

**Report of:** Assistant Director (Planning & Economic Development)

**Subject:** APPEAL BY R JACKSON 53 APPLEWOOD CLOSE

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**1. PURPOSE OF REPORT**

- 1.1 A planning appeal has been lodged against the refusal of the Local Planning Authority to grant planning consent for the erection of a detached bungalow with integral garage at 53 Applewood Close.
- 1.2 The appeal is to be decided by a hearing. Authority is therefore requested to contest the appeal.

**2 RECOMMENDATION**

- 2.1 Authority be given to officers to contest this appeal.

**Report of:** Assistant Director (Planning & Economic Development)

**Subject:** APPEAL REF APP/H0724/A/07/2039548/NWF:  
H/2006/05839 CHANGE OF USE TO A HOT FOOD  
TAKEAWAY SHOP, 132 OXFORD ROAD,  
HARTLEPOOL, TS25 5RH

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**1. PURPOSE OF REPORT**

- 1.1 A planning appeal has been lodged against the refusal of the Local Planning Authority to allow the change of use of 132 Oxford Road, Hartlepool to a hot food takeaway shop.
- 1.2 The appeal is to be decided by written representation and authority is therefore requested to contest the appeal.

**2. RECOMMENDATION**

- 2.1 Authority be given to officers to contest this appeal.

**Report of:** Assistant Director (Planning & Economic Development)

**Subject:** APPEAL BY MR T HORWOOD

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**1. PURPOSE OF REPORT**

- 1.1 A planning appeal has been lodged against the refusal by the Local Planning Authority to grant planning permission for the erection of a detached bungalow, detached garage, single detached garage and alterations to access on land at 42 Bilsdale Road.
- 1.2 The appeal is to be decided by a hearing and authority is requested to contest the appeal.

**2 RECOMMENDATION**

- 2.1 Authority be given to officers to contest the appeal.

**Report of:** Assistant Director (Planning & Economic Development)

**Subject:** APPEAL BY TYNE VALLEY DEVELOPMENTS, SITE AT SHU-LIN, ELWICK ROAD, HARTLEPOOL, TS26 0BE

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**1. PURPOSE OF REPORT**

- 1.1 To update members on the outcome of the above appeal.
- 1.2 The appeal was dismissed. The Inspector concluded that the proposed development would harm the character and appearance of the Park Conservation Area and would materially harm the setting of the nearby listed building (Meadowcroft/Meadowside). A copy of the Inspector's decision letter is **attached**.

**2. RECOMMENDATION**

- 2.1 That members note the outcome of the appeal.



## The Planning Inspectorate

Room: 3/04  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Direct Line: 0117-372-8109  
Switchboard: 0117-372-8000  
Fax No: 0117-372-8443  
GTN: 1374-8109

<http://www.planning-inspectorate.gov.uk>

53905  
H/2006/0304  
Appeal.  
Information.

Mr R Teece  
Hartlepool Borough Council  
Department Of Regeneration &  
Planning  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Your Ref: H/2006/0304  
Our Ref: APP/H0724/A/06/2029518/NWF  
Date: 28 March 2007

Dear Mr Teece

**Town and Country Planning Act 1990**  
**Appeal by Tyne Valley Developments**  
**Site at Shu-lin, Elwick Road, Hartlepool, TS26 0BE**

I enclose a copy of our Inspector's decision on the above appeal.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit  
The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square, Temple Quay  
Bristol BS1 6PN

Phone No. 0117 372 8252

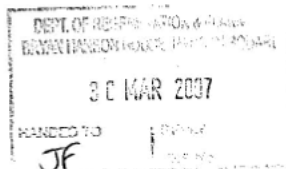
Fax No. 0117 372 8139

E-mail: [Complaints@pins.gsi.gov.uk](mailto:Complaints@pins.gsi.gov.uk)

Yours sincerely

Oliver Blower

COVERDL1



well done.  
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You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -  
<http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>





## Appeal Decision

Hearing held on 7 March 2007

by **Anthony J Wilson** BA(Hons) MA DipLA MRTPI

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: [enquiries@planning-inspectorate.gov.uk](mailto:enquiries@planning-inspectorate.gov.uk)

Date: 28 March 2007

**Appeal Ref: APP/H0724/A/06/2029518**

**Shu-Lin, Elwick Road, Hartlepool, Cleveland, TS26 0BE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Ted Jackson (Tyne Valley Developments) against the decision of Hartlepool Borough Council.
- The application Ref: H/2006/0304, dated 22 April 2006, was refused by notice dated 1 November 2006.
- The development proposed is 17 No executive apartments with access road, garaging/car ports and car parking and servicing facilities.

**Summary of Decision: The appeal is dismissed.**

### Procedural Matter

1. The application originally sought permission for 18 apartments but the scheme was amended after its submission, reducing the number of proposed units to 17 in number. I have amended the description of the proposed development accordingly.

### Decision

2. I dismiss the appeal.

### Reasons

#### *Character and appearance of the conservation area*

3. The appeal site forms part of the extensive curtilage of large, modern dwelling known as Shu-Lin and the proposed development would occupy the open, close-mown lawn in the garden areas to the west of the house; all set behind the Elwick Road frontage in The Park area of Hartlepool. A tall and dense evergreen hedge divides the site from a number of new dwellings that have been built immediately to the north, in Well Close. To the west, a high, timber, close-boarded fence marks the common boundary with an open paddock associated with the listed building at Meadowcroft which, in turn, is flanked by an area of woodland beyond. The southern boundary of Shu-Lin is also defined by a timber fence, with deciduous tree and shrub planting growing on either side, both within the garden and along the edge of a shallow rural valley in the adjacent countryside. The visual quality of this landscaped edge to the urban area, including the appeal site, has been recognised by its inclusion within The Park Conservation Area. National and development plan policies seek to ensure that all new development in a conservation area protects or enhances its character or appearance.

## Appeal Decision APP/H0724/A/06/2029518

4. I agree with the Council that the edge of the built development on this side of Elwick Road is well defined and that, other than Shu-Lin and a glimpse of Meadowcroft, none of a number of other large buildings nearby are readily apparent when viewing the conservation area from the public vantage points to the south, even during the winter months. Moreover, the spaces between the frontage properties and the open countryside, including the appeal site, the adjoining paddock and the woodland, are generally free from development. Not only do these areas provide a soft and attractive edge to the urban area, they also provide a transitional zone between the countryside and the built up areas of The Park. In my opinion, the relatively undeveloped nature of these spaces, and the contribution which they make to the visual quality of the area, is one of the defining characteristics of this part of the conservation area. This is a view which is also shared by English Heritage.
5. I have read and heard considerable evidence from the appellant concerning the relative seclusion of this well-screened appeal site and the appropriateness of erecting the new mansion buildings discreetly within the garden of Shu-Lin. However, any arguments that the proposed apartment blocks would scarcely be visible from outside the site are immediately dispelled when standing on the elevated garden areas that would be occupied by the buildings. Notwithstanding the extensive belts of deciduous trees around the site, it is possible to see clearly through the tracery of their branches along most of the length of the shallow rural valley running away to the east and out over the valley to the rising ground of the agricultural areas extending away to the south, towards Summerhill. Both of these areas are accessible by public rights of way and I confirmed during a pre-hearing site visit that these apparently well-used footpaths afford extensive views of the southern sector of the conservation area, including limited views of Shu-Lin and its garden through the surrounding trees. There is no doubt in my mind, therefore, that it would be possible to see the proposed buildings from these areas of the countryside. Taking into account the size, scale and overall height of the proposed mansion buildings, I consider that they would unacceptably intrude into the important undeveloped spaces at the southern edge of The Park, seriously harming the character and appearance of this part of the conservation area.
6. I accept that in the summer time, when the trees would be in full leaf, there would be more effective screening of the proposed development and that its visual impact from beyond the conservation area would be reduced during this period. However, I do not consider that this would fully overcome my concerns over the harmful impact of placing such large buildings into one of the visually-significant, undeveloped spaces within this part of the conservation area. More particularly, however, the proposed apartment buildings would still be clearly apparent in the winter time, unacceptably intruding into this important part of the conservation area for a significant part of the year when the leaves have fallen from the trees. I am aware that another Inspector may have attached less significance to the effect of the changing seasons on the screening effect of trees on a site within a neighbouring local authority area (Ref: APP/H0738/A/05/1191802 & 1199226). However, this has not been my own experience when considering the effects of narrow belts of mainly deciduous trees and I do not consider that it would be the case in this particular location.
7. The appellant believes that the former mansions and their grounds, which make up a large part of the conservation area, have long since lost their individual settings and that the character of The Park has already been seriously affected by more recent development. It is argued that modern infill development, with a variety of architectural styles, has already occurred within their extensive grounds, including large apartment buildings, and that

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overtly modern housing development has also taken place on many other open spaces around the park. It is pointed out that almost all of the other examples of this type of infill development have taken place in locations that are very much more prominent in the conservation area than the proposals for the appeal site. Nevertheless, whilst I acknowledge that recent new building has had a marked effect on the character and appearance of The Park, this does not alter the visual quality of the relatively undeveloped spaces, along the southern side of the Elwick Road properties, or their effect in defining the character of this part of the conservation area.

8. I conclude, therefore, that the proposed development would harm the character and appearance of The Park Conservation Area, in conflict with the objectives of national and development plan policy.

#### *The setting of the Listed Building*

9. The appeal site shares a boundary with a paddock lying to the south of Meadowcroft/Meadowside, a grade II listed building. Although this grand, former mansion has been divided into two residential properties, it has clearly been designed to enjoy the views out to its originally extensive parkland setting, and to the countryside beyond, with several of its main outlooks facing to the south. In my opinion, the undeveloped spaces to the south of Meadowcroft/Meadowside, including the appeal site, continue to contribute to the setting of this listed building.
10. I understand that the very large grounds of Meadowcroft have been progressively subdivided over the years and it is clear that this process has continued up to the present day. During my visit to Meadowcroft, however, I noted that notwithstanding the amount of development that has taken place within its former grounds to the east, there appear to be no materially harmful effects on those garden areas remaining with the listed building. However, it is possible to see the high timber fence that has recently been erected along the western boundary of the appeal site and this proved to be a useful point of reference. Given the proximity of the proposed apartment buildings to this fence, their size and their significant overall height above it, I have no doubt that it would be possible to clearly see the two mansions blocks from the south-facing windows of the listed building, and from its rear gardens, especially in the winter.
11. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that my decision has special regard to the setting of this historically-important building. Given the detrimental impact upon this part of the conservation area that I have already identified, and the importance of these same undeveloped spaces to the setting of Meadowcroft/Meadowside, I cannot escape from the conclusion that the setting of the listed building would also be materially harmed by the proposed development.

#### **Other Matters**

##### *Highway Safety*

12. Although it formed no part of the Council's reasons for refusal, a number of local residents express concern that the number of vehicles arising from the proposed development would cause highway safety problems on a road already busy with traffic and pedestrians. However, I consider that the width and specification of the altered access would satisfactorily accommodate the increased traffic flows from the site and I noted that the



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enlarged access would emerge on to Elwick Road in position where visibility is very good in both directions and where there is a generous footway. Moreover, I understand that the intended access alterations have been designed in consultation with the Highway Authority and that there are no objections to the proposed development from this Authority, upon whom the Council would rely for highway safety advice. I am satisfied, therefore, that the development would not unacceptably harm pedestrian and vehicle safety in Elwick Road.

*Living conditions*

13. The occupiers of the dwellings sharing the northern boundary of site maintain that the development would lead to loss of light, loss of privacy and undue disturbance. However, I consider that the amount of space between the nearest mansion building and these dwellings would be sufficient to avoid any undue overshadowing effects and to ensure the maintenance of privacy by distance, especially bearing in mind the very high evergreen hedge growing on the northern site boundary. I also consider that the provision of screen walls in between the proposed parking areas and the boundary with the gardens of the nearest dwellings to these vehicle areas would minimise any potential disturbance from this source. On balance, therefore, I do not consider that the proposal would be sufficiently harmful to the living conditions of the neighbouring residents to infringe development plan policy on this issue.

*Housing type and density*

14. I have had regard to the fact that the proposed development would provide a high density, high quality scheme of 3-bedroom apartments, on a previously developed site, in a sustainable location within a part of the town where flats are generally under-represented. I have also taken into account the support for the scheme from a number of local residents on the basis that they would like to downsize their homes without having to leave their preferred place of residence in The Park; indicating that this development would perfectly suit their needs. I acknowledge that this would release several larger homes on to the housing market to meet a clearly identified local need. However, I do not consider that this would be sufficient to justify the proposed development of the site in the face of other harmful effects.

**Conclusion**

15. I recognise that the proposed development would provide a type of accommodation which is lacking in this part of the District and that there would be no material harm to highway safety or residential amenity issues. However, I consider that greater weight should be attached to the harmful effects of the proposal on the character and appearance of the conservation area, and the setting of the listed building, in my determination of the appeal.

*Anthony J Wilson*

INSPECTOR

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# APPEARANCES

## FOR THE APPELLANT:

Mr E Jackson	Planning Consultant 7 Amble Close, Hartlepool, TS26 0EP
Mr M Graham	Development Consultant (and local resident) 3A Hylton Road, Hartlepool, TS26 0AD
Mr G Currie	Architectural Consultant Property Design Matters Ltd Beaufort Park, Hexham, NE46 4TU
Mr J Thompson	Assistant to Mr Currie Beaufort Park, Hexham, NE46 4TU

## FOR THE LOCAL PLANNING AUTHORITY:

Mr J Ferguson	Senior Development Control Officer with the Council
Ms S Scarr	Conservation Officer with the Council
Mr R Waldmeyer	Principal Planning Officer with the Urban Policy Section of the Council

## INTERESTED PERSONS:

Mr S Hesmondhalgy	Planning Consultant (representing the owner of Meadowcroft, Elwick Road, Hartlepool) Blackett, Hart and Pratt LLP, Westgate House, Faverdale, Darlington, DL3 0PZ.
Mr M J Cairns	Resident of 1A Carisbrooke Road, Hartlepool, TS26 0AB
Mr I Campbell	Local resident (address supplied)
Mrs A Morris	Resident of 3A West Park, Hartlepool, TS26 0BP

## DOCUMENTS

- 1 The Council's letter of notification of the hearing
- 2 The full text of Appeal Decision APP/H0738/A/05/1191802
- 3 A draft unilateral undertaking from the appellant relating to contributions to housing market renewal elsewhere in Hartlepool in the event of permission being granted
- 4 A completed unilateral undertaking subsequently submitted after the hearing

## PLAN

- A A full scale 1:200 site plan provided by the appellant

**Report of:** Assistant Director (Planning & Economic Development)

**Subject:** WOODBURN LODGE

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## **1. PURPOSE OF REPORT**

- 1.1 Woodburn Lodge is an extensive residential plot bordered to the east by Redcar Close, a development of modern detached and semi-detached dwellings.
- 1.2 The purpose of this report is to enable Members to consider a request from the occupier of Woodburn Lodge to withdraw an enforcement notice that was served on his property in 2001.
- 1.3 The Notice which was later upheld at appeal required the removal of a gated access to the property from Redcar Close. The Planning Inspector had considered that the implementation of gates and associated works comprised development that would require planning permission. He further concluded that it would lead to increased vehicle movements and therefore the loss of residential amenity.
- 1.4 The site has been the subject of a lengthy planning history. Recently in 2006 there were 2 public inquiries held in relation to the Local Planning Authority's decisions to refuse a lawful development certificate for a garage and gates at the property and against a second enforcement notice issued alleging the creation of an access from Redcar Close.
- 1.5 The enforcement notice appeal concerned the alleged construction of an access through the combined operations of the creation of an opening in a brick boundary wall combined with the fixing of a wooden 5 bar gate in a separate position. The gate in question was positioned further forward of the 2001 gate having been hinged to a post against the corner of the dwelling at 14 Redcar Close. The new gate position reflected a change in the boundary of the Woodburn Lodge property following the acquisition of land at the side of 14 Redcar Close that had previously been part of that property.
- 1.6 In his decision letter regarding the 2006 enforcement case, the Inspector however concluded that the fixing of the gate adjacent to the wall at 14 Redcar Close was not carried out as part of a scheme to form an access to Woodburn Lodge and that there was therefore no breach of planning control.
- 1.7 At its meeting on 21 February 2007 the Committee taking into account the above decision granted a Certificate of Lawfulness for a proposed development consisting of a close-boarded fence, brick pillars and sliding steel gate.

- 1.8 It is important to consider any difference in circumstances which led to opposing decisions in the relevant enforcement cases referred to above.
- 1.9 The purpose of the 2001 Notice was to prevent an undesirable access being taken to Woodburn Lodge from Redcar Close which was considered to cause disturbance to local residents.
- 1.10 The 2006 enforcement notice Inspector accepted the appellant's explanation that the gate had been provided to prevent vehicles from entering the appeal site rather than facilitating access. He considered that vehicular access was freely available across the land in question before the provision of a gate. He considered this to be a significantly different situation to that considered in the 2001 appeal. Then an access had been created by the provision of gates in the boundary wall where previously there had been no means of access.
- 1.11 The gate subject to the recent Certificate of Lawfulness lies in the same position as that which was accepted by the 2006 appeal Inspector. In accordance with the appeal Inspector's decision it was accepted that this gate together with the associated wall and pillars would constitute a means of enclosure rather than a means of access and would not require planning permission.
- 1.12 The gate in question would be situated in front of and would serve the same purpose as the gate to which the 2001 enforcement notice related. This is to say that effectively it provides a controlled entrance to Woodburn Lodge from Redcar Close. A drawing will be displayed at Committee to demonstrate the relationship between the two structures.
- 1.13 It is acknowledged that this is a very confusing situation but in essence revolves around the difference between carrying out specific works to form an access and simply creating a breach in a wall or fence with related works of enclosure. Under the circumstances it is now considered that there would be no advantage to local residents from keeping the 2001 enforcement notice in place.
- 1.14 It should also be noted that the erection of the structure which has recently been deemed as lawful development might restrict a neighbouring resident in the use of an adjoining car parking space. The removal of the notice could be seen as beneficial as it would allow the entrance gate for Woodburn Lodge to be constructed in a more convenient position taking account of the neighbouring residents car parking needs.

## **2 RECOMMENDATION**

- 2.1 That the 2001 enforcement notice relating to Woodburn Lodge be withdrawn.

**Report of:** Assistant Director (Planning & Economic Development)

**Subject:** CONSERVATION POLICY REVIEW

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## **1. PURPOSE OF REPORT**

- 1.1 This report is intended to outline the work carried out by the Planning Committee Working Party, to date, and the future steps which could be taken.

## **2 BACKGROUND**

- 2.1 The Planning Committee Working Party was established in July 2006 in the light of considering four planning applications relating to the installation of UPVc windows in the Grange Conservation Area.
- 2.2 The Committee decisions to approve these applications have implications for the existing planning policy on alterations to properties in conservation areas. Such policy is set in the context of legislation and national policy guidance and is expressed within the Local Plan and previous policy statements by the Committee.
- 2.3 The remit agreed at the initial meeting of the Working Party was:
- Review the existing policy position relating to alterations to residential properties in conservation areas;
  - Consider the case for any revision to the policy, taking account of the status of existing policy, experience to date and the implications of any policy revision;
  - If it is decided that revision of the policy should be explored, the process to be used to do so;
  - Provide recommendations on these matters for consideration by the Planning Committee and, if appropriate the Regeneration, Liveability and Housing Portfolio Holder.

## **3 CONSIDERATIONS OF THE WORKING PARTY**

- 3.1 To date the Working Party has visited the predominantly residential conservation areas within the town to consider their character and the degree of change that has occurred.
- 3.2 Further to this representatives of the Conservation Area Advisory Committee came to speak to the Working Party. They were then invited to join the group for the subsequent meetings.

- 3.3 The Working Party has reviewed policy at both a national and a local level. This included inviting English Heritage Regional Director, Carol Pyrah to the Working Party. This was an opportunity to discuss the issue of national policy in conservation areas, especially relating to residential property alterations. Further to this, on the request of the group, research information was provided by English Heritage on timber windows. In addition policy information was also considered from other local authorities in a similar coastal location.

#### **4 FUTURE POLICY REVIEW**

- 4.1 Whilst recognising the need to review policy, the Working Party acknowledge the need to maintain a framework for decision making pending the outcome of that review. The Working Party therefore propose that the policy endorsed by the Committee in March 2004 remain in place in the meantime (see Appendix 1).
- 4.2 The Working Party Members indicated that they wished to consider a three-tier level of control within conservation areas. This would result in the following controls;
- Listed buildings
  - Prominent, important and sensitive properties in conservation areas covered by Article 4 Directions
  - Other properties in conservation areas not covered by Article 4 Directions.
- 4.3 It is proposed that a review of the existing conservation areas should be carried out to implement this three tier level of control. The methodology for this is outlined below.
- 4.4 The Headland Conservation Area is currently undergoing a full appraisal by consultants. There have been two public consultation events to date with a third event planned. Further to this a draft report will be produced and the final report is anticipated to be ready in June. The appraisal will address, among other things, the current levels of control within the conservation area and consider any changes that are required.
- 4.5 The Park Conservation Area is currently attracting a series of potential developments on a number of sites within the area. It was felt that a full appraisal of this area is required to assess the current character of the area. Approval has been given by the Regeneration, Liveability and Housing Portfolio Holder to use Planning Delivery Grant to carry out an appraisal of the area. A brief will be compiled and put out to tender in April with work anticipated to start in May of this year.
- 4.6 Further to these full appraisals it was suggested that briefer assessments should be carried out in the other, predominantly residential, conservation areas to assess the level of change and propose controls, if any. These areas are;
- Elwick
  - Greatham
  - Grange

- Seaton Carew

- 4.7 The briefer assessments would include a photographic survey of each area by the Council's photographer. Further to this officers will carry out surveys of the area to analyse the special character. This information will then be used to draw conclusions on the character of each area and indicate which streets and properties are most sensitive and warrant additional protection. Conversely the removal of protections may be proposed in some areas. The photographic surveys of the conservation areas will begin in May and it is hoped that all of the survey work of the four conservation areas will be complete by the end of August. All residents will be notified in writing a week prior to the photographer visiting their area.
- 4.8 Such briefer assessments will be an interim measure. The groundwork that will be done in the brief assessments will be used to carry out fuller assessments of the conservation areas in the future.
- 4.9 Two conservation areas are not included in these assessments. These are Stranton Conservation Area and Church Street Conservation Area. Both of these areas have only a few residential properties within their boundaries and therefore it is not considered necessary at this stage to carry out surveys of these.
- 4.10 Once surveys of the areas are completed it is suggested that public consultation events will be carried out to gauge residents' responses to proposed policy changes. It is likely that this would be a rolling programme with events held in individual conservation areas providing information on the character of the area and any emerging policy, including the implications of this for individual properties.
- 4.11 The outcomes of these exercises for each area would be reported back to the Working Party for consideration in detail prior to referral to the Committee for formal consideration and adoption.
- 4.12 It is acknowledged that in any event there is a need to provide clear information to the public on any changes in policy which may affect their property. Material will be produced in an appropriate format outlining any new approaches that are introduced.

## **5 ENFORCEMENT**

- 5.1 Members will be aware that the issue of conservation policy has been under consideration for some time. As a result there is a great deal of uncertainty around planning applications in conservation areas and works to listed buildings.
- 5.2 Alongside the applications there are some 30 outstanding identified enforcement cases, 23 of which relate to UPVc windows. Time limits on enforcement action mean that one case that could have been considered for action has lapsed. This related to the installation of a UPVC door in a

property covered by an Article 4 Direction. Further to this the case of unauthorised installation of uPVC windows to a commercial property will lapse in April 2007 and the installation of a UPVC door in an Article 4 property in December 2007. The other cases are more recent or relate to listed buildings where there is no time limit on enforcement. A separate report has been prepared for Members consideration on the case that will lapse in April.

- 5.3 There is a need to expedite the policy review to ensure that these individual cases are addressed in the context of newly agreed policy emerging from the suggested approach. Alternatively, in the mean time, Members may wish to take enforcement action against those properties where time limits are imminent using the existing agreed policy guidelines.

## **6 ENGLISH HERITAGE**

- 6.1 English Heritage is the government's advisor on heritage. Their role includes running various funding schemes which can be accessed by local authorities. In addition they also act as specialist advisors for other grant giving bodies such as the Heritage Lottery. The success in bidding for funding for schemes is often based on the strength of conservation policies that will protect investment in areas and buildings.
- 6.2 In the past Hartlepool has benefited from various schemes funded by English Heritage. Most recently the Heritage Economic Regeneration Schemes in both Seaton Carew and the Headland offered some £420,000 funding towards commercial properties and public realm works. Further to this English Heritage is currently acting as a monitor on the Headland Townscape Heritage Initiative Scheme that has a budget of £1 million. The scheme is providing grant assistance on various schemes including works to key buildings, some residential grant repairs and a railings restoration scheme.
- 6.3 Any changes to conservation policy to accommodate a more relaxed approach and in particular the acceptance of modern materials such as UPVC may impact on future access to funding from external bodies.

## **7 MEMBER TRAINING**

- 7.1 The proposed Code of Conduct for Planning Committee accepts the principle of continued development for member of the committee in the form of training. It would appear appropriate to incorporate an element of conservation related material into up coming programmes where possible to bring Members up to date with current issues.

## **8 CONCLUSIONS**

- 8.1 The meetings to date of the Working Party have considered the current policy position and proposed revisions as stated in points one and two of the remit. As outlined in this report Members have indicated that a three tier approach is considered appropriate. The methodology proposed to investigate this suggestion is outlined above. To conclude, members have considered those



points outlined in the remit of this Working Party and propose referring this issue back to this Planning Committee and appropriate Portfolio Holder to report the current position of the Working Party findings.

## **9 RECOMMENDATION**

- 9.1 It is recommended that Planning Committee agree to take note of the existing policy guidelines attached in Appendix 1 prior to any new conservation policy being introduced for each conservation area.
- 9.2 It is recommended that Planning Committee agree to the review of conservation policy as proposed by the Planning Committee Working Party which will propose a three tier level of control comprising;
- Listed buildings
  - Prominent, important and sensitive properties in conservation areas covered by Article 4 Directions (to be identified via appraisals/assessments of each conservation area as described in this report)
  - Other properties in conservation areas not to be covered by Article 4 Directions.

**Appendix 1 Planning Policy endorsed by the Planning Committee on 10<sup>th</sup> March 2004.**

**A. Listed Buildings:**

- (i) Any replacement or alterations of traditional joinery items which is not on an identical basis in terms of design, detailing and materials should be denied consent.
- (ii) Any replacement or alterations of previously altered joinery items which is not of a type appropriate to the age and character of the building (in terms of design, detailing and materials) should be denied consent.
- (iii) Within modern extensions, any replacement or alteration of joinery details which is not of a sympathetic character (in terms of scale, proportions, form and emphasis) should be denied consent.

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

- (i) Any planning application for replacement or alteration of traditional joinery items on the building on front, side or rear elevations which is not of a type appropriate to the age and character of the building (in terms of design, detailing and materials) and the character and appearance of the conservation area should be denied consent.
- (ii) Any planning application for replacement or alteration of non-traditional joinery items on the building on front, side or rear elevations which is not of a type appropriate to the age and character of the building (in terms of design, detailing and materials) and the character and appearance of the conservation area should be denied consent.
- (iii) Within modern extensions, any planning application for replacement or alterations of joinery details, which is not of a sympathetic character (in terms of scale, proportion, form and emphasis) should be denied consent.

**C. Unlisted buildings in Conservation Areas, not subject to an Article 4 Direction:**

Any planning application for alterations or extensions which are not of a type sympathetic to the age and character of the building (in terms of scale, proportion, form and emphasis) and the character and appearance of the conservation area should be denied consent.

### ITEM OF ANY OTHER BUSINESS

**No:** 1  
**Number:** H/2006/0784  
**Applicant:** Bellway Homes (N.E.) Ltd Main Street Ponteland  
 Newcastle Upon Tyne NE20 9NN  
**Agent:** Peel House Main Street Ponteland New castle Upon Tyne  
 NE20 9NN  
**Date valid:** 17/10/2006  
**Development:** Erection of 85 houses and 15 flats with associated estate  
 roads, garaging and landscaping  
**Location:** LAND AT MIDDLE WARREN MERLIN WAY  
 HARTLEPOOL (Area 7B)

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### The Application and Site

1.1 The application site is allocated for residential development within Middle Warren. The site is bounded to the north by a planting buffer then the A179, to the east by an under construction residential site (Charles Church – area 7 Middle Warren), to the south Merlin Way and to the west by the allocated local centre which was recently approved (retail units, pub plus potential land for expansion).

1.2 The application proposes the erection of 85 houses (a mixture of house types), and 2 blocks of 3 storey apartments to house 15, 2 bedroom units. The proposed access to this site is via Merlin Way. Some of the properties are proposed to be served via shared private drive off Merlin Way.

### Publicity

1.3 The application has been advertised by way of neighbour letters (30) and 3 site notes. To date, there have been 2 letters of objection received citing the following reasons:

1.4 The concerns raised are:

1. size of the apartments and their proximity to objectors home.
2. overpopulated
3. implications to traffic flows
4. if more flats are built it will decrease the value of the existing flats.

Copy letters D (attached)

1.5 The period for publicity has expired.

### Consultations

1.6 The following consultation replies have been received:

**Head of Traffic and Transportation** – no objection, however some properties have less than 6 metre drives.

**Northumbrian Water** – no objection, however surface water must not enter the public sewers, this can be controlled via condition.

**Engineering Consultants** – No objection however further details are required in relation to existing and proposed levels for the site, and for the construction of any retaining walls (this can be controlled via condition). The details submitted in relation to the watercourse diversion are those previously agreed and the Sirius report has identified no potential sources of contamination.

**Head of Public Protection** – no objection, however an acoustic barrier is required between the housing site and the allocated local centre. The barrier will need to be in addition to the landscaped area to the rear of the properties.

**Cleveland Police** – provided advice relating to security of the proposed site

**Fire Brigade** – access cannot be commented on until proposed road layouts are provided (this would be at building regulation stage, where they are a consultee) and water supplies will be dealt with by Hartlepool Water (who were consulted on the original scheme and would plan in the knowledge of that plan).

## Planning Policy

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

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green edges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

GEP6: States that developers should seek to incorporate energy efficiency principles through siting, form, orientation and layout of buildings as well as through surface drainage and the use of landscaping.

GEP7: States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

### **Planning Considerations**

1.8 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, the impact of the proposals upon neighbouring properties and surrounding area and highway safety considerations. The principle of residential development has already been established through the approval of the original outline permission.

#### Effects on neighbouring properties and surrounding area

1.9 In terms of siting and design the proposed dwellings meet the Council's separation distances and have adequate garden areas.

1.10 In terms of the proposed apartments, these are proposed to face onto Merlin Way adjacent to existing flats (Lavender Flats), the proposed apartments are 3 storey in height similar to others approved on Middle Warren. These are considered satisfactory in terms of siting and design.

1.11 The layout is not dissimilar to others on the estate where apartments have been approved.

1.12 The development is proposed to have an open plan front garden aspect therefore a condition removing permitted development rights for means of enclosures facing any highways is considered prudent to ensure the appearance of the estate is maintained. The layout of the development is such that the houses (as most modern houses are) do not benefit from extensive gardens and have some degree of stagger, it is therefore also considered prudent to remove permitted development rights to extend the houses, as this could potentially be detrimental to the amenities of adjacent plots.

1.13 The site slopes naturally down from west to east, however in 2 parts of the site there is a significant difference in levels. Sections have been provided by the applicant detailing this difference. It is considered that the difference in levels in this instance are acceptable however it is considered prudent to require further details of the land formation of the gardens in question (as stepped gardens may be required) and any retaining walls.

1.14 With regard to the site, the scheme does encroach slightly into the structure planting to the north, however in principle the encroachment is considered acceptable given the boundary line of the adjacent site (Charles Church). There is no adverse impact on the visual amenity of the area or the character of the locality given this encroachment, however a condition is proposed for a revised landscaping scheme to the northern boundary of this site and the adjacent site as a form of compensation.

1.15 Cleveland Police provided comments in relation to the proposed layout, which were passed onto the developer; the comments included types of means of enclosures, landscaping, access routes, lighting, internal security measures and car parking. The agent has specified that street lighting will be in accordance with Local Authority standards; landscaping and means of enclosures can be controlled via conditions; highways are involved in the road layout; windows/fences and doors will be in accordance with BS7950 1997 and common entrance doors to flats are to be fitted with electronic lock release with video or phone link.

1.16 The applicant has provided details in relation to the diversion of a watercourse which runs through the site however these are the same as previously approved on other sites which also has the watercourse running through them, the Environment Agency has also agreed the diversion of the watercourse previously.

1.17 The applicant has provided a site investigation of the site and no potential sources of contamination have been found therefore no conditions are required in this instance.

### Highways

1.18 The scheme has been assessed by Traffic and Transportation; there is no objection to the scheme. There are 5 plots which do not have the required drive lengths. These can be achieved and can be controlled via condition. Parking is considered acceptable given that the apartments would also have secure cycle storage and there will be a possible bus service through the site in the future.

1.19 A section 38 agreement is currently being discussed between the developer and the Traffic and Transportation team, the driveways indicated on the sections in relation to the difference in levels comply with the Council's Design Guide and Specifications.

1.20 With regard to the objections raising issue regarding implications to traffic flow, the principle of the development has already been established and is allocated for residential development. Given that Traffic and Transportation have no objection to the scheme it would be difficult to sustain an objection on highway grounds.

### Conclusion

1.21 The objection on the grounds that more flats will decrease the value of the existing flats is not a material planning consideration.

It is considered that the proposed development is appropriate for the site, and accords with the Master Plan.

**RECOMMENDATION** – APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
3. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.  
In the interests of visual amenity.
4. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 17th October 2006, 18th January, 2nd February, 15th February and 12th March 2007 unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt
5. Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the finished floor levels submitted on the 12th March 2007.  
To ensure the site is developed in a satisfactory manner.
6. A detailed scheme for the acoustic barrier, mounding and landscaping between the land allocated for the Local Centre and the hereby approved dwellings shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. Thereafter the approved scheme shall be retained for the lifetime of the dwellings unless otherwise agreed in writing with the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
7. Before the occupation of plots 1091, 1092, 1093, 1094, 1095, 1096 a scheme for noise attenuation measures for the individual properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details and be retained during the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.  
To ensure that the buildings are adequately soundproofed in the interests of the amenity of the occupants the residential properties.
8. A detailed scheme of landscaping, tree and shrub planting, including a revised scheme for landscaping to the northern boundary of the hereby approved site and the adjacent Charles Church site shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a

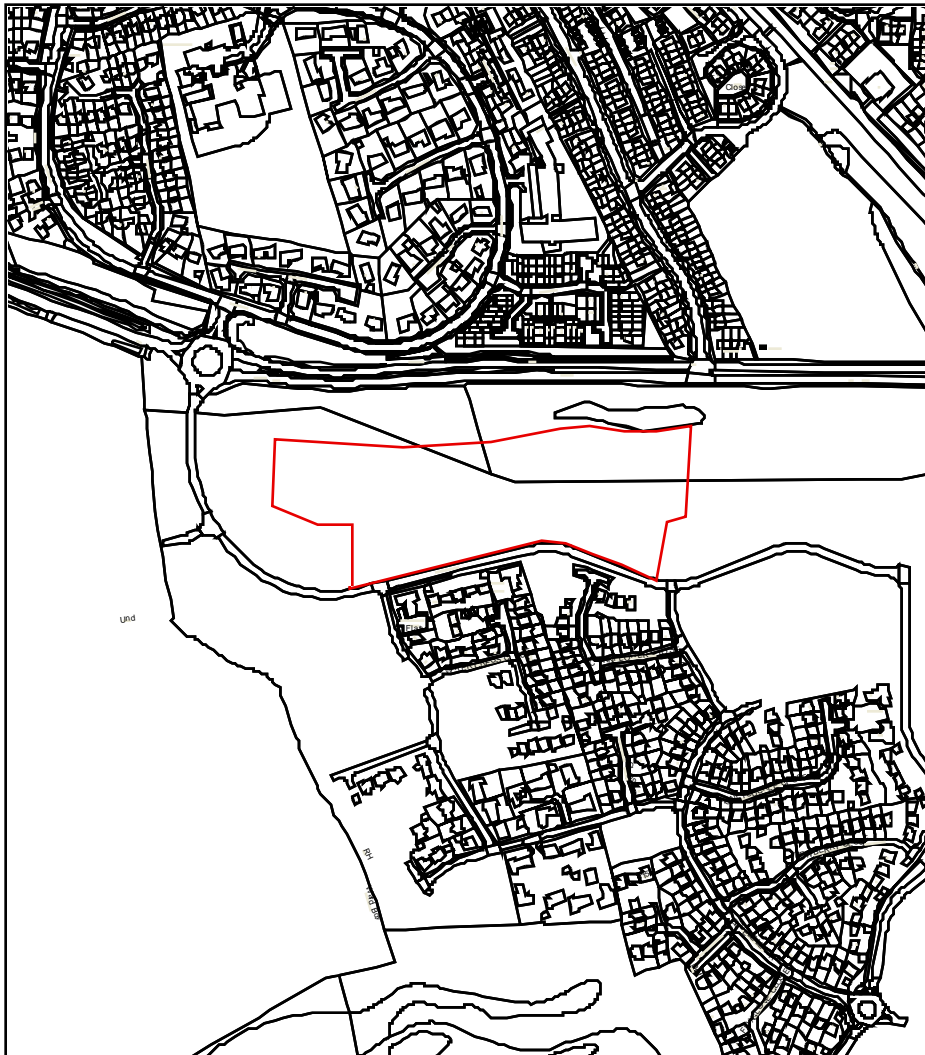
programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interests of visual amenity.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity.
10. Prior to the commencement of the development hereby approved, a scheme for the disposal of surface water land drainage shall be submitted to and agreed in writing with the Local Planning Authority and Northumbrian Water. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.  
To ensure the site is developed in a satisfactory manner.
11. Prior to the commencement of the development hereby approved, a scheme detailing land formation of the rear gardens of plots 1037, 1038, 1039, 1040, 1043, 1044, 1045, 1046, 1047, 1048, 1072, 1073, 1074, 1075, 1076, 1077, and 1078 shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
12. Prior to the commencement of the development hereby approved, a scheme for the construction of all retaining walls required shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
13. A scheme for the storage of refuse for the flats shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details.  
In the interests of the amenities of the occupants of neighbouring properties.
14. A scheme for secure cycle storage for the flats shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details.  
In the interests of crime prevention.
15. For the avoidance of doubt the window marked red on the plans for the house type Harris 3 (which serves the master en-suite) shall be obscure glazed and retained as such while the window exists.  
To prevent overlooking
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.  
To enable the Local Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.



17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), 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 Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
18. Prior to the commencement of the development hereby approved final details of the drives which serve plots 1090, 1092, 1096, 1097 and 1084 shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.  
In the interests of highway safety.
19. The developer shall give the Local Planning Authority 2 weeks written notification of the intention to commence works on site.  
For the avoidance of doubt

## Area 7B Middle Warren



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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>12/04/07</b>
	SCALE <b>1:4000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2006/0784</b>	REV

(D) 49958

**Application No** H/2006/0784

**Proposal** Erection of 85 houses and 15 flats with associated estate roads, garaging and landscaping

**Location** Land north of Merlin Way (northeast of Meadowsweet Road)

**Case Officer** Chris Pipe



~~We~~ We\* have received your letter and want to object to the proposal.

~~We~~ We\* want to have the chance to speak to the Committee of Councillors if it is asked to consider this application.

Please use the space below to explain your concerns/reasons for objecting to the proposal.

I object to the building of flats on the basis that persons have already built close to the location and that highway have also built 4 blocks of 9 flats. I feel the area is overpopulated now with flats and the traffic flow is a problem and not to mention the flats were purchased as an investment and I feel more flats would over populate the area and decrease existing flats values.

If you need more space, please continue over or attach additional sheets to this letter.

SCANNED

09 NOV 2006

<b>Name (Please print)</b>	D. CLOSE
<b>Address</b>	7 LAVENDER FLATS
<b>Date</b>	07.11.06
<b>Telephone number</b>	07843154946
<b>Email address</b>	

**Nb -** It is not essential that we have your telephone number but it will help us if we need to contact you

\* Please delete as appropriate

For Official Use Only	
No objections	
Objections	/
Comments	
Petitions	
No. of signatures	
For/Against	
Wishes to speak	
Entered in computer	/

Lg

C:\orcom\pki\OCCUPIER.DOC

5 of 5



Gill Scanlon/HBCDomino  
30/01/2007 10:29

To: Christine Pipe/HBCDomino@HBCDOMINO  
cc  
bcc  
Subject: Fw: Comment Received from Public Access

Gill Scanlon  
Planning Technician  
Ext 284317

----- Forwarded by Gill Scanlon/HBCDomino on 30/01/2007 10:29 -----



PublicAccess  
26/01/2007 15:17

To: DevelopmentControl@hartlepool.gov.uk  
cc  
Subject: Comment Received from Public Access

.....  
The contents of this email are confidential and are intended  
for the use of the individual to whom they are addressed.

This header confirms that this email message has been  
successfully virus scanned.

Any problems, please contact [infosys@hartlepool.gov.uk](mailto:infosys@hartlepool.gov.uk)

.....  
Application Reference No. : H/2006/0784

Site Address: LAND AT , MIDDLE WARREN

Comments by: Julie Picken

From:

111  
Merlin Way  
Bishop Cuthbert  
Hartlepool

TS26 0QT

Phone:

Email:

Submission: Objection

Comments: I have concerns over the apartments, which will be opposite my  
property as they are 3 storey and will tower over the surrounding houses.  
They are also very close to the road and will look directly into both my  
accommodation and the existing apartments on Merlin Way.

The plans certainly look over populated due to the number of proposed  
houses and apartments. They will also be implications to the traffic flow.

**Report of:** The Assistant Director (Planning and Economic Development), the Director of Neighbourhood Services and the Chief Solicitor

**Subject:** UNTIDY LAND AND DERELICT BUILDINGS – A CO-ORDINATED APPROACH TO THEIR IMPROVEMENT

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**1. PURPOSE OF REPORT**

- 1.1 To advise Members of the powers to deal with derelict and untidy buildings in the town with particular emphasis on the scope for demolition, to update on action taken to date to deal with identified problem sites and to propose a further list of premises for targeted action.

**2. INTRODUCTION**

- 2.1 Members will no doubt recall that following previous reports officers have been pursuing a comprehensive and co-ordinated approach of action against untidy and derelict buildings and land throughout the town.
- 2.2 At the meeting of the Planning Committee on 21 February Members requested an update report on the issues relevant to such buildings and land with particular emphasis on the scope for demolition to resolve related problems. They also asked for an update on action taken to date and the scope for further action.
- 2.3 Accordingly, similar reports are being submitted to this meeting and to the Regeneration, Liveability & Housing Portfolio Holder meeting on 20<sup>th</sup> April.

**3. SCOPE OF s 215 NOTICE PROCEDURE**

- 3.1 The purpose of a Section 215 Notice, is to provide a Local Planning Authority with a discretion to issue a Notice upon the owner and occupier of land, to take “such steps for remedying the condition” of that land, where its condition adversely affects the amenity of the area. Whilst this might appear to be a broadly based power for a Local Planning Authority to issue a Notice to require land to be effectively “cleaned up” this is somewhat tempered by the right of appeal available to the recipient(s) of a Notice, and the grounds specified within that appeal. (N.B. “Land” in this context includes “buildings”).

3.2 Section 217 of the Town and Country Planning Act, 1990, provides this right of appeal to a Magistrates Court. Furthermore, where such an appeal is brought, the Notice has no effect, until the final determination of the Appeal, or its withdrawal. An appeal being based on one or more of the following grounds, namely; –

- “(a) the condition of the land to which the Notice relates does not adversely affect the amenity of any part of the area or the Local Planning Authority who serve the Notice, or of any adjoining area;
- (b) that the condition of the land to which the Notice relates is attributable to, and such as results in the ordinary course of events from, the carrying on of operations or use of land which is not in contravention of Part III; (i.e. the control over development),
- (c) that the requirements of the Notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of any part of the area of the Local Planning Authority who serve the Notice, or of any adjoining area;
- (d) that the period specified in the Notice has a period within which any steps required by the Notice are to be taken fall short of what should reasonably be allowed.”

3.3 In determining any such Appeal a Court can quash the Notice or vary the terms of the Notice “in favour of the Appellant”. Should any Appeal be dismissed (or so varied) and the said Notice is not complied with, then the Local Planning Authority can either issue proceedings for non-compliance and can also take steps through a power of direct entry to execute such works and recover the costs of those works from the person responsible. As previously indicated, enforcement of planning control is at the discretion of the Local Planning Authority and in taking such action, the steps required to remediate the condition of any land required to be taken should be both reasonable and proportionate to that situation. Planning Policy Guidance 18: Enforcing Planning Control, indicates within the “General Approach to Enforcement” the following considerations that should be addressed by Local Authorities, when they believe it is expedient to take enforcement action;

- whether the breach of control would unacceptably affect public amenity or the existing use of land and building meriting protection in the public interest
- enforcement action should always be commensurate with the breach of planning control to which it relates (for example, it is usually inappropriate to take enforcement action against a trivial or technical breach of control which causes no harm to amenity in the locality of the site).

3.4 It could also be a consideration for Local Authorities, particularly in relation to the condition of buildings that more applicable enforcement provisions may relate to other statutory controls, for example the Building Act 1984 (in respect of ruinous/dilapidated buildings and structures) and comparable provisions,

under the various Housing Acts. Whilst the power exists to serve a Notice under Section 215 “to require proper maintenance of land” such a Notice needs to be seen within the wider context of enforcement as well as the applicable grounds of an Appeal and also the ability for a Local Planning Authority to execute works in default of compliance, should the same action be necessary.

- 3.5. Demolition may be specified in the most extreme cases, where the condition of the building is such that demolition is considered to be the most appropriate way to remedy the harm caused. In addition to this, where the costs of remediation are high, the option of demolition is considered to be a practical alternative. Members should be aware however that if demolition was to be pursued as a requirement of a Section 215 Notice, the owner of the property in question may lodge an appeal against the notice on the grounds that the requirement of the notice is excessive and that lesser steps would remedy the harm to amenity without the need for demolition.

#### 4. **PROGRESS ON THE FIRST 10 BUILDINGS IDENTIFIED FOR ACTION**

- 4.1 The current position in relation to the buildings identified as problem sites in the first target list is as follows:

##### 1. **Golden Flatts Public House**

Planning permission has been granted for housing on the site, as has a recent application for the substitution and adjustment of house types of the previously approved scheme. It is anticipated that works will commence in the near future to implement the scheme; officers have stressed the need for the early demolition of the former pub within the scheme.

##### 2. **Longscar Centre, Seaton Carew**

All required works have been carried out to the Council's satisfaction, although the owner has been given a written reminder to keep the site free from litter.

##### 3. **Morison Hall, Church Close**

A Section 215 Notice was issued to the owner of the property in November 2006, which required that all ground floor windows were secured and that all rubbish was cleared from the site by 19th December 2006. Despite further correspondence with the owner explaining the consequences of non-compliance, the requirements of the notice have not

been undertaken. The Chief Solicitor has been asked to commence the prosecution of the owner of Morison Hall for non-compliance with the section 215 notice.

**4. Former Gas Showroom, Victoria Road**

Works have commenced on site in connection with a planning permission for the public house development. Progress is being monitored.

**5. The New Fleece Public House, Northgate**

The building has been demolished and a new housing scheme is almost complete.

**6. Niramax, Mainsforth Terrace.**

Permission has been granted for a residential development on the site, which has been cleared of tyres. The wall around the site, which is to be demolished as part of the housing scheme, remains. There are still some concerns regarding the appearance of the site from the railway line. Officers continue to liaise with the owner/prospective developer to urge progress on the redevelopment of the site.

**7. Odeon Cinema, Raby Road**

The premises are boarded up and secure and the owners are currently in discussions with the Council and a Registered Social Landlord re the future development of the site.

**8. Old United Reform Church & Former Independent School, Durham Street**

All required works have been carried out and the building is now secure. The existing planning permission for conversion to flats has not been implemented.



## 9. Crown House, Surtees Street

The property has been significantly improved, by removal of external cladding and, following the formal restoration of the owning company, the owners have been asked to confirm their future intentions for the site.

## 10. Victoria Buildings, Middlegate

A grant-funded scheme of redevelopment is under detailed negotiation.

4.2 Two of the buildings identified above, Morison Hall and the old United Reform Church, have the potential to continue to be a problem, as approved development schemes have not been progressed. As a consequence officers believe a more radical approach may be necessary. Preliminary discussions have therefore been held with the Cleveland Building Preservation Trust to see if they could possibly become involved in progressing the approved residential developments. They have indicated that the developments are of interest to them and that they wish to explore this proposal further. This course of action could be done with the agreement of the owners or alternatively it may be that Compulsory Purchase Order (CPO) powers would have to be considered.

4.3 A further building, the listed Former Engine House on the corner of West View Road and Old Cemetery Road, was also identified for action in the first round. This however has proved difficult to progress given the particular nature and condition of the building. The Chief Solicitor is investigating the powers available to the Council to make the building secure and weather-tight for up to 2 years while options are explored with suitable trusts and/or the owner to try to secure a long term use for the building.

## 5. NEXT BATCH OF BUILDINGS IDENTIFIED FOR ACTION

5.1 The Council has tackled several high profile sites in private ownership with some success over the past year or so using a variety of means, e.g. planning legislation to drive improvements. Whilst progress details have been reported on the top 10 headline premises, action has also been taken by Neighbourhood Managers working in conjunction with Development Control Officers to get private owners of unused premises and land to improve and in

some places introduce future maintenance regimes **see Appendix 1** for status reports.

- 5.2 Whilst it is recognised there is still work to be carried out on some of the original headline properties, there are however other premises throughout the town which have worsened in their condition or have become vacant in the last 12 months. In order to maintain this strategy a second list of private and public sector premises has been prepared for targeted enforcement action.

### **1. Jackson's landing**

Since the building was vacated by the last retail operators in 2005, officers have sought to solicit viable proposals for re-use of the building from the owners or facilitate discussions between prospective purchasers/developers and the owners. To date, however, no detailed proposals have been forthcoming from the owners nor have any prospective purchasers been able to agree terms for the acquisition of the premises with the owners. Periodically the owners have undertaken short-term works to secure the building but it is felt that a more formal enforcement approach, including if appropriate, the use of s.215 powers, is warranted.

### **2. The Lion Public House**

The owners of the building have not taken the opportunity to voluntarily carry out works to tidy the premises as had been previously indicated. The Planning Committee has authorised enforcement action and the Borough Solicitor has now been consulted regarding the possibility of issuing a Section 215 Notice.

### **3. The Brus Arms Public House**

Planning Committee has authorised enforcement action, however negotiations with the owner have resulted in significant remedial works being undertaken to tidy the site. The associated outbuildings have been demolished, all rubbish and debris has been removed and the site has been secured. It is anticipated that a planning application for the redevelopment of the site will be submitted in the coming weeks.

### **4. The site adjacent to the Church of the Nazarene**

The Church has responded to the planning Committee's previous demands for the site to be tidied and for a Planning application for the continued retention of the "temporary" building and the play area to be submitted, however concerns about the suitability of the scale, design and usage of the "temporary" building remain.

## 5. Buildings/sites within the rail corridor

It is recognised that the authority needs to continue its focus on the rail corridor in the wake of the recent scrutiny investigation with appropriate action being taken against individual problem properties.

A need has also been recognized to follow a similar line with the Council's own land and buildings, although in terms of buildings there are now relatively few that are vacant. It is accepted however, that they need addressing. The Council does have a disposals strategy, approved by Cabinet in September 2004 which highlights operational and non operational land and property that could be the subject of disposal over time.

The current practice is for a department to declare land or property surplus for use when a decision is made that it is no longer needed for service delivery. At this point the needs of the rest of the Council are considered and each Department is asked via the Strategic Corporate Asset Group to identify potential future use. If none is identified then the Performance Management Portfolio Holder is requested to consider the asset for disposal. Legal, planning and estate management issues are considered for future uses e.g. via a planning brief. The asset would be marketed then sold.

Sometimes there is little notice given when an asset becomes vacant. This process can be complex and lengthy, especially for the bigger sites and buildings. Any maintenance and/or security needs of the site are identified and costed against the expected capital receipt. In some occasions where a department has funding demolition may take place e.g. Lynn Street Adult Day Centre, but this can take some time to arrange if no budgeted funding is available.

Detailed below is a progress report of work carried out to date on our own land through either disposal, demolition or reuse undertaken over the last year.

## 6. The Barlow's Site

Is owned by the Primary Care Trust, with the Council owning the land on which the former St. Benedict's Hostel and the Stranton House E. P.H. were located.

The Council has for some time been in negotiations with the PCT with regard to the proposed development of a LIFT scheme to provide primary care facilities on this site. In 2006, the PCT and the Council arranged for the Barlow's building and the St. Benedict's Hostel be demolished, and the site grass seeded and boulders placed around the perimeter to stop illegal parking. In addition, gable wall works were carried out to The Arches building, which has aesthetically improved this area. Negotiations

are ongoing with the PCT and it is hoped that a planning application will soon be submitted.

## **7. Eldon Grove Community Centre**

The Council resolved that it did not have sufficient funding to allow the property to remain open after the financial year 2006-7. Following public and elected member campaigning, Cabinet granted approval for the site to be marketed locally inviting community parties to submit bids. This is now being undertaken in the hope of keeping the building open with its current occupiers to remain in place. The marketing period began on 29<sup>th</sup> March 2007, and bids need to be submitted by 4<sup>th</sup> May 2007. Following this, the bids will be evaluated according to specific objectives set out by Cabinet.

## **8. Briarfields**

The site was declared surplus to requirements by the Council in 2006, with Adult and Community Services having moved out of the property and no other service department having identified a requirement for the property.

It was hoped that the site could be marketed with the adjacent land, but following the Local Plan review, the land was removed as a housing allocation. This site was therefore marketed in isolation until the end of October 2006. The site was made available in 3 lots; the main house, the small lodge and a building plot.

29 bids were received, with bidders electing to bid for 1, 2 or 3 of the lots. A report was prepared for Cabinet proposing options based on different permutations from bidders. Cabinet elected to proceed with 3 different bidders. All of the preferred bids are subject to satisfactory planning approval being received and each of the proposed developers are currently in discussions with the Council's Development Control Section, with the application for the lodge now having been submitted.

## **9. Rossmere Pool**

Building now demolished.

## **10. Burn Valley Referral Unit**

This site was declared surplus to requirements in 2006 after it was offered to service departments and none proposed a sustainable future use for the property.

The site was marketed between May and July 2006, with 19 bids being received. Portfolio Holder decided that the Council should proceed with the highest bidder, but as his bid contained a residential element (an on site bungalow ancillary to the proposed photographer's studio and training facility), the Council's Development Control Section advised that the proposal was not acceptable in planning terms.

In November, a further report was put to Performance Management Portfolio Holder proposing that an alternative bidder be selected, however this bidder responded stating that they were no longer interested in the property. A third bidder was then approached and they are now progressing with the purchase of the property.

It is proposed that the property is to be used as an office premises by a local charity and a planning application in respect of this is due to be submitted.

## 11. The Bridge Youth Centre

This property is due to be vacated in 2007, with the majority of the users to be relocated into the Burbank Community Centre. In the meantime, the users of the Burbank Community Centre are to move into Bridge Youth Centre whilst improvement works and alterations to that building are carried out.

Once the site is vacated, it is proposed that the building will be demolished and marketed along with the site of the former Lynn Street ATC. A submission has recently been made to the Council's 'one stop shop' to ascertain proposed uses for this site.

## 6. RECOMMENDATIONS

- 6.1 That the Committee notes the report and authorises officers to pursue appropriate action as indicated in the report.

## COMPLETED ABANDONED PROPERTIES AND DERELICT LAND

### Portfolio Report 2007

12 April 2007

PROPERTY/ OPEN SPACE	COMMENTS/ACTION	ONGOING/ COMPLETE
<b><u>NORTH BRUS</u></b>		
Open land Bakers Mead, Central Estate and Oaksway Industrial area (boundary land) Winterbottom Avenue Skeme Road Warren Road	Work has commenced. NSD have provided quote for contract to clean on regular basis – no outcome to date. Need to establish ownership of land at Winterbottom boundary.  Agreed there is a need to establish long-term strategy for this land and industrial estate. Subject to funding, Economic Development would hope to carry out a study which will look at rationalisation of land available for industry/commercial use, which could include this area.	<b>ONGOING</b>
Small plot of land Challoner Road	Estates investigating potential usage.	<b>ONGOING</b>
* Land Powlett Road/Easington Road and Winterbottom Avenue Iona/Richardson Club	Options to ensure tidy up by owners to be investigated.	<b>ONGOING</b>
Brus Pub West View	Planning Committee have authorised Section 215 Notice.	<b>ONGOING</b>
<b><u>DYKE HOUSE</u></b> Corner shop 68 Turnbull Street	Owner to be contacted in relation to improving the general exterior – monitor.	<b>ONGOING</b>

	PROPERTY/ OPEN SPACE	COMMENT S/ACTION	ONGOING/ COMPLETE
*	Lion Hotel Lancaster Road	Planning Committee have authorised Section 215 Notice.	ONGOING
	Chatham Road Shops Chatham Road	General run down. Neighbourhood Services has carried out some environmental work with regard to renewed litter bins, graffiti removal etc. Neighbourhood Services also to investigate trade waste agreement in this area. - monitor	ONGOING
	Empty house Lancaster Road	Development Control investigating	ONGOING
<b><u>ST HILD'S</u></b>			
	CJC Chemicals Old Cemetery Road	Meeting held on 26 February 2007 with developers and Natural England regarding development and its impact on the SPA site, and how this could be mitigated. New information should enable planning application to be progressed.	ONGOING
*	3 Large sheds HMS site Cleveland Road	Developer to contact residents group/NAP group regarding proposal for apartments.	ONGOING
*	Morrison Hall	The requirements of the section 215 Notice issued to owners have not been complied with and as such an offence has been committed.  Instructions have been passed to the Chief Solicitor to pursue a prosecution in this instance.	ONGOING

	<b>PROPERTY/ OPEN SPACE</b>	<b>COMMENTS/ACTION</b>	<b>ONGOING/ COMPLETE</b>
*	Union House 39 Southgate	Headland Development Trust exploring social housing options.	<b>ONGOING</b>
*	Old Reformed Church Durham Street	Action now taken, site cleaned up. CBPT interested, subject to a feasibility study, so the prospect of a repairs notice/CPO by HBC again arises.	<b>ONGOING</b>
*	Victoria Building Headland	Grant still available, but short time scale. Referred to CBPT.	<b>ONGOING</b>
*	Pump House Throston Bridge	Options for restoration as a landmark of local historic interest, whether by a specialist trust or HBC (subject to member approval of funded proposals). Repairs notice and potentially CPO therefore need to be investigated.	<b>ONGOING</b>
	St Andrew's Church Hall York Place, Headland	Planning and listed building consent applications approved for tea rooms.	<b>ONGOING</b>
	Durham Street Open land	Grass – general poor appearance – owner has received letter – awaiting response from owner.	<b>ONGOING</b>
*	Quayside Pub Headland	Building advertised for sale.	<b>ONGOING</b>
	Sun Inn Headland	Building appears to be subsiding. Closed to the public. Officers to carry out inspection regarding public safety.	<b>ONGOING</b>
	Manor House	SRB currently working with owners on the future use of Manor House. Feasibility study currently underway.	<b>ONGOING</b>



PROPERTY/ OPEN SPACE	COMMENT S/ACTION	ONGOING/ COMPLETE
<b><u>CENTRAL</u></b>		
<b><u>TOP 10</u></b>		
The Odeon Raby/York Road	Report concludes only feasible option, subject to funding, is demolition and redevelopment to residential use. 3 Rivers to pursue with owners and Housing Corporation, supported by HBC.	ONGOING
Open Space York Rd/Young St Opposite Odeon		
Crown House Surtees Street	Company status under question and long term intentions.	ONGOING
Niromax Tyres Mainsforth Terrace	Current timescale for approved housing redevelopment unclear.	ONGOING
<b><u>NDC</u></b>		
Church of the Nazarene Play area	Noted that the Church has responded to the Planning Committee's previous demands for the site to be tidied and for a planning application for the continued retention of the "temporary" building and the play area submitted.	ONGOING
Titan House York Road	Planning Committee in March gave authority for Section 215 Notice action.	ONGOING
<b><u>BURN VALLEY</u></b>		
Burn Valley Education Centre	Now progressing with a different bidder who is in the process of submitting a planning application.	ONGOING

PROPERTY/ OPEN SPACE	COMMENT/ACTION	ONGOING/ COMPLETE
Corner of Osborne/ Park Road (Listed Building)	Permission granted to retain ground floor, apartments above.	ONGOING
Garage Osborne Road	Demolition commenced – recent planning application refused.	ONGOING
<b><u>PARK</u></b>		
Briarfields, lodge and allotments	Sites marketed. Progressing with 3 different bidders in respect of the house, lodge and land. All in process of submitting proposals to Development Control.	ONGOING
Tunstall Court & Land	Building secured following action by Police/Fire Brigade/HBC. Being monitored by community police team.	ONGOING
<b><u>STRANTON</u></b>		
Open space South Marina behind Custom House Maritime Avenue	Public consultation event undertaken by prospective developers. Planning application awaited.	ONGOING
Trincomalee open space Maritime Avenue		
Open space Clarence Road	Owner's response awaited – Monitor.	ONGOING

<b>PROPERTY/ OPEN SPACE</b>	<b>COMMENT S/ACTION</b>	<b>ONGOING/ COMPLETE</b>
Former Pine Shop near the station Church Street	Is to be demolished as part of Interchange Scheme. Purchase by HBC being delayed until the rest of the Interchange Scheme is ready to go and Development Agreement signed. Monitor and report back at next meeting.	<b>ONGOING</b>
Open space Near to petrol Station, Mainsforth Terrace	Neighbourhood Services to be involved regarding litter control notice	<b>ONGOING</b>
<b><u>BURBANK</u></b>		
Open space Moreland Street	Enforcement Action to get land cleaned up to be taken	<b>ONGOING</b>
<b><u>SOUTH</u></b>		
<b>OWTON WARD</b>		
Old Police Station opposite St Patrick's Shops Ow ton Manor Lane.	Options being pursued with Housing Hartlepool as part of possible wider development	<b>ONGOING</b>
Carlisle Street / Berwick Street open space	Durham Land registry contacted but land is unregistered. Monitor.	<b>ONGOING</b>
<b><u>SEATON WARD</u></b>		
The Front Seaton Carew known as Coasters	No further action deemed necessary at present, however, to continue discussions with owners regarding development. Monitor.	<b>ONGOING</b>
5 South End	The owner has been contacted to have this section of land tidied. Continue to monitor to ensure area is maintained and tidy.	<b>ONGOING</b>
Rear of 50 The Front (compound)	Legal action to be pursued.	<b>ONGOING</b>

PROPERTY/ OPEN SPACE	COMMENTS/ACTION	ONGOING/ COMPLETE
South End access road leading to The Front Seaton Carew	Litter pick and de-weeding completed, further remedial works are now being considered – monitor.	ONGOING
<b><u>ROSSMERE WARD</u></b>		
Dumfries Road at rear garage area	This land has been cleared but it has recently been subject to major fly tipping. Neighbourhood Services has organised CCTV cameras to monitor the situation and will instigate prosecutions. No further tipping has taken place, but continue to monitor.	ONGOING
Golden Flatts Pub Seaton Lane	Work has been delayed due to protracted negotiations over the diversion of a gas main. An order has been placed, but no date as yet for the diversion. Demolition will take place once the gas main is diverted. Late April/early May.	ONGOING
B & Q Banks Brenda Road	Continue to maintain with regards to fly tipping. Potential of HBC land to be planted as a community forest to be investigated.	ONGOING
British Steel site Brenda Road	Revised proposals for storage/nature reserve/walkway being progressed.	ONGOING
<b><u>NORTH BRUS</u></b>		
Rovers Rugby Club (old training ground) West View Road	Probation have cleared the area and cut down grass. NSD to provide cost for grass cutting during summer. Monitor the situation.	COMPLETE
* Land adjacent to Old Boys Football Club Easington Road HOBFC	Neighbourhood Services to make contact with owners to discuss future of land and its maintenance.	COMPLETE

PROPERTY/ OPEN SPACE	COMMENTS/ACTION	ONGOING/ COMPLETE
<b><u>ST HILD'S</u></b>		
3 Garages Abbey Street/Bond Street	Site visited but no justification for enforcement - case closed.	COMPLETE
Corner Shop Montague Street Headland	Conversion works have commenced – case closed.	COMPLETE
Coast Road from Easington District Boarders (North) to King Oswy Roundabout	Not maintained on regular programme, due to cost of traffic management. Need to address cost and long term implications for NSD.	COMPLETE
Land (verges) from Hart Village to Golf Course	Not maintained on regular programme. Need to address cost and long term implications for NSD.	COMPLETE
<b><u>CENTRAL</u></b>		
<b><u>Top 10</u></b>		
The Gas Show Room Avenue Road	Work has commenced to refurbish the premises.	COMPLETE

PROPERTY/ OPEN SPACE	COMMENTS/ACTION	ONGOING/ COMPLETE
Open Space Murray Street <b>NDC</b>	Approved car park provided.	<b>COMPLETE</b>
Barlow's building Park Road	DEMOLITION COMPLETE.	<b>COMPLETE</b>
St. Benedict's House	DEMOLITION COMPLETE.	<b>COMPLETE</b>
Leck DIY Stranton Garth	NDC business grant approval has been awarded – work commenced.	<b>COMPLETE</b>
York Road flatlets	PCT managing site, NDC ETF clearance flytipping etc. Linked to PCT development.	<b>COMPLETE</b>
Studley Road open space	Endeavour 6 bungalows on site.	<b>COMPLETE</b>

PROPERTY/ OPEN SPACE	COMMENTS/ACTION	ONGOING/ COMPLETE
<b><u>RIFT HOUSE</u></b>		
Open space Kipling Road	Derelict play area , probation scheme cleared up.	COMPLETE
Resource Centre Lynn Street	Demolition complete.	COMPLETE
Former Co-op building Park Road	Demolition/renovation works underway.	COMPLETE
Open space back/side of Pools, Victoria Ground	Leased to Pools. Maintained by HBC.	COMPLETE
Raby Road Triangle	There will be no development on this site due to cost and use however three covert cameras were installed for a period of five weeks and no incidents of fly tipping occurred, community wardens continue to monitor and no further incidents have been reported – monitor	COMPLETE
<b><u>BURBANK</u></b>		
Open space Moreland Street	Neighbourhood Services pursuing environmental enforcement.	COMPLETE

PROPERTY/ OPEN SPACE	COMMENTS/ACTION	ONGOING/ COMPLETE
Open space Clark Street	Monitor	COMPLETE
Huckelhoven Court Properties	Refurbishment commenced.	COMPLETE
<b><u>SOUTH</u></b>		
<b><u>OWTON WARD</u></b>		
220 Owton Manor Lane.	Works now complete.	COMPLETE
Red Admiral/The Goldmine Catcote Road.	Formerly known as The Red Admiral it has now been renamed The Goldmine and has now been renovated and is up and running as a public house.	COMPLETE
Land at Rear of Lindsay Road and Wynyard Road	This area of land has now been cleared and the residents have been contacted by our environmental enforcement team warning that any future incidents of fly tipping will result in action being taken.	COMPLETE
Carlisle Street / Berwick Street open space	HBC have taken responsibility and have had this area tidied. It will also be maintained as per open space until resolved. Unregistered Initial registration with the land registry to be considered by Estates.	COMPLETE
Graythorpe Area Open Space	Neighbourhood Services will maintain these areas as part of our open space maintenance contract.	COMPLETE
Newbum Bridge Open Space	This section of land has now been tidied as part of open space maintenance programme	COMPLETE
Queen Street Open Space	This section of land has been tidied as part of operation Cleansweep and is to be added into open space maintenance contract.	COMPLETE



<b>PROPERTY/ OPEN SPACE</b>	<b>COMMENTS/ACTION</b>	<b>ONGOING/ COMPLETE</b>
Decaux Advertising Hoardings Seaton Lane	DeCaux have been contacted to get this area of land tidied. Now completed.	<b>COMPLETE</b>
Lawson Road Open Space	This area has been tidied as part of Operation Cleansweep and will be added into open space contract for maintenance.	<b>COMPLETE</b>
<b><u>FENS WARD</u></b>		
Monkton Road Open Space	This land is HBC's and has been added into open space maintenance contract. A NIPS scheme will be developed to improve this area further.	<b>COMPLETE</b>
Macrae Road Open Space	The gas board has been contacted to have this area of land tidied. Another NIPS scheme will be developed to further improve this area.	<b>COMPLETE</b>
<b><u>ROSSMERE WARD</u></b>		
Brenda Road open space near to stagecoach	This land has been cleared and planted as part of a South Area Forum Scheme and will be maintained as part of grounds maintenance contract.	<b>COMPLETE</b>
Rossmere Pool	Demolition complete.	<b>COMPLETE</b>