

# PLEASE NOTE CHANGE OF TIME

## PLANNING COMMITTEE AGENDA



Wednesday 16<sup>th</sup> April 2014

at 10.30am

in the Council Chamber,  
Civic Centre, Hartlepool.

### MEMBERS OF PLANNING COMMITTEE:

Councillors Ainslie, Beck, Cook, Cranney, Fisher, Fleet, Griffin, James, A Lilley, G Lilley, Loynes, Martin-Wells, Morris, Robinson, Shields and Sirs

#### 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 1<sup>st</sup> April 2014 (*to follow*)

#### 4. ITEMS REQUIRING DECISION

##### 4.1 Planning Applications – *Assistant Director (Regeneration)*

- |   |             |  |
|---|-------------|--|
| 1 | H/2014/0097 | Rossmere Primary School, Catcote Road ( <i>page 1</i> )      |
| 2 | H/2014/0067 | Hartlepool Conservative Club, Church Walk ( <i>page 7</i> )  |
| 3 | H/2014/0068 | Hartlepool Conservative Club, Church Walk ( <i>page 15</i> ) |
| 4 | H/2014/0032 | 2A Marine Crescent ( <i>page 23</i> )                        |
| 5 | H/2013/0585 | Tunstall Court, The Parade ( <i>page 29</i> )                |

##### 4.2 Appeal at 183 Elwick Road – *Assistant Director (Regeneration)*



# PLEASE NOTE CHANGE OF TIME

## 5. ITEMS FOR INFORMATION / DISCUSSION

5.1 Appeal at Low Throston House, Netherby Gate – *Assistant Director (Regeneration)*

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

## 6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

## 7. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on 14<sup>th</sup> May 2014



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **1 APRIL 2014**

The meeting commenced at 5.00 pm in the Civic Centre, Hartlepool

**Present:**

Councillor Rob Cook (In the Chair)

Councillors: Jim Ainslie, Paul Beck, Kevin Cranney, Keith Fisher, Mary Fleet, Sheila Griffin, Marjorie James, Alison Lilley, Geoff Lilley, Brenda Loynes, George Morris, Jean Robinson and Linda Shields.

Also Present: In accordance with Council Procedure Rule 5.2;  
Councillor Stephen Akers-Belcher as substitute for Councillor Kaylee Sirs,  
Councillor Carl Richardson as substitute for Councillor Ray Martin-Wells.

Councillor Allan Barclay.

Officers: Denise Ogden, Director of Regeneration and Neighbourhoods  
Peter Devlin, Chief Solicitor  
Chris Pipe, Planning Services Manager  
Jim Ferguson, Planning Team Leader (DC)  
Andrew Carter, Senior Planning Officer  
Tom Britcliffe, Principal Planning Officer  
Adrian Hurst, Principal Environmental Health Officer  
Mike Blair, Highways, Traffic and Transportation Manager  
David Cosgrove, Democratic Services Team

## **120. Apologies for Absence**

Councillors Sirs and Martin-Wells.

## **121. Declarations of interest by members**

Councillor G Lilley raised concern in relation to the applications before the Committee at the meeting and the fact that the Leader of the Council had met with one of the developers. There were allegations that the developers had been given assurance that the applications would be approved. Whether or not these allegations were true, Councillor G Lilley stated that he considered that there had been a level of pre-determination in relation to the applications

and that he would not remain in the meeting for their consideration.

Councillor G Lilley then left the meeting.

The Chief Solicitor stated that the Leader of the Council was not a Member of the Committee, nor present at the meeting. The Chief Solicitor reminded all Members present of their responsibilities in relation to prejudicial declarations of interest and pre-determination.

Councillor A Lilley left the meeting at this point.

Members expressed their concerns at the allegations made against the Leader who was not present at the meeting. Members indicated that they were aware of the meeting referred to and indicated that it had also been attended by the Chief Executive and the Director of Regeneration and they were bound by law and the constitution to ensure no wrong-doing was being done. It was normal practice for any Leader to meet with representatives of those wishing to make significant investment in an area and indeed to encourage that investment.

## 122. Confirmation of the minutes of the meeting held on 19 March 2014

Confirmed.

## 123. Planning Applications *(Director of Regeneration and Neighbourhoods)*

<b>Number:</b>	H/2013/0033
<b>Applicant:</b>	Wynyard Park Ltd
<b>Agent:</b>	NATHANIEL LICHFIELD AND PARTNERS, LYNDA STEVENSON, GENERATOR STUDIOS TRAFALGAR STREET NEWCASTLE UPON TYNE
<b>Date received:</b>	23/01/2013
<b>Development:</b>	Outline planning application, with all matters reserved, for up to 200 dwellings, a local centre (Use Classes A1/A2/A3/A4 or A5) of up to 400 sqm, commercial development of up to 101,858 sq m of Class B1 office floorspace, and a Multi Use Games Area with associated landscaping and infrastructure works
<b>Location:</b>	Land North of the A689 WYN YARD BUSINESS PARK

**Decision:**

The application was recommended for refusal by Officers on the basis that the applicant had failed to demonstrate that the developer contributions sought could not be provided by the development.

The Planning Committee considered the Officer's report and recommendation, however, the Committee considered that the developer contributions offered were sufficient and that the scheme would be beneficial to Hartlepool in terms of economic benefits.

The Planning Committee were minded to approve the application subject to conditions (delegated to the Planning Services Manager in consultation with the Chair) and the following developer contributions and obligations. (These obligations will either be secured through a section 106 agreement or where considered appropriate by conditions).

- Off-site highway works including triggers.
- Supported public transport services including triggers.
- A footbridge over the A689, unless it is demonstrated an at grade crossing is acceptable, and triggers.
- A commitment to deliver the local centre including triggers.
- A commitment to deliver public sports (MUGA) and play facilities including triggers, and to manage and maintain them for public access.
- A commitment to a targeted training and employment charter.
- A commitment to deliver a primary school including triggers.
- A contribution to the development of public rights of way in the vicinity of the site. (£150,000)
- A commitment to accommodate a public right of way through the site.
- An affordable housing contribution. (£1,428,000)
- A commitment to maintain build and maintain highways to an adoptable standard.
- A commitment to maintain landscaping and amenity areas to an appropriate standard.
- Delivery of pipeline protection works including any required access arrangements.
- A commitment not to implement the previous permission(s) in the relevant parts of the site
- A Conservation & Habitat Management Plan securing ecological mitigation across the wider Wynyard Park site.
- A commitment securing the delivery, implementation and review of travel plans and the appointment of a

travel plan coordinator.

The Committee considered representations in relation to this matter.

The Applicant (Matt Johnson) was present at the meeting.

Officers presented the application and indicated that as discussions with the applicant had failed to reach a satisfactory conclusion in particular in relation to the developer contributions towards affordable housing and secondary school place contributions they recommended to Members that the application be refused.

Councillors questioned the need for the contribution suggested within the original recommendations for approval for secondary school places. Members believed that the likelihood for the need for additional secondary school places would be minimal and balanced the need for secondary school places through this application with the lack of a similar request for the recent planning approval at Upper Warren. Members also questioned the triggers that would be included within any approval for off-site road improvements. Officers indicated that these would relate to the timing of the various matters including the delivery of highway improvements and would

The applicant outlined the investment proposed through the application and highlighted the jobs that would be created through the development stage and permanently through the office space element of the development. The application would result in significant infrastructure development and there were developers ready to move on site once approval had been received. The applicant commented that they had agreed an off-site affordable homes contribution of 15% with Stockton BC in relation to the other applications but had not been able to get Hartlepool BC officers to move from an unfeasibly high contribution of 27.5%. If approval could be reached at this meeting, the applicant indicated that they would be happy to make a similar percentage contribution in relation to this application which would equate to £1.42m. In relation to the school places contribution, the applicant stated that the requirement for the secondary school place contribution had been raised late in the process and that previously a school places contribution had not been required.

In debate, Members questioned the 27.5% contribution figure and officers stated that this was the identified need for affordable housing evidenced in the Tees Valley Strategic Housing Market Assessment. The figure was not fixed but subject to discussion and in particular the viability of the development. The applicant had failed to demonstrate that a lower figure should be applied as they had not provided a robust viability assessment.

Members indicated that they were minded to approve the application in the terms set out in the original report to Members with an off-site contribution to affordable housing equal to the £1,428,000 proposed by the developer and no contribution to secondary school places. Members agreed that the details of the final approval should be delegated to the Planning Services Manager in consultation with the Chair and that should there be any concerns, a further report be brought to the Committee.

- Number:** H/2013/0043
- Applicant:** Wynyard Park Ltd And Mauve Ltd
- Agent:** NATHANIEL LICHFIELD AND PARTNERS,  
LYNDA STEVENSON GENERATOR STUDIOS  
TRAFALGAR STREET NEWCASTLE UPON TYNE
- Date received:** 25/01/2013
- Development:** Outline planning application for the erection of up to 400 dwellings, a potential two form entry primary school, a local centre of up to 250 sqm (Use Classes A1 to A5), changing facilities for two teams, playing field, open space, landscaping and associated infrastructure (all matters reserved except access)
- Location:** Land North of the A689 WYNYARD BUSINESS PARK
- Decision:** **Minded to APPROVE** subject to the Secretary of State not calling in the application and subject to the following conditions with authority delegated to the Planning Services Manager to amend, add to, or delete conditions if considered appropriate.

**CONDITIONS AND REASONS**

1. Approval of the details of the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority. In order to ensure that these details are acceptable.
2. The development hereby permitted shall be carried out in accordance with the plans 60248512-SK101 dated November 2012, SK-100-20 received at the Local Planning Authority on 24th February 2014, and SK1000.03 Rev A and SK1000.04 RevA received at the Local Planning Authority via Stockton- on-Tees Borough Council on 26th March 2014. For the avoidance of doubt.
3. 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. archaeological 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.
4. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated Feb 2014 and the following mitigation measures detailed within the FRA:
1. Limiting the surface water run-off generated by the 100 year (climate change) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
  2. A surface water discharge rate restricted to 3.5l/s/ha of proposed impermeable area with excess flows attenuated on site. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants.
5. Prior to the commencement of development detailed proposals for the disposal of surface water arising from the site shall be 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 that these details are acceptable in order to ensure the site is satisfactorily drained.
6. No development shall take place until a scheme for the provision and management of a 10 metre wide buffer zone alongside the Close Beck has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include: i) plans showing the extent and layout of the buffer zone ii) details of any proposed planting scheme (for example, native species). Development that encroaches on watercourses has a potentially severe impact on their ecological value e.g. by reducing the habitat that allows wildlife to continue to thrive in the riparian zone or facilitating increased pollutant loadings because the existing riparian vegetation has gone and cannot intercept pollutants.
7. The clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant

- works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this. In order to avoid harm to birds.
8. Any trees that are to be removed that have been identified as having high potential for roosting bats, should be subject to bat activity surveys prior to any felling works being undertaken on them. Any trees that have been identified as having moderate bat roosting potential should be felled according to a suitable method statement to reduce the risk of harm to bats. The method statement should be submitted to and approved in writing by the Local Planning Authority prior to the felling of the trees. Where method statements are agreed works shall be undertaken in accordance with the method statement. In order to avoid harm to bats.
  9. The mitigation for badgers described in section E6.9 of the Environmental Statement and for otters, section E6.10 of the ES, shall be implemented as described in those sections. In order to prevent harm to protected species.
  10. A lighting plan for the development shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any lighting, the lighting shall thereafter be installed in accordance with the details so approved prior to the access hereby approved being brought into use. The plan should demonstrate how light spill will be minimised on the adjacent woodland. In the interest of highway safety and in order to prevent disturbance to bats.
  11. This permission relates only to the highway works located within the application site and within Hartlepool Borough and detailed on drawing 60248512-SK101. For the avoidance of doubt.
  12. A scheme of works necessary for the protection of the nearby gas pipeline, in accordance with the conditions attached to planning permission and the clauses of the Section 106 Agreement for the provision of the Access Road and associated works for the Access Road Site submitted to Stockton On Tees Borough Council (under reference number 08/1410/FUL or any subsequent approval), or such other details as may be agreed by the Local Planning Authority, shall be agreed and implemented prior to the highway works hereby approved being brought into use. In order to ensure that adequate measures are undertaken to protect the gas pipeline and visitors to the site.
  13. All new roads and footways shall be carried out in accordance with the Teesside Area Design Guide and Specification for Residential Streets and the Manual for Streets unless some variation is otherwise agreed in writing by the Local Planning Authority. In order to ensure the works are to an appropriate standard.
  14. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority. To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
  15. A Construction Management Plan shall be submitted and agreed, prior to the commencement of development on each phase, with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles,

offsite dust/odour monitoring and communication with local residents. In the interests of the occupiers of adjacent and nearby premises.

16. Application for the approval of the reserved matters referred to above must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved. To clarify the period for which the permission is valid.

The Applicant (Matt Johnson) was present at the meeting to respond to any questions from the Committee.

<b>Number:</b>	H/2013/0076
<b>Applicant:</b>	Mr Paul Mackings, Cameron Hall Developments Ltd, Wynyard Hall BILLINGHAM
<b>Agent:</b>	England & Lyle Ltd Mr Steven Longstaff Gateway House 55 Conisdiffe Road Darlington
<b>Date received:</b>	15/04/2013
<b>Development:</b>	Outline planning application with all matters reserved for construction of up to 500 houses, primary school (including sports facilities) and nursery, retail units (up to 500 sqm), doctors surgery, community facilities, access and associated landscaping, footpaths and open space
<b>Location:</b>	LAND AT WYN YARD VILLAGE BILLINGHAM
<b>Decision:</b>	<b>Minded to APPROVE</b> subject to the receipt of satisfactory comments from the Environment Agency, the Secretary of State not calling in the application, the completion of a legal agreement securing the non-implementation of earlier planning permission(s) in critical areas within and adjacent to the site and subject to the following conditions with authority delegated to the Planning Services Manager to amend, add to or delete conditions if considered appropriate.

**CONDITIONS AND REASONS**

1. The development hereby permitted shall be carried out in accordance with the plans N81-2192 PL01 received by the Local Planning Authority on 11 February 2013 and the plan N81-2192 PL02 revision D received at the Local Planning Authority on 21st February 2014, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt.

2. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved. To clarify the period for which the permission is valid.
3. Approval of the details of the means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority. To clarify the period for which the permission is valid.
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. archaeological 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. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
6. The clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this. In order to avoid harm to birds.
7. Any trees that are to be removed shall first be inspected for their potential to support roosting bats by a suitably qualified ecologist. Any trees that are identified by this inspection as having high potential for roosting bats shall be subject to bat activity surveys prior to any felling works being undertaken on them. If bats are found to be present the tree(s) shall not be removed unless a method statement safeguarding the bats is first submitted to agreed in writing by

the Local Planning Authority. Any trees that have been identified as having moderate bat roosting potential should be felled according to a suitable method statement to reduce the risk of harm to bats. The method statement shall be submitted to and approved in writing by the Local Planning Authority for approval prior to the felling of the tree(s). Where method statements are agreed works shall be undertaken in accordance with the method statement. In order to avoid harm to bats.

8. This permission relates only to the highway works located within the application site and within Hartlepool Borough. For the avoidance of doubt.
9. All new roads and footways shall be carried out in accordance with the Teesside Area Design Guide and Specification for Residential Streets and the Manual for Streets unless some variation is otherwise agreed in writing by the Local Planning Authority. In order to ensure the works are to an appropriate standard.
10. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority. To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
11. A Construction Management Plan shall be submitted and agreed, prior to the commencement of development on each phase, with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. In the interests of the occupiers of adjacent and nearby premises.
12. 28. A) No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. In the interests of the preservation of any archaeological remains.

13. No development shall take place until Stage 1 Road Safety Audits of the proposed junctions have been undertaken submitted to and approved in writing by the Local Planning Authority. In the interests of highway safety.

The Agent (Ian Lyle) was present at the meeting to respond to any questions from the Committee.

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## **124. Any Other Items which the Chairman Considers are Urgent**

The Chairman reminded Members that there was a Pre Application Development Forum in advance of the next meeting and therefore the meeting would not commence until 10.30 am.

The meeting concluded at 6.30 pm.

CHAIR

**No:** 1  
**Number:** H/2014/0097  
**Applicant:** Ms Lynne Pauley Catcote Road HARTLEPOOL TS25 3JL  
**Agent:** Hartlepool Borough Council Mr C Bolton Building Consultancy 1 Church Street HARTLEPOOL  
**Date valid:** 06/03/2014  
**Development:** Change of use of caretaker's house to provide meeting rooms in association with the school, provision of vehicle and pedestrian access gates and provision of canopy over existing classrooms to provide covered outside space  
**Location:** Rossmere Primary School Catcote Road HARTLEPOOL

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## 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.

## PROPOSAL

1.2 Planning permission is sought for the change of use of a caretakers house to form additional teaching and learning space for use in connection with the main school buildings. There are no alterations or changes to the existing property proposed. The application includes additional works to provide a canopy over existing classrooms on the east side of the school to provide covered outside space and reinstatement of vehicle access gates and provision of additional pedestrian access gates.

1.3 This application is being reported to committee as the proposal is for the change of use of a Council owned property.

## SITE CONTEXT

1.4 The application site is Rossmere Primary School, which fronts onto Catcote Road Hartlepool, the caretakers property is within the grounds of the school. The site is located within an area of designated green wedge as allocated by policy GN2 of the Hartlepool Local Plan.

1.5 The property is a two storey dwellinghouse. The property is enclosed by a high hedge to the side with timber fencing to the side and rear. To the west of the site is Wynyard Road local centre which has a mix of commercial use units with residential flats above, to the south and east are the main school buildings and playing fields, and to the north is the Rossmere BMX/skate park, with residential properties beyond.

## **PUBLICITY**

1.6 The application has been advertised by way of site notice and neighbour letters (9). To date, there have been no representations made.

1.7 The period for publicity expires after the meeting.

## **CONSULTATIONS**

1.8 The following consultation replies have been received:

**Public Protection** – No objections

**Traffic and Transportation** – No objections

## **PLANNING POLICY**

1.9 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

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

GEP1 – General Environmental Principles

GEP2 – Access for All

GEP3 – Crime Prevention by Planning and Design

GN2 – Protection of Green Wedges

### National Policy

1.11 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 2 – Determination in Accordance with the Development Plan  
 Paragraph 11 – Determination in Accordance with the Development Plan  
 Paragraph 12 – Status of the Development Plan  
 Paragraph 13 – The National Planning Policy framework constitutes guidance  
 Paragraph 14 – Presumption in favour of sustainable development  
 Paragraph 19 – Support Sustainable Economic Growth  
 Paragraph 56 – Good design is a key aspect of sustainable development  
 Paragraph 57 - High quality inclusive design  
 Paragraph 196 – Primacy of the Development Plan  
 Paragraph 197 – Presumption in favour of sustainable development.

## **PLANNING CONSIDERATIONS**

1.12 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the potential impact on neighbouring residential properties in terms of noise and disturbance, visual amenity of the area and the potential impact on highway safety.

### Principle of Development

1.13 Policy GN2 of the Hartlepool Local Plan supports development within allocated green wedges for the erection of buildings or structures which comprise extensions to existing premises, the provision of facilities ancillary to existing or proposed recreational, leisure or sporting uses or development related to the provision of wildlife sites. In addition there should be no significant adverse effect on the overall integrity of the green wedge.

1.14 The proposed development would see the re-use of a redundant building within the green wedge this is considered to be acceptable in principle as the development does not involve the erection of any new buildings or structures. The addition of gates and the canopy are considered relatively minor alterations to the school building and enclosures. It is considered that there would be no significant adverse effect on the overall integrity of the green wedge as a result of the development.

1.15 It is considered that the proposal will contribute positively to the range of teaching facilities at Rossmere Primary School to the benefit of staff and pupils. The investment into the educational provision in the locality is to be welcomed.

1.16 The proposed development is considered to be acceptable in principle in accordance with policies GEP1, GEP2, GEP3 and GN2 of the Hartlepool Local Plan and paragraph 19 of the NPPF.

### Impact on the visual amenity of the area

1.17 The change of use of the residential property for additional teaching and learning space for use in connection with the main school is unlikely to have a significant impact upon the visual amenity of the area or residential properties.

1.18 The reinstatement of the vehicle access gates for additional security purposes and additional pedestrian gate for parents dropping off school children is unlikely to have a detrimental impact upon the visual amenity of the area.

1.19 The provision of the canopy over existing classrooms is within the school grounds and will sit next to an existing classroom extension.

1.20 It is considered that the proposed development would not have any significant detrimental impact on the visual amenity of the surrounding area in accordance with policy GEP1 of the Hartlepool Local Plan and Paragraph 56 of the NPPF.

#### Impact on the residential amenity of the area

1.21 The application site is located in excess of 30 metres from the nearest neighbouring residential properties. Due to the distance of the building from neighbouring properties and the nature of the proposed change of use and alterations it is considered that the proposal would not create any significant disturbances to neighbouring residential properties or otherwise significantly affect the amenity of existing residents.

#### Highways

1.22 The Council's traffic and transport section has been consulted and raises no objections to the proposed development in terms of highway safety.

### **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.23 There is no evidence of equality or diversity implications.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

1.24 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

1.25 There are no Section 17 implications.

### **REASON FOR DECISION**

1.26 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** subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority.  
In the interests of visual amenity.

3. The development hereby permitted shall be carried out in accordance with the plans Drg No(s) 726/62/2000, 726/62/2001, 726/62L001 and 762/62L002 and details received by the Local Planning Authority on 26 February 2014 and 7 March 2014, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.

## **BACKGROUND PAPERS**

1.27 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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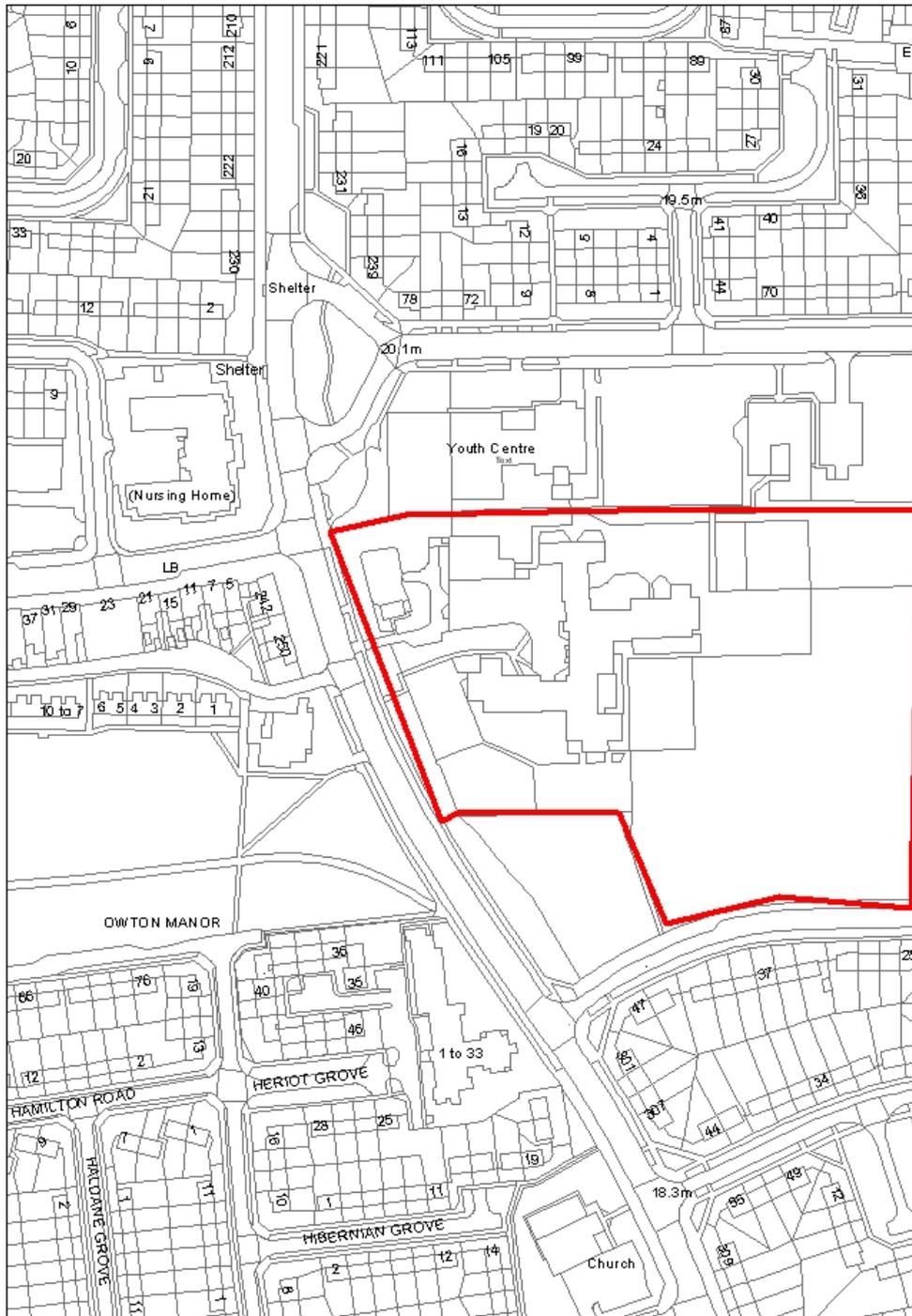
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# ROSSMERE PRIMARY SCHOOL



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
 Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT  
 Department of Regeneration and Planning

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**Scale: 2:1000**  
**Date : 02/04/13**  
**H/2014/0097**

**No:** 2  
**Number:** H/2014/0067  
**Applicant:** Mr M Westthorp Church Walk HARTLEPOOL TS24 0ND  
**Agent:** Mr M Westthorp Hartlepool Conservative Club Church Walk HARTLEPOOL TS24 0ND  
**Date valid:** 05/03/2014  
**Development:** Change of use of land to car park, installation of spiral staircase and relocation of garage  
**Location:** Hartlepool Conservative Club Church Walk HARTLEPOOL

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## PURPOSE OF REPORT

2.1 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

2.2 Planning and listed building consent was approved in 2012 to demolish a 20<sup>th</sup> century ground floor toilet extension to the rear of the building and erect a two-storey extension to provide a kitchen, toilets and entrance foyer with toilets at first floor. Alterations and repairs were also proposed to the buildings. Finally, the re-arrangement of the car park was also proposed, requiring demolition of the existing garages to the rear of the property.

## PROPOSAL

2.3 Since that scheme was approved the applicant has reconsidered the use of the building and the need to diversify the offer that it can provide. As a result the applicant is now seeking planning permission to install a spiral staircase on the exterior of the building to provide an emergency access at first floor level. In addition the owners of the property are in the process of purchasing additional land to the rear of the site. The owners are requesting a change of use of the land to provide extra car parking spaces.

2.4 The application has been referred to Planning Committee as it proposed the change of use of Council owned land.

## SITE CONTEXT

2.5 The application site is a two-storey Grade II\* listed building, which is currently used as a social club. The property is located on Church Walk and was built in the late 17<sup>th</sup> century, with extensions carried out in the early 19<sup>th</sup> century and late 20<sup>th</sup> century. The building was listed in 1949 and is located in a prominent position within the Headland Conservation Area opposite St Hilda's Church.

## **PUBLICITY**

2.6 The application has been advertised by site notice, neighbour letters (10), and press advert.

2.7 To date one representation from a neighbouring property has been received. It raises concerns regarding the proposed change of use of land to car parking. Of particular concern is the impact on houses in close proximity to the site that increased traffic and noise the extension to the car park will generate as vehicles enter and exit the site.

2.8 The period for publicity expires after the completion of this report on the 9<sup>th</sup> April. Any comments received after this time will be brought to the attention of the Committee.

Copy letters **A**

## **CONSULTATIONS**

2.9 The following consultation replies have been received:

**HBC Traffic and Transportation** – ‘There are no highway or traffic concerns..The proposed car park layout meets with our requirements.’

**HBC Public Protection** – No objections

**HBC Property Services** – No objections.

**English Heritage** – ‘There is no avoiding the fact that the proposed fire escape is not an aesthetically pleasing addition to the building and will result in the loss of some historic fabric and form with the alterations necessary to make the existing window into a door. However the need to find a viable, on-going use for the building is acknowledged and the proposal is, to some extent, reversible.’

**Hartlepool Civic Society** – We have studied the plans and thought it was a pity the fire escape was not incorporated with the two storey toilet block if this has now been built. Realistically, the addition is worth the price of getting the building safely into use again. It is a very important part of the Headland’s history. Interesting that the building is going to be called ‘Duke of Cleveland’.

## **PLANNING POLICY**

2.10 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

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

- GEP1: General Environmental Principles
- GEP2: Access for All
- GEP3: Crime Prevention by Planning and Design
- HE1: Protection and Enhancement of Conservation Areas
- HE2: Environmental Improvements in Conservation Areas
- HE8: Works to Listed Buildings (including Partial Demolition)

Forward Plan Comments: No comments

### National Policy

2.12 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 17 of the document sets out the core planning principles stating that, ‘planning should...conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations’

Paragraph 131 states that, ‘in determining planning applications, local planning authorities should take account of...the desirability of sustaining and enhancing the significance of heritage assets and...the desirability of new development making a positive contribution to local character and distinctiveness.’

Paragraph 132 states that, ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.’

Paragraph 134 states that, ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.’

## **PLANNING CONSIDERATIONS**

2.13 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 and in particular the effect of the proposal on the amenity of neighbouring properties in terms of outlook, noise and disturbance, the effect on the character of the listed building and the Headland Conservation Area.

2.14 The main relationship for consideration is that with the properties surrounding the building and in particular 110 High Street. That property is a two storey terraced property attached to the club. It has a 2m high stone boundary wall which screens the ground floor windows of the property from the application site. To the immediate rear of the site is Bedford Street a terrace of two storey buildings which back on to a rear lane separating them from the boundary of the application site.

2.15 The application is in two parts, works to the listed building installing an emergency access from first floor level and works to the area to the rear of the property to extend the car parking area.

2.16 Since the approval of the previous applications the owners of the property have carried out further works to the building and this has revealed a requirement for additional emergency access to the building. The proposal is a spiral staircase at first floor level from the function room of the building. Works will include the installation of the metal stairway and the alteration of a window to a door. The location of the staircase is some distance from the adjoining property and the surrounding neighbours. Given the nature of the access and the expectation that it would not be used frequently it is anticipated that it would not impact significantly on the amenity of the surrounding properties.

2.17 The second part of the application is the change of use of a piece of land owned by the Council to car parking. To the rear of the property is an unmade track, accessed off Bedford Street, which leads to a number of garages. This track includes an area of rough grass land to the western boundary of the site measuring approximately 220m sq. The sale of this land to the applicants has been agreed in principle. There is currently one private garage located on the land and it is proposed that this will be moved approximately 10m east to the edge of the land owned by the applicants. The proposed boundary of the site will be extended to incorporate the additional land which will provide an extra seven parking spaces bringing the total number of spaces on site to 21. Access to the car park will remain from Church Walk and those garages allocated to the rear of the site are still accessible via Bedford Street. By way of comparison the previous planning application dealt with the demolition of eleven garages to the rear of the property, all accessed off Church Walk, in addition the remaining land to the site provided for informal on site parking for club patrons. This demonstrates the established use of this land and access for car parking.

2.18 The land is some distance from the neighbouring properties, therefore this extension to the car park is unlikely to impact on these houses. Whilst it is acknowledged that the additional spaces could potentially result in increased traffic on Church Walk, particularly as patrons enter and exit the car park no highway or traffic concerns have been raised by HBC Traffic and Transportation.

2.19 The details of the boundary to the site were conditioned in the previous application and have yet to be agreed with the applicant. A similar condition is proposed in this instance.

2.20 The site is a grade II\* listed building. English Heritage comment that the spiral staircase is 'not an aesthetically pleasing addition to the building' however they do acknowledge the, 'need to find a viable, on-going use for the building'. All other alternative routes of emergency access have been explored and it is considered that this is the most appropriate solution that will have minimal impact on the character of the listed building.

2.21 With regard to the setting of the property, the land surrounding the rear of the building is an unmade car park. The proposal will provide an area of hard standing and a clear boundary to the site. It is anticipated that the appropriate finishing materials will enhance the setting of the listed building.

2.22 The proposal will enable a viable use in this listed building which is currently vacant. It is considered that this will have a positive effect on this part of the conservation area.

#### **EQUALITY AND DIVERSITY CONSIDERATIONS**

2.23 There is no evidence of equality or diversity implications.

#### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

2.24 There are no Section 17 implications.

#### **REASON FOR DECISION**

2.25 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** subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (Drg No. 110213/a received on 13th February 2014 & Dwg No. 110213/d received on 5th March 2014) and details received by the Local Planning Authority at the time the application was made valid on 5<sup>th</sup> March 2014 as amended by the plan (Dwg No. 110213/b) received at the Local Planning Authority on 3 April 2014, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
3. Before the development hereby approved is commenced, the boundary to the land incorporated into the car park shall be pegged out on site and the exact

location agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.

4. Final details of all boundary enclosures shall be submitted to and approved by the Local Planning Authority before the development commences and shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
5. No development shall take place until final details of external surface materials have been submitted to and agreed in writing by the Local Planning Authority.  
In the interests of visual amenity.

## **BACKGROUND PAPERS**

2.26 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.

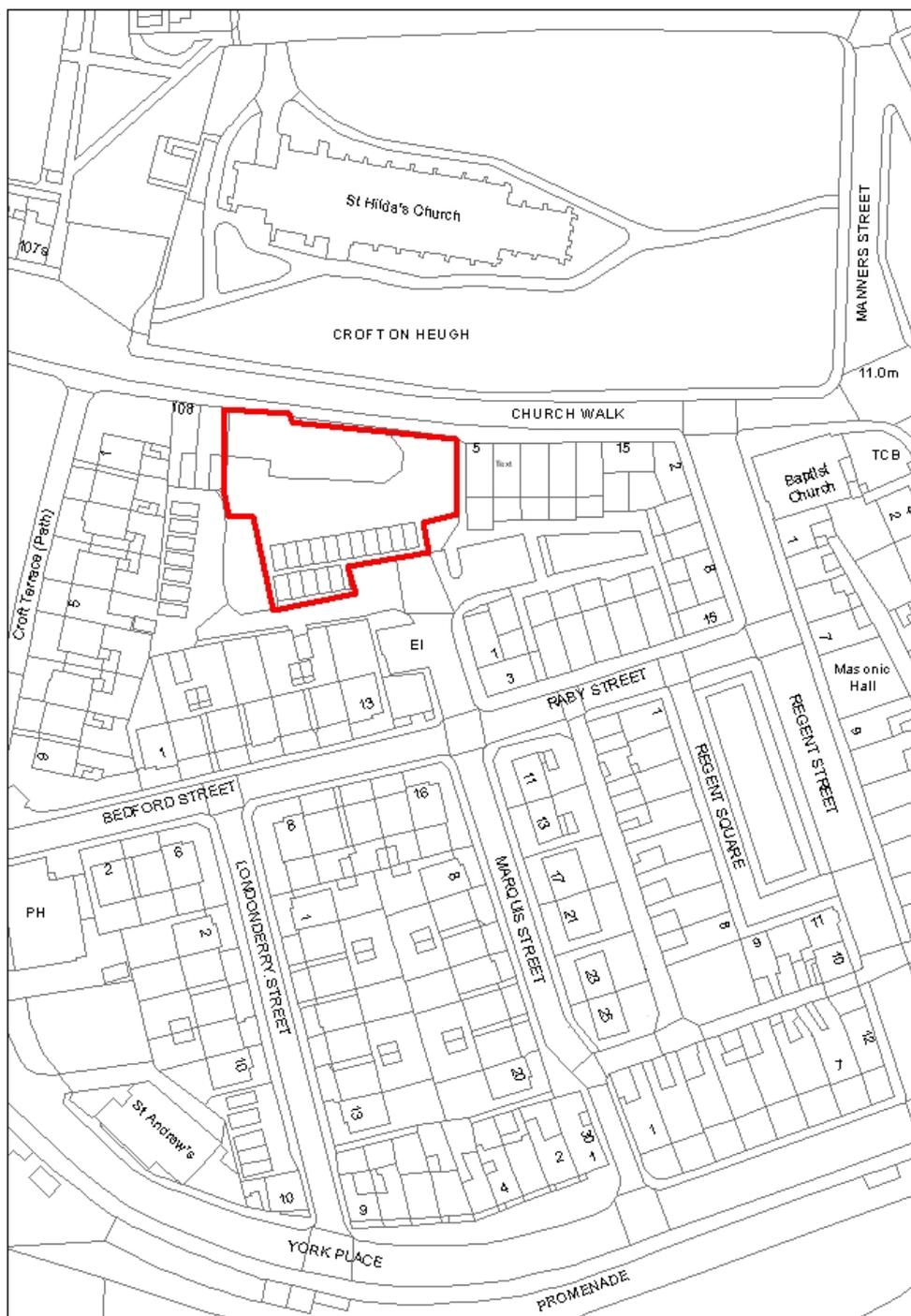
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# CONSERVATIVE CLUB, CHURCH WALK



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT  
Department of Regeneration and Planning

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Scale: 1:1000  
Date : 02.04/13  
H/2014/0067  
H/2014/0068



**No:** 3  
**Number:** H/2014/0068  
**Applicant:** Mr M Westhorp Church Walk HARTLEPOOL TS24 0ND  
**Agent:** Mr M Westhorp Hartlepool Conservative Club Church Walk HARTLEPOOL TS24 0ND  
**Date valid:** 05/03/2014  
**Development:** Listed Building Consent for change of use of land to car park, installation of spiral staircase and relocation of garage  
**Location:** Hartlepool Conservative Club Church Walk HARTLEPOOL

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## PURPOSE OF REPORT

3.1 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

3.2 Planning and listed building consent was approved in 2012 to demolish a 20<sup>th</sup> century ground floor toilet extension to the rear of the building and erect a two-storey extension to provide a kitchen, toilets and entrance foyer with toilets at first floor. Alterations and repairs were also proposed to the buildings. Finally, the re-arrangement of the car park was also proposed, requiring demolition of the existing garages to the rear of the property.

## PROPOSAL

3.3 Since that scheme was approved the applicant has reconsidered the use of the building and the need to diversify the offer that it can provide. As a result the applicant is now seeking Listed Building Consent to install a spiral staircase on the exterior of the building to provide an emergency access at first floor level. In addition the owners of the property are in the process of purchasing additional land to the rear of the site. The owners are also requesting a change of use of the land to provide extra car parking spaces.

3.4 The application has been referred to Planning Committee as it proposed the change of use of Council owned land.

## SITE CONTEXT

3.5 The application site is a two-storey Grade II\* listed building, which is currently used as a social club. The property is located on Church Walk and was built in the late 17<sup>th</sup> century, with extensions carried out in the early 19<sup>th</sup> century and late 20<sup>th</sup> century. The building was listed in 1949 and is located in a prominent position within the Headland Conservation Area opposite St Hilda's Church.

## **PUBLICITY**

3.6 The application has been advertised by site notice, neighbour letters (10), and press advert. To date no representations from neighbouring properties have been received.

3.7 The period for publicity expires on the 9<sup>th</sup> April after the completion of this report. Any comments made after the writing of this report will be brought to the attention of the Committee.

## **CONSULTATIONS**

3.8 The following consultation replies have been received:

**HBC Traffic and Transportation** – ‘There are no highway or traffic concerns...The proposed car park layout meets with our requirements.’

**HBC Public Protection** – awaited

**HBC Property Services** – No objections.

**English Heritage** – ‘There is no avoiding the fact that the proposed fire escape is not an aesthetically pleasing addition to the building and will result in the loss of some historic fabric and form with the alterations necessary to make the existing window into a door. However the need to find a viable, on-going use for the building is acknowledged and the proposal is, to some extent, reversible.’

## **PLANNING POLICY**

3.9 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

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

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

HE1: Protection and Enhancement of Conservation Areas

HE2: Environmental Improvements in Conservation Areas

HE8: Works to Listed Buildings (including Partial Demolition)

Forward Plan Comments – no comments

### National Policy

3.11 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 17 of the document sets out the core planning principles stating that, ‘planning should...conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations’

Paragraph 131 states that, ‘in determining planning applications, local planning authorities should take account of...the desirability of sustaining and enhancing the significance of heritage assets and...the desirability of new development making a positive contribution to local character and distinctiveness.’

Paragraph 132 states that, ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.’

Paragraph 134 states that, ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.’

## **PLANNING CONSIDERATIONS**

3.12 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 and in particular the relevant material considerations including the effect of the proposals on the character and setting of the listed building and conservation area.

3.13 The significance of the building is found in its late 17<sup>th</sup> century origins but also in the early 19<sup>th</sup> century alterations and survival of historic features, particularly inside the property. Occupying a prime location opposite the grade I listed Church of St Hilda, it is architecturally distinct from its predominant later 19<sup>th</sup> century surroundings

and as such makes an interesting contribution to the character of the conservation area.

3.14 All of the proposed works are to the rear of the building. The main works to the building itself are the proposed replacement of a window at first floor level and the erection of a spiral staircase to provide emergency access from a large space in the building which is currently being converted to a function room.

3.15 The need for the fire escape has been a result of the new function room within the building. All avenues to provide an escape access inside the building have been investigated but this proposal is the only viable option that will result in a minimal impact on the listed building.

3.16 This is a grade II\* listed buildings, one of only six in Hartlepool. The property had suffered from a lack of maintenance in recent years and as a result had been placed on the Local Authority's Heritage At Risk Register. In order to secure a future for the building a balance needs to be struck to enable works to be carried out which will facilitate a viable use in the property.

3.17 It is considered that the works that are proposed to the building, although harmful, are less than substantial and will have an impact on the significance of the asset. Whilst it is acknowledged that this proposal is not ideal this solution has been agreed as the most suitable in this instance as it will allow the minimum works to the structure to enable it to achieve a sustainable use.

3.18 The club is currently negotiating the purchase of a strip of land from the local authority which lies adjacent to the western boundary of the car park. It is proposed the land will be incorporated into the existing car park to provide additional spaces.

3.19 The land to the rear of the club is an unmade car park. Previous permissions have allowed for the demolition of a row garages to the southern boundary and the erection of a boundary to secure the land. This application proposes the incorporation of a strip of unmade ground, currently owned by the local authority into the site and the movement of a single, prefabricated garage. A boundary, of a similar design to that proposed on the previous application is also proposed to enclose the land.

3.20 The formation of a car park to the rear of the building will require the resurfacing of the land and the demarcation of parking spaces. Previously the land did not have a surface treatment and there were no formal parking arrangements. The formalisation of the space to the rear of the building will enhance the setting of the listed building and the conservation area in providing a more organised arrangement. It is proposed that an appropriate surface treatment could be agreed by condition.

3.21 To conclude the site is a Grade II\* listed building and therefore a heritage asset for the purposes of the National planning Policy Framework (2012). It is considered that subject to appropriate conditions to agree external and internal materials and finishes, the proposal is unlikely to have a significant detrimental impact on the character and appearance of the listed building. The extension has been designed

to the minimum requirement for the facilities considered necessary to ensure viability of the building.

3.22 The proposal will also utilise a vacant listed building bringing it back to a residential use which is compatible with the Headland Conservation Area.

### **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.23 There is no evidence of equality or diversity implications.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

3.24 There are no Section 17 implications.

### **REASON FOR DECISION**

3.25 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** subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (Drg No. 110213/a received on 13th February 2014, Dwg No. 110213/d received on 5th March 2014) and details received at the Local Planning Authority at the time the application was made valid on 5 March 2014 as amended by the plan (Dwg No. 110213/b) received at the Local Planning Authority on 3 April 2014, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
3. No development shall take place until large scale details of the door at first floor level have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of the character and appearance of the listed building.
4. No development shall take place until final details of the spiral staircase, including a methodology for attachment to the building have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of the character and appearance of the listed building.
5. No development shall take place until final details of external surface materials have been submitted to and agreed in writing by the Local Planning Authority.  
In the interests of the character and appearance of the listed building.
6. Final details of all boundary enclosures shall be submitted to and approved by the Local Planning Authority before the development commences and shall be carried out in accordance with the approved details.  
In the interests of visual amenity.

## **BACKGROUND PAPERS**

3.26 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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# CONSERVATIVE CLUB, CHURCH WALK



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT  
Department of Regeneration and Planning

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Scale: 1:1000  
Date : 02.04/13  
H/2014/0067  
H/2014/0068



**No:** 4  
**Number:** H/2014/0032  
**Applicant:** Mrs Elaine Ingram 2a Marine Crescent HARTLEPOOL  
 Cleveland TS240PQ  
**Agent:** Mrs Elaine Ingram 2a Marine Crescent HARTLEPOOL  
 TS240PQ  
**Date valid:** 22/01/2014  
**Development:** Installation of upvc replacement windows and composite  
 front door  
**Location:** 2A MARINE CRESCENT HARTLEPOOL

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## PURPOSE OF REPORT

4.1 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.

## PROPOSAL AND SITE CONTEXT

4.2 The application site is an end terraced property within the Headland Conservation Area (a designated heritage asset) and is subject to an Article 4 Direction controlling permitted development rights to all elevations of the building.

4.3 Although some of the properties in the immediate area have maintained their traditional timber windows and doors, some have installed UPVC traditional style windows and some UPVC windows in a modern style.

4.4 The proposal seeks to replace timber casement windows with UPVC casement windows and replace the existing front and rear doors with composite doors.

## PUBLICITY

4.5 The application has been advertised by way of neighbour letters (3) a press notice and site notice. To date, there have been no responses received.

4.6 The period for publicity has expired.

## CONSULTATIONS

4.7 The following consultation replies have been received:

**Hartlepool Civic Society** – Objects to the use of plastic windows, the proposal is contrary to Hartlepool Borough Council policies as they are not of a style which befits the period and character of the property.

**Landscape Planning and Conservation** – The windows are contrary to the policy guidance agreed by Planning Committee as they are not, ‘of a type appropriate to

the age and character of the building.’ It is, therefore considered that the proposed windows would not preserve and enhance the character and appearance of the Headland Conservation Area. The proposed doors are not appropriate for the following reasons, composite doors have a smoother more regular surface finish and colour, and the ageing process differs significantly between composite material and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A composite door will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. Although neither of the existing doors are original to the house the proposed would not preserve and enhance the character and appearance of the Headland Conservation Area.

## **PLANNING POLICY**

4.8 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

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

GEP1: General Environmental Principles

GEP3: Crime Prevention by Planning and Design

HE1: Protection and enhancement of Conservation Areas

### National Policy

4.10 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 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development

Paragraph 131 – Sustaining and enhancing the significance of heritage assets  
Paragraph 134 – Harm to heritage assets  
Paragraph 132 – Weight given to assets conservation

## **PLANNING CONSIDERATIONS**

4.11 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 and in particular the impact upon the house itself, the street scene in general and on the Headland Conservation Area.

4.12 The windows and doors proposed do not follow current guidance. Discussions with the owner are ongoing. A comprehensive update will follow.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

4.13 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

4.14 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

4.15 There are no Section 17 implications.

**RECOMMENDATION – UPDATE** report to follow

## **BACKGROUND PAPERS**

4.16 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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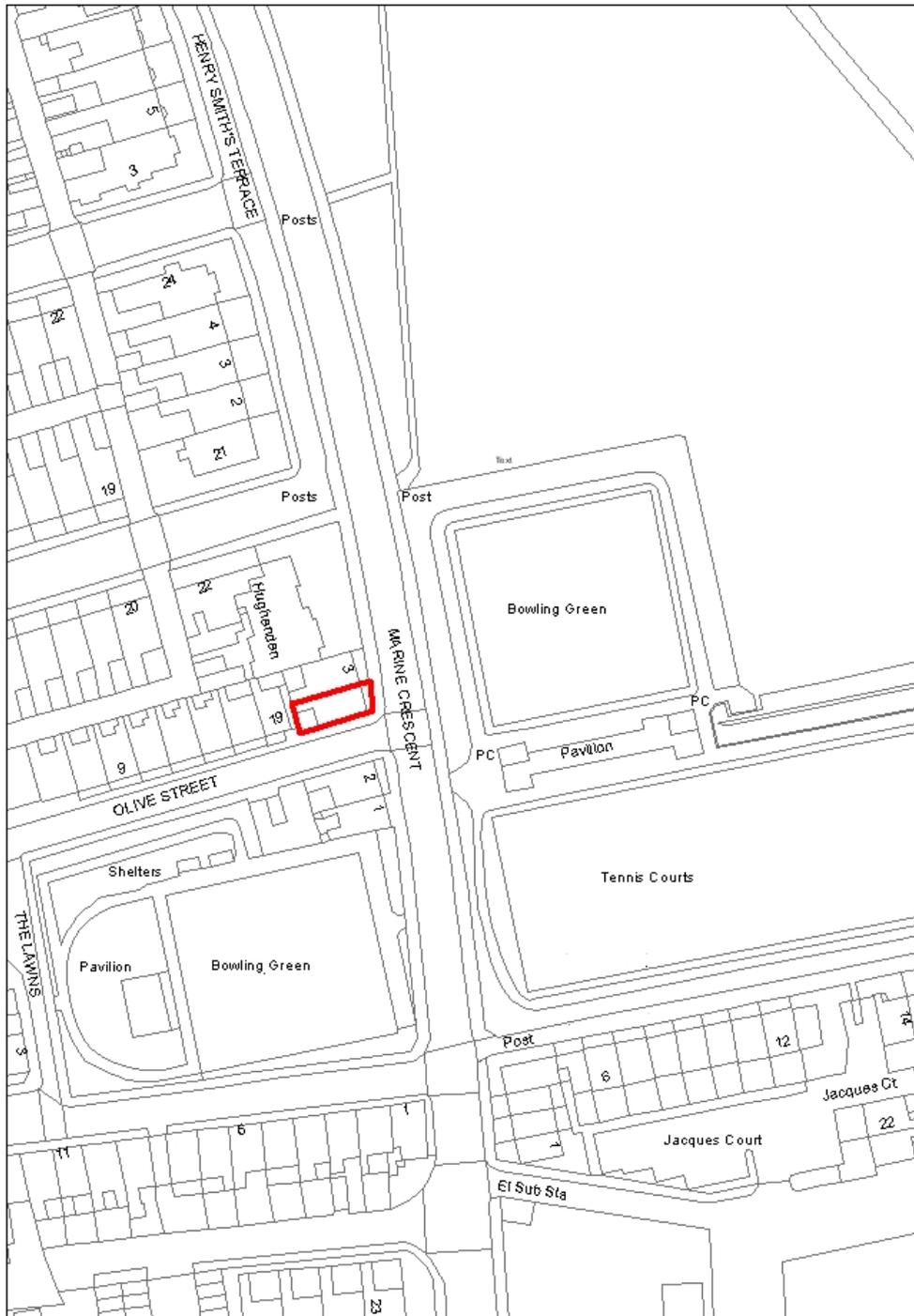
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# 2A MARINE CRESCENT



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT  
Department of Regeneration and Planning

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**Scale: 1:1000**  
**Date : 02/04/13**  
**H/2014/0032**



**No:** 5  
**Number:** H/2013/0585  
**Applicant:** Mr H Ruttle C/o Agent  
**Agent:** Sedgewick Associates Mr Thomas Relph Unit 24  
 Queensbrook Spa Road BOLTON BL1 4AY  
**Date valid:** 20/01/2014  
**Development:** Demolition of Tunstall Court and erection of 14 no.  
 dwellings and associated works including the provision of  
 a new access and landscaping  
**Location:** Tunstall Court The Parade HARTLEPOOL

## PURPOSE OF REPORT

5.1 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 and an update report will outline the material considerations in relation to the proposal and presents a recommendation.

## BACKGROUND

5.2 Three applications have been approved in recent years in respect of the site.

**H/FUL/2004/1029** - Conversion and extensions to provide 24 apartments, erection of new apartment block to provide 10 units and erection of 5 detached dwellings with associated roads and sewers. This application consent has lapsed.

**H/2008/0480** - Change of use, alterations, partial demolition of building, extensions and new buildings to provide 84 apartments, ancillary accommodation and communal facilities to provide a care community for the elderly (C2 use class). This will expire shortly if not implemented.

**H/2010/0561** - Part demolition, extension and redevelopment of Tunstall Court to provide 21 dwellings and erection of 12 detached dwellings with associated landscaping and formation of new access.

## SITE CONTEXT

5.3 Tunstall Court is large property, set in substantial grounds, constructed from 1894 – 1895. It is located within the West Park area of Hartlepool and within the Park Conservation Area. Sited to the east of Park Avenue, it sits between The Kitchen Garden to the north, St Bega's Glade to the east and The Parade to the south. The site lies in close proximity to Ward Jackson Park.

5.4 The application site comprises the large former house of Tunstall Court, built in red brick with stone dressing and a slate roof with red clay ridge tiles and finials. The property is two-storey in height, with attic space with two wings to the rear – one single-storey and one two-storey rising to three. The main façade of the building

contains the main entrance to the property through a central portico of 5 segmental arches, supported on columns with stone pedestals.

5.5 Tunstall Court is not a listed building but is considered to be locally significant and therefore an undesignated heritage asset within the Park Conservation Area.

5.6 The grounds of the court contain the remnants of an ornamental garden to the front of the house. An area of land, to the south west, formerly within the grounds of the court, has been converted to use as a public car park. The previous access to the property was from The Parade, with two lodge houses situated off The Parade which are both Grade II Listed, and are in separate ownerships. The original Tunstall Court estate also comprised land which is now occupied by residential development at St Bega's Glade and The Kitchen Garden.

5.7 Post-war, the building was acquired by Hartlepool Borough Council and used for educational purposes, later becoming a training centre during the 1980's. The site was since transferred to private ownership and in recent years the house and the grounds have remained vacant. With the levels of maintenance decreasing steadily and notable increases in vandalism and anti-social behaviour, the condition of the court and its grounds has significantly declined. Notwithstanding that, a substantial level of the building's architectural significance remains intact, as does a good level of the historical layout of its grounds.

## **PROPOSAL**

5.8 The application seeks consent for the demolition of Tunstall Court and the erection of 14 dwellings and associated works including the provision of a new access and landscaping.

5.9 The application has been referred to the Committee owing to the number of objections received.

## **PUBLICITY**

5.10 The application has been advertised by way of neighbour letters (40). To date, there have been 5 letters of no objection, 5 letters of support, 5 letters of comment and 9 letters of objections.

5.11 The objections raised include:

1. Concerns regarding access to the new development.
2. Concerns regarding increase in traffic.
3. Disgusted that this is even being considered as an option for one of the town's historical buildings.
4. It is the duty of the council and the owner of the property to maintain and uphold the property's upkeep. To deliberately neglect the property so that demolition is granted is criminal.
5. Concerns that the reports submitted by the applicant do not address the tests of the NPPF.
6. Concerns that the security provision over recent years has been limited.

7. Removal of 97 trees will decimate area.
8. the façade of Tunstall Court has not been condemned, any new development must be economically linked to the rescue of the house.
9. Trees valuable feature in the conservation area.
10. Japanese Knotweed is present on this, this is dangerous, yet confirmation has not been forthcoming of its total eradication.
11. no consistency in perimeter boundaries, these should be consistent with the surrounding street scene.
12. Disgrace to let buildings get into this state then say it is too expensive to save them.
13. Permission was granted in 2010, this application is manufactured, and has no right to be approved.
14. Concern regarding loss of heritage.
15. The current owner should not only have his planning application denied, but should be fined for allowing this to happen to a building of such a beauty and importance to the town.
16. Allowed to go to rack and ruin and be vandalised to the point where it is probably no longer 'economically viable' to restore it
17. one of the very few buildings of historic importance left in the town.
18. insane project designed to remove one of the last buildings of character in the town.

5.12 As outlined above 5 letters of support have been received. The representations raise the following comments:

1. Tunstall Court has been deteriorating for many years and I feel that the cost of rejuvenation would be astronomical and puts this idea completely out of the question.
2. Unless application is approved place will continue on its downwards spiral to the detriment of all those living in the area and indeed to the town as a whole.
3. The current application has been sensitively produced and if approved would be a significant benefit to the surrounding area and would improve the whole environment.
4. A relatively small number of quality homes is far more acceptable than one giant mess or higher density dwellings.
5. The area at the moment is an eyesore.
6. Tunstall Court is now in a serious state of dilapidation and, a major health and safety hazard.
7. Over the last decade the building has been systematically targeted by thieves, vandalised beyond recognition, subject to numerous arson attacks and used as a children's playground.
8. The police have been instructed not to enter it, thereby impacting on their ability to manage crime in the area.
9. The disturbance and worry attributable to this ongoing nuisance has a major impact on the amenity of local residents.
10. Given the previous planning history over the last 10 years and the current building condition it is clearly not possible for the market to deliver a development solution for this site that retains either part of the building or the façade.

11. If the application is refused there is no other viable solution that will resolve the future of this building.
12. What now remains is of no merit whatsoever and it is a clear fact that the building has now declined beyond economic repair.
13. The actions of the Council have only served to result in further decline and deterioration.
14. The developer is to be commended for the design approach which mirrors the same architectural features that the historic mansion used to have.
15. The building has been surveyed after repeated arson and vandal attacks and has been found to be structurally unsafe.
16. Surprised someone has not been killed.
17. The valuable resources spent on this site by the police and fire brigade is a disgrace.
18. The properties bordering this building are amongst the highest council tax payers in the town and it is about time something is done.

5.13 As outlined above 6 letters of comment have been received. The representations raise the following comments:

1. lack of details regarding the landscape proposals, this should be resolved prior to granting of permission.
2. is there a way to stipulate a maximum of 14 houses so any applications so higher densities can be refused.
3. would lie assurances that necessary work is carried out in accordance with decision in a timely manner.
4. concerns regarding loss of trees and visual impact of the loss of woodland in the conservation area.
5. limited information submitted in terms of landscaping and maintenance.
6. consideration should be given to reclaim some of the original stone work and features incorporating these into the new buildings.
7. style of the houses lack sympathy both to the historic value of Tunstall Court and the Conservation Area.
8. features should be retained such as replicate/preserve sunken garden, terrace level, belvedere balustrade and steps etc.
9. The removal of Tunstall Court will have a profound effect on the Conservation Area.
10. Beyond the point of no return and accordingly the principle of the redevelopment of the site is considered inevitable.
11. any development should maintain the quality and integrity of the exiting conservation area.
12. the current owner has a responsibility to preserve the property and its landscaping and have failed.
13. disappointed that the applicant need not be supported by details of the landscape proposals for the development. Can/should this officer decision not be revisited?
14. no details on the quality or quantity of landscaping envisaged to support the proposal.
15. affordable housing contributions should be made to elsewhere in the town.
16. planning gain should be secured through a legal agreement.

17. Fire on the 9<sup>th</sup> March 2014, children were seen running from the building, this is a serious health and safety issue.
18. public nuisance.
19. magnet for children, unsafe, systematically targeted.
20. not economically viable given planning history.
21. If refused there is no other viable solution, area left to decline further.
22. developer is to be commended for the design approach which mirrors the same architectural features that the historic mansion used to have.
23. Proposed central garden should be registered as public open space with seating and full public access so that the local community can utilise.

#### Copy Letters B

5.14 The period for publicity has expired.

### CONSULTATIONS

5.15 The following consultation replies have been received:

**Hartlepool Civic Society** - Members greeted these latest plans with dismay. A valuable, historic and beautiful building has just been allowed to deteriorate to provide a lucrative building site for a remote developer with obviously no feeling for the building, the grounds or Hartlepool.

For too long was the situation of leaving the building open to vandals, ensuring theft and destruction of many of the irreplaceable features allowed to continue. It could have been an easy option, and one which had been employed at an earlier stage for this same building, for guardians such as the Ad Hoc Organisation to provide cheap accommodation and at the same time prevent the criminal activity.

In the past, we have written to the Council – via the Chief Executive and Leader of the Council to express our concerns regarding the situation at Tunstall Court and for something to be done about it. Nothing seems to have been done. Previous approved plans which envisaged the conversion and re-use of the building and a smaller number of properties should have been pushed long ago – the developer has obviously been ‘playing the system’ to get what has so obviously always been the sole intention - to provide a coveted building site. Members are aware of at least one other property in the region, which is owned by this ‘developer’ and is similarly being vandalised and is of major concern to the residents.

The Society would remind the Council that the National Planning Policy Framework, clearly states that ‘where there is evidence of deliberate neglect or of damage to a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.’ Heritage asset is defined in the N.P.P.F. as including not only designated assets such as The Park Conservation Area but also those that appear in a local listing as Tunstall Court does (NPPF 130).

Similarly, it further states that ‘LPA’s should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development

will proceed after the loss has occurred. What steps will be undertaken by Hartlepool Borough Council to do this? (NPF 136)

Our view is that no one who purchases, what they are well aware of as being a heritage asset should be allowed to profit from the neglect of that property. Several plans have been passed which include for some, if ever-decreasing portions of the original structure to be retained. No sign has been evidence of any attempt to progress these plans.

Too often developers are getting away with neglect that scars a community in order to seek permission to destroy that which ought to be treasured. It is time a stand was made. On these grounds and in the light of the N.P.P.F. guidance, the Civic Society does object to this application.

The stance that there is no market for apartments is now getting tedious – the people of Hartlepool are much more sophisticated to know what is happening in the country and are much more appreciative of their heritage than is obviously being assumed by the Ruttle organisation.

Of major concern to us – is that a feature of the grounds is obviously the trees – can these truly be protected from the proposed building operations? Will people accept a situation from an attractive plan, only once in residence to apply for trees to be demolished because they are too close to the property or overshadow the gardens. This current plan will result in the existing parkland being decimated by the removal of trees.

We have considered the situation as it is for many years and even taking into account the state of the building, we still feel that it could very well be incorporated into a thoughtful, sensitive design and continue to be a very valuable part of the Park Conservation Area. We therefore, oppose the demolition of the building.

**English Heritage** - Tunstall Court is one of the most important villa sites within the Park Conservation Area and the building is illustrative of the wealth and influence of the Victorian industrialists in Hartlepool. The total loss of this important building would cause substantial harm to the significance of the Park Conservation Area. Legislation and national planning policy requires account to be taken of the desirability of taking opportunities to enhance the character and appearance of conservation areas. Total loss of a significant building cannot be considered to enhance the character and appearance of a conservation area. The substantial harm that would be caused to the conservation area should be considered under para.133 of the NPPF.

Whilst we appreciate the current financial situation in relation to the site, if a building of this significance is to be lost, the evidence needs to be submitted to show that the previous schemes are not financially viable and an informed conclusion reached that demolition is the only realistic option left for the site. As such, we recommend that the applicant should submit development appraisals and details of the marketing of the site as evidence of the lack of financial viability for the conversion of the villa.

Tunstall Court is one of the most important villa sites within the Park Conservation Area, built in 1894 for the shipbuilder C. Furness. The conservation area centres upon Ward Jackson Park and the large, late Victorian industrialists' villas which were consequently developed around this attractive open space. Although a large part of the original plot has been lost to housing development, the villa's relationship with the open space to the front of the building (the main aspect of the house looking towards Ward Jackson Park) and its lodges remains intact. The building is illustrative of the wealth and influence of the Victorian industrialists in Hartlepool and the conservation area is an important part of Hartlepool's history. Despite the continual neglect and decline in condition of Tunstall Court and its landscape, the contribution that the site makes to the significance of the conservation area remains unchanged. The building has undoubted aesthetic qualities and makes a positive contribution to the character and appearance of the conservation area.

The total loss of this important building would cause substantial harm to the significance of the Park Conservation Area. English Heritage has previously accepted the principle of development within the grounds of the villa provided that the villa itself is retained and provided with a new use.

Policy HE1 of the Hartlepool Local Plan states that "*proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area*". The Council's Conservation Area Character Appraisal states that "*any new development must be economically linked to the rescue of the house and surviving grounds*" (p. 43) and whilst we appreciate the economic situation facing development proposals in Hartlepool at the current time, this must remain the optimum solution for the site.

The Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area (Planning (Listed Buildings and Conservation Areas) Act 1990). In addition to the legislation, the National Planning Policy Framework seeks improvement (enhancement) in conservation areas. Para. 9 says that pursuing "*sustainable development involves seeking positive improvements in the quality of the...historic environment*". Compliance with both the statutory consideration and the NPPF policies therefore requires account to be taken of the desirability of taking opportunities to enhance the character and appearance of conservation areas. Total loss of a significant building cannot be considered to enhance the character and appearance of a conservation area. The substantial harm that would be caused to the conservation area should also be considered under para. 133 of the NPPF including assessing the proposal against the tests set out in four bullet points.

Turning now to the realities of the site: it has been vacant for a decade and a number of proposed developments have been granted planning permission. However, no development has been implemented. The applicant states that this is due to a number of factors, including a change in the market for flats and the undoubted difficulties regarding the current economic conditions. This is a reasonable assertion but if a building of this significance is to be lost, the assertion needs to be tested and an informed conclusion reached that demolition is the only realistic option left for the site and consequently justification for substantial harm is in place (para. 133, NPPF). This could be done in a number of ways. Presumably the applicant would have

undertaken financial development appraisals for the various options that they have proposed for the site. Likewise they have presumably at some point marketed the site with planning permission in place. A more detailed understanding of these events would help to understand the financial background to this problem and any options that could be explored now, if there are any.

**Recommendation** - We recommend that the applicant should submit development appraisals and details of the marketing of the site as evidence of the lack of financial viability for the conversion of the villa. We would expect any financial analysis to be based on a detailed understanding of the repair needs and condition of the building. Consequently, having sight of the applicant's structural appraisal would be useful. Lastly, if after the submission of the above, there is a reasonable avenue of re use that's has not been explored then we recommend that the property is marketed for at least 6 months to see if there is demand for such a use. Please contact me if we can be of further assistance. We would be grateful to receive a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

**The Victoria Society** - We object to the proposed demolition and subsequent redevelopment of the site, which would cause substantial harm to the character and significance of the Park Conservation Area and would result in the loss of a handsome and important historic building.

Tunstall Court is a large and impressive villa constructed for the shipbuilder C. Furness in 1894. The grandness of its proportions and the quality of much of the building's details, both of the exterior and of the once-fine interior, are testament to the wealth and prestige enjoyed by its owner. It sits within the Park Conservation Area which centres on the Ward Jackson Park and the late-Victorian industrialists' houses that sprung up around it. As English Heritage has stated in its response to the application, Tunstall Court is one of the most important of the villa sites within the Conservation Area. The demolition of the building would therefore cause substantial harm to this designated heritage asset, depriving of it one of its most important historic elements and noted positive contributors.

The Conservation Area Appraisal states that "any new development must be economically linked to the rescue of the house and surviving grounds". English Heritage has previously accepted the principle of developing the site as long as the villa itself was retained and reused. We are satisfied that some development in the grounds may be necessary to realise the restoration and reuse of the historic building and wider site. However, we do not accept that the building must be entirely demolished to achieve a viable use of the whole site. We echo the sentiments of English Heritage in stating that all efforts should be made to retain the building. There is insufficient justification provided in the application for the total demolition of the building and the harm that that would incur, in addition to developing the wider site in the manner proposed.

The assertion that the site is not financially viable should the house be retained must be tested prior to any consent for the proposal being granted. Paragraph 133 of the NPPF is clear that development leading to the substantial harm of a designated heritage asset should be refused consent unless four separate criteria are met.

Those criteria are not met in this case. The nature of the scheme is irreversible and its impact would be substantially harmful and, on the basis of the information provided, we **strongly object** to this application.

**Traffic and Transportation** - The proposed scheme is acceptable in highways and traffic terms. The developer should provide funding to install traffic calming on Park Avenue. All roads and footways should be constructed in accordance with the HBC Design Guide and Specification and constructed under a section 38 agreement.

**Cleveland Police** - Although the development is located in a lower than average rate of crime and disorder I would always recommend that crime prevention measures where appropriate are adopted in new developments.

I am not aware if the development seeks to achieve Secured by Design accreditation but I have attached an application if required. I have the following recommendations:

**Boundary Treatments** - Boundaries that back onto open land can be vulnerable I would recommend that plots 7, 8, 9,12,13,14 have a 200mm boxed trellis topping to the fence. Any horizontal support rails should be placed on the private side of the fence with horizontal wire fitted to the fencing. Plot 1 should have the railings fitted to the outer edge of the wall to deter sitting.

**Entrances** - I would recommend that all entrances have features such as a rumble strip or change of road surface to help give the impression that the area beyond is private.

**Valuable Metal** - I would recommend the use of replacement material for easy accessible areas to prevent valuable metal theft.

**Environment Agency** – No objections

**Conservation Officer** - Paragraph 133 of the NPPF is noteworthy in considering this application. It is clear from the Park Conservation Area character appraisal that this building plays a significant part in contributing to the character of this conservation area. This is highlighted in the commentary on the layout of Tunstall Court in which it is noted that the site is, ‘an important reminder of the layout and scale on which the conservation area is based.’ Therefore the loss of Tunstall Court and the subsequent redevelopment of this site is considered to cause substantial harm to a designated heritage asset, i.e. the Park Conservation Area.

In line with the policy in the NPPF the applicant is required to meet the tests set out in paragraph 133 or demonstrate that the harm is necessary to achieve, ‘substantial public benefits’.

There does not appear to be any evidence provided in the supporting documents to demonstrate that substantial public benefits will be provided by this application or details of how all of the criteria set out in paragraph 133 have been met.

Should this application proceed in its current state this information should be provided.

In addition the proposal is contrary to policy HE12, Protection of Locally Important Buildings, in which the 'Council will seek to prevent the demolition of those buildings included on the list of locally important buildings...and will support the removal...only if it can be demonstrated that it would help preserve or enhance the character of the site and the setting of other buildings nearby.' No evidence is provided to suggest that this proposal would preserve or enhance the character of the site, on the contrary the proposal would ham the character of the Park Conservation Area.

Setting aside the issue of the demolition of the building and considering the proposed layout of the development. The character appraisal notes the importance of the hierarchy of buildings in the area and suggests that, 'The traditional hierarchy of the major historic houses and their lodges and outbuildings should be protected.' It goes on further to state that, 'Group houses with no hierarchy should be avoided, ensuring that any development feeds off an existing hierarchy or introduces an appropriate new hierarchy in its form, height, scale and architectural detailing.'

In this instance there is an existing hierarchy on the site with Tunstall Court as the main house and the lodge houses as secondary out buildings. Elsewhere on the site there was a gardener's cottage and other outbuildings. The proposed layout does not reinforce a hierarchy on the site but introduces houses of the same scale and size forming a group of houses.

In creating a hierarchy on the site the position of the lodges on plots 2 and 14 have been established in previous applications forming a new entrance on to the site. In relation to plots 10 – 12 these draw reference from the houses on The Parade, however if they were to reinforce the character of this part of the conservation area the design of the houses would be semi-detached properties or two single house with more substantial gardens rather than the three tightly aligned buildings shown.

Plots 7 and 8 are said to recreate Tunstall Court however to do this a single block of development in this location would be more appropriate should a suitable justification for the demolition of the building be provided.

Plots 4 – 7 are houses of a similar proportion with no discernable hierarchy. The Development Brief and previously agreed applications suggested a single block of development in this location. The intention of such a block was to reflect stables or cottages north of the central garden area. The appraisal notes that this would be a sound conservation approach 'though [this] would not be in exactly the same location as the original, that having been taken by The Kitchen Garden to the north.' Therefore it is considered that the proposal to accommodate four dwellings within this area would ham the character of the conservation area as the development would be out of character with the established estate layout of Tunstall Court.

A more appropriate solution would be a terrace of properties which could appear as a block of converted stables or cottages which would support the principal of a hierarchy of buildings on the estate.

Plot 1 is located in the position of a gardener's house that was demolished therefore in principal there would be no objections to development here.

Plots 3 and 13 again do not relate to an establish hierarchy and therefore should be omitted.

Summary - To summarise the significance of this site is two fold. It lies in the main building, Tunstall Court, and its design and architectural significance as a building of importance to Hartlepool. This architectural importance is encased in the Park Conservation Area and this element of it particularly where it displays a layout with a hierarchy of structures found in the early development of houses within this area. Secondly are the less tangible but equally important historic significance of the property and the connection to prominent industrial figures that shaped Hartlepool.

The proposed demolition of Tunstall Court would harm the character of the Park Conservation Area and result in the loss of an undesignated heritage asset.

Furthermore the proposed site layout of the development does not reflect the character of the Park Conservation Area as it does not follow a hierarchy of buildings but introduces a group of properties of similar size to a site and for that reason it would harm the significance of the conservation area.

**Countryside Access Officer** – There is no data that implies that there are any records of any recorded or unrecorded public and/or permissive rights of way running through, abutting to or affected by development of this site

**Northumbrian Water** - The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for NWL to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

The Developer should develop his Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

**Arboricultural Officer** - A comprehensive arboricultural impact assessment, produced in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', has been submitted in support of the application and provides information on how the proposed development relates to the existing tree population at the site.

Of the 217 individual trees included in the assessment, 97 are shown to be removed. Over half of these are for reasons of their condition; however several are to be removed to facilitate the development. The removal of these trees will have a significant impact upon the current appearance of the site leaving it with a generally more open, less densely wooded appearance. Many of the trees to the periphery and a large group near the centre of the site are however shown to be retained and should, as part of the future landscaping of the site, continue to provide considerable benefits in terms of visual amenity.

A key part of the arboricultural impact assessment is the draft tree protection plan which provides draft details of the measures necessary to protect retained trees from damage during the demolition and construction phases of the development. However, the submitted plan is only in draft and should, once all details of service runs and ground level alterations have been determined, be finalised and included within an Arboricultural Method Statement. In order to agree the final details pertaining to the protection of retained trees at the site I would recommend that submission of the finalised Arboricultural Method Statement be required by condition.

The application does not include a landscaping scheme. The proposed site layout, although containing a number of inaccuracies in this regard, does though provide a general indication of landscaping. I would consider the outline provided on the site layout plan acceptable in principle, nonetheless as only a general indication of landscaping has been submitted, I would recommend that full landscaping details are required by condition.

**RECOMMENDED CONDITIONS** - Unless otherwise agreed in writing, no development, including demolition works, shall start on site until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the details so approved.

Reason - In the interests of the health and appearance of the preserved trees.

Standard conditions J161 and J170 also apply.

**Tees Archaeology** – Tunstall Court was built in the late 19<sup>th</sup> Century as the home of Christopher Furness, a local shipping merchant and MP. The building is locally listed and is within a Conservation Area. It is a designated heritage asset.

The building was subject to archaeological recording in 2008 and an archive of this work is on public deposit. If the application was approved there would not be any further need for further recording (NPPG para. 141).

**Cleveland Fire Brigade** – Cleveland Fire Brigade offers no representations regarding the development as proposed.

**Natural England** – Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

**Engineering Consultancy** – No comments received

**Public Protection** – No comments received

**Property Services** – No comments received

## **PLANNING POLICY**

5.16 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

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

- GEP1 – General Environmental Principles
- GEP2 – Access for All
- GEP3 – Crime Prevention by Planning and Design
- GEP9 – Developer Contributions
- Hsg9 – New Residential Layout
- Tra16 – Car Parking Standards
- HE1 – Protection and Enhancement of Conservation Areas
- HE2 – Environmental Improvements in Conservation Areas
- HE12 – Protection of Locally Important Buildings

### National Policy

5.18 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 14 - Presumption in favour of sustainable development

Paragraph 17 - Core Planning Principles

Paragraph 47 - 5 year supply of housing

Paragraph 49 - Housing Policy position without a 5 year supply  
Paragraph 50 - Deliver a wide choice of high quality homes  
Paragraph 51 - Bring back into residential use empty housing and buildings  
Paragraph 56 - Requiring Good Design  
Paragraph 63 - Outstanding or innovative design  
Paragraph 96 - Decentralised energy supply  
Paragraph 126 - Conservation of heritage assets in a manner appropriate to their significance  
Paragraph 128 - Significance of any heritage assets affected  
Paragraph 130 - Deliberate neglect of a heritage asset  
Paragraph 131 - Determining heritage planning applications  
Paragraph 132 - Impact on the significance of a designated heritage asset  
Paragraph 133 – Public benefits that outweigh harm or loss  
Paragraph 134 - Less than substantial harm to the significance heritage  
Paragraph 137 - New development within Conservation Areas  
Paragraph 196 – Primacy of the Development Plan  
Paragraph 197 – Presumption in favour of sustainable development.

## **PLANNING CONSIDERATIONS**

5.19 A number of consultations responses are outstanding on the application, particularly further information has been requested from Cleveland Police in respect of the crime and anti-social behaviour records for the site. Furthermore, the applicant has provided a response in relation to the comments received from English Heritage, the response has been forwarded to English Heritage and the Council's Conservation Officer for further comment and updated responses are awaited. It is anticipated that all outstanding matters will be resolved prior to the meeting and a comprehensive update report will follow.

## **RECOMMENDATION – UPDATE TO FOLLOW**

## **BACKGROUND PAPERS**

5.20 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.

## **CONTACT OFFICER**

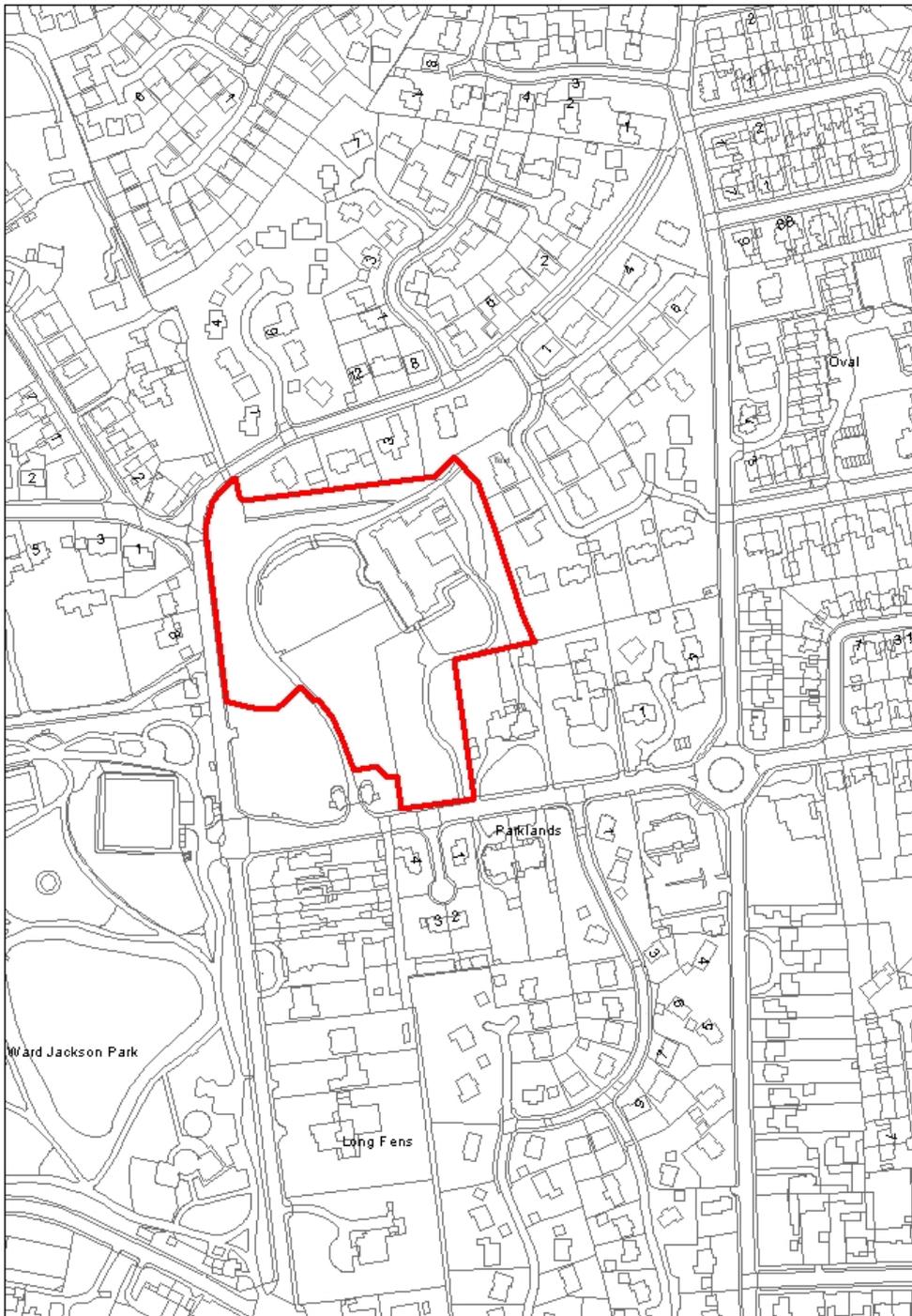
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# TUNSTALL COURT



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT  
Department of Regeneration and Planning

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**Scale: 1:1000**  
**Date : 06/03/13**  
**H/2013/0585**

## PLANNING COMMITTEE

16 April 2014



**Report of:** Assistant Director (Regeneration)

**Subject:** APPEAL AT 183 ELWICK ROAD, HARTLEPOOL  
APPEAL REF: APP/H0724/A/14/2215543  
ERECTION OF A DETACHED THREE CAR  
GARAGE WITH GRANNY FLAT ABOVE

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### 1.0 PURPOSE OF REPORT

1.1 To advise members of a planning appeal that has been submitted against the decision of the Council to refuse planning permission for the erection of a detached three car garage with granny flat above. The decision was made under delegated powers by the Planning Services Manager in consultation with the Chair of Planning Committee. A copy of the report is attached.

1.2 The appeal is to be determined by written representation and authority is therefore requested to contest the appeal.

### 2.0 RECOMMENDATION

2.1 That Members authorise Officers to contest the appeal.

### 3.0 CONTACT OFFIER

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## DELEGATED REPORT

### CHAIRMANS REFUSAL

**PS Code:** 21

<b>DELEGATION ISSUES</b>	Neighbour letters: Site notice: Advert: Weekly list: Expiry date:	20/12/2013  22/12/2013 20/01/2014
<b>1) Publicity Expiry</b>		
<b>2) Publicity/Consultations</b>		
<p>The application has been advertised by neighbour notifications (11) – 1 letter of objection and 1 letter of comments received raising the following:</p> <p>Block light to habitable rooms Overlooking Effect light to rear windows and patio doors Access to Amble Court is difficult Access through low archway would be difficult</p> <p>Further consultation carried out on amended plans received resulted in 1 letter of objection raising the same concerns as listed above.</p> <p>Traffic &amp; Transportation – There are no highway or traffic concerns.</p> <p>Landscape - There is one large Beech tree close to this development proposal which is going to influence the proximity of any new building. I have measured this on site and calculated that a minimum distance between stem and foundation will need to be set at 9m and this is in accordance with BS5837:2012 Trees in relation to design, demolition and construction Recommendations.</p> <p>As this is a significant tree forming a backdrop to the Burn Valley Gardens and also part of the original features of this property it is important that this remains however if the application can be accommodated outside this radius I will need to see a plan showing the root protection area marked on it so that temporary protective fencing can be erected to avoid damage occurring underneath the branch canopy during the construction phase of the work. If the application is approved relevant conditions need to be applied to protect the existing tree.</p>		
<b>3) Neighbour letters needed</b> N		
<b>4) Parish letter needed</b> N		

## 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 002 : Primacy of Development Plan

PARA 011 : Planning law and development plan

PARA 012 : Statutory status of development plan

PARA 013 : NPPF is material consideration

PARA 014: Presumption in favour of sustainable development.

PARA 056: Requiring good design.

PARA 196: Determined in accordance with the Development Plan.

### Relevant Planning Policies

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

Hsg10: Residential Extensions

Hsg11: Residential Annexes

Hsg9: New Residential Layout - Design and Other Requirements

Comments: The proposals are not in accordance with 2006 Local Plan policies

HSG9 and HSG11 as officers are concerned that the proposals could be used as an separate dwelling and therefore constitute tandem development.

## 6) Planning Consideration

The application site is existing garden area within the curtilage of 183 Elwick Road. The property has gardens to the side and rear which have a number of mature trees and shrubs. The Burn Valley is to the south of the application site. There are two access points into the site, one within the ownership of the property and the second

access is shared. The property was historically one planning unit which has been sub-divided to create a number of properties known as Amble Court.

The proposal seeks to erect a three car garage with a self contained two bedroom flat above (Granny Annexe). The planning statement submitted in support of the application states that the annex is to be used in the future to employ a nurse/carer and handyman/driver. Access to the garage will be by an existing shared access from Elwick Road.

The proposed detached building is approx 10.5m x 6.3m with a height to eaves of 4m and 5.7m to the ridge height. There is a difference in ground levels between the application site and the neighbouring site at 181 Elwick Road. The building has a footprint of some 66.15 square metres.

### Planning considerations

The main issues in this instance are the appropriateness of the proposal in terms of the policies and proposals held with the Development Plan and the National Planning Policy Framework and in particular the principle of the development, the impact upon the amenity of neighbouring properties, the donor property, the provision of an annex, visual enmity and highway safety.

### Principle of the Development

Policy Hsg11 of the Hartlepool Local Plan 2006 allows for the conversion of an outbuilding (or exceptionally a new building), to provide an annexe where an extension is not appropriate subject to a number of criteria.

The application seeks consent for the erection of a detached building to provide a triple garage and a two bedroom self contained flat above to form a single storey residential annex. The annex is proposed to be occupied by a nurse/carer and handyman/driver. Given the scale and nature of the accommodation proposed it is not considered that the building proposed satisfies the requirement of the policy Hsg11 of the 2006 Local Plan which as outlined above covers residential annexes.

The policy advises firstly that such development must be of a satisfactory scale, location and design in relation to the existing dwelling, its curtilage and surrounding dwellings. For the reasons discussed in the remainder of this report the proposed development is not considered to be satisfactory.

Secondly, it must be designed to serve an ancillary function to the main house and not be of a form that would encourage its occupation as a separate dwelling when no longer required (as an annex). It is not considered that the building proposed is designed to serve an ancillary function. Given the scale of the building and the nature of the accommodation proposed it is not considered that it has been designed to serve an ancillary function in that it clearly has all the facilities which you would expect from an independent dwellinghouse, at a similar scale, and is therefore clearly capable of being occupied interpedently of the main house.

Policy Hsg9 of the Hartlepool Local Plan 2006 advises that proposals for new

development will be allowed provided amongst other things that the location of the new development is such that there is no significant detrimental effect on the occupiers of both the new and existing development. Similarly Policy GEP1 advises that in determining planning applications regard should be had to the effect on the amenities of neighbouring properties. For the reasons discussed below it is considered the development would have a significant detrimental effect on the occupiers of the existing adjacent development.

Given the above, the principle of development is considered to be unacceptable.

#### Impact on the amenity of Neighbouring Properties

Given the siting of the proposed garage annex and its relationships with neighbouring properties it is considered given the size and scale of the proposal would significantly affect the amenity of neighbours in terms of loss of light, privacy, outlook, and in terms of any overbearing effect. Supplementary guidance contained within the Hartlepool Local Plan seeks to ensure adequate space is provided between properties. Minimum separation distances of 20m where principal elevations face one another or 10m where a blank gable wall would face the front or back of a property are normally required. In this instance there is a lounge and bedroom window in the gable wall of 181 Elwick Road which are considerably closer, however it is accepted that the ground floor window which serves a lounge is a secondary window, the window at first floor is the only window serving a bedroom it is considered that the proposal would have a detrimental impact upon this window.

Notwithstanding the above, vehicle and pedestrian access to the proposed annex will be via the existing vehicular access to the property. It is considered that vehicular and pedestrian movements to and from the proposed annex will pass in close proximity to main elevations of the existing main dwellinghouse and neighbouring properties within Amble Court. In considering an appeal decision in the Borough (Ref: APP/H0724/A11/2156050) for a development of a similar nature (a proposed annex) where access to a building was proposed down the side of an existing dwellinghouse an Inspector raising concerns in terms of noise and disturbance. He stated:

*Such noise (from comings and goings) would, in my view cause disturbance which would harm the living conditions of the occupiers of No 40 Bilsdale Road, particularly the quiet enjoyment of their rear garden. Moreover, there could be no control over when the vehicular and pedestrian movements took place, thus late night disturbance could well occur, especially if occupiers of the new dwelling were returning after an evening out. The effect would be contrary to the provisions of Policies GEP1 and Hsg9 of the Adopted Hartlepool Local Plan (HLP). Indeed the latter policy specifically states that tandem development, of which this would be a typical example, will not be permitted.*

Whilst the supporting documentation submitted with the application advises that the annex will be occupied in the future for a carer and driver/handyman, and an appropriate condition can be attached which retains the building in a single ownership and would only be occupied by directly related members of the same family. Notwithstanding this, it is considered that there would be noise and

disturbance issues which would have a detrimental impact on any residents of the existing dwellinghouse related or not and the proposed annex in terms of noise and disturbance from the comings and goings associated with the development.

#### The provision of a Residential Annex

As outlined above, Policy Hsg11 of the Hartlepool Local Plan 2006 concerns proposals for residential annexes. Notwithstanding the scale of the building, a triple garage and annex is what is being proposed by the applicant.

Policy Hsg11 deals primarily with extensions to provide accommodation for relatives of the occupier of the dwelling, thus separate dwellings are not normally envisaged. However, the Policy does indicate that where an extension is not appropriate for design reasons, the conversion of an outbuilding or, exceptionally, a new building may be permitted where two criteria are met. These criteria include that it is of a satisfactory location in relation to surrounding dwellings, and that it is designed to serve an ancillary function to the main house.

Officers have considered the scale of the proposed annex and it is not considered that either criterion as set out in Hsg11 is met by the proposed development. As outlined earlier in this report it is already considered that the noise and disturbance associated with the comings and goings from the annex would impact significantly on the living conditions of neighbouring occupiers. It is also not considered that the proposed annex would serve an ancillary function. The proposed annex includes all the features you would expect to find within an independent dwelling, and is of a scale which is arguably larger than that of a family home one might expect to find on a typical housing estate. Given this, officers consider that the annex would effectively be occupied as a fully independent unit. In considering an appeal decision in the Borough (Ref: APP/H0724/A/11/2156050) for a development of a similar nature in refusing the application, the Inspector concluded:

*The effect of sanctioning such a development would undermine the Council's policies in respect of residential annexes and make it harder for them to resist other proposals for separate dwelling houses where the only connection is that of a family relationship. Such a situation could occur frequently, not least where houses have generously-sized gardens. My conclusion on this issue is that the proposal would materially harm the intended application of the Council's policy on residential annexes as set out in the Hartlepool Local Plan.*

Also pertinent to the consideration of this application is another recent appeal decision in the Borough (Ref: APP/H0724/A/13/2197718) for conversion of outbuildings to form a single storey residential annexe, where the Inspector noted in that instance:

*The larger of the two converted buildings would provide day-to-day living space as well as kitchen and garage, with the extension and smaller outbuildings providing two bedrooms. I recognise that the access and external spaces would be shared with the main farmhouse. Nevertheless, the proposed annexe would comfortably provide all the facilities needed for independent occupation and would stand some distance from the existing farmhouse so that, in my opinion, its design does not*

*indicate it would be likely to function in a way which was ancillary to the main dwelling. In this respect therefore, it would also be contrary to Local Plan Policy Hsg11.*

It is therefore considered by the Local Planning Authority that the proposed development would not be acceptable as a residential annex in that it is not designed to serve an ancillary function to the main house and is of a form that would encourage its occupation as a separate dwelling when no longer required. The proposal would be contrary to policy Hsg11 of the Hartlepool Local Plan 2006.

Visual amenity

Whilst the garage/annexe is to be constructed out of matching materials to the donor property the scale and design would have the appearance of a residential dwellinghouse.

Highways

No objections have been offered by the Council’s Highway Engineer in terms of highway safety regarding either parking or access to the proposed garage and ‘annex’.

Conclusion

It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officers report above.

**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 N**

**10) Recommendation REFUSE**

**CONDITIONS/REASONS**

1. In the opinion of the Local Planning Authority the proposed development would not be acceptable as a residential annex in that it is not designed to serve an ancillary function to the main house and is of a form that would encourage its occupation as a separate dwelling when no longer required. The proposal would be contrary to policy Hsg11 of the Hartlepool Local Plan 2006.

2. In the opinion of the Local Planning Authority the proposed development

would constitute tandem development and be detrimental to the amenities of 185 - 196 by virtue of noise and disturbance associated with the comings and goings to the 'granny flat' contrary to policies GEP1 and Hsg9 of the adopted Hartlepool Local Plan 2006.

**Signed:**      **Dated:**

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

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

**Signed:**      **Dated:**

Chair of the Planning Committee

<p style="text-align: center;"><b>PLANNING COMMITTEE</b></p> <p style="text-align: center;">16 April 2014</p>
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**Report of:** Assistant Director (Regeneration)

**Subject:** Appeal at Low Throston House, Netherby Gate;  
Appeal Ref: APP/H0724/C/13/2209310 ;  
LPA Ref: ENF/2013/00004;  
The Unauthorised Siting of a Residential Unit

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**1. PURPOSE OF REPORT**

1.1 To advise Members of the outcome of the above appeal lodged in respect of an enforcement notice in respect of a breach of planning control for the unauthorised siting of a residential unit at Low Throston House, Netherby Gate, Hartlepool, TS26 0JZ.

**2. THE APPEAL**

2.1 The appeal was determined by written representations. The Inspector determined that the 'caravan/residential unit' comprised development, which required planning permission. There was no planning permission in place and there was no permitted rights existing in this instance. The appeal failed and the enforcement notice was upheld. Attached is the appeal decision.

**3. RECOMMENDATION**

3.1 That members note the decision.

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The Planning Inspectorate

## Appeal Decision

Site visit made on 24 March 2014

by **Anthony J Wharton BArch RIBA RIAS MRTPI**

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

Decision date: 28 March 2014

**Appeal Ref: APP/H0724/C/13/2209310**

**Low Throston House, Netherby Gate, Hartlepool TS26 0JZ**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Andrew W Haygarth against an enforcement notice issued by Hartlepool Borough Council.
- The Council's reference is ENF/13/00004.
- The notice was issued on 10 September 2013.
- The breach of planning control as alleged in the notice is: the unauthorised siting of a residential unit.
- The requirements of the notice are:
  - (i) Permanently remove the residential unit and associated paraphernalia with the use from the land.
  - (ii) Permanently remove from the land all materials arising from compliance with requirement (i).
- The period for compliance with the requirements is 95 days.
- The appeal is proceeding on ground (c) only as set out in section 174(2) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

**NB:** The National Planning Policy Guidance (NPPG) was issued on 6 March 2014.

The content of the planning guidance has been considered but in light of the facts in this case the guidance does not alter my conclusions.

### Decision

1. The Appeal is dismissed and the enforcement notice is upheld.

### Procedural matters and background information

2. When the appeal was submitted there was some dispute about whether or not it had been made in time. However, by letter dated 22 November 2013, The Planning Inspectorate confirmed to the appellant that, on the balance of probabilities, the requirement of s173 of The Town and Country Planning Act 1990 as amended (TCPA 1990) had been met and the appeal was accepted as valid. By letter dated 10 October 2013 the appellant had indicated that legal action was being considered against the Council. The appeal form is dated 30 November 2013.

3. On the basis that the s173 requirement has been met, I agree that the appeal is valid and I have dealt with it on ground (c) only, as pleaded. I am not empowered to deal with the planning merits of the case and cannot consider whether or not planning permission should be granted for the retention of the 'caravan/residential unit'. Nor am I empowered to deal with any other legal points, disagreements or complaints between the appellant and the Council or between the appellant and his neighbours. I have dealt with all of the relevant material planning considerations of the case. Any other matters referred to in the representations are for the parties to deal with themselves.

[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)

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4. The 'residential unit' is referred to as a 'caravan' by both the appellant and the Council and I have considered it on the same basis and have referred to it as a 'caravan/residential unit'. It is located on a site to the south west of the appellant's main house, Low Throston House. There is an annexe to the west of the house and the buildings are reached via a private road, Netherby Gate, which leads into an access and parking area between the main house/annexe and stable buildings, a paddock and the 'caravan'. This is located to the west of the stables and there is a paved and walled area around the unit which looks out to the east and south into a paddock area.

5. In January 2013 planning permission was granted (H/2012/0547) for a detached bungalow on the site where the 'caravan/ residential unit' now stands. Works commenced and foundation and services works were carried out. Neither party has provided me with approved drawings but there is no dispute that the bungalow differed from the appeal building. The appellant acknowledges that the 'caravan' is smaller than the bungalow in all respects. Neither does there appear to be any dispute that what is on site provides the necessary facilities associated with a 'caravan' or 'residential unit'.

6. The caravan/residential unit' (approximately 14m long x 4m wide) height) is now sited on the already commenced foundations of the approved bungalow. The Council informed the appellant that planning permission was required for the structure. However, on the basis that there was permission for the bungalow and, in contention that planning permission was not required for the siting of a 'caravan'; the appellant did not agree that a retrospective permission was required.

7. However, following the issue of the notice on 10 September 2013, a retrospective application for the 'caravan/residential unit' was made on 25 November 2013. This was initially invalid but the application was validated and then considered by the planning committee on 19 March 2014. Despite an officer recommendation for approval the committee unanimously decided to refuse the application. The Council confirmed this to the Inspectorate by e-mail dated 21 March 2014 and referred to the application as having been for 'the temporary placement of a chalet' at the appeal site.

#### **The appeal on ground (c)**

8. To be successful on this ground it must be conclusively shown that there has not been a breach of planning control. This may be, for example, because permission has already been granted; that permission is not required because development has not occurred or that permitted development rights apply. On any legal ground of appeal, the onus is on the appellant to show why there has not been a breach of control.

9. The first part of the appellant's case is that the operations alleged are 'vague and misleading, for which planning permission has already been obtained'. The permission referred to by the appellant is the one for the erection of a bungalow on the site (H/2012/0547). Clearly that permission exists and works to the bungalow commenced whereby foundations and services works were carried out. These works implemented the permission and, as the Council indicates, created a new planning unit of the bungalow on its own site which is outside of the curtilage of the main house.

10. Despite the bungalow works not being completed in accordance with the approved plans, the fact remains that this planning permission is the only lawful permission relating to the residential use of the appeal site. That is why the Council requested that a retrospective application be submitted for the 'caravan/residential unit'. This 'chalet-type' building is agreed to be a distinctively different development to that which had been granted permission in the first place and is not in accordance with the approved drawings for the proposed bungalow. However, as indicated above, the retrospective application was refused.

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11. There is, therefore, no planning permission in place for the 'caravan/residential unit' as built. The permission for the bungalow cannot apply to it and permission cannot be transferred from one to the other. With regard to the operations alleged, I do not consider that they are vague or misleading. The allegation clearly sets out that the 'residential unit' (or caravan) has been sited on the appeal site which happens to be the foundation base (or part) of the approved bungalow. In conclusion, therefore, planning permission has not been obtained for the 'caravan/residential' unit and this part of the appellant's ground (c) appeal must fail.

12. The second part of the appellant's case is that the 'caravan/residential' unit does not constitute development (under s 55 TCPA 1990). It is contended that the unit comprises of a caravan and that this has been sited within the curtilage of a dwelling house (Low Throston House) for a purpose incidental to the enjoyment of the dwelling house. The Council, on the other hand contends that the unit does comprise development by virtue of s55 (1A) of the TCPA 1990; that planning permission is required and that the appeal building does not lie within the curtilage of the house.

13. Having seen the appeal building and the manner in which it has been built onto the foundations of the bungalow I consider that the building operations works carried out do constitute development under s55(1A). The 'caravan' itself could clearly have been moved on to the site in one or two sections and if it had remained simply as a static type unit sitting on the foundation base it might not have constituted development.

14. However, comprehensive building works have taken place. A brick lower section has been added; permanent looking connections have been made regarding services and drainage and other extensive works, comprising paving to a patio area and walls to form a terrace, have been carried out. The overall result is that the unit, set within its permanent looking enclosure, is perceived as a 'chalet-type' building akin to a small bungalow. This is how I perceived it when viewing it from a distance and, indeed, as indicated above, the Council has referred to the refused application as having been for '*the temporary placement of a chalet*'.

15. In terms of the legal tests set out by the courts, I consider that, as a matter of fact and degree (and irrespective of whether the initial caravan was moved on to the site in one or two pieces), there is a definite degree of permanence and I do not consider that the structure could simply be picked up and moved off the site without un-doing or demolishing significant parts of the fabric of the building. Furthermore the structure is physically attached to the ground by virtue of the brick walling around the base; the adjoining paved areas and the connected services which are not of a temporary nature.

16. I agree with the Council, therefore, that the conventional characteristics of mobility usually associated with a 'chattel' such as a 'caravan' are not apparent in this case. I consider that, as a matter of fact and degree, building operations have been carried out on the land; that the 'caravan/residential' unit has not been merely placed on the land and that planning permission would be required to render it lawful.

17. Even if the unit had been found to be a 'caravan' or moveable 'chattel', the fact that the site has become a separate 'planning unit' (the new bungalow site) to that at Low Throston House means that it could not be described as being sited within the curtilage of the main house. And even if it could be considered to be within the curtilage of the main house it would not be permitted development since it would be restricted by Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). This restricts development forward of a wall which forms the principal elevation of the dwelling house (ie. the front of Low Throston House and/or annex).

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18. I conclude, therefore that the 'caravan/residential unit' comprises development which requires planning permission. There is no planning permission in place and there are no permitted rights existing in this instance. In the absence of both, there has, therefore, been a breach of planning control and the appeal fails on ground (c).

**Other Matters**

19. In reaching my decision I have taken into account all of the other relevant planning matters raised by and on behalf of the appellant. These include the full planning history of the case and matters set out in the appeal form and the letter dated 10 October 2013 to the Inspectorate; the additional evidence/information submitted dated 20 January 2014 and the fact that work had to cease on the bungalow for family reasons.

20. However none of these factors carry sufficient weight to alter my conclusions on the appeal under ground (c) and nor is any other factor of such significance to change my decision that the appeal should fail and that the enforcement notice should be upheld.

*Anthony J Wharton*

Inspector

## PLANNING COMMITTEE

16 April 2014



**Report of:** Assistant Director (Regeneration)

**Subject:** UPDATE ON CURRENT COMPLAINTS

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### 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 commenced in response to a complaint raised by the Council's Anti Social Behaviour Team regarding a change use of from single dwelling to a house of multi occupation (HMO) at Mitchell Street.
2. An investigation has commenced in response to a Parish Council complaint regarding an advertisement trailer parked on the forecourt of a commercial building at Sappers Corner, Greatham.
3. An investigation has been carried out and completed in response to a complaint regarding the erection of low boundary fence to the front and side of a property on Hayston Road. Permitted developments rights applied in the case. No action necessary.
4. An investigation has commenced in response a complaint regarding the installation of an illuminated fascia sign on a commercial property on Elwick Road.
5. An investigation has been carried out and completed in response to a Councillor's complaint regarding sections of a front boundary fallen down at a residential property on Valley Drive. The property owner has repaired the said fence panels. No action necessary.
6. An investigation has commenced in response to a complaint regarding the erection of a detached garage at a property on High Street, Hart.
7. An investigation has been carried out and completed in response to a complaint regarding the erection of an outbuilding/shed in the rear garden of a property on Park Avenue. Permitted development rights applied in this case. No action necessary.

8. An investigation has commenced in response to a complaint regarding running a wedding car and bus hire business from a residential property on Jowitt Road.
9. An investigation has commenced in response to an anonymous complaint regarding a catering van selling hot food sited within the curtilage of a commercial property on Oxford Road, recently renovated under planning consent.
10. An investigation has commenced in relation to building work starting on the erection of a single storey extension to rear of a property on Haswell Avenue without the benefit of planning permission. The complaint arose from routine in-house cross checking procedures which alerted Officers to the absence of planning permission.
11. An investigation has been carried out and completed in response to a complaint regarding the erection of an outbuilding/summerhouse in the rear garden of a property on Oakland Avenue. The buildings heights exceed permitted development limits, and following cooperation by the property owner, who lowered buildings heights to comply with permitted development height limits, no action necessary.
12. An investigation has commenced in response to a complaint raised through a Councillor regarding the erection of a flank boundary fence to the front of a property on Sinclair Road.
13. An investigation has been carried out and completed in response to a complaint regarding the raising of a garage/store roof at a property on Tristram Avenue. Planning Permission had been obtained for the development. No action necessary.
14. An investigation has commenced in response to a complaint regarding the erection of fence to the front of a property on Cliff Terrace. The property lies in the Headland Conservation Area and is protected by an Article 4 Direction.
15. An investigation has commenced in response to a complaint regarding a takeaway operating from a retail unit on Mowbray Road.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

## **3. CONTACT OFFICER**

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## UPDATE REPORT

**No:** 4  
**Number:** H/2014/0032  
**Applicant:** Mrs Elaine Ingram 2a Marine Crescent HARTLEPOOL  
Cleveland TS24 0PQ  
**Agent:** Mrs Elaine Ingram 2a Marine Crescent HARTLEPOOL  
TS24 0PQ  
**Date valid:** 22/01/2014  
**Development:** Installation of upvc replacement windows and composite  
front door  
**Location:** 2A MARINE CRESCENT HARTLEPOOL

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### PURPOSE OF REPORT

4.1 The application appears as item 4 on the main agenda. Following discussions the owner has requested that the application be considered with the details originally submitted at the time the application was made valid.

### PLANNING CONSIDERATIONS

4.2 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 and in particular the impact of the works on the house itself, the street scene in general and on the Headland Conservation Area in terms of visual amenity.

4.3 At a local level the Planning Committee approved a policy relating to replacement windows in 2009. In this instance the relevant sections of this policy are as follows,

Unlisted buildings in Conservation Areas, subject to an Article 4 Direction:

Any planning application for replacement or alteration of non-traditional windows on the building on front, side or rear elevations which is not of a type appropriate to the age and character of the building (in terms of design and detailing) and the character and appearance of the conservation area should be denied consent. The use of traditional materials will be encouraged however the use of modern material will be accepted providing that the window is of design (i.e. pattern of glazing bars, horns etc), proportion and scale matching those of an original traditional window.

4.4 The main issue of consideration is the impact the proposal will have on the Headland Conservation Area. The Headland Conservation Area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. Its unique character derives from its peninsula location and from the domestic residential architecture. The detail and standard of joinery evident on the Headland contributes to its unique character. Windows are usually vertical sliding sash containing a single pane of glass, sometimes divided by a single vertical glazing bar. Horns are also evident on later sash windows for decoration and strength. Some of the earlier types of multi-paned

## UPDATE REPORT

sash windows are found on early dwellings, particularly those in the Town Wall area. Canted bay windows are also a feature of the Headland, sometimes running up the front elevation from basement to attic, or in other instances forming a single projecting oriel window at first floor. Front doors are two or four panelled set in a doorcase which may be of a simple design or may be more decorative with fluted Doric columns. There are examples of later Edwardian architecture which differ from the earlier Victorian houses by the use of more elaborate joinery, to doors, doorcases and windows with multi-paned upper lights and fixed sash lower lights.

4.5 This property has windows which are of timber construction and are casement style, consisting of a top hinged fanlight over a large fixed glazed picture window. They are not original to the property.

4.6 The proposed windows are of a modern design. They are casement windows with small top hung opening lights; originally the property would have had timber, vertical sliding sash windows. The windows proposed differ significantly from a sash window for the following reasons,

- The width, bulk of the framing and opening mechanisms of the windows are unacceptable. The windows to the property are casement windows but they would have been double hung vertical sliding sash windows constructed in timber. The appearance of the windows proposed is vastly different to a sliding sash. They are top hung and the detailing and shape of the frame is flatter and wider than that of a timber sash. In particular the lower sash of a timber window would be set back rather than flush as with the existing windows.

4.7 The windows are contrary to the policy guidelines agreed by Planning Committee as they are not, 'of a type appropriate to the age and character of the building.' It is, therefore considered that the proposed windows would not preserve and enhance the character and appearance of the Headland Conservation Area.

4.8 The proposal includes replacement doors to the front and rear of the property. The existing front door is a replacement timber door with two panels to the lower half with the upper portion of the door featuring a multi-paned glazing, including an arched light. The proposed replacement is a composite, four panelled door with the upper part being glazed including a small arched window to the top of the door. The rear door is not an original door to the property and is to be replaced with a composite door with two panels to the lower portion of the door and a single glazed panel to the upper part.

4.9 It is considered that the replacement doors would not be appropriate for the following reasons:

- Composite doors have a smoother more regular surface finish and colour, and the ageing process differs significantly between composite material and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A composite door will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood.

## UPDATE REPORT

- The style of door to the front of the property and to the rear should be four panelled in both openings rather than the replacement door which is shown. The upper panels of the door could be glazed.

4.10 Although neither of the existing doors are original to the house the proposed doors would not preserve and enhance the character and appearance of the Headland Conservation Area.

4.11 In considering both the replacement windows and doors it is considered that the proposal as a whole would cause less than substantial harm to the designated heritage asset i.e. Headland Conservation Area. However there is no evidence to suggest that this harm is not outweighed by the public benefits of the proposal.

### **EQUALITY AND DIVERSITY CONSIDERATIONS**

4.12 There is no evidence of equality or diversity implications.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

4.13 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

There are no Section 17 implications.

### **REASON FOR DECISION**

4.14 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

### **RECOMMENDATION – REFUSE**

1. It is considered that the replacement windows and doors by reason of their design and style are not considered appropriate. The proposal is contrary to paragraphs 131, 132 and 134 of the NPPF and Policy HE1 of the Hartlepool Local Plan.
2. It is considered that the replacement windows and doors would have a detrimental impact and would detract from the character and appearance of the Headland Conservation Area contrary to policy HE1 of the Hartlepool Local Plan.

## UPDATE REPORT

### BACKGROUND PAPERS

4.15 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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## UPDATE REPORT

**No:** 5  
**Number:** H/2013/0585  
**Applicant:** Mr H Ruttle C/o Agent  
**Agent:** Sedgewick Associates Mr Paul Sedgwick Unit 24  
Queensbrook Spa Road BOLTON BL1 4AY  
**Date valid:** 20/01/2014  
**Development:** Demolition of Tunstall Court and erection of 14 no.  
dwellings and associated works including the provision of  
a new access and landscaping  
**Location:** Tunstall Court The Parade HARTLEPOOL

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### PURPOSE OF REPORT

- 5.1 This item is included on the main agenda at item 5. Consultation responses were awaited and were proposed to be tabled in an update report.
- 5.2 The applicant has commissioned a structural survey of the building which will not be available until after the meeting. The application is therefore withdrawn from the agenda at the applicant's request. It is anticipated that the application will be reported to the 14<sup>th</sup> May 2014 Planning Committee.

### CONTACT OFFICER

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