

PLANNING COMMITTEE

AGENDA



Wednesday 11 October, 2023

at 10.00 am

**in the Council Chamber,
Civic Centre, Hartlepool.**

MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Brown, Darby, Feeney, Little, Martin-Wells, Morley, Oliver, V Nicholson, Thompson and Young.

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 13 September 2023

4. **ITEMS REQUIRING DECISION**

- 4.1 Planning Applications – *Assistant Director, Neighbourhood Services*

1. H/2023/0087 13 Stanhope Avenue, Hartlepool

5. **ITEMS FOR INFORMATION**

- 5.1 Update on Current Complaints and Enforcement Actions – *Assistant Director, Neighbourhood Services*

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone.

The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

FOR INFORMATION

Any requests for a Site Visit on a matter then before the Committee will be considered with reference to the Council's Planning Code of Practice (Section 16 refers). No requests shall be permitted for an item requiring a decision before the committee other than in accordance with the Code of Practice

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 15 November 2023 at 10.00 am.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

13th September 2023

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

Present:

Councillor Paddy Brown (In the Chair)

Councillors: Moss Boddy, Rob Darby, Tom Feeney, Sue Little,
Andrew Martin-Wells, Melanie Morley, Veronica Nicholson,
Karen Oliver and Mike Young.

Officers: Kieran Bostock, Assistant Director (Neighbourhood Services)
Zoe Craig, Environmental Health Manager (Environmental
Protection)
Jim Ferguson, Planning and Development Manager
Peter Frost, Highways, Highway Infrastructure Manager
Stuart Edwards, Flood Risk Officer
Stephanie Bell, Senior Planning Officer
Kieran Campbell, Senior Planning Officer
Umi Filby, Legal Advisor
Jo Stubbs, Democratic Services Officer

21. Apologies for Absence

None

22. Declarations of interest by members

Councillor Veronica Nicholson declared an interest in planning application H/2023/0203 (Unit 5, The Saxon) as this was located on her ward.

Councillor Rob Darby declared as interest in planning application H/2022/0055 (Land adjacent to White Cottage) as this was located on his ward.

23. Confirmation of the minutes of the meeting held on 16th August 2023

Minutes approved

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

Number:	H/2023/0203
Applicant:	INGLEBY BARWICK LAND AND PROPERTY DEVELOPMENTS
Agent:	PRISM PLANNING LTD MR ROD HEPPELWHITE MILBURN HOUSE 17 WOODLAND ROAD DARLINGTON
Date received:	27/06/2023
Development:	Change of use from residential flat (Class C3) to tanning salon (Class E)
Location:	UNIT 5, THE SAXON EASINGTON ROAD HARTLEPOOL

The Senior Planning Officer advised members that 11 additional objections had been received since the report had been completed.

Steve Barker, The Agent, urged members to support this application which would bring the premises back into commercial use. Competition was not a material planning consideration and there was ample parking.

Councillor Moss Boddy moved the officer recommendation to approve. Councillor Mike Young seconded this. A recorded vote to approve the application, as per the officer recommendation, was taken:

For – Councillors Moss Boddy, Paddy Brown, Rob Darby, Tom Feeney, Sue Little, Andrew Martin-Wells, Melanie Morley, Veronica Nicholson, Karen Oliver and Mike Young

Against – None

Abstain - None

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s); 2023/22/01 (Plans) received by the Local

Planning Authority on 15.06.2023 and; 2023/22/03 (Site Location Plan) received by the Local Planning Authority on 27.06.2023.
To define planning permission and for the avoidance of doubt.

3. The hereby approved use shall not be open for business outside the hours of 08:00 and 18:00 Monday to Sundays and at no other times.
In the interests of the amenity of the neighbouring residential premises and in accordance with Policies QP4 and RC16 of the Hartlepool Local Plan (2018).
4. No deliveries shall take place to or dispatched from the site outside the hours of 08:00 and 18.00 Monday to Saturday and at no times on Sundays or Public Holidays.
In the interests of the residential amenity of the surrounding neighbouring properties.
5. Notwithstanding the submitted information and prior to the first use of the unit hereby approved, details of any ventilation, filtration, fume extraction equipment, and/or air circulation units proposed to be installed within the unit as may be required, shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use or completion of the development (whichever is the sooner), the approved scheme shall be implemented, retained and used in accordance with the manufacturers' instructions at all times, whenever the use requires ventilation, filtration and fume extraction on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
6. The development hereby approved shall be used as a 'tanning salon' only and for no other purpose as defined by the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to those Classes in any statutory instrument revoking or re-enacting that Order with or without modification without the written express consent of the Local Planning Authority.
For the avoidance of doubt and in the interests of the character & amenity of the surrounding area.
7. Prior to the installation of any external lighting associated with development hereby approved, full details of the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.
To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining land users.

Number: H/2022/0055

Applicant: MR MICHAEL FORD FRONT STREET HART
HARTLEPOOL

Agent: GAP DESIGN MR GRAEME PEARSON
EDENSOR COTTAGE 1 BLAISE GARDEN
VILLAGE ELWICK ROAD HARTLEPOOL

Date received: 09/02/2022

Development: Erection of dormer bungalow with parking area

Location: LAND ADJACENT TO WHITE COTTAGE FRONT
STREET HART HARTLEPOOL

A member queried whether 2 nearby trees would be protected as part of the application. The Planning and Development Manager advised that the trees were not located on the site and therefore could not be included in the conditions. However 2 additional trees were required as part of the recommended conditions along with a landscape plan.

A member queried whether the proposed conditions could include remedial work to the wall at the front of the property. The Chair indicated that the retention and maintenance of the wall was included but immediate remedial works could not be required.

A member noted that there had been no objections from the Highways section in terms of vehicles reversing into a blind spot at the neighbouring property, White Cottage. The Highways, Traffic and Transport Team Leader advised that as this did not refer to the application site itself, therefore they had taken the decision not to object on that basis. If the application was approved officers would monitor the situation and might look to restrict access if this was felt necessary in the future. The Planning and Development Manager reported that efforts had been made to resolve the access issue in respect of White Cottage, including seeking legal advice, but the sites were now under separate ownership and the arrangements for the new property at the application site were considered acceptable.

Michael Ward, the applicant, urged members to support the application. The site had been an eyesore before he had purchased it. In terms of the access this had been there for many years.

Councillor Tom Feeney moved the officer recommendation to approve. Councillor Mike Young seconded this. A recorded vote to approve the application, as per the officer recommendation, was taken:

For – Councillors Moss Boddy, Paddy Brown, Rob Darby, Tom Feeney, Sue Little, Andrew Martin-Wells, Melanie Morley, Veronica Nicholson, Karen Oliver and Mike Young

Against – None

Abstain - None

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans and details: Dwg. No. 2148:P:05 Rev A (Location Plan, scale 1:1250), Dwg. No. 2148:P:03 Rev D (Proposed Site Plan Indicating Levels and Materials), Dwg. No. 2148:P:01 Rev B (Proposed Plans, Elevations & Block Plan), and Dwg. No. 2148:P:02 Rev B (Existing Site Plan Indicating Levels Wall/Tree Protection) received by the Local Planning Authority on 12th June 2023.
For the avoidance of doubt.
3. Notwithstanding the submitted information and prior to the commencement of development (including any demolition works), details of the existing and proposed levels (both within and outwith the site) including the finished floor levels of the dwelling to be erected and any proposed mounding and/or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.
In the interest of visual amenity, the amenity of neighbouring land users and for the avoidance of doubt.
4. Notwithstanding the submitted information and prior to the commencement of development, details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority. The scheme shall include the retention of the existing stone wall to the front (as required by condition 4).
Thereafter the development shall be carried out in accordance with the approved details prior to the occupation or completion of the development (whichever is the sooner) of the development hereby approved.
In the interests of visual amenity and the amenity of the occupiers of the site.
5. Notwithstanding the submitted details and the requirements of condition 4, and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, a scheme for protection of the existing stone boundary wall to the north of the site (as annotated on Dwg. No. 2148:P:03 Rev D (Proposed Site Plan Indicating Levels and Materials), received by the Local Planning Authority on 12th June 2023) from accidental damage during development shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the agreed scheme for protection measures of the

stone wall shall be implemented and retained at all times during the construction of the dwelling hereby approved. Thereafter and following the completion of the development, the stone wall shall be retained for the lifetime of the development.

In order to ensure that the archaeological interest of this feature is retained and in the interest of the visual amenity of the area.

6. Prior to the commencement of development, details of a scheme for dust suppression measures within the site to be implemented during construction of the development hereby approved shall be submitted and approved in writing by the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the approved measures shall be installed before development commences and shall thereafter remain operational and be available for its intended use at all times during construction.

In the interests of the amenities of the occupants of neighbouring properties.

7. Notwithstanding the submitted information and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, a scheme for the protection during construction works of all trees/hedges/landscaping to be retained on the site (as shown on Dwg. No. 2148:P:02 Rev B (Existing Site Plan Indicating Levels Wall/Tree Protection), received by the Local Planning Authority on 12th June 2023), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the health and appearance of the existing tree and the visual amenity of the area.

8. Notwithstanding the submitted details, prior to the commencement of development, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken. Thereafter, and following written agreement with the Local Planning Authority, the scheme shall be implemented in accordance with the approved details and programme of works. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species,

unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity and in the interests of adequately protecting the health and appearance of any trees, hedges and other planting that are worthy of protection.

9. The development hereby approved shall be constructed/installed in line with the approved scheme to generate 10% of the predicted CO2 emissions from on-site renewable energy (as annotated on Drg. No. 2148:P:01 Rev B 'Proposed Plans, Elevations & Block Plan' received by the Local Planning Authority on 12/06/2023) prior to the occupation of the development. On completion of the development and prior to the occupation of the development hereby approved, a final compliance report (to demonstrate the requisite 10%) shall be submitted to and agreed in writing with the Local Planning Authority.

In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy QP7 and CC1.

10. Prior to the commencement of the development above ground level, details of a minimum of 1no. integral bird nest brick to be installed in the proposed dormer bungalow, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The bird nest brick shall be installed prior to the occupation or completion of the development (whichever is the sooner). The bird nest brick shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter for the lifetime of the development.

To ensure the development provides an ecological enhancement in accordance with policy NE1 and Section 15 of the National planning Policy Framework.

11. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings. The agreed scheme shall be implemented prior to the completion or occupation (whichever is the sooner) of the development.

In the interests of visual amenity and to prevent an increase in surface water runoff.

12. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before above ground construction, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

13. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.

In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.

14. The 1no. roof light in the west roof slope (facing White Cottage) and the 1no. roof light in the east roof slope (facing Southlands) as annotated on Drg. No. 2148:P:01 Rev B ('Proposed Plans, Elevations & Block Plan' received by the Local Planning Authority on 12/06/2023), shall be fixed and shall be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent prior to the occupation or completion (whichever is the sooner) of the development hereby approved, and shall thereafter be retained at all times while the roof light exists. The application of translucent film to the windows would not satisfy the requirements of this condition.
In the interests of the amenities of the occupants of neighbouring properties.
15. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 and 18.00 on Mondays to Fridays and between 9.00 and 13.00 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 avoid excessive noise and disturbance to the occupants of nearby properties.
16. The development hereby approved shall be used as a C3 dwellinghouse and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.
To allow the Local Planning Authority to retain control of the development.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling hereby approved shall not be extended or altered in any way nor shall any detached structures be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road (to the front and to the rear), without the prior written consent of the Local Planning Authority with the exception of those enclosures approved as part of this permission and shown on Dwg. No. 2148:P:03 Rev D (Proposed Site Plan Indicating Levels and Materials, received by the Local Planning Authority on 12/06/2023).

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and the appearance of the wider area.

25. Update on Current Complaints and Enforcement Actions (*Assistant Director, Neighbourhood Services*)

Members were advised of 3 ongoing investigations and 6 which had recently been completed. There had been no enforcement actions taken within the reporting period.

Decision

That the report be noted

26. Appeal at land adjacent to Rossmere Lodge, Rossmere Way, Hartlepool (*Assistant Director, Neighbourhood Services*)

Members were advised that an appeal against a planning application for the erection of a 3 bedroom dwelling and associated works on Rossmere Way had been dismissed. A copy of the inspector's report was appended.

Decision

That the report be noted

27. Any Other Items which the Chairman Considers are Urgent

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

28. Planning review

The Planning Department was currently undergoing a review process. As part of this members would be asked to engage with external consultees. The Assistant Director (Neighbourhood Services) suggested that rather than hold an additional Planning Committee meeting the consultees be invited to the next scheduled meeting on 11th October 2023 before meeting privately with members immediately following the meeting. Officers would be happy to attend this private meeting or not depending on what member preferences were. The scope of the review would be provided to members in advance.

Decision

That external consultees attend the next planning committee meeting and meet privately with members immediately following.

29. Future site visit

The Assistant Director (Neighbourhood Services) referred to a forthcoming application currently under consideration (H/2023/0057 Construction of new grade separated junction comprising erection of bridge structure and of new highway North of Elwick Village linking to the existing highway, with associated hard and soft landscaping, drainage features and ancillary works. Land in the vicinity of Elwick Village and the A19 comprising multiple parcels of land, Elwick, Hartlepool). As officers felt there was a likelihood that members would wish to hold a site visit for this application, when it was reported to committee at some future date, he suggested that a vote be taken on this now to enable the site visit to be timetabled to take place immediately before consideration of the application at a future meeting. This would reduce delays.

The Chair moved that a site visit take place. This was seconded by the Vice-Chair. A recorded vote for a site visit was taken:

For – Paddy Brown, Rob Darby, Tom Feeney, Sue Little, Andrew Martin-Wells, Melanie Morley, Veronica Nicholson, Karen Oliver and Mike Young

Against – Councillor Moss Boddy

Abstain - None

Decision

That a site visit in respect to application H/2023/0057 will take place on a future date.

The meeting concluded at 10:35am.

CHAIR

No: 1
Number: H/2023/0087
Applicant: MR LEONARD WILLIAMS STANHOPE AVENUE
HARTLEPOOL TS26 9QY
Agent: HARTLEPOOL BOROUGH COUNCIL JOHN-PAUL
WHITE CIVIC CENTRE VICTORIA ROAD
HARTLEPOOL TS24 8AY
Date valid: 27/07/2023
Development: Replacement of 8no. wooden sliding sash and associated
4no. non-sliding sash windows to front and side
elevation(s) with 8no. uPVC sliding sash windows and
4no. uPVC non-sliding sash windows to match existing.
Location: 13 STANHOPE AVENUE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 None.

PROPOSAL

1.3 The application seeks planning permission for the replacement of 8no. wooden sliding sash and associated 4no. wooden non-sliding sash windows with 8no. uPVC sliding sash windows and 4no. uPVC non-sliding sash windows with opening mechanisms to “match existing” to front and side elevation(s) of the application site known as 13 Stanhope Avenue. The first floor window located on the front elevation of the projecting side element is to be changed from a multi-pane design to a plain pane sash window. All other windows are to match the existing window designs including the multi-pane design at the upper pane of the side bay windows. The stain glass window at the ground floor side/east elevation is to be retained with secondary glazing to be installed. Amended plans are anticipated to reflect these variations from the originally proposed plans.

1.4 The proposed replacement windows include 1no. bay window (comprising 4no. sliding sash windows) and 1no. three pane window at ground floor level, 4no. sliding sash windows at first floor level of the front/north elevation, 1no. fixed single pane window at first floor level and 2no. fixed single pane windows at ground floor level of the side/east elevation.

1.5 The application has been called in to be determined in the Planning Committee by a councillor with the agreement of the Chair of Planning in line with the Council’s scheme of delegation.

SITE CONTEXT

1.6 The application site relates to 13 Stanhope Avenue, a north facing, semi-detached two storey property in a residential area located within the Grange Conservation area, a designated heritage asset, within the Burn Valley ward of Hartlepool. (The property is also subject to an Article 4 (2) Direction which restricts alterations to the property). To the front/north the application site is bounded by the highway of Stanhope Avenue with residential properties beyond, to the side/east is adjoined by 11 Stanhope Avenue, to the side/west by 15 Stanhope Avenue and to the rear/south by 134 Park Road.

PUBLICITY

1.7 The application has been advertised by way of neighbour letters (8), site notice and press advert. To date, there have been no responses received.

1.8 Background papers can be viewed via the 'click to view attachments' link on the following public access page:
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=157362>

1.9 The period for publicity has expired.

CONSULTATIONS

1.10 The following consultation replies have been received:

HBC Heritage and Countryside: The application site is located in the Grange Conservation Area which is recognised as a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

Further to this at a local level, Local Plan Policy HE3 states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.'

The Grange Conservation Area is a predominantly residential area located to the west of the town centre. The area is characterised by large Victorian properties in generous gardens providing a spacious feel to the area. The houses are not uniform in design however the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous feel. A small row of commercial properties on Victoria Road links this residential area to the main town centre.

The proposal is the replacement of 8 wooden sliding sash and 4 non-sliding sash windows to front and side elevations with 8 uPVC sliding sash windows and 4 uPVC non-sliding sash windows.

Timber windows contribute the character of the conservation area. In particular the Grange Conservation Area Character Appraisal states; 'windows are key features in the architecture of the area used to enliven elevations.' It goes on to note that, 'Bay windows are a prominent feature within the area, enlivening elevations and highlighting windows as features.' Further to this it states, 'Traditional Victorian, windows are double-hung vertical sliding timber sashes, and this type of window dominates the area. Glazing bar subdivisions are not common...Indeed, the high number of ground floor bay windows that have fixed central windows comprising one large pane of glass may stem from developers wishing to impress potential buyers with the latest fashion.'

In relation to replacement windows it states that, 'Many original or early replacement timber windows survive, but there are also many intrusive late twentieth century replacements. Historic timber windows are vital to the area's detailed character and appearance as the architecture relies greatly on expertly designed and crafted joinery features, either as part of an accurate architecture style or simply as a display of the attention to detail and quality which typifies the architectural history of the area

Historic England's document, 'Traditional Windows; Their Care, Repair and Upgrading' states, UPVC windows, 'are assembled from factory-made components designed for rigidity, thermal performance and ease of production. Their design, detailing and operation make them look different to traditional windows.' It further notes that the, 'different appearance and character' of such windows in comparison to historic windows means they are, 'unsuitable for older buildings, particularly those that are listed or in conservation areas.'

UPVC as a material has a smoother more regular surface finish and colour, and the ageing process differs significantly between UPVC 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. Therefore both UPVC windows will differ significantly in appearance both at the outset and critically as they age from elements constructed in wood.

A timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window. It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of a conservation area.

In this instance not only is the finer detailing on the windows being altered but also the design of some windows. On the ground floor bay the windows are proposed to be changed with smaller upper sashes replaced with one over one sashes to the front of equal sizes, and the fixed multi pane windows to the sides of the bay altered to be replaced by one over one sash windows, again of equal sizes. To the side of the property a margin light window is being replaced with a fixed, single pane window.

When considering the impact of a proposed development on the significance of a designated heritage asset, para 199 of the NPPF requires decision makers to give 'great weight' to the asset's conservation; this is irrespective of the level of harm. Where a proposal will lead to harm less than substantial harm, para 202 of the NPPF requires this to be weighed against the public benefit of the proposals.

It is considered that the changes to the design of the windows, along with the finer detailing of the UPVC windows would cause less than substantial harm to the significance of the conservation area. No information is provided to suggest that this harm would be offset by the public benefits of the application.

HBC Building Control: A Building Regulation application will be required for 'Replacement of 8no. wooden sliding sash and associated 4no. non-sliding sash windows to front and side elevation(s) with 8no. uPVC sliding sash windows and 4no. uPVC non-sliding sash windows to match existing'.

PLANNING POLICY

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

Hartlepool Local Plan

1.12 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

HE1: Heritage Assets

HE3: Conservation Areas

HSG11: Extensions and alterations to existing dwellings

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2023)

1.13 In September 2023 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019 and 2021 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are

expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA001: Role of NPPF

PARA002: Determination of applications in accordance with development plan

PARA003: Utilisation of NPPF

PARA007: Achieving sustainable development

PARA008: Achieving sustainable development

PARA009: Achieving sustainable development

PARA010: Achieving sustainable development

PARA011: The presumption in favour of sustainable development

PARA012: The presumption in favour of sustainable development

PARA038: Decision making

PARA047: Determining applications

PARA055: Planning conditions and obligations

PARA056: Planning conditions and obligations

PARA124: Achieving appropriate densities

PARA126: Achieving well-designed places

PARA130: Achieving well-designed places

PARA134: Achieving well-designed places

PARA189: Conserving and enhancing the historic environment

PARA194: Conserving and enhancing the historic environment

PARA195: Conserving and enhancing the historic environment

PARA197: Conserving and enhancing the historic environment

PARA199: Conserving and enhancing the historic environment - Considering potential impacts

PARA 202: Conserving and enhancing the historic environment

PARA 206: Conserving and enhancing the historic environment

PARA218: Implementation

1.14 HBC Planning Policy comments: We have some concerns with the replacing of original windows in the conservation area. The views of the Heritage and Open Spaces Manager will be paramount in determining if the proposal will cause harm to the conservation area.

PLANNING CONSIDERATIONS

1.15 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 on the character and appearance of the existing dwelling and the conservation area and the impact on neighbour amenity and privacy. These matters are considered in detail below.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE EXISTING DWELLING & THE CONSERVATION AREA

1.16 The application site lies within Grange Conservation Area, a designated heritage asset area. Traditional windows are considered to positively influence the character and appearance of the street scene in the Grange Conservation Area contributing to the significance of the area.

1.17 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

1.18 Policy HE1 of the Hartlepool Local Plan (2018) states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets, whilst policy HE3 states that the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas. Criterion 3 encourages the retention of the historic fabric and original features of special architectural interest in conservation areas.

1.20 In this context, the Council's Heritage and Countryside Manager considers that the proposed changes would cause less than substantial harm to the significance of the Grange Conservation Area. She highlights the numerous, differences in appearance, between traditional timber sash and case windows, and modern uPVC sash and case windows, and that the detailing of the windows proposed does not replicate the designs of the traditional windows being replaced. It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of a conservation area.

1.21 The applicant has stated that a reason for the proposal is due to the condition of the existing windows. Whilst this may justify the replacement of the existing windows, it is considered that this would not justify their replacement material being uPVC rather than timber.

1.26 The Council's Heritage and Countryside Manager considers that the proposal would cause less than substantial harm to the designated heritage assets and that no information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

1.27 Overall, it is considered that the proposal would have a detrimental impact on the character and appearance of the existing dwelling and the character and appearance of the conservation area, in conflict with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight, and with the Historic Environment policies within the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2023).

AMENITY OF NEIGHBOURING LAND USERS

1.28 The host building adjoins no.11 Stanhope Avenue to the east, no.15 Stanhope Avenue to the west and no.134 Park Road to the rear/south. To the front the property is bounded by the highway of Stanhope Avenue with residential properties beyond.

1.29 It is noted that the proposal does not intend to introduce any additional windows nor extend the property or reduce the existing separation distances and relationships between the application property windows and distances/relationships to neighbouring properties.

1.30 It is considered that the proposed development would not result in a material change in impact in terms of the amenity and privacy of the surrounding neighbouring properties, and is therefore considered acceptable in respect of its impact in terms of overbearing, overshadowing, loss of outlook and overlooking.

CONCLUSION

1.31 With regard to the above planning considerations including the requirements set out in section 66 of the Town and Country Planning Act (1990), policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 197,199, 202 and 206 of the NPPF (2023), the proposal is considered to result in less than substantial harm to the designated heritage assets (conservation area) and there is no information to indicate that the identified harm would be outweighed by any public benefits of the proposal. It is considered that the proposal would have a detrimental impact on the character and appearance of the existing dwelling and conservation area and it is therefore recommended that the application is refused.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.32 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.33 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.

1.34 There are no Section 17 implications.

REASON FOR DECISION

1.35 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 for the following reason:

1. In the opinion of the Local Planning Authority, it is considered that the proposal would cause less than substantial harm to the designated heritage assets of the Grange Conservation Area by virtue of the design, detailing and use of materials of the replacement windows. It is considered that the works would detract from the character and appearance of the designated heritage asset(s) (Grange Conservation Area). It is further considered that there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to Policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs, 126, 130, 189, 197, 199, 202 and 206 of the NPPF (2023).

BACKGROUND PAPERS

1.36 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=157362>

1.37 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

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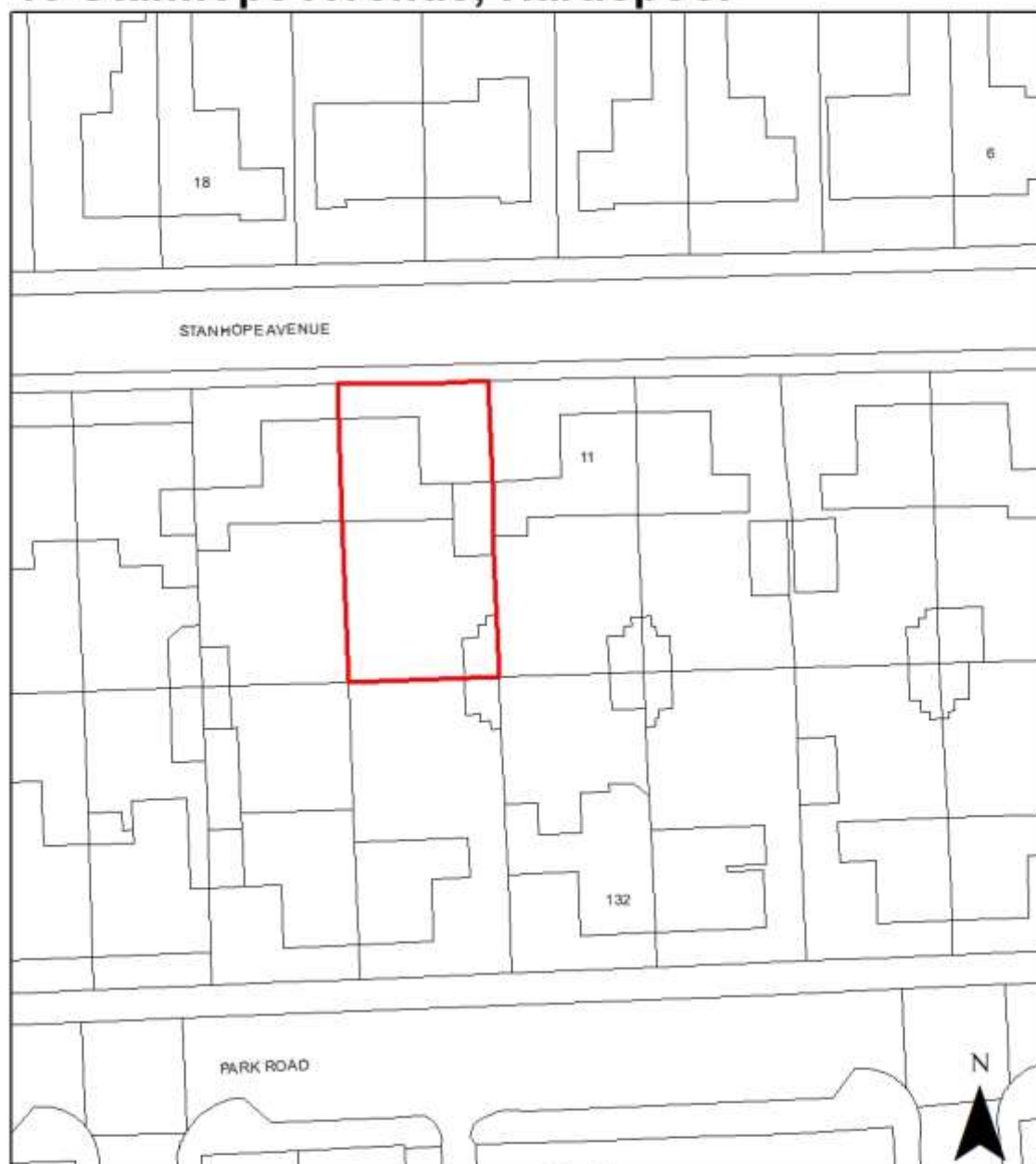
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN JB	DATE 19.09.2023
	SCALE 1:500	
	DRG.NO H/2023/0087	REV

POLICY NOTE

The following details a precis of the overarching policy documents referred to in the main agenda. For the full policies please refer to the relevant document, which can be viewed on the web links below;

HARTLEPOOL LOCAL PLAN POLICIES

<https://www.hartlepool.gov.uk/localplan>

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN

https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031_-_made_version_-_december_2018

MINERALS & WASTE DPD 2011

https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2021

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

ILLUSTRATIVE EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

Material Planning Considerations	Non Material Considerations
<i>Can be taken into account in making a planning decision</i>	<i>To be ignored when making a decision on a planning application.</i>
<ul style="list-style-type: none"> Local and National planning policy 	<ul style="list-style-type: none"> Political opinion or moral issues
<ul style="list-style-type: none"> Visual impact 	<ul style="list-style-type: none"> Impact on property value
<ul style="list-style-type: none"> Loss of privacy 	<ul style="list-style-type: none"> Hypothetical alternative proposals/sites
<ul style="list-style-type: none"> Loss of daylight / sunlight 	<ul style="list-style-type: none"> Building Regs (fire safety, etc.)
<ul style="list-style-type: none"> Noise, dust, smells, vibrations 	<ul style="list-style-type: none"> Land ownership / restrictive covenants
<ul style="list-style-type: none"> Pollution and contaminated land 	<ul style="list-style-type: none"> Private access disputes
<ul style="list-style-type: none"> Highway safety, access, traffic and parking 	<ul style="list-style-type: none"> Land ownership / restrictive covenants
<ul style="list-style-type: none"> Flood risk (coastal and fluvial) 	<ul style="list-style-type: none"> Private issues between neighbours
<ul style="list-style-type: none"> Health and Safety 	<ul style="list-style-type: none"> Applicants personal circumstances (unless exceptional case)
<ul style="list-style-type: none"> Heritage and Archaeology 	<ul style="list-style-type: none"> Loss of trade / business competition (unless exceptional case)
<ul style="list-style-type: none"> Biodiversity and Geodiversity 	<ul style="list-style-type: none"> Applicants personal circumstances (unless exceptional case)
<ul style="list-style-type: none"> Crime and the fear of crime 	
<ul style="list-style-type: none"> Planning history or previous decisions made 	

(NB: These lists are not exhaustive and there may be cases where exceptional circumstances require a different approach)

PLANNING COMMITTEE

11 October 2023



Report of: Assistant Director (Neighbourhood Services)

Subject: UPDATE ON CURRENT COMPLAINTS AND
ENFORCEMENT ACTIONS

1. PURPOSE OF REPORT

1.1 To update members with regard to complaints that have been received, investigations that have been completed and enforcement actions that have been taken. Investigations have commenced in response to the following complaints:

1. An untidy and insecure property on Park Avenue.
2. The temporary parking of cars on part of a recreation field on Rossmere Way.
3. Non-compliance with the approved plans at a mixed use commercial and residential property on Stratford Road.
4. The display of signage on the boundary fence and the use of the kiosk as a café at a recreational premises at The Cliff.
5. Running a beauty treatments business at a residential property in Southbrooke Avenue.
6. The conversion of a dwellinghouse in Clifton Avenue to two flats.
7. The change of use of a dwellinghouse in Welldock Road.
8. The erection of a timber outbuilding at a residential property in Spalding Road.
9. Non-compliance with a condition relating to the playing of amplified music at a licensed premises on Stockton Road.
10. The relocation of the boundary between residential properties in Valley Drive and Hylton Road.

11. Non-compliance with the construction management plan at a residential development site at land off Coppice Lane.
12. Non-compliance with conditions relating to external finishing materials at a residential development on Linden Grove.
13. Running a hair and beauty business at a residential property in Burwell Walk.
14. The siting of skips on the highway and waste escaping from the site at a commercial premises at Graythorp Industrial Estate.

1.2 Investigations have been completed as a result of the following complaints:

1. The change of use of a dwellinghouse in Park Road to a house in multiple occupation. There is no breach of planning control in this case.
2. Growing a hedge on the side boundary at the front of a residential property in Westfields. There is no breach of planning control in this case.
3. Running a dog grooming business at a residential property in Staincliffe Road. There is no breach of planning control in this case.
4. The change of use of a dwellinghouse in Bright Street to a house in multiple occupation. There is no breach of planning control in this case.
5. The change of use of a dwellinghouse in Farndale Road to a short term let/holiday accommodation. There is no breach of planning control in this case.
6. The change of use of a dwellinghouse in Thornton Street to six bedsits. Permitted development rights apply in this case.
7. The erection of a timber outbuilding in the rear garden of a residential property in Royston Grove. Permitted development rights apply in this case.

1.3 The following enforcement actions have been taken within this reporting period.

1. A Breach of Condition Notice has been served in respect of non-compliance with landscaping conditions at a residential development site at land off Dalton Heights.

2. RECOMMENDATION

2.1 Members note this report.

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