

PLANNING COMMITTEE

AGENDA



Wednesday 4 December 2024

at 10.00am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Darby, Feeney, Jorgeson, Little, Martin-Wells, Oliver, Scarborough, Sharp, 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 9 October 2024.

3.2 To confirm the minutes of the meeting held on 6 November 2024.

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Economic Growth and Regeneration)*

1. H/2023/0355 Highnam Hall (page 1)
2. H/2023/0356 Highnam Hall (page 45)
3. H/2024/0116 12 Stanhope Avenue (page 63)

5. ITEMS FOR INFORMATION

5.1 Update on 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.

5.2 Planning Appeal at 6 Consicliffe Road – *Assistant Director (Neighbourhood Services)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

7. 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.

FOR INFORMATION

Date of next meeting – Wednesday 18 December at 10.00am in the Civic Centre, Hartlepool



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

9 October 2024

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

Present:

Councillor Tom Feeney (In the Chair)

Councillors: Moss Boddy, Michael Jorgeson, Andrew Martin-Wells, Karen Oliver, Martin Scarborough, Cameron Sharp, Carole Thompson and Mike Young.

Officers: Kieran Bostock, Assistant Director, Neighbourhood Services
Jim Ferguson, Planning and Development Manager
Stephanie Bell, Senior Planning Officer
Peter Frost, Highways, Traffic and Transport Team Leader
Umi Filby, Legal Advisor
Jo Stubbs, Democratic Services Officer

29. Apologies for Absence

Apologies were submitted by Councillors Rob Darby and Sue Little.

30. Declarations of interest by members

None

31. Confirmation of the minutes of the meeting held on 14 August 2024

Minutes confirmed

A member referred to a previous application by Orsted Development which had been refused by Planning Committee in 2022. This had subsequently been overturned on appeal. He requested that this application be called in to hold a review of the decisions made regarding this development and the subsequent destruction of archaeology. The Assistant Director confirmed he would look into this matter and respond as soon as possible.

32. Planning Applications *(Assistant Director, Neighbourhood Services)*

Number:	H/2024/0196
Applicant:	MR HENRY TONES OXFORD ROAD HARTLEPOOL TS25 5SS
Agent:	ELDER LESTER ARCHITECTS REEDS MILL ATLAS WYND YARM TS15 9AD
Date valid:	27/06/2024
Development:	Installation of roller shutter door (retrospective) and creation of access and dropped kerb on to Spring Garden Road
Location:	STORAGE LAND TONES WORKSHOPS OXFORD ROAD HARTLEPOOL

This application was recommended for refusal. It had previously been deferred to allow for a site visit which had taken place the previous day.

The primary objections related to highway safety and parking however a member noted that there were already parking restrictions in place during the times of operation. This business had been in place longer than the nearby housing development and members needed to do more to support local business.

Another member highlighted the amount of complaints from residents around vehicles linked to the business blocking bus stops and pavements. They had made efforts to improve this for 2 days then returned to parking inappropriately.

A member queried whether replacing the proposed roller shutters with wooden gates would negate the need for planning permission. The Planning and Development Manager was unable to answer without reference to the regulations. He advised however that members should consider the application in front of them. The Member suggested installing double yellow lines and making the area a resident parking zone, all with a financial contribution from the applicant. Another member expressed support for this suggestion but indicated it would not make the application more palatable as it was not part of this proposal.

Councillor Mike Young moved that this application be approved against the officer recommendation. He felt there were no parking issues in the area caused by the business as there were already parking restrictions during business hours.

This was seconded by Councillor Andrew Martin-Wells. A recorded vote was taken.

Those for – Councillors Andrew Martin-Wells and Mike Young

Those against – Councillors Tom Feeney, Karen Oliver and Cameron Sharp

Those abstaining – Councillors Moss Boddy, Michael Jorgeson, Martin Scarborough and Carole Thompson

The vote to approve was therefore lost.

Councillor Carole Thompson moved that this application be refused as per the officer recommendation. This was seconded by Councillor Tom Feeney. A recorded vote was taken.

Those for – Councillors Tom Feeney, Michael Jorgeson, Karen Oliver, Martin Scarborough, Cameron Sharp, Carole Thompson

Those against – Councillors Andrew Martin-Wells and Mike Young

Those abstaining – Councillor Moss Boddy

This application was therefore refused.

The Planning and Development Manager confirmed that enforcement action would be taken should it be expedient to do so.

Decision - REFUSED for the following reason;

1. In the opinion of the Local Planning Authority, the proposed development would constitute an unacceptable form of development that would have the potential to exacerbate traffic flow and parking issues in the area to the detriment of road safety, contrary to Policies QP3 and RC21(1) of the Hartlepool Local Plan 2018 and paragraph 115 of the NPPF (2023).

Number:	H/2024/0192
Applicant:	C/O AGENT
Agent:	LICHFIELDS MR CHRISTOPHER SMITH THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE NE1 1RF
Date valid:	14/06/2024
Development:	Section 73 application to vary condition 1 of planning permission H/2021/0508 (relating to the substitution of house types) in order to allow for the substitution of the H2 house type (on plots 12, 13, 14, 15, 29, 30, 31, 35 and

Location: 36) (Site D) and the B7 house type (on plots 16, 21, 22, 23, 24, 25, 26 and 27) (Site D)
FORMER BRITMAG SITES C AND D OLD CEMETERY ROAD HARTLEPOOL

This application was recommended for approval.

The Agent, Christopher Smith, was present and addressed members. The site already had a complex planning history and this application was essentially designed to amend the house types previously approved. A member queried whether sustainable housing or solar panels had been considered. Mr Smith advised that his client did not wish to raise expectations in terms of energy efficient properties and could not make such a promise due to commercial realities. The member was disappointed to hear this. She also noted that there had been complaints from residents in terms of the number of dead trees on site and asked that further landscaping be considered.

Councillor Mike Young moved that this application be approved as per the officer recommendation. This was seconded by Councillor Andrew Martin-Wells. A recorded vote was taken.

Those for – Councillors Moss Boddy, Tom Feeney, Michael Jorgeson, Andrew Martin-Wells, Karen Oliver, Martin Scarborough, Cameron Sharp, Carole Thompson and Mike Young

Those against – None

Those abstaining – None

This application was therefore approved unanimously.

Decision – APPROVE subject to the consideration of any comments received from Natural England (in respect to the Habitat Regulations Assessment updated by the Council's Ecologist to screen out any likely significant effects resulting from recreational disturbance and nutrient neutrality).

CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the plans and details;

Dwg No: P11 Rev A (Site Location Plan -RM Submission Sites C and D (showing red-line boundary)),
Dwg. No. 12 (Site Plan as Existing - Sites C and D),
T1-01 Rev A (House Type 1 Floor Plans and Elevations),
T2-01 Rev A (House Type 2 Floor Plans and Elevations),
T3-01 Rev A (House Type 3 Floor Plans and Elevations),
T4-01 Rev A (House Type 4 Floor Plans and Elevations),

T5-01 Rev A (House Type 5 Floor Plans and Elevations),
 T6-01 Rev A (House Type 6-01 Rev A (Bungalow Type 6 Floor Plans),
 T7-01 Rev (House Type 7-01 Rev A (Bungalow Type 6 Floor Plans) and
 TG-01 (Garage Type Floor Plans and Elevations),
 received by the Local Planning Authority on 22/09/2016;

Dwg No: 074.01 Rev H (Landscape Masterplan),
 Dwg No: 074.02 Rev C (Detailed Landscape Proposals Sheet 1 of 4),
 Dwg No: 074.03 Rev E (Detailed Landscape Proposals Sheet 2 of 4),
 Dwg No: 074.04 Rev D (Detailed Landscape Proposals Sheet 3 of 4),
 Dwg No: 074.05 Rev D (Detailed Landscape Proposals Sheet 4 of 4),
 Dwg No: P17-076-3E-00-XX-DR-C-1000 Rev P7 (Drainage Layout - Site C),
 Dwg No: P17-076-3E-00-XX-DR-C-1008 Rev P2 (Flood Flow Plan - Site C),
 Dwg No: P17-076-3E-00-XX-DR-C-1200 Rev P2 (Impermeable Areas Plan - Site C),
 Dwg No: P17-076-3E-00-XX-DR-C-2001 Rev P5 (Proposed External Levels - Site C),
 Dwg No: P17-076-3E-00-XX-DR-C-6000 Rev P7 (Section 104 Plan - Site C),
 received by the Local Planning Authority on 6th October 2020;

Dwg No: 16020 T7-01 Rev A (Bungalow Type 7 Floor Plans),
 Dwg No: 16020 T7A-01 Rev C (Bungalow Type 7 Floor Plans – Dormer Window Version),
 Dwg No: 16020 T7B-01 Rev A (Bungalow Type 7B – Balcony Version),
 received by the Local Planning Authority on 8th November 2021;

Dwg No: 16020 P09 Rev R (Materials and Enclosures Site C),
 Dwg No: 16020 P05 Rev U (Proposed Housing Layout Site C),
 received by the Local Planning Authority 17th January 2022;

Dwg. No. 16020 07C-001 (House Type 7C – Ground Floor Plan – Planning Drawing),
 Dwg. No. 16020 07C-002 (House Type 7C – First Floor Plan – Planning Drawing),
 Dwg. No. 16020 07C-003 (House Type 7C – Front Elevation – Planning Drawing),
 Dwg. No. 16020 07C-004 (House Type 7C – Rear Elevation and Section Thru Garage – Planning Drawing),
 Dwg. No. 16020 07C-005 (House Type 7C – Gable Elevations – Planning Drawing),
 Dwg. No. 16020 02A-001 (House Type 2A – Ground and First Floor Plans – Planning Drawing),
 Dwg. No. 16020 02A-002 (House Type 2A – Second Floor Plan and Section – Planning Drawing),
 Dwg. No. 16020 02A-003 (House Type 2A – Elevations – Planning Drawing),

Dwg. No. 16020 02A-004 (House Type 2A – Elevations – Planning Drawing),
received by the Local Planning Authority on 14th June 2024;

Dwg No: 16020 P06 Rev U (Proposed Housing Layout Site D),
Dwg No: 16020 P07 Rev S (Proposed Housing Layout Site C and D),
Dwg No: 16020 P08 Rev M (Proposed Parking Schedules Site C and D),
Dwg No: 16020 P10 Rev S (Materials and Enclosures Site D),
Received by the Local Planning Authority on 23rd August 2024.
For the avoidance of doubt.

2. This approval relates solely to the Section 73 application for the variation of condition 1 (approved plans) of planning permission H/2021/0508 (decision dated 1st February 2022) to allow for house type substitutions. The other conditions attached to the original permission (H/2016/0399) shall continue to apply to this permission and shall be complied with.
For the avoidance of doubt.
3. The scheme for soft landscaping, hedge, tree and shrub planting shall be carried out in accordance with Dwg No: 074.01 Rev H (Landscape Masterplan), Dwg No: 074.02 Rev C (Detailed Landscape Proposals Sheet 1 of 4), Dwg No: 074.03 Rev E (Detailed Landscape Proposals Sheet 2 of 4), Dwg No: 074.04 Rev D (Detailed Landscape Proposals Sheet 3 of 4), Dwg No: 074.05 Rev D (Detailed Landscape Proposals Sheet 4 of 4), all date received by the Local Planning Authority 6th October 2020 and the Britmag Timeline Schedule received by the Local Planning Authority on 7th October 2024. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity, dune management and to ensure a satisfactory form of development.
4. The provision of footpath connections to the England Coast Path and positions of 'chicane style cycle barriers' (within the application site) shall be carried out solely in accordance with the approved scheme, programme and timetable of works as detailed on plans Dwg No: 074.01 Rev H (Landscape Masterplan), Dwg No: 074.02 Rev C (Detailed Landscape Proposals Sheet 1 of 4), Dwg No: 074.03 Rev E (Detailed Landscape Proposals Sheet 2 of 4), Dwg No: 074.04 Rev D (Detailed Landscape Proposals Sheet 3 of 4), Dwg No: 074.05 Rev D (Detailed Landscape Proposals Sheet 4 of 4), all date received 6th October 2020 and the Britmag Timeline Schedule received by the Local Planning Authority on 7th October 2024.
In the interests of providing recreational routes and the interests of the protection of the SPA and the England Coast Path.

5. The proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created) scheme hereby approved (as detailed in condition 1, approved plans) shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwellings hereby approved.
To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity of the area.
6. Notwithstanding the submitted plans, access to the approved substation adjacent to plots 53 and 54 (as detailed on the approved plans listed in condition 1) shall be taken from within the site, and no access to the substation shall be taken from Old Cemetery Road.
In the interest of highway safety and visual amenity of the area.

33. Planning Appeal at 91 Elwick Road (*Assistant Director, Neighbourhood Services*)

Members were advised that a planning appeal in respect of the change of use from a vacant beauty salon to a hot food takeaway had been dismissed. A copy of the Inspector's decision was appended to the report.

Decision

That the outcome of this appeal be noted

34. Enforcement Notice: Appeal at the Bungalow, Low Throston House, Netherby Gate (*Assistant Director, Neighbourhood Services*)

An enforcement notice appeal had been submitted against the Council decision to issue an Enforcement Notice in respect of the unauthorised development comprising a change of use of land to extend the curtilage of a dwelling and the erection of a fence to enclose the land. A retrospective planning application was refused in March 2023 and subsequent appeal dismissed by the planning inspectorate in December 2023. An enforcement notice was subsequently issued requiring restoration of the fence line boundary to its original position and the removal of any related debris within 2 months.

Decision

That the report be noted

35. Planning Appeal at Land North Duchy Homes, Wynyard, Billingham *(Assistant Director, Neighbourhood Services)*

An appeal had been submitted against the decision to refuse an outline planning application for 3 residential plots, made at Planning Committee in April 2024.

Decision

That the report be noted

36. 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.

37. Training

The Planning and Development Manager advised members that bite sized training sessions for various aspects of planning legislation would begin next month. These training sessions would take place immediately prior to Planning Committee, commencing at 9.30am. The first would look at Planning and Conservation led by the Coast, Countryside and Heritage Manager. This training would be open to all Members, not just those on Planning Committee.

The meeting concluded at 5.40pm.

CHAIR

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

6 November 2024

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

Present:

Councillor Tom Feeney (In the Chair)

Councillors: Moss Boddy, Michael Jorgeson, Sue Little, Andrew Martin-Wells, Karen Oliver, Carole Thompson and Mike Young.

Also Present: In accordance with Council Procedure Rule 4.2
Councillor Phil Holbrook was in attendance as substitute for Councillor Martin Scarborough

Officers: Jim Ferguson, Planning and Development Manager
Daniel James, Planning (DC) Team Leader
Zoe Craig, Environmental Health Manager (Environmental Protection)
Rachael Readman, Trading Standards and Licensing Manager
Helen Smith, Planning Policy Team Leader
Kieran Campbell, Senior Planning Officer
Umi Filby, Legal Advisor
Jo Stubbs, Democratic Services Officer

38. Apologies for Absence

Apologies were submitted by Councillors Rob Darby, Martin Scarborough and Cameron Sharp.

39. Declarations of interest by members

None

40. Confirmation of the minutes of the meeting held on 11 September 2024

Minutes approved

41. Planning Applications *(Assistant Director, Neighbourhood Services)*

Number:	H/2022/0405
Applicant:	C/O AGENT
Agent:	STOVELL & MILLWATER LTD MR STOVELL 5 BRETNALL CENTRE BRETNALL STREET MIDDLESBROUGH
Date received:	01/03/2023
Development:	Outline application with some matters reserved for the erection of 3no. detached dormer bungalows with access taken from Yarm Close (Demolition of existing commercial garage).
Location:	LAND AT GLENESK GARAGE 194 STOCKTON ROAD HARTLEPOOL

This application was recommended for approval.

A member queried when guidance suggested solar panels be installed on new builds. The Planning Policy Team Leader confirmed that energy efficiency was covered under building regulations. However Hartlepool Local Plan stipulates that developments of 10 or more dwellings be asked to provide solar panels/renewables. The development was below that threshold.

A member requested further information on the tree protection measures taken. The Senior Planning Officer confirmed that the separation distance between the properties and trees was satisfactory and legal protections in the form of a Tree Preservation Order were in place in respect of the trees.

The agent, Bradley Stovell, urged members to support the application which would provide attractive residential dwellings and benefit the local area. There would be no resultant loss of privacy or amenity for the neighbouring properties. A member asked that it be made clear to anyone purchasing the properties that the trees were subject to tree preservation orders and the trees cannot be removed.

Councillor Moss Boddy moved that this application be approved as per the officer recommendation. This was seconded by Councillor Carole Thompson. A recorded vote was taken.

Those for – Councillors Moss Boddy, Tom Feeney, Michael Jorgeson, Sue Little, Andrew Martin-Wells, Karen Oliver, Martin Scarborough, Carole Thompson and Mike Young

Those against – None

Those abstaining – None

This application was therefore approved unanimously.

Decision: **Minded to APPROVE subject to a legal agreement securing contributions towards green infrastructure/footpath links (£7,000) within vicinity of the application site and subject to the following planning conditions.**

CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below in condition 2 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.
2. Approval of the details of the scale and appearance of the building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
In order to ensure these details are satisfactory.
3. The development hereby permitted shall be carried out in accordance with plan No HL/22/001/001 (Location Plan & Existing Site Plan) dated October 2022, received by the Local Planning Authority on 08/02/2023.
To ensure a satisfactory form of development and for the avoidance of doubt.
4. The total quantum of development hereby approved shall not exceed 3 no. dwellinghouses (C3 use class).
To ensure a satisfactory form of development and for the avoidance of doubt.
5. The details submitted at reserved matters stage shall be in general conformity with the agreed layout as detailed on plan HL/22/001/002/A (Proposed Site Plan) received by the Local Planning Authority 12/05/2023.
To ensure a satisfactory form of development.
6. Notwithstanding the submitted information, no development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to

and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event (subject to minimum practicable flow control). The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document). Thereafter, the approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

7. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include method statements for the avoidance, mitigation and compensation measures as detailed in; Section 5 (Conclusions & Recommendations) of the Ecological Impact Assessment by Naturally Wild (dated 03/01/2023) and received by the Local Planning Authority on 27th January 2023. The CEMP (Biodiversity) shall include the following:
 - i) A pre-commencement check for nesting birds shall be undertaken by a suitably experienced ornithologist if vegetation clearance or building demolition is undertaken between March and August inclusive;
 - ii) A pre-commencement check for Hedgehogs including for the potential for those in hibernation and where necessary, site clearance or exclusion zones to be created by a suitably qualified ecologist, in accordance with the submitted information.
 - iii) Any fenced boundaries are to be gapped, with a 13 x 13 cm hole cut at ground level to allow small mammals to access and egress gardens.
 - iv) A sensitive lighting scheme should be implemented during and after construction to avoid indirect disturbance to foraging and commuting bats, birds and small mammals that may be using the adjacent gardens and buildings, and should include the following elements:
 - Sensitive positioning of lighting to avoid unnecessary spill onto adjacent gardens and buildings.
 - Angle of lighting: avoidance of direct lighting and light spill onto areas of habitat that are of importance as commuting pathways and/or foraging areas.
 - Type of lighting: studies have shown that light sources emitting higher amounts of UV light have a greater impact to wildlife. Use of narrow-spectrum bulbs that avoid white and blue wavelengths are likely to reduce the number of species impacted by the lighting.
 - Reduce the height of lighting columns to avoid unnecessary light spill.

v) Any excavations left open overnight will have a means of escape for wildlife that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

Thereafter the approved CEMP shall be adhered to and implemented throughout the construction period and strictly in accordance with the approved details.

In the interests of avoiding or mitigating ecological harm.

8. Prior to the commencement of development above ground level, details of universal bird nesting bricks (3no. in total) to be installed integral to each of the dwellings (1 per dwelling) and details of integral bat roost boxes (3no in total) to be installed integral to each of the dwellings (1 per dwelling) including the exact location within either the east or south elevation of the dwellings and shall include the specification, design and height and shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bird nesting bricks and bat roost boxes shall be installed strictly in accordance with the details so approved prior to the occupation or completion of the dwellings, whichever is the sooner, and shall be maintained for the lifetime of the development.
To provide an ecological enhancement for protected and priority species, in accordance with paragraphs 185 and 186 of the NPPF.

9. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall 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 shall be subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall 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 shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall 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 shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall 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 shall 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 shall 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 shall 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 shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme shall 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 shall 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 shall 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 shall 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) (England) Order 2015 (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 the prior written consent of the Local Planning Authority.

To ensure that the risks posed by the site to controlled waters and human health are assessed and addressed as part of the redevelopment.

10. The Reserved Matters application (referred to in conditions 1 and 2) shall be accompanied by a scheme for the provision, long term maintenance and management of all landscaping within the site. The landscaping scheme shall, where achievable, include tree planting within front garden areas to create tree lined streets. 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, and be implemented in accordance with the approved details and programme of works. Thereafter the agreed scheme (as part of the Reserved Matters) shall be provided in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of landscaping within the curtilage of individual residential dwellings shall be carried out in the first planting season following the occupation or completion of each individual dwelling (whichever is sooner). Any trees plants or shrubs which within a period of 5 years from the completion of the development hereby approved, 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 the amenities of future occupiers.

11. Notwithstanding the submitted information and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, the submitted scheme for the protection and retention of the retained trees, including ground protection measures, (as identified in the 'Arboricultural Method Statement, including Impact Assessment' by Elliots Consultancy Ltd, dated December 2022, received by the Local Planning Authority on 27/01/2023, shall be carried out in strict accordance with the approved document. Thereafter and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the agreed protection measures shall be implemented on site (and thereafter retained until the completion 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 that are found to be dead, dying, severely damaged or diseased as a result of site works shall be replaced with trees of such 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 trees and the visual amenity of the area and surrounding area.

12. All tree works as detailed in the 'Arboricultural Method Statement, including Impact Assessment' by Elliots Consultancy Ltd, (dated December 2022), received by the Local Planning Authority on 27/01/2023, shall comply with BS 3998:2010 'Tree work - Recommendations', paying particular regard to Appendix 2 'Tree Data & Works Required'.
In the interests of the health and appearance of the existing mature site trees.
13. The Reserved Matters application (referred to in conditions 1 and 2) shall be accompanied by details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created). This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed in accordance with the agreed details prior to the occupation of the dwellings or completion of the development hereby approved, whichever is the sooner.
To enable the Local Planning Authority to control details of the proposed development, in the interests of the visual amenity of the area and highway safety.
14. Prior to the commencement of development, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Such a scheme shall indicate the finished floor levels and levels of the garden areas of the individual plot and adjacent plots, and the areas adjoining the site boundary. Development shall be carried out in accordance with the approved details.
To take into account the position of the buildings and impact on adjacent properties and their associated gardens and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents.
15. The Reserved Matters application (referred to in conditions 1 and 2) shall be accompanied by details of all walls, fences and other means of boundary enclosure. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the first occupation of the dwellings or completion of the development hereby approved, whichever is the sooner.
In the interests of visual amenity and the amenity of the occupiers of the site.
16. No development shall commence until details of external lighting associated with the development hereby approved, including full details of the method of external illumination, siting, angle of alignment; light colour,

luminance of external areas of the site, including parking areas has been submitted to and agreed 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 residents and highway safety.

17. No development shall take place until a Construction Management Plan has been submitted to and approved in writing with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phase, and to effectively control dust emissions from the site remediation and construction works. The Construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges (including trees), vehicle movements, wheel and road cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. Thereafter, the development of the site shall accord with the requirements of the approved Construction Management Plan.
To avoid excessive noise and disturbance to the occupants of nearby residential properties.
18. The dwellings hereby approved shall not exceed two storeys in height with a maximum ridge height of 6.8 metres.
In the interests of visual amenity.
19. Prior to the occupation of the dwelling hereby approved, including the associated demolition and construction works, the existing access point serving the commercial garage (outlined in blue on the submitted plan HL/22/001/001 (Location Plan & Existing Site Plan), received by the Local Planning Authority on 08/02/2023), shall cease use for purposes associated with the proposed development.
In order to establish the permission as applied for and in the interests of managing the associated impacts on nearby trees to the front of the site.
20. No dwellinghouse hereby approved shall be occupied until vehicular and pedestrian access (including footway links) connecting the proposed development (and individual dwellings) to the public highway has been completed in accordance with Dwg. No. HL/22/001/002/A (Proposed Site Plan, received by the Local Planning Authority 12/05/2023).
In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.
21. The Reserved Matters application (referred to in conditions 1 and 2) shall be accompanied by details of the external finishing materials for the development and details of storage of refuse. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the first occupation of the dwellings or completion of the development hereby approved, whichever is the sooner.

To ensure a satisfactory form of development.

22. Notwithstanding the provisions of Part 1 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(s) and associated garages hereby approved shall not be converted or extended, in any way, and no garage(s) or other outbuildings shall be erected without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of visual amenity and the amenities of the occupants of adjacent residential properties.

23. 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) and notwithstanding the agreed details under condition 15, 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, without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of visual amenity.

24. No construction/building works or deliveries shall be carried out except between the hours of 08.00 am and 6.00 pm on Mondays to Fridays and between 09.00 am and 1.00 pm on Saturdays. There shall be no deliveries or construction activity including demolition on Sundays or on Bank Holidays.

To avoid excessive noise and disturbance to the occupants of nearby properties.

Members considered representations on this matter.

Number:	H/2024/0053
Applicant:	MR ASHLEY JOHNS YORK ROAD HARTLEPOOL
Agent:	ASP Service Ltd JONATHAN LOUGHREY OFFICE 206 BOVIS HOUSE 7 to 9 VICTORIA ROAD HARTLEPOOL
Date received:	28/05/2024
Development:	Change of use from a shop to a Bar/Nightclub (Sui Generis use class), including alterations to shop front

Location: 117 YORK ROAD HARTLEPOOL

This application was recommended for approval.

In response to queries from members the Environmental Health Manager confirmed that the licensing team had asked that a noise limiter be installed in the premises preventing the noise from going above a certain limit. They would have preferred further noise mitigation measures but since the premises was already open and trading they were happy to accept the noise limiter. The Planning and Development Leader commented that as the premises had opened without the necessary permissions officers had to deal with matters as they stood. If noise was an issue in future the licence could be reviewed. The Environmental Health Officer advised that a number of conditions had been put in place on the premises license.

The Trading Standards and Licensing Manager advised members that Licensing Committee members had previously approved the granting of a licence for the premises. At that time there had been no police objections and no complaints since the licence was approved. A member queried whether there were any conditions in place requiring that the front of the property be kept clean while another referred to issues at the back of the property around smokers. The Trading Standards and Licensing Manager confirmed there were no related conditions currently and these could only be added following a review resulting from complaints.

A member noted a lack of storage space in the property and the rear back alley in terms of waste. The Planning Team Leader indicated that waste removal had been considered in detail but the applicant had not felt it possible to store waste inside the property prior to collection and it would be problematic to enforce this from a planning perspective and that officers felt it would be best considered through other nuisance legislation should any such issues arise.

A member noted there were limited escape routes out of the property. There was 1 staircase, no other escape route out of the top floor and the route out of the back of the property leads to a back alley with locked gates. The Planning Team Leader confirmed these issues would be considered through building regulations following consultation with the fire service. The Environmental Health Manager noted that the fire service had made no representations on the licence.

A member queried why the licence had been considered and granted prior to any planning approval. The Trading Standards and Licensing Manager advised that these 2 permissions were completely separate and once a licence application was received the authority had 28 days to consult with no remit to delay. Members who considered the licence application had been aware that planning permission was not in place at that time. If members decided to refuse planning permission today the alcohol licence would still remain in place but both would be necessary to allow the business to operate.

The Agent, Jonathan Loughrey, acknowledged members comments at the retrospective nature of this application which had been the applicant's decision. Mr Loughrey had discussed a number of the issues with Planning officers. He confirmed that there were no external places available for storage and the need to discuss fire concerns with the fire services. However he highlighted that the front bay windows could be opened to allow escape, the second floor was currently inaccessible and there were fire alarms in place. He also indicated that the licence application had been submitted before his involvement and generally planning permission would have been requested first.

Mr Loughrey confirmed that he had advised the applicant with regards to the need to retain the character of the building. However this was not a protected property, not located in a conservation area and this had been the best layout possible.

Mr Loughrey confirmed food would be served but it would not be an extensive menu. Accessibility concerns would be subject to building regulations. A previous design had included a double door at the front to allow better wheelchair accessibility but Council officers had insisted the original single door be retained where possible. The Trading Standards and Licensing Manager advised that the premises was currently trading from 12 noon to 11.15pm

A member thanked Mr Loughrey for his honesty. They felt that by making the licence application first members had been backed into a corner. A number of members' concerns such as fire and accessibility would not be clarified until the building regulations stage which would only come if members approve the application before them. They moved that the application be refused on the grounds of health and safety of patrons (fire risk arising from layout and waste storage provision), noise, dust and disturbance. The Planning and Development Manager queried the inclusion of dust and this was subsequently omitted. Reference was also made to crime and the fear of crime. The Solicitor reminded members that the reasons for refusal needed to be based on legitimate material planning grounds with evidence to back them up. In terms of crime and the fear of crime a member noted that this area was regularly subject to police dispersal orders.

Councillor Moss Boddy moved that this application be refused against the officer recommendation. This was seconded by Councillor Mike Young. A recorded vote was taken.

Those for – Councillors Moss Boddy, Tom Feeney, Michael Jorgeson, Sue Little, Andrew Martin-Wells, Karen Oliver, Martin Scarborough, Carole Thompson and Mike Young

Those against – None

Those abstaining – None

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

As set out in the constitution, the reasons for refusal are delegated to the Planning & Development Manager

1. Members considered representations on this matter.
-

Councillor Andrew Martin-Wells left the meeting

42. Planning Appeal at 54 Grange Road (*Assistant Director – Neighbourhood Services*)

Members were advised that a planning appeal had been submitted against the refusal of an application for the replacement of existing uPVC windows with new uPVC and the installation of a new footpath and paved garden at the front.

Decision

That the report be noted

Councillor Mike Young left the meeting

43. Development Management Performance – third and fourth quarter 2023-24 (*Assistant Director – Neighbourhood Services*)

Members were updated on the performance of the Development Management Service for the third and fourth quarter of 2023/24. All major, and non-major applications had been dealt with within the statutory periods or agreed time extensions. There had been no county matters. Five appeals had been dismissed, 1 allowed. The authority's performance far exceeded the previous Government's performance criteria in terms of the speed and quality of decision making.

Planning magazine had recently analysed the performance of local planning authorities using specific criteria. Hartlepool was 1 of 12 authorities allocated a platinum rating, the highest ranking. Members congratulated officers for this achievement and their overall performance.

Decision

That the report be noted

44. 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.

45. Training

The Planning and Development Manager advised members that the next training session would take place immediately prior to the December Planning Committee meeting, commencing at 9.30am. This training would be open to all Members, not just those on Planning Committee, and would look at planning and sustainability.

The meeting concluded at 11:20am.

CHAIR

No: 1.
Number: H/2023/0355
Applicant: BORTHWICK PROPERTIES PROSPECT WAY
HARTLEPOOL TS25 1UD
Agent: ASP Service Ltd OFFICE 206 BOVIS HOUSE 7 to
9 VICTORIA ROAD HARTLEPOOL TS24 7SE
Date valid: 06/11/2023
Development: Change of use from a Care Home (C2 Use Class)
to 14no. self-contained residential flats (C3 Use
Class)
Location: HIGHNAM HALL PARK 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 The following planning applications are considered to be relevant to the current application site;

HLBC/1988/0471 - Listed Building Consent for construction of new front entrance ramp, kitchen extension and two-storey rear extension. Approved 20/10/1988.

HLBC/1988/0719 - Listed Building Consent to display 4 sign boards on entrance gates. Approved 17/01/1989.

HFUL/1991/0651 - Extensions to side and rear to provide staff changing room, w.c., lounge and dining facilities, 8 additional bedrooms and provision of access ramps. Approved 19/12/1991.

HLBC/1991/0652 - Listed Building Consent for alterations and extensions to provide staff changing room, w.c., lounge/dining facilities, 8 additional bedrooms and provision of access ramps. Approved 09/12/1991.

HFUL/2002/0681 - Erection of a rear laundry room extension. Approved 02/01/2003.

H/2005/5084 - Change of use to provide 10 self-contained apartments. Approved 27/05/2005.

H/2018/0134 - External alterations to existing fenestration, including the replacement of two rear doors with windows and replacement flat roof on rear of building. Approved 13/08/2018.

H/2018/0135 - Listed building consent for internal alterations to reduce the number of care rooms and create ensuite facilities within the care room studios, including repair of existing historic facades and sash windows, installation of new grey upvc casement external doors and windows to the modern rear extension, complete rewiring and renewal of heating within the historic building, repair and restoration of external rainwater goods and existing roof structures. Approved 13/08/2018.

H/2023/0356 – Listed Building Consent for the Change of use from a Care Home (C2 Use Class) to 14no. self-contained residential flats (C3 Use Class). Pending consideration.

1.3 The above application for Listed Building Consent (H/2023/0356) is currently pending consideration and forms part of this same committee agenda.

PROPOSAL

1.4 Planning permission is sought for the change of use of the building from a vacant care home (C2 use class) to 14 self-contained flats (C3 use class). The submitted Heritage Statement indicates that the proposed design of the development has been chosen to retain and restore key architectural features. As such there are limited external alterations, save for the installation of some ventilation and extraction fans which would be limited to the rear elevations of the host property.

1.5 The proposals, as amended, would be served by a main entrance at the front elevation (west), leading to flat 1 (north), flat 2 (south), and flat 3 in the central area of the building at ground floor, with access to flat 6 (north), flat 7 (south), flats 8 and 9 in the centre of the building at first floor, flat 12 (north), flat 13 (south) and flat 14 (to the north east) at second floor, with flat 14 extending into the third floor of the building. Towards the rear of the building, an existing entrance on the northern side of the building would provide access to flat 4 at ground floor and flats 10 and 11 at first floor; and flat 5 would take access from the rear (east).

1.6 The proposals include a formalised car parking layout to the front and southern side of the host building, which would provide 15 in-curtilage parking spaces; and a secure cycle storage area to provide storage for 14 bicycles to the rear of the host building. The proposals include an area for the storage of refuse to the rear of the host building, adjacent to the proposed bicycle storage area.

1.7 During the course of the application, it was noted that the red line boundary for the application site was incorrect, and included a section which is within the ownership of a neighbouring property. The plans were duly amended and, following which a 21-day period of re-consultation for neighbours and consultees was carried out.

1.8 The proposals have been amended during the course of the application to address concerns in respect to parking, trees and impacts on the designated heritage asset of the Grade II Listed Building, with re-consultations being undertaken on a number of occasions. These amendments are discussed in further as part of the main considerations.

1.9 The application has referred to be determined in the Planning Committee owing to the number of objections received (more than 2), in line with the Council's Scheme of Delegation.

SITE CONTEXT

1.10 The application site (Highnam Hall) is a large end terraced Grade II Listed Victorian building located within the Park Conservation Area, which is currently vacant and in a state of disrepair. The site is located centrally on the eastern side of Park Avenue, opposite Ward Jackson Park. There are residential properties of Beechwood adjoining to the north, Highnam Cottage to the east, Highnam Lodge to the south east, and South Highnam to the south. There are further residential properties beyond to the north, south and east. There is mature shrub landscaping and hedging which defines the boundaries with the immediate neighbouring properties and all are defined, in part or full, by brick walls, close boarded fencing and hedging.

1.11 The application site features 3 trees (1 towards the western/front boundary and 2 along the southern/side boundary) which are now subject to a Tree Preservation Order, in the form of TPO 270 which was confirmed during the course of considering the application.

PUBLICITY

1.12 The application has been advertised by way of 16 neighbour notification letters, the displaying of a site notice and the publication of a press advert. As noted above, a further 21-day re-consultation was undertaken following a change in description (with further 14 day consultations in respect to other amendments). To date, there have been four objections received (including one anonymous response).

1.13 The objections and concerns raised can be summarised as follows:

- Red line boundary incorrect and include a neighbouring property;
- Removal of trees;
- Position of the proposed waste storage;
- Gross internal area too small to accommodate 14 flats;
- Concerns regarding who will maintain the properties;
- Nature of occupants of flats;
- Overshadowing and loss of privacy;
- Renovation will change the character of the listed building;
- The property has been neglected;
- Impact on school places;
- Poor quality and size of flats;
- Impact on character of the area;
- Insufficient and poorly laid out car parking;
- Too many waste bins;
- Traffic;
- Impact on the Conservation Area;
- Bats, mice and birds not accounted for accurately in supporting documents;

- Risk of fire from the proposed 14 kitchens;
- No pedestrian access from Park Mews (to the rear);
- Noise issues;
- Impact on property values;
- Concerns that rental flats are more likely to deteriorate;
- Concerns about sewage disposal and water supply being adequate;
- A suggestion that electric vehicle charging should be provided.

1.14 Background papers can be viewed via the ‘click to view attachments’ link on the following public access page:
<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=159607>

1.15 The period for publicity has expired.

CONSULTATIONS

1.16 The following consultation replies have been received:

HBC Heritage and Open Space – Conservation: These comments are provided for both the planning and listed building consent applications in relation to the proposed works are Highnam Hall, Park Avenue.

The application site is a grade II listed building located in Park Conservation Area, both of which are considered to be designated heritage assets. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, ‘great weight’ to the asset’s conservation (para 205 and 206, NPPF).

Policy HE4 of the local plan states the Borough Council will seek to ‘conserve or enhance the town’s listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration.’

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 NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 212, 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. 196 & 203, 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 Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings. Overall the area presents a feeling of spaciousness with dwellings concealed by mature trees and shrubs. Within the Park conservation area is Ward Jackson Park, a formal park established in the late 1880's.

Given the individual design of properties there is a great variety of architectural features and styles, but most are characterised by the use of smooth red brick, with contrasting terracotta or stone decoration. Architectural features include a variety of towers, bays, balconies, balustrades and projecting porches. The emphasis in building design is still however a vertical one with single paned sash windows typical. Coloured leaded lights and multi-paned to upper window lights are frequently evident. Roof finishes are either plain clay tiles, with finial and ridge tile decoration, or on earlier buildings, Welsh slate.

Boundary features provide interest to the street scene, with low walls and gate piers constructed in the same red brick as the main dwelling. Generally walls were once finished with cast iron railings but few examples remain.

The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of listed buildings. A particular concern is the loss of gardens and open spaces as dwelling which once sat within generous grounds are being subsumed by development.

Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

The proposal is change of use from a Care Home (C2 Use Class) to 14no. self-contained residential flats (C3 Use Class).

The building has been standing empty for a considerable period of time, therefore it is welcomed that a proposal has come forward to offer a sustainable future for this listed building which plays a significance part in the streetscape with the Park Conservation Area as the end of a striking terrace on Park Avenue.

There are no objections to the works to facilitate a change of use and create the following numbered flats, 3, 4, 5, 9, 10, 11. For the most part these are located to the modern extension at the rear of the property and it is considered that these works will not impact on the significance of the heritage asset.

Considering the remaining works which are focused on the original dwelling, whilst it is accepted that alterations will be required to form self-contained apartments a balance must be struck between the sustainable use of the building and the significance of the listed structure. Historic England Advice Note 2 states that, 'The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (whether decorated or plain, principal or secondary) and other features are likely to form part of its significance.' In the past the building has functioned as a care home and consent was granted for a number of studio apartments, whilst this has meant changes have been made, for the most part, significant areas of the building have been preserved.

On the ground floor two flats are proposed. It is welcomed that in flat 1 the main living space will be retained. Connected to this will be the subdivision of a further main room to form a kitchen, bathroom and leading on to two bedrooms. There is a fireplace within the kitchen, details should be provided of how this will be treated.

Flat 2, also on the ground floor occupies rooms which were once the main living space of the property. Whilst it is welcomed that the main, front room will be retained, further consideration should be given to the kitchen, which will disrupt the original layout, along with the bathroom which is created within the main ground floor entrance hall. Further consideration should be given to this arrangement, in particular the potential to retain the original hall space and the removal of subdivisions to main room with traditional features, including detailing to ceilings and window surrounds.

On the first floor the main circulation space has again been compromised in order to form lobbies to the flats on this level, these proposals should be reconsidered. Further to this within flat 7 a main room has been subdivided to create two bedrooms, with the wall closely following the window, this should also be reviewed.

Like the second floor, on the third lobbies have been created within the landing space. These alterations should be reconsidered. Further to this in Flat 13 a single room is divided into two, with a wall, closely following the window, this should also be reviewed.

Details do not appear to be provided of how the kitchens and bathrooms will be ventilated, this information should be provided to demonstrate that this will be done discretely away from the main elevation.

With regard to the exterior of the property, whilst it is accepted that parking will be required on site, and has been in place in the past, this is an opportunity to enhance the setting of the building and improve the current status quo. Careful consideration should be given to the choice of materials and landscaping used in order to soften the extensive car parking, particularly to the side of the property where this was previously garden.

Whilst the proposed use is considered to be acceptable, some of the works required in order to facilitate the change will cause less than substantial harm to the designated heritage asset that is Highnam, a grade II listed building (NPPF, 2008).

No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

Updated comments received 04/06/2024 following amended

These comments should be considered in conjunction with those submitted on 8th April 2024.

Flat 1, outstanding details remain regarding how the fireplace within the kitchen will be treated.

Flat 2, whilst it is welcomed that the flat has been reconsidered and the bathroom is no longer located within the main hallway the amendments raised don't address the issue of the subdivision of the main rooms and in particular the bedroom, kitchen and circulation space which are formed within one of the principle rooms of the building. A solution may be to create a one bedroom apartment in this location with the subdivided space changed to a kitchen. This would allow for generous living quarters and the opportunity to retain the original form of the rooms. More innovative solutions may be to introduce a bed deck in a room in order to retain the footprint of the room but still provide a second sleeping space which would be suited to occasional use.

On the first and second floor the amendments to remove the apartment lobby entrances from the main circulation space are welcomed.

Flat 7 the main room remains subdivided to create two bedrooms, with the wall closely following the window, a solution in this instance would be to create a single bedroom flat which would offer a substantial living space and restore the original layout of the rooms.

Flat 13 a single room is divided into two, with a wall, closely following the window, along with a hall space adjoining the two. As suggested previously a solution would be to retain this as a one bedroom flat which would keep the original room dimensions.

Details do not appear to be provided of how the kitchens and bathrooms will be ventilated, this information should be provided to demonstrate that this will be done discretely away from the main elevation.

The amended proposed car parking arrangements are noted. It is welcomed that the parking to the side of the property has been reduced, albeit with an increased number to the front of the building. As stated previously careful consideration should be given to the choice of materials and landscaping used in order to soften the impact of the parking. Within the parking area is a site for waste storage. It is unfortunate that the only location for this appears to be at the front of the property, consideration should be given to how this will be treated and the waste separated from the parking.

Whilst the proposed use remains acceptable, and it is acknowledged that work has been carried out to minimise the impact on the significance of the listed building, some of the works required in order to facilitate the change will cause less than

substantial harm to the designated heritage asset that is Highnam, a grade II listed building (NPPF, 208). No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

Updated comments received 16/07/2024 following re-consultation on amended plans:

These comments should be considered in conjunction with those submitted on the 8th April and 4th June.

The representations received on the 14th June are noted and these are addressed in this note.

Flat 1 with regard to the fireplace, these comments are noted and accepted.

Flat 2 comprises principle rooms in the building located on the ground floor. As stated in previous comments guidance from Historic England (HEAN2, para 42) states that, 'The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (whether decorated or plain, principal or secondary) and other features are likely to form part of its significance.' Further to this Historic England Guidance (HEAN 16, para 14) echoes this, stating, 'The special interest of listed buildings is evident in building fabric and in design, that is in plan form, exterior and interior arrangement, features and decoration'. As demonstrated by the existing plans despite the works elsewhere within the property, these rooms have remained unchanged and therefore make a major contribution to the significance of the asset. The additional information provided does not offer any justification for the impact of these works which will cause less than substantial harm to the significance of the listed building, this therefore remains an area of concern.

With regard to flat 7 it is accepted on balance that this is acceptable, given that works will be carried out to remove an existing partition in the kitchen/lounge space.

With regards to flat 13 it is also accepted on balance that this is acceptable, given that works will be carried out to remove an existing partition in the kitchen/lounge space. Information regarding the installation of any ventilation to both kitchens and bathrooms should be provided, Historic England Advice Note 2 observes that, 'new services, both internal and external, can have a considerable, and often cumulative, impact on the significance of a building and can affect significance if added thoughtlessly.' Whilst it is stated by the agent that, 'all mechanical extraction [is] to be situated to the rear of the property or through the roof' this should be detailed on a plan to demonstrate that these works will not impact on the significance of the asset.

There does not appear to be any further information submitted with regard to the arrangements for the parking and waste disposal, in particular with regard to the bin storage located to the front of the building, adjacent to the main window of flat 1. Whilst it is accepted that there is a challenge in accommodating all of the requirements necessary to support this development, it would be preferable if all or at least some of the bin storage could be located to the rear of the property.

Updated comments received 24/07/2024 following re-consultation on amended plans:

Further to the amended plans that have been submitted, there would be no objection to the amended arrangements, as shown on the plans, the re-arrangement of flat 2 is welcomed, as is the proposal to move the refuse to the rear of the property. With regard to the air extraction, it is noted that the suggestion is this cannot be seen, 'from the naked eye', however a plan of the roof, demonstrating this and showing the vents would offer some reassurance, could this be conditioned?

Updated comments received 22/08/2024 following re-consultation on amended plans:

These comments should be considered in conjunction with those submitted on the 8th April, 4th June and 16th July.

Further to the amended plans that have been submitted, there would be no objections to the altered arrangements, as shown on the planning. The re-arrangement of Flat 2 is welcomed, as is the proposal to move the refuse to the rear of the property.

The location of the air extraction to the main roof is noted, there would be no objections to this.

In light of the amendments to the initial proposals, considering the application as a whole, the proposed works would not impact on the significance of the listed building, nor the Park Conservation Area, no objections.

Updated comments received 27/09/2024 following re-consultation on amended plans:

No objection to the proposed amendments to the site layout.

HBC Arboricultural Officer: As part of this application it is proposed to remove 3 no. tree from with the grounds of Highnam Hall, Park Avenue. This site is within the Park Conservation Area and as such are offered protection through section 211 of the Town and Country Planning Act 1990. Notification has been provided for the trees removal through the submitted arboricultural documentation as part of this application. The trees proposed for removal are a Silver Birch of moderate quality and a Himalayan Birch and Wild Cherry tree of high quality. This classification of quality is set out within the Arboricultural Impact Assessment by Teesdale Heritage Trees dated 7th December 2023. A Tree Evaluation Method for Preservation Orders (TEMPO) assessment has been carried out which identified that all three trees proposed for removal "definitely merit TPO". As a result the LPA objects to the removal of these trees and a Tree Preservation Order, TPO270, has been created to ensure the long term protection of the trees on site and within the Park conservation area. The proposed plans for the outside areas and parking should now be amended to reflect this TPO and ensure the retention of the trees on site. The Arboricultural Impact Assessment and Tree Protection Plan would need to also be updated to reflect this change and protect the trees. It is highly likely that an Arboricultural

Method Statement would now be needed for works in and around the Root Protection Areas (RPA'S) with a geocell membrane utilised in areas of potential conflict under the guidance from their Arboricultural consultant.

Updated comments received 16/08/2024 as a result of amended plans:

The recent amendment to the site plan, including modifications to the parking layout, has been noted. However, it is regrettable that the removal of tree T1 remains part of the proposed development. While I recognise the necessity to meet parking requirements, it is imperative that the Local Planning Authority (LPA) carefully weigh the importance of retaining a protected tree against the provision of additional parking spaces. In my professional opinion, the preservation of T1 should be prioritized given the fact it is already established and has been for many years.

Should the decision be made to remove T1, I must emphasize that the proposed replacement planting within a raised bed is not an acceptable solution. Trees planted in above-ground containers often experience restricted root expansion, leading to poor growth and limited long-term viability. Therefore, any replacement tree must be planted directly into solid ground to ensure its successful establishment and contribution to the site's visual amenity and the character of Park Avenue.

In the event that T1 is removed, I would support the replanting of a replacement tree between T2 and T3, provided that the tree is of a minimum size of Select Standard 10/12. This replanting should be secured through a pre-commencement condition requiring the submission of a detailed planting scheme to ensure that a suitable species is selected and that the tree is planted and maintained to thrive.

Furthermore, in light of the changes to the site plan, the suite of arboricultural documentation must be updated to reflect the current scheme. This includes the revision of the Arboricultural Impact Assessment and Tree Protection Plan. Given the likely impact on the Root Protection Areas (RPAs), it is also recommended that an Arboricultural Method Statement be prepared. This statement should outline the use of any geocell membrane or other suitable mitigation measures in areas where construction activities may encroach upon RPAs, in consultation with the appointed arboricultural consultant.

Updated comments received 03/09/2024 following re-consultation on amended plans:

Following our conversation please find my amended comments:

The recent amendment to the site plan, including modifications to the parking layout, has been noted. However, it is regrettable that the removal of tree T1 remains part of the proposed development. While I recognize the necessity to meet parking requirements, in my professional opinion, the preservation of T1 should be prioritized given the fact it is already established in what appears to be a car parking area already and has been for many years.

As a note to applicant regarding tree planting, trees planted in above-ground containers often experience restricted root expansion, leading to poor growth and

limited long-term viability. Therefore, it is suggested that any trees should be planted directly into solid ground to ensure its successful establishment and contribution to the site's visual amenity and the character of Park Avenue.

Furthermore, in light of the changes to the site plan, the suite of arboricultural documentation must be updated to reflect the current scheme. This includes the revision of the Arboricultural Impact Assessment and Tree Protection Plan. Given the likely impact on the Root Protection Areas (RPAs), it is also recommended that an Arboricultural Method Statement be prepared. This statement should outline the use of any geocell membrane or other suitable mitigation measures where required in areas where construction activities may encroach upon RPAs. This should be done in consultation with the appointed arboricultural consultant.

Updated comments received 01/10/2024 following re-consultation on amended plans:

All three trees are now down to be retained. The Tree Protection Plan has been updated. Geoweb surfacing is being utilised in the area of T2 for the car parking spaces of 14 and 15. An Arboricultural Method Statement for any works within the RPA is required as mentioned in previous comments however, this could be conditioned for its submission as a pre commencement condition.

HBC Traffic and Transport: Parking space 15 would be difficult to access / egress. Parking space 17 hard up to boundary would be difficult for driver to exit. Would be better to have 2 spaces in this location.

This would provide 16 for 14 flats, 5 short of the required provision. This would require excess parking to park on the road. There is a 3 space layby directly outside this property, one option would be to introduce a resident parking restriction on the layby at the developer's expense. The parking requirement would then be only 2 short. This would not be considered a severe impact and would not warrant an objection.

Update 20/08/2024 following amended parking layout and discussions:

The revised carpark layout is acceptable. Requirements to provide a resident parking zone on the layby on Park Avenue would still remain.

Updates 21/11/2024 following further email communication (summarised):

- Confirmed the previous comments that the inclusion of the 3 vehicle parking bay along the frontage of the property within the adjacent Residents Permit Parking Zone, at the developer's expense, would mean that although the overall parking numbers are slightly below the number of parking spaces required, this would not be considered a severe impact and therefore would not warrant an objection.
- Notwithstanding this, it was confirmed that without the additional on street car parking spaces being provided (via the TRO), it would be difficult to sustain an objection on highway grounds.
- A reduction to 14 [cycle] parking spaces would be acceptable.

HBC Ecology: The property is Highnam Hall, which is a large old semi-detached property set over three floors. The accompanying Design and Access Statement / Planning statement states that the application site comprises a historic building, originally built as a house in the 1880's and has had several extensions added during the second half of the 20th Century to provide for its current use as a care home. The historic building, has a Grade II listing. The building was last used as a care home in 2015, with 32 bedrooms accommodated within the historic and extended structures. The DAS further states that the property has been seriously neglected for over 7-8 years, poorly secured until last year and has seen several intrusions by vandals, which has caused some damage to the building.

The DAS describes the planning status of the proposal and is accompanied by detailed plans and elevation. However, there are no photographs to support the proposals which would have been useful in determining the current condition of the building and particularly the suitability of the building for Bats and Birds. The age of the building, its location and setting adjacent to parkland and open areas together with the presence of several mature trees makes the site highly suitable for Bats. There appears to be some evidence of tile displacement on the roof, which would provide access to the roof voids by Bats and Birds.

Given the proposed extent of the works, we would expect that a Bat Risk Assessment is completed for the building to determine if the structure is being used by Bats, and if so the nature of this use. If Bats are present a mitigation strategy must be provided in advance of any works to the structure that could disturb bats.

It appears that three mature trees will be removed to provide parking. The Arboricultural Impact Assessment for Proposals at Highnam Hall states that it is highly likely the Local Planning Authority will require compensatory planting for trees lost through development, driven by policies of Biodiversity Net Gain. I agree with this statement and the conclusion that a Landscaping scheme may (will) be required. No Landscaping proposals have been submitted to support the application or proposals to mitigate the loss of these trees. No ecological impact assessment has been provided to describe the areas affected by the proposal.

I object to this application until sufficient information has been submitted to determine the ecological impact of this proposal.

Update 15/04/2024 following receipt of photographs to demonstrate the state of the existing roof:

Based on these photos, I do not believe that there is a bat interest in these rooms. If the applicant is simply going to redecorate, then there is no requirement for additional bat assessment works.

If there will be more substantial works e.g. gutting / removal of the plaster board and refurbishment the applicant should take care when doing these works, if there is any evidence (droppings, visual sightings) of nesting birds or roosting bats then works should stop and guidance sought from an experienced ecologist.

This information can be provided as an informative.

Update 22/10/2024 (Summarised):

I have completed the HRAs and the Stage 2 – no adverse effect.
I think it is valid to suggest a contribution (happy to accept £100 x 14).

Habitats Regulations Assessment stage 1 screening

Nutrient neutrality

Is sewage disposed of via the public sewer systems of either Seaton Carew or Billingham WwTW?	Yes	Foul and surface water are to be discharged to the Seaton Carew Wastewater Treatment Works. From there the water discharges to the North Sea via a long sea outfall.
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Recreational disturbance

Is Recreational disturbance accounted for by the Hartlepool Local Plan Coastal Mitigation Scheme?	No	HRA Appropriate Assessment is required.
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Habitats Regulations Assessment Stage 2 Appropriate Assessment (Summarised)

5. Conclusion

The increased recreational disturbance is mitigated by the Hartlepool Coastal Mitigation Scheme and there will be no Adverse Effect on Integrity of any European Site.

Hartlepool Borough Council Local Planning Authority can lawfully permit this development. Natural England must be consulted on the HRA Appropriate Assessment.

Natural England: Yes, I can confirm our agreement with the HRA (Stage 2 – Appropriate Assessment).

Natural England has No Objections to this proposal, subject to the agreement a financial contribution in line with your authority's Coastal Mitigation Scheme. This mitigation should be secured as a condition of any grant of planning permission.

HBC Public Protection: I have no objections to this proposal subject to the following:

The working hours for all construction activities on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays. Any deliveries and collections during construction should be limited to these hours as well.

No open burning on site at any time.

Prior to the development being brought into permitted end use, a scheme which outlines the proposed sound insulation measures to be implemented between dwellings shall be submitted to and approved in writing by the Local Planning Authority.

ProPG: Noise and Planning document specifically addresses schemes with incompatible room design which have the potential to cause disturbance.

The approved scheme shall be completed prior to the end use of the development and shall thereafter be retained.

HBC Engineering Consultancy: In response to your consultation on the above application we have no objection to proposals in respect of surface water management or contaminated land.

HBC Building Control: A Building Regulation application will be required for 'change of use to 14 apartments'.

HBC Landscape Architect: There are no landscape and visual issues with the proposed change of use.

HBC Countryside Access Officer: There is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site.

HBC Waste Management: 'Provision of Waste and Recycling Collection and Storage Facilities to new properties

Developers are expected provide and ensure at the point of first occupancy that all new developments have the necessary waste bins/ receptacles to enable the occupier to comply with the waste presentation and collection requirements in operation at that time.

Developers can choose to enter an undertaking to pay the Council for delivery and associated administration costs for the provision of bins/ receptacles required for each new development. These charges are a one-off cost and the bins remain the property of the Council. Alternatively, developers are required to source and provide containers which meet the specifications necessary for the required bins/ receptacles to be compatible with the Council's waste collection service and vehicle load handling equipment.

Tees Archaeology: We have no comments to make on this application.

HBC Housing Standards: We welcome the proposals to return this empty building into residential use.

Cleveland Police: I went and visited site this morning. What a magnificent looking building this is. It will be great to see it brought back into use. I don't think it would look out of place in an old Spanish Town (Pueblo).

To the rear of the property is Park Mews, which would be an ideal candidate for alleygates.

Recommendations

Doors

Doors to flats, and doors into the building from outside, should conform to at least the police preferred minimum standards:

- ☐ PAS 24:2016
- ☐ PAS 24:2022

Door viewers and chains should be included on each of the flat entry doors.

Windows

Window frames must be securely fixed to the building fabric in accordance with the manufacturer's instructions and specifications.

All easily accessible windows should be certificated to one of the following standards:

- ☐ PAS 24:2016
- ☐ PAS 24:2022

Secure Mail delivery

There are increasing crime problems associated with the delivery of post to buildings containing multiple dwellings or bedrooms, such as identity theft, arson, hate crime, lock manipulation and 'fishing' for personal items (which may include post, vehicle and house keys, credit cards, etc).

In order to address such problems, I strongly recommend, where possible, mail delivery via secure external letter boxes meeting the requirements of the Door and Hardware Federation standard Technical Standard 009 (TS 009) or delivery 'through the wall' into a secure area of the dwelling. These should be easily accessible i.e. at a suitable height for a range of users. Mail and parcel delivery boxes should be equipped with high security cylinders that are not subject to master key access. Mail and parcel delivery boxes should be of robust construction, should incorporate an anti-fishing design and be fire resistant.

Lighting

- ☐ New low energy lighting should light around the building, including the parking area. A minimum 50lux uniform lighting level should be achieved.
- ☐ Using luminaires with high colour rendering qualities (60 or above on the Colour Rendering Index for instance) often improves visual performance and people's personal experience of an area.
- ☐ Avoid bollard type lighting.
- ☐ The Institute of Lighting Professionals (ILP) currently favours the use of good quality LED lighting and other energy effective light sources and advises against the use of fluorescent lighting which is environmentally unsustainable.
- Access Control
- A door entry system and access control system should be installed. I would recommend a secure access and control system to the building, preferably with an 'air lock' type arrangement, that lets the inner door open when the outer external door is closed.

The technology by which the visitor door entry system operates is a matter of consumer choice, however it should provide the following attributes:

- Access to the building via the use of a security encrypted electronic key (e.g. fob, card, mobile device, etc.).
- Vandal resistant external door entry panel with a linked camera. Ability to release the primary and secondary entrance doorset from within the flat.
- Live audio and visual communication between the occupant and the visitor.
- Ability to recover from power failure instantaneously.
- If either doors are left open, a local alarm should be generated.
- Unrestricted egress from the building in the event of an emergency or power failure.
- Control equipment to be located in a secure area within the premises covered by the CCTV system and contained in a lockable steel cabinet to LPS 1175 Security Rating 1 or STS 202 Burglary Rating 1.

Waste bins should be secured away from the building line, to prevent their use as a climbing aid etc.

I would encourage the applicant to work with us to achieve a Secured by Design Award for the development.

Cleveland Fire Brigade: Cleveland fire Brigade offers no representations regarding the development as proposed.

However Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 18 tonnes. This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1. Cleveland Fire Brigade also utilise Emergency Fire Appliances measuring 3.5m from wing mirror to wing mirror. This is greater than the minimum width of gateways specified in AD B Vol 1 Section B5 Table 13.1.

Recommendations

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

Further comments may be made through the building regulation consultation process as required.

Civic Society: No comments received.

Friends of Ward Jackson Park: No comments received.

HBC Parks and Countryside: No comments received.

HBC Estates: No comments received.

HBC Housing: No comments received.

HBC Housing Management: No comments received.

Northumbrian Water: No comments received.

HBC Parks and Countryside: No comments received.

HBC Economic Development: No comments received.

Hartlepool Water: No comments received.

PLANNING POLICY

1.17 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

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

HE1: Heritage Assets
HE3: Conservation Areas
HE4: Listed Buildings
HE7: Conservation Areas at Risk
NE1: Natural Environment
QP1: Planning Obligations
QP4: Layout and Design of Development
QP5: Safety and Security
QP6: Technical Matters
SUS1: The Presumption in Favour of Sustainable Development

Tees Valley Minerals DPD

1.19 The Tees Valley Minerals DPDs (TVMW) form part of the Development Plan and includes policies that need to be considered for all major applications, not just those relating to minerals and/or waste developments. The following policies in the TVMW are relevant to this application:

MWP1 – Waste Audits

National Planning Policy Framework (NPPF)(2023)

1.20 In December 2023 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and September 2023 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: The presumption in favour of 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

PARA131: Achieving well-designed places

PARA135: Achieving well-designed places

PARA164: Energy Efficiency

PARA195: Conserving and enhancing the historic environment

PARA196: Conserving and enhancing the historic environment

PARA200: Proposals affecting heritage assets

PARA203: Proposals affecting heritage assets

PARA205: Proposals affecting heritage assets

PARA208: Proposals affecting heritage assets

PARA212: Enhance or reveal significance of heritage assets

PARA 213: Decisions affecting heritage assets.

PARA224: Implementation

1.21 HBC Planning Policy comments: The application site is a former care home on the eastern side of Park Avenue, opposite Ward Jackson Park to the west. The property is Grade II listed and within Park Conservation Area.

1.22 The most recent use of the property is of a residential nature and the wider area is broadly residential in character, as such the proposals to convert the building to another residential use, i.e. 14 self-contained flats, is considered to be acceptable in principle, subject to an assessment of other relevant policy requirements.

1.23 Local Plan Policy QP1 sets out that the Council will seek planning obligations where viable and deemed to be required to address the impacts arising from a development, this is further detailed in the Planning Obligations Supplementary

Planning Document. With regards to residential development for 14 units, the following obligations are applicable:

- Built Sport Facilities - £250 per dwelling = £3,500
- Secondary Education – 1.92 school places = £27,075.84
- Green Infrastructure - £250 per dwelling = £3,500
- Children’s Play Facilities - £250 per dwelling = £3,500
- Playing Pitches – £233.29 per dwelling = £3,266.06
- Tennis Courts - £57.02 per dwelling = £798.28
- Bowling Greens - £4.97 per dwelling = £69.58
- Total: £41,709.76

1.24 If it is considered these contributions would make the scheme unviable, a robust viability assessment must be submitted setting out what level of obligations would be affordable.

1.25 It is trusted the decision maker will liaise with the Council’s Head of Service for Heritage and Open Spaces to assess any potential impacts on the listed building itself and the wider conservation area, in line with Local Plan policies HE1, HE3 and HE4.

Update 02/10/2024 following receipt of Viability Assessment:

1.26 Thank you for sending the Viability Assessment across, following discussions with Helen (Policy Team Leader) regarding that I can advise that Planning Policy note the applicant is proposing to operate at a relatively low profit margin and therefore to insist on planning obligations in this instance would render the scheme inviable.

1.27 As such, Planning Policy have no objection to the application.

Verbal update 21/11/2024 in terms of Planning Obligations:

1.28 To insist on planning obligations in respect to renewables and electric charging points in this instance would render the scheme unviable.

PLANNING CONSIDERATIONS

1.29 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 (the principle of the development), the impact on the character of the Listed Building and Park Conservation Area and wider surrounding area, impact on landscaping and trees, the impact on the amenity and privacy of neighbouring land users and future occupiers, highways and pedestrian safety, ecology, nature conservation flood risk and drainage, and archaeology. These and all other material planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

1.30 The application seeks planning permission for the change of use of Highnam Hall, which is a vacant care home into 14 self-contained residential flats.

1.31 The application site is located within the development limits, as defined by Policy LS1 of the Hartlepool Local Plan (HLP) and would be located within a residential area of Park Avenue, which is considered to be a sustainable location for residential development. Taking account of the nature of the proposed use within a sustainable location, the principle of the proposed change of use is considered acceptable, subject to further consideration concerning the associated works proposed as detailed below.

1.32 The application site is a Listed Building situated in the Park Conservation Area, which are both designated heritage assets, and any development proposals require sensitive consideration as to their impacts on these designated heritage assets. The proposed works are therefore subject to the considerations of Policies HE1, HE3, HE4 and HE7 of the Hartlepool Local Plan (2018), which seek to preserve, protect and positively enhance all heritage assets including those considered to be 'at risk'.

1.33 The associated works to facilitate the proposed change of use would be limited in terms of the external alterations (installation of ventilation fans and extraction units to rear), and repair and maintenance works that are required. No substantial external alterations such as extensions or any amendments to doors and windows are proposed.

1.34 It is acknowledged that the proposals would offer a significant benefit of bringing a large, prominent derelict building (and heritage asset) back into use at a key location at the entrance to the Ward Jackson Park and this has been reflected within the comments of the Council's Planning Policy team as well as the Council's Head of Service for Heritage and Open Spaces.

1.35 In view of the above, the principle of development is considered acceptable, subject to the considerations of following assessment on the impacts on the designated heritage assets and surrounding area as considered within the following section.

Planning Obligations (and Viability)

1.36 It is acknowledged that a neighbour objection raises concerns in respect to impact on local amenities, i.e. school places. In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Policies HSG9 and QP1 (Planning Obligations) of the Hartlepool Local Plan (2018) and the Planning Obligations SPD, the Council's Planning Policy team has confirmed that given the size of the proposed residential development and its intended purpose and in the interest of providing sustainable development, a commitment from the developer in terms of the provision of the following should be sought (with a total of £41,709.76 of contributions sought):

- Built Sport Facilities - £250 per dwelling = £3,500
- Secondary Education – 1.92 school places = £27,075.84
- Green Infrastructure - £250 per dwelling = £3,500
- Children's Play Facilities - £250 per dwelling = £3,500

- Playing Pitches – £233.29 per dwelling = £3,266.06
- Tennis Courts - £57.02 per dwelling = £798.28
- Bowling Greens - £4.97 per dwelling = £69.58

1.37 Subsequently, the applicant submitted a Viability Assessment, which has been considered in detail by the Council's Planning Policy team who have confirmed that the applicant is proposing to operate at a relatively low profit margin and therefore providing the requested planning obligations in this instance would render the scheme unviable.

1.38 Policy QP1 (Planning obligations) of the Local Plan has a caveat that "The Borough Council will seek planning obligations where viable". In view of the submitted Viability Assessment, it is considered that insisting on the above mentioned contributions would render the scheme unviable.

1.39 Notwithstanding the above, in terms of recreational disturbance, and as considered in further detail in the Ecology section below, the applicant has confirmed their agreement to paying a contribution of £100 per flat (£1400 in total) towards coastal wardening, which will need to be secured through a legal agreement.

Energy Efficiency and Renewable Energy

1.40 It is acknowledged that a neighbour objection has queried whether the proposal will provide electric vehicle (EV) charging points. Policy QP7 (Energy Efficiency) of the Local Plan seeks to ensure high levels of energy efficiency in all development, and the development is therefore expected to be energy efficient. In addition to this, Policy CC1 (Minimising and Adapting to Climate Change) of the Local Plan requires that major developments include opportunities for charging of electric and hybrid vehicles and, where feasible and viable, provide a minimum of 10% of their energy supply from decentralised and renewable or low carbon sources.

1.41 As noted in the Planning Obligations (and Viability) section above, the applicant has submitted a Viability Assessment which concludes that there is insufficient viability in the scheme to deliver the requested contributions (as set out above). It is therefore considered that to insist upon these measures for energy efficiency (including the provision of renewables and EV charging points) is likely to render the scheme unviable and therefore cannot be insisted upon in this instance. This view is supported by the Council's Planning Policy team, given the identified positives of the scheme (to bring a large vacant heritage asset back into use and delivery of 14 dwelling units).

1.42 Furthermore, in respect to energy efficiency, it is of note that Building Regulations have been updated as of 15th June 2022, and any forthcoming Building Regulation application would now be assessed under the new Regulations. In light of the above, given the implementation and requirements of the new Building Regulations, a planning condition is not required in respect of any energy efficiency improvement (previously required to be 10% improvement above the Regulations, prior to 15th June 2022) and such matters will need to be addressed through the new Building Regulations requirements.

Principle of development (and balancing exercise) conclusion

1.43 In view of the above considerations, the principle of residential development is, on balance, considered to be acceptable in this instance. Whilst it is acknowledged that the proposal has its shortcomings in terms of not being able to provide the requested financial contributions and obligations, the submitted Viability Assessment is considered acceptable in this instance and weight in the overall planning balance is given to the positive benefits of the scheme, including the significant benefits of bringing a vacant listed building back into use, which officers consider would outweigh any disbenefits of the proposal not securing the requested planning contributions and obligations.

1.44 Overall, the principle of development is considered to be acceptable in this instance, subject to the proposal satisfying the main planning considerations of this application as set out in detail in the sections below.

IMPACT ON THE CHARACTER + APPEARANCE OF THE EXISTING LISTED BUILDING, CONSERVATION AREA, AND WIDER SURROUNDING AREA*Legislation and Policy Context relating to Heritage Assets*

1.45 In considering applications for listed buildings the Planning (Listed Buildings and Conservation Areas) section 66 of the Act 1990 Act 1990 requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

1.46 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.

1.47 Policy HE1 of the Hartlepool Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. The National Planning Policy Framework (NPPF, 2023) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 205 and 206, NPPF).

1.48 Policy HE4 of the Hartlepool Local Plan (2018) states the Borough Council will seek to "conserve or enhance the town's listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration."

1.49 Policy HE3 of the Hartlepool Local Plan (2018) 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.'

1.50 Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as ‘at risk’ is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

1.51 Development decisions should accord with the requirements of paragraph 205 of the NPPF (2023) which 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 assets conservation and in determining applications irrespective of whether any potential harm amounts to total loss, substantial or less than substantial harm to its significance.

1.52 The NPPF (2023) seeks positive enhancement in conservation areas to better reveal the significance of an area (para. 212). 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. 196 and 203).

1.53 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset it will only be permitted where the harm is outweighed by the public benefits of the proposal this is echoed within paragraph 208 of the NPPF (2023). This is considered in further detail below.

‘Significance’ and ‘Setting’ of the Grade II Listed Building

1.54 Significance is defined in the Glossary to the NPPF as ‘the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.’

1.55 The property forms part of a group listing first listed on 17th December 1985 (listing entry Number: 1250390) which includes Beechwood, Jesmond, Pagbourne, Parkfield, Parkside, Wrenwood and Highnam (the application site). These are buildings of special interest (in a national context) which warrant every effort being made to preserve them.

1.56 The comments received from Council’s Head of Service for Heritage and Open Spaces (set out under the Consultations section) provide further detail regarding significance and special interest of the Grade II Listed Building which is derived by its age, form and layout within the wider terrace, the historic fabric and its architectural features. Whilst the host property has been extended and altered over time, it still retains and historical features.

1.57 The NPPF describes the setting of a heritage asset as “*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*” In this context ‘experienced’ has a broad meaning. It is not purely visual and could include economic, social and

historical relationships, and considerations of noise and smell. However each assessment would be made on individual merit.

1.58 As outlined above the Grade II Listed Building is within a row of terraced properties (most of which also form part of the listing) which repeat the features present within the host property.

1.59 The host property is sited within the wider setting of the Park Conservation area, which derives its unique character from its largely unaltered large properties set in extensive landscaped grounds surrounded by walls and railings. Within the Park Conservation Area is Ward Jackson Park, a formal park established in the late 1880's.

Change of use from a care home to 14no. residential flats

1.60 The proposal does not seek to make any notable alterations to the external fabric of the host property (except the installation of ventilation equipment) as part of this application, however the proposals would seek to convert the internal layout to accommodate 14 flats, to include the installation of some internal 'stud' walls.

1.61 The detailed comments received from the Council's Head of Service for Heritage and Open Spaces (as set out above), indicate that whilst it would be positive to bring back into use a vacant building, a balance must be struck between the sustainable use of the building and the significance of the listed building. It is for this reason that the Council's Head of Services for Heritage and Open Spaces initially objected to the proposals, as the proposals included dividing up the first floor circulation space and second floor landing space to provide access to flats, the subdivision of a main room, and details of ventilation for kitchens was not provided.

1.62 In response, the applicant submitted amended plans with a revised layout of flats, primarily to retain the main circulation spaces at both ground and first floor, and to amend the internal layout of flat 2 to avoid the need for sub-dividing walls.

1.63 When considering the proposals, as amended, the Council's Head of Service for Heritage and Open Spaces considers that sufficient details have been provided in respect of alterations to the main circulation spaces at both ground and first floor, the retention of the original hall space and traditional features, including detailing to ceilings and window surrounds, the removal of initially proposed partition walls, and confirmation of where proposed ventilation equipment would be located.

1.64 In view of the above, the Council's Head of Service for Heritage and Open Spaces has confirmed that the proposals would not significantly impact upon the character, appearance and any features of special architectural or historic interest of the designated heritage assets (Grade II Listed Building and Park Conservation Area). Planning conditions are considered necessary to secure the final schedule of works (including internal works) and details, including samples, of the proposed ventilation details are provided for consideration by the Local Planning Authority.

1.65 It is acknowledged that objections from neighbours have been received in respect of the impact of the proposed use of the host building on the character of the

wider area. When taking into account the end-of-terrace existing building which is adjoined by a residential dwelling within a street scene characterised by residential dwellings, it is considered that the proposed 14 self-contained residential flats would be an appropriate use of the building in an appropriate location, which would not result in any adverse impact on the character of the wider area in this instance.

Impact on character and appearance (including impact on designated heritage assets) conclusion

1.66 It is considered subject to the above recommended planning conditions that the proposed change of use and associated works would be acceptable in terms of any impacts on the special architectural and historic interest of the Listed Building, its setting, and the wider Park Conservation Area. The proposal is therefore considered to be in accordance with the Historic Environment policies within the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2023).

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS AND FUTURE OCCUPIERS

1.67 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires that proposals should not negatively impact upon the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overshadowing and visual intrusion particularly relating to poor outlook, or by way of overlooking and loss of privacy. The following minimum separation distances must therefore be adhered to:

- Provide and maintain separation distances of at least 20m from habitable room to habitable room.
- Provide and maintain separation distances of at least 10m from habitable room to non-habitable room and/or gable end.

1.68 The above requirements are reiterated in the Council's Residential Design SPD (2019).

1.69 It is acknowledged that objection comments have been received considering that the proposed development will impact on the residential amenity of surrounding neighbouring occupiers in terms of overlooking of neighbouring properties and loss of privacy to neighbouring garden areas, increased noise and disturbance would also result in an undue impact on neighbouring residents. These matters are addressed below.

Impact on Beechwood (north)

1.70 Beechwood is a west-facing three storey terraced dwelling adjoining the host dwelling to the north, with further properties in the terrace located beyond this to the north. The row of properties to the north feature two storey offshoots to their rear elevations which feature windows in the side elevations and which appears to be a common characteristic of this parade. The adjoining property of Beechwood features three storeys with a two storey off-shoot extension to the rear (east) on its northern side, and a single storey extension projecting to the rear (east). The main side

(north) elevation of the host property does not feature windows and is situated at a separation distance of approximately 4.1m remaining from the two storey off-shoot serving this neighbour, with an oblique separation distance of approximately 6.8m between the off-shoot extensions to the rear elevations of both neighbouring properties (as existing).

1.71 It is noted that the only external alterations would be the installation of ventilation fans, and the proposal does not include any extensions or the installation of any windows, to facilitate the change of use of the former care home to accommodate 14 self-contained flats. As such, it is considered that there would be no adverse impact on the amenity of Beechwood (north) in terms of overshadowing, overbearing impression or loss of outlook, as a result of the proposals.

1.72 It is acknowledged that due to the orientation of these neighbouring properties, that existing windows in the rear (east) elevation and side (north) facing elevations of the off-shoot serving the host building are likely to achieve some views towards the windows in the rear (east facing) and side (south) elevations, as well as views to the private rear garden serving this neighbouring property (Beechwood). Notwithstanding this, consideration is given to the layout of the proposed flats, whereby the closest window (to the windows in the south facing elevation of the neighbour's offshoot) would be a bathroom window (serving proposed Flat 8) located to the rear/side (north) elevation of the building (it appears from the planning history (from 2005) that the window previously served a non-habitable room in the form of cupboard/storage room which correlates with its narrow profile and positioning). This window would be located approximately 8.5m from the nearest windows in the side/south elevation of the two storey offshoot to the rear of Beechwood. In this context, it is considered appropriate for the window to be obscurely glazed with limited opening and a planning condition is recommended to secure this.

1.73 Beyond this, it is considered that the first floor windows in the north facing elevation of the extended element of the host building (serving bedrooms, bathrooms and an open plan kitchen for flats 9, 10 and 11) would be at an oblique angle and relationship to the rear elevation of Beechwood and partially screened from this elevation of this neighbour by the host building itself, whilst the distance from the windows in the north facing offshoot of the host building would be approximately 10.1m to the off-shoot to the rear of Beechwood and the south facing offshoot of this neighbour.

1.74 Further consideration is given to the established, existing relationship between the two properties already as well as the general character of this section of the parade which features two storey off-shoots which feature windows, and to the proposed use of the rooms (and windows they are served by) as self-contained flats that would not appreciably differ from the habitable and non-habitable rooms within the former use as a care home in terms of the layout of habitable rooms (e.g. bedrooms and dining rooms) and the layout of non-habitable rooms (e.g. bathrooms and landings) with no additional windows being proposed to be created. Further consideration is given to the screening (to the ground floor windows/doors) in the form of the solid boundary wall at ground floor level on the northern curtilage boundary of the host property.

1.75 The proposal would include the partial subdivision of some internal rooms to facilitate the change of use to self-contained flats. It is considered that these internal alterations would not significantly increase the potential for overlooking or the perception of overlooking of the rear windows (in both east and north facing elevations of Beechwood), or the garden serving this neighbour.

1.76 Whilst it is fully acknowledged that the minimum separation distances required by Local Plan Policy QP4 and the aforementioned SPD are not met in this instance (particularly in respect to the windows in the first floor side/north elevation of the existing offshoot and the distances to the windows in the south side elevation of the offshoot serving Beechwood), given the existing established relationship between the two neighbouring properties, that there are no extensions or new windows proposed, and the boundary treatment between the two neighbouring properties, it is therefore considered that the proposed development would not result in an unacceptable loss of privacy in terms of overlooking of windows (and its private amenity areas) at Beechwood as to warrant a refusal of the application.

1.77 In terms of windows in the front (west) and southern side elevations of the host property, it is considered that there would be no direct overlooking achievable from these windows towards the windows in the front, side and rear elevations of Beechwood or its private rear amenity space given the location of these windows and the orientation of the host property and the neighbouring property.

1.78 The proposed plans indicate the provision of waste storage facilities and a cycle storage area to the rear of the host property. Given that both of these elements would be situated at ground level and would be primarily screened from the neighbour at Beechwood by the existing boundary wall, it is considered that these elements of the proposal would not result in any adverse impacts on the amenity or privacy of this neighbour in terms of overshadowing, overbearing impression, loss of outlook, overlooking, or a perception of overlooking.

1.79 The proposals include the creation of car parking within the front and side driveway/hardstanding areas, and the creation of a garden area to the southern side of the host property. Given the minor changes to the existing hardstanding areas and garden areas, it is considered these elements of the proposal would not result in any adverse impacts on the amenity or privacy of this neighbour in terms of overshadowing, overbearing impression, loss of outlook, overlooking, or a perception of overlooking. Furthermore, no objections have been received from HBC Public Protection in respect to such matters (including waste storage).

1.80 Overall, it is considered that the proposed change of use of the building to 14 self-contained residential flats would not have an unacceptable impact on the amenity and privacy of Beechwood (or properties located beyond this to the north) through overshadowing, overbearing impression, loss of outlook, overlooking, or a perception of overlooking as to warrant a refusal of the application.

Impact on Highnam Cottage and Highnam Lodge (rear, east and south east)

1.81 Highnam Cottage and Highnam Lodge are two adjoining two storey dwellings situated to the rear (east and south east respectively) of the host property. The case

officer noted during the site visit that the boundary treatment between the host property and these neighbours to the rear (east) includes a brick wall with a height of approximately 2m, as well as a mature tree and a garage serving Highnam Cottage being sited on the boundary. An access gate is situated on the northern side of this rear boundary. A separation distance of approximately 1.2m to the boundary and approximately 12.7m to the main rear elevation would remain between the single storey off-shoot to the rear of the host property and the closest neighbour at Highnam Cottage, with the same separation distances and an oblique relationship to Highnam Lodge. A separation distance of approximately 22.2m would remain between the two-storey extension to the host property and the rear elevations of these properties.

1.82 It is noted that the only external alterations would be the installation of ventilation fans, and the proposal does not include any extensions or the installation of any windows, to facilitate the change of use of the former care home to accommodate 14 self-contained flats. As such, it is considered that there would be no adverse impact on the amenity of Highnam Cottage and Highnam Lodge (to the rear, east and south east respectively) in terms of overshadowing, overbearing impression or loss of outlook, as a result of the proposals.

1.83 Further consideration is given to the relationship between the two properties already being established and the proposed use as self-contained flats would not appreciably differ from the former use as a care home in terms of the layout of habitable rooms (e.g. bedrooms and dining rooms) with no new windows being proposed to be created. Further consideration is given to the screening in the form of the solid boundary wall at ground floor level on the eastern curtilage boundary of the host property.

1.84 In terms of windows in the front (west), northern side and southern side elevations of the host property, it is considered that there would be no unacceptable overlooking achievable from these windows towards the windows in the elevations of Highnam Cottage or Highnam Lodge or their private rear amenity space given the orientation and separation distances that would remain.

1.85 The proposed plans indicate the provision of waste storage facilities and a cycle storage area to the rear of the host property. Given that both of these elements would be situated at ground level and would be primarily screened from the neighbours at Highnam Cottage or Highnam Lodge by the existing boundary wall, it is considered that these elements of the proposal would not result in any adverse impacts on the amenity or privacy of this neighbour in terms of overshadowing, overbearing impression, loss of outlook, overlooking, or a perception of overlooking.

1.86 The proposals include the creation of car parking within the front and side driveway/hardstanding areas, and the creation of a garden area to the southern side of the host property. Given the minor changes to the existing hardstanding and garden areas with satisfactory separation distances being maintained, it is considered these elements of the proposal would not result in any adverse impacts on the amenity or privacy of this neighbour in terms of overshadowing, overbearing impression, loss of outlook, overlooking, or a perception of overlooking. Furthermore, no objections have been received from HBC Public Protection in this respect.

1.87 Overall, it is considered that the proposed change of use of the building to 14 self-contained residential flats would not have an unacceptable impact on the amenity and privacy of Beechwood through overshadowing, overbearing impression, loss of outlook, overlooking, or a perception of overlooking as to warrant a refusal of the application.

Impact on South Highnam (to the south)

1.88 South Highnam is a two storey detached residential care home adjacent to the south of the host property. The case officer noted during the site visit that an expanse of trees forms a boundary between the host property and this neighbour, save for part of the northern side elevation of this neighbour, which features a close boarded timber fence with a height of approximately 1.7m. It was noted during the site visit that the northern side elevation of South Highnam features 1no. window (which is understood to serve a kitchen) and an access door. At the closest point, the host property is situated at a separation distance of approximately 7.2m remaining to the boundary and approximately 8.7m to this neighbour.

1.89 It is noted that the only external alterations would be the installation of ventilation fans, and the proposal does not include any extensions or the installation of any windows, to facilitate the change of use of the former care home to accommodate 14 self-contained flats. As such, it is considered that there would be no adverse impact on the amenity of South Highnam (south) in terms of overshadowing, overbearing impression or loss of outlook, as a result of the proposals.

1.90 It is acknowledged that due to the orientation of these neighbouring properties, that existing windows in the south facing side elevation of the host property, including the off-shoot, could achieve direct views towards the above mentioned window in the side (north) elevation, as well as views to the private rear garden serving this neighbouring property.

1.91 Notwithstanding the above, consideration is given to the relationship between the two properties already being established and the proposed use as self-contained flats would not appreciably differ from the former use as a care home in terms of the layout of habitable rooms (e.g. bedrooms and dining rooms) with no new windows being proposed to be created. Further consideration is given to the screening in the form of a close boarded timber fence and substantial landscaping along much of the curtilage boundary of the host property with this neighbour.

1.92 The proposal would include the partial subdivision of some internal rooms to facilitate the change of use to self-contained flats. It is considered that these internal alterations would not significantly increase the potential for overlooking or the perception of overlooking of the rear windows (in the east facing elevation) of South Highnam, or the garden serving this neighbour.

1.93 Whilst it is acknowledged that the minimum separation distances required by Local Plan Policy QP4 and the aforementioned SPD are not met in this instance, given the existing established relationship between the two neighbouring properties,

that there are no extensions or new windows proposed, and the boundary treatment between the two neighbouring properties, it is therefore considered that the proposed development would not result in a significant increase in overlooking of windows (or garden areas) at South Highnam as to warrant a refusal of the application in this instance.

1.94 In terms of windows in the front (west), rear (east) and northern side elevations of the host property, it is considered that there would be no unacceptable overlooking achievable from these windows towards the windows in the elevations of South Highnam or its private rear amenity space given the remaining separation distances and orientation between the two buildings.

1.95 The proposed plans indicate the provision of waste storage facilities and a cycle storage area to the rear of the host property. Given that both of these elements would be situated at ground level and would be primarily screened from the neighbour at South Highnam by the existing host property itself, it is considered that these elements of the proposal would not result in any adverse impacts on the amenity or privacy of this neighbour in terms of overshadowing, overbearing impression, loss of outlook, overlooking, or a perception of overlooking.

1.96 The proposals include the creation of car parking within the front and side driveway/hardstanding areas, and the creation of a garden area to the southern side of the host property. Given the minor changes to the existing hardstanding and garden areas, it is considered these elements of the proposal would not result in any adverse impacts on the amenity or privacy of this neighbour in terms of overshadowing, overbearing impression, loss of outlook, overlooking, or a perception of overlooking. Furthermore, no objections have been received from HBC Public Protection in this respect.

1.97 Overall, it is considered that the proposed change of use of the building to 14 self-contained residential flats would not have an unacceptable impact on the amenity and privacy of South Highnam (or properties located beyond this) through overshadowing, overbearing impression, loss of outlook, overlooking, or a perception of overlooking as to warrant a refusal of the application.

Land users/park to front (west)

1.98 Given that the proposed flats would be contained within the existing building, and taking into account the brick wall boundary treatments to the front of the application site, and wide highway of Park Avenue between, it is considered that no element of the proposals (including the change of use to residential flats, the provision of car parking or the installation of bin storage and cycle storage and ventilation fans) would result in any adverse impacts on users of the public park (Ward Jackson Park) or any other land user to the front of the application site, in terms of overshadowing, overbearing impression, reduced outlook or overlooking/perception of overlooking.

Amenity of Future Occupiers

1.99 On the basis of the proposed floor plans, proposed sections, and the planning officer's site visit observations, it is considered that the proposed 14 self-contained flats would afford future occupiers an acceptable level of amenity, with sufficient living space and adequate levels of natural light. HBC Housing Standards were consulted and confirmed no objections to the proposals.

1.100 Whilst it is noted that the future occupiers would have limited access to private outdoor amenity space, save for the existing garden area to the side, which is to remain, owing to the constraints of the application site and its sustainable location, being located opposite a large public park, with good access to public transport and other nearby amenities, including public open space within the town centre, it is considered the proposal is acceptable in this respect.

Other Amenity Considerations

1.101 It is acknowledged that a neighbour objection has raised concerns in respect of noise and disturbance. It is recognised that the way a building functions can also give rise to activity in terms of the associated operations in and around the site and any noise and disturbance activity including any such associated comings and goings. It is therefore acknowledged that the proposed use of the host property as 14 self-contained flats is likely to result in additional activity than a single residential dwelling, although consideration is given to the former use of the building as a large care home with associated activity including visitors.

1.102 It is acknowledged HBC Public Protection comments request that a condition is appended requiring the submission of a scheme, which outlines the proposed sound insulation measures to be implemented between the host property and the adjoining neighbouring property of Beechwood (north) and between the residential flats themselves. In exercising its function, the Local Planning Authority needs to have regard to the general requirements of other legislation, and controls that may be set out through other regimes. To avoid duplicity and conflict between two competing mechanisms, planning legislation should not normally be used to secure objectives achievable under other regimes such as Building Regulations, Environmental Health or Highways. The Council's Building Control team has confirmed that there would be a requirement to provide adequate sound insulation to all neighbouring properties and between proposed flats through the Building Regulations regime. This can be relayed to the applicant by way of an informative.

1.103 HBC Public Protection also requested that any construction activity and deliveries to and from the site be restricted to non-sensitive hours of the day Monday to Saturday and not at all on Sundays and Public Holidays. A planning condition is recommended accordingly. With respect to their comments regarding 'no open burning' on site, this would need to be controlled through separate environmental legislation and an informative is recommended accordingly.

Neighbour Amenity Conclusion

1.104 Subject to the identified conditions, it is considered that the proposed development would not have an unacceptable impact on amenity and privacy of

any neighbouring property, in accordance with Policy QP4 of the Hartlepool Local Plan.

TREES & LANDSCAPING

1.105 It is acknowledged that neighbour objections have raised concerns in respect to trees and landscaping.

1.106 The application site is now subject to a Tree Preservation Orders in the form of TPO 270 (applying to the 3 trees within the site) which was recently confirmed, following consultation with the Council's Arboricultural Officer and Planning Policy team and a Tree Evaluation Method for Preservation Orders (TEMPO) being undertaken.

1.107 The application has been amended during the course of consideration, following concerns expressed by the Council's Arboricultural Officer in respect of trees under the above mentioned TPOs and the removal of trees without sufficient replacement planting being considered. The amended layout now proposed to retain the three trees within the application site.

1.108 In light of the above, the application is accompanied by a revised Arboricultural Impact Assessment (AIA) and Method Statement that identifies the trees/hedgerows that are to be retained and measures to do so.

1.109 The Council's Arboricultural Officer confirmed that the proposal is acceptable in respect of trees, subject to a planning condition ensuring that protection measures are in place during construction, including particular construction methods for any works adjacent to the protected tree(s). This is recommended accordingly.

1.110 As noted above, the proposals include the retention of an existing area of grass as a private garden area for occupants of the proposed 14 self-contained flats. Final landscaping details can be secured by a planning condition, which is recommended accordingly.

1.111 Any works to the formally protected trees (TPOs) within the site that are not covered by the planning conditions or agreed details through this application would need to be subject to separate TPO works application and an informative is recommended in this effect.

1.112 On balance and subject to the identified planning conditions, the application is considered to be acceptable in respect to landscaping and the impact on trees.

HIGHWAY & PEDESTRIAN SAFETY & CAR PARKING

1.113 It is acknowledged that neighbour objections have raised concerns in respect to the provision of car parking, traffic and highway safety.

1.114 The initial submission included a parking layout which was unsatisfactory and has been amended owing to concerns expressed from the Council's Traffic and

Transport team in respect of manoeuvrability of vehicles, as well as the Council's Arboricultural Officer in respect of the impact on newly protected trees.

1.115 The amended plans for the proposed development indicate provision for 15 vehicular parking spaces within the main front and side yard areas of the application site, as well as storage for up to 14 bicycles. The Tees Valley Design Guide (2018) requires 1.5 car parking spaces are provided per property across the borough. It is therefore acknowledged that the proposed plans do not meet the requirements for parking provision for this type of development.

1.116 In this instance, the Council's Traffic & Transport section acknowledge that the area surrounding the application site has historically experienced parking pressures and have advised that additional parking provision could be achieved by introducing a resident only parking permit to the layby on Park Avenue, directly to the front (west) of the application site, at the developer's expense. This would need to be considered through a separate consultation/legislative process (known as a Traffic Regulation Order).

1.117 Paragraph 115 of the NPPF (2023) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

1.118 Whilst the proposed scheme would not provide the requisite in curtilage parking provision for 14 flats to accord with the requirements of the Residential Design Guide SPD (2019), the Council's Traffic and Transport section have confirmed it would be difficult to sustain an objection on highway grounds (to the level of in curtilage car parking proposed) and therefore raise no objections to the application in terms of highway safety and parking related matters. As such, it is considered that this matter would not warrant a reason to refuse the application in this instance.

1.119 With respect to consideration of public rights of way and footpaths running through, adjacent or affected by the site, the Council's Countryside Access Officer has been consulted and raises no objections or concerns in respect to proposed development, with no access points impacted as a result of the proposed development.

1.120 Having regard to the considerations as set out above, it is considered that the proposed development would not, on balance, result in an unacceptable impact on the highway safety and car parking when assessed against the provisions of the NPPF (2023) to warrant a reason to refuse the application.

ANTI-SOCIAL BEHAVIOUR & CRIME

1.121 Section 17 of the Crime & Disorder Act (1998) requires the planning system to give consideration to implications for crime and anti-social behaviour.

1.122 Comments have been received concerning the nature of the proposed use and the occupiers who would inhabit flats, where residents have suggested that the

proposed development would lead to an increase in anti-social behaviour and crime; would introduce undesirable occupants into the area and as a result would also likely impact on insurance prices for surrounding residents.

1.123 It is understood that the host property of Highnam Hall has previously experienced occurrences of anti-social behaviour and criminal activity, which has been referenced within both the neighbouring consultation responses and through the comments of Cleveland Police. Notwithstanding the previous history of part of the application site, the proposed development does not reflect the previous use of the building and relates to a flatted development.

1.124 Furthermore, through the course of the planning application, the Council's Community Safety team have been consulted and have not provided any comments or objections. Cleveland Police have commented that additional surveillance of the application site, over and above the current run down state of the building, would be a positive benefit to the application site. Cleveland Police have provided advice in relation to secure by design principles and in respect to consideration of suitable management procedures and this advice is recommended as an informative.

1.125 Taking account of the considerations as detailed above, having regard to the comments of Cleveland Police, the proposed development raises no issues in respect to anti-social behaviour and crime related matters that would warrant the refusal of the planning application on these grounds.

ECOLOGY & NATURE CONSERVATION

1.126 The Council's Ecologist has provided a response to the planning application having regard a number of potential impacts ('Likely Significant Effects') on the designated sites from the proposed development to include the potential for increased nitrate pollution, as a result of increased overnight accommodation being provided; the assessment of recreational disturbance, as a result of increased populations utilising public amenity areas, where protected birds and vegetation communities co-habit these spaces. The consideration of the potential for the application site to contain bat populations is also taken into account. These matters are duly considered below.

1) Nitrate Pollution

1.127 On 16 March 2022 Hartlepool Borough Council, along with our neighbouring authorities within the catchment of the river Tees, received formal notice from Natural England that the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is now considered to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the protected area.

1.128 Given the application would involve residential development, it is considered the proposals are 'in scope' for further assessment. The applicant has submitted a Nutrient Statement which concludes that the application does not result in a net increase in nitrates as a result of foul and surface water discharging to the Seaton Carew Waste Water Treatment Works. A HRA Stage 1 Screening Assessment was duly completed by the Council's Ecologist, which confirms there would be No Likely

Significant Effects on the designated sites in terms of nitrate pollution in this respect. The proposed development therefore raises no concerns in respect to this matter.

2) Recreational impacts on designated sites

1.129 As the site is a distance of less than 6km from the European Protected Site, Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site, and suitable alternative natural green space (SANGS) is not provided on site, following the completion of a Stage 1 and Stage 2 Habitat Regulations Assessments by the Council's Ecologist (as the competent authority), a financial contribution of £1,400 (£100 per dwelling/flat) is necessary to mitigate the adverse recreational impacts on the SPA (and Ramsar Site). The applicant has confirmed agreement to this contribution.

1.130 In turn, Natural England have confirmed they have no objection to the application subject to the mitigation measures set out in the HRA are secured. This will be secured in an appropriate legal agreement.

3) Bats

1.131 The Council's Ecologist initially objected to the application, requesting that a preliminary bat risk assessment was undertaken. The applicant responded to this request providing photograph evidence demonstrating that there was no interest of bats in the existing building, to which the Council's Ecologist responded to further consultation to confirm that the likelihood of bats inhabiting the existing building to be low risk and does not require any further additional survey works to be carried out. In the event of a planning approval, the Council's Ecologist does however recommend an informative be placed on the decision notice to notify the applicant of their legal responsibilities in the event that bats are discovered when carrying out works to the existing roof structure.

Other matters

1.132 It is acknowledged that a neighbour objection has raised concerns in respect of bats, mice and birds not being accurately included in the supporting documents. The Council's Ecologist has had regard to the supporting details and has confirmed no objections (or requirements) to the proposals.

1.133 In conclusion, the application is therefore considered not to raise any significant issues in respect to any associated impacts on Ecology and Nature Conservation and is acceptable in this respect.

FLOOD RISK AND DRAINAGE

1.134 The application site is located within Flood Zone 1 (low risk of flooding from rivers or the sea). The submitted nutrient neutrality statement details that the proposed development would utilise the existing drainage solution, where both the foul and surface water drainage would discharge directly into the main sewer system. The Council's Engineering Consultancy has been consulted on the

application and has confirmed that they would have no objection to the proposed development.

1.135 In addition, Northumbrian Water have been consulted and have not raised any concerns or objections with respect to the planning application,

1.136 In view of the above, it is considered that the proposed development raises no issues to warrant the refusal of the planning application in respect to matters of flood risk and drainage.

OTHER PLANNING MATTERS

Archaeology

1.137 Through the course of the planning application, Tees Archaeology have been consulted and have no objections with respect to archaeological considerations and the proposed development therefore raises no issues in this respect.

Waste management

1.138 It is acknowledged that a neighbour objection raised concerns regarding the position and amount of waste storage facilities, which were initially proposed to be sited at the front of the host property. The amended proposed layout plan indicates space for the storage of bins within the rear yard area of the application site. The bin storage area is considered to be sizable and the regularity of collection periods can suitably managed by the operators of the site. The applicant has confirmed that the waste would be collected from the site by a private contract arrangement. The Council's Waste Management section were consulted, and offered no objections to the proposals, providing advice in respect to the collection of refuse. This can be relayed to the applicant via an appropriately worded informative, which is recommended in this instance. The Council's Public Protection team have provided comments, as detailed within the amenity section, confirming no objections to the proposals. Having regard to the above considerations, the proposed development raises no significant issues with respect to waste management related matters.

Sewage and water supply

1.139 It is acknowledged that a neighbour objection has raised concerns in respect of sewage and water supply. Both Northumbrian Water and Hartlepool Water have been consulted on the application, and no objections have been received. The proposal is therefore considered acceptable in this respect. Any issues with sewage and water supply would be a private matter and/or for consideration under the Building Regulations regime.

Waste Audit

1.140 The Tees Valley Joint Minerals and Waste Development Plan Document (2011) requires all major developments to produce a waste audit. The applicant has duly submitted this which demonstrates that waste would be managed and

minimised or reused. A planning condition is recommended to secure compliance with this.

OTHER MATTERS

Objection comments received

1.141 An objection comment received through initial consultation raised concerns that the red line boundary of the application site was incorrect. As noted above, this was amended during the course of the application and the appropriate consultations re-issued.

1.142 Objections regarding management and upkeep of the host property and the nature of the occupants of the flats are not a material planning consideration. Furthermore, any disputes relating to management of the property would constitute a civil matter that would need to be addressed through civil legislation outside of the planning process.

1.143 A comment has been received raising concerns that there is no access available from Park Mews to the rear (east) of the application site. As noted above, the red line boundary reflects the existing curtilage of the host property, and the case officer noted during the site visit that there is a gated access to the property at Highnam Cottage, Park Mews. However, the proposals do not indicate that access to the host property (as proposed to be developed into 14 self-contained residential flats) would be taken from this point. Thereafter, any land ownership issues would be a civil matter.

1.144 Impacts on property devaluation is not a material planning consideration.

Fire safety and access

1.145 It is acknowledged that a number of objections raise concerns in respect to fire safety. Cleveland Fire Brigade has been consulted and have provided advice in respect of the carrying capacity of shared driveways, access for emergency vehicles and water supplies, confirming that further comments may be made through the Building Regulations consultation process as required. An informative note to make the applicant aware of this advice is recommended accordingly, however these are principally Building Regulations matters and therefore this would be dealt with through the Building Regulations process accordingly.

Building Regulations

1.146 The Council's Building Control section has confirmed that a Building Regulation application is required for the proposed works as described and an informative note is recommended to make the applicant aware of this requirement accordingly.

Housing Standards

1.147 It is acknowledged that a neighbour objection raises concerns regarding the size of the proposed flats. The Council's Housing Standards section have confirmed no objections to the proposals.

CONCLUSION

1.148 It is considered that the proposed use of residential flats in a residential area that would bring back into use a vacant building is considered to be acceptable in principle. It is considered that the proposals, as amended, would not give rise to any significant impacts on the character and appearance of the host Listed Building or surround Conservation Area, amenity and privacy of occupants of neighbouring properties, impacts on trees, impacts on parking or highway safety or any other material planning consideration, so significant as to warrant any reason to refuse the application in this instance. The proposed development is therefore considered to be acceptable in respect of Policies HE1, HE3, HE4, HE7, QP4, and QP5 of the Hartlepool Local Plan (2018), and the relevant paragraphs of the NPPF (2023) and is recommended to be conditionally approved.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.149 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.150 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.

1.151 There are no Section 17 implications.

REASON FOR DECISION

1.152 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 completion of a legal agreement to secure financial contributions toward HRA mitigation (£1,400) for indirect adverse impacts on SPA (and Ramsar Site) through recreational disturbance; and subject to the recommended planning conditions below:

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 and details: Dwg. No. 1129/P/8 (Proposed Elevations) received by the Local Planning Authority on 10th October 2023; Dwg. No. 1129-SLP (Site Location Plan, at a scale of 1:1250) received by the Local Planning Authority on 12 January 2024; Dwg. No. 1129/P/6 Rev A (Proposed Ground & First

Floor Plans), Dwg. No. 1129/P/7 Rev A (Proposed Second & Third Floor Plans & Roof Plans) received by the Local Planning Authority on 8th August 2024; Arboricultural Impact Assessment (AIA) Tree Protection Plan (TPP) Proposed Layout Rev A received by the Local Planning Authority on 18th September 2024; Dwg. No. 1129/P/10 Rev A (Proposed Block Plan), and Dwg. No. 1129/P/9 Rev A (Proposed Site Plan) received by the Local Planning Authority on 21st November 2024.
For the avoidance of doubt.

3. Notwithstanding the submitted details and prior to the commencement of development, a full detailed schedule of proposed works shall be first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
In the interests of visual amenity and to protect the character and setting of the Listed Building.
4. Notwithstanding the submitted information and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, a scheme including an Arboricultural Method Statement for the protection and retention of the retained trees as shown on Arboricultural Impact Assessment (AIA) Tree Protection Plan (TPP) Proposed Layout Rev A (received by the Local Planning Authority on 18th September 2024) shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall outline the use of any geocell membrane or other suitable mitigation measures where required. Thereafter and following the written agreement of the Local Planning Authority, the agreed measures shall be implemented on site (and retained until the completion of the development) and the works carried out in accordance with the agreed details. No activity shall take place in any of the protected areas as identified in the Arboricultural Impact Assessment (AIA) Tree Protection Plan (TPP) Proposed Layout Rev A (received by the Local Planning Authority on 18th September 2024). Any trees that are found to be dead, dying, severely damaged or diseased 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 establishing the Method of Tree Protection during the Construction Phase of the development in the interests of the health of the mature trees within the immediate surrounding area.
5. Notwithstanding the submitted details and prior to the commencement of the development hereby approved, a scheme for the provision, long term maintenance and management of all soft landscaping within the site shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all areas, include a programme of the works to be undertaken. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the first occupation or completion of the development (whichever is sooner) hereby approved. 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, biodiversity enhancement and to ensure a satisfactory form of development.

6. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of the development hereby approved, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) 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 scheme, including car parking provision and footpath connections, shall be completed (and laid out) in accordance with the agreed details prior to the first occupation or completion (whichever is sooner) of the development and thereafter retained for the lifetime of the development.
To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
7. The 1no. first floor window serving the proposed bathroom of Flat 8 (as identified on Dwg. No. 1129/P/6 Rev A (Proposed Ground & First Floor Plans, received by the Local Planning Authority on 8th August 2024) shall be either fixed or feature a limited 30 degree opening and shall be obscurely glazed to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority prior to the first occupation or completion (whichever is sooner) of the development. Thereafter, the window as agreed shall be installed prior to the first occupation of Flat 8 (as identified on Dwg. No. 1129/P/6 Rev A (Proposed Ground & First Floor Plans, received by the Local Planning Authority on 8th August 2024) and shall thereafter be retained at all times while the window exists. The application of translucent film to the window would not satisfy the requirements of this condition.
To prevent overlooking and in the interests of the character of the listed building.
8. Notwithstanding the submitted details and prior to the installation of the proposed ventilation and extraction equipment hereby approved, large scale details and provision of samples of the ventilation and extraction fans, as shown on Dwg. No. 1129/P/6 Rev A (Proposed Ground & First Floor Plans) and Dwg. No. 1129/P/7 Rev A (Proposed Second & Third Floor Plans & Roof Plans) (both date received by the Local Planning Authority on 8th August 2024) shall be first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and completed to the satisfaction of the Local Planning Authority prior to the first occupation or completion (whichever is sooner) of the development and retained for the lifetime of the development.
In the interests of visual amenity and to protect the character of the Listed Building.

9. Prior to the first occupation or completion (whichever is sooner) of the development hereby approved, details of the secure bike storage as shown on Dwg. No. 1129/P/9 Rev A (Proposed Site Plan, received by the Local Planning Authority on 21st November 2024), shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the secure bike storage as approved shall be provided prior to the first occupation or completion (whichever is sooner) of the development hereby approved and retained thereafter for the lifetime of the development.
In the interests of visual amenity, the privacy of future occupiers and to protect the setting and significance of adjacent heritage assets.
10. The waste storage arrangements as shown on Dwg. No. 1129/P/9 Rev A (Proposed Site Plan, received by the Local Planning Authority on 21st November 2024) shall be implemented and made available prior to first occupation of any of the residential flats hereby approved and retained thereafter for the lifetime of the development.
In the interests of visual amenity and the amenities of the occupants of neighbouring properties.
11. 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.
In the interests of the amenities of the area.
12. Notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification, the development hereby approved shall be used as 14no. self-contained residential flats (C3 Use Class, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended) and for no other purpose or use (including any other use within the C3 Use Class) and shall not be sub-divided or converted. To enable the Local Planning Authority to exercise control in the interests of a satisfactory form of development.
13. Waste generated during the construction and operational phases of the development hereby approved shall be managed and disposed of in accordance with the details set out within the submitted Waste Audit (prepared by ASP Services, document dated December 2023), date received by the Local Planning Authority 09/01/2024.
To ensure compliance with the requirement for a site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=159607>

1.154 Copies of the applications are available on-line:

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

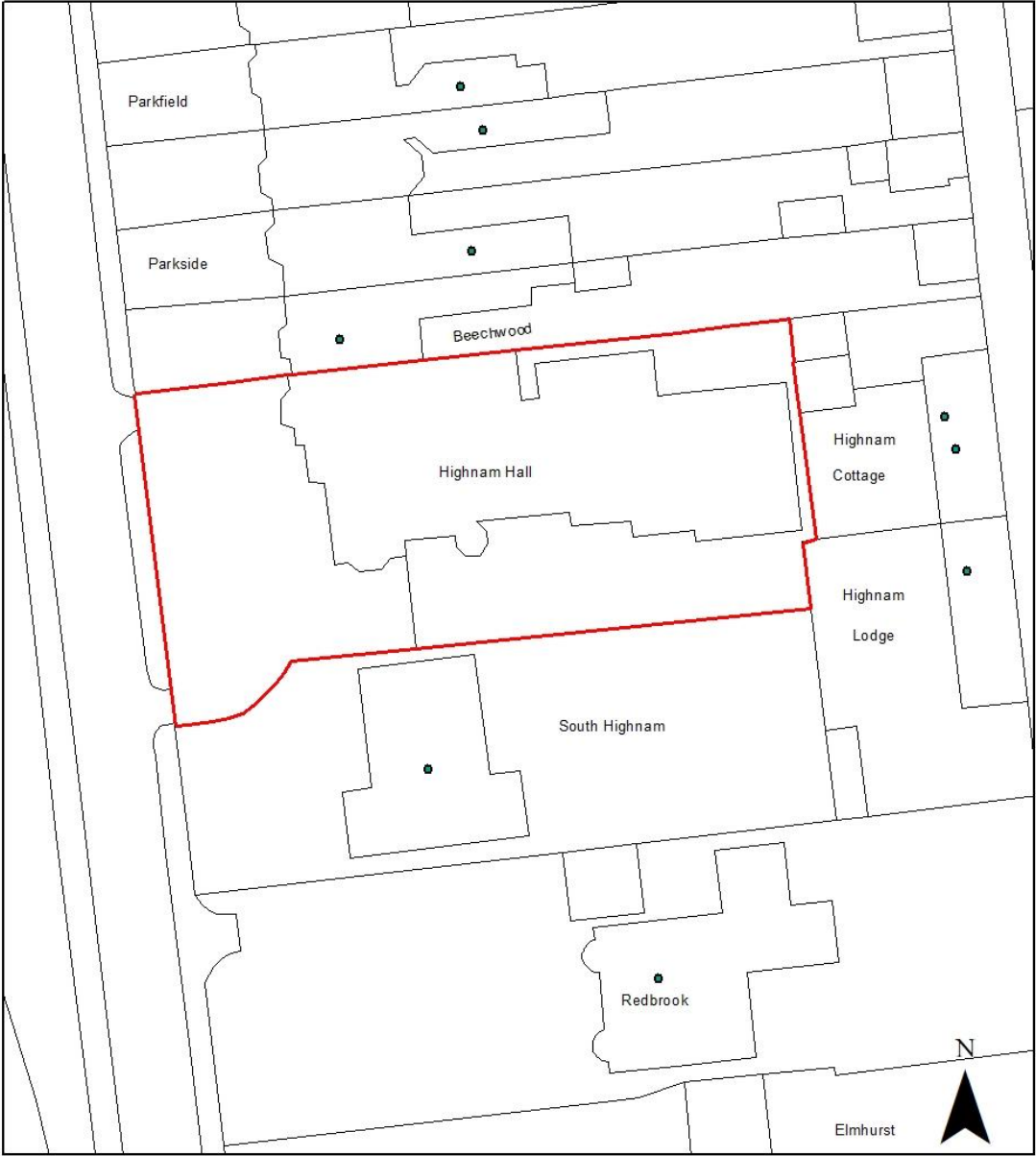
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Highnam Hall, Park Avenue, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 21.10.2024
	SCALE 500	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2023/0355 H/2023/0356	REV

No: 2.
Number: H/2023/0356
Applicant: BORTHWICK PROPERTIES PROSPECT WAY
HARTLEPOOL TS25 1UD
Agent: ASP Service Ltd OFFICE 206 BOVIS HOUSE 7 to 9
VICTORIA ROAD HARTLEPOOL TS24 7SE
Date valid: 06/11/2023
Development: Listed Building Consent for the proposed change of use
from a Care Home (C2 Use Class) to 14no. self-contained
residential flats (C3 Use Class)
Location: HIGHNAM HALL PARK AVENUE HARTLEPOOL

PURPOSE OF REPORT

2.1 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

2.2 The following applications are considered to be relevant to the current application site;

HFUL/1991/0651 - Extensions to side and rear to provide staff changing room, w.c., lounge and dining facilities, 8 additional bedrooms and provision of access ramps. Approved 19/12/1991.

HFUL/2002/0681 - Erection of a rear laundry room extension. Approved 02/01/2003.

H/2005/5084 - Change of use to provide 10 self-contained apartments. Approved 27/05/2005.

HLBC/1988/0471 - Listed Building Consent for construction of new front entrance ramp, kitchen extension and two-storey rear extension. Approved 20/10/1988.

HLBC/1991/0652 - Listed Building Consent for alterations and extensions to provide staff changing room, w.c., lounge/dining facilities, 8 additional bedrooms and provision of access ramps. Approved 09/12/1991.

HLBC/1988/0719 - Listed Building Consent to display 4 sign boards on entrance gates. Approved 17/01/1989.

H/2018/0134 - External alterations to existing fenestration, including the replacement of two rear doors with windows and replacement flat roof on rear of building. Approved 13/08/2018.

H/2018/0135 - Listed building consent for internal alterations to reduce the number of care rooms and create ensuite facilities within the care room studios, including repair of existing historic facades and sash windows, installation of new grey upvc casement external doors and windows to the modern rear extension, complete rewiring and renewal of heating within the historic building, repair and restoration of external rainwater goods and existing roof structures. Approved 13/08/2018.

H/2023/0355 - Change of use from a Care Home (C2 Use Class) to 14no. self-contained residential flats (C3 Use Class). Pending consideration.

2.3 The above application for planning permission is currently pending consideration and forms part of this same committee agenda.

PROPOSAL

2.4 Planning permission is sought for the change of use of the building from a vacant care home (C2 use class) to 14 self-contained flats (C3 use class). The submitted Heritage Statement indicates that the proposed design of the development has been chosen to retain and restore key architectural features. As such there are limited external alterations, save for the installation of some ventilation and extraction fans which would be limited to the rear elevations of the host property.

2.5 The proposals, as amended, would be served by a main entrance at the front elevation (west), leading to flat 1 (north), flat 2 (south), and flat 3 in the central area of the building at ground floor, with access to flat 6 (north), flat 7 (south), flats 8 and 9 in the centre of the building at first floor, flat 12 (north), flat 13 (south) and flat 14 (to the north east) at second floor, with flat 14 extending into the third floor of the building. Towards the rear of the building, an existing entrance on the northern side of the building would provide access to flat 4 at ground floor and flats 10 and 11 at first floor; and flat 5 would take access from the rear (east).

2.6 The proposals include a formalised car parking layout to the front and southern side of the host building, which would provide 15 in-curtilage parking spaces; and a secure cycle storage area to provide storage for 14 bicycles to the rear of the host building. The proposals include an area for the storage of refuse to the rear of the host building, adjacent to the proposed bicycle storage area.

2.7 During the course of the application, it was noted that the red line boundary for the application site was incorrect, and included a section which is within the ownership of a neighbouring property. The plans were duly amended and, following which a 21-day period of re-consultation for neighbours and consultees was carried out.

2.8 The proposals have subsequently been amended during the course of the application to address concerns in respect to parking, trees and impacts on the designated heritage asset of the Grade II Listed Building, with re-consultations being undertaken on a number of occasions. These amendments are discussed in further as part of the main considerations.

2.9 The associated planning application (H/2023/0356) has been referred to planning committee owing to the number of objections received (more than 2) in line with the Council's scheme of delegation. In this context, officers consider it appropriate for the associated Listed Building Consent application to be referred to Planning Committee.

SITE CONTEXT

2.10 The application site (Highnam Hall) is a large end terraced Grade II Listed Victorian building located within the Park Conservation Area, which is currently vacant and in a state of disrepair. The site is located centrally on the eastern side of Park Avenue, opposite Ward Jackson Park. There are residential properties of Beechwood adjoining to the north, Highnam Cottage to the east, Highnam Lodge to the south east, and South Highnam to the south. There are further residential properties beyond to the north, south and east. There is mature shrub landscaping and hedging which defines the boundaries with the immediate neighbouring properties and all are defined, in part or full, by brick walls, close boarded fencing and hedging.

2.11 The application site features 3 trees (1 towards the western/front boundary and 2 along the southern/side boundary) which are now subject to a Tree Preservation Order, in the form of TPO 270 which was confirmed during the course of considering the application.

PUBLICITY

2.12 The application has been advertised by way of 16 neighbour notification letters, the displaying of a site notice and the publication of a press advert. As noted above, a further 21-day re-consultation was undertaken following a change in description. To date, there have been no responses.

2.13 Background papers can be viewed via the 'click to view attachments' link on the following public access page:
<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=159608>

2.14 The period for publicity has expired.

CONSULTATIONS

2.15 The following consultation replies have been received:

HBC Heritage and Open Space – Conservation: These comments are provided for both the planning and listed building consent applications in relation to the proposed works are Highnam Hall, Park Avenue.

The application site is a grade II listed building located in Park Conservation Area, both of which are considered to be designated heritage assets. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 205 and 206, NPPF).

Policy HE4 of the local plan states the Borough Council will seek to 'conserve or enhance the town's listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration.'

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 NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 212, 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. 196 & 203, 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 Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings. Overall the area presents a feeling of spaciousness with dwellings concealed by mature trees and shrubs. Within the Park conservation area is Ward Jackson Park, a formal park established in the late 1880's.

Given the individual design of properties there is a great variety of architectural features and styles, but most are characterised by the use of smooth red brick, with contrasting terracotta or stone decoration. Architectural features include a variety of towers, bays, balconies, balustrades and projecting porches. The emphasis in building design is still however a vertical one with single paned sash windows typical. Coloured leaded lights and multi-paned to upper window lights are frequently evident. Roof finishes are either plain clay tiles, with finial and ridge tile decoration, or on earlier buildings, Welsh slate.

Boundary features provide interest to the street scene, with low walls and gate piers constructed in the same red brick as the main dwelling. Generally walls were once finished with cast iron railings but few examples remain.

The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and

development within the setting of listed buildings. A particular concern is the loss of gardens and open spaces as dwelling which once sat within generous grounds are being subsumed by development.

Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

The proposal is change of use from a Care Home (C2 Use Class) to 14no. self-contained residential flats (C3 Use Class).

The building has been standing empty for a considerable period of time, therefore it is welcomed that a proposal has come forward to offer a sustainable future for this listed building which plays a significance part in the streetscape with the Park Conservation Area as the end of a striking terrace on Park Avenue.

There are no objections to the works to facilitate a change of use and create the following numbered flats, 3, 4, 5, 9, 10, 11. For the most part these are located to the modern extension at the rear of the property and it is considered that these works will not impact on the significance of the heritage asset.

Considering the remaining works which are focused on the original dwelling, whilst it is accepted that alterations will be required to form self-contained apartments a balance must be struck between the sustainable use of the building and the significance of the listed structure. Historic England Advice Note 2 states that, 'The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (whether decorated or plain, principal or secondary) and other features are likely to form part of its significance.' In the past the building has functioned as a care home and consent was granted for a number of studio apartments, whilst this has meant changes have been made, for the most part, significant areas of the building have been preserved.

On the ground floor two flats are proposed. It is welcomed that in flat 1 the main living space will be retained. Connected to this will be the subdivision of a further main room to form a kitchen, bathroom and leading on to two bedrooms. There is a fireplace within the kitchen, details should be provided of how this will be treated.

Flat 2, also on the ground floor occupies rooms which were once the main living space of the property. Whilst it is welcomed that the main, front room will be retained, further consideration should be given to the kitchen, which will disrupt the original layout, along with the bathroom which is created within the main ground floor entrance hall. Further consideration should be given to this arrangement, in particular the potential to retain the original hall space and the removal of subdivisions to main room with traditional features, including detailing to ceilings and window surrounds.

On the first floor the main circulation space has again been compromised in order to form lobbies to the flats on this level, these proposals should be reconsidered.

Further to this within flat 7 a main room has been subdivided to create two bedrooms, with the wall closely following the window, this should also be reviewed.

Like the second floor, on the third lobbies have been created within the landing space. These alterations should be reconsidered. Further to this in Flat 13 a single room is divided into two, with a wall, closely following the window, this should also be reviewed.

Details do not appear to be provided of how the kitchens and bathrooms will be ventilated, this information should be provided to demonstrate that this will be done discretely away from the main elevation.

With regard to the exterior of the property, whilst it is accepted that parking will be required on site, and has been in place in the past, this is an opportunity to enhance the setting of the building and improve the current status quo. Careful consideration should be given to the choice of materials and landscaping used in order to soften the extensive car parking, particularly to the side of the property where this was previously garden.

Whilst the proposed use is considered to be acceptable, some of the works required in order to facilitate the change will cause less than substantial harm to the designated heritage asset that is Highnam, a grade II listed building (NPPF, 2008). No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

Updated comments received 04/06/2024 following amended

These comments should be considered in conjunction with those submitted on 8th April 2024.

Flat 1, outstanding details remain regarding how the fireplace within the kitchen will be treated.

Flat 2, whilst it is welcomed that the flat has been reconsidered and the bathroom is no longer located within the main hallway the amendments raised don't address the issue of the subdivision of the main rooms and in particular the bedroom, kitchen and circulation space which are formed within one of the principle rooms of the building. A solution may be to create a one bedroom apartment in this location with the subdivided space changed to a kitchen. This would allow for generous living quarters and the opportunity to retain the original form of the rooms. More innovative solutions may be to introduce a bed deck in a room in order to retain the footprint of the room but still provide a second sleeping space which would be suited to occasional use.

On the first and second floor the amendments to remove the apartment lobby entrances from the main circulation space are welcomed.

Flat 7 the main room remains subdivided to create two bedrooms, with the wall closely following the window, a solution in this instance would be to create a single bedroom flat which would offer a substantial living space and restore the original layout of the rooms.

Flat 13 a single room is divided into two, with a wall, closely following the window, along with a hall space adjoining the two. As suggested previously a solution would be to retain this as a one bedroom flat which would keep the original room dimensions.

Details do not appear to be provided of how the kitchens and bathrooms will be ventilated, this information should be provided to demonstrate that this will be done discretely away from the main elevation.

The amended proposed car parking arrangements are noted. It is welcomed that the parking to the side of the property has been reduced, albeit with an increased number to the front of the building. As stated previously careful consideration should be given to the choice of materials and landscaping used in order to soften the impact of the parking. Within the parking area is a site for waste storage. It is unfortunate that the only location for this appears to be at the front of the property, consideration should be given to how this will be treated and the waste separated from the parking.

Whilst the proposed use remains acceptable, and it is acknowledged that work has been carried out to minimise the impact on the significance of the listed building, some of the works required in order to facilitate the change will cause less than substantial harm to the designated heritage asset that is Highnam, a grade II listed building (NPPF, 208). No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

Updated comments received 16/07/2024 following re-consultation on amended plans:

These comments should be considered in conjunction with those submitted on the 8th April and 4th June.

The representations received on the 14th June are noted and these are addressed in this note.

Flat 1 with regard to the fireplace, these comments are noted and accepted.

Flat 2 comprises principle rooms in the building located on the ground floor. As stated in previous comments guidance from Historic England (HEAN2, para 42) states that, 'The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (whether decorated or plain, principal or secondary) and other features are likely to form part of its significance.' Further to this Historic England Guidance (HEAN 16, para 14) echoes this, stating, 'The special interest of listed buildings is evident in building fabric and in design, that is in plan form, exterior and interior arrangement, features and decoration'. As demonstrated by the existing plans despite the works elsewhere within the property, these rooms have remained unchanged and therefore make a major contribution to the significance of the asset. The additional information provided does not offer any justification for the impact of these works which will cause less than substantial harm to the significance of the listed building, this therefore remains an area of concern.

With regard to flat 7 it is accepted on balance that this is acceptable, given that works will be carried out to remove an existing partition in the kitchen/lounge space.

With regards to flat 13 it is also accepted on balance that this is acceptable, given that works will be carried out to remove an existing partition in the kitchen/lounge space. Information regarding the installation of any ventilation to both kitchens and bathrooms should be provided, Historic England Advice Note 2 observes that, 'new services, both internal and external, can have a considerable, and often cumulative, impact on the significance of a building and can affect significance if added thoughtlessly.' Whilst it is stated by the agent that, 'all mechanical extraction [is] to be situated to the rear of the property or through the roof' this should be detailed on a plan to demonstrate that these works will not impact on the significance of the asset.

There does not appear to be any further information submitted with regard to the arrangements for the parking and waste disposal, in particular with regard to the bin storage located to the front of the building, adjacent to the main window of flat 1. Whilst it is accepted that there is a challenge in accommodating all of the requirements necessary to support this development, it would be preferable if all or at least some of the bin storage could be located to the rear of the property.

Updated comments received 24/07/2024 following re-consultation on amended plans:

Further to the amended plans that have been submitted, there would be no objection to the amended arrangements, as shown on the plans, the re-arrangement of flat 2 is welcomed, as it the proposal to move the refuse to the rear of the property.

With regard to the air extraction, it is noted that the suggestion is this cannot be seen, 'from the naked eye', however a plan of the roof, demonstrating this and showing the vents would offer some reassurance, could this be conditioned?

Updated comments received 22/08/2024 following re-consultation on amended plans:

These comments should be considered in conjunction with those submitted on the 8th April, 4th June and 16th July.

Further to the amended plans that have been submitted, there would be no objections to the altered arrangements, as shown on the planning. The re-arrangement of Flat 2 is welcomed, as is the proposal to move the refuse to the rear of the property.

The location of the air extraction to the main roof is noted, there would be no objections to this.

In light of the amendments to the initial proposals, considering the application as a whole, the proposed works would not impact on the significance of the listed building, nor the Park Conservation Area, no objections.

Updated comments received 27/09/2024 following re-consultation on amended plans:

No objection to the proposed amendments to the site layout.

HBC Arboricultural Officer: As part of this application it is proposed to remove 3 no. tree from with the grounds of Highnam Hall, Park Avenue. This site is within the Park Conservation Area and as such are offered protection through section 211 of the Town and Country Planning Act 1990. Notification has been provided for the trees removal through the submitted arboricultural documentation as part of this application. The trees proposed for removal are a Silver Birch of moderate quality and a Himalayan Birch and Wild Cherry tree of high quality. This classification of quality is set out within the Arboricultural Impact Assessment by Teesdale Heritage Trees dated 7th December 2023. A Tree Evaluation Method for Preservation Orders (TEMPO) assessment has been carried out which identified that all three trees proposed for removal “definitely merit TPO”. As a result the LPA objects to the removal of these trees and a Tree Preservation Order, TPO270, has been created to ensure the long term protection of the trees on site and within the Park conservation area. The proposed plans for the outside areas and parking should now be amended to reflect this TPO and ensure the retention of the trees on site. The Arboricultural Impact Assessment and Tree Protection Plan would need to also be updated to reflect this change and protect the trees. It is highly likely that an Arboricultural Method Statement would now be needed for works in and around the Root Protection Areas (RPA’S) with a geocell membrane utilised in areas of potential conflict under the guidance from their Arboricultural consultant.

Updated comments received 16/08/2024 as a result of amended plans:

The recent amendment to the site plan, including modifications to the parking layout, has been noted. However, it is regrettable that the removal of tree T1 remains part of the proposed development. While I recognize the necessity to meet parking requirements, it is imperative that the Local Planning Authority (LPA) carefully weigh the importance of retaining a protected tree against the provision of additional parking spaces. In my professional opinion, the preservation of T1 should be prioritized given the fact it is already established and has been for many years.

Should the decision be made to remove T1, I must emphasize that the proposed replacement planting within a raised bed is not an acceptable solution. Trees planted in above-ground containers often experience restricted root expansion, leading to poor growth and limited long-term viability. Therefore, any replacement tree must be planted directly into solid ground to ensure its successful establishment and contribution to the site’s visual amenity and the character of Park Avenue.

In the event that T1 is removed, I would support the replanting of a replacement tree between T2 and T3, provided that the tree is of a minimum size of Select Standard 10/12. This replanting should be secured through a pre-commencement condition requiring the submission of a detailed planting scheme to ensure that a suitable species is selected and that the tree is planted and maintained to thrive.

Furthermore, in light of the changes to the site plan, the suite of arboricultural documentation must be updated to reflect the current scheme. This includes the revision of the Arboricultural Impact Assessment and Tree Protection Plan. Given the likely impact on the Root Protection Areas (RPAs), it is also recommended that an Arboricultural Method Statement be prepared. This statement should outline the use of any geocell membrane or other suitable mitigation measures in areas where construction activities may encroach upon RPAs, in consultation with the appointed arboricultural consultant.

Updated comments received 03/09/2024 following re-consultation on amended plans:

Following our conversation please find my amended comments:

The recent amendment to the site plan, including modifications to the parking layout, has been noted. However, it is regrettable that the removal of tree T1 remains part of the proposed development. While I recognize the necessity to meet parking requirements, in my professional opinion, the preservation of T1 should be prioritized given the fact it is already established in what appears to be a car parking area already and has been for many years.

As a note to applicant regarding tree planting, trees planted in above-ground containers often experience restricted root expansion, leading to poor growth and limited long-term viability. Therefore, it is suggested that any trees should be planted directly into solid ground to ensure its successful establishment and contribution to the site's visual amenity and the character of Park Avenue.

Furthermore, in light of the changes to the site plan, the suite of arboricultural documentation must be updated to reflect the current scheme. This includes the revision of the Arboricultural Impact Assessment and Tree Protection Plan. Given the likely impact on the Root Protection Areas (RPAs), it is also recommended that an Arboricultural Method Statement be prepared. This statement should outline the use of any geocell membrane or other suitable mitigation measures where required in areas where construction activities may encroach upon RPAs. This should be done in consultation with the appointed arboricultural consultant.

Updated comments received 01/10/2024 following re-consultation on amended plans:

All three trees are now down to be retained. The Tree Protection Plan has been updated. Geoweb surfacing is being utilised in the area of T2 for the car parking spaces of 14 and 15. An Arboricultural Method Statement for any works within the RPA is required as mentioned in previous comments however, this could be conditioned for its submission as a pre commencement condition.

Tees Archaeology: We have no comments to make on this application.

Updated comments 17/01/2024 following re-consultation on amended plans:

Our comments of November 2023 remain unchanged.

Updated comments 15/08/2028 following re-consultation on amended plans:

Our comments of November 2023 remain unchanged.

Civic Society: No comments received.

Friends of Ward Jackson Park: No comments received.

HBC Parks and Countryside: No comments received.

HBC Estates: No comments received.

PLANNING POLICY

2.16 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

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

HE1: Heritage Assets

HE3: Conservation Areas

HE4: Listed Buildings

HE7: Conservation Areas At Risk

SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2023)

2.18 In December 2023 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and September 2023 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: The presumption in favour of 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
 PARA131: Achieving well-designed places
 PARA135: Achieving well-designed places
 PARA164: Energy Efficiency
 PARA195: Conserving and enhancing the historic environment
 PARA196: Conserving and enhancing the historic environment
 PARA200: Proposals affecting heritage assets
 PARA203: Proposals affecting heritage assets
 PARA205: Proposals affecting heritage assets
 PARA208: Proposals affecting heritage assets
 PARA212: Enhance or reveal significance of heritage assets
 PARA 213: Decisions affecting heritage assets.
 PARA224: Implementation

2.19 HBC Planning Policy comments: *Comments were received in respect of the associated planning application H/2023/0355.*

PLANNING CONSIDERATIONS

2.20 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies held within the Hartlepool Local Plan (2018) and in particular the impact on the special interest and significance of the Grade II listed building and its setting.

IMPACT ON THE CHARACTER + APPEARANCE OF THE EXISTING LISTED BUILDING, CONSERVATION AREA, AND WIDER SURROUNDING AREA

Legislation and Policy Context relating to Heritage Assets

2.21 In considering applications for listed buildings the Planning (Listed Buildings and Conservation Areas) section 66 of the Act 1990 Act 1990 requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.22 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.

2.23 Policy HE1 of the Hartlepool Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. The National Planning Policy Framework (NPPF, 2023) looks for local planning authorities to take account of the significance of a designated heritage asset and give, ‘great weight’ to the asset’s conservation (para 205 and 206, NPPF).

2.24 Policy HE4 of the Hartlepool Local Plan (2018) states the Borough Council will seek to “conserve or enhance the town’s listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration.”

2.25 Policy HE3 of the Hartlepool Local Plan (2018) 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.’

2.26 Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as ‘at risk’ is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

2.27 Development decisions should accord with the requirements of paragraph 205 of the NPPF (2023) which 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 assets conservation and in determining applications irrespective of whether any potential harm amounts to total loss, substantial or less than substantial harm to its significance.

2.28 The NPPF (2023) seeks positive enhancement in conservation areas to better reveal the significance of an area (para. 212). 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. 196 and 203).

2.29 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset it will only be permitted where the harm is outweighed by the public benefits of the proposal this is echoed within paragraph 208 of the NPPF (2023). This is considered in further detail below.

‘Significance’ and ‘Setting’ of the Grade II Listed Building

2.30 Significance is defined in the Glossary to the NPPF as ‘the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.’

2.31 The property forms part of a group listing first listed on 17th December 1985 (listing entry Number: 1250390) which includes Beechwood, Jesmond, Pagbourne,

Parkfield, Parkside, Wrenwood and Highnam (the application site). These are buildings of special interest (in a national context) which warrant every effort being made to preserve them.

2.32 The comments received from Council's Head of Service for Heritage and Open Spaces (set out under the Consultations section) provide further detail regarding significance and special interest of the Grade II Listed Building which is derived by its age, form and layout within the wider terrace, the historic fabric and its architectural features. Whilst the host property has been extended and altered over time, it still retains and historical features.

2.33 The NPPF describes the setting of a heritage asset as "*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*" In this context 'experienced' has a broad meaning. It is not purely visual and could include economic, social and historical relationships, and considerations of noise and smell. However each assessment would be made on individual merit.

2.34 As outlined above the Grade II Listed Building is within a row of terraced properties (most of which also form part of the listing) which repeat the features present within the host property.

2.35 The host property is sited within the wider setting of the Park Conservation area, which derives its unique character from its largely unaltered large properties set in extensive landscaped grounds surrounded by walls and railings. Within the Park Conservation Area is Ward Jackson Park, a formal park established in the late 1880's.

Change of use from a care home to 14no. residential flats

2.36 The proposal does not seek to make any notable alterations to the external fabric of the host property (except the installation of ventilation equipment) as part of this application, however the proposals would seek to convert the internal layout to accommodate 14 flats, to include the installation of some internal 'stud' walls.

2.37 The detailed comments received from the Council's Head of Service for Heritage and Open Spaces (as set out above), indicate that whilst it would be positive to bring back into use a vacant building, a balance must be struck between the sustainable use of the building and the significance of the listed building. It is for this reason that the Council's Head of Services for Heritage and Open Spaces initially objected to the proposals, as the proposals included dividing up the first floor circulation space and second floor landing space to provide access to flats, the subdivision of a main room, and details of ventilation for kitchens was not provided.

2.38 In response, the applicant submitted amended plans with a revised layout of flats, primarily to retain the main circulation spaces at both ground and first floor, and to amend the internal layout of flat 2 to avoid the need for sub-dividing walls.

2.39 When considering the proposals, as amended, the Council's Head of Service for Heritage and Open Spaces considers that sufficient details have been provided in respect of alterations to the main circulation spaces at both ground and first floor, the retention of the original hall space and traditional features, including detailing to ceilings and window surrounds, the removal of initially proposed partition walls, and confirmation of where proposed ventilation equipment would be located.

2.40 In view of the above, the Council's Head of Service for Heritage and Open Spaces has confirmed that the proposals would not significantly impact upon the character, appearance and any features of special architectural or historic interest of the designated heritage assets (Grade II Listed Building and Park Conservation Area). Planning conditions are considered necessary to secure the final schedule of works (including internal works) and details, including samples, of the proposed ventilation details are provided for consideration by the Local Planning Authority.

2.41 It is acknowledged that objections from neighbours have been received in respect of the impact of the proposed use of the host building on the character of the wider area. When taking into account the end-of-terrace existing building which is adjoined by a residential dwelling within a street scene characterised by residential dwellings, it is considered that the proposed 14 self-contained residential flats would be an appropriate use of the building in an appropriate location (of Park Avenue), which would not result in any adverse impact on the character of the wider area in this instance.

2.42 It is considered subject to the above recommended planning conditions that the proposed change of use and associated works would be acceptable in terms of any impacts on the special architectural and historic interest of the Listed Building, its setting, and the wider Park Conservation Area. The proposal is therefore considered to be in accordance with the Historic Environment policies within the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2023).

CONCLUSION

2.43 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, HE3, HE4 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 203, 205, 208 and 212 of the NPPF (2023), it is considered the proposed change of use of the building to form 14no. self-contained residential flats would be acceptable and is recommended for approval subject to the conditions below.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.44 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.45 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.

2.46 There are no Section 17 implications.

REASON FOR DECISION

2.47 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 conditions below:

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 and details: Dwg. No. 1129/P/8 (Proposed Elevations) received by the Local Planning Authority on 10th October 2023; Dwg. No. 1129-SLP (Site Location Plan, at a scale of 1:1250) received by the Local Planning Authority on 12 January 2024; Dwg. No. 1129/P/6 Rev A (Proposed Ground & First Floor Plans), Dwg. No. 1129/P/7 Rev A (Proposed Second & Third Floor Plans & Roof Plans) received by the Local Planning Authority on 8th August 2024; Arboricultural Impact Assessment (AIA) Tree Protection Plan (TPP) Proposed Layout Rev A received by the Local Planning Authority on 18th September 2024; Dwg. No. 1129/P/10 Rev A (Proposed Block Plan), and Dwg. No. 1129/P/9 Rev A (Proposed Site Plan) received by the Local Planning Authority on 21st November 2024.
For the avoidance of doubt.
3. Notwithstanding the submitted details and prior to the commencement of development, a full detailed schedule of proposed works shall be first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
In the interests of visual amenity and to protect the character and setting of the Listed Building.
4. Notwithstanding the submitted details and prior to the installation of the proposed ventilation and extraction equipment hereby approved, large scale details and provision of samples of the ventilation and extraction fans, as shown on Dwg. No. 1129/P/6 Rev A (Proposed Ground & First Floor Plans) and Dwg. No. 1129/P/7 Rev A (Proposed Second & Third Floor Plans & Roof Plans) (both date received by the Local Planning Authority on 8th August 2024) shall be first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and completed to the satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use, and retained for the lifetime of the development.
In the interests of visual amenity and to protect the character of the Listed Building.

5. The 1no. first floor window serving the proposed bathroom of Flat 8 (as identified on Dwg. No. 1129/P/6 Rev A (Proposed Ground & First Floor Plans, received by the Local Planning Authority on 8th August 2024) shall be either fixed or feature a limited 30 degree opening and shall be obscurely glazed to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority prior to the first occupation or completion (whichever is sooner) of the development. Thereafter, the window as agreed shall be installed prior to the first occupation of Flat 8 (as identified on Dwg. No. 1129/P/6 Rev A (Proposed Ground & First Floor Plans, received by the Local Planning Authority on 8th August 2024) and shall thereafter be retained at all times while the window exists. The application of translucent film to the window would not satisfy the requirements of this condition. To prevent overlooking and in the interests of the character of the listed building.

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=159608>

2.49 Copies of the applications are available on-line:

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

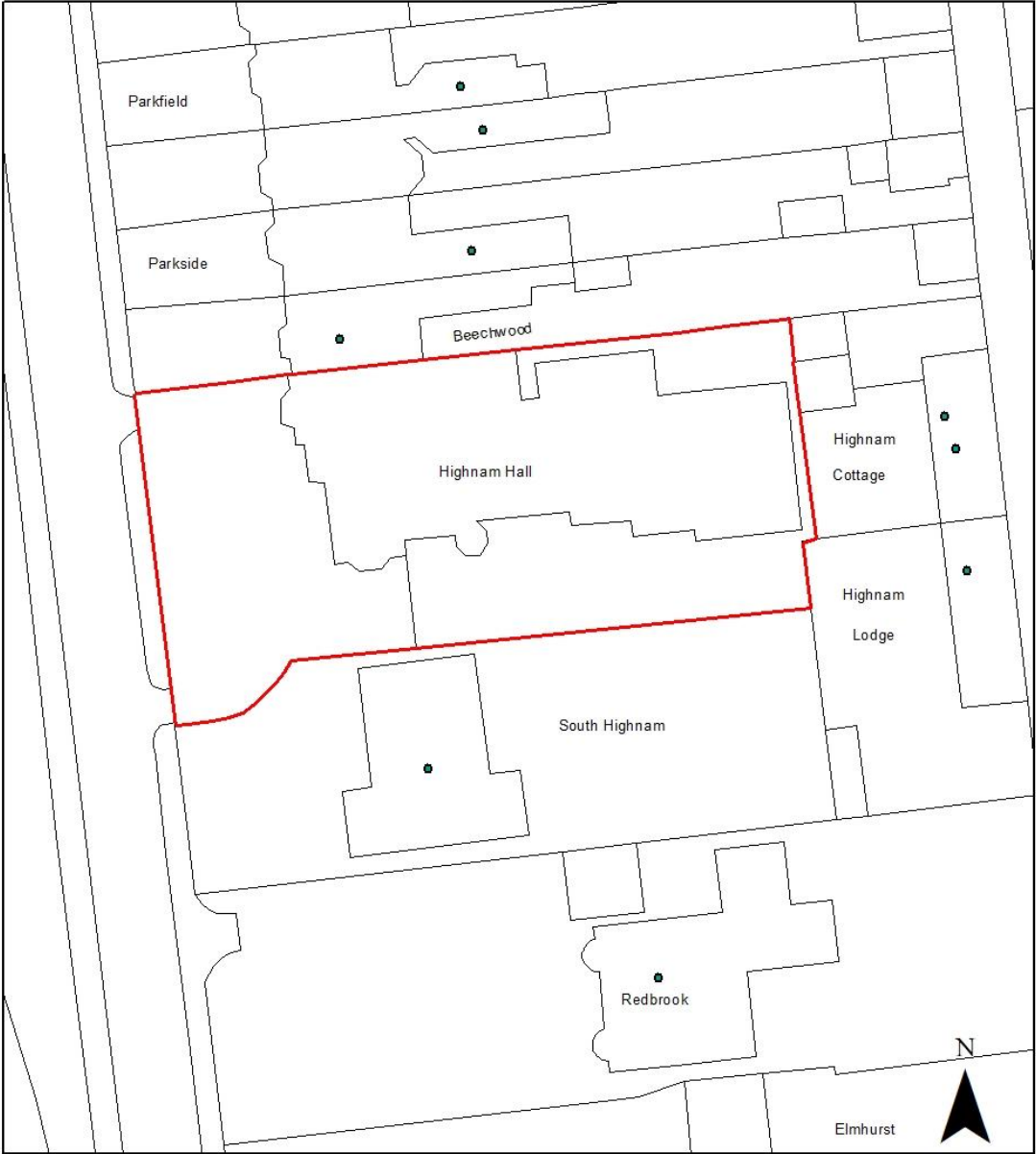
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Highnam Hall, Park Avenue, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 21.10.2024
	SCALE 500	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2023/0355 H/2023/0356	REV

No: 3.
Number: H/2024/0116
Applicant: MR JAVAID HUSSAIN STANHOPE AVENUE
HARTLEPOOL TS26 9QY
Agent: ASP Service Ltd JONATHAN LOUGHREY OFFICE 206
BOVIS HOUSE 7 to 9 VICTORIA ROAD HARTLEPOOL
TS24 7SE
Date valid: 21/06/2024
Development: Erection of a three storey side extension incorporating
integral garage (demolition of existing garage to
side/front) and external alterations to host dwelling
including replacement of all existing windows to front
elevation, installation of uPVC front door, and the
installation of new windows to the rear.
Location: 12 STANHOPE AVENUE HARTLEPOOL

PURPOSE OF REPORT

3.1 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

3.2 No relevant, recent planning applications have been identified in relation to the host property.

3.3 It is understood that HBC has served a notice on the property (in October 2024) under section 215 (Power to require proper maintenance of land) of the Town and Country Planning Act 1990 (as amended) to seek to remedy the poor condition of the site. The timescale for compliance (and for the works to be completed by) is understood to be 31/12/2024.

PROPOSAL

3.4 This application seeks planning permission for the erection of a three storey side extension incorporating an integral garage (demolition of existing garage to side/front) and external alterations to the host dwelling including replacement of all existing windows to the front elevation (except for the existing dormer window) with uPVC casement windows, installation of a uPVC front door, and the installation of new windows to the rear. Several trees would be removed as part of the development.

3.5 The proposals were amended during the course of the application; the amended design has reduced the height of the proposed extension, whilst the front elevation has been set further back relative to the front elevation of the main house.

Some minor variations to proposed windows and doors were also made. In detail, the proposals (as amended) consist of;

Proposed Side Extension

3.6 As with the host dwelling, the proposed side extension would comprise three storeys, with the third floor being served by a dormer window to the front and a skylight to the rear. It would have a total width of approximately 3.3 metres and would adjoin the western side elevation of the host dwelling.

3.7 Its ridge height would measure approximately 10.1 metres, which is approximately 0.45 metres lower than that of the host dwelling. Its eaves height would be approximately 7.3 metres, which is approximately 0.3 metres lower than that of the host dwelling.

3.8 In keeping with the existing garage (to be demolished), the front elevation of the proposed extension would be forwards of the host dwelling by approximately 0.7 metres. The upper floors would be set back relative to the principle elevation of the host dwelling by approximately 0.9 metres.

3.9 The extension would incorporate an integral garage and sitting room on the ground floor; a bedroom with walk-in wardrobe and en-suite bathroom on the first floor; and a bedroom with en-suite bathroom on the second floor.

3.10 As such, the front elevation would feature a garage door at ground floor level, above which would be a modest, lean-to roof. The first floor bedroom would be served by two uPVC, mock sliding sash, casement windows, and the second floor bedroom would be served by a dual-pitched, dormer window in a similar style to the existing dormer window on the host dwelling.

3.11 To the rear, the ground floor sitting room would be served by full-height uPVC framed, glazed doors with full-height, glazed side lights and horizontally proportioned top lights above. The first floor en-suite bathroom would be served by two uPVC casement windows, and the second floor en-suite bathroom would be served by a single-pane, skylight. No openings are proposed in the western side elevation.

3.12 The external walls of the extension would be constructed from red facing bricks to match the host dwelling, with decorative corbels at eaves height. The roof would be finished in grey tiles to match the host dwelling. Window frames would be white uPVC (except for the proposed skylight) and the garage door would be a metal roller shutter.

3.13 The Heritage Statement which accompanies that application states that the side elevations of the proposed dormer window would be finished in grey hanging tiles, with the window itself being a uPVC frames, sliding sash unit.

External Alterations to Host Dwelling

3.14 The application seeks to replace all existing ground floor and first floor windows on the front elevation with white, uPVC framed, mock sash, casement units.

3.15 The main entrance to the dwelling is currently boarded up and the application proposes to install a pannelled, composite uPVC door, in place of the panelled, timber door that was previously in place.

3.16 To the rear, the host dwelling features a single-storey offshoot. One existing window in its southern elevation would be replaced, with an additional window being installed alongside it. These windows would be white, uPVC casement units.

Removal of Trees

3.17 The application is accompanied by an Arboricultural Impact Assessment, which indicates that the existing Monkey Puzzle tree to the front of the host dwelling would be removed, which is afforded protection by its locaiton within the conservation area.

3.18 Several trees would also be removed in the rear garden, including a standalone, European Elder and a tree group which includes apple, elder, privet, and lilac.

3.19 The application has been referred to planning committee owing to the numbner of objections received (more than 2) in line with the Council's scheme of delegation.

SITE CONTEXT

3.20 The application site, 12 Stanhope Avenue, is a south-facing, semi-detached dwelling within the Grange Conservation Area. It is adjoined to the east by 10 Stanhope Avenue and is bounded to the west by 14 Stanhope Avenue. To the front, the host dwelling benefits from a modest front garden (containing a large Monkey Puzzle tree) and driveway. To the rear, it benefits from a generously sized, private garden, beyond which to the north lies residential properties on Clifton Avenue (which benefit from their own, large rear gardens).

3.21 Together with 10 Stanhope Avenue, the dwelling appears as part of a visually coherent pair of semi-detached, Victorian dwellings. When viewed from Stanhope Avenue, these dwellings retain many of their original architectural features, including two-storey bay windows, dual-pitched dormer windows with ornate soffit boards, porches which are supported by decorative columns, and decorative brick corbels.

3.22 Both dwellings feature modern additions in the form of single-storey, adjoining garages as well as altered front boundary treatments and uPVC windows. The adjoining neighbour retains a panelled, timber door with top light, as did the host dwelling until the existing door was damaged in a recent police incident.

3.23 The immediate street scene is predominantly characterised by semi-detached dwellings of a similar age. As is typical of the Grange Conservation Area, these dwellings are of a varied appearance, but nonetheless share common characteristics such as modest front gardens, red brick walls, bay windows, slate roofs and other decorative architectural features.

PUBLICITY

3.24 The application was advertised by way of seven neighbour letters, a site notice, and an advert in the local press. To date, nine objections have been received. The objections and concerns can be summarised as follows;

- A number of objections received speculate that the proposal is intended to be a house in multiple occupation;
- Some objectors cited poor maintenance / management of the property;
- The proposal would exacerbate perceived parking problems on Stanhope Avenue;
- The proposal would be out of keeping with the character and appearance of Stanhope Avenue / the Grange Conservation Area.
- One objector also cited a potential for overlooking in relation to properties on the opposite side of Stanhope Avenue.

3.25 Following receipt of amendments, a further period of consultation was undertaken. Two objectors submitted supplementary objections, with the issues raised being reflective of those summarised above and those received during the initial consultation period.

3.26 Background papers can be viewed via the 'click to view attachments' link on the following public access page:
<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=161690>

3.27 The period for publicity has expired.

CONSULTATIONS

3.28 The following consultation replies have been received.

HBC Head of Heritage & Open Spaces: *original comments received 29/07/2024*

The application site is located in the Grange Conservation Area, which is 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. 212, 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. 196 & 203, 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 erection of a three storey side extension to incorporate a new garage (projecting to the front with canopy above), sitting room and bedroom facilities (demolition of existing garage to side/front) and replacement of existing uPVC windows and timber door to front elevation with uPVC framed, mock sash windows and composite uPVC door.

The application site has a modern garage attached to the side of the property. There is no objection to the demolition of this, which would restore the property back to its original footprint. It is proposed that on the site of the garage a two storey extension will be built with a canopy which will come forward of the main building line, similar to the existing garage. The Conservation Area Appraisal notes the contribution the layout of plots makes to the significance of the area stating that,

'Detached and semi-detached plots fill most of the conservation area. Each plot contains one building sited towards the front to a broadly common building line, leaving a modest front garden and a much larger back garden'. It goes on to provide guidance stating that,

- 'It is important to protect plot shape and size and density levels as this protects grain, rhythm, spatial character and historic plot boundaries.
- Semi-detached and detached layouts should not become terraces.'

Whilst it is accepted that there is an extension existing at ground floor level at the moment, it is considered that a two storey extension to the side of the dwelling would change the grain and rhythm of the streetscene. In particular, even when there are single storey extensions to the side of houses, there are often still opportunities to see through to the rear garden spaces, these views through contribute to the significance of the area. A two storey extension would reduce these opportunities and start to create an increased level of density which, as the appraisal notes, is contrary to the character of the conservation area, thereby causing less than substantial harm to the significance.

With regard to the proposed 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.'

The proposed replacement windows are UPVC in a mock sash design. The width, bulk of the frame and opening mechanism of such windows is very different to a traditional sliding sash window. In particular the lower sash of a timber windows would be set back rather than flush, the frame would be narrower, and have tenoned corners joints with the glazing held in by putty.

With regard to the bay window, this appears to have lost much of its original detailing on both the ground and first floor. The replacement bay has none of the structure of the previous timber windows. In particular the wide mullions have not been replicated and instead appear as part of the window frame, with none of the finer detailing, of the timber bay which featured decorative beading, creating a plinth and capital to the columns created by the mullions.

Both the replacement bay window and single windows would cause less than substantial harm to the significance of the conservation area. This is due to the loss of traditional detailing which contributes to the significance of the area.

It is considered that the proposal as a whole will cause less than substantial harm to the designated heritage asset that is the Grange Conservation Area (NPPF, 208). No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

Supplementary comments received 01/11/2024:

The amended plans are noted however they do not address the issues raised in the comments submitted on 2/9/24.

It is considered that the proposal as a whole would still cause less than substantial harm to the designated heritage asset that is the Grange Conservation Area (NPPF,

208). No additional information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

Hartlepool Civic Society: H/2024/0116 12 Stanhope Avenue
Hartlepool civic Society object to the above application.

The use of casement windows is totally unacceptable within the Conservation Area and will further detract from the character of this area.

In addition to this the use of uPVC for the windows and door is again totally out of character and detrimental to the Conservation Area. The application is also contradictory as they state that they wish to replace existing uPVC mock sash (casements) with new uPVC mock sash (casements). Then the heritage statement suggests the extension will use sliding sash windows.... This needs clarification.

Furthermore having matched the proportion and height of the extension to the existing house they have then included a garage door complete with small lean to roof that is far too low and detracts from the Victorian proportions of the entire façade.

HBC Arboricultural Officer

Original comments received 19/07/2024:

Point 9 of the report inaccurately states that the site is not within a conservation area. This is incorrect. The site is located within the Grange Conservation Area. Consequently, all trees with a diameter greater than 75mm are protected under Section 211 of the Town and Country Planning Act 1990. Any pruning or removal of trees cannot be conducted without prior permission from the local authority through a Section 211 notification.

The tree protection plan submitted as part of the application is confusing and unnecessary given that all trees on the site are proposed to be removed with none retained.

T1: No Objection to the removal due to its poor location and the existing overhead infrastructure, which is causing a nuisance.

T2 and G1: No Objection to the removal due to their low quality.

If the application is approved, replacement planting to mitigate tree losses should be conditioned. We expect a 1-for-1 replacement for the trees being removed. Given the lack of available space, it is acceptable for one replacement tree to be located in the front garden and one replacement in the back garden. This planting should be considerate of the location and similar species within the conservation area. The tree planting in front of the property should provide a similar level of screening but be more realistic for the longevity of the site. Trees should be of a minimum size of Select Standard 10/12 or larger. A detailed planting scheme showing species, location, and size should be conditioned for submission.

If the application is refused, the trees cannot be pruned or removed without submitting a Section 211 notification to the local authority. Tree works applications and notices can be submitted online through the national planning portal, or by using a printable Tree Work Application Form. For help in completing the form, the guidance note should be used. Unauthorised works are liable for a fine of up to £2500.

Supplementary comments received 29/10/2024:

The Arboricultural documentation has been updated to reflect the protected status of the trees on site being located within the Grange Conservation Area. The tree protection plan has been removed from the report given that all trees are proposed for removal.

If the application is approved, replacement planting to mitigate tree losses should be conditioned. We expect a 1-for-1 replacement for the trees being removed. Given the lack of available space, it is acceptable for one replacement tree to be located in the front garden and one replacement in the back garden. This planting should be considerate of the location and similar species within the conservation area. The tree planting in front of the property should provide a similar level of screening but be more realistic for the longevity of the site. Trees should be of a minimum size of Select Standard 10/12 or larger. A detailed planting scheme showing species, location, and size should be conditioned for submission.

If the application is refused, the trees cannot be pruned or removed without submitting a Section 211 notification to the local authority. Tree works applications and notices can be submitted online through the national planning portal, or by using a printable Tree Work Application Form. For help in completing the form, the guidance note should be used. Unauthorized works are liable for a fine of up to £2500

HBC Traffic & Transport: There are no highway or traffic concerns.

HBC Landscape Architect: Defer to Heritage and Arb. Comments.

HBC Ecology: I have assessed the submitted Bat Risk Assessment (Dendra) dated 08/04/2024 and agree with its findings. No further survey is required.

I support the recommendations (section 5):

The property is considered to be a negligible risk with regards to roosting bats and no further survey work is required. There are no restrictions on the timing and methods of works with regards to bats.

HBC should Issue the HBC Bats informative:

Bats are highly mobile species and individual bats can turn up in any building or any tree which has suitable holes or crevices. All species of bat in the UK are protected by both UK legislation. This legal protection extends to any place that a bat uses for shelter or protection, whether bats are present or not. Should bats or signs of bats

(such as droppings, dead bats etc) be discovered in any buildings and/or trees to be demolished or altered, work should stop immediately, and advice sought from the Bat Conservation Trust or Natural England. Failure to do this may result in the law being broken. The National Bat Helpline number is: 0345 1300228.

Dense ivy exists at the rear of the property (photographs 3 and 4). This could provide a habitat for nesting birds. All wild birds' nests are protected under the Wildlife and Countryside Act when in use or when being built. Therefore, this ivy should be removed outside of the nesting season of March to August inclusive; or the site should be inspected by an ecologist immediately prior to removal of the ivy.

HBC should Issue the HBC Nesting birds informative:

Breeding birds and their nests are protected by the Wildlife & Countryside Act (1981) as amended. It is an offence to damage or destroy the nest of a breeding bird whilst it is being built or in use. In practice the bird breeding season is mainly confined to the period from March to August inclusive, but it should be noted that some species will breed outside this period. If bird's nests that are actively being built or used are found, then work should be suspended within a minimum 10m circumference until the birds have finished breeding.

The Ecology Section would require:

NPPF enhancement

The site is close to greenspace which supports declining species of bats and birds such as common pipistrelle bat, swift, house sparrow, tree sparrow and starling, which could benefit from the provision of integral bird nest bricks. To meet current Ecology planning requirements, the following should be conditioned:

The extension to include 1no integral 'universal' nest brick located in south or east facing walls (where possible) and at a minimum height of 3m above ground level.

This will satisfy NPPF (December 2023) paragraph 180 d), which includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This is additional to BNG and habitat/species mitigation as it is enhancement particular to the NPPF.

This net gain is appropriate to the scale of the development and should be conditioned.

See: <https://drive.google.com/file/d/1ljcJ7rIkNMrr4lxd41XcBU3YC6lFKM6z/view>

See: https://www.swift-conservation.org/swift_bricks.htm

HBC Building Control: A Building Regulation application will be required for '3 storey side extension - 12 Stanhope Avenue'

PLANNING POLICY

3.29 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

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

SUS1: The Presumption in Favour of Sustainable Development;

QP4: Layout and Design of Development;

QP6: Technical Matters

HSG11: Extensions and alterations to Existing Dwellings.

HE1: Heritage Assets

HE3: Conservation Areas

National Planning Policy Framework (NPPF)(2023)

3.31 In December 2023 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and September 2023 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:

PARA 007: Purpose of the planning system;

PARA 008: Objectives of the planning system;

PARA 011: Presumption in favour of sustainable development;

PARA 038: Decision-making;

PARA 047: Determining applications in accordance with the development plan;

PARA 131: Creating high quality, beautiful, and sustainable buildings and places;

PARA 135: Decisions ensuring good design;

PARA 139: Refusing applications on design grounds;

PARA 180: Conserving and enhancing the natural environment;

PARA 196: Conserving the historic environment;

PARA 203: Decisions affecting heritage assets;

PARA 205: Decisions affecting heritage assets;

PARA 206: Decisions affecting heritage assets;

PARA 208: Decisions affecting heritage assets;

PARA 212: Decisions affecting heritage assets;
 PARA 213: Decisions affecting heritage assets.

PLANNING CONSIDERATIONS

3.32 The main issues for consideration in this instance are character and appearance; amenity and privacy; highway safety and car parking; the impact on trees and hedges; ecology; and any other material considerations.

IMPACT ON THE CHARACTER AND APPERANCE OF THE HOST DWELLING & THE GRANGE CONSERVATION AREA

3.33 The application site is located in the Grange Conservation Area, which is 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.

3.34 When considering a planning application which affects a conservation area, the Town and Country Planning Act (1990, as amended) requires the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

3.35 Local Plan Policy HE3 states that the 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. NPPF Paragraph 212 goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area. NPPF Paragraphs 196 and 203 require Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness.

3.36 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires, amongst other provisions, that proposals should be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area as well as respecting the surrounding buildings, structures and environment. Similar requirements are echoed within Policy HSG11 (Extensions and alterations to Existing Dwellings).

3.37 The host dwelling is located within the Grange Conservation Area, which is characterised by large Victorian properties that are not uniform in design, but which share common characteristics such as the large bay windows, timber windows, panelled doors, and slate roofs.

Proposed Side Extension

3.38 The application proposes a three-storey side extension adjoining the western side elevation of the host dwelling.

3.39 Together with 10 Stanhope Avenue, the host dwelling appears as part of a visually coherent pair of semi-detached, Victorian dwellings. When viewed from Stanhope Avenue, these dwellings retain many of their original architectural features, including two-storey bay windows, dual-pitched dormer windows with ornate soffit boards, porches which are supported by decorative columns, and decorative brick corbels.

3.40 Both dwellings feature modern additions in the form of single-storey, adjoining garages as well as altered front boundary treatments and uPVC windows. The adjoining neighbour retains a panelled, timber door with top light, as did the host dwelling until the existing door was understood to have been recently damaged.

3.41 In this context, it is considered that the addition of a prominent, three-storey, side extension would disrupt the historical and visual balance which exists between Nos. 10 and 12 Stanhope Avenue, resulting in a harmful impact on the character and appearance of the host dwelling, the adjoining neighbour (No. 10), the Stanhope Avenue street scene, and the Grange Conservation Area as a whole.

3.42 These concerns are reflected in comments from the Head of Heritage and Open Spaces, who commented that:

‘Whilst it is accepted that there is an extension existing at ground floor level at the moment, it is considered that a two storey extension to the side of the dwelling would change the grain and rhythm of the streetscene. In particular, even when there are single storey extensions to the side of houses, there are often still opportunities to see through to the rear garden spaces, these views through contribute to the significance of the area. A two storey extension would reduce these opportunities and start to create an increased level of density which, as the appraisal notes, is contrary to the character of the conservation area, thereby causing less than substantial harm to the significance.’

3.43 As such, the Council’s Head of Heritage and Open Spaces considers that the proposed side extension would result in less than substantial harm to the character and appearance of the Grange Conservation Area. It is further considered that the identified harm would not be outweighed by any identified public benefits.

3.44 In addition to the overall scale, design, and siting of the proposed extension, it is noted that windows and doors (with the exception of the proposed garage door) would be uPVC framed which is considered not to be appropriate for a property located within the Grange Conservation Area.

3.45 The proposal was amended during the course of the application in an attempt to address officer concerns, with amendments including a reduction in the height of the proposed extension and an increased set back relative to the host dwelling at first floor and second floor level. These amendments are considered insufficient to address the identified concerns.

3.46 It is noted that the neighbour No. 14 (adjacent to the west) benefits from a two-storey side extension which was approved in 2022 (ref. H/2022/0074). No. 14 is

part of a modern infill development, and is of limited architectural merit when compared to the more historic properties in the Stanhope Avenue street scene. It is further noted that a similar (albeit smaller and more subservient) modern extension exists at 24 Stanhope Avenue, which is a similar context in that Nos. 22 and 24 are read as a pair of semi-detached, Victorian dwellings. Nonetheless, the extension at No. 24 was approved in 2004 (ref. HFUL/2003/0882), and was therefore considered within an entirely different planning policy context (pre the first NPPF and the current Hartlepool Local Plan in 2018). Ultimately, each application is considered on its own individual merits and neither example is considered to form a common or defining characteristic to this part of the conservation area.

3.47 Overall, it is considered that the proposed side extension by virtue of its design, scale, siting and use of inappropriate materials, would have an unacceptable impact on the character and appearance of the host dwelling and the surrounding area resulting in less than substantial harm to the character and appearance of the Grange Conservation Area. It is further considered that this harm would not be outweighed by any identifiable public benefits. The proposal is therefore contrary to Local Plan Policies HE1, HE3, QP4 and HSG11 and the relevant paragraphs of the NPPF, and would therefore warrant a refusal of the application.

External Alterations to Host Dwelling

3.48 The application seeks to replace all existing ground floor and first floor windows on the front elevation with white, uPVC framed, mock sash, casement units. The main entrance to the dwelling is currently boarded up, and the application proposes to install a panelled, composite uPVC door, in place of the panelled, timber door that is understood to have been damaged. To the rear, the host dwelling features a single-storey offshoot. One existing window in its southern elevation would be replaced, with an additional window being installed alongside it. These windows would be white, uPVC casement units.

3.49 The host dwelling is located within the Grange Conservation Area, which is characterised by large Victorian properties that are not uniform in design, but which share common characteristics such as the large bay windows, timber windows, panelled timber doors, and slate roofs.

3.50 In this context, the use of modern, uPVC doors and windows can appear intrusive and detract from the appearance of the Conservation Area, particularly when installed on the front elevations of historical properties such as the host dwelling, which make a positive contribution to the character of the Grange Conservation Area.

3.51 Whilst it is acknowledged that the applicant has attempted to mimic some historical design elements in the design of the proposed windows and doors (namely the mock-sash window design and the installation of a panelled door), Local Plan Policy HE1, states that the Local Planning Authority will seek to *‘preserve, protect and positively enhance all heritage assets’* in a manner which is appropriate to their significance, and the proposed works should *‘be of high quality design which has a positive impact on the heritage asset’*.

3.52 The proposed windows and doors, by virtue of their design and particularly the proposed use of uPVC, are considered not to meet this standard for positive enhancement, contrary to Local Plan Policies HE1 and HE3 of the Hartlepool Local Plan and the provisions of the NPPF.

3.53 This is reflected in comments from the Council's Head of Heritage and Open Spaces, who stated that:

'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.

The proposed replacement windows are UPVC in a mock sash design. The width, bulk of the frame and opening mechanism of such windows is very different to a traditional sliding sash window. In particular the lower sash of a timber windows would be set back rather than flush, the frame would be narrower, and have tenoned corners joints with the glazing held in by putty.'

3.54 As such, the Council's Head of Heritage and Open Spaces considers that the proposed installation of uPVC windows on the front elevation of the host dwelling would result in less than substantial harm to the character and appearance of the Grange Conservation Area.

3.55 Taking all factors into consideration (particularly the proposed use of uPVC windows frames, the design of the proposed windows, and the proposed use of a uPVC front door), it is considered that the proposed windows and doors would fail to conserve and enhance the character of the Grange Conservation Area, and that this would result in less than substantial harm to the character of the Grange Conservation Area. No evidence has been provided which demonstrates that this impact would be outweighed by any identified public benefits.

3.56 It is noted that NPPF Paragraph 164 requires Local Planning Authorities to give significant weight to improvements to existing buildings to support energy efficiency, which would potentially include replacement windows. However, it also cautions that where the proposals would affect conservation areas, other relevant policies within the Framework still apply (namely the heritage policies at Chapter 16 of the NPPF). NPPF Paragraph 164 is not therefore considered to alter the consideration of the application in relation to the harm to a heritage asset that has been identified (which is the case with this application).

3.57 In summary, whilst it is acknowledged that the proposed alterations to the existing dwelling would attempt to replicate some historical design features, it is considered that the proposed windows and doors would cause less than substantial harm to, and would therefore have an unacceptable impact on the character and appearance of, the Grange Conservation Area, contrary to Local Plan Policies HE1 and HE3 and the relevant paragraphs of the NPPF. This impact is considered to warrant a refusal of the planning application.

IMPACT ON AMENITY & PRIVACY OF NEIGHBOURING PROPERTIES

3.58 In addition to the requirements of Policy HSG11, Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires that proposals should not negatively impact upon the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overshadowing and visual intrusion particularly relating to poor outlook, or by way of overlooking and loss of privacy. The following minimum separation distances must therefore be adhered to:

- Provide and maintain separation distances of at least 20m from habitable room to habitable room.
- Provide and maintain separation distances of at least 10m from habitable room to non-habitable room and/or gable end.

Impact on 14 Stanhope Avenue (adjacent to the west)

3.59 14 Stanhope Avenue is a south-facing dwelling adjacent to the west of the host dwelling. One narrow, vertically proportioned, obscure-glazed, top-hung casement window was observed at first floor level in its eastern side elevation (understood to serve a washroom). A door was also observed at ground floor level (understood to serve a garage). The common boundary is defined by a close-boarded timber fence measuring approximately 1.8 metres in height. It is acknowledged that the occupier of No. 14 objected to the proposal.

3.60 The proposed side extension would be set off from the eastern side elevation of No. 14 by approximately 3 metres. Whilst it is considered that there would be a degree of impact on the identified east-facing window at No. 14 in terms of overshadowing, consideration is given to the nature of this window (narrow, vertically proportioned, obscure-glazed, top-hung casement window) and the room that it is understood to serve (a washroom, which would be classed as a non-habitable room).

3.61 Furthermore, the proposed first and second floor element would not project beyond the main two storey rear elevation of the host dwelling or that of No 14 whilst maintaining the aforementioned intervening separation distance of approximately 3m. In terms of the front elevation of the proposal, the projecting ground floor garage element would extend beyond the nearest front elevation (the garage element) of No 14 by approximately 0.7m and the proposed first and second floor elements would project a modest 0.6m (approximately) beyond the nearest first floor front elevation of No 14 (containing a window). In view of the above considerations including the remaining separation distance and modest projection of the proposal (relative to the front elevation(s) of No 14), it is considered that the proposal would not result in an adverse impact on the amenity of No 14 in terms of loss of outlook, overbearing or overshadowing impacts to windows in the front (south) and rear (north) elevations of No 14.

3.62 No windows are proposed in its western side elevation. Owing to the siting of the proposed side extension relative to No. 14, it is considered that any views towards No 14 from north-facing (rear) and south-facing (front) windows would be

oblique and limited, and would therefore not result in an adverse loss of privacy for the neighbouring property in terms of overlooking.

3.63 Similarly, it is considered that any views towards No. 14 (and its immediate private garden area) from proposed north-facing windows (and the proposed additional windows/alterations to the existing single storey offshoot) would be oblique and limited, with additional screening afforded to the immediate private garden area by a single-storey, rear and side extension at No. 14. As such it is considered that there would be no unacceptable impact on 14 Stanhope Avenue through overlooking or the perception of overlooking.

3.64 Overall, it is considered that there would be no unacceptable impact on the amenity and privacy of 14 Stanhope Avenue through overbearing, overshadowing, loss of outlook, overlooking, or the perception of overlooking sufficient to warrant a refusal of the application.

Impact on 10 Stanhope Avenue (adjoining to the east)

3.65 10 Stanhope Avenue adjoins the host dwelling to the east. It is acknowledged that the occupiers objected to the proposal.

3.66 Owing to the siting of the proposed side extension (adjoining the western side elevation of the host dwelling) and that the main element would not extend beyond the main front and rear elevations of the host dwelling (or those of No 10), it is considered that the proposal would be primarily screened from No. 10 by the host dwelling. Notwithstanding this, the proposed ground floor element would protrude beyond the main front elevation of the host dwelling by approximately 0.7m, but would likely be screened in views from No. 10 by the existing porch and bay window serving the host dwelling. In any case, this element of the proposal is not a significant departure from the existing situation (whereby the existing garage protrudes beyond the front elevation of the host dwelling in the same location). Taking these factors into account including the intervening separation of approximately 6.7 between this element of the proposal and the shared front boundary with No 10, it is considered that there would be no unacceptable impact on 10 Stanhope Avenue through overbearing, overshadowing, or loss of outlook.

3.67 Similarly, it is considered that no direct views would be achievable towards No. 10 from proposed south-facing windows. Any views towards No. 10 (and its immediate private garden area) from proposed north-facing windows (including those within the host dwellings' single storey offshoot) would be oblique, if achievable at all given the relationship between the two properties. As such it is considered that there would be no unacceptable impact on the privacy of 10 Stanhope Avenue through overlooking or the perception of overlooking.

3.68 Overall, it is considered that there would be no unacceptable impact on the amenity and privacy of 10 Stanhope Avenue through overbearing, overshadowing, loss of outlook, overlooking, or the perception of overlooking sufficient to warrant a refusal of the application.

Impact on Nos. 9 & 11 Stanhope Avenue (to the south)

3.69 Nos. 9 and 11 Stanhope Avenue are north-facing dwellings to the south of the application site. Their front (north) elevations are set off from the host dwelling by approximately 18 metres. It is noted that the occupiers of both dwellings objected to the proposal, and that the occupier of No. 11 raised concerns regarding the potential for overlooking.

3.70 The proposed side extension, whilst three-storeys in height, would nonetheless be set off from Nos. 9 and 11 Stanhope Avenue by approximately 18 metres at ground floor level and by approximately 19.7 metres at first floor and second floor level. In terms of the ground floor element, this would serve a non-habitable room (garage) and would replace a garage of a similar positioning. Whilst the distance between the proposed first and second floor windows and the windows in the front elevations of the neighbouring properties to the south would fall marginally short of the 20m required by Policy QP4 and the aforementioned SPD, taking account of these offset distances, the intervening presence of a public highway (which is open in character), and that the proposed windows would be sited no closer to the neighbouring properties than those windows in the existing principal elevation of the host dwelling (which fall short of the requisite 20m), it is considered that there would not be an unacceptable impact on the amenity and privacy Nos. 9 and 11 Stanhope Avenue through overbearing, overshadowing, or loss of outlook, overlooking or the perception of overlooking as to warrant a refusal of the application in this instance.

Impact on Nos 9, 11 & 13 Clifton Avenue (to the north)

3.71 Nos. 9, 11, and 13 Clifton Avenue are north-facing dwellings to the rear of the host property. 11 Clifton Avenue, directly, to the north, shares a common boundary with the host property. Screening was observed to the north of the host dwelling in the form of vegetation and boundary treatments.

3.72 The proposed side extension would be set off from Nos. 9, 11, and 13 Clifton Avenue by approximately 30.9 metres, 31.7 metres, and 28.6 metres respectively. Taking account of these offset distances and the intervening presence of screening, it is considered that there would be no unacceptable impact on the amenity and privacy of Nos. 9, 11, and 13 Clifton Avenue through overbearing, overshadowing, or loss of outlook, overlooking and the perception of overlooking.

3.73 Proposed ground floor windows in the northernmost elevation of the single storey offshoot serving the host dwelling would be within approximately 18.9 metres of 9 Clifton Avenue at its closest point, which is marginally below the minimum required by Local Plan Policy QP4 and the Residential Design SPD (20 metres). Nonetheless, the proposal would serve non-habitable rooms and would be screened by intervening vegetation and boundary treatments. As such, it is considered that this element would not raise any concerns in terms of overlooking and the perception of overlooking.

3.74 Overall, it is considered that there would be no unacceptable impact on the amenity and privacy of Nos. 9, 11, and 13 Clifton Avenue through overbearing,

overshadowing, loss of outlook, overlooking, or the perception of overlooking sufficient to warrant a refusal of the application.

Replacement windows and other alterations

3.75 In terms of the proposed replacement windows to the front and rear elevations of the existing dwelling, these would generally replace existing openings of a similar scale and would continue to serve similar rooms as existing. With respect to the proposed alterations to the existing rear offshoot, this would introduce a further window into the north elevation and replace 1 larger window with two smaller windows in the side/west elevation (such alterations to the offshoot would generally not require planning permission).

3.76 In view of the above considerations including the intervening separation distances and boundary treatments (particularly to the adjacent properties to the east and west, and those to the north/rear), and that such works would not adversely reduce existing separation distances or relationships to surrounding properties, it is considered these works, including the replacement front door, would not result in an adverse loss of amenity and privacy for neighbouring properties in terms of loss of outlook, overshadowing, overbearing or overlooking.

HIGHWAY SAFETY & CAR PARKING

3.77 The Hartlepool Residential Design SPD (adopted September 2019) requires that dwellings of four or more bedrooms should have a minimum of three in-curtilage parking spaces.

3.78 As existing, the host dwelling is a six-bedroom property which benefits from one in-curtilage parking space within the adjoining garage and a small driveway to the front. The proposed development would not increase the number of bedrooms relative to the existing situation nor alter the number of in-curtilage parking spaces (providing an integral garage).

3.79 Whilst the proposed level of in-curtilage parking falls below the minimum required by the Residential Design SPD, it is acknowledged that the proposal would have no material impact on the level of car parking provision relative to the existing situation. It is further acknowledged that the scope for providing in-curtilage parking spaces is limited due to the age and layout of the host property and the surrounding area.

3.80 HBC Traffic & Transport were consulted, raising no objections. As such, it is considered that the proposal would not have an unacceptable impact on highway safety and car parking sufficient to warrant a refusal of the application.

IMPACT ON TREES & HEDGES

3.81 The application is accompanied by an arboricultural impact assessment, which indicates that the existing Monkey Puzzle tree to the front of the host dwelling would be removed. Several trees would also be removed in the rear garden,

including a standalone, European Elder and a tree group which includes apple, elder, privet, and lilac.

3.82 Whilst the removal of the existing Monkey Puzzle tree might ordinarily be considered unacceptable within the Conservation Area, the HBC Arboricultural Officer considers that it is sited in a poor location and that it may cause damage to existing overhead infrastructure. Similarly, the HBC Arboricultural Officer accepts that proposed tree removals to the rear of the property would be appropriate due to their low quality.

3.83 As such, the HBC Arboricultural Officer indicated that the proposed removal of existing trees would be acceptable, subject to trees being replaced on a 1-for-1 basis. Had the proposal been deemed acceptable in all other respects, a planning condition could have been recommended requiring a detailed planting scheme be agreed and thereafter implemented.

3.84 The HBC Arboricultural Officer has provided further advice regarding any future works to the trees outside of a planning application which would require a Section 211 notification to the LPA due to the trees being located within a Conservation Area.

3.85 Overall, and in view of the above, the proposal is considered to be acceptable in respect to tree related matters.

ECOLOGY

3.86 The application was accompanied by a bat survey. HBC Ecology commented on the application, confirming agreement with the findings of the survey and stating that no further survey work should be necessary.

3.87 Had the application been considered acceptable in all other respects, advice regarding bats and nesting birds could have been recommended by way of separate informatives on the decision notice, in accordance with the HBC Ecology comments.

3.88 HBC Ecology further commented that an ecological enhancement would be required in accordance with NPPF paragraph 180 in the form of an integral bird nest brick. This could have been secured by planning condition had the application been considered acceptable in all other respects.

3.89 In view the above, the proposal is considered to be acceptable in respect to ecology matters.

OTHER MATTERS

3.90 Several objectors raised concerns regarding crime and the fear of crime in the event that the property was to become a house in multiple occupation. The current application does not propose a change of use and must therefore be treated on its own merits as a householder application. The proposed development is for a domestic extension and is not considered to raise any concerns regarding crime and the fear of crime.

CONCLUSION

3.91 In conclusion, it is considered that the proposed scheme by virtue of its overall design, scale, siting, and use of finishing materials (including use of Upvc), would constitute an unsympathetic form of development that would have an unacceptable impact on the character and appearance of the existing dwelling and surrounding area, resulting in less than substantial harm to the designated heritage asset (Grange Conservation Area). Furthermore, the applicant has failed to demonstrate that this harm would be outweighed by any public benefits of the development. The proposal is therefore contrary to the provisions of Hartlepool Local Plan (2018) Policies HE1, HE3, HSG11 and QP4, and paragraphs 139, 203, 205, 208 and 212 of the National Planning Policy Framework (2023).

3.92 The officer recommendation is therefore to refuse the application.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.93 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.94 There are no Section 17 implications.

REASON FOR DECISION

3.95 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, the proposed development, by virtue of its overall design, scale, siting, and use of materials, would constitute an unsympathetic form of development that would have an unacceptable impact on the character and appearance of the existing dwelling and surrounding area, resulting in less than substantial harm to the designated heritage asset (Grange Conservation Area). It is further considered that there is insufficient information to indicate that this harm to the heritage asset would be outweighed by any public benefits of the development. The proposal is therefore contrary to the provisions of Hartlepool Local Plan (2018) Policies HE1, HE3, HSG11 and QP4, and paragraphs 139, 203, 205, 208 and 212 of the National Planning Policy Framework (2023).

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=161690>

3.97 Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

CONTACT OFFICER

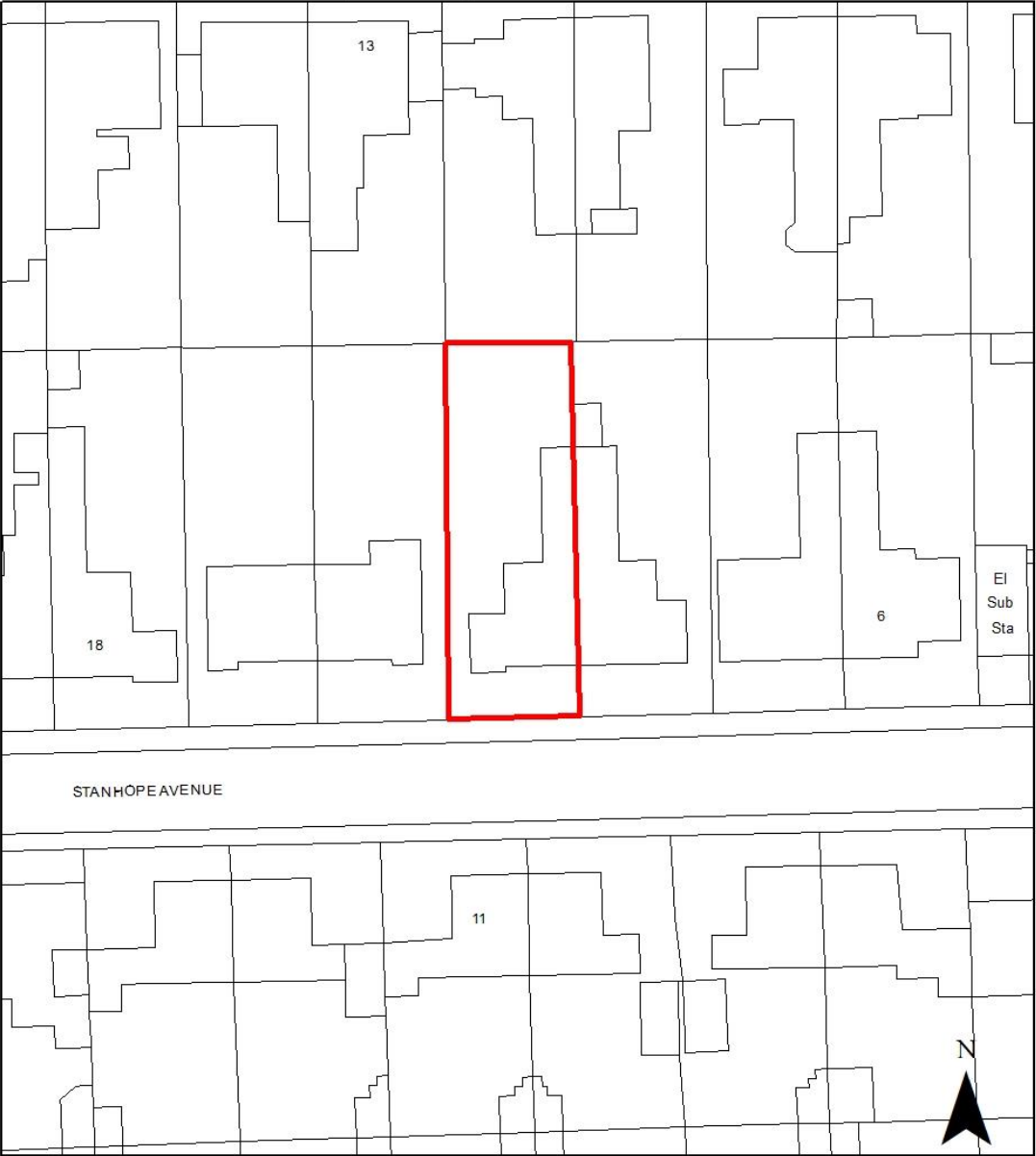
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 20.11.2024
	SCALE 500	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2024/0116	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](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](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) 2023

[https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF D
ecember 2023.pdf](https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf)

MATERIAL PLANNING CONSIDERATIONS IN DECISION MAKING

Material Planning Consideration	Non Material Planning Consideration
<i>Can be used as reasons to make a decision to grant or refuse a planning application</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"> Precedent (individual merits of each case)
<ul style="list-style-type: none"> Loss of privacy 	<ul style="list-style-type: none"> Applicants personal circumstances
<ul style="list-style-type: none"> Loss of daylight / sunlight 	<ul style="list-style-type: none"> Private issues between neighbours
<ul style="list-style-type: none"> Noise, dust, smells, vibrations 	<ul style="list-style-type: none"> Problems arising from construction period
<ul style="list-style-type: none"> Pollution and contaminated land 	<ul style="list-style-type: none"> Loss of trade / business competition
<ul style="list-style-type: none"> Highway safety, access, traffic and parking 	<ul style="list-style-type: none"> Impact on property value
<ul style="list-style-type: none"> Flood risk (coastal and fluvial) 	<ul style="list-style-type: none"> Loss of a view
<ul style="list-style-type: none"> Health and Safety 	<ul style="list-style-type: none"> Alternative proposals
<ul style="list-style-type: none"> Heritage and Archaeology 	<ul style="list-style-type: none"> Retention of existing use
<ul style="list-style-type: none"> Biodiversity and Geodiversity 	<ul style="list-style-type: none"> There is a better site for the development
<ul style="list-style-type: none"> Crime and the fear of crime 	<ul style="list-style-type: none"> Land ownership / restrictive covenants
<ul style="list-style-type: none"> Economic impact 	<ul style="list-style-type: none"> Changes from previous approved schemes
<ul style="list-style-type: none"> Planning history or previous decisions made 	<ul style="list-style-type: none"> Building Regs (fire safety, land stability etc.)
<ul style="list-style-type: none"> Economic viability of the scheme 	

PLANNING COMMITTEE

04 December 2024



Report of: Assistant Director (Neighbourhood Services)

Subject: UPDATE ON ENFORCEMENT ACTIONS

1. PURPOSE OF REPORT

- 1.1 To update members with regard to enforcement actions that have been taken.
- 1.2 The following enforcement actions have been taken within this reporting period:
 - 1. An Enforcement Notice has been served in respect of the installation of an obscure glazed window in the first floor side elevation of a residential property in Watton Close.
 - 2. An Enforcement Notice has been served in respect of the installation of a roller shutter door in the rear boundary wall of a commercial premises on Oxford Road.

2. RECOMMENDATION

- 2.1 Members note this report.

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PLANNING COMMITTEE

4th December 2024



Report of: Assistant Director (Neighbourhood Services)

Subject: PLANNING APPEAL AT 6 CONISCLIFFE ROAD
APPEAL REF: APP/H0724/D/24/3350443
Erection of a detached garage to the front
(H/2024/0121).

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of the erection of a detached garage to the front, reference H/2024/0121.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision (dated 05/11/2024) is attached (**Appendix 1**).

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

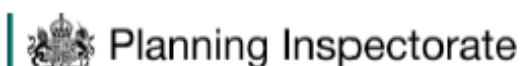
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Appendix 1.



Appeal Decision

Site visit made on 25 October 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th November 2024

Appeal Ref: APP/H0724/D/24/3350443

6 Coniscliffe Road, Hartlepool TS26 0BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Philip Skinner against the decision of Hartlepool Borough Council.
 - The application Ref is H/2024/0121.
 - The development proposed is a detached garage.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the area including any effect upon trees.

Reasons

3. At one end of Coniscliffe Road there is a primary school, and next to this a new residential estate is being built. However, generally, Coniscliffe Road is characterised by large and well-established residential properties set within spacious plots. Many of these residential properties have front gardens containing mature trees and hedgerows. This provides the street scene with a verdant character which contributes positively to the area.
4. The host property, 6 Coniscliffe Road (No 6), is a large residential property. Its front boundary comprises of a high brick wall with piers on either side of a set of access gates. The property's front garden also contains a number of trees. This includes a mature whitebeam, a couple of semi-mature conifers and a young cherry tree all of which are located close to where the garage and associated parking area beside it are proposed. Given this character, No 6 is very reflective of the types of properties which typify Coniscliffe Road. Furthermore, even though the aforementioned whitebeam, conifers and cherry tree may not be high quality examples of their species, they nevertheless contribute positively to the leafy character of the host property and that which prevails more generally in the site's surroundings.
5. Within the adjacent property's plot, identified on the plans as Stone Grange, and near to the common boundary with No 6 are further trees. This includes a mature beech which the evidence before me indicates to me is protected by virtue of a tree preservation order¹ (TPO).

¹ Tree Preservation Order No 95

Appeal Decision APP/H0724/D/24/3350443

6. Elsewhere within Coniscliffe Road there are several garages and outbuildings within front gardens. They are positioned at different distances from the highway, but some are close-by to it such as those at Nos 24 and 27.
7. The proposed development would encroach upon the root protection areas (RPAs) of the whitebeam and the two conifers within No 6's front garden as well as the beech tree protected by the TPO. The evidence before me indicates that the encroachment into the RPA of the whitebeam would be the most extensive, well in excess of 20%. The encroachment into the RPAs of the other trees would be less significant. There is some inconsistency in the figures presented to me in relation to the RPA encroachment of the protected beech tree, but the higher figure is over 8% encroachment. Some digging, in preparation for constructing the proposal, has already taken place including within RPAs. Although it is submitted to me that this work was undertaken by hand, and root pruning or severance did not take place, the evidence that this is the case is not conclusive. Therefore, there is some potential that the works which have already taken place have caused some harm to the trees' health.
8. The Council has set out its particular concerns with the raft foundation proposed, citing that such a solution could result in harmful effects upon the availability of water, nutrients and oxygen reaching tree roots. The compaction of tree roots is also cited as being a likely outcome. As a result, the Council has submitted that a more specialised approach to the proposal's foundations should be deployed, one which would be more likely to preserve the health and longevity of the nearby trees. Furthermore, the Council have also expressed concerns with the adequacy of the proposed geocell ground grid system. This includes the concern that it is not extensive enough given the RPAs involved.
9. Given the proximity of the proposed development to trees, and the RPA encroachment involved, particular care must be taken with the design and implementation of the proposal's foundations and hard surfacing. If not, harm to the health and longevity of the trees would be a likely outcome.
10. The submitted Tree Survey and Arboricultural Impact Assessment includes very limited detail on why the raft foundation, rather than a more specialised approach advocated by the Council, would be appropriate in this case. Furthermore, no detailed civil engineer's report is before me to provide any further justification. The plans indicate that the geocell ground grid system would be limited to only a part of the proposed gravel drive and that there would be other areas of the drive within the whitebeam's RPA, including areas over which vehicles would travel, which would not be served by the geocell system.
11. Altogether, I find that the evidence which has been submitted to demonstrate that the design of the proposal, and more specifically the raft foundation and geocell ground grid system, would be sufficient to prevent the types of harmful effects upon nearby trees cited by the Council is unconvincing. There could be cumulative effects if harm has already taken place as a result of the preparatory works.
12. Consequently, I do not have confidence that the proposal has taken sufficient steps to mitigate its effects upon nearby trees and, as a result, I find it likely that the proposal would cause harm to them. Should this harm come into fruition, the future of the trees would be likely to be compromised and the positive contribution that they currently make has clear potential to be lost. This would be detrimental to the character and appearance of the area.

13. The appellant has emphasised to me the parking restrictions in place on Coniscliffe Road, the need for secure parking given local crime rates and the vehicles kept at the property, and the benefits of a turning space for manoeuvring. However, the evidence before me that the subsisting parking arrangements are unsafe or insecure is not substantive. Moreover, it has not been shown to me that alternative design solutions, which would meet the appellant's requirements and which would be less likely to result in harm to nearby trees, could not be implemented at the site.
14. The proposed garage would, appropriately, be largely constructed of brickwork which would match the existing house. Proposed to be finished in a slate grey colour, the roller shutter within the garage's front elevation would have a recessed appearance. Owing to its flat roofed design, the proposed garage would also be low-slung in appearance. As a result, the existing front wall, piers and gates would screen much of the garage so that it would not appear as an intrusive or dominant feature in the street scene. Furthermore, there are already garages and outbuildings within the front gardens of properties on Coniscliffe Road. As a result, the addition of the garage at the front of No 6 would not form an incongruous feature nor would it be unduly dominant in the street scene.
15. However, and for the reasons I have set out above, although I have identified that the proposed garage itself, sited within the property's front garden, would have an acceptable appearance, I have also identified that the proposal would be likely to harm nearby trees which would compromise their health and longevity as positive features within the street scene. As a result, and overall, the effect of the proposed development upon the character and appearance of the area would be unacceptable. Of the policies of the Hartlepool Local Plan before me, I find that the proposal conflicts with policies NE1, QP4 and HSG11 which, altogether and amongst other matters, require that development proposals do not adversely affect the character of the area, respect the environment and distinctive features and seek to protect trees of value. The proposed development also conflicts with those policies within the National Planning Policy Framework which seek to ensure development is well designed and sympathetic to local character including its landscape setting.

Other Matters

16. The proposal would not harm the living conditions of neighbouring occupiers nor result in any increases in flood risk. Furthermore, the appeal site is not within, nor would it affect, any conservation areas or the Green Belt. Even so, an absence of harm in respect of these matters is a neutral factor in my decision and does not outweigh the harm that I have identified in my main issue.

Conclusion

17. The proposed development would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR