.2 The appeal relates to the refusal of the Local Planning Authority of an application for the erection of a detached single storey building to create additional facilities for the existing Scallywaggs Nursery School at Warrior Drive.
- 1.3 The appeal will be decided by the Written representations procedure. The application was refused through the chair on 22 August 2014 under the delegated procedure, for reasons relating to the loss of incidental open space at a prominent entrance to the Warrior Park estate. A copy of the delegated report is attached.

2. RECOMMENDATION

- 2.1 That authority be given to Officers to contest the appeal.

3. CONTACT OFFICER

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DELEGATED REPORT

PS Code: 18

CHAIR DELEGATED REFUSAL

Application No H/2014/0303

Proposal Erection of a detached single storey building to create additional facilities for the existing Scallywaggs Nursery School

Location Scallywaggs Nursery Warrior Drive HARTLEPOOL

<p>DELEGATION ISSUES</p> <p>1) Publicity Expiry</p>	<p>Neighbour letters: Site notice: Advert: Weekly list: Expiry date:</p>	<p>09/07/2014 12/08/2014 03/08/2014 17/09/2014</p>
<p>2) Publicity/Consultations</p> <p>The application has been advertised by site notice and neighbour notifications (6) – 1 letter of objection raising the following concerns:</p> <ul style="list-style-type: none"> • Effect on the open space and entrance to Warrior Drive • Footprint as the previous proposal which was dismissed on appeal • Busy road and congested area <p>Traffic & Transportation – No objection.</p> <p>Landscape - I would consider the distance between the existing tree and the proposed new structure to be acceptable, however in order to avoid any accidental damage to the tree during construction works, I would recommend that submission of a tree protection plan be made a condition of any approval. In practice this would simply mean the submission of details showing temporary protective fencing erected between the group of trees and the proposed structure at approximately 3m from the nearest tree. I would also recommend that the applicant follow the guidance contained in the NHBC standards <u>Building near trees</u> when calculating the required depth of foundation for the proposed garage. Request standard condition J169.</p> <p>Public Protection – No objection subject to conditions</p>		
<p>3) Neighbour letters needed</p>	<p>Y</p>	
<p>4) Parish letter needed</p>	<p>N</p>	

5) Policy

Planning Policy

In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

PARA 056 : Design of built environment

PARA 057 : High quality and inclusive design

PARA 196: Primacy of the Development Plan

PARA 197: Presumption in favour of sustainable development.

PARA 014 : Presumption in favour of sustainable development

Relevant Planning Policies

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

GN6: Protection of Incidental Open Space

Comments: This proposal will result in the loss of incidental open space at a prominent entrance to Warrior Park (GN6). The application should therefore be resisted.

6) Planning Consideration

The Site

The application site is an area of incidental open space located on the eastern side of the entrance to the Warrior Park Estate. It is currently laid to grass with a number of semi mature trees located at its southern end. The trees are covered by a TPO.

To the north is a small car park and a modern single storey children's nursery. To the west of the site passes the main spine road for the estate, Warrior Drive, on the opposite side of which, facing the site, are a number of detached modern dwellings. To the east the boundary is formed by a high hedge beyond which is the large garden of a detached property which fronts Station Lane. To the south of the site is a small gas governor building beyond is Station Lane.

History of site

H/2009/0019 – Erection of detached dwelling with double garage – Refused
 H/2009/0154 – Erection of detached dwelling with double garage (amended scheme) – Refused – dismissed on appeal (ref: APP/H0724/A/09/2106621)

Proposal

The proposal seeks to erect a detached single storey building to create additional facilities for the existing Scallywaggs Nursery School on part of the southern end of the site.

The proposed building would measure 20m x 12m with a height to the eaves of 2.7m and a height of 5.3m to its highest point, the proposal would include a security fence around the site to accommodate an outside play space.

The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan, with particular regard to the principle of the development, impact on the character and appearance of the existing property and the visual amenity of the area, highways and trees.

Principle of the development

Policy GN6 of the Hartlepool Borough Council Local Plan seeks to protect areas of incidental open space. In addition policy GEP1 of the Hartlepool Borough Council Local Plan seeks to protect visual amenity. There are many small areas of amenity open space in Hartlepool, often provided as part of housing developments, which contribute both to the integrity of the green space network and to the amenity of residents of the immediate area. They often add character and identity to a local area. The Borough Council considers that such incidental open space should generally be safeguarded from development. Policy GN6 of the Hartlepool Borough Council Local Plan states that the loss of areas of incidental open space will be resisted except where:

- i. It can be demonstrated that the area of open space is detrimental to the amenities of adjoining or nearby properties, and it is too small or difficult to maintain to a satisfactory standard, or
- ii. A proposed development has special locational requirements and there is no other appropriate site in the vicinity.

The application site is considered to be a prominent, well maintained, attractive area of incidental open space contributing to the visual amenity of the surrounding area. It is therefore considered that the proposal fails to meet exception (i) of policy GN6

of the Hartlepool Borough Council Local Plan.

The business is a children's nursery, this type of business can generally be located in many different areas including residential and commercial areas. Children's nurseries are not restricted to areas similar in nature to the application site. At times businesses outgrow their existing premises and have to relocate to more suitable premises. The nature of the proposed development suggests that the business has outgrown the current premises and location and whilst the business may wish to expand the business could relocate to a more suitable location. It is therefore considered that the proposal fails to meet exception (ii) of policy GN6 of the Hartlepool Borough Council Local Plan.

It is considered that the proposal would result in an unacceptable encroachment into an attractive and well maintained area of incidental open space to the detriment of the amenity of the site and the surrounding area. It is therefore considered that the development would be contrary to policies GN6 and GEP1 of the Hartlepool Borough Council Local Plan.

Appeal APP/H0724/A/09/2106621 for a detached dwelling with double garage on the application site was dismissed as the proposal was found to be contrary to policies GEP1 and GN6 of the Hartlepool Borough Council Local Plan.

Impact on the character and appearance of the existing property and the visual amenity of the area

The proposed building is of a modern design and is similar in appearance to the existing nursery. The site is relatively long and narrow and given the restricted width of the site the development would appear somewhat cramped.

In terms of the relationship with the neighbouring properties given the separation distances it is not considered that the development will significantly affect neighbouring properties in terms of privacy or loss of light. The amenity of neighbouring properties would however be eroded by the loss of an attractive area of incidental open space.

Highways

Traffic & Transport raise no objection to the proposal.

Trees

A number of protected semi mature trees occupy the southern end of the site. The applicant has shown these to be retained in the current scheme and this is considered acceptable. The trees could be protected by a tree protection condition however the recommendation is to refuse.

Conclusion

Having regard to policies identified in the Development Plan it is considered that the proposal would be contrary to policies GN6 and GEP1 of the Hartlepool Borough Council Local Plan and is therefore recommended for refusal.

7) EQUALITY AND DIVERSITY CONSIDERATIONS	
There are no equality or diversity implications.	
8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS	
There are no Section 17 implications.	
9) Chair’s Consent Necessary	Y
10) Recommendation	REFUSE
CONDITIONS/REASONS	
1. The proposal will result in the loss of incidental open space at a prominent entrance to the Warrior Park estate and will detract from the character and visual amenity of the area contrary to policies GN6 and GEP1 of the Hartlepool Local Plan 2006.	
INFORMATIVE	

Signed:

Dated:

Director (Regeneration and Neighbourhoods)
 Assistant Director (Regeneration and Neighbourhoods)
 Planning Services Manager
 Planning Team Leader DC
 Senior Planning Officer

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

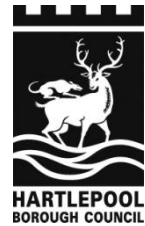
Signed:

Dated:

Chair of the Planning Committee

PLANNING COMMITTEE

22 April 2015



Report of: Assistant Director (Regeneration)

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. An investigation has been commenced in response to a complaint regarding an untidy rear garden and wind damaged boundary fence at a vacant former bakery on Ashgrove Avenue.
2. An investigation has commenced in response to an overgrown vacant plot of land on Fernwood Avenue.
3. An investigation has been completed in response to a complaint regarding graffiti sprayed on the gable of a shop unit on Brierton Lane. As a result of the assistance and input of Council Cleansing Department the graffiti was removed.
4. An investigation has been completed in response to the Council's Public Protection Team sharing information with the Council's Planning Enforcement Officer regarding late opening of a takeaway on Northgate in breach of an operating time condition linked to a planning consent. Following helpful assistance from the business operator a retrospective planning application has been submitted
5. An investigation has been completed in response to complaints regarding the formation of a new means of access onto the highway and erection of a brick wall with wood panel infills between brick pillars on Kielder Road. The formation of the access was permitted development. Thus there was no breach of planning control in this case. The erection of the boundary wall is a breach of planning control and following helpful assistance from the property owner and his builder a retrospective planning application will be submitted.
6. An investigation has commenced in response to a complaint regarding a residential use of an outbuilding at a property on Coal Lane.

7. An investigation has been completed in response to a complaint regarding the erection of a boundary fence along the perimeter of a piece of land linked to a children's nursery on Warrior Drive. Following helpful assistance from the nursery manager and landowner it was established the fence height would be reduced to 1m high making it permitted development, not requiring planning permission. No action required.
8. An investigation has commenced in response to a complaint regarding a livery yard, caravan storage and field rental business at a farm off Easington Lane.
9. An investigation has commenced in response to a complaint regarding building works at a property on Hutton Avenue.
10. An investigation has commenced in response to a complaint regarding the installation of replacement UPVC windows at a property on The Green, Elwick.
11. An investigation has been completed in response to an anonymous complaint regarding the erection of a fence/wall to the front of a property on Dalry Grove. Permitted development rights applied in this case. No action necessary.
12. An investigation has been commenced in response to the Council's Public Protection Team sharing information with the Council's Planning Enforcement Officer regarding a livery riding school operating at a farm on Brierton Lane.
13. An investigation has commenced in response to the Council's Revenues Team sharing information with the Planning Services Team regarding the conversion of a first floor to from flats at a commercial property on Elwick Road.
14. An investigation has commenced in response to a complaint regarding the construction of outbuildings and erection of high breeze block boundary wall in the rear garden of a residential property on Caledonian Road.

2. RECOMMENDATION

- 2.1 Members note this report.

3. CONTACT OFFICER

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