



# HARTLEPOOL BOROUGH COUNCIL

## OFFICER DECISION RECORD

**Department:**

Chief Executives Department

**Division:**

Chief Executive

**Date of Decision: 18 June 2020**

**Officer Making Decision:**

Gill Alexander (Chief Executive)

**Subject**

Land At Hill View, Greatham, Hartlepool-Proposed Disposal/Re-designation of 466 square metres Of Public Open Space To Be Used For Affordable Housing Development.

**Type of Decision:**

Non Key

**Status Of The Land**

The scheme proposed by the Council and which is subject to Planning Application Ref: H/2019/0527 is for the development of 18 affordable housing units on Council owned land at Hill View, Greatham. As a result of the proposal, the disposal/re-designation of a small area (466 square metres) of incidental open space is required as per the below plan, verged red.

## ODR No.: TO BE COMPLETED BY DST

### **Recommendation**

Having considered the report attached, and taking in to account the objections received on balance, I approve the disposal/re-designation of land at Hill View Greatham for the purposes of housing development as part of 18 affordable housing units by Hartlepool Borough Council for the purposes of meeting the objectives of the Council to increase direct provision of affordable housing on Council owned sites (subject to planning approval).

### **Nature of Delegation Being Exercised:**

The Authority's Constitution sets out at Part 3 'Part 3 – Responsibility for Functions' the delegation scheme. Finance and Policy Committee delegate responsibility for land and property matters including the disposal of land to the Chief Executive and Directors. The delegation is set out at Part 3 page 14:

*Chief Executive (CE), Director of Finance and Policy (DFP), Director of Children's and Joint Commissioning Services (DCJCS) and Director of Adult and Community Based Services (DACBS), Director of Regeneration and Neighbourhoods (DRN), Director of Public Health (DPH) responsibility for:*

*(11) Powers for a variety of transactions within £100,000 in capital value and £50,000 in rental value (annual figure). The powers are to approve land and property disposals and acquisitions, leases, lettings, licences, wayleaves, easements, undertaking and concluding rent reviews, lease renewals and the release and amendments of restrictions, covenants and other land and property matters.*

Alternative Options Considered & Rejected:

Not proceeding with the disposal would reduce the number of affordable units meaning the scheme becomes unviable and therefore the delivery of the entire affordable housing on this site could not progress.

**Any Declared Register of Interest :**

None

### **OFFICER WITH THE DELEGATION**

NAME: Gill Alexander

SIGNED:

18<sup>th</sup> June 2020

POSITION: Chief Executive, Hartlepool Borough Council

**ODR No.: TO BE COMPLETED BY DST**

**Report of:** Strategic Asset Manager

**To:** Chief Executive

**Subject:** LAND AT HILLVIEW, GREATHAM

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**1. TYPE OF DECISION/APPLICABLE CATEGORY**

Non-key decision.

**2. PURPOSE OF REPORT**

- 2.1 To consider the objections received in relation to the proposed disposal of public open space at Hill View Greatham (Appendix 1) to the Housing Revenue Account for housing development

**3. BACKGROUND**

- 3.1 The scheme currently proposed by Hartlepool Borough Council (the 'Council') and which is subject to Planning Application Ref: H/2019/0527 is for the development of 18 affordable housing units on Council owned land at Hill View, Greatham. As a result of the proposal, the disposal/re-designation of a small area (466 square metres) of incidental open space is required.
- 3.2 The Council does not retain a register of Public Open Space but instead has regard to the designation of land in the adopted Local Plan and Hartlepool Neighbourhood Rural Plan (HNRP).
- 3.3 The application site has not previously been developed and for the main part has no designation or allocation on the Hartlepool Local Plan Policies Map. The development proposal does however extend marginally into an area of incidental open space (466sq/m of land in total), an area covered by policy NE2i (Green Infrastructure) of the Hartlepool Local Plan (Appendix 2).
- 3.4 The Rural Neighbourhood Plan Policies Map however designates the majority of the site for housing use, as per policy H1 (Housing Development) of the Rural Neighbourhood Plan (Appendix 3). The incursion, in this instance, is in to Accessible Green Space.

**4. PROPOSALS**

- 4.1 The reason for disposal or re-designation simply relates to the necessary change in use of this small piece of land from Public Open Space to housing

development use. The incursion of the intended housing scheme permits sufficient extra space effectively for 2 extra affordable bungalows and is material to the proposed scheme's viability.

## **5. OBJECTIONS**

5.1 In total, 27 objections were received by the Council in response to the advertisement of the 5<sup>th</sup> and 12<sup>th</sup> February 2020 in the Hartlepool Life newspaper of the Council's intention "to dispose" of the area of land in question.

5.2 The identity and summary of the objections are set out in the table at Appendix 5.

## **6. PLANNING POLICY VIEWS**

6.1 The Planning Policy team have confirmed their view that the overall scheme would constitute sustainable development and not be significantly contrary to the development plan.

6.2 The majority of the site is currently non-allocated white land within the Local Plan, within the development limits of Greatham village and in an established residential area. The principle of development is therefore acceptable for residential development.

6.3 Part of the site would encroach on incidental open space which is protected by policy NE2 of the Local Plan. The applicant should therefore provide compensatory green space or enhance existing/remaining open space in the vicinity of the development. Planning obligations are sought as per the requirements of the Planning Obligations SPD. It is considered that the proposals reflect the aspirations of policy QP4 of the Local Plan and the Council's Residential Design SPD.

6.4 The site also falls within the boundaries of the Rural Neighbourhood Plan. Policy H1 of the Rural Plan allocates the site for approximately 12 dwellings. In view of the proposed site layout and taking into account the landscaping proposals, it is deemed that the proposed number of dwellings is acceptable. The Strategic Housing Market Assessment (SHMA) details that there is a need for semi-detached houses with 1-2 beds and bungalows, meaning that the development would provide some dwellings which meet this required need and provide sufficient variety in dwelling types. Policy GEN2 of the Rural Plan states that development is expected to consider how the design helps to create a sense of place and reinforces the character of the village and reinforce the existing streetscape or green public spaces by facing onto them. It is considered that proposed on-site landscaping increases the visual amenity of the site, alongside the traditional materials palette, which supports what can be seen in the wider area, and ensures the new development will fit in to the village.

6.5 In planning policy terms the scheme thus will need to compensate for the loss of the incidental open space. As a result of this, the scheme will provide

compensatory green space or enhance existing/remaining open space in the vicinity of the development in line with development Policy NE3 of the Hartlepool Local Plan should any amenity open space be lost. The adjacent space to the West of the site(see Appendix 4) was suggested as the most appropriate location to ensure those most affected by the loss will benefit most from the enhancements and improvements made. These include landscaping and planting works and the creation of a seating area with three benches overlooking both the larger area of amenity public open space to the west as well as the playground at the head of Saltaire Terrace. The proposals for the compensatory improvements to this adjacent site shown in Appendix 4 have been reviewed by planning policy and are considered acceptable.

- 6.6 The Council expects that all new development will be energy efficient and will minimise and adapt to climate change, and this is enforced through policies CC1 and QP7. The applicant's submitted energy statement details how a 10% reduction in site-wide CO2 emissions can be achieved. A number of dwellings also appear to have solar panels, which would ensure the development meets the 10% renewable energy requirement.
- 6.7 It should be noted that the objections received and summarised in Appendix 5 to the re-designation of this area of land are not in themselves material considerations in planning terms and therefore cannot be considered in the parallel planning application that has been made for the development. Many objections also appended their objection to the planning application for the sake of completeness but such representations will be dealt with separately by planning officers.

## **7. ALTERNATIVE OPTIONS CONSIDERED**

### **7.1 (a) Not dispose/re-designate the land**

The reduction of the number of affordable units was considered as an alternative to not encroaching on the small area of incidental open space. The reduction of units however, means the scheme becomes unviable and therefore the delivery of the entire affordable housing on this site could not progress.

## **8. RISK IMPLICATIONS**

- 8.1 Any such disposal/re-designation would be conditional upon receipt of planning consent for housing which in itself considers encroachment on to the same extent of incidental open space in Hartlepool's Local Plan and similarly Accessible Green Space in the Rural Neighbourhood Plan. If planning permission is not granted for any reason the disposal will not proceed.
- 8.2 The Council's statutory duties including its position as the Local Planning and Highways Authority are entirely separate to its duties as land owner relating to the disposal/re-designation. The consideration of any planning application

would be entirely separate from the Council acting in its capacity as a land owner.

## 9. FINANCIAL CONSIDERATIONS

9.1 The proposed housing development scheme is to be funded from a combination of Homes England grant and uncommitted rephased funding approved as part of the Empty Homes and Council Housing Phase 2 scheme (Council, August 2014) and Phase 3 scheme (Council, MTFS February 2018). The table below sets out indicative costs and funding.

9.2 **Table 1 : Indicative Costs and Funding**

	<b>£000</b>
<b>Expenditure</b>	
Land value	80
Build costs	2,080
	<b>2,160</b>
<b>Funded by:</b>	
Homes England	720
Borrowing	930
Section 106 Contributions	510
	<b>2,160</b>

9.3 The transfer of land from the General Fund to the HRA will be at a cost of £80,000 based on a valuation of the land, which will contribute towards the capital receipts target.

9.4 The business case anticipates that the scheme will contribute an annual net additional rental stream of £5,000 to the HRA on an ongoing basis which will help to reduce the Housing Revenue Account Deficit.

## 10. LEGAL CONSIDERATIONS

10.1 Pursuant to the Local Government Act 1972 section 123 as amended by the Local Government Planning and Land Act 1980 section 118 and Schedule 23 Part V, the Council published notice in Hartlepool Life on 5<sup>th</sup> and 12<sup>th</sup> February 2020, stating its intention to “dispose” of such land to be used for housing development. Whilst the term “dispose” is used in the legislation, this particular proposal is in fact an intended re-designation of such land. The Council is intending to develop and hold affordable rented housing in its Housing Revenue Account and thus a sale of the parcel of land is not required.

## 11. CONSULTATION

11.1 Statutory consultation has been carried out in accordance with s123 of the Local Government Act 1972. Consultation has also taken place with Elected Members, Parish Councillors and Officers.

**12. CHILD AND FAMILY POVERTY (IMPACT ASSESSMENT FORM TO BE COMPLETED AS APPROPRIATE.)**

12.1 N/A

**13. EQUALITY AND DIVERSITY CONSIDERATIONS (IMPACT ASSESSMENT FORM TO BE COMPLETED AS APPROPRIATE.)**

13.1 N/A

**14. STAFF CONSIDERATIONS**

14.1 N/A

**15. ASSET MANAGEMENT CONSIDERATIONS**

15.1 Considered within the report.

**16. RECOMMENDATIONS**

16.1 Approve the disposal/re-designation of land at Hill View Greatham for the purposes of housing development as part of 18 affordable housing units by Hartlepool Borough Council.

**17. REASONS FOR RECOMMENDATIONS**

17.1 It is considered that the incursion or infringement onto the public open space is sufficiently small in overall terms to be acceptable, especially given the vast majority of the site is an allocated housing site in the Rural Neighbourhood Plan and the compensatory mitigating works offered to be carried out in the close vicinity. Further, the extra units that the incursion into the public open space enables is material as to the viability of the overall affordable housing scheme, the provision of which is deemed highly desirable.

17.2 In order to meet the objectives of the Council to increase direct provision of affordable housing on Council owned sites in accordance with Council Policy.

**18. BACKGROUND PAPERS**

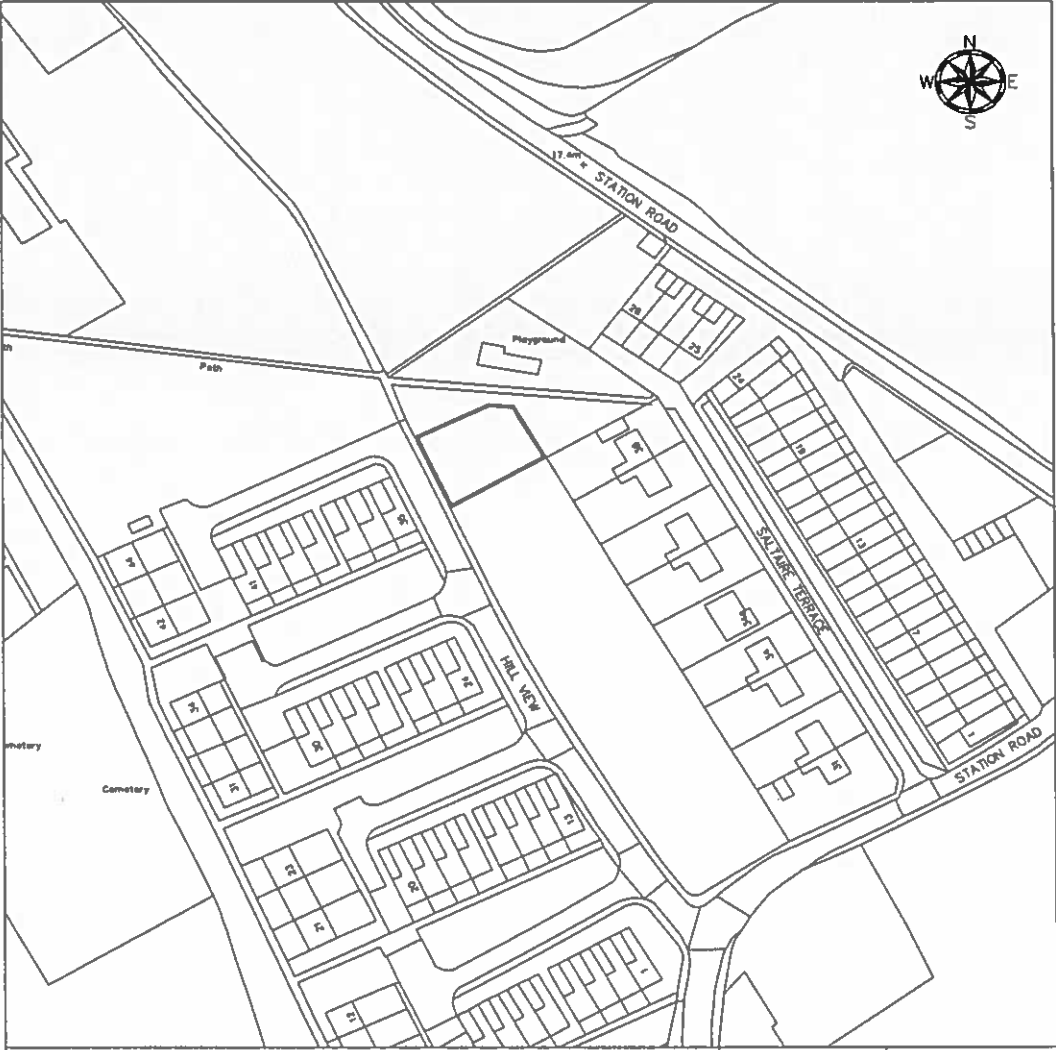
N/A

**19. CONTACT OFFICERS**

Tim Wynn

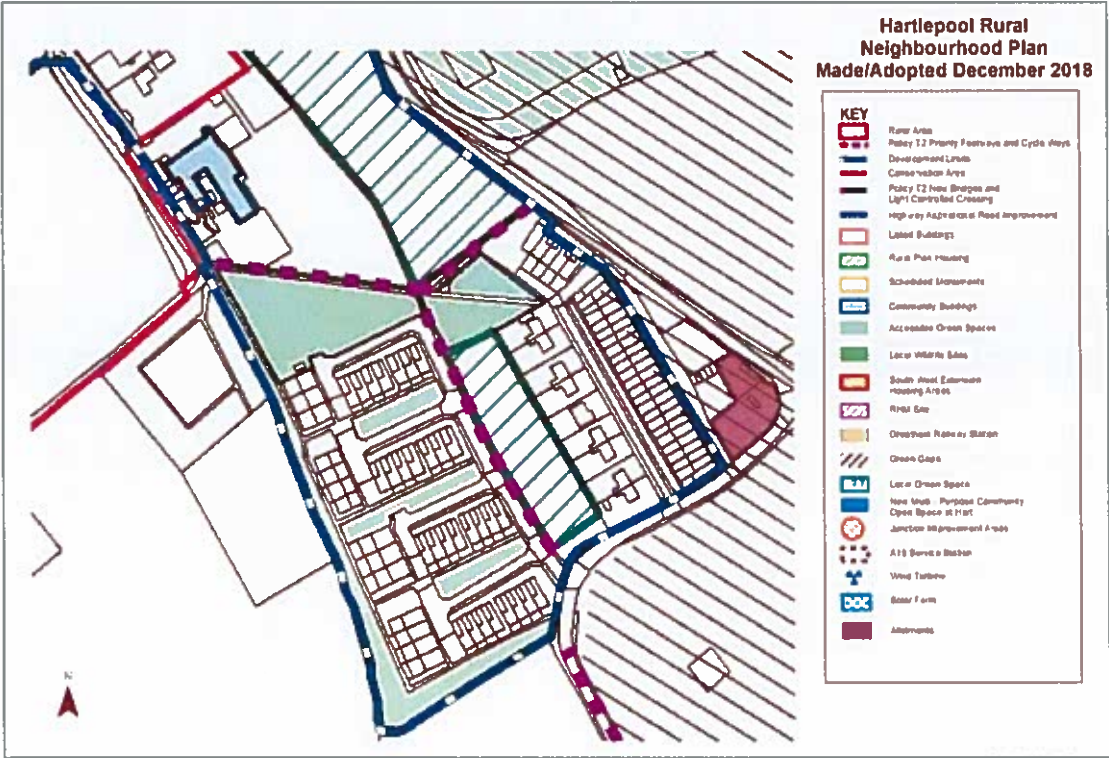


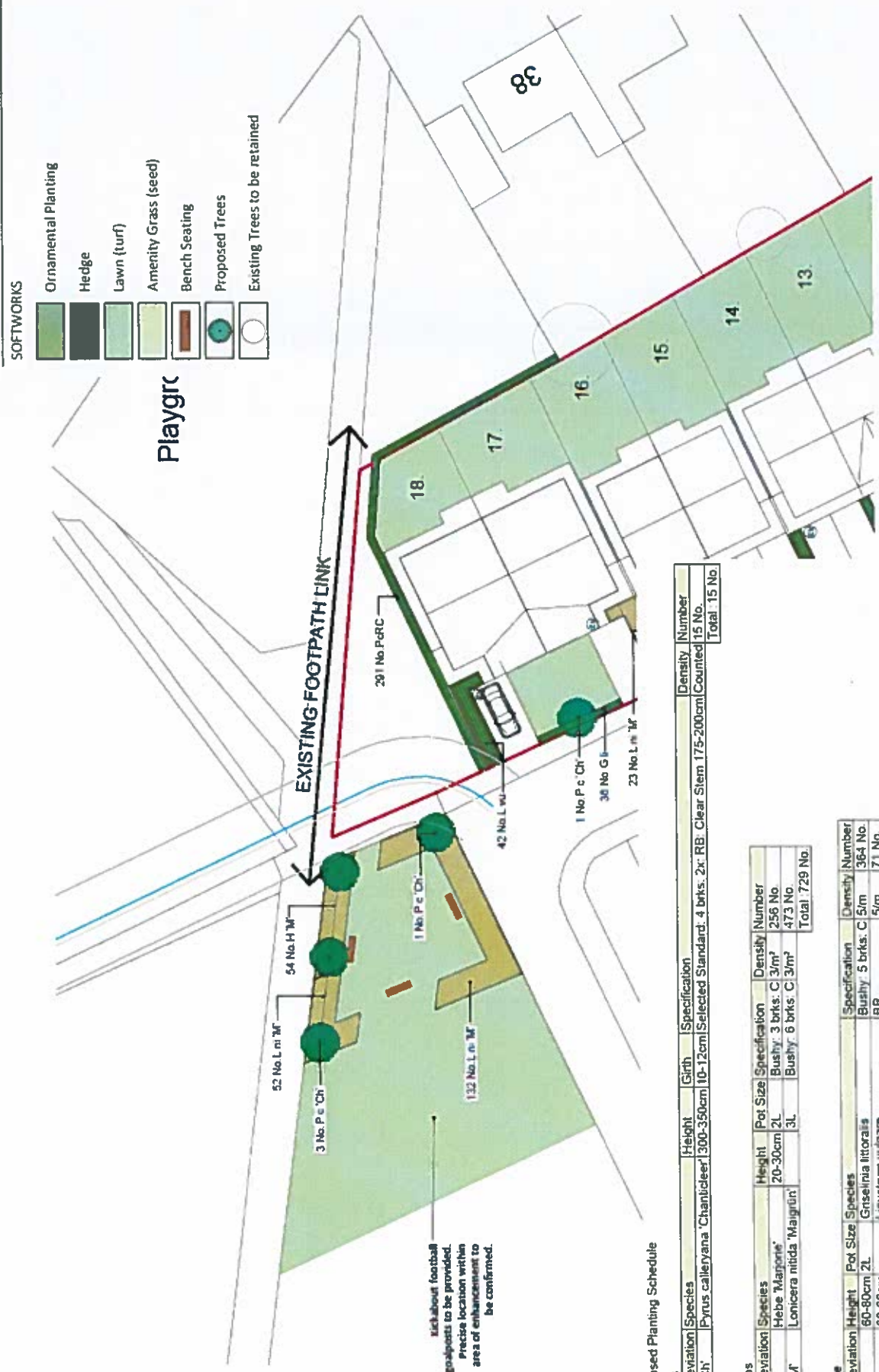
Appendix 1





Appendix 3





Location of football goalposts to be provided. Precise location within area of enhancement to be confirmed.

Proposed Planting Schedule

Abbreviation	Species	Height	Height	Specification	Quantity	Density	Number	
P c 'Ch'	<i>Pyrus calleryana</i>	300-350cm	10-12cm	Selected Standard	4 brks. 2x RB. Clear Stem 175-200cm	Counted	15 No.	
							<b>Total</b>	<b>15 No.</b>

Abbreviation	Species	Height	Pot Size	Specification	Density	Number		
H 'M'	<i>Hebe 'Majorie'</i>	20-30cm	2L	Bushy. 3 brks. C	3/m <sup>2</sup>	256 No.		
L ni 'M'	<i>Leucocera nitida</i>	Maingūin	3L	Bushy. 6 brks. C	3/m <sup>2</sup>	473 No.		
							<b>Total</b>	<b>729 No.</b>

Abbreviation	Height	Pot Size	Species	Specification	Density	Number
G li	60-80cm	2L	<i>Gnossinia littoralis</i>	Bushy. 5 brks. C	5/m <sup>2</sup>	364 No.
L vu	60-80cm		<i>Ligustrum vulgare</i>	BR	5/m <sup>2</sup>	71 No.
P c RC	60-80cm	3L	<i>Pyracantha coccinea</i>	'Red Column'	7/m <sup>2</sup>	484 No.




Appendix 5



**Summary Of Responses To The Advertisements Placed By The Council**


In total, 27 objections were received by the Council in response to the advertisement of the 5<sup>th</sup> and 12<sup>th</sup> February 2020 in Hartlepool Life of the Council's intention "to dispose" of the area of land in question.

The identity and summary of the objections are set out in the table below. All are Greatham addresses.

Name Of Objector		Summary Of Objection
	Rosedale, West Row	<p><b>All are identical letters of objection, some of which also attach their objection to the planning application.</b></p> <p>-Strongly object to change of designation.</p> <p>-Land currently identified as Public Open Space and designated to remain so within Hartlepool Neighbourhood Rural Plan(HNRP), therefore should remain as Public Open Space being a vital part of the area's green infrastructure. See consideration of Planning Policy above.</p> <p>-Reference to the National Planning Policy Framework(NPPF) and the presumption in favour of sustainable development. The sustainable development presumption does however not change the statutory status of the development plan as the starting point for decision making. The HNRP adopted in May 2018 is classed as up to date.</p> <p>-The application contravenes items 15/16/97/117/118/122/127/128 &amp; 129 of NPPF.</p> <p>-Information on government website states that land should not be disposed of in this fashion. This is not strictly correct and is far too simplistic a view.</p> <p>-Specific suggestions of reading from the website:- How should open space be taken into account in planning?</p>
	Hill View	
	Saltaire Terrace	
	Hill View	
	Saltaire Terrace	
	Hill View	
	Saltaire Terrace	
	Hill View	
	Saltaire Terrace	
	Hill View	
	Saltaire Terrace	
	Hill View	
	Saltaire Terrace	
	Saltaire Terrace	
	Saltaire Terrace	
	Egerton Terrace	
	Hill View	
Ashfield Close		
Ashfield Close		
Dunelm, Ashfield Close		

	<p>Why is green infrastructure important?          What planning goals can green infrastructure help to achieve?</p>
<p>[REDACTED] Saltaire Terrace</p>	<p>-Objects to the disposal of land held as open space.</p> <p>-Includes extracts from NPPF and information from Government website to support her objection.</p> <p>-The land is identified in HNRP as Open Space to supposedly "mitigate" should houses be built on the remainder of land on Hill View to the rear of the houses on Saltaire Terrace.          See consideration of Planning Policy .</p> <p>-The Council have shown a total blatant disregard to the HNRP by submitting plans for the whole of this area including Public Open Space land.</p> <p>-The land is not available to the Council and is clearly identified as land not to be built on.          The subject land is Council owned and can potentially be developed subject to wider considerations.</p> <p>-The proposals are a direct breach of item 12 of the Presumption in favour of sustainable development and with the HNRP less than 2 years old the applicant will need to provide a concrete reason for breaking it.</p> <p>-The site falls within the Zone Of Influence of Teesmouth &amp; Cleveland Coast as a SSI, Special Protection Site and RAMSAR site. Increased residential disturbance will impact upon these designated sites.          Noted. However, the Council's Ecologist has no objection subject to a condition on biodiversity enhancement which is agreed. Natural England similarly have no objection given the Council</p>

	<p>operates a Coastal Mitigation Scheme. A Habitats Regulations Assessment has identified the need for a £6300 payment in this regard which is agreed.</p> <p>-Disregard of the Council of planning and housing policies.</p> <p>-The submission does not comply with the 3 economic, social and environmental conditions within the NPPF. Not correct and are considered in the planning application.</p> <p>Plans are unsustainable and the Council have not even checked their right to build and are hastily trying to correct poor planning.</p> <p>-Public Open Space is green infrastructure not brown land and any building on it or Public open Space should be a last resort. See consideration of Planning Policy .</p> <p>-The application is ill thought out, badly designed, hastily and shodilly prepared attempt based on ineptitude to force through an unsustainable development for an unrecognised need. See consideration of Planning Policy together with comment in this report on the wider need for this form of development.</p>
<p>  Woodgate Close</p>	<p>-Strongly objects.</p> <p>-The site is used by children.</p> <p>-Proposal is not in line with government policy. See consideration of Planning Policy .</p> <p>-Demand from children in the village wanting to use this area. There are remaining areas of Amenity Open Space in close</p>

	<p>proximity-see Appendix 2 /3. The play area behind units 17 and 18 will benefit from £4500 financial contribution and the previously described enhancement works will be carried out to the land diagonally opposite-see Appendix 4</p> <p>-There will be no area for children of Hill View, Saltaire Terrace and the new Station Road houses to use without crossing a road with several sharp bends and limited visibility.</p>
<p>Greatham Parish Council </p>	<p>-Objects on the basis that this is a functional piece of open space greatly valued for both recreational and visual amenity. See consideration of Planning Policy .</p> <p>-No indication that it is surplus to requirements and in view of adjacent development even more valuable. See previous comments with regard to nearby Amenity Space</p> <p>-Designated in HRNP and Local Plan as amenity space contributing to the provision of a sustainable pattern of development and the strategic objectives of the Local Development Framework.</p> <p>-Will result in the fragmentation of the remaining amenity land making it less functional, more difficult to maintain, less open and reducing visibility. See consideration of Planning Policy .Further, steps have been taken to increase natural surveillance of the play area from both unit 18 and the enhanced seating area opposite.</p> <p>-The Council have made no enquiry of the community as to use or value and the Parish Council have not been consulted. The council has held an informal drop-in session with the local</p>



	<p>community and has presented and consulted with the Parish Council on two separate occasions.</p> <p>-The disposal will result in an unacceptable loss of amenity space. See consideration of Planning Policy .</p>
<p>Hartlepool Rural Plan Neighbourhood Group [REDACTED]</p>	<p>-The group objects to the proposal.</p> <p>-It will result in an unacceptable loss of Amenity Space. See consideration of Planning Policy .</p> <p>-It has a designation as essential open space between two allocated housing sites without any meaningful amenity space. See consideration of Planning Policy .</p> <p>-The area contributes to the sustainable pattern of development.</p> <p>-The amenity allocation in the HRNP is confirmed in the Local Plan whereas the housing allocation isn't indicating that the amenity allocation has greater significance.</p> <p>-Both documents are less than two years old and can't be said to be out of date.</p> <p>-The land contributes to the statutory objectives of the local development framework. See consideration of Planning Policy .</p> <p>-No consultation has taken place or evidence that the land is either surplus or under used. See previous comment in this regard.</p> <p>-Will fragment the remaining amenity land offering areas with</p>

	<p>little functional purpose, awkward to maintain, risk of being a litter trap and will reduce visibility and security of the children using the play area.</p> <p>See previous comments</p> <p>-A clear departure from the adopted local plan without justification, with no evidence of not being further required, especially in view of adjacent development.</p> <p>See consideration of Planning Policy .</p>
<p>Greatham Residents Association [REDACTED]</p>	<p>-Object to the proposal</p> <p>-Conflict with the approved HRNP, Greatham Design Statement and one of 3 areas of Amenity Greenspaces in the Green Infrastructure Action Plan 2014.</p> <p>-Land used by generations of children as informal play area and shouldn't be lost.</p> <p>-Proposal for 18 properties is overdevelopment as HRNP identifies the site for 12 properties. Only possible because of encroachment into public open space.</p> <p>The designation by the Rural Neighbourhood Plan Group is in line with arbitrary density levels and without detailed design consideration, especially for a linear site. The proposed 18 units is thus not considered over development.</p> <p>-Land to the north will be little more than two useless triangles of land due to development.</p> <p>-Feel strongly that green spaces should be retained in accordance with HRNP and Local Plan.</p>