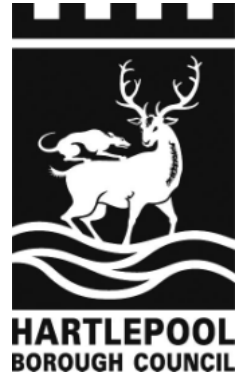


CONSERVATION AREA ADVISORY COMMITTEE AGENDA



Thursday 21 July 2011

at 6.00 p.m.

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

MEMBERS: CONSERVATION AREA ADVISORY COMMITTEE:

The Mayor, Stuart Drummond
Councillor Rob Cook, Chair of Planning Committee
David Bentham, Hutton Avenue Residents Association
Joan Carroll, Hartlepool Civic Society
Maureen Smith, Hartlepool Archaeological and Historical Society
Julia Patterson, Park Residents Association
Richard Tinker, Victorian Society
Brian Walker, Greatham Parish Council
Jo Lonsborough, Elwick Parish Council
John Cambridge, Hartlepool Headland Conservation Area Advisory Group

1. Apologies for absence.
2. Minutes of last meeting held on 24 March 2011.
3. Matters arising.
4. Update on Locally Listed Buildings - *Director of Regeneration and Neighbourhoods*.
5. Trees in Conservation Areas- *Director of Regeneration and Neighbourhoods*.
6. Any other business.

CONSERVATION AREA ADVISORY COMMITTEE

MINUTES

24 March 2011

The meeting commenced at 6.00 pm at Bryan Hanson House, Hanson Square, Hartlepool

Present: John Cambridge, Headland Conservation Advisory Committee
Julia Patterson, Park Resident Association
Richard Tinker, Victorian Society
Brian Walker, Greatham Parish Council

Officers: Sarah Scarr, Landscape Planning and Conservation Manager
Peter Graves, Townscape Heritage Initiative Manager
David Cosgrove, Principal Democratic Services Officer

16. Apologies for Absence

The Mayor, Stuart Drummond, Councillor Rob Cook, Chair of Planning Committee, Councillor Dr George Morris, Vice-Chair of Planning Committee, David Bentham, Hutton Avenue Residents Association, Mrs Sheila Bruce, Hartlepool Civic Society, Mrs Maureen Smith, Hartlepool Archaeological and Historical Society

17. Minutes of the meeting held on 27 January 2011

The minutes were confirmed as a correct record.

18. Matters Arising

Tunstall Court

The Landscape Planning and Conservation Manager reported that the developer of the proposed scheme for the Tunstall Court site had recently had recently met with officers to discuss the justification of the level of demolition proposed within the scheme. Members of the Committee were concerned at the level of demolition and also the two recent fires at the site.

Trees of Note – Ward Jackson Park

There was concern expressed at the removal by Council staff of a number of large established trees in the Park and it was questioned if this was permissible and had the trees not had Tree Preservation Orders (TPOs) applied to them. The Landscape Planning and Conservation Manager indicated that the local authority didn't apply TPO's to its own trees (the complications of the authority

serving notice to itself) but should have informed local groups that they were being removed. It was understood that the Arboricultural Officer had been consulted and that the trees were to be replaced with new planting as part of an overall management scheme for the trees in the park.

The Committee considered that it may be appropriate in the future for the Landscape Planning and Conservation Team to be consulted on any proposed removal of trees in conservation areas. Many restrictions were placed upon residents and it seemed that the authority itself did not have a very transparent process in place to protect its 'own' trees in conservation areas where they added to the street scene that was being protected. The Landscape Planning and Conservation Manager commented that she did feel that there was generally a good relationship with the teams managing the parks and highways but acknowledged the concerns and suggested that it may be appropriate to discuss this issue further at a future meeting.

Decision

That further information on the two issues, Tunstall Court and local authority trees in conservation areas, be considered at the next meeting of the Committee.

19. Consultation on Seaton Carew and Church Street Management Plans (*Director of Regeneration and Neighbourhoods*)

The Landscape Planning and Conservation Manager updated the committee on the consultation that had been carried out on the Seaton Carew and Church Street Conservation Area Management Plans. Update reports tabled at the meeting set out brief details of the responses received from the consultation process.

In relation to the draft Management Plan for Seaton Carew Conservation Area, it was reported that 160 leaflets were delivered to properties located in the conservation area and 15 responses were received. The feedback on the questionnaire suggested that there was support for producing guidance on 'Building Maintenance' in the conservation area. The production of such guidance was not explicitly outlined in the document and it was proposed that an 'Action' to carry out such works could be included within the management plan. The guidance could include information on painting properties and typical colours used on traditional buildings. This would meet the interest indicated in question 3 of the survey in which residents suggested that a range of colours would be useful to bring about a more co-ordinated approach to the conservation area. A majority of the respondents to the questionnaire also indicated that they would like to see special controls introduced into the conservation area to cover advertisements.

The general comments section of the questionnaire showed that there was a large level of interest in the Longscar Centre and its future. Whilst it was not located inside the conservation area, the impact that residents feel that the building has on the area was clear. The building was not specifically referenced in the Management Plan document as for the most part vacant

buildings are not a major issue within the conservation area. It was, however, clear from the responses that the influence of this building should be more explicitly outlined in the Management Plan. Therefore, it was proposed that a new section is introduced into the plan, outlining the impact of the Longscar Centre on the conservation area and the actions that are being taken to address this.

The Committee briefly discussed why the Longscar Centre hadn't been included in the Conservation Area. The Townscape Heritage Initiative Manager commented that most would wish to see the building removed altogether, though if that wasn't to happen, then bringing the building back into use would be preferred to the current situation. The Landscape Planning and Conservation Manager commented that there was a wider development plan for Seaton Carew which was linked to land sale and coastal protection works.

The Landscape Planning and Conservation Manager indicated that a report would be submitted to the Community Safety and Housing Portfolio Holder suggesting the proposed amendments to the Seaton Carew Conservation Area Plan. In respect of the colour guidance that residents had requested, Mr Tinker indicated that the Victorian Society had developed some information sheets on this subject which may be useful.

In relation to the Church Street Conservation Area draft Management Plan, the Landscape Planning and Conservation Manager commented that while the response rate seemed particularly low at 7%, it was normal for consultations in this area. Feedback was supportive, though there were a number of comments about non-conservation issues such as vandalism and graffiti. There were comments on repairs and while many of the buildings were in a good state, it was intended to issue guidance on repairs to keep properties that way. There wasn't any support indicated through the consultation on the proposals for the control of signage or a palette of colours for paintwork, so they could be difficult to enforce. There were, however, some planning appeal decisions on signage that supported the more traditional signage, though some backlit shops signs were starting to creep into the area.

The other main issue raised was parking problems and the restrictions in place on and off street. While this was specifically a Highways issue, members did highlight that some parking did encourage business use. The Landscape Planning and Conservation Manager commented that there was a mix of night time use and office use in the area so there wasn't a lot of 'shops' in the area. There was a view that the college developments may start to change the character of the area in the future.

Decision

That the report be noted and welcomed.

20. Update on Locally Listed Buildings (*Director of Regeneration and Neighbourhoods*)

Hartlepool has some 200 listed buildings. These were properties which have

been designated by the government as structures which are of ‘special architectural or historic interest’. Nominations for potential listed buildings are considered by English Heritage who made a recommendation to the government on the potential to list a property. The Department for Culture Media and Sport (DCMS) considered this recommendation and would, if it deemed appropriate, list the building.

English Heritage and DCMS had encouraged the development of Local Lists. In 2003 a survey of conservation provision in England found that approximately 44% of Local Authorities had produced a Local List and saw it as a way to identify and encourage protection of locally important heritage assets as well as raise the profile of local history and heritage and conserve local distinctiveness. The Landscape Planning and Conservation Manager reported that Hartlepool had sought nominations for such a list of locally important buildings and there had been seventy-two nominations of buildings and sites around the borough for inclusion on the list.

Officers had also prepared their own list of buildings that may be included in a list of locally important buildings based largely on some work that had been undertaken in the early 1970’s previously considered as the old ‘grade 3’ list. Officers commented that they found it quite a pleasant surprise to find many of the buildings from that list still in existence in the town. The process was now moving on to taking photos and brief details of the buildings and to make the owners aware that they had been nominated and if they had any comments (supportive or adverse) or history of their buildings they may like to share. It was then proposed to develop a Panel of people, principally conservation officers from other local borough councils, to review the nominations and propose a final list.

The Landscape Planning and Conservation Manager sought a nomination from the Committee for a member to be involved in the Panel process. After a short debate Richard Tinker was nominated to be involved in the process. Mr Tinker was very happy to be nominated and looked forward to an interesting process.

Decision

That the report be noted and that Mr Richard Tinker be nominated as the Conservation Area Advisory Committee’s member of the panel to consider the buildings to be included on the Hartlepool’s Locally Listed Buildings.

21. Update on Conservation Grant Scheme (*Director of Regeneration and Neighbourhoods*)

The Landscape Planning and Conservation Manager

Decision

22. Appeal – Units 1 and 2 Burn Road, Stranton (*Director of Regeneration and Neighbourhoods*)

The Landscape Planning and Conservation Manager reported that the planning application related to Units 1 and 2 on Burn Road in the Stranton Conservation Area, as discussed at previous meetings of the Committee, had been refused. The applicants had appealed the decision and the Inspector had upheld the appeal. It had been hoped that a new start for the site could have been brought about through the refusal of the permission but the owners' proposal to simply refurbish the current building had been approved. It did seem to be at odds with decisions in other conservation areas and the Landscape Planning and Conservation Manager circulated a decision letter that had been received by Redcar and Cleveland Borough Council relating to a similar application in Saltburn.

Members commented that while the plans approved may be disliked by the Committee at least the refurbishment may leave the property in a better condition than at present. Much did depend on the owners' ability to gain new occupants for the units in the current economic climate.

Decision

That the report be noted.

23. Any Other Business

Members enquired about future meeting dates. The Principal Democratic Services Officer commented that the council diary for 2011/12 was currently being formulated and dates would be forwarded as soon as they had been finalised.

The meeting concluded at 7.25 p.m.

CHAIR

Report of: Director of Regeneration and Neighbourhoods

Subject: UPDATE ON LOCALLY LISTED BUILDINGS

1. Introduction

- 1.1 This report is to update the committee on the progress being made compiling a list of Locally Significant Buildings, and to inform members of the proposed panel who will select the final list.

2. Background

- 2.1 Hartlepool has some 200 listed buildings. These are properties which have been designated by the government as structures which are of 'special architectural or historic interest'. Nominations for potential listed buildings are considered by English Heritage who make a recommendation to the government on the potential to list a property. The Department for Culture Media and Sport (DCMS) considers this recommendation and will, if it deems appropriate, list the building.
- 2.2 Central government also encourages local authorities to compile local lists of buildings in their area which are architecturally or historically significant. Locally listed buildings are not of national significance and do not have the same statutory protection, however they may merit local protection because, for example, they are the work of a local architect or have a link to a locally significant historical figure which, although not nationally noteworthy, nevertheless make a contribution to the local sense of place. These buildings are sometimes omitted from the national list by the Secretary of State or English Heritage because the view is that there are better examples elsewhere within the country. Some characteristics of buildings may, however, be rare within Hartlepool or may have important group value or may display important local distinctiveness which makes up the town's heritage.

3 Update on Draft List

- 3.1 Members of the public and interested parties such as Parish Councils and Residents Associations were invited to nominate buildings across Hartlepool that they thought were significant. The period of consultation ran from November 2010 until the end of January 2011. Nominations were accepted via e-mail and in writing. Seventy-two nominations were received for buildings and land throughout Hartlepool.
- 3.2 These nominations have been placed on a draft list along with nominations that have been identified as part of the work carried out appraising the eight conservation areas. In addition surveys of the town were also carried out to

cover buildings which are located outside conservation areas. Over 250 nominations are included on the draft list.

- 3.3 Officers have compiled a description for each nomination, examining background information, photographing the site where possible and plotting each site on a location plan. This information has been placed in a draft document.
- 3.4 Owners and occupiers of all properties on the list have been consulted on the nominations. Consultation was in the form of a letter outlining what nomination means, a copy of the draft list entry, a form to provide a response and a prepaid envelope to return the consultation in. The closing date for comments is 22nd July. Once all of the comments have been received the draft list will be published for general comment.
- 3.5 All responses to the consultation will be presented alongside any material considered relevant for the selection of buildings to be placed on the final list.

4 Independent Panel

- 4.1 The selection of buildings will be carried out by an independent panel agreed by the Portfolio Holder for Community Safety and Housing on 16th June. The panel will comprise individuals with specialist knowledge in the field of conservation, architecture and history.
- 4.2 Conservation Officers from Middlesbrough and Stockton Councils have agreed to sit on the panel.
- 4.3 At the last meeting of this committee it was agreed that Richard Tinker of the Victorian Society would represent the CAAC on the selection panel.
- 4.4 Advice was taken from Hartlepool Reference Library on individuals with good knowledge of local history. A number of local residents were approached. Steve Robbins agreed to represent these interests on the panel. He has carried out research into Hartlepool and regularly leads guided walks in the town.
- 4.5 To ensure that there is no conflict of interest it is proposed that if any representative on the panel has nominated a building for the list they would not be able to take part in the discussions on that building or the final decision on including that building on the list.

5 Recommendation

- 5.1 That the Committee notes the progress made on compiling a list of locally significant buildings.

Report of: Director of Regeneration and Neighbourhoods

Subject: TREES IN CONSERVATION AREAS

1. Introduction

- 1.1 This report provides information to the committee on the law relating to trees in private ownership located within conservation areas, the Council's approach to dealing with conservation area tree work notices and a brief outline of the maintenance of publicly owned trees in conservation areas.

2. Background

- 2.1 At the last meeting of this committee Members queried the controls in place regarding the removal of trees in conservation areas. This report is in response to that discussion.

3. Tree Preservation Orders

- 3.1 A tree preservation order (TPO) is an order made by a local planning authority (LPA) which in general makes it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree without the planning authority's permission. The purpose of a TPO is to protect trees that make a significant impact on their local surroundings.

4. Trees in Conservation Areas

- 4.1 Trees in conservation areas which are already protected by a tree preservation order are subject to the normal TPO controls. This section of the report provides information on the law relating to privately owned trees within conservation areas that are not already the subject of TPOs.
- 4.2 The Town and Country Planning Act makes special provision for all trees over a certain size (75mm girth) located within conservation areas. This special provision is in recognition of the contribution trees can make to the character and appearance of such areas, and is in addition to TPO controls.
- 4.3 Anyone proposing to cut down or carry out work to a tree in a conservation area is required to give the LPA six weeks prior notice. The purpose of this requirement is to give the LPA an opportunity to consider whether a TPO should be made in respect of the tree.
- 4.4 There are a number of exemptions from the requirement to give prior notice and these are:
- i. Work which is exempt from the requirement to apply for consent under a TPO, i.e. trees which are dead, dying or have become dangerous;

works to prevent or abate an ‘actionable’ legal nuisance; cutting down or carrying out work to trees if required to implement a full planning permission; cutting down or carrying out work to trees situated on a statutory undertakers operational land; cutting down or carrying out work to trees in a commercial orchard.

- ii. Cutting down trees in accordance with a Forestry Commission felling licence.
- iii. For work carried out by, or on behalf of, the LPA, i.e. the Council as a whole and not just its planning department.
- iv. For work on a tree with a diameter not exceeding 75mm (or 100mm if cutting down trees to improve the growth of other trees, i.e. thinning operations).

4.5 The LPA can deal with a notice in one of three ways. They may:

1. Make a TPO if justified in the interests of amenity, for example this could be the case if notice was given to fell a tree that is considered to be a significant public visual amenity feature.
2. Decide not to make a TPO and allow the six week period to expire, at which point the work may go ahead as long as it is carried out within two years from the date of the notice, or
3. Decide not to make a TPO and inform the applicant that the work can go ahead, for example if the proposed works are in accordance with good arboricultural practice, or there is no detrimental effect upon public visual amenity.

The LPA cannot refuse consent. Nor can they grant consent subject to conditions. This is because a notice to carry out work to trees in conservation areas is not, and cannot be treated as, an application for consent under a TPO.

4.6 LPAs are not required to publicise conservation area tree work notices, but are advised to consider seeking the views of local residents or groups particularly in cases where there is likely to be public interest. LPAs are however, required to keep a register of notices which must be available for public inspection.

4.7 When a conservation area tree work notice is received, the LPA’s main considerations should be whether the tree merits a TPO and whether or not it would be expedient in the interests of public visual amenity to make one. Special attention must be paid to the desirability of preserving the character or appearance of the conservation area. Responses to any publicity must also be considered.

4.8 Anyone who cuts down, uproots, tops, lops, wilfully destroys or wilfully damages a tree in a conservation area without submitting six weeks prior notice to the LPA is guilty of an offence. The same penalties as those for contravening a TPO apply. For example, anyone who cuts down a tree in a conservation area without giving the necessary notice is liable, if convicted in the Magistrates Court, to a fine of up to £20,000. Anyone who carries out

work in a way that is not likely to destroy the tree is liable to a fine in the Magistrates Court of up to £2,500.

- 4.9 In addition to the potential penalties outlined above, if a tree in a conservation area is removed, uprooted or destroyed without first submitting the necessary prior notice to the LPA, the landowner is placed under a duty to plant another tree of an appropriate size and species at the same place as soon as he or she reasonably can. The same duty applies if a tree is removed because it is dead, dying or dangerous or because it is causing an 'actionable' nuisance. This duty attaches to subsequent owners of the land, although the LPA have powers to dispense with the duty.

5. Hartlepool Borough Council's Approach to Dealing with Conservation Area Tree Work Notices

- 5.1 Hartlepool Borough Council recommends that conservation area tree work notices are submitted on the standard tree work application form provided by the Secretary of State (and mandatory for the submission of TPO tree work applications), although they cannot insist on its use.
- 5.2 Regardless of how it is submitted, it is vitally important that the notice sets out clearly what work is proposed. Clarification will need to be sought where a vague notice is received so that a full appraisal of the proposed works can be made. Anyone carrying out work that exceeds or substantially differs from that specified in the notice may be guilty of an offence.
- 5.3 Upon receipt, tree work notices are assigned to a Planning Officer and entered onto the Council's register of planning applications which is available to view online at all times of the day and paper copies of all applications can be viewed at Bryan Hanson House during office hours.
- 5.4 The Council's Arboricultural Officers are consulted on and assess all submitted tree work notices.
- 5.5 The Officer will use his or her professional judgement in assessing whether or not the proposal accords with arboricultural best practice, or in cases where the proposal is to completely remove a tree or trees, whether or not this will lead to a significant loss of public visual amenity. In many cases the Officer will conduct a 'TEMPO' (Tree Evaluation Method for Preservation Orders) assessment which is a useful aid to decision making as it provides a consistent and reliable means of assessing trees for TPO suitability.

6. Trees in Parks, Public Open Spaces and Streets in Conservation Areas

- 6.1 In Hartlepool, trees located in public parks are under the control of the Parks and Countryside team, and trees in streets and public open spaces are under the control of the Highways team. The Council's Arboricultural Officers are consulted on proposed tree works or removals and provide technical guidance and advice to these teams with regard to the health and structural integrity of the town's publicly owned trees.
- 6.2 Trees in public parks have been inspected on a three yearly basis, beginning in 2005, by an independent arboricultural consultant. Trees in streets and public open spaces were inspected by an independent arboricultural consultant during winter 2004/5.
- 6.3 Following these inspections, programmes of remedial tree works have been carried out to address the resulting recommendations.
- 6.4 The Hartlepool Tree Strategy 2011 – 2016 makes a commitment to implement a regime of planned inspection and management of publicly owned trees and work has recently begun on this with a programme of inspections of trees in streets and public open spaces currently being carried out by the Council's Arboricultural Officers.
- 6.5 The tree strategy sets out Hartlepool Borough Council's guiding principles on tree related matters. Copies are available to download from the Council's website at www.hartlepool.gov.uk/trees and printed copies can be provided on request.

7. Conclusion

- 7.1 Privately owned trees in conservation areas are subject to a system of prior notification of proposed works or removal. This gives the local planning authority an opportunity to consider whether a tree preservation order should be made to protect the tree(s).
- 7.2 Publicly owned trees in conservation areas are subject to a regular inspection regime and recommended maintenance works are carried out following these inspections.
- 7.3 Hartlepool Borough Council has recently adopted an up-to-date tree strategy that sets out the Council's guiding principles on tree related matters.

8. Recommendation

- 8.1 That the Committee note the report