

PLEASE NOTE CHANGE OF TIME

PLANNING COMMITTEE AGENDA



Wednesday 6th August 2014

at 10.30am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Ainslie, S Akers-Belcher, Barclay, Cook, Dawkins, James, Lilley, Martin-Wells, Morris, Payne and Springer.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the meeting held on 9th July 2014.

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director, Regeneration*

1. H/2014/0194 The Woodcutter, Waverley Terrace (*page 1*)
2. H/2014/0196 Land off Valley Drive, Tunstall Farm (*page 11*)
3. H/2014/0215 Land at Quarry Farm, Elwick Road (*page 39*)
4. H/2014/0233 Manor College of Technology, Owton Manor Lane (*page 67*)
5. H/0214/0003 Land at Friarage Manor House (*page 91*)
6. H/2014/0004 Land at the Friarage Manor House (*page 115*)
7. H/2014/0163 Meadowcroft, Elwick Road (*page 129*)
8. H/2014/0179 Meadowcroft, Elwick Road (*page 157*)
9. H/2014/0117 Pawton Hill Farm, Coal Lane, Elwick (*page 175*)



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10. H/2014/0226 Holy Trinity C of E (Aided) Primary School, Crawford Street
(page 185)

11. H/2014/0214 Barnard Grove Primary School, Barnard Grove (page 201)

4.2 Low Throston House, Netherby Gate – *Assistant Director (Regeneration)*

5. ITEMS FOR INFORMATION / DISCUSSION

5.1 Quarterly Update Report for Planning Services April-June 2014 – *Assistant Director (Regeneration)*

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

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

7. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006

8. ITEMS REQUIRING DECISION

8.1 180 York Road (paras 5 and 6) – *Assistant Director (Regeneration)*

9. ITEMS FOR INFORMATION / DISCUSSION

No items

10. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

11. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting which is on Wednesday 3 September at 10.00 am in the Civic Centre, Hartlepool.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

9 JULY 2014

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

Present:

Councillor Rob Cook (In the Chair)

Councillors: Jim Ainslie, Allan Barclay, Marjorie James, Geoff Lilley,
Ray Martin-Wells, George Morris and George Springer.

Officers: Andrew Carter, Planning Services Manager
Jim Ferguson, Planning Team Leader (DC)
Adrian Hurst, Principal Environmental Health Officer
Mike Blair, Highways, Traffic and Transportation Manager
Kate McCusker, Solicitor
David Cosgrove, Democratic Services Team

10. Apologies for Absence

Councillors Stephen Akers-Belcher, Keith Dawkins and Robbie Payne.

11. Declarations of interest by members

Councillor Ray Martin-Wells declared a prejudicial interest due to predetermination on Minute No. 13, application H/2014/0176. Councillor Martin-Wells indicated that he would exercise his right to speak on the item as a Ward Councillor.

12. Confirmation of the minutes of the meeting held on 18 June 2014

Confirmed.

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

The Planning Services Manager submitted the following planning applications for the committee's determination.

Number: H/2014/0194

Applicant: Euro Property Management c/o 7 HYLTON ROAD
HARTLEPOOL

Agent: GAP Design Graeme Pearson 7 HYLTON ROAD
HARTLEPOOL

Date received: 02/05/2014

Development: Demolition of public house and erection of fourteen dwellings (resubmitted application)

Location: THE WOODCUTTER WAVERLEY TERRACE
HARTLEPOOL

Decision: **Application withdrawn from agenda**

Number: H/2014/0176

Applicant: CAMERON HALL DEVELOPMENTS LTD WYNYARD
BILLINGHAM

Agent: England & Lyle, Mr Steven Longstaff, Gateway House,
55 Coniscliffe Road, DARLINGTON

Date received: 16/04/2014

Development: Outline application for erection of up to 134 dwellings,
provision of landscaping bund, access and other associated works

Location: LAND AT WYNYARD WOODS, WEST WYNYARD,
BILLINGHAM

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

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

building(s), the means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.

In order to ensure these details are satisfactory.

3. The total development hereby approved shall not exceed the following maxima:
Up to 134 Residential dwellings (C3 Use Class).
To ensure a satisfactory form of development.
4. The development hereby permitted shall be carried out in accordance with the plan (PL02B (Rev B) Indicative Development Area Plan) and details received at the Local Planning Authority on 16th April 2014 as amended by the Plan (PL01 (RevB) Site Location Plan) received at the Local Planning Authority on 15th May 2014, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
5. The permission hereby granted shall permit the phased development of the site and unless otherwise indicated all other conditions shall be construed accordingly. Notwithstanding the submitted details prior to the commencement of development a Phasing Programme shall be submitted to and approved in writing by the Local Planning Authority. This shall identify the phasing of infrastructure(including highways, footways, cycleways, crossing points), landscaping, public open space, play facilities, and residential areas of the development hereby approved. Thereafter the development shall be undertaken in accordance with the Phasing Programme so approved unless some variation is otherwise agreed in writing by the Local Planning Authority. The applicant shall provide with each phase the relevant details required by the conditions attached to this decision notice for approval by the Local Planning Authority at the time indicated in the condition, such approval to be in writing.
To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure and services to each individual phase.
6. The development hereby permitted shall not be commenced until such time as a detailed scheme for surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority.
 1. The greenfield run-off rate for the site should be applied to a calculated impermeable area within the site boundary so that the attenuation storage volumes required can be calculated and included in the detailed surface water drainage scheme.
 2. A maintenance regime for the drainage scheme / SUDS should be submitted and approved by the Local Planning Authority.
The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
7. No development shall take place in any phase of the development until a scheme of noise insulation/protection measures to specific properties,

first agreed with the Local Planning Authority, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

In the interests of the amenity of future occupiers of the site.

8. Prior to the commencement of development details of play facilities and public open space to be provided on site (including their/its location, the proposed phasing of provision, means of enclosure, landscaping, design and details of play equipment), shall be submitted to and approved in writing by the Local Planning Authority. The play facilities and public open space shall thereafter be provided in accordance with the details so agreed.

In order to ensure that these details are acceptable and are brought forward at an appropriate time in the interests of providing a sustainable development.

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

In the interests of highway safety and to ensure a satisfactory form of development.

10. Prior to the commencement of development a scheme to secure improved pedestrian access onto the Castle Eden Walkway, together with a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details and timetable so approved.

In order to ensure that there is adequate access to local recreational facilities from the development.

11. The residential properties hereby approved shall achieve a minimum of Level 4 of the Code for Sustainable Homes unless otherwise agreed in writing with the Local Planning Authority or any other equivalent Building Regulation rating at the time of submission of the application for reserved matters.

In order to minimise energy consumption in the interest of compliance with the National Planning Policy Framework.

15. The development shall be carried out in accordance with document entitled Flood Risk Assessment and Surface Water Management Strategy (Document Ref 4075/FRA1B- amended version dated 23/05/2014) received at the Local Planning Authority on 23/05/2014 unless some variation is otherwise agreed in writing with the Local Planning Authority.

In order to ensure that the site is appropriately drained.

16. Development shall not commence until a detailed scheme for the disposal of foul water arising from the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details. In order to ensure adequate drainage arrangements are in place for the development.

17. A detailed scheme of landscaping and tree and shrub planting 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.

18. 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.

19. The development shall be implemented in general conformity with the approved Indicative Development Area Plan (PL02B (Rev B)) submitted with the application and received at the Local Planning Authority on 16th April 2014.

To ensure that the reserved matters submissions are in accordance with the approved plan and to enable the Local Planning Authority to satisfactorily control the development.

20. A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, to agree the routing of all HGVs movements associated with the construction phases and effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

In the interests of the occupiers of adjacent and nearby premises and highway safety.

21. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

22. The clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming

this.

In order to avoid harm to birds.

23. Any trees that are to be removed shall first be inspected for their potential to support roosting bats by a suitably qualified ecologist. Any trees that are identified by this inspection as having high potential for roosting bats shall be subject to bat activity surveys prior to any felling works being undertaken on them. If bats are found to be present the tree(s) shall not be removed unless a method statement safeguarding the bats is first submitted to and agreed in writing by the Local Planning Authority. Any trees that have been identified as having moderate bat roosting potential should be felled according to a suitable method statement to reduce the risk of harm to bats. The method statement shall be submitted to and approved in writing by the Local Planning Authority for approval prior to the felling of the tree(s). Where method statements are agreed works shall be undertaken in accordance with the method statement.
In order to avoid harm to bats.
24. Within each phase of the development, no development shall take place until the Local Planning Authority has approved a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or design efficiencies. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment or design efficiency measures shall have been installed.
In the interests of promoting sustainable development.
25. The development hereby approved shall be carried out in accordance with the Great Crested Newt Method Statement, contained in Appendix 4 of the Extended Phase 1 Survey prepared by E3 Ecology and submitted in support of the application on 16th April 2014, unless some variation is otherwise agreed in writing by the Local Planning Authority. In order to ensure that any potential harm to this protected species is mitigated at the time of development.
26. Seven of the dwellings hereby approved shall incorporate bat mitigation features to provide long term roost sites for the local bat population in accordance with details and a timetable first submitted to and approved in writing by the Local Planning Authority. The bat mitigation features shall thereafter be provided as approved at the time of development and prior to the first occupation of any of the host dwellings, unless some variation is otherwise approved in writing by the Local Planning Authority.
In the interests of the ecology of the area.
27. Prior to the commencement of each phase of the development, details of existing and proposed levels of the site including finished floor levels of the buildings to be erected and any earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. In order to ensure that these details are acceptable in the interests of visual amenity, safety and the amenity of future and adjacent residents.

The Committee considered representations from the applicant in relation to this matter.

Councillor Martin-Wells addressed the committee as a Ward Councillor for the Rural West Ward. Councillor Martin-Wells spoke in favour of the application and welcomed the off-site contribution to affordable housing that was proposed with the application. He considered that the application would have no detrimental effect on the Borough and would bring a welcome increase in council tax income.

In debating the application a Councillor did feel that the lack of an overarching masterplan for Wynyard was an omission. The Councillor also referred to comments of Wynyard being a new 'Ingelby Barwick' as a significant concern in light of the significant daily traffic problems residents there experienced.

The application was approved on a majority vote.

14. Planning Services Manager

The Chairman introduced Mr Andrew Carter who had very recently been appointed to the post of Planning Services Manager. Mr Carter, who had worked within the Planning Services team for six years, commented that he wished to reinforce the relationship between officers and Members. The Committee congratulated Mr Carter on his appointment.

15. Appeal at 2a Marine Crescent, Hartlepool - Appeal Ref: APP/H0724/D/14/2218912 - Replacement Windows and Doors *(Assistant Director, Regeneration)*

The Planning Team Leader reported an appeal decision relating to the refusal of the Local Planning Authority of an application for the replacement windows and doors at 2a Marine Crescent Hartlepool. The application was refused by the Planning Committee.

The appeal was decided by written representation and dismissed by the Planning Inspectorate. The inspector concluded that the proposed works would not preserve or enhance the character of appearance of the conservation area. It would conflict, therefore, with Policy HE1 of the Hartlepool Local Plan 2006. The Inspector considered that the traditional character of the bay windows, throughout the conservation area, to be important to the significance of the heritage asset that is the conservation area. The appearance of the front doors is also important. He concluded the proposal would result in harm to this character. A copy of the decision letter was submitted for members' information.

Decision

That the report be noted.

16. Appeal at 183 Elwick Road, Hartlepool - Appeal Ref: APP/H0724/A/14/2215543 - Erection of a Detached Three Car Garage with Granny Flat Above *(Assistant Director, Regeneration)*

The Planning Team Leader reported an appeal decision relating to the refusal of the Local Planning Authority of an application for the erection of a detached three car garage with granny flat above, at 183 Elwick Road Hartlepool. The application was refused under delegated powers by the Planning Services Manager in consultation with the Chair of Planning Committee.

The appeal was decided by written representation and dismissed by the Planning Inspectorate. The inspector concluded that the proposed structure would unacceptably harm the neighbouring properties living conditions with regard to outlook. It was considered that the scale of the building and its location were not satisfactory with regard to the neighbouring dwelling, the proposal would not be in keeping with the main property and that it would detract from its setting. The inspector also concluded that the form of the building would encourage its use as a separate dwelling. The inspector concluded that the proposal would fail to comply with Policy Hsg10 (Residential Extensions) and Policy Hsg11 (Residential Annexes) of the Local Plan. A copy of the decision letter was submitted for members' information.

Decision

That the report be noted.

17. Update on Current Complaints *(Assistant Director, Regeneration)*

The Planning Team Leader reported on eighteen current ongoing issues, which were being investigated. Any developments would be reported to a future meeting if necessary.

Councillor Ainslie requested further details of 16 - "An investigation commenced in response to an anonymous complaint regarding a car boot sale taking place from a residential premises on Albion Terrace."

Members questioned the up to date position in relation to Low Throston House, Netherby Gate. The Planning Team Leader reported that an appeal against the planning refusal had been submitted.

Decision

That the report be noted.

18. Any Other Items which the Chairman Considers are Urgent

The Chair reminded Members that a Pre-Application Developer Forum had been scheduled immediately prior to the next meeting of the Committee on 6 August 2014. In light of this, the Committee meeting would commence at 10.30 am.

The Chair also informed Members that the dates for a series of training events for Planning Committee Members would be circulated in the very near future and the Chair stressed the importance of Planning Committee Members attending ongoing training for their role on the Committee.

The meeting concluded at 10.45 am.

CHAIR

No: 1
Number: H/2014/0194
Applicant: c/o 7 HYLTON ROAD HARTLEPOOL TS26 0AD
Agent: GAP Design Graeme Pearson 7 HYLTON ROAD
HARTLEPOOL TS26 0AD
Date valid: 02/05/2014
Development: Demolition of public house and erection of fourteen
dwellings (resubmitted application)
Location: THE WOODCUTTER WAVERLEY TERRACE
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 An application was received 31/3/2014 (H/2014/0158) for the Demolition of public house and erection of fourteen dwellings. Withdrawn (06/05/2014).

1.3 An application was received 26/04/2010 (H/2010/0277) for the Erection of boundary fence to create beer garden. Approved (23/08/2010).

1.4 An application was received (H/1979/0579) for the erection of a double sided illuminated projecting sign. Approved (14/08/1979).

1.5 An application was received (H/1977/0740) Illuminated advertisement sign. Approved (20/12/1977).

1.6 This application is being reported to committee as 5 objections have been received.

PROPOSAL

1.7 Planning permission is sought for the erection of 14 no. dwelling houses on the site of the vacant public house, The Woodcutter at Waverley Terrace, Hartlepool. The dwellings would be two and a half storey 3 bed houses. The dwellings would be set out in 4 rows of terraces of three and one pair of semi-detached dwellings. Plots 1-11 would be accessed from Kingsley Avenue. Plots 12-14 would access onto Waverley Terrace. Each of the dwellings would have 2 parking spaces to the front and private rear gardens.

SITE CONTEXT

1.8 The application site constitutes the vacant, Woodcutter Public House and associated car park and is located on the east side of Kingsley Avenue just to the north of the Rift House Recreation Ground.

1.9 There is housing immediately to the east and north of the site with Kingsley Primary School and housing to the west.

PUBLICITY

1.10 The application has been advertised by way of 18 neighbour letters and 2 site notices. To date, there have been 6 objections.

1.11 The concerns raised are:

- The dwellings are not in keeping with the area due to their scale
- Safety of children crossing the road
- Terraced properties are not in keeping with the area.
- Highway safety
- Additional traffic and parking
- Overdevelopment

1.12 Copy Letters **A**

1.13 The period for publicity has expired.

CONSULTATIONS

1.14 The following consultation replies have been received:

HBC Traffic and Transport: No objections subject to condition and informative

HBC Parks and Countryside: No objections

HBC Engineering Consultancy: No comments offered

HBC Public Protection: No objections

HBC Housing Services: No objections

HBC Landscape: No objection subject to condition.

Tees Archaeology: No objection

Northumbrian Water: No objection subject to condition

Cleveland Fire Brigade: No objections

Cleveland Police: Recommends development utilises secured by design

PLANNING POLICY

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

Local Policy

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

GEP1: General Environmental Principles
GEP2: Access for All
GEP3: Crime Prevention by Planning and Design
GEP9: Developers Contributions
Hsg9: New Residential Layout
Tra16: Car Parking Standards

National Policy

1.17 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

Paragraph 14: Presumption in Favour of Sustainable Development

Paragraph 50: Delivering a Wide Choice of High Quality Homes

Paragraph 56: Good Design is a Key Aspect of Sustainable Development

Paragraph 96: Energy Efficiency

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

1.18 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, design and layout, residential amenity, highways and developer obligations.

Principle of Development

1.19 In terms of national planning policy, the National Planning Policy Framework (NPPF) is a material consideration in determining planning applications. Running throughout the NPPF is a 'golden thread' setting out a presumption in favour of sustainable development. The NPPF does not specifically define sustainable development however Paragraph 6 states that the policies contained in paragraphs 18-219 of the NPPF taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. The NPPF goes on to state that there are three dimensions to sustainable development: economic, social and environmental. These aspects should not be taken in isolation, as they are mutually dependent. Therefore to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

1.20 It is considered that the application site is located within a sustainable settlement. National planning policy contained within the NPPF directs new housing to sustainable areas, best able to support it in terms of access to facilities and services and access to good public transport links. The application site is located within the settlement limits for Hartlepool with the application site being in close proximity to services, facilities, and public transport links. The NPPF also encourages the effective use of land by reusing land that has been previously developed (brownfield land).

1.21 The development is considered to be acceptable in this location. The proposed development is considered to be in accordance with policies GEP1, GEP2, GEP3 of the Hartlepool Local Plan and paragraph 14 of the NPPF.

Design and Layout

1.22 Paragraph 56 of the NPPF relates to the design of all new development. Good design is a key aspect of sustainable development, and is considered to be indivisible from good planning.

1.23 Objections to the proposal have raised concerns regarding the design and layout of the dwellings and their impact on the character and appearance of the area. In particular concerns have been raised regarding the height of the properties and the fact that they are terraced. The area is characterised by residential development with a mix of house types.

1.24 The proposed dwellings would be of a modern design, they are considered to be relatively attractive and have incorporated a number of design features including windows with a vertical emphasis, bay windows, heads and cills to windows and well

designed dormers to the front. The properties would be of a brick and tile construction, with white UPVC fenestration. The properties have been grouped into four groups of three and one pair of semis; the short terraces are broken up by stepping in a number of the properties. It is considered that the design of the dwellings would not differ so significantly to existing properties in the area as to warrant the refusal of planning permission. Each of the dwellings would have private rear garden areas and off-street parking.

1.25 It is considered that the redevelopment of the vacant public house and associated car park would improve the appearance of the area.

1.26 The proposed development is considered to be in accordance with policies GEP1, GEP2, GEP3 and Hsg9 of the adopted Hartlepool Local Plan and paragraph 56 of the NPPF.

Residential Amenity

1.27 Proposed residential developments must ensure that the residential amenity of both existing neighbouring occupiers and the proposed occupiers of the new development are adequately preserved.

1.28 Supplementary Note 4 of the Hartlepool Local Plan sets out specific guidance for minimum separation distances between residential properties. A minimum of 20m should be achieved where principal elevations face one another or 10m where a blank gable wall would face the front or back of a property.

1.29 Part of plot 12 would be located approximately 8.8 metres from the rear of the dwelling at plot number 8. This falls slightly below the recommended separation distance set out in Supplementary Note 4, it is however considered that due to the orientation of the dwellings and the proposed layout this distance would not be significantly detrimental to the amenity of the proposed dwelling at plot number 8. Otherwise the development meets the minimum separation distances as set out in Supplementary Note 4 of the Hartlepool Local Plan, it is therefore considered that the layout of the 14 dwellings is acceptable in terms of their impact upon the privacy and amenity of neighbouring properties and future occupiers of the dwellings.

1.30 In terms of residential amenity space, the dwellings would each have a private amenity space to the rear providing adequate amenity space for the properties.

1.31 The proposed development is considered to be in accordance with policies GEP1, GEP2, GEP3 and Hsg9 of the adopted Hartlepool Local Plan and paragraph 56 of the NPPF.

Highways

1.32 In highway terms the development is considered acceptable. The proposal will require the relocation of the school crossing patrol on Kingsley Avenue. The Council's Traffic and Transport Section raise no objections to the proposed relocation of the school crossing patrol.

1.33 The layout conforms to the HBC Design guide and specification for residential estates. The developer is proposing to relocate the crossing approximately 10 metres south of its original position, this will involve the installation of the relevant highway infrastructure for a school crossing patrol including the extension of the guard railing and parking restrictions. The developer has agreed to pay all costs associated with this.

1.34 The proposed development will also require the construction of an extended footway to the frontage of plot 12 and the construction of an acceptable drive crossing.

1.35 An informative shall be attached to any planning permission for the development advising the developer to contact HBC Highways prior to commencement of works to obtain relevant permission to work in the highway, and to discuss traffic management issues near to the school.

Developer Obligations

1.36 Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The guidance contained in the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010 requires that a planning obligation must only constitute a reason for granting planning permission for a development if the obligation meets all of the following tests:-

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

1.37 A Section 106 Agreement is proposed to provide a contribution of £250 per dwelling for green infrastructure for physical improvements at Waverley Terrace allotment project, £250 per dwelling for play provision at the Oxford Road play facility and £250 per dwelling for built sports facilities at Brierton Lane, equating to a total sum of £10,500.

1.38 In terms of the proposed commuted sum payment they are required to provide adequate amenity space for the scale of development. It is considered that the payment is set at such a level that it is fair and reasonable in relation to the development. The commuted sum payments would be in accordance with policy GEP9 of the Hartlepool Local Plan.

1.39 The Section 106 contributions meet the above tests and therefore complies with the relevant guidance.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.40 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

1.42 The programme is likely to contribute to reductions in crime and anti-social behaviour if the scheme is constructed in accordance with secured by design principles as recommended by Cleveland Police.

REASON FOR DECISION

1.43 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION

1.44 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to the applicant entering into a Section 106 agreement to secure £10,500 in financial contributions towards green infrastructure for physical improvements at Waverley Terrace allotment project, play at Oxford Road play facility and built sports facilities at Brierton Lane and subject to conditions set out below:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 29 04 2014 (Drawing no. 1411:P:01 Proposed Plans, Elevations, Site Layout and Location Plan) and plan received 22 07 2014 (Drawing no. 1411:P:02 Proposed realignment of existing pedestrian crossing point to new position).
For the avoidance of doubt.
3. 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. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Operations associated with the construction phase of the development hereby approved shall be carried out within the hours of;

Monday to Friday - 08:00 to 18:00
Saturdays - 08:00 to 13:30

No construction works shall be carried out on Bank Holidays and Sundays.
In the interests of preserving the amenity of residents.

5. A detailed scheme of landscaping and tree and shrub planting 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.
6. 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.
7. Prior to the commencement of the development, details of a wheel-washing facility within the site shall be submitted and approved in writing by the Local Planning Authority. The approved facility shall be installed before the use of the site commences and shall thereafter remain operational and be available for its intended use at all times during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties.
8. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
9. The footway on Waverley Terrace shall be extended along the frontage of plot 12 in accordance with Drawing no: 1411:P:01 Proposed Plans, Elevations, Site Layout and Location Plan and the proposed drive crossing shall be constructed in accordance with the Hartlepool Borough Council specification; the works should be carried out by a NRSWA approved contractor.
In the interests of highway safety.
10. 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. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
11. Prior to the commencement of the development hereby approved a scheme to provide a minimum level of at least 10% of the total energy supply of each building on the development from decentralised and renewable or low carbon sources shall be submitted to and approved in writing by the Local Planning Authority.
Prior to any occupation of buildings upon the development hereby approved a verification report and completion certificate shall also be submitted to and agreed in writing by the Local Planning Authority confirming that the required energy generation has been provided. The developer shall nominate a

competent person for the purpose of assessing and providing the aforementioned required report. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained so in perpetuity at the certified level for the lifetime of the development.

In the interests of assisting in meeting the UK clean energy consumption target and reducing the borough CO₂ levels through the provision of clean energy.

12. 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 Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

13. Prior to the commencement of the development the highways works detailed on (drawing number 1411:P:02 Proposed realignment of existing pedestrian crossing point to new position) shall be carried out to the satisfaction of the Local Planning Authority.

In the interests of highway safety.

BACKGROUND PAPERS

1.45 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 26.6.14
	SCALE 1:1250	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2014/0194	REV

No: 2
Number: H/2014/0196
Applicant: Taylor Wimpey UK Ltd North House Wessington Way
SUNDERLAND Tyne & Wear SR5 3RL
Agent: Taylor Wimpey NE Ltd Mr Neil Duffield North House
Wessington Way SUNDERLAND SR5 3RL
Date valid: 25/04/2014
Development: Outline application for residential development of up to
110 dwellings with all matters reserved except means of
access
Location: Land off Valley Drive Tunstall Farm HARTLEPOOL
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 Tunstall Farm was subject to debate during the process of creating the 2006 Local Plan. In 2004 the inspector deemed that there were sufficient sites within the urban area and that no Greenfield extensions, beyond the urban limits were necessary. Since 2006 the Council has been successful in delivering a number a number of urban sites and thus during the formation of the Withdrawn 2013 Local Plan it was deemed that there was not sufficient land within the urban limits to meet the housing need and that urban extensions would be essential to deliver the much needed growth.

2.3 In the Local Plan Preferred Options stage one (January 2010), Tunstall Farm was considered suitable for executive residential development. At the Local Plan Preferred Options stage two (November 2010), the site was again considered suitable for residential development. During the Local Plan Preferred Options two consultation a number of objections were submitted. In September 2011 the Councils Cabinet removed the site from the plan and the site did not move forward to Local Plan Submission stage. The site was subject to debate during the Local Plan examination. The Planning Inspector subsequently provided preliminary findings. The Inspector considered that the Tunstall Farm site was an appropriate site for residential development for approximately 100 dwellings. He recommended that the site be included within the plan. However, the local plan was subsequently withdrawn.

2.4 The application is being reported to committee as some 168 objections have been received.

PROPOSAL AND SITE CONTEXT

2.5 The application site extends to some 7.8 ha and currently consists of agricultural fields of improved grassland bounded by and incorporating trees and hedgerows. It is bounded to the north and west by the rear gardens of residential properties. To the east and south by fields. The Tunstall Farm complex itself lies beyond fields to the south. To the south/south east beyond fields lies Summerhill Country Park. To the west / south west the site is passed and crossed by a public footpath. Large parts of the site are elevated particularly in relation to land to the west and north west.

2.6 Outline planning permission is sought for the erection of up to 110 houses on the site with all matters reserved except the access. The indicative layout shows the housing areas divided into three blocks by two retained hedgerows and areas identified as public open spaces. An area of public open space will also be retained at the western and eastern edges of the site. It is also indicated that three play areas will be provided across the site. At the south eastern end of the site it is indicated that a pond will be provided as a Sustainable Urban Drainage feature. This will provide on site storage for surface water arising from the development to contain and control the flow of surface water into the adjacent Summerhill Drain. The access to the site which has been provided in detail will be taken from Valley Drive. The submitted details show the 6.75m wide access road curving into the site on a wide arc. A public footpath will be provided on the north side of the access. Accesses will be accommodated for agricultural purposes and utilities.

2.7 The application is in outline therefore the exact nature of the dwellings is unknown however the information submitted indicates that 3,4 and 5 bedroom two storey dwellings will in the main be provided during the course of discussions the applicant has also agreed to provide two bungalows on the site.

PLANNING HISTORY

2.8 The site has not previously been subject to an application for residential development. It has however been previously considered for inclusion in the local plan as a housing allocation (see background section above).

PUBLICITY

2.9 The application has been advertised by site notice, neighbour notification and in the press. The time period for representations has expired. Some 168 letters of objection have been received.

2.10 Those objecting to the development raise the following issues

- Urban sprawl. Development should be directed to other areas not green belt areas. Sites identified in the SHLAA particularly industrial and brown field sites should be reassessed.
- Don't understand why Local Plan which omitted site was scrapped. Unbelievable that local plan would be disposed of to create demand for

builders. Statistics on Gypsies were massaged. We need to return to an honest approach with correct information given to decision makers. Just because there is no local plan it doesn't follow that every application for housing should be approved. Given strength of feeling application should be rejected as Local Plan was.

- Planning free for all encouraged by Conservatives takes no account of wildlife & residents.
- Impacts on ecology wildlife including loss of habitat.
- Costs of upgrading roads.
- Schools oversubscribed.
- Flooding/Surface water drainage problems, existing systems is inadequate and climate change leading to wetter weather and more extreme events. The site is in a flood plain.
- Sewerage problems. Existing system inadequate and has led to sewage flooding/back flow incidents.
- Elwick should be protected from traffic.
- Development would affect the character of the bottom end of Valley Drive turning a safe and tranquil promenade into a busy thoroughfare.
- Impact on landscape loss of green belt/green wedge which past policy has created and protected. Vital to keep the towns lungs especially with infill developments approved elsewhere. This view was supported by the Planning Inspector in 2005.
- Inappropriate development in green belt.
- Detrimental impact on well being and health of the residents.
- Over development, unduly large, density too high and this, and design, not in keeping with the area. Insufficient gardens or amenity space. Lack of private space. Excessive Bulk/scale.
- Increased traffic and traffic congestion creating environmental (noise, air quality, pollution) and safety hazards. Local roads and junctions inadequate and are already congested. Drop off and pick up times for schools are already chaotic. Development will exacerbate existing problems. The safety of pedestrians particularly the elderly and young children on the way to school will be affected.
- Proposed access dangerous, steep and on a blind bend where access crosses for public footpaths.
- Impact on public rights of way, walkers and horse riders.
- Infrastructure inadequate.
- Site is remote. No amenities/ facilities in the area, doctors/shops etc. No public transport
- Need for sustainable links for cyclists and pedestrians to town centre
- Health & Safety access is unsuitable as are alternatives. Emergency services would have difficulty accessing the site at peak times and when flooding.
- Disturbance and damage to Valley Drive arising from construction works
- Persons who made representations to local plan should have been consulted
- Detrimental Impact on the environment and detrimental impact on the form and character of a beautiful, tranquil green belt area.
- Impact of access road and services on structure of neighbouring property.

- Development has been discussed for a number of years. Site taken out of Local Plan by previous inspector and previously rejected for inclusion in the Local Plan by Members .
- Detrimental impacts on the amenity and ecology of Summerhill Country Park. Commitments were made by the Council to retain the green belt and restrict development in surrounding area when it was created.
- Impact on landscape. Detrimental visual intrusion to the area, Summerhill Country Park and existing residents.
- No need for additional housing. Many houses for sale and other developments are in the pipeline. Hartlepool has the highest number of empty properties in the country
- Loss of privacy/overlooking.
- Loss of light.
- Poor relationship with adjoining buildings. Over dominance
- Loss of recreational space and a reduction in the amenity value of the surrounding countryside.
- It will set a precedent for further development to the south which will further exacerbate existing problems.
- Noise from gun club will affect residents.
- Residents should not have the development forced upon them to satisfy the greed of developers.
- The development would worsen and be detrimental to the area contrary to the NPPF.
- Development does not meet criteria for sustainable development.
- Concerned that affordable housing/social housing proposed as crime and noise is already an issue and there a lot of retired people in the area who want peace and quiet. Social housing might discourage upwardly mobile residents from locating in the area.
- Does not respect local context and out of character of the local area, detrimental to the local environment and tourism (Summer Hill Country Park), loss of wildlife corridor, and detrimental to local roads and traffic systems contrary to the policies of the Hartlepool Local Plan.
- Access should be onto Catcote Road not Valley Drive as recognised by the Planning Inspector in 2005. Only emergency access should be allowed from Valley Drive.
- Crime
- Approving new housing on the edge of town contributes to the decline of older housing areas in the town. The new housing will not attract in-migration there is an oversupply of houses which has affected prices negatively. Mobile professional will not be attracted to the town.
- Published advice recommends 12 week consultation period.
- The short term benefits of HBC gaining money and jobs cannot be weighed favourably against the impact of the development on residents.
- NPPF are guidelines and not mandatory on authorities.
- Housing targets for the town are questionable.
- The economic benefits arising from the development are simplistic and a gross over estimate. Most purchasers will be residents moving within Hartlepool.

- Disturbance to residents, many elderly, from 5 years of construction, noise, dust, debris, anti-social hours, early morning starts and wear on the roads from heavy construction traffic. Council tax payers will bear the costs of repairs.
- Impact on social balance of the area arising from high density estate houses as opposed to the high quality low density housing typical of West Park with the consequence of driving out high earning residents.
- The development would potentially create a transient community travelling to jobs and schools lacking in community spirit and creating a dangerous and dysfunctional community.
- Loss of view and open aspect for neighbouring residents.
- Impact on conservation area.
- Impact on resident's health from traffic pollution.
- Concerns at the applicant's pre-application consultation exercise as outlined in the statement of community involvement.
- Pedestrian Crossing on Wooler Road not required.
- Icy conditions may prevent people accessing their properties, as happens with The Spinney, adding to congestion.
- Development is purely to make money for the developer and attract more d+ band council tax payers.
- If the site is to be developed it should be for executive housing at 10 dwellings per hectare (DPH) not the 20 DPH proposed.
- Property will be devalued.
- Vast areas of town have been ruined by housing developments in the last 12 years. A number of private properties remain empty. HBC should tackle the issue of empty properties before allowing any expansion.
- Lack of road lighting in Valley Drive.
- Concerned about prices of new houses.
- Concerned at location of green play areas.
- Loss of farmland.
- Who will maintain drainage system?
- Concerned about movement of land near stream.
- Detrimental impact on the quality of life of existing residents.
- Loss of trees, hedge, and other vegetation and traditional field patterns.
- Introduction of unnatural features and spoiling natural or existing contours.
- Smells.
- Loss open space, historic street patterns.
- Adverse effect on economy. Creating imbalance between jobs and homes.
- Archaeology.
- Internal circulation proposals within the site will create conflicts with pedestrians, cyclists, and vehicles.
- Inadequate parking proposals could lead to vehicles overhanging adopted highway and overspill parking in adjacent areas.
- No details of the standard of houses.
- Loss of peace and quiet
- Contrary to strategic/local planning recommendations.

Two letters of no objections and one letter of support have also been received. The

writer supporting the proposals raises the following issues.

- Access here preferable to Coniscliffe Road which would impact on already dangerous traffic situation at West Park School.

2.11 In terms of other responses one writer whilst not objecting to the development raises concerns at the impact of the development on existing infrastructure roads and schools and raises concerns at accuracy of statements in the Design & Access statement regarding the quality of road connections and travel alternatives to the private car. Another writer whilst not objecting to the proposals asks that speed restrictions and speed humps be introduced to Valley Drive.

2.12 A representation has also been made regarding the householder who owns the site of the trash screen on Tunstall Beck confirming that no alterations or additions to the existing drainage system (Under his garden and the road leading to Hardwick Court) without full consultation with him and only with his permission.

CONSULTATIONS

2.13 The following consultation responses have been received:

Northumbrian Water : In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. Having assessed the proposed development against the context outlined above NWL have the following comments to make:

The developer has made a pre-development enquiry to NWL which we responded to on 1st September 2011. In this response we stated that a foul discharge of 4 l/sec can discharge into the 375mm foul sewer at manhole 3802. We also stated that no surface water would be allowed to discharge into our network.

NWL would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*Flood Risk Assessment*" dated April 2014. In this document it states that "Northumbrian Water will not permit the disposal of surface water into the existing public sewer network". It also states that "Discharge to the existing watercourse is the likely solution for the disposal of surface water from the development". The document also reflects our requirement for a foul connection and discharge rate.

We would therefore request that the *Flood Risk Assessment* dated April 2014 form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

HBC Education : Assessments by the Council's Education team have indicated that there is no additional requirement for secondary provision in the area. However there is a significant lack of capacity in both Community & Roman Catholic primary schools in the area and therefore additional provision will be required. The estimated number of primary pupils from this development is 21, the cost of a primary school place is £9,165 therefore a developer contribution of £192,465 is required.

Landscape & Conservation : A series of ecological surveys have been carried out on the site and surrounding area and submitted to support the proposal. Together these conclude that there would be no harm to protected species subject to the mitigation contained in those reports. Indeed given that the proposal includes a large SUDS pond and other landscaping then there is likely to be a minor overall enhancement for biodiversity as a result of this proposal. I am in agreement with the conclusions of the ecological reports. The mitigation proposed in those reports should be made a condition of any approval. One specific issue that may need addressing further is that four trees have been identified as having moderate potential for bats. An aerial survey of the trees in February 2014 found no signs of bats at that time however it is possible that bats could use those trees at some point in the future. The submitted “Extended Phase 1 and Protected Species Survey” states that these are recommended for retention in the scheme. If that is the case then there should be no harm to bats however if they are to be removed then I would recommend that further survey is carried out prior to their removal to ensure that bats have not colonised them.

Additional Comments (Following Receipt of Water Vole Survey): I was confident that water voles wouldn't be present. They appear to have gone from the whole borough.

Ramblers Association : We note (D&A 3.18) that 'Provision will be made for a footpath connection from the site through the permissive footpath network associated with Summerhill Country Park. This will ensure existing and proposed residents have access – via sustainable modes of transport – through the site to the Country Park, Summerhill Lane and Catcote Road (where a number of shops, services and bus stops are located)'. The link will be provided from the eastern corner of the site to Summerhill Country Park (D&A 3.25). We welcome this amenity. Construction traffic will access the site via Valley Drive and to FP Hartlepool 11. We ask the Council, should it be minded to grant permission for development, that the grant stipulate FP Hartlepool 11 be kept in a fit state for use by the public during construction and to be available to users at all times. We also ask that the developer's attention be drawn to Defra Circular 1/09 'Rights of Way' - Section 7 Planning Permission and public rights of way'.

Cleveland Fire Brigade: Cleveland Fire Brigade offers no representations regarding the application. However access and water supplies should meet the requirements as set out in approved document B volume 1 of the building regulations for domestic dwellings, or where buildings other than dwelling houses are involved then these should meet the requirements of Approved Document B Volume 2 for both access and water supply requirements. Further comments may be made through the building regulation consultation process as required.

Additional Comments :It is referenced that site access issues should be considered due to possible flooding of the access route at the South End of Valley Drive. These are considerations for the Planners and Environment Agency. Cleveland Fire Brigade can only reiterate that reasonable access for Fire Appliances should be available at all times as outlined in Approved Document B Volume 1 for domestic dwellings for both access and water supply requirements.

Traffic & Transportation : There are no highway objections to this scheme so long as the proposed mitigation measures are implemented.

I have examined the Transport Assessment submitted by the developer and have the following comments to make:-

The TA has assessed a number of key junctions which will be affected by the development. The junctions have been modelled with and without the development and up to the year 2020. The development will generate approximately 100 trips during the AM and PM peaks. This equates to approximately 1.5 trips per minute on Valley Drive, before dispersing to the wider network.

The analysis shows that the Elwick Road / Wooler Road / Park Road pair of junctions would operate above capacity in 2020 without the proposed development in place. Adding the traffic predicted to be associated with the proposed development would cause the junction to operate further over capacity.

In order to improve the capacity of the junction and help it to operate more efficiently the following package of mitigating measures is being put forward:

- Provide □ MOVA (Microprocessor Optimised Vehicle Actuation) control at the signalised junction,
- Provide □ queue detection to allow a specific MOVA strategy to be implemented,
- Provide a new □ signalised controlled pedestrian crossing to the North of the priority junction (in vicinity of White House PH),
- Improve the □ right turn pocket for vehicles into Park Road
- Install □ on crossing pedestrian detection,
- Upgrade the □ signal controller and site to Extra Low Voltage (ELV) standard.

These would be carried out under a section 278 agreement.

These measures will not allow the junction to operate within capacity but will help to bring the operating efficiency of the junction to the level expected without the development in 2020. The Elwick Road / Egerton Road junction has been analysed and would operate well within capacity in 2020, the West Park / Elwick junction has not been modelled, however traffic volumes are similar to the Egerton Road junction and no junction capacity issues are expected as a result of this development.

The wider highway network will see minimal increases in traffic as a result of this development.

Tees Archaeology : The applicant has submitted a Cultural Heritage Assessment and separate archaeological field evaluation. These documents meet the information requirements of the NPPF with regards to heritage assets of archaeological interest (para 128).

The evaluation has identified part of a prehistoric settlement and field system. This is largely contained within the central field of the development. The developer has put forward a Written Scheme of Investigation (dated January 2014) which I have previously agreed with the archaeological consultant as a scheme appropriate to the level of significance of the archaeological remains. It would be normal to secure the implementation of this scheme by means of a planning condition (NPPF para 141) which is recommended.

Landscape Planning & Conservation (Arboriculturalist) : An arboricultural impact assessment, which includes details of the effect that the proposed development will have upon existing trees on and adjacent to the site, has been submitted in support of the application. The assessment includes details of forty-five individual trees, one tree group, and nine hedgerows. It states that the proposed development should not require the removal of any trees, but that it will be necessary to remove some sections of hedgerow in order to allow construction of access roads.

Notwithstanding the above however, the assessment has been based on an indicative site layout block plan and therefore unfortunately does not include sufficient detail to enable a full assessment of the proposal as it relates to trees on and adjacent to the site. The tree protection plan that has been included with the assessment indicates the locations for the erection of temporary protective barriers during construction works. It has been superimposed on to a topographical survey of the site and does not include the proposed site layout. In the absence of a detailed site layout plan it is not possible to determine the locations of protective barriers or of the extent and type of ground protection with any certainty.

A tree protection plan should be superimposed on the finalised site layout and should indicate the location of protective barriers to form construction exclusion zones around retained trees. It should also show the extent and type of ground protection where construction activity cannot fully or permanently be excluded. I would therefore recommend that once a site layout design has been finalised, a finalised tree protection plan be produced and submitted to support a reserved matters submission.

A general outline of landscaping for the site has been submitted and includes extensive areas of public amenity space. However, there is insufficient detail to enable a full assessment of the landscaping proposal; therefore I would recommend that a comprehensive landscaping scheme be made a condition of approval or form part of a reserved matters submission.

Northern Gas Network : No objections.

Northern Powergrid : No objections.

Hartlepool Water : No objections.

Cleveland Emergency Planning Unit : No objections.

Additional Comments : With regards to the EA's response to application H/2014/0196 I have discussed it with our flooding lead and also enquired with the

emergency services who would obviously require access to the site in an emergency. So far I have only had a response from the Police who have stated

'any flooding would impact on our ability to attend any incident, that said it would also depend on what vehicle we mobilised. The force 4x4 and some of the large vans may well get through 18 inches of water but some of the cars may not, and as we mobilise the nearest vehicle to an incident we are unable to state which vehicle we would use. If the road floods will the people who own the properties be able to get in and out of the estate / new build anyhow – it seems that if we have a known potential failing why would the council allow it without insisting of a number of control measures.'

I would like to wait till the other emergency services come back with their opinions but with it currently being the only access to the site and the no start date to the improvements of the alleviation scheme and updating the trash screen it would need to be addressed by the applicant.

When I receive feedback from the other services I will email through to you but I expect them to follow the same lines as the Police.

Additional Comments: I have tried to get some feedback from both Fire and NEAS but to no avail. Having looked at the trash screen it seems to be just a light sheet of metal with holes and not really adequate but if the applicant is prepared to assist in the upgrade then there shouldn't be a problem. All the emergency services have access to 4x4 which in an incident on the development would have no trouble getting through 18 inches of water along with the likelihood of the monitoring team being once a week all mitigates the risk of the flooding occurring. With this in mind as emergency planning goes we wouldn't have issues with the proposal.

Parks & Countryside : A Public Footpath runs across the entrance area to the development site, at the southern end of Valley Drive. Public Footpath No.11, Hartlepool runs from the southern end of Valley Drive, in a south westerly direction along the eastern side of a pasture field, down to the bridge into Summerhill Countryside Park.

In the TRANSPORT ASSESSMENT document, written by Tim Speed Consulting, it is described (on page 7, point 4.4) as a permissive path with possibilities of improving it to incorporate cycle use. Due to its legal status there is a whole raft of legal procedures to consider before any changes or improvements can be looked at.

Any such changes would need to be discussed with me before any further movement to cycle use.

I do not disagree that this route is a potentially viable route for cycle use but urge the developer/agent and any consultant involved to contact me on 01429 523524 or email me on chris.scaife@hartlepool.gov.uk to discuss further.

The Appendix A clearly shows the route as a public footpath and not a permissive route. The map described is titled 'Hartlepool Access and Cycle Map' and not the 'cycle map' as suggested in the report.

At the eastern end of the development site there has been shown a SUDS pond. There have been recent discussions to consider the creation of a permissive path between the development site and Summerhill. This is a positive idea and would also benefit any safe route to school trips from parents accompanying their children and young residents. It would link into various permissive and public rights of way that are located in that part of the park. Again talks about creation of such links would involve discussion with me.

Highways Agency : No objection.

Public Protection : No objection.

Engineering Consultancy : In terms of my remit on behalf of the Council's Engineering Design & Management Team, I can only discuss matter in relation to land drainage and land contamination. After considering the supporting information posted on the planning portal, I have provided my comments below.

Land Contamination : I have reviewed the submitted Phase I & II (combined) Geo-environmental Assessment Report (Delta-Simons 11-0272.01) for the site in question. The desk study phase revealed that the area in question has not been previously developed. In terms of other environmentally sensitive uses, such as the proximity of landfill sites etc to the area, the site is considered at low risk from cross contamination, and I would generally agree with this statement.

I note the condition of the land (has been assessed) through a series of boreholes (6no.) and trial pits (23 no.), and this has revealed generally topsoil immediately overlying natural clay rich deposits. A small area of ash made ground was recorded in one position. Based on the above ground conditions and chemical analysis from 10 samples I note the presence of an area of ground in the location of TP123 that revealed elevated hydrocarbon GAC levels. From the ground gas monitoring undertaken on six occasions, I acknowledge that NHBC Classification Green applies for the site. In summary I would consider the site to have a low contamination profile overall, however in the vicinity of TP123, further delineation/investigation is required. The requirement for further investigation works would be good practice when considering BS10175 and CLR11 Model Procedures. The further investigation work should target the ash rich fill and assess whether the hydrocarbon contamination has impacted on the underlying deposits. The revised conceptual site model should provide an indication of risks to the various receptors. As part of the further investigation, I would require a statement outlining the proposed materials management of this fill in light of the overall development proposals. In order to facilitate the further site investigation and potential follow on remedial work, please could I request an appropriate condition is imposed on any approval.

I have reviewed the Flood Risk Assessment (FRA) report for the site (Queensberry Design Limited QD463, 3/04/14). The report indicates that the site falls within a Flood Zone 1 and that the site is not susceptible to flooding from Tunstall Farm Beck. The FRA makes reference to the recently installed offsite storage ponds and the current flood issues relating to the trash screens causing flooding to the highway and garden areas of properties along Valley Drive. At this stage, I welcome the developer's intentions to contribute to a remedial scheme targeting the existing flood

issues associated with the trash screens. In terms of proposed storm drainage, I accept that in theory flows can be discharged into the watercourse that flows to the east (Summerhill Drain) subject to detailed design. In this respect I acknowledge that the site development through the reengineering of the landscape can lead to flows being diverted to the east and away from the Valley Drive area with the exception of the access road leading down to the Tunstall Farm Beck area. In all, such a proposal would offer betterment and again, I welcome this given the current flood risk problems at the adjacent Valley Drive. There is mentioned of potentially using an infiltration drain in the eastern location; however the suitability of such a feature would have to be confirmed through detailed design. In terms of the overall development proposal and considering the existing highway flooding issues at the location where Valley Drive meets the access road onto the site, please find the following informative comments:

INFORMATIVE COMMENTS

1. The proposed access road onto the new development site will adjoin Valley Drive at a location that is susceptible to flooding from Tunstall Farm Beck. Whilst it is not within my remit to comment on issues in relation to Main River and the associated flood mechanisms at this location, I consider that there is an opportunity for the proposed development (if approved) to incorporate a solution that can alleviate this issue. At present, the existing access track leading up to Tunstall Farm slopes down toward the flood problem area at Valley Drive. Could I request further detailed information of the developer's intentions to provide an onsite solution that would allow flows from the development site along the profile of the existing access track to be captured, stored and released at a controlled discharge rate? Perhaps an engineered solution built into the lowest point of the new access road could include a series of balancing tanks, or perhaps a discrete SuDS feature along the road verge could be considered?

2. In terms of the existing offsite flooding issue, I note a letter submitted to the LPA in support of the current flooding issues immediately away from the development site. Queensberry Design Limited (QD/250414, 25/04/2014) commented that their client indicates a willingness to contribute to a scheme that will target problems associated with the trash screen blockage at Valley Drive. Could I request that the applicant submits firmer proposal and a full outline in support of the information already presented in the FRA, of the intention to alleviate the issues at this location through the implementation of a suitable scheme?

In consideration of the information presented on the planning portal, I acknowledge Northumbrian Waters Limited (NWL) comments with regards to both foul and surface water discharges. In terms of surface water discharge I note that no flows will be accepted into the existing NWL system. With this in mind, I note that the applicant intends to adopt sustainable drainage (SuDS) within the application site. In terms of the Council's new responsibilities and duties under the Floods and Waters Management Act, we are currently awaiting Schedule 3 to be enacted. Schedule 3 will give each Lead Local Flood Authority the responsibility of setting up and managing a SuDS Approval Body (SAB). In terms of future development, SuDS will be key to managing surface waters. With this in mind, I welcome the applicant's proposal to incorporate SuDS into the development as part of the site surface water management.

After considering the FRA, SuDS proposals and in addition to the informative Comments above, please could I request that the following condition is imposed on any approval (included in conditions at end of report).

Environment Agency: Following the Environment Agency's attendance of the Park Residents Association meeting on 28 May 2014, we have some further comments/advice to add to our previous response (Ref: NA/2014/110787/01-L01) which was submitted on 23 May 2014.

We have no objections to the proposal as submitted, and consider the proposed development will be acceptable providing the following **CONDITIONS** are imposed on any grant of planning permission: **Condition 1: Surface Water Drainage Scheme, Condition 2: Buffer Zone (Included in conditions at end of report)**

The proposed development at Tunstall Farm has generated a lot of flood risk concerns from the local residents of Valley Drive. The Environment Agency has met regularly with local residents and the developer to listen and discuss flood risk matters prior to the submission of this planning application and Flood Risk Assessment.

The proposed development is located within flood zone 1, therefore, the risk from fluvial or tidal sources is low. However, there is an existing flood risk adjacent to this site to properties at Valley Drive from the Tunstall Farm Beck and Hardwick Court Beck.

In 2011, the Environment Agency worked together with Hartlepool Borough Council to deliver the Tunstall Farm Flood Alleviation scheme. This scheme consisted of 2 attenuation ponds and a throttle structure. This provided storage and restricted flows down the Tunstall Farm Beck. The scheme was designed to provide a standard of protection of between 1 in 75 and 1 in 100 years.

In 2012, Valley Drive experienced flooding of low lying areas including gardens, driveways and the access road. As a result, we commissioned a study to investigate why flooding was occurring during low return period events. The Performance Review report developed by JBA concluded that the localised flooding was primarily caused by blockage to the trash screen at Hardwick Court. Based on this evidence, this type of flooding (as described in the Performance Review and experienced during 2012) will not impact on the proposed development site.

Northumbrian Water has also confirmed that the current surface water sewer does not have the capacity to take surface water run-off from the proposed development site. The foul sewer system will be able to take a discharge of 4.0l/sec. Therefore, surface water is to be discharged to the adjacent watercourses.

Approximately a quarter of the current development site drains towards the Tunstall Farm Beck. If this land was to be developed it could potentially exacerbate the flood risk to existing properties at Valley Drive. To mitigate against this, the developer proposes to reduce the catchment area of the site which drains to the Tunstall Farm Beck from the current 1.8ha to 0.4ha through site drainage. This will direct more

flows towards the Summerhill Drain.

The developer is also proposing to ensure surface water run-off does not exceed the current Greenfield run-off rate for the existing site. The current green-field run-off rate has been calculated as 25.3l/sec for the total site area (6.9ha). This works out as a rate of 3.71l/sec/ha which has then been applied to the impermeable area of the site to determine what level of storage is required to ensure the Greenfield run-off rate is not exceeded. The developed area within the site boundary has been estimated as 3.0ha, therefore the maximum discharge rate for the catchment draining into the Summerhill Drain is 11.1l/sec. This is less than the current discharge rate of 18.6l/sec for the current site area draining towards the Summerhill Drain. **This is considered to be a betterment to the current surface water drainage situation.**

The greenfield run-off rate has not been applied to the proposed western catchment (0.4ha) of the site as the area is deemed too small to feasibly provide a drainage system which would restrict flow to the desired rate without regularly blocking.

The proposed access to the development site is through Valley Drive. This access road lies within flood zone 3 and is at risk of flooding. The depth of the flooding at the site access point at the southern end of Valley Drive has been estimated as 38mm during the 1 in 100 year event. No velocity has been calculated for the flood waters during this event, therefore a danger rating for the access road could not be estimated. Flood waters with a depth of 38mm are likely to result in a 'no danger' or 'danger for some' rating.

In the current situation, the proposed access route will flood during lower return period events due to the issues with the Hardwick Court trash screen as detailed in the 2012 JBA Performance Review report. Recorded water levels were approximately 24.8m AOD at the point of the proposed site access during the November 2012 flood event. The depth of flooding at that point was therefore between 0.4m and 0.5m, significantly higher than the modelled depth of flooding during a 1 in 100 year event without any trash screen blockage. The Environment Agency are investigating a scheme to reduce the risk of trash screen blockage and therefore reduce the risk of this deeper flooding from lower return period events. At present, while the issue with the Hardwick Court screen remains, emergency planners should be aware that there is a risk of flooding to depths of 0.5m at the proposed access. They should determine whether this risk is acceptable. Ideally the proposed site would include an access route from the East of the site outside of the flood zone as the current access route floods during the trash screen blockage scenario to a greater depth than the calculated flood depth for the 1 in 100 year flood event.

Improvements to the flood alleviation scheme and trash screen are being investigated by the Environment Agency. However there are no confirmed works or start date at this time. The developers have recommended that the properties sign up to the existing Environment Agency's flood warning service due to risk of flooding along the site access. Emergency planners should consider whether the proposed access to the site is acceptable.

The issue of Urban Creep (homeowners creating more impermeable area by paving gardens, building extensions etc.) has been raised during a recent public forum. The requirement for urban creep to be factored into the surface water run-off calculations should be agreed with the Local Planning Authority. We would be available to comment on this issue at a later date should it be required.

In summary, there is no fluvial flood risk to the site and the surface water flood risk should be reduced through the site drainage proposals. There may be a site access issue due to flooding of the access route at the southern end at Valley Drive. This risk should be considered by emergency planners.

The Buffer Zone condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the Northumbria River Basin Management Plan

Fisheries and Biodiversity - Advice to LPA/Applicant

We strongly advise that the recommendations outlined in Section D4 of the Ecological Report - An extended Phase 1 and Protected species survey of land at Tunstall Farm, Hartlepool are strictly adhered to.

Our records show that there are water voles present in the area. Therefore, the additional water vole survey as detailed in section D5 should be undertaken. If water voles are identified in the water vole survey recommended in D5, buffers along the water courses will need to be a minimum of 5m wide on each side of the channel.

PLANNING POLICY

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

NATIONAL PLANNING POLICY FRAMEWORK

2.15 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning

Policy Framework (NPPF). The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires Local Planning Authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surroundings, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. It must be appreciated that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

2.16 The following paragraphs in the NPPF are relevant to this informal application/future planning application:

PARA 002 : Primacy of Development Plan
 PARA 006 Contribute to the achievement of sustainable development
 PARA 007 : 3 dimensions of sustainable development
 PARA 011 : Planning law and development plan
 PARA 012 : Statutory status of development plan
 PARA 013 : NPPF is material consideration
 PARA 014 : Presumption in favour of sustainable development
 PARA 017 : Role of planning system
 PARA 036 : Travel Plans
 PARA 37 Minimise journey lengths
 PARA 47 Significantly boost the supply of housing
 PARA 049 : Housing applications and sustainable development
 PARA 056 : Design of built environment
 PARA 057 : High quality and inclusive design
 PARA 060: Promotion or reinforcement of local distinctiveness
 PARA 061 : The connections between people and places
 PARA 064 : Improving the character and quality of an area
 PARA 066 : Community involvement
 PARA 096 : Minimise energy consumption
 PARA 196 : Determination in accordance with the development plan
 PARA 197 : Presumption in favour of sustainable development

ADOPTED TEES VALLEY MINERALS AND WASTE DPD

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

MWP 1 Waste Audits

HARTLEPOOL LOCAL PLAN (2006)

2.18 The 2006 Local Plan forms part of the Development Plan and is still the overriding consideration for determining planning applications.

GEP1: General Environmental Principles

GEP12: Trees, Hedgerows and Development

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

GEP9: Developers' Contributions

GN5: Tree Planting

Hsg10: Residential Extensions

Hsg9: New Residential Layout - Design and Other Requirements

Rec2: Provision for Play in New Housing Areas

Rur1: Urban Fence

Rur18: Rights of Way

Rur7: Development in the Countryside

Tra14: Access to Development Sites

Tra16: Car Parking Standards

Tra20: Travel Plans

PLANNING CONSIDERATIONS

2.19 The main planning considerations are policy, drainage, highways, design and layout, ecology, trees, impact on the visual amenity of the area, education, impact on the amenity of neighbouring properties, public rights of way, crime archaeology, loss of farmland and developer contributions.

POLICY

2.20 The development area lies outside of the Rur1 policy allocation, meaning that the development is outside of the defined development limits for Hartlepool as set out in the Hartlepool Local Plan 2006. The proposal to develop the site for housing would therefore be contrary to policies GEP 1 and Rur 1 of the extant local plan. However the local plan predates the NPPF and the policies are not fully consistent with the NPPF as the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47. In accordance with the NPPF therefore the housing policies of the extant Local Plan are considered out of date. Notwithstanding concerns regarding the impact of the development on the countryside in this instance, it is considered that the need to deliver additional housing in order to help meet the 5 year supply holds substantially greater weight than the need to restrict development beyond the urban fence.

2.21 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.

2.22 Furthermore due regard must be had to the fact that Hartlepool Borough Council cannot currently demonstrate a five year supply of deliverable housing sites and thus the housing policies within the 2006 Local Plan are deemed, currently, to be out of date. Paragraph 14 of the NPPF states that where relevant policies are out of date Local Planning Authorities should grant permission unless.

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *Specific policies in this Framework indicate development should be restricted.”*

2.23 Considerable weight should be given to the fact that the authority can not demonstrate a five year housing land supply but that does not override the requirement to ensure that development is sustainable. Given the location of the site on the edge of the urban area with the access to the facilities it provides the site is considered sustainable.

2.24 It is not considered that specific policies in the NPPF indicate the development should be restricted. It is not considered that in this case the adverse impacts arising from the development would significantly and demonstrably outweigh the benefits in particular the delivery of the housing required to meet housing need.

DRAINAGE/FLOODING

2.25 The main part of the site lies within flood zone 1 and is not at risk of flooding. The access point to the site and land adjacent to the site at Valley Drive however lie within a zone at risk of flooding.

2.26 In 2011, the Environment Agency worked together with Hartlepool Borough Council to deliver the Tunstall Farm Flood Alleviation scheme. This scheme consisted of 2 attenuation ponds and a throttle structure. This provided storage and restricted flows down the Tunstall Farm Beck. The scheme was designed to provide a standard of protection of between 1 in 75 and 1 in 100 years. In 2012, however Valley Drive experienced flooding of low lying areas including gardens, driveways and the access road. As a result, the Environment Agency commissioned a study to investigate why flooding was occurring during low return period events. The Performance Review report concluded that the localised flooding was primarily caused by blockage to the trash screen at Hardwick Court.

2.27 Given the above it is understandable that concerns regarding surface water flooding and flooding from the sewers have featured heavily in the responses of objectors. Objectors have noted the recent flooding incidents in Valley Drive described above and have advised of incidents where sewers have flooded.

Concerns have also been raised that flooding at the access point will effectively trap residents on the estate and effect emergency access.

2.28 The Environment Agency estimate that approximately a quarter of the current development site drains towards the Tunstall Farm Beck. In order to address concerns that the development could potentially exacerbate the flood risk to existing properties at Valley Drive, the developer proposes to reduce the drainage to Tunstall Farm Beck from the site through site drainage which will direct more flows eastwards towards the Summerhill Drain. The drainage will leave the site via an attenuation pond which will ensure surface water run-off does not exceed the current Greenfield run-off rate for the existing site. The Environment Agency and HBC Engineering Consultancy consider that this active management of the surface water drainage will deliver a betterment to the current surface water drainage situation. In addition following discussions the applicant has agreed in principle to provide additional storage capacity to the western end of the site within any final agreed scheme.

2.29 The proposed access to the development site is through Valley Drive. This access road lies within flood zone 3 and is at risk of flooding. Concerns have been raised that flooding at this access would potentially trap residents on the estate and hamper access for emergency services. The depth of the flooding at the site access point at the southern end of Valley Drive has been estimated as 38mm during the 1 in 100 year event. The Environment Agency have advised that flood waters with a depth of 38mm are likely to result in a 'no danger' or 'danger for some' rating. However, in the current situation, the proposed access route will flood during a lower return period events unless issues with the Hardwick Court trash screen, as detailed in the 2012 Performance Review report, are addressed. During the November 2012 flood event for example the depth of flooding at the access point was 0.4m and 0.5m, significantly higher than the modelled depth of flooding during a 1 in 100 year event without any trash screen blockage.

2.30 The Environment Agency are actively seeking to address this issue and have advised that they have let a design contract to review the trash screens with a completion date of end September for the design stage, funding for construction of the new screens has also been found. The Agency anticipate new screens will be completed this financial year. It is understood that Taylor Wimpey have informally advised the Agency that they would fund the construction of the screens with a contribution this however is a matter between the Agency and Taylor Wimpey. It is also understood that HBC Engineers have agreed to increase their inspection regime for the screen.

2.31 The owner of the land on which a trash screen is located has advised that he should be consulted and agree any works. The Agency have confirmed that consultations will take place and it is hoped that a solution agreeable to all parties will be achieved. It is understood however that the Agency do have powers under the Water Resources Act 1991 to undertake such flood defence and drainage works. It is anticipated that these works should address the issue of flooding caused by the blockage of the trash screen provided the screen is properly maintained, as it is legally required to be. In light of this the Cleveland Emergency Planning Unit has advised that they have no objections to the proposal.

2.32 The issue of Urban Creep (homeowners creating more impermeable area by paving gardens, building extensions etc.) has also been raised during a recent public forum. The issue of urban creep can be factored into the surface water run-off calculations in the final design of the drainage scheme.

2.33 In summary all professional expert consultees state that there is no fluvial flood risk to the site and the surface water flood risk should be reduced through the site drainage proposals. There may be a site access issue due to flooding of the access route at the southern end at Valley Drive however the Environment Agency has this matter in hand through the trash screen upgrade proposals. In terms of surface water drainage and flooding issues the proposal is considered acceptable.

2.34 In terms of the disposal of foul sewage concerns have been raised by residents as to the adequacy of the existing system. The operators Northumbrian Water have been consulted and have raised no objections to the proposal to connect to the existing system. Based on this expert advice in terms of the disposal of sewage the proposal is considered acceptable.

HIGHWAYS

2.35 The site will be accessed via Valley Drive and thereafter through the existing highway network. Concerns in relation to the impact arising from the additional traffic have featured heavily in the responses of objectors.

The applicant has submitted a Transport Assessment in order to mitigate against the additional impacts arising from the development the applicant has proposed various measures to increase the efficiency of the highway network. These include works at the Elwick Road/Wooler Road and Elwick Road/Park Road junctions. These works include the installation of MOVA control, queue management technology, an on crossing pedestrian detector (which will allow the lights to change faster if pedestrians have crossed) and improvements to right turn markings at the Elwick Road/Park Road junction and the installation of a pedestrian crossing at the Wooler Road/Park Road junction.

2.36 HBC Traffic & Transportation have examined the Transport Assessment and confirmed that they have no objections to the proposal provided the mitigation outlined in the Assessment is delivered. This can be secured by condition. In highway terms the proposal is considered acceptable.

DESIGN/LAYOUT

2.37 The application is in outline with all matters reserved save for access, notwithstanding this an indicative layout has been provided to indicate how the development might be accommodated on site.

2.38 The substantial landscaping proposed means that the overall density for the site at some 16 dwellings per hectare (DPH) is relatively low. This compares favourably to a density of some 11 DPH for the West Park Area. The applicant has indicated that the 110 dwellings would include two storey detached family homes of 3, 4 and 5 bedrooms. In discussions the applicant has indicated that he would be willing to accommodate two bungalows within the development site, in order to address the

housing need in the area evidence by the Strategic Housing Market Assessment SHMA, and to address site specific relationships where levels are substantially different see below. The application is in outline however it is considered that the density and type of housing proposed is acceptable in this area.

2.39 An assessment of the indicative layout indicates that the site can meet and exceed the guideline separation distances identified in the Hartlepool Local Plan. It is noted that in certain areas of the site particularly along the western and north western boundary of the site there are significant differences in levels between the site and the neighbouring properties. In the indicative layout a landscape buffer has been retained along much of the western boundary some 30 metres wide to address this issue. The applicant has also indicated that he would provide a bungalow in the north western corner of the site to reduce any potential impact on the neighbour to the west. Along the north western boundary of the site whilst there are differences in levels separation distances are generous and exceed the guidelines of the Hartlepool Local Plan (These issues are discussed in more detail in the section on the amenity of neighbours below).

2.40 The indicative layout shows the housing areas divided into three blocks by the two retained hedgerows and areas identified as public open spaces. An area of public open space will also be retained at the western and eastern edges of the site. It is also indicated that three play areas will be provided across the site. Also at the south eastern end of the site it is indicated that a pond will be provided as a Sustainable Urban Drainage feature. This will provide on site storage for surface water arising from the development to and control the flow of surface water into the adjacent Summerhill Drain.

2.41 The indicative site layout incorporates substantial areas of landscaping which will ensure that existing hedgerows crossing the site are largely retained and allowing for greater separation to the western edge of the site where levels are significantly different.

2.42 The access to the site which has been provided in detail will be taken from Valley Drive. The submitted details show the 6.75m wide access road curving into the site on a wide arc. A public footpath will be provided on the north side of the access this will take the access away from the gable of the neighbouring property to reduce noise and disturbance to that property. Accesses will be accommodated for agricultural purposes and utilities.

2.43 It is considered that, whilst the detailed design will be subject to a reserved matters application, the scale of development proposed can be accommodated on the site and that an acceptable layout and design can be accommodated.

ECOLOGY

2.44 The site currently consists of agricultural fields of improved grassland bounded by and incorporating trees and hedgerows. Concerns in relation to the impact of the development on the ecology of the area have featured heavily in responses. In support of the application the applicant has submitted an Extended Phase 1 Survey, a Great Crested Newt Survey, a Breeding Birds Survey and a Water Vole

Survey. These surveys indicated that the current habitats were generally of low value with mature hedgerows and trees considered to be of Parish Value. No protected species or signs indicating the presence of protected species were observed on the site and therefore the report conclude that there would be no harm to protected species subject to the mitigation contained in the reports.

2.45 The reports have been examined by the HBC Ecologist who has confirmed that he is in agreement with the conclusions of the ecological reports. He concludes that given that the proposal includes a large SUDS pond and other landscaping then there is likely to be a minor overall enhancement for biodiversity as a result of this proposal. He advises that the mitigation identified in the reports should be conditioned. He has also advised that should four of the trees recommended for retention are identified as having moderate potential for bats. He recommends should these trees be removed then further survey work should be carried out prior to their removal to ensure that bats have not colonised them.

2.46 In terms of the impact on Ecology the proposals is considered acceptable subject to conditions.

TREES

2.47 The site is bounded by and incorporates mature hedgerows and trees. The indicative layout submitted with the application indicates that the development could be accommodate whilst retaining trees save for the removal of areas of hedgerow removed to facilitate access to the site.

2.48 The reserved matters application will allow for a full assessment of the schemes impact on trees and hedgerows to ensure that these are where possible retained. It is considered that this matter can be addressed through appropriate conditions including the provision of a tree protection plan.

IMPACT ON THE VISUAL AMENITY OF THE AREA

2.49 The site currently consists of an area of agricultural land to the rear of the housing areas of West Park. The site rises as one moves west to east and in the north east corner particularly north to south. It is considered to be a relatively attractive area of agricultural landscape with the fields and the margins incorporating mature trees and hedgerows. Concerns in relation to the impact the development will have on the landscape and the character of the area have featured heavily in the responses to the application.

2.50 The development of housing on the site will clearly represent a marked change in the character of the site itself and the housing development will feature in views of the site from the surrounding countryside including Summerhill Country Park. However the site is adjacent to existing housing areas which closely bound the site to the north and west and in the wider landscape is seen in this context. In bringing forward the indicative proposals the applicant has sought where possible to retain important landscape features such as the hedges and mature trees. There is also some screening afforded by mature trees located on land on the margins to the site.

On balance, given the context of the site it is not considered that any negative impacts arising on the visual amenity of the area would substantially outweigh the benefits arising from the development in terms of meeting the borough's housing need.

IMPACT ON THE AMENITY OF NEIGHBOURING PROPERTIES

2.51 Concerns in respect to the impact the development will have on the amenity of neighbouring properties have featured heavily in responses to the application. A particular concern has been the impact on the amenity of residents arising from the introduction of housing into an area to the rear of existing houses and the impacts that this might have in terms of privacy, light, outlook and dominance. This is a particular concern in respect to the areas of the site along the west and north west boundary where the site levels are elevated in respect to the neighbouring properties.

2.52 The indicative layout indicates that site can accommodate the Local Plan guideline separation distances of 20m (between principal elevations) and 10 m (between principal elevations and gables). In critical areas of the site where levels are elevated, the indicative layout shows that these guideline separation distances can be substantially exceeded. For example on the western boundary the separation between the principal elevations of the closest existing properties and the new housing will be in excess of 55m. Whilst the separation between the principal elevations of the on site housing and the closest existing property in the north west corner of the sites are some 25m to 40m.

2.53 In order to clarify the relationships the applicant has provided sections for critical areas of the site these indicate that given the separation distances generally acceptable relationships can be achieved on site. One area of concern was in the north west corner of the site however in order to address this concern the applicant has indicated that a bungalow could be accommodated to reduce the dominating effect on the neighbour.

2.54 It is concluded in respect to the impact of the development on the neighbouring properties in terms of loss of light, privacy outlook and issues of dominance it would be possible to achieve acceptable relationships. Clearly this issue will be addressed in detail should the application be approved and an application for reserved matters be submitted.

2.55 Objectors have also raised concerns regarding the impact arising from vehicles, the construction process (noise, dust, vehicle, movements) and from additional pollution arising from traffic. The Head of Public Protection has raised no objections to the proposal. In respect to nuisance from construction activities, it is inevitable that there will be a degree of disturbance arising from this however a condition is proposed to ensure measures are put in place to minimise any such nuisance. In terms of the impact on the amenity of residents the proposal is considered acceptable.

EDUCATION

2.56 Assessments by the Council's Education team have indicated that there is no additional requirement for secondary provision in the area. However there is a significant lack of capacity in both Community & Roman Catholic primary schools in the area and therefore additional provision will be required. In order to address this the team have requested a developer contribution. The estimated number of primary pupils from this development is 21, the cost of a primary school place is £9,165 therefore a developer contribution of £192,465 was sought. The applicant has agreed to provide this contribution to address the shortfall of places.

PUBLIC RIGHTS OF WAY (PROW)

2.57 It is acknowledged that a PROW crosses part of the site and concerns have been raised by objectors in relation to the safety of users of the public right of way. However, no objections have been raised in this respect by the Ramblers Association, the HBC Countryside Access Team and HBC Traffic & Transportation. The development will clearly need to take into account the PROW which is protected by relevant legislation however it is not considered that the impact on the public right of way would be unacceptable.

2.58 During the course of the consideration of the application discussions have taken place with the applicant with regards to various proposals to improve the public rights of way PROW in the area. These include establishing an additional PROW through the site and a link to a permissive route within the Summerhill Country Park and improvement works to the permissive path within Summerhill and to Footpath NO 11. The applicant has agreed to accommodate these improvements. It is considered the link will foster a number of benefits including safe routes to schools and employment, safe recreational routes, links to recreational activities, sustainable travel to countryside sites and improved access to the countryside. These improvements can be secured through an appropriate legal agreement.

2.59 It is considered that the impact on PROW arising from the development is acceptable and that the proposal will enhance the PROW network in the area.

CRIME

2.60 It is not considered that the proposal will contribute to any significant increase in crime in the area. Any issues arising will need to be addressed by the appropriate authorities.

ARCHAEOLOGY

2.61 The applicant has submitted a Cultural Heritage Assessment and separate archaeological field evaluation. The evaluation has identified part of a prehistoric settlement and field system. This is largely contained within the central field of the development. The developer has put forward a Written Scheme of Investigation (dated January 2014) which has been agreed with Tees Archaeology. Tees Archaeology have requested that the implementation of this scheme be conditioned. It is considered that any impact on the archaeological interest of the site can be

addressed through the scheme of investigation. The proposal is considered acceptable in terms of its impact on any archaeological features on the site.

LOSS OF FARMLAND

2.62 It is acknowledged that the development will result in the loss of agricultural land however the farmland is not classed as the best and most versatile agricultural land and its loss is considered acceptable.

DEVELOPER CONTRIBUTIONS/OBLIGATIONS

2.63 The applicant has prepared a viability assessment and in light of this, and the requirements of consultees the following developer contributions have been agreed with the developer.

- 1 School contribution £192,645.
- 2 Built Sports - £27,500.
- 3 Affordable housing @ 15% £884,000.

2.64 The applicant has requested that an off site affordable housing contribution rather than on site provision be accepted on this site and the NPPF allows for this where it can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities.

2.65 It is proposed that this contribution be used for the completion of acquisitions and demolitions in the Carr/Hopps Housing Market Renewal Scheme and acquisition and refurbishment of property through the Council's Borough-wide Empty Property Purchasing Scheme. In this case the proposed use of the off site contribution is considered acceptable.

2.66 The applicant has agreed to accommodate improvements to the PROW infrastructure in the vicinity of the site. Including the establishment of a PROW link to Summerhill, and improvements to FP 11 and the permissive path at Summerhill, this can be delivered through an appropriate legal agreement. The appropriate maintenance of play areas and public open space can also be secured through the legal agreement.

OTHER MATTERS

2.67 Objectors have raised the issues of loss of view and effect on property value however these matters are not material planning considerations and therefore no weight can be afforded to these concerns.

CONCLUSION

2.68 The development area lies outside of the Rur1 policy allocation, meaning that the development is outside of the defined development limits for Hartlepool as set out in the Hartlepool Local Plan 2006. The proposal to develop the site for housing would therefore be contrary to policies GEP 1 and Rur 1 of the extant local plan.

However the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47. In accordance with the NPPF therefore the housing policies of the extant Local Plan are considered out of date. It is considered that the need to deliver additional housing in order to help meet the 5 year supply holds substantially greater weight than the need to restrict development beyond the urban fence.

2.69 It is not considered that specific policies in the NPPF indicate the development should be restricted. It is not considered that in this case the adverse impacts arising from the development would significantly and demonstrably outweigh the benefits in particular the delivery of the housing required to meet housing need. The application is therefore recommended for approval

RECOMMENDATION – APPROVE subject to the completion of a legal agreement securing an educational contribution of £192,645, a contribution towards built sports of £27,500 to be used at Brierton, an affordable housing contribution of £884,000, a commitment to undertake improvements to the PROW network including improvements to the permissive path in Summerhill and Footpath No 11, the creation of a PROW link to Summerhill, adequate maintenance of play and open space areas and a local labour agreement and subject to conditions. The conditions will be subject to an **UPDATE** report but will include the following.

- 1) Time Limit.
- 2) Reserved Matters.
- 3) Quantum up to 110 dwellings only.
- 4) Minimum of two bungalows.
- 5) Ecological Mitigation.
- 6) Highway Mitigation
- 7) Archaeology
- 8) Tree Protection
- 9) Landscaping
- 10) Landscaping timing
- 11) Contamination
- 12) Surface water drainage.
- 13) Petrol interceptor
- 14) Buffer zone
- 15) Play provision

16) Levels/sections.

17) Construction Mitigation

18) Energy Efficiency/Renewables

BACKGROUND PAPERS

2.70 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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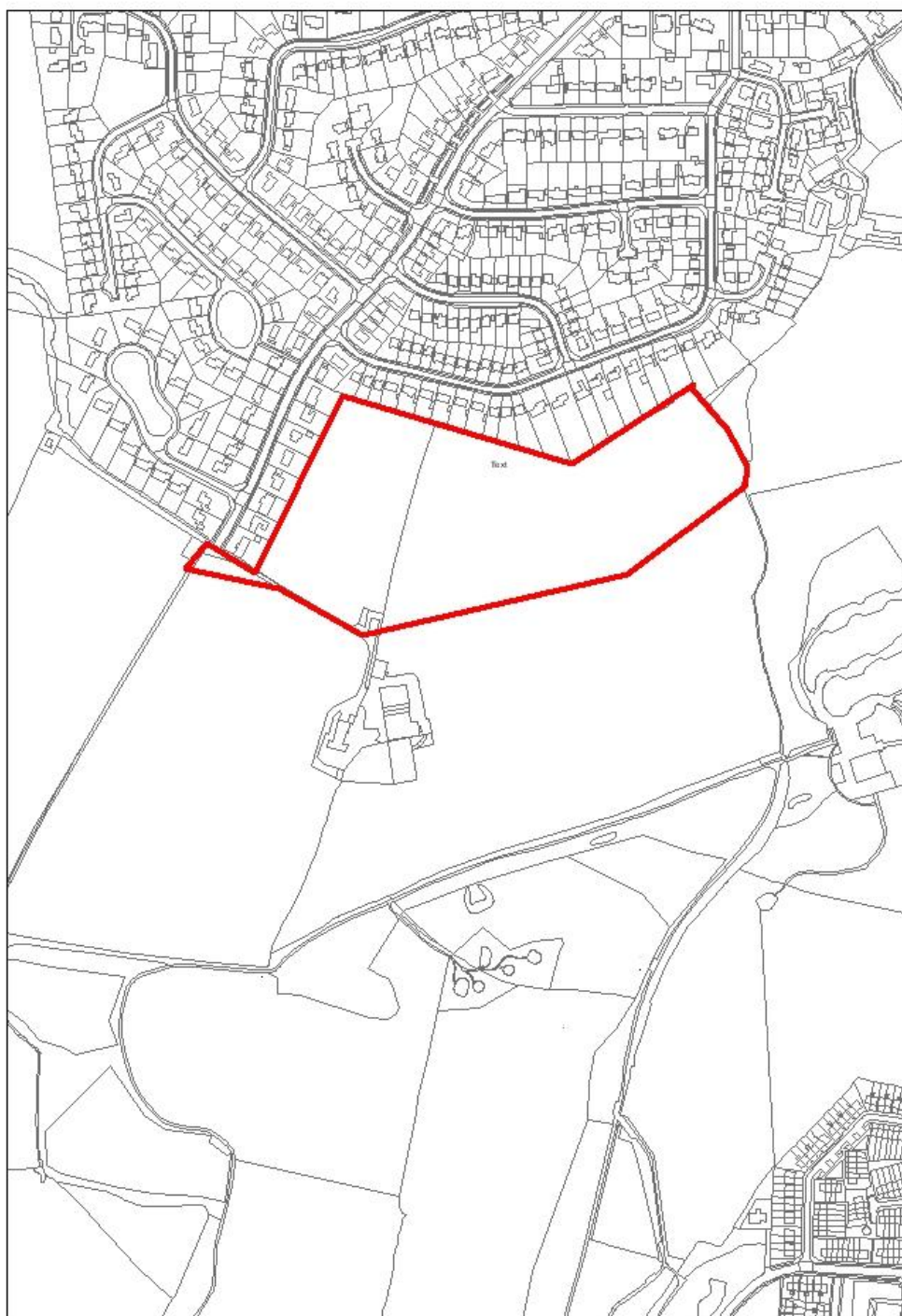
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LAND OFF VALLEY DRIVE



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
Level 1, Civic Centre, Hartlepool TS24 8AY
Department of Regeneration and Planning

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Scale: 1:5,000
Date : 14/07/14
H/2014/0196

No: 3
Number: H/2014/0215
Applicant: VILLIERS STREET AGRICULTURAL
Agent: SIGNET PLANNING 26 APEX BUSINESS VILLAGE
ANNITSFORD NEWCASTLE UPON TYNE NE23 7BF
Date valid: 23/05/2014
Development: Outline application for the construction of 81 dwellings
with all matters reserved except for access
Location: LAND AT QUARRY FARM ELWICK ROAD
HARTLEPOOL HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 In the Local Plan Preferred Options stage one (January 2010), Quarry Farm was considered suitable for 300 dwellings, the site was much larger as land to the north of this application site was also included. At the Local Plan Preferred Options stage two (November 2010), the site was considered suitable for residential development comprising 50 executive dwellings. During the Local Plan Preferred Options two consultation objections in excess of 1000 were submitted. In September 2011 the Council's Cabinet removed the site from the plan and the site did not move forward to Local Plan Submission stage. The site was subject to debate during the Local Plan examination. Preliminary findings by the Inspector deemed that the site was suitable for residential development and could incorporate more than 50 dwellings.

PROPOSAL

3.3 Outline permission is sought for the erection of a maximum of 81 dwellings with all matters reserved except for access.

3.4 An indicative plan, the final layout to be decided at subsequent reserved matters stage, has been submitted to show a layout which accommodates 81 dwellings and whilst no details of the house types have been submitted three plots are shown on the plan as accommodating bungalows. Each of the dwellings includes incurtilage car parking with amenity space to the front and rear. The final layout will be the subject of a reserved matters application should the application be approved.

3.5 An amended layout plan was submitted which demonstrates an 8 metre deep soft landscaping strip adjacent to the eastern boundary of the site. This additional landscaping will be adjacent to an existing tree planting belt which runs adjacent to the public footpath along the eastern boundary of the site. The amended indicative

layout also includes a footpath access to join the proposed development to the existing footpath to the east of the site.

3.6 The indicative layout accommodates an area centrally located within the scheme measuring approximately 0.121 hectares of grassed space to provide a play area. The layout also includes an area of open space towards the northern corner of the site which will be adjacent to the area of woodland to the north of the site.

3.7 Access is proposed to be taken from Elwick Road, in order to improve road safety at this location a number of measures have been proposed in the submission these consist of a segregated right turn lane into the site, the extension of the 30 mph speed limit including the provision of gateway signage and the extension of the footway between Cairnston Road and the site access. The site access is proposed to be 5.5 metres in width with 2 metre footways. Visibility splays are also demonstrated on the submitted layout plan.

SITE CONTEXT

3.8 The application site is an area of approximately 4.12 hectares of agricultural land on the edge of Naisberry Park which is currently located outside the defined limits to development. The site is adjacent to Elwick Road to the south from which access is proposed to be taken. To the east of the site is a woodland strip and public footpath beyond which are the rear boundaries of residential properties within Naisberry Park which is a residential area. The existing woodland strip extends along the full length of the eastern boundary and continues to the north (where it incorporates a network of informal footpaths) and along the southern boundary of the site adjacent to Elwick Road.

3.9 The woodland strip to the east includes a recreational footpath which links Naisberry Park to the wider footpath network and open countryside.

3.10 The land slopes downwards to the north where there is a gully, the fields beyond slope back up towards the north. There is a disused quarry to the west beyond which are agricultural fields.

PUBLICITY

3.11 The application was advertised by way of neighbour letters (690), site notices, and a press advert. The following representations have been received.

3.12 Eight representations were received advising that they did not wish to object.

3.13 Two hundred and twenty one objections were received. The concerns raised were:

- Loss of a greenfield site/green belt. Development will result in encroachment into the countryside
- The town boundary will be extended
- Available brownfield sites/regeneration areas in the town should be developed instead

- Waste sites in the urban area should have been used for housing development
- There is already limited green space in the borough
- Loss of productive agricultural land
- Loss of an old quarry
- Views of the countryside will be lost
- Loss of village/rural character
- There is already sufficient development taking place and land identified to meet the housing requirement
- There is no demand for residential development - similar existing properties are not selling
- There are derelict houses in the town
- Hartlepool does not need more executive housing
- There are no jobs in the borough
- More social housing is required
- Objection to affordable housing on the site
- Traffic congestion, highways and highway safety concerns
- Vehicle access to the site and existing housing estates
- Bus routes are already congested
- Flooding and drainage concerns
- Hartlepool Cricket Club have concerns regarding drainage and the impact on the pitch.
- Impact on the amenity of existing residents e.g. loss of light and disruption from additional traffic
- Detrimental impact on property values
- Concerns regarding education provision
- Play area provision for children
- Potential for anti social behaviour
- Increased pollution
- Noise pollution
- Infrastructure provision e.g. utilities
- Issues with reduced water pressure in the area
- Impact on the natural environment
- Impact on wildlife and ecology
- Loss of trees
- Disruption for existing residents during construction
- Development will spoil the surrounding area / visual impact
- Creation of an over populated area
- Over development
- Development is too close to existing properties
- Concerns regarding density
- Route of the new public right of way
- Concerns of crime and anti social behaviour on the new public right of way which has been added to the scheme. Concerns that the public will not be consulted on any other modifications
- Developers are taking advantage of a lack of a Local Plan
- If approved this will lead to further applications
- Applications in this area in the past have been dismissed by planning inspectors

- A new Local Plan should be adopted before development is allowed to take place beyond the towns urban limits
- The site was discounted as part of the original structure plan. Development should not be considered until a new structure plan is complete.
- The site was not in the previous Local Plan and when suggested for allocation in the new plan it was met by a significant level of local opposition.
- The reasons why the site was rejected in the recently withdrawn Local Plan should be considered

3.14 Copy letters **C**

CONSULTATIONS

3.15 The following consultation replies have been received:

Countryside Access Officer: I would like to discuss the existing provision as well as the possibility of linking new provision of public access between the public footpath and the development site.

As mentioned in some of the application documents; there is good public access in the area. However, the agents/developer may not be aware that we have carried out, recently, some extra improvements that make the existing path usable by cyclists (permissive cyclist rights).

Updated comments

The recent plans supplied for me to review are acceptable, with regards to the suggested revised access links between the development site and the existing public footpath to the east of the site.

With regards to the creation of new access links between the development and the public rights of way to the north and north east, I am happy to agree that the developer contributions recently discussed and reviewed will be secured through a Section 106 agreement. This will allow for the creation of a suitable access link to benefit the public and residents of the new development site.

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

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

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

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

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact Niki Mather (tel. 0191 419 6603) at this office to arrange for a Developer Enquiry to ascertain allowable discharge points and rates.

Tees Archaeology: The developer of the above site has commissioned a trial trench field evaluation to support the application. I have visited the site this morning to monitor the works on behalf of the local authority.

The trenches have revealed the remnants of a ridge and furrow field system and a pair of natural channels draining down into the beck. These remains are not of any particular significance and the trenching that has taken place has provided an adequate record of them. The archaeological contractor will provide a report on the results of the work in due course. In the interim my site visit has satisfied me that the development will not have a significant impact on archaeological remains and that the works carried out meet the information requirements of the NPPF para 128.

I therefore have no objection to the application and have no further recommendations for archaeological work.

Cleveland Police: The applicant should consult the police directly to ensure crime prevention and community safety and prevention measures are put in place where appropriate.

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

However access and water supplies should meet the requirements as set out in approved document B volume 1 of the building regulations for domestic dwellings, or where buildings other than dwelling houses are involved then these should meet the requirements of Approved Document B Volume 2 for both access and water supply requirements.

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

HSE: The HSE does not advise against the development on safety grounds.

Emergency Planning Unit: I have had a look at the pipe line and it is actually the other side of the road to the proposed development. There is a consultation distance which is a bit like the Public information zone on a COMAH site which does go onto the proposed land but this wouldn't affect it in reality. With that in mind as you have

already consulted the HSE and Company there aren't any objections from ourselves to it on that basis.

Ramblers Association: We note that FP Hartlepool 03 runs alongside the eastern boundary of the development and that links (unspecified) to it from the site are proposed as well as the provision of safe pedestrian access along Elwick Road.

No mention is made by the developer of using the track, which runs from FP Hartlepool 03 along the northern edge of the development to the old quarry as a recreational amenity for the new residents and it would seem that little heed has been paid to Section 8. Promoting healthy communities in the National Planning Policy Framework. Paragraph 73 states:

Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

This is consistent in with the requirement on planning authorities to enhance public rights of way and access contained in paragraph 75 of the Framework viz:

Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

We ask the council to consider these paragraphs of the Framework and seek planning obligations in order to enhance the health and wellbeing of the new community.

Public Protection: No Objections

HBC Ecologist: There are a small number of potential adverse effects on ecology from this proposal. These are likely to be:

The loss of breeding territories of ground nesting birds, such as Skylarks. I don't agree with the statement in the submitted ecological impact assessment that the presence of other suitable Skylark territory in the surrounding areas means that there would be no impact. Nevertheless the impact would be minor as a site of this size would only support a very small number of ground nesting bird territories.

Harm to breeding birds through site clearance

The impacts of additional lighting on bat activity (NB this is only likely to be an issue if the bat species present in this area are other than Pipistrelles and Noctules, as these species are less affected by light, but all available evidence suggests that these are the only bat species likely to be present in this area.)

The impacts of recreational activity on the wildlife corridor immediately to the north, which includes the mature woodland through the gulley to the disused quarry.

Mitigation for the above potential adverse effects is stated as;

The planting of an 8m woodland buffer around the southern and eastern boundaries. This would result in something in the region of an additional 0.5ha of new woodland. While not compensating directly for the loss of a small number of ground nesting bird territories, it would provide habitat for a much larger number of breeding birds as well as other forms of wildlife and would result in an overall minor enhancement for biodiversity from the proposal.

Site clearance would take place outside of the breeding bird season. (NB unless otherwise agreed in line with the LPAs standard condition on breeding birds.)

The additional tree planting would mitigate for the effects of additional lighting on the eastern and southern boundaries and a lighting scheme will be designed to avoid illumination of other peripheral habitats.

Informal recreational access to the wildlife corridor to the north will be restricted through strengthening of the boundaries through landscaping.

Provided that this mitigation is incorporated then any adverse ecological effects could be avoided and a minor ecological enhancement could be achieved through the additional tree planting and the landscaping to be associated with the housing development. The above mitigation measures should therefore be made a condition of the development.

Updated comments

I would like to update my earlier comments on Quarry Farm in the light of the amendment to take out some of the proposed woodland buffer. It is still proposed to include an additional 8m buffer along the eastern perimeter of the development but the 8m buffer on the southern side along the road would no longer be included, nor would a small strip along the north east corner.

My earlier comments still apply except in regard to biodiversity enhancements. I am not convinced that the planting of an 8m strip along one side of the development only would in itself be sufficient to ensure an enhancement for biodiversity. In order to ensure that there would be an overall enhancement, the applicant has agreed to provide some off-site enhancements on the area of land immediately to the north, which is in the applicant's ownership. There are various way in which this could be undertaken, eg it could be in the form a wetland feature or wildflower meadow enhancements in the gulley area or improvements to the woodland. We have dealt with this in other applications by requesting the submission of a conservation management plan, which will demonstrate how biodiversity will be enhanced as part of the development. This could be provided by way of condition.

Landscape and Conservation: The Tree Survey and Plan that was submitted with

this application provides a reliable and accurate picture of what trees are currently there and also provides an overview of perceived maintenance issues. The tree report by *elliottconsultancy* ltd gives a British Standard tree category for 6 individual trees and a further 20 packets of land that have been divided into groups.

Most of the trees referred to are semi-mature and were planted as screening and shelterbelts. The exception is group 9 which consists of a stand of mature trees mainly comprising Sycamore, Ash and Beech.

The trees within group 5 will need to be removed completely to gain access to the site but considering the overall tree cover that has been planted over the last 30 years this is a small loss that is acceptable.

Further landscape details are provided in the Drawing submitted by Blake Hopkinson Architecture Project Ref. RES/389, Drawing number 200-01-Rev.3 which gives a general layout of the proposed development.

As Hartlepool Borough Council has had issues with existing residents and trees within the shelterbelt it is important that the ownership is clearly identified for any future maintenance works and it may be worth considering including this within some of the garden areas.

I also need to see an arboricultural method statement which will describe how the trees that are to remain will be protected during the construction phase and any other issues to mitigate damage to existing trees. Also details of the proposed landscaping.

I consider conditions J161 Landscaping scheme; J162 Landscape timing to be appropriate to this development proposal in addition to the arboricultural method statement previously mentioned. These need to be discharged before work commences, otherwise I have no objections to this application.

Environment Agency: the proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to protect a 5 metre wide buffer zone around the watercourse at the northern part of the site.

No development shall take place until a scheme for the provision and management of a 5 metre wide buffer zone alongside the watercourse at the northern part of the site shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

1. plans showing the extent and layout of the buffer zone
2. details of any proposed planting scheme (for example, native species)
3. details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of

detailed management plan

4. details of any proposed footpaths, fencing, lighting etc.

Development that encroaches on watercourses have a potentially severe impact on their ecological value. e.g. artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat.

Land alongside watercourses are particularly valuable for wildlife and it is essential this is protected.

This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan.

An acceptable method of foul drainage disposal would be connection to the foul sewer. The Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

Updated comments

Having received further information in email received 25 June 2014 we **withdraw** our objection. The proposed development will be acceptable if a planning condition is included requiring the following drainage details.

Condition

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated can be attenuated to the greenfield run off equivalent for the impermeable areas only and will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the

development is completed.

Reason

To prevent the increased risk of flooding, both on and off site.

Further to this condition our previous condition in letter dated 23 June 2014 (NA/21014/110894/01-L01 still applies).

Highways Agency: Thank you for consulting the Highways Agency in respect of the above application. Having reviewed the application documentation, I am content that we do not have sufficient reason to make a formal direction. Attached is a TR110 to that effect.

While there is no formal direction, I would highlight our general concerns about the intensification of use of the A19 Elwick Crossroad junction. The proposed development indicates that it would be expected to generate around 15 extra movements in a peak hour at the crossroads, equivalent to around one vehicle every four minutes. While it would be very difficult to quantify the increased risk of these movements, an increase is nevertheless inevitable.

While we continue to progress options to address the recent history of poor safety at the junction, there is no committed scheme or allocated funds which would be sufficient to allow a Grampian-style condition to be applied in line with circular 11/95.

Please will you therefore ensure that your report to the planning committee highlights this increase risk and that due weight is given to it in making your recommendations to the committee.

HBC Traffic & Transport: I have examined the Transport Assessment submitted by the developer and have the following comments to make:-

The TA has assessed a number of key junctions which will be affected by the development. The junctions have been modelled with and without the development and up to the year 2019. The traffic modelling shows that all the junctions analysed operate within capacity up to 2019.

I am satisfied that the junction analysis is robust and that no mitigation is required on the junctions analysed.

We do however have serious concerns that this development will intensify the use of the A19 junctions at Elwick, we are particularly concerned with traffic turning right onto the A19. In the past 3 years there have been 4 recorded slight accidents and 1 fatal, there have been several previous fatal accidents prior to this.

The developer's junction analysis shows that in the peak hour there are an extra 17 two way trips on Elwick Road the majority of which would be using the A19 junctions. Although this is a relatively low figure compared to the overall volume of traffic using this route any intensification at this junction during peak hours would be a concern.

We have requested that the developer contributes a sum of £100,000 in order to carry out a range of improvements to School Lane (see attached plan) which will provide an alternative route for vehicles wishing to travel north on the A19. The cost of carrying out works to ensure the carriageway is in an acceptable condition would be in excess of £1.5 million. It is anticipated that, once the route has been brought up to an acceptable standard that northbound A19 traffic will be signed onto this route. It is expected that the remaining costs would be funded.

The developer is proposing a number of measures on Elwick Road in order to improve road safety at this location, these include;-

- A segregated right turn lane into the site.
- The extension of the 30 mph speed limit including the provision of gateway signage.
- The extension of the footway between Cairnston Road and the site access.

These measures are welcomed and would be considered essential for an estate access to be introduced on this section of road.

HBC Engineers: I have considered the information and FRA on the planning portal for the above proposal. At this outline stage, I do not have any objections subject to a land drainage condition being imposed on any approval. The condition is required to ensure that an appropriate surface water management strategy, through detailed design, is considered and fully agreed with the LPA. I appreciate that surface waters are to be discharged into the main sewer (subject to NWL approval), however I would need assurances that surface waters generated on the site can be appropriately managed/contained before entering the main sewer, and that the generated surface waters will not passing on of flood risk elsewhere.

On an informative note; I have heard mentioned the potential use of an area to the north/north east of the development site for an attenuation pond/SuDS feature. Based on the information submitted to date, and given my detailed understanding of the off site flooding problems affecting Riverston Close, I must object to any such feature. I can not allow any addition flows to discharge into the adjacent watercourse adjacent to Riverston Close. I appreciate that in theory an area of attenuation may provide betterment, however at face value I would need to consider a fully designed scheme upfront given the existing flooding issues away from the site. If anything, it may be prudent for the developer to address the current flooding issues in relation to the culvert headwall adjacent to Riverston Close. Should the developer need any clarity on their riparian responsibilities (especially if they are developing the site) and flood risk please feel free to pass on my details for them to contact me.

Hartlepool Water: Hartlepool Water has carried out a desk top study to assess the impact of the proposed development on our assets and has assessed capacity within Hartlepool Waters network to accommodate the anticipated demand arising from the development.

I can confirm the following; Existing assets are currently within the development area.

In order to supply this development we may need to re-inforce our infrastructure. We have no objection to this development.

PLANNING POLICY

Local Policy

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

Policy	Subject
GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP9	Developers' Contributions
GEP12	Trees, Hedgerows and Development
Hsg9	New Residential Layout
Tra16	Car Parking Standards
Tra20	Travel Plans
Rec 2	Provision for Play in New Housing Areas
GN5	Tree Planting
RUR1	Urban Fence (not currently in use for housing applications)
RUR7	Development in the Countryside
RUR12	New housing in the Countryside (not currently in use)
RUR18	Rights of Way

National Policy

3.17 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character,

support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

Para	Subject
2	Application of planning law (development plan and material considerations)
6	Purpose of the planning system – creation of sustainable development
7	Three dimensions to sustainable development
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Core planning principles
36	Travel Plan requirement
37	Minimise journey lengths
47	To boost significantly the supply of housing
49	Housing and the presumption in favour of sustainable development
56	Design of the built environment and its contribution to sustainable development.
57	High quality inclusive design
61	The connections between people and places
64	Improving the character and quality of an area
66	Community involvement
96	Minimise energy consumption
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203 - 206	Planning Obligations

PLANNING CONSIDERATIONS

3.18 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact upon amenity of neighbouring land users, character and appearance of the surrounding area, highway safety, drainage, ecology archaeology and other residual matters.

PRINCIPLE OF DEVELOPMENT

3.19 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location. Furthermore due regard must be had to the fact that Hartlepool Borough Council can not currently demonstrate a five year supply of deliverable housing sites and thus the housing policies within the 2006 Local Plan are deemed, currently, to be out of date.

Where policies are out of date the local authority must approve applications unless in doing so the adverse impacts of such an approval would demonstrably and significantly outweigh the benefits.

3.20 In viewing statute, planning policy and the information submitted Planning Policy must have regard to all material considerations and consider if in fact the proposal is deemed to be sustainable development.

3.21 Considerable weight should be given to the fact that the authority cannot demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. Concerns from objectors regarding the loss of green space and erosion of the countryside are noted however the site is adjacent to the limits to development and an existing housing estate. Furthermore footpath links are proposed to provide access from the proposed development to the existing urban area. Given the sites location and proximity to services it is considered that the principle of development within this area would constitute sustainable development. Evidence and preliminary findings from the Planning Inspector in late 2013 indicate that the location is an appropriate sustainable site for housing development.

3.22 The development area lies outside of the Rur1 policy allocation, meaning that the development is essentially outside of development limits and in this regard is not in accordance with policies GEP1 and Rur1. However the policies are not fully consistent with the NPPF as they are seeking to restrict potential additional housing provision outside the urban fence. As the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, full weight cannot be given to policies which seek to restrict additional housing provision based upon the extent of the urban fence. In this instance, it is considered that the need to deliver additional housing in order to help meet the 5 year supply holds substantially greater weight than the need to restrict development beyond the urban fence.

3.23 It is noted that the scheme is outline with details regarding design and layout to be submitted at a later stage. However the amended layout plan shows that there will be three bungalows within the site to address an identified need for bungalows in the SHMAA. As such a condition is recommended to ensure the bungalows are provided.

AMENITY OF NEIGHBOURING LAND USERS

3.24 The closest neighbouring properties are to the east of the application site. The proposal is in outline and therefore no detailed layouts have been provided, however the Indicative Site Layout Plan shows that a substantial (8 metres) landscape buffer will be accommodated adjacent to the existing mature tree belt to the eastern side of the development. The applicant will have to demonstrate at the reserved matters stage that satisfactory relationships can be achieved. Given the relative low density of the development, and the indicative layout plan submitted to accompany the application, it is anticipated that satisfactory relationships can be achieved.

3.25 It is not considered that the additional disturbance arising from traffic associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of neighbouring residents. No objections have been received from the Head of Public Protection. Owing to the scale of the development and proximity to residential properties, it is considered necessary to impose a condition relating to construction hours. In terms of the impact on the amenity of neighbours the proposal is considered acceptable.

HIGHWAY SAFETY

3.26 The Highways Agency were consulted on the application and have commented that there is insufficient reason to make a formal direction. However concerns about the intensification of use of the A19 Elwick Crossroad junction are raised. The proposed development indicates that it would be expected to generate around 15 extra movements in a peak hour at the crossroads, equivalent to around one vehicle every four minutes. While it would be very difficult to quantify the increased risk of these movements, an increase is nevertheless inevitable. While the Highways Agency continue to progress options to address the recent history of poor safety at the junction, there is no committed scheme or allocated funds which would be sufficient to allow a Grampian-style condition to be applied in line with circular 11/95.

3.27 The Council's Traffic and Transport section have commented that the Transport Assessment (TA) has assessed a number of key junctions which will be affected by the development. The junctions have been modelled with and without the development and up to the year 2019. The traffic modelling shows that all the junctions analysed operate within capacity up to 2019 and is therefore satisfied that the junction analysis is robust and that no mitigation is required on the junctions analysed.

3.28 The Traffic and Transport section do however echo the serious concerns of the Highways Agency in that this development will intensify the use of the A19 junctions at Elwick, in particular with traffic turning right onto the A19. In the past 3 years there have been 4 recorded slight accidents and 1 fatal, there have been several previous fatal accidents prior to this.

3.29 Therefore it is requested that the developer contributes a sum of £100,000 which is a proportionate contribution towards a costed scheme (in excess of £1.5 million) to carry out a range of improvements to School Lane. This will provide an alternative route for vehicles wishing to travel north on the A19.

3.30 The developer is proposing a number of measures on Elwick Road in order to improve road safety at the access point for the proposed development, these include:-

- A segregated right turn lane into the site.
- The extension of the 30 mph speed limit including the provision of gateway signage.
- The extension of the footway between Cairnston Road and the site access.

3.31 These measures are welcomed and would be considered essential for an estate access to be introduced on this section of road. As such conditions are recommended accordingly to ensure these requirements are satisfied.

3.32 Therefore subject to the required developer contribution towards highway improvements being secured through a section 106 agreement it is not considered that the proposal will result in an adverse impact upon highway safety.

VISUAL AMENITY/ CHARACTER OF THE AREA

3.33 The development site consists of open agricultural land which is currently farmed for arable purposes. The site slopes down away from Elwick Road at the south of the site towards the north down to a beck, beyond which the field to the north slopes back up towards the north. As such it is considered that the topography of the land will provide a significant amount of screening in this direction with limited views of the site from the north. Therefore whilst the indicative site layout plan does not include any landscaping along the northern edge it is considered a significant amount of screening will be provided by the natural topography of the land.

3.34 There is a significant tree/hedge belt which encloses the boundary of the field to the east, adjacent to the footpath which runs along the eastern boundary of the site. Beyond which are the rear boundaries of residential properties fronting on to Hillston Close and Whinston Close. The boundary treatments enclosing these residential gardens vary in design but are generally in excess of 1.8 metre high fences. The existing trees and woodland area will be further supplemented by an additional 8 metre buffer along the full length of the eastern boundary of the site. Therefore there will be a significant amount of screening provided for the proposed development to the east. Furthermore the indicative layout plan shows a development density which is considered to be in keeping with the residential development to the east.

3.35 Enclosing the southern boundary of the site, along Elwick Road, there is a significant belt of mature trees and hedges. These trees continue along Elwick Road. Therefore it is not considered that additional planting is required owing to the level of screening provided by the existing trees which are to be retained. The approach to the site, from the west, along Elwick Road will be significantly screened by the trees enclosing the boundary. Furthermore the development will adjoin the existing housing estate to the east (Naisberry Park) providing a continuation of residential development.

3.36 Whilst objectors have raised concerns regarding the design of the development, the application is in outline and detailed designs will be subject to reserved matters applications however the design and access statement and indicative layout plan shows that the density and housing types proposed will be sympathetic to the adjacent residential area and it is considered that the site is capable of accommodating the level of development proposed in a satisfactory manner whilst incorporating sufficient openspace.

3.37 Owing to the existing landscaping and natural topography of the land it is considered that a significant amount of screening will be provided. Therefore the

proposal is considered acceptable in terms of its impact on the visual amenity of the area.

LANDSCAPING

3.38 Planning policy GEP1, GEP12 and Hsg9 support the retention of the existing hedgerows on the peripheries of the site and support the intention for additional planting belt. Whilst it is appreciated that full details of the layout and design of the dwellings and open spaces is to be submitted at a later date due regard should be had in particular to this rural location that abuts the urban area.

3.39 The Tree Survey and Plan that was submitted with this application and provides a reliable and accurate picture of what trees are currently there and also provides an overview of perceived maintenance issues. Most of the trees referred to are semi-mature and were planted as screening and shelterbelts. The exception is group 9 which consists of a stand of mature trees mainly comprising Sycamore, Ash and Beech. The trees within group 5 will need to be removed completely to gain access to the site but considering the overall tree cover that has been planted over the last 30 years this is a small loss that is considered to be acceptable.

3.40 The Council's Arboricultural Officer has commented that, as Hartlepool Borough Council has had issues with existing residents and trees within the shelterbelt, it is important that the ownership is clearly identified for any future maintenance works and it may be worth considering including this within some of the garden areas.

3.41 An arboricultural method statement will also be required which will describe how the trees that are to remain will be protected during the construction phase and any other issues to mitigate damage to existing trees. Also details of the proposed landscaping. Appropriate conditions are therefore recommended accordingly.

Flood Risk

3.42 The latest flood map from the Environment Agencies website illustrates that there is a low risk area directly to the north of the site. The use of SUDS is supported by Planning Policy as a means of minimising risk from flooding on all new development sites. However in this instance the potential use of an area to the north/north east of the development site for an attenuation pond/SuDS feature has been discussed with the Council's engineers. It is understood there is an issues relating to off site flooding problems affecting Riverston Close. Therefore as a result of additional flows to discharge into the adjacent watercourse adjacent to Riverston Close, significant concerns would be raised by the engineers should any such feature be proposed in this location.

3.43 The Council's engineers have considered the information and FRA submitted with the application. No objections are raised subject to a land drainage condition being imposed on any approval which is recommended accordingly. The condition is required to ensure that an appropriate surface water management strategy, through detailed design, is considered and fully agreed with the LPA.

3.44 Surface waters are proposed to be discharged into the main sewer (subject to NWL approval). Northumbrian Water have raised no objections however have recommended a condition relating to foul and surface water which are recommended accordingly.

Archaeology

3.45 A trial trench field evaluation has been carried out at the application site Tees Archaeology have visited the site to monitor the works on behalf of the local Authority.

3.46 The trenches have revealed the remnants of a ridge and furrow field system and a pair of natural channels draining down into the beck. These remains are not considered to be of any particular significance and the trenching that has taken place has provided an adequate record of them. Tees Archaeology and therefore satisfied that the development will not have a significant impact on archaeological remains and that the works carried out meet the information requirements of the NPPF paragraph 128. Therefore no objections are raised with regard to archaeology and no further recommendations for archaeological work are required.

Ecology

3.47 The amended indicative plan reduces the proposed tree planting buffer to allow for additional space to accommodate open space/playing area within the development. However it is still proposed to include an additional 8m buffer along the eastern perimeter of the development

3.48 It is not considered that an 8m strip along one side of the development only would in itself be sufficient to ensure an enhancement for biodiversity. In order to ensure that there would be an overall enhancement, the applicant has agreed to provide some off-site enhancements on the area of land immediately to the north, which is in the applicant's ownership. There are various way in which this could be undertaken, eg it could be in the form a wildflower meadow enhancements in the gully area or improvements to the woodland. Therefore a conservation management plan is recommended to ensure that the development results in an overall enhancement for biodiversity, it is considered that this can be secured through an appropriate legal agreement which the agent has confirmed is acceptable. As such it is considered that subject to appropriate conditions and a legal agreement the proposal will be acceptable in ecological terms.

Public rights of way

3.49 The amended plan shows a revised access link between the development site and the existing public footpath to the east of the site. The creation of new access links between the development and the public rights of way to the north and north east are proposed and will be secured through the Section 106 agreement. This will allow for the creation of a suitable access link to benefit the public and residents of the new development site. The Countryside Access Officer therefore raises no objections to the development proposals.

Affordable Housing

3.50 In terms of developer contributions the applicant was asked to provide an affordable housing contribution (27.5%). The applicant has provided a viability assessment which indicates that an affordable housing contribution of £648,560 can be sustained. It is considered that this equates to an Affordable Housing Contribution of 15 % which is consistent with other similar or comparable residential development approvals across the borough. The viability assessment has been considered and taking account of the need to deliver a viable housing scheme the proposed contribution is considered acceptable.

Provision of Play Space

3.51 In line with policy Rec2 (Provision of play in new housing areas), Gep 9 (Developers` Contributions) and the draft Planning Obligations SPD, play facilities should be provided in housing developments comprising of five dwellings or more.

3.52 The site is likely to be home to a number of children and therefore it is considered that play facilities should be provided on site, providing that they are safe and do not have a detrimental impact upon existing and/or future residents. If play facilities cannot be suitably provided on site then a contribution of £250 per dwelling would be required.

3.53 There is no play equipment in the immediate vicinity with Ward Jackson Park probably being the closest. The requirement for financial contribution towards play space would not be required in this instance as an indicative amended plan has been submitted which indicates that an area of open space centrally located within the housing indicated could accommodate a play area as play space. This is secured through an appropriately worded condition which is recommended accordingly.

Renewables

3.54 To assist in meeting the EU renewable energy consumption target of 15% of the UK energy is consumed via renewable resources and to assist in the Council's climate change agenda consideration should be given to the provision of on site renewable energy generation. Evidence regarding the on site provision of renewable energy is set out in the 2010 background paper entitled `energy supply from decentralised and renewable or low carbon sources`. The background paper indicates that an acceptable level of on site provision is 10%, such provision was deemed to not render a scheme unviable. This has been confirmed with the agent and a condition is recommended accordingly.

Developer Obligations

3.55 Policy GEP9 of the Hartlepool Local Plan 2006 states that The Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of development. A developer contribution is a mechanism which can enhance the quality of the development and enable proposals which in the absence of the obligation may be refused planning permission.

3.56 Taking into account the specific circumstances of the development in consideration considered it reasonable to request contributions for the following;

- £250 per dwelling for green infrastructure (£20,250)
- £250 per dwelling for built sports facilities (£20,250)
- £138,391.50 for primary education
- Affordable housing at a rate of 15% (£648 560)
- £100 000 towards highway improvements

Residual Matters

3.57 Concerns are raised by objectors with regard to crime and anti social behaviour. It is not considered that a residential development would significantly increase the risk of crime or anti-social behaviour in the area and should this arise it is considered to be a matter which can be controlled by legislation outside the control of planning. Furthermore Cleveland Police were consulted regarding the proposed development and have raised no objections however have commented that the applicant should consult the police directly to ensure crime prevention and community safety and prevention measures are put in place where appropriate. Objectors have stated that the intensification of informal footpaths would increase anti-social behaviour in the area however a financial contribution towards formalising the footpaths may increase natural surveillance in the area. Further discussed with HBC Neighbourhood Safety on this are ongoing and members will be updated at the meeting.

3.58 Devaluation of property is cited as a reason for objection however this is not a material planning consideration and as such cannot be taken into consideration when assessing this application.

Conclusion

3.59 The proposed outline application is considered acceptable subject to the completion of a legal agreement secure developer contributions and obligations outlined below and subject to conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.60 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.62 There are no Section 17 implications.

REASON FOR DECISION

3.63 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to the completion of a legal agreement to secure an affordable housing contribution (£648 560), a contribution towards primary education (£138,391.50), £100 000 towards off site highway mitigation, Ecological Enhancement contribution (£20 000), £250 per dwelling for green infrastructure (£20,250) and £250 per dwelling for built sports facilities (£20,250), a commitment to secure the provision and maintenance of public open space, play area(s) and highways to an acceptable standard, the provision of a Conservation & Habitat Management Plan and the following conditions.

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
In order to ensure these details are satisfactory.
3. The total development hereby approved shall not exceed the following maxima: Up to 81 Residential dwellings (C3 Use Class).
To ensure a satisfactory form of development.
4. The development hereby permitted shall be carried out in accordance with the amended plan (RES/389 200-01 Rev No. 7) Indicative Proposed Site Plan received 10/07/2014 and details received by the Local Planning Authority on 23rd May 2014 unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
5. As part of the reserved matters application details of house types shall include three plots for the provision of bungalows.
In order to meet the identified need as evidenced in the SHMAA.
6. Prior to the first occupation of any part of the residential development hereby approved a scheme for the reduction of the speed limit on Elwick Road to 30mph including required signage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained for the life of the development.
In the interests of highway safety.
7. Prior to the first occupation of any part of the residential development hereby approved a scheme detailing a segregated right turning lane into the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained for the life of the development.
In the interests of highway safety.

8. Prior to the first occupation of any part of the residential development hereby approved a scheme detailing the extension of the footway between Cairnston Road and the site access shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained for the life of the development.
In the interests of highway safety.
9. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.
In the interests of highway safety and to ensure a satisfactory form of development.
10. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
11. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated can be attenuated to the greenfield run off equivalent for the impermeable areas only and will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
To prevent the increased risk of flooding, both on and off site.
12. No development shall take place until a scheme for the provision and management of a 5 metre wide buffer zone alongside the watercourse at the northern part of the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:
 1. plans showing the extent and layout of the buffer zone
 2. details of any proposed planting scheme (for example, native species)
 3. details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
 4. details of any proposed footpaths, fencing, lighting etc.
 In the interests of ecology as development that encroaches on watercourses can have a potentially severe impact on their ecological value.
13. Prior to the commencement of development details of play facilities and public open space to be provided on site (including their/its location, the proposed

phasing of provision, means of enclosure, landscaping, design and details of play equipment), shall be submitted to and approved in writing by the Local Planning Authority. The play facilities and public open space shall thereafter be provided in accordance with the details so agreed.

In order to ensure that these details are acceptable and are brought forward at an appropriate time in the interests of providing a sustainable development.

14. No development shall take place until the Local Planning Authority has approved a report provided by the applicant identifying how the predicted CO² emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or design efficiencies. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment or design efficiency measures shall have been installed.

In the interests of promoting sustainable development.

15. Prior to the commencement of development details of existing and proposed levels of the site including finished floor levels of the buildings to be erected and any earth retention measures shall be submitted to and approved in writing by the Local Planning Authority.

In order to ensure that these details are acceptable in the interests of visual amenity, safety and the amenity of future and adjacent residents.

16. A detailed scheme of landscaping and tree and shrub planting 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.

17. 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.

18. The clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.

In the interests of breeding birds.

19. No construction works shall take place outside the hours of 07:00hrs to 18:00hrs Monday to Friday and 07:00hrs to 13:00hrs on a Saturday. No

- construction works shall take place on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
20. The development hereby approved shall be carried out having regard to the following:
1. Site Characterisation
An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
 2. Submission of Remediation Scheme
A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 3. Implementation of Approved Remediation Scheme
The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
 4. Reporting of Unexpected Contamination
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported

in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

21. The details submitted at reserved matters shall include an Arboricultural Method Statement/Tree Protection Plan to describe how trees that are to remain on site will be protected during construction phase and any other issues to mitigate damage to existing trees.

To protect existing trees on the site.

BACKGROUND PAPERS

3.64 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except

for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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LAND AT QUARRY FARM



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
Level 1, Civic Centre, Hartlepool TS24 8AY
Department of Regeneration and Planning

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Scale: 1:5000
Date : 14/07/14
H/2014/0215

No: 4
Number: H/2014/0233
Applicant: Ms Anna Evans c/o Agent
Agent: ArchialNORR Mr Dahel Shields Percy House 8th Floor
Percy Street NEWCASTLE UPON TYNE NE1 4PW
Date valid: 20/06/2014
Development: Erection of a new school building, associated external works, landscaping and car parking to replace existing
Location: Manor College of Technology Owton Manor Lane
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

4.2 Following a detailed evaluation of the existing school premises it was concluded that the existing school buildings (apart from the swimming pool, behaviour unit and sports hall) are no longer fit for purpose educationally and in terms of building condition and running costs. It was concluded that it would be uneconomic to maintain and refurbish the premises. This planning application has therefore been submitted for the partial demolition of the school building and the construction of a new school building, associated external works and landscaping.

4.3 Due to the proposed phasing of the development and design of the layout of the building temporary accommodation will not be required.

PROPOSAL

4.4 The existing school building will be demolished and replaced with new facilities to accommodate 1250 pupils plus an additional 26 special educational needs (SEN) places. The existing school building will remain fully operational until completion and occupation of the new building at which point the existing buildings will be demolished to allow the completion of the external works and landscaping.

4.5 The proposed school building will be located towards the north east of the application site and will consist of a three storey building and a single storey sports block. There will be a link between the two consisting of a storey and a half activity studio. Staff and visitor parking will be provided towards the north of the site adjacent to Owton Manor Lane. The height of the proposed school building varies from a single storey, activity studio element at a height of 7 metres to a 12 metre maximum height for the 3 storey element of the school building. The frontage of the building will extend to 155 metres in length including the existing sports block. The frontage is predominantly flat. Primary entrance points to the building are demarked by the

incorporation of façade recesses and adjacent coloured feature panels, combined with the extension of the dominant red-brick from parapet height down to ground level.

4.6 In terms of sports provision playing pitches will be provided towards the north west, west and south of the site comprising half and full sized pitches with a MUGA area towards the west of the sports block. Community access will be provided by a gated access from the controlled public zone, bypassing the building and via changing facilities within the school building itself.

4.7 A habitat area is proposed towards the north east of the application site.

4.8 The existing boundary treatments enclosing the school site will remain. A new 1.5 metre high fencing within the site will run around the new pitch areas to create a controlled public zone beyond which the building elevation and 2.4 metre high fence will create a secure school area.

SITE CONTEXT

4.9 The application site consists of an existing school building accessed from Owton Manor Lane with an area of car parking to the front of the school and a large school playing field to the rear. There is a swimming pool building located towards the front of the site which will not be affected as part of the proposed development.

4.10 To the west of the application site is Grange primary School, the site is bounded on all other sides by residential properties. The area is predominantly residential in nature however there is a local centre within walking distance to the west which provides local amenities.

PUBLICITY

4.11 The application has been advertised by way of press notice, site notice and neighbour letters (118). To date two letters of concerns has been received.

4.12 The concerns raised are:

The proposed school building will be closer to residential gardens therefore concerns are raised regarding overlooking.

Car park entrance via Ivanhoe Crescent during construction will result in anti-social behaviour to the detriment of the amenity of residents.

The access gate adjacent to Ivanhoe Crs will result in abuse, litter and damage to properties.

4.13 Two letters of no objection has also been received. The period for publicity has expired.

Copy Letters **D**

CONSULTATIONS

4.14 The following consultation replies have been received:

Building Control: The work is being carried out by an approved inspector

Child & Adult Services: Support the proposals and have no objections

Countryside Access Officer: have attached a plan showing the line of the existing and stopped up sections of the public footpath (designation: Public Footpath No.15, Hartlepool) that runs through and within the Manor School of Technology site.

I have also attached a copy of the 1964 Stopping-up Order Plan.

Plan showing Public Footpath

- a) The section between Points A, B and C was stopped up using Section 89 of West Hartlepool Extension and Improvements Act 1870 and Section 52 of West Hartlepool Extension Act 1952 on 14th November 1964. This information only recently came to light and as such negates any later inclusion of this section onto the Definitive Map (see note (c) below)
- b) The section between Points C, D and E was, under the same Acts as stated above, created as a temporary path for users to access the remainder of the still existing path south of Point C.
- c) The section between Points A, B, D, E and F was recorded on the Definitive Map (1976) as a public footpath and subsequently on more recent updated versions of the said Definitive Map. However note (a) explains how the section between Points A and B no longer is a public footpath.

1964 Stopping-up Order Plan

1. This plan shows the extent of the 1964 stopping-up, all of which was contained within the boundary of the Manor College playing fields (coloured red/pink) – point (a) above. It also showed the extent of the temporary path (coloured green) – point (b) above.

The above information explains the existing and removed path sections and their proximity to the proposed development of the college. Hartlepool Borough Council will be looking, at a point in the future, to look at the full removal of the remaining section between Points B, D, E and F from the Definitive Map and Statement.

In my opinion the existence of the remaining section of the public footpath should not have any immediate direct or indirect impact on the development proposed.

Landscape & Conservation (Arboriculturalist): The submitted landscape plan shows 3 existing trees to be removed to create a new pedestrian entrance on Owton Manor Lane and 5 trees to be removed to create the new car park. A further 2 trees are shown to be removed from a courtyard area within the existing school buildings to facilitate creation of a new sports pitch. The majority of the site's existing trees which are located to the Owton Manor Lane boundary are however shown to be retained. The tree belt adjacent to the school's Kesteven Road boundary will be unaffected.

No details for the temporary protection of retained trees during the demolition and construction phases of the development have been provided; therefore I would recommend that these are required by condition.

Only 12 new trees are shown to be planted as part of the submitted landscaping scheme, these comprise 1 next to the SEND exploration space, and 11 to the edge of the playing fields. Given the many benefits that appropriately located trees can afford, I would recommend that the opportunity be taken to enhance the appearance and amenity of the site with additional new trees provided as part of the redevelopment of the school, perhaps by creating tree-lined pedestrian approaches to the school buildings and by tree planting within the proposed car park. I have attached a copy of the applicant's landscape masterplan annotated with my suggestions to a separate email.

With regard to the proposed triangular mounds, I would recommend that the gradient of the slope on these mounds should take account of the capabilities of the mowing equipment used to maintain them.

There is insufficient detail included with the landscaping scheme to enable a full assessment of the proposal therefore I would recommend that a comprehensive landscaping scheme be required by condition.

Landscape & Conservation (Ecology): The interim bat survey, submitted with the application had identified a single Common Pipistrelle as roosting in one of the buildings at Manor College, building No 5 on the Building No Plan October 13 in the report. The surveys were undertaken prior to the bat maternity season therefore an additional survey will be required during that season to assess whether or not the school also supports a bat maternity roost. The report states that this additional survey would be undertaken in June or early July of this year. Ideally the LPA would need to have sight of the results of this additional survey prior to determination however it is considered that the risk of their being a bat maternity roost there is lower due to the school's location some distance away from good bat foraging habitat.

An earlier, 2008, series of bat surveys found similar results to this one, ie relatively low levels of bat activity and a single Common Pipistrelle roosting in one of the buildings, though in that case the one shown as building No 11 on the above plan.

Provided that there are no results from the additional bat survey that would give rise to bat roosts on site being classed as significantly more important than has been established to date then it is likely that Natural England would grant a license to destroy these bat roosts. In such circumstances the LPA could grant permission subject to there being suitable mitigation in place. A suitable mitigation scheme should be submitted for approval prior to any works commencing.

Another ecological issue is potential harm to nesting birds during demolition of buildings or removal of trees and shrubs. This should be addressed by the inclusion of the LPA's standard nesting bird condition on any approval.

Updated comments

The additional bat survey has again found a single Common Pipistrelle bat roosting in one of the buildings in the college, though in a different place to the previous surveys. I agree with their conclusion that this represents a single or small number of bats, moving between roosts, as is typical with this species. Given the low levels of use by bats it is likely that Natural England would grant a licence to destroy these bat roosts in these circumstances. Therefore I consider that bats should not prevent the LPA determining this permission, subject to the provision of a suitable mitigation scheme.

The updated bat report recommends various forms of mitigation which would be required, including further surveys to inform a licence application and the recommended provision of bat boxes. It is unclear from the report which buildings would require re-surveying, one paragraph says, buildings, 3, 4, 5, 6, 8, 11 and another only building 5. As I pointed out in my earlier comments, building 11 was previously found to be a bat roost so that building at least would need surveying in addition to building 5. With regards to the bat boxes, the wording is unclear as to what will actually be done, which is perhaps understandable at this stage in the process of redevelopment. In addition there would need to be conditions on the way in which the bat roosts are demolished. To address these issues we would need to incorporate a condition that required the submission of a bat mitigation scheme to describe precisely what would be done. This should be provided to the LPA for approval before any demolition of buildings 3, 4, 5, 6, 8 and 11 occurs. This will be required for a licence application in any case.

I would suggest something along the following wording would be suitable:

No works, including demolition, should occur on buildings 3, 4, 5, 6, 8 & 11 until a suitable mitigation scheme to prevent harm to roosting bats has been submitted for approval.

Cleveland Police: National Planning Guidance states that designing out crime and designing in Community Safety should be central to the planning and delivery of new developments.

Section 17 of the Crime and Disorder Act 1998 requires all Local Authorities to exercise their functions with due regard to their likely effect on crime and disorder and do all they reasonably can to prevent crime and disorder

Secured by Design is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes and commercial premises to adopt crime prevention measures in these new developments.

The principles of Secured by Design have been proven to achieve a reduction of crime risk by up to 75% by combining minimum standards of physical security and well tested principles of natural surveillance and defensible space. Cleveland Police have contacted the agent directly to discuss Secure by Design Principles.

Northumbrian Water: The developer has made a pre-development enquiry to Northumbrian Water which we responded to on 26th March 2014. Following further discussions between Northumbrian Water and the applicant after this response was

issued, we can confirm that foul flows are able to discharge without restriction to the combined sewer on Ivanhoe Crescent.

With regard to the discharge of surface water, a number of drainage options have been discussed. However, the submitted details do not show in detail the connection points and restricted discharge rates to Northumbrian Water's surface water sewer network. We would therefore request a condition regarding disposal of surface water.

Additional comments following submission of additional information

The previous comments required conditions as the planning application that was submitted to us said that they would be discharging the surface water to Cranwell Road not Muir Grove. Therefore if they are proposing to discharge 40 l/sec of surface water to manhole 8203 in Muir Grove then this would be acceptable and you could remove the condition.

It is important that Northumbrian Water is informed of the local planning authority's decision on this application. Please send a copy of the decision notice.

Environment Agency: The Environment Agency has no objections to the proposed development but wishes to provide the following information:

Surface Water Disposal

The Flood Risk Assessment (FRA) submitted to support this application, indicates that surface water drainage is to be directed to the public sewerage system. This being the case, all drainage requirements should be agreed with NWL.

Disposal of Foul Sewage

As it is proposed to dispose of foul sewage via the mains system. the Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

Sport & Recreation: I am comfortable with the proposed plans as Sport England and the Football Foundation who provide significant investment at the site have been heavily involved at arriving at a solution at the site. This would have been somewhat easier if the overall layout for the site had not protected the existing swimming pool which is not strategically important nor is designed to the correct specification.

The additional investment in pitch improvements is welcome.

I am happy to support provided that:-

1. a community use agreement is put in place to protect the clubs interest at the site
2. the MUGA's as identified on the plan do offer tennis facilities as current

3. there is clarification on the type of rugby pitches that are to be provided. They are currently shown and labelled as rugby league pitches which I believe is incorrect as they should be for rugby union?

Sport England: It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that is allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.”

Reason: Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

There is marginal encroachment southwards onto the school’s existing playing fields by the new school building footprint, but this loss is compensated for by the creation of replacement playing field once the school’s vacated buildings are demolished and cleared.

In this way the development is considered to meet the following exceptional circumstance;

E4 - Replacement/better quality playing fields provided for

The playing fields of playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

Sport England has engaged with pitch sport NGBs as part of its consideration of this consultation. The FA has responded to advise that they are content with the proposals, whilst the RFU has advised that;

“There is no community rugby union activity at this site; the school does however play some rugby union and is currently developing its programme including the development of girls rugby linked to the 6 rugby union clubs in Hartlepool.

The RFU has no objection to the proposed development, however the plans show pitch marking for rugby league and given that the rugby union programme in the town is very strong we would seek to ensure that the current rugby union pitch provision remains and any additional pitches provide for both codes.

The RFU are keen to be involved in the development of rugby union with the school are part of the Hartlepool development programme.”

This being the case, Sport England does not wish to raise an objection to this application, subject to a condition relating to ground conditions for the proposed playing pitch and community use agreements. The following conditions being attached to the decision notice (if the Council are minded to approve the application):

If you wish to amend the wording of the conditions or use another mechanism in lieu of the condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

Traffic & Transport: A similar number of parking spaces have been provided for the new school, this level of parking is acceptable. I'm not aware of any issues relating to staff parking in the old school. The proposed car park layout is acceptable.

Service Vehicles can operate within the new layout safely.

There are no Highway or traffic concerns with this application.

HBC Engineers: Please could I request that my standard land contamination condition is imposed on any approval? The Council's Contaminated Land Inspection Strategy considers that school/college settings are more vulnerable given the sensitivity of the receptors using these areas. As a consequence, school/college sites are classed as a priority to evaluate and screen to assess the potential risks associated with contaminated land. I note the PRA and statement made by Arcadis revealing a localised area of hydrocarbon contamination on the site. I request the contaminated land condition as further investigations would be merited to fully delineated this area of contamination and assess the likely risks.

Tees Archaeology: I have been involved with pre-application discussions on this site dating back to 2008. I had previously identified the most archaeologically sensitive part of the site (i.e. the eastern most portion behind the Manor). This area contained earthworks remains, visible on aerial photographs of the 1940s, of the deserted medieval settlement of Owton. The development avoids this area (other than a pair of landscape mounds which will be introduced material).

In addition the developer has provided an archaeological geomagnetic survey. This demonstrates that the site was highly disturbed by the construction of the school in the 1960s. The inference is that the site has a low archaeological potential.

The combination of low archaeological potential and lack of direct construction on the area of highest archaeological interest suggests that there will not be a significant impact on archaeological remains. I therefore have no objection to the proposal and have no further comments to make.

PLANNING POLICY

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

Local Policy

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

Policy	Subject
GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP9	Developers' Contributions
Tra16	Car Parking Standards
Tra20	Travel Plans
Rec 4	Protection of outdoor playing space
Rec 6	Dual Use of School Facilities

National Policy

4.16 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

Para	Subject
2	Application of planning law (development plan and material considerations)
6	Purpose of the planning system – creation of sustainable development
7	Three dimensions to sustainable development
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Core planning principles
36	Travel Plan requirement
37	Minimise journey lengths
56	Design of the built environment and its contribution to sustainable development.
57	High quality inclusive design
61	The connections between people and places
64	Improving the character and quality of an area
66	Community involvement
72	Sufficient provision of education provision
74	Protection of open space, sports and recreational buildings and land, including playing fields
96	Minimise energy consumption
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203 - 206	Planning Obligations

PLANNING CONSIDERATIONS

4.17 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular amenity of neighbouring residents, character of the surrounding area, vehicular access and highway safety, flood risk, ecology and nature conservation.

Principle of Development

4.18 The overriding objective of planning is to contribute to the achievement of sustainable development. Throughout the NPPF the presumption in favour of sustainable development is stated as the golden thread running throughout the document. In applying the presumption the educational needs of the community must be considered. Some existing playing field, identified in Local planning Policy Rec 4, is to be lost through the proposal however the loss this is offset by the provision of new playing field to the north of the new school building. It is considered a community use agreement should be put in place to enable use of the pitches (and MUGAs) outside of school hours. A community use agreement has been submitted to accompany the application and the layout of the proposed school building has been designed to ensure public access is provided via a gated access from the

controlled public zone, bypassing the building and via changing facilities within the school building itself. A condition is recommended to ensure the community use agreement is implemented.

4.19 Following a detailed evaluation of the existing school premises it was concluded that the existing school buildings (apart from the swimming pool, behaviour unit and sports hall) are no longer fit for purpose educationally and in terms of building condition and running costs.

4.20 The current school building is in major need of renewal and it is likely there will be significant educational gains from the provision of a new school. Given the sustainable location of the school building and taking into account the need to upgrade the school the principle of demolition and rebuild is considered to be acceptable in principle subject to the consideration of material planning considerations discussed below;

Impact upon the amenity of neighbouring land users

4.21 The replacement school building has been sited away from the boundaries of the school site. Concerns are noted from a neighbouring resident from Kesteven Road that the proposed school building will be closer to residential boundaries than the existing school. The position of the school has been designed to ensure minimum impact upon the operation of the school to ensure that the new school building is constructed prior to the demolition of the existing school building. Local planning policy GEP1 of the Hartlepool Local Plan requires consideration of the impact upon the amenity of neighbouring land users. This is also identified as a principle of planning in paragraph 17 of the NPPF as such the impact upon the amenity of neighbouring residents is a material planning consideration.

4.22 The proposed school building will be situated further back from the highway to the front, Owton Manor Lane, with the school car park and landscaping to be located adjacent to the front boundary of the school. There is sheltered accommodation towards the north east corner of the school site fronting on to Phoenix Close. The existing layout includes the car park and school building adjacent to these neighbouring properties. The proposed school is sited further into the school site the car park and playing pitches will be adjacent to these neighbouring properties with a separation distance of some 30 metres to the three storey school building. Taking into account this separation distance and that these properties are adjacent to the existing car park and school building it is not considered that the proposed layout will result in a detrimental impact upon the amenity of these neighbouring properties in terms of increased noise and disturbance or loss of privacy and appearing overbearing.

4.23 The closest property to the east will be located approximately 100 metres from the main school building with a separation distance of approximately 50 metres between the front elevation of the closest property and the proposed playing pitches towards the east of the site. Taking into account this separation distance it is not considered that the proposed development will result in a detrimental impact upon the amenity of the neighbouring properties to the east.

4.24 To the south of the school site (including Kesteven Road) are the side elevations of residential properties. The proposal includes rugby pitches towards the south of the site however this area is existing playing field. The three storey school building will be approximately 160 metres at the closest point. Therefore it is not considered that there will be a worsened situation in terms of impact upon the amenity of the neighbouring properties by virtue of disturbance, appearing overbearing or overlooking.

4.25 Football pitches are proposed on land to the west of the site which is currently operating as school playing fields. This will provide a large separation distance of approximately 170metres to the main school building. The sports block, which is an existing element of the school, will remain as the most western element of the school building. Taking into account the large separation distance between the proposed school buildings and the neighbouring properties to the west it is considered that the proposal will not result in a detrimental impact upon the amenity of these neighbouring properties in terms of over looking and appearing overbearing. Furthermore the existing school field is adjacent to the shared boundary with these neighbouring properties, although the proposal includes football pitches towards the west it is not considered that it will significantly worsen the existing situation in terms of disturbance.

4.26 The existing car park is accessed from Owton Manor Lane to the north. The proposed car park will be served from the existing access point with the main school building set further back than the existing school building. Therefore it is not considered that the proposed replacement school will result in a detrimental impact upon the neighbouring properties which front on to Owton Manor Lane.

4.27 Concerns are raised by a neighbouring resident regarding the pedestrian access from Ivanhoe Crescent however this is an existing access and will form a secondary pupil access for the proposed development with the main access taken from Owton Manor Lane. Therefore given that is an existing access it is not considered that this would warrant refusal of the application.

4.28 The agent has confirmed that in order for the main school building to remain operational during construction there will be a vehicle access taken, for construction traffic, from Ivanhoe Crescent during the construction phase. This will be a temporary measure to reduce the impact upon the operation of the school building. Furthermore this will not form a vehicle access to the school car park following completion of the building works. Whilst concerns from the resident at Ivanhoe Crescent are noted given the temporary nature of this access it is not considered that this would warrant refusal of the application. However a condition is recommended to limit the hours of construction to minimise the impact upon residential amenity.

4.29 As such the proposal accords with policy GEP1 and principles within the NPPF held within paragraph 17 regarding the amenity of existing and future residents.

Character of the surrounding area

4.30 The design of the building is considered acceptable and will be a significant improvement in streetscene terms given the quality of the existing building.

4.31 The entrances to the school building are demarcated by the incorporation of façade recesses and adjacent coloured feature panels, combined with the extension of the dominant red-brick from parapet height down to ground level. Furthermore the main entrance is approached by way of a landscaping connecting directly with Owton Manor Lane. Although the proposed design of the school will result in a large expanse in terms of the front elevation of the building it is considered that it is significantly set back from the highway to the front with landscaping to the front of the main building which will soften its appearance within the street scene. Furthermore it is accepted that the proposal will replace an existing school building which is not considered to be of any architectural merit. Therefore the height and scale of the proposed building is considered to be in keeping with the existing building on the site.

4.32 The proposal creates a simple building form with the main three storey building being linked to the existing sports block by an activity studio which will incorporate a height storey and a half. In respect of the materials and design, it is considered that the proposal would create a contemporary building which whilst distinct from its immediate surroundings reflects the scale and proportions of the existing school building. The building is considered to be fit for the modern operational function of a contemporary educational facility and in terms of visual impact is considered to be acceptable on the site.

4.33 Taking into account the distance from the highway to the front and the presence of landscaping, the design of the proposal it is not considered the proposal will result in an incongruous feature within the streetscene or appear out of keeping with the character or appearance of the surrounding area.

Landscaping

4.34 The submitted landscape plan shows 3 existing trees to be removed to create a new pedestrian entrance on Owton Manor Lane and 5 trees to be removed to create the new car park. A further 2 trees are shown to be removed from a courtyard area within the existing school buildings to facilitate creation of a new sports pitch. The majority of the site's existing trees which are located to the Owton Manor Lane boundary are however shown to be retained. The tree belt adjacent to the school's Kesteven Road boundary will be unaffected.

4.35 No details for the temporary protection of retained trees during the demolition and construction phases of the development have been provided; therefore these details are required by condition which is recommended accordingly.

4.36 Only 12 new trees are shown to be planted as part of the submitted landscaping scheme, these comprise 1 next to the SEN exploration space, and 11 to the edge of the playing fields. Given the many benefits that appropriately located trees can afford it is recommended that the opportunity be taken to enhance the appearance

and amenity of the site with additional new trees provided as part of the redevelopment of the school, perhaps by creating tree-lined pedestrian approaches to the school buildings and by tree planting within the proposed car park.

4.37 With regard to the proposed triangular mounds, it is recommended that the gradient of the slope on these mounds should take account of the capabilities of the mowing equipment used to maintain them.

4.38 Given that there is insufficient detail included with the landscaping scheme to enable a full assessment of the proposal a condition is attached to ensure a comprehensive landscaping scheme is submitted.

Playing pitches

4.39 The site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that is allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

4.40 Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches.

4.41 There is marginal encroachment southwards onto the school's existing playing fields by the new school building footprint, but this loss is compensated for by the creation of replacement playing field once the school's vacated buildings are demolished and cleared.

4.42 In this way the development is considered to meet an exceptional circumstance in that the playing fields of which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

4.43 Sport England has engaged with pitch sport NGBs as part of its consideration of this consultation. The FA has responded to advise that they are content with the proposals, whilst the RFU has advised that there is no community rugby union activity at this site; the school does however play some rugby union and is currently developing its programme including the development of girls rugby linked to the 6 rugby union clubs in Hartlepool.

4.45 The RFU has no objection to the proposed development, however the plans show pitch marking for rugby league and given that the rugby union programme in

the town is very strong we would seek to ensure that the current rugby union pitch provision remains and any additional pitches provide for both codes.

4.46 These concerns have been addressed through the submission of amended plans clarifying that the pitches will be rugby union pitches. Sport England have recommended conditions relating to the land conditions of the proposed pitches and the submission and agreement of a community use agreement which are imposed accordingly. The imposition of these conditions is supported by comments received by the Council's Sport and Recreation section.

Highway safety

4.47 A similar number of parking spaces have been provided for the new school, this level of car parking provision is considered to be acceptable. The proposed car park layout is acceptable as it provides sufficient space for service vehicles to operate within safely.

4.48 Therefore the Council's Traffic and Transport section raise no highway or traffic concerns with this application. As such it is not considered that the proposed development will result in an adverse impact upon highway safety and complies with policy GEP1 and TRA16 of the local plan.

4.49 Policy Tra20 states that a Travel Plans should be prepared for developments that would lead to an increase in travel. It is noted that a Travel Plan has been submitted as part of the application and this is supported. A condition is recommended to ensure the development operates in accordance with the submitted documents.

Ecology

4.50 Additional bat survey work has been carried which again found a single Common Pipistrelle bat roosting in one of the buildings in the college, though in a different place to the previous surveys. The Council's ecologist agrees with the conclusion of the report that this represents a single or small number of bats, moving between roosts, as is typical with this species. Therefore given the low levels of use by bats it is likely that Natural England would grant a licence to destroy these bat roosts in these circumstances. Therefore the Council's Ecologist considers that bats should not prevent the LPA determining this permission, subject to the provision of a suitable mitigation scheme.

4.51 The updated bat report recommends various forms of mitigation which would be required, including further surveys to inform a licence application and the recommended provision of bat boxes. It is recommended to incorporate a condition that requires the submission of a bat mitigation scheme to ensure any potential impact on bats is addressed. This will be required for a licence application in any case.

Drainage

4.52 The latest flood map from the Environment Agencies website illustrates that there is currently no flood risk associated with this site.

4.53 The Flood Risk Assessment (FRA) submitted to support this application, indicates that surface water drainage is to be directed to the public sewerage system. This being the case, the Environment Agency raises no objections however has recommended that all drainage requirements should be agreed with NWL. The developer has contacted Northumbrian Water directly therefore Northumbrian Water have confirm that foul flows are able to discharge without restriction to the combined sewer on Ivanhoe Crescent.

4.54 With regard to the discharge of surface water the submitted details proposed to discharge 40 l/sec of surface water to manhole 8203 in Muir Grove. Northumbrian Water have confirmed that this would be acceptable. Therefore there is no requirement for conditions with regard to surface water.

Land contamination

4.55 The Council's Contaminated Land Inspection Strategy considers that school/college settings are more vulnerable given the sensitivity of the receptors using these areas. As a consequence, school/college sites are classed as a priority to evaluate and screen to assess the potential risks associated with contaminated land. A preliminary risk assessment and accompanying statement made by Arcadis revealing a localised area of hydrocarbon contamination on the site. The Council's engineers have therefore requested the standard contaminated land condition as further investigations would be merited to fully delineated this area of contamination and assess the likely risks. The recommended condition is attached accordingly.

Archaeology

4.56 The developer has provided an archaeological geomagnetic survey. This demonstrates that the site was highly disturbed by the construction of the school in the 1960s. The inference is that the site has a low archaeological potential.

4.57 The combination of low archaeological potential and lack of direct construction on the area of highest archaeological interest suggests that there will not be a significant impact on archaeological remains. Therefore Tees Archaeology have no comments to make with regard to the proposed application.

Developer contributions

4.58 There are no specific developer contributions which are sought in relation to this development. However a condition is recommended with regard to the community use agreement.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.59 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

4.61 There are no Section 17 implications.

REASON FOR DECISION

4.62 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plan numbers MC-A-L(90)001 Rev A, MC-A-L(90)002 Rev A, MC-A-L-(00)500 Rev C, MC-A-L-(00)501 Rev A, MC-A-L-(00) 502 Rev A, MC- A-L-(00)320 Rev F, MC-A-L(00)321 Rev G, MC-A-L-(00)324 Rev D, MC-A-L-(00) 326 Rev E, MC-A-L-(00)400 Rev E, MC-A-L-(00)402 Rev E, MC-A-L(90) 003 Rev A, MC-L-L-(PRP)011 Rev B, received by the Local Planning Authority on 02 June 2014 and MC-L-L-(GAP)001 Rev D MC-L-L-(GAP)003 Rev C, MC-L-L-(GAP) 004Rev B, MC-L-L-(GAP) 005 Rev C received 16 July 2014 unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Construction of the building's external walls beyond damp proof course shall not commence until samples of all materials, colours and finishes to be used on all external surfaces have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.
To enable the Local Planning Authority to control details of the proposed development.
4. Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans full details of the method of external illumination, siting, angle of alignment; light colour, luminance of buildings facades and external areas of the site, including parking courts and pitches, shall be submitted to and agreed in writing by the Local Planning Authority prior to occupation of the school building hereby approved, the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation and retained for the lifetime of the development unless some variation is otherwise agreed in writing by the Local Planning Authority.
In the interests of amenity.
5. The development hereby approved shall be implemented in accordance with travel plan submitted as part of this application validated 20 June 2014.
In the interests of sustainable travel.

6. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the preserved tree(s).
7. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
In the interests of visual amenity.
8. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the landscaping element of 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 interest of visual amenity.
9. All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. and 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working unless otherwise agreed in writing by the Local Planning Authority.
To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
10. In accordance with section 10 of the Design and Access submitted with application validated 20 June 2014 the development hereby approved shall secure at least 10% of its energy supply from renewable energy or low carbon sources, unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be implemented in complete accordance with the details included in section 10 of the Design and Access statement unless otherwise agreed in writing by the Local Planning Authority.
To ensure a sustainable form of development which secures energy from renewable sources to comply with paragraph 96 of the NPPF.
11. Within 3 months of the commencement of use of the development, the following documents shall be submitted to and approved in writing by the Local Planning Authority.

- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
 - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
- (b) The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport.

12. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to indoor and outdoor sports facilities and include details of pricing policy, hours of use, access by non-school users management responsibilities and a mechanism for review. The development shall not be used at any time other than in strict compliance with the approved agreement.

To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport.

13. Notwithstanding the details submitted within the application no development in respect of the erection of a bin store or cycle storage shall take place until full details of the appearance of the bin store and cycle storage have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details. In the interests of visual amenity.

14. Demolition and the clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.

An exception to this timing restriction could be made if the site is first checked within 48 hours prior to the relevant works taking place by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this. In the interests of breeding birds.

15. No works, including demolition, shall commence on buildings 3, 4, 5, 6, 8 & 11 until a suitable bat mitigation scheme has been submitted to and approved in writing by the Local Planning Authority.

To prevent harm to roosting bats has been submitted for approval.

16. The development hereby approved shall be carried out having regard to the following:

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of

2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

BACKGROUND PAPERS

4.65 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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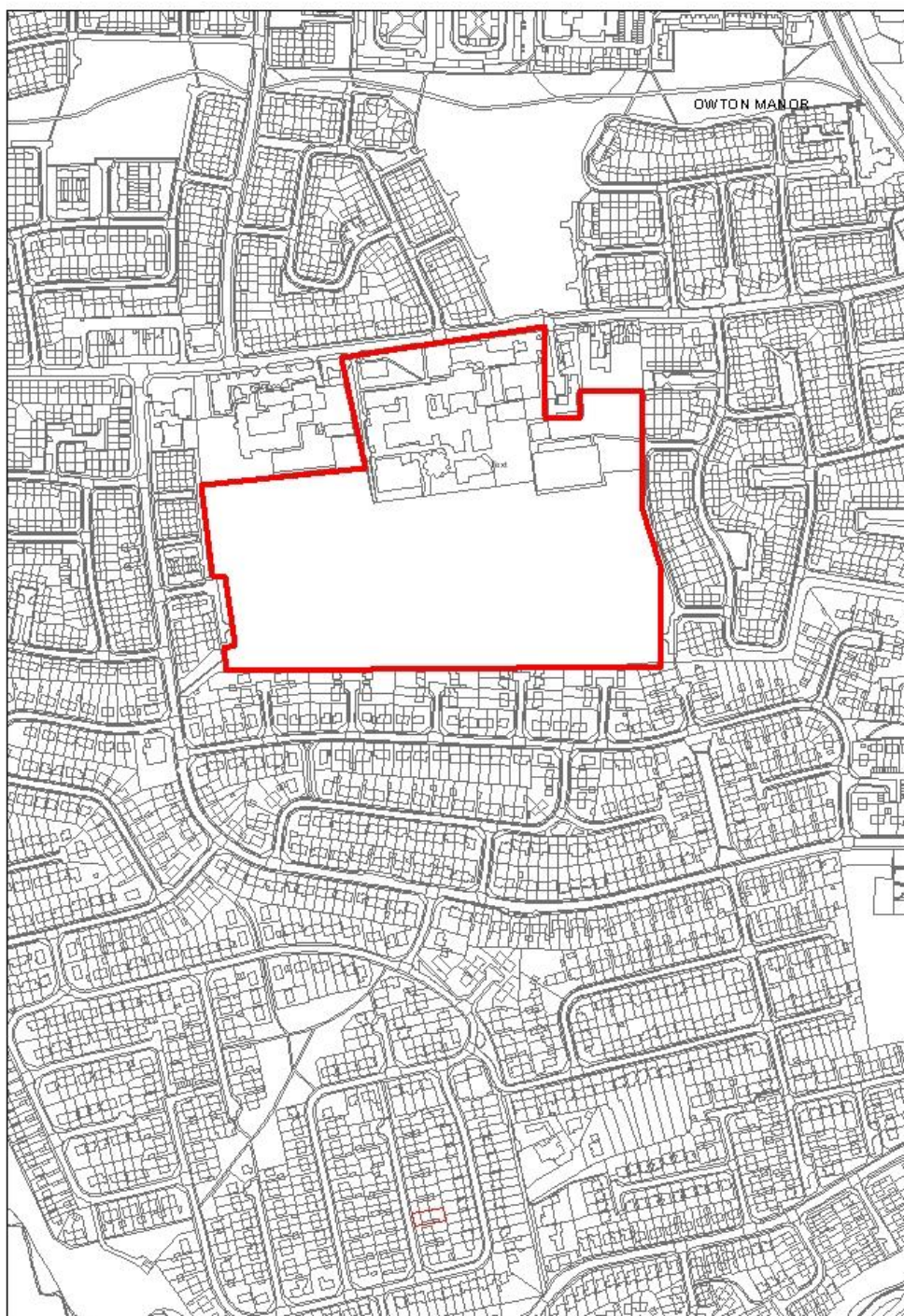
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MANOR COLLEGE, OWTON MANOR LANE



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
Level 1, Civic Centre, Hartlepool TS24 8AY
Department of Regeneration and Planning

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Scale: 1:5000
Date : 14/07/14
H/2014/0233

No: 5
Number: H/2014/0003
Applicant: Vela Group Stranton HARTLEPOOL TS24 7QS
Agent: DKS Architects Mr Mark Barlow The Design Studio 22
Ellerbeck Court Stokesley Business Park
MIDDLESBROUGH TS9 5PT
Date valid: 07/01/2014
Development: Residential development comprising conversion of Grade
II Listed manor house to form 4 no. dwellings, erection of
5 houses, 11 bungalows and 18 apartments and
associated works and landscaping
Location: Land at Friarage Manor House HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

5.2 The application was originally submitted in January 2014 however there were a number of issues with regard to the Archaeology of the site and required mitigation, the proposed access and layout of the development.

5.3 Amended plans were submitted by the agent 30 June 2014 to address concerns raised and an additional round of consultation was undertaken (consisting of neighbour letters, press notice and site notice). This consultation expired 22/07/2014.

5.4 A listed building consent application (planning reference H/2014/0004) has also been submitted which is also subject to consideration by the planning committee.

PROPOSAL

5.5 Approval is sought for a residential development on the site comprising of a total of 38 units.

5.6 The development includes the conversion of The Friarage building, which is Grade II listed, to form four separate 2 bedroom apartments. Private garden areas will be provided along with resident and visitor car parking which will be interspersed within the grassed verge adjacent to the access road which arcs round The Friarage building to another access onto Friar Street.

5.7 The erection of five terraced town houses is also proposed which will front on to Friar Street. These properties will have pedestrian access on to Friar Street with private garden areas to the rear. The design of the dwellings include a bay window at

ground floor with art stone heads and cills to the first floor windows. The finishing materials will consist of a mix of brickwork and render with interlocking roof tiles.

5.8 Towards the rear of the site, adjacent to the shared boundary with the playing field the proposal includes ten 2 bedroom apartments and one disabled access bungalow. The existing stone wall adjacent to the southern boundary will be reduced in height to 0.9 metres in height with openings proposed to provide pedestrian access to the bungalows. Four car parking spaces are proposed adjacent to the front of these bungalows on Moor Terrace. An acoustic barrier fence is proposed adjacent to the eastern boundary of the site along the side boundaries with the playing fields. An existing substation to the south will be retained.

5.9 A two storey apartment block is also proposed towards the south west corner of the site consisting of 18 apartments. Car parking is proposed to the front with a landscaped shared garden area proposed to the rear of the apartments. A new boundary is proposed 6 metres further away than the existing properties to the south to aid vehicle turning.

5.10 In connection with the proposed development the existing substation adjacent to the access from Friar Street will be demolished and the existing kerb will be realigned to form a 6 metre radius. This will provide access to the development adjacent to the side of the proposed town houses.

Amended Plans

5.11 Amended plans and an updated Heritage Impact Assessment have been submitted for the proposed development. The amendments consist of;

5.12 Amended details of the design of the terraced house to drop the artstone cills, increase the width of the columns within the bay windows and include 4 panel front doors to be in keeping with the design of traditional dwellings within the area.

5.13 Amended details of the vents to serve the first floor apartments within the Friarage to ensure the ventilation will not project through the roof. The amended detail shows the vents within the elevations of the building.

5.14 Amendments to the layout to retain the stone wall adjacent to the southern boundary of the site. The wall will be reduced in height to 0.9 metres with access by foot provided by gates for each of the bungalows. Car parking is provided on the amended layout plan by means of parallel parking adjacent to Moor Terrace

5.15 Owing to the nature of the development and number of objections received this application is required to be determined by planning committee.

SITE CONTEXT

5.16 The application site currently consists of vacant brownfield land located within the Headland area of Hartlepool which is predominantly residential in nature. The site is largely open grass land adjacent to residential properties and existing playing fields to the east of the site.

5.17 Towards the middle of the site is The Friarage which is a Grade II listed building in a state of disrepair. This building is the surviving western gable wing of the former Friarage hospital.

5.18 The surrounding properties consist of various designs including traditional terraced properties to the south which front on to Victoria Place and Moor Terrace with more modern residential dwellings towards the west and north of the site.

PUBLICITY

5.19 The application has been advertised by way of site notices, press advert and neighbour letters (91). To date, there have been 10 responses consisting of 10 objections and 1 no objection.

5.20 The concerns raised are:

Loss of playing field and open space,
 Generation of additional traffic in busy streets which are already congested
 Insufficient parking
 Car parking layout unacceptable in terms of access to existing properties
 Impact upon the historic character of the surrounding area
 Amenity of neighbouring residential properties in terms of loss of view, appearing overbearing, loss of privacy, noise and smells
 Impact upon residential properties during construction as a result of noise and dust
 The Friarage manor will be lost in terms of frontage and should be used for community use rather than affordable housing
 Devaluation of properties
 Concerns regarding lack of publicity

5.21 The period for publicity has expired.

5.22 Copy letters **E**

CONSULTATIONS

5.23 The following consultation replies have been received:

Northumbrian Water: In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

NWL have provided the developer with a pre-development enquiry response for this proposal dated 27th November 2013. In this response, we stated that an estimated foul flow of 1.7 l/sec can discharge into the 300mm diameter combined sewer between manhole 9702 and manhole 9704. No surface water will be able to discharge into our network.

Having assessed the proposed development against the context outlined above we have the following comments to make:

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

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

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

Additional comments (Amended Plans)

Thank you for consulting Northumbrian Water on the above proposed development following the submission of amended plans.

I can confirm that further to my response dated 17th January 2014 we would have no additional comments to make. Please note that we still require the use of the planning condition in relation to the discharge of foul water as previously requested.

I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.

Public Protection: I would have no objections to this application subject to the applicant agreeing the details of the acoustic fence between the development and the sports field with the LPA.

Environment Agency: The Environment Agency has assessed this application as having a low environmental risk. We, therefore, have no comments to make in respect of this proposal.

Cleveland Fire Brigade Cleveland Fire Brigade offers no representations regarding the development as proposed. However access and water supplies should meet the requirements as set out in approved document B volume 1 of the building regulations for domestic dwellings.

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

Hartlepool Civic Society: Hartlepool Civic Society has studied the long-awaited plans for the restoration of the Manor House and use of the surrounding land.

We are pleased that the Manor House is to be restored and used as this listed building is of huge historic interest, not just to the Headland but the whole area.

However, the plans for the proposed new properties on the land are a huge disappointment.

The site presents Vela with a golden opportunity to create a nationally renowned scheme – in a similar way to the Highgate development in Durham City.

We are incredulous that Vela should consider that the designs presented, which are of dubious architectural merit, without originality or innovation, and might be seen on any of their ordinary suburban sites, are deemed acceptable for what is arguably Hartlepool's most historic area, an area which should be considered a valuable heritage asset for the whole Borough, if not regionally. The design and access statement presented by the applicant has surprisingly hardly mentioned the existence of the conservation area it is located within.

We applaud that part of the site analysis which identifies vistas that permit views of the listed building at the core of the development. This is particularly valuable in closing Queen Street. The profusion of trees proposed does however suggest this view will not remain for long.

We also agree with the enclosing of the rear of the terraces at the South West corner of the site with the two- storey apartment block. Having concealed the rear of the terrace, we do however, question the easily-viewed rear of the proposed new terrace facing Friar Street which would form the backdrop to the most important façade of the listed building. It is doubted that such a backdrop would enhance the setting of the listed building. A greater enclosure of the rear of the Friarage, which was originally attached to a more extensive building, would be desirable.

The design of this terrace is also concerning for its 'split personality', the gable particularly and strangely, displays this. The appearance of a Victorian façade on the front and poor/unsympathetic alteration to the side – different materials, different orientation of windows – decidedly odd.

It would seem that we should be grateful that the terrace facing Friar Street did adopt some attempt to reflect the style of the rest of the conservation area as the remaining new buildings, in architectural style, ignore the Conservation Area altogether. The mix of materials on a single building, brick, render, cladding and large areas of glazing is also alien to the Headland Conservation Area where buildings, particularly residential are not so fussy or fiddly. What place in this conservation Area do suburban style bungalows with gables have opposite Georgian or Victorian terraces?

While, as a Society we are loathe to question the planting of trees, if the aim is to preserve or enhance the character of a conservation area we are not at all sure a tree-lined avenue has any place on the Headland – being quite alien to this exposed peninsular site. The buildings on the Headland tend to be huddled together, wisely providing shelter – although they do occasionally open out to provide squares. Otherwise the open space is collectively gathered at the Town Moor. Again, this development is very open indeed, more becoming of suburbia than an ancient Town

Centre. The trees as they grow will surely hide the façade of the listed building which has otherwise been so carefully left open.

While not objecting to the uses proposed, or the restoration of the listed building, the Society does object to the design of the new buildings in that they are contrary to the following Hartlepool Council policies:-

HE8 which states that ‘traditional materials and sympathetic designs should be used in works to listed buildings, adjacent to listed building and to those buildings which affect the setting of a listed building’

HE1 which states that proposals should ‘demonstrate that the development will preserve or enhance the character or appearance of the conservation area’.

HE 3 which states that ‘the design and materials used in new developments which would affect the setting of conservation areas, should take account of the character of those neighbouring conservation areas.’

N.P.P.F para 60 ‘planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.’

NPPF para 126 states – account should be taken of ‘the desirability of new development making a positive contribution to local character and distinctiveness, and the opportunities to draw on the contribution made by the historic environment to the character of a place.’

NPPF para 128 states – ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting’

NPPF para 131 states – account should be taken of the ‘desirability of new development making a positive contribution to local character and distinctiveness.’

The Society is particularly disappointed in that we know Vela are capable of better, having won awards from the Society on several occasions. We would strongly hope that rather than be turned down; the application could be referred back to Vela for them to reconsider the architectural design of the considerable new-build part of this application.

If however, this is not possible, the considerable damage the new buildings would have on the quality, character and local distinctiveness of the Headland Conservation Area, requires that the application be most regrettably refused in order to ensure the future cultural and potential economic benefit afforded to Hartlepool by this outstanding Conservation Area.

Comments regarding amended plans:

At our meeting this evening, the Society studied the minor amendments to the plans.

Although we are pleased that such a historic building as the Manor House is to be restored and re-used we are still concerned with the plans for the new houses. We would have expected something more fitting and inspirational for such a historic site in a conservation area - instead of basic 'estate type' houses. The fact that they are for social housing is irrelevant. An opportunity to provide what could have been a 'nationally renowned scheme' will be lost.

We again urge our comments in our detailed letter of 20 February which explains our suggestions and reasons, which are still relevant, to be 'taken on board'.

The Society also strongly suggests that following any permissions, a condition is placed that the Friarage Manor House is restored before the houses are built.

Landscape & Conservation: In relation to the proposed amendments to the existing plans I would confirm the following.

Alterations to proposal for 5 houses

The proposed bay windows are now of a design which is more in keeping with properties found within this conservation area therefore no objections.

Could the final details of these be conditioned?

Alterations to the Manor House

In relation to the location of the windows to the west elevation of the building it is accepted that these are the most suitable locations, therefore no objections.

It is requested that the final details of the external extraction, flues and any vents to the roof are conditioned.

Alterations to the wall to Victoria Place

Whilst the two new openings to the wall and the reduction in height are disappointing it is accepted that these works are required to facilitate the scheme.

It is requested that prior to any work starting on the wall a full survey of the wall is carried out. This should include a methodology outlining how the wall will be taken down, where the stone will be stored, and areas where the wall can be repaired should be identified. There should be an opportunity for Tees Archaeology to view the stone removed from the wall and assess its significance as necessary prior to the stone being reused elsewhere in the wall.

Landscape Comments

A landscape scheme has been submitted in support of the application which includes the planting of many new trees, shrubs and hedges within the proposed street scene. I would consider the submitted scheme generally acceptable, unfortunately however details of the tree, shrub and hedge species proposed have not been included with the submitted plans and therefore for completeness I would recommend that these details are required by condition.

English Heritage (Summarised): English heritage welcome this opportunity to conserve and bring back into use of the Headlands most important historic buildings, especially given its long standing poor state of repair. I assume that the repair of the listed building will be directly funded through the surrounding housing and I recommend the use of planning obligation to ensure the benefit is fully realised.

Comments re amended plans

Thank you for sending through amended details and plans for the above applications. Having considered the additional information I can confirm that English Heritage has no comments to add to its original advice dated 24th January 2014.

Traffic and Transport: I can confirm that my previous concerns have now been addressed and the highway layout is now acceptable in Highway and Traffic terms.

The site does not provide footways to an adoptable standard with the aim of the scheme to provide a shared surface type environment. This would be acceptable since the development will not attract through traffic.

The minimum number of parking spaces has been provided (1 space per property) for a social housing scheme. Given the type of housing and the age restriction on the apartment block I would consider this to be acceptable. The carriageway should be constructed in accordance with the HBC Design Guide and Specification and using a section 38 agreement.

Ecology: The only likely ecological issue is the potential to harm any birds that might be nesting in the existing Friarage building during the refurbishment process. We can deal with this by attaching our standard condition on nesting birds to any permission.

Tees Archaeology: Thank you for the consultation on this amended planning application.

I have viewed the details of the proposal online and have paid particular attention to the Heritage Impact Assessment (HIA) prepared by ARS Ltd.

The Friarage site has been subject to extensive archaeological excavations in the past. The HIA takes this data into account and sets it out in a clear and concise way. I can confirm that the report meets the information requirements of the NPPF (para 128) in relation to heritage assets of archaeological interest.

The HIA identifies the impact of different aspects of the development on the archaeological deposits and the upstanding remains of the Friarage Mansion. The highest impacts occur where the areas of pile mat coincide with archaeological remains of the medieval Franciscan Friary. The specific levels of impact are set out in section 5.1 of the report.

Almost all aspects of the build, including installation of services and car parking are likely to have an impact on archaeological remains. The HIA recognises this and makes a number of mitigation recommendations (Section 5.2). The principal form of

mitigation is the archaeological excavation of deposits in the areas where pile mats are required. The mitigation strategy put forward also recommends archaeological monitoring during installation of services and ground reduction around the Friarage Mansion. The report concludes that mitigation for the proposed car parking and access roads will be designed once construction levels are available for these areas. It is however anticipated that these will involve less ground disturbance and will have less of an impact on the more deeply stratified medieval and Anglo-Saxon deposits.

I have no objection in principle to these mitigation measures but feel I should point out that their implementation will require significant financial investment from the developer, particularly if complex archaeological deposits, including human remains, are discovered. They should be carried out as far in advance of development as possible to ensure that conflicts during the construction phase are limited.

As well as below ground archaeology, the application will have an impact on standing buildings of historic interest. This includes the Friary Mansion and the boundary walls to the development site. These structures are of interest in their own right and are also likely to have reused stonework from the demolition of the Friary. I recommend further archaeological recording works on any sections of the boundary wall to be demolished and during any new opening up within the Friary Mansion.

Although the developer sets out a basic mitigation response in the HIA it would be prudent for the local authority to secure the implementation of this work through means of a planning condition to ensure proper quality control and delivery. I recommend a condition which is multi-part and based on a model prepared by the Association of Local Government Archaeology Officers for the Planning Inspectorate.

Recording of a heritage asset through a programme of archaeological works condition recommended.

HBC Engineering Consultancy: I would recommend that my standard contaminated land condition is imposed on any approval. In terms of flood risk and drainage, I note that both foul/surface water will be discharged into the main sewer. Providing Northumbrian Water grant permission, I would have no further comments. Additional comments “I had a meeting with Mick Taylor below regarding this scheme and how this potentially conflicts with our proposed coastal construction works which will commence March 2015. In terms of the MMO and application, the only additional comments I have can only be considered outside of this application. Please could you pass on my details as I would request full construction details of the new outfall, how this impacts on both the promenade and coastal wall. I see this as an opportunity for the Council to work with/coordinate with the parties involved with the Friarage to ensure both works don’t conflict.”

Hartlepool Water: Confirm that Hartlepool Water has sufficient capacity in the local network to supply to the proposed development therefore no objection.

PLANNING POLICY

NATIONAL PLANNING POLICY FRAMEWORK

5.24 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires Local Planning Authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

5.25 It must be appreciated that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

5.26 The following paragraphs in the NPPF are relevant to this application:

Paragraph 2: Application of planning law
 Paragraph 6: Purpose of the planning system
 Paragraph 7: Three dimensions to sustainable development
 Paragraph 13: The National Planning Policy Framework constitutes guidance
 Paragraph 14: Presumption in favour of sustainable development
 Paragraph 17: Core Planning Principles
 Paragraph 57: High quality inclusive design
 Paragraph 60: Promotion or reinforcement of local distinctiveness
 Paragraph 61: The connections between people and places
 Paragraph 128: Significance of any heritage assets affected
 Paragraph 131: Determining heritage planning applications
 Paragraph 132: Impact on the significance of a designated heritage asset
 Paragraph 134: Less than substantial harm to the significance heritage
 Paragraph 137: New development within Conservation Areas
 Paragraph 196: Determination in accordance with the development plan
 Paragraph 197: Presumption in favour of sustainable development

LOCAL PLAN (2006)

5.27 The 2006 Local Plan forms part of the Development Plan and is still the overriding consideration for determining planning applications.

5.28 Within the current Hartlepool Local Plan the site is located on white land in the Headland Conservation Area. The following policies are relevant to this application:

GEP1: General Environmental Principles

HE1: Protection and Enhancement of a Conservation Area

HE2: Environmental Improvements in Conservation Areas

HE8: Works to Listed Buildings (Including partial demolition)

PLANNING CONSIDERATIONS

5.29 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular impact upon the amenity of surrounding land users, character and appearance of the conservation area and listed building, archaeology of the site, highway safety, and drainage.

Principle of Development

5.30 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location. Furthermore due regard must be had to the fact that Hartlepool Borough Council can not currently demonstrate a five year supply of deliverable housing sites and thus the housing policies within the 2006 Local Plan are deemed to be out of date. Where policies are out of date the local authority must approve applications unless in doing so the adverse impacts of such an approval would demonstrably and significantly outweigh the benefits.

5.31 In viewing statute, planning policy and the information submitted Planning Policy must have regard to all material considerations and consider if in fact the proposal is deemed to be sustainable development.

5.32 Considerable weight should be given to the fact that the authority can not demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. Given the sites location and proximity to services Planning Policy considers that the principle of development within this area would constitute sustainable development.

5.33 The overall principle of residential development is suitable and welcomed within this key regeneration area at the historic Headland. The overriding objective of the NPPF is to significantly boost the supply of housing and in doing so sustainable development should be approved without delay. The proposal would add to the housing supply and is considered to be in a sustainable location along with ensuring the restoration of a heritage asset. Therefore subject to the following planning considerations the principle of the proposed development is considered to be acceptable.

Amenity of neighbouring land users

5.34 The application site is surrounded by residential properties to the north, south and west. Proposed residential developments must ensure that residential amenity of both existing neighbouring occupiers and the proposed occupiers of the new development are adequately preserved.

5.35 Supplementary Note 4 of the Hartlepool Local Plan specifies guidance for minimum separation distances between residential properties. A minimum of 20 metres should be achieved where principal elevations face one another or 10 metres where a blank gable wall would face the front or back of a property.

5.36 To the south of the application site there will be a separation distance of approximately 25 metres between the front elevation of the front elevation of the proposed bungalows and the front elevation of neighbouring properties to the south. Given that the proposal includes bungalows to the south and taking into account this separation distance it is not considered that it will result in a detrimental Impact upon the amenity of the neighbouring properties fronting on to Moor Terrace.

5.37 The proposal includes two storey apartment block adjacent to the south-west corner of the site. The properties to the south and west consist of 3 storey traditional dwellinghouses. The landscaped communal garden and access for maintenance vehicles will be directly adjacent to the shared boundary with these neighbouring properties. The side and rear elevations of properties fronting on to Friar Street and Victoria Place will face towards the application site. The side elevation of the existing properties do not include any windows. Furthermore there will be a separation distance of approximately 30 metres (at the closest point) between the rear elevation of the existing properties and the proposed apartments. These neighbouring properties have existing offshoots to the rear which do not contain any windows facing towards the application site. The rear yards are enclosed by brick and rendered walls which will provide some screening. As the proposed development will be to the north it is not considered that it will result in a significant overshadowing for existing properties. As such it is not considered that the proposed apartments will result in a detrimental impact upon the amenity of these neighbouring residential properties in terms of overlooking or appearing overbearing.

5.38 At the rear of the apartment block the proposed plans show a new boundary to be formed approximately 6 metres further back than the existing properties to aide vehicle turning for vehicles using the rear access serving properties fronting on to Friar Street and Victoria Terrace.

5.39 The neighbouring properties to the west are modern properties with blank gable walls which face towards the application site. There is a highway and a wide grass verge, between the application site and the side elevation of these neighbouring properties. The proposal includes a terrace of townhouses which will front on to Friar Street. However given that the side elevation of the properties opposite do not contain any windows and taking into account the separation distance, it is not considered that the proposal will result in a detrimental impact upon the amenity of

neighbouring properties to west in terms of outlook, appearing overbearing or loss of privacy.

5.40 Access to the site is proposed using an existing access adjacent to a blank side elevation of a property fronting on to Friar Street. This currently provides access to car parking adjacent to the application site to the rear of properties fronting on to Jacques Court. These properties are adjacent to the existing car parking area and consists of a mix of two and three storey properties. Access will be retained to the car parking area with a turning head provided from the main access road serving the proposed dwellings which arcs round the Manor House to the side of the proposed properties. The access road will be adjacent to the car park with bungalows located adjacent to the northern boundary further into the site. Given the separation distances associated with these properties it is not considered that the proposed development will result in a detrimental impact upon the amenity of neighbouring properties to the north.

5.41 The rugby playing pitch is to the east of the application site. An Acoustic barrier fence is proposed adjacent to the shared boundary. The Public protection section have raised no objections however have requested a condition relating to details of the acoustic fence being submitted. Therefore a condition is recommended accordingly.

5.42 Concerns regarding disturbance to residential properties during construction are noted. Owing to proximity to surrounding residential properties a condition is also recommended to restrict hours of construction.

5.43 It is not considered that the proposed development will result in a detrimental impact upon the amenity of neighbouring land users and accords with local and national planning policy in this regard.

5.44 It is acknowledged that the dwellings within the site do not in all cases meet the guideline separation distances identified in Hartlepool Local Plan. In particular between the bungalows and the townhouses and the Friarage Manor. However, the constraints of the site and the fact that the majority of these relationships are between bungalows the proposed relationships are considered acceptable in this instance.

Character of the listed building and conservation area

5.45 Included in proposed development is the refurbishment of The Manor House consisting of internal and external alterations in connection with the conversion of the building into 4No. apartments. The property is Grade II listed and is the last visual remnant of what was once Hartlepool hospital and before that a large manor house of the 17th century. Therefore in its own right it is a heritage asset. It is also located within the Headland Conservation Area which is a designated heritage asset. Therefore guidance within the NPPF held within section 12 which relates to 'conserving and enhancing the historic environment' is considered to be relevant to assessing the proposed development. In particular paragraph 126 states that Local Authorities must *"Recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance"*.

5.46 Paragraph 128 of the NPPF also requires the setting of the listed building to be considered in assessment of planning applications. A key principle of sustainable development contained within the NPPF is the protection and enhancement of the historic environment. At a local level, policy HE1 is relevant in relation to protecting and enhancing conservation areas and all assets within them.

5.47 Concerns regarding the design of the housing proposed raised by the Hartlepool Civic Society are noted however English Heritage have commented that the proposed development will bring back into use one of the Headlands most important historic buildings, especially taking into account its long-standing poor state of repair. It is noted that the building is only one small remnant of a much larger complex, this illustrates the great degree of change and loss that has occurred on the site. The surrounding buildings largely comprise of relatively modern housing which is in accordance with the grain of the surrounding area. Therefore English Heritage have commented that the minor loss of the significance of the conservation area and listed building is outweighed by the benefit of conserving a listed building that is highly vulnerable to further decay. In this regard the proposal accords with paragraphs 131 and 134 of the NPPF.

5.48 The Council's Landscape and Conservation Team leader has provided comments with regard to the amended plans. With regard to the impact upon the listed building, it is noted that the amended plans relate to the location of the windows to the west elevation of the building. It is accepted that these are the most suitable locations, therefore no objections are raised. The amended plans also show external extraction vents within the elevation of the listed building rather than projection from the roof. This is considered to be acceptable however a condition is requested that the final details of the external extraction, flues and any vents are submitted for consideration to ensure control is retained by the Local Authority with regard to this matter.

5.49 The proposed layout includes the erection of 5 townhouses to front on to Friar Street, adjacent to the listed building. As such these will be highly visible from the conservation area. The amended details show alterations to the design of the bay windows, artstone cills and panelled front access doors. It is considered that these amendments take into account details of traditional properties located within the vicinity of the site. The Council's Landscape and Conservation team leader has commented that bay windows are now of a design which is more in keeping with properties found within this conservation area and therefore raises no objections. However a condition relating to final details of the windows is recommended to ensure these details are agreed with the Local Planning Authority.

5.50 The originally submitted scheme sought to remove the wall adjacent to Victoria Place. However significant concerns were raised with regard to its removal. Therefore the amended scheme has been submitted with the wall retained. However the wall will be reduced in height to 0.9 metres with openings to allow access by foot to the front of bungalows on plots 17-20. The Council's Landscape and Conservation team leader has commented that whilst the two new openings to the wall and the reduction in height are disappointing it is accepted that these works are required to facilitate the scheme. However a condition is recommended to ensure that that prior

to any work starting on the wall a full survey of the wall is carried out. This should include a methodology outlining how the wall will be taken down, where the stone will be stored, and areas where the wall can be repaired should be identified. There should be an opportunity for Tees Archaeology to view the stone removed from the wall and assess its significance as necessary prior to the stone being reused elsewhere in the wall.

5.51 With regard to the proposed apartment block the Council's Landscape and Conservation team leader has commented that it is considered that the design only relates to the surrounding Headland in a minimal way. This was discussed with the agent however in terms of viability the applicant could not offer any amendments. Having discussed this further with the Landscape and Conservation team leader it was considered that concerns were not so significant to object to the scheme. Therefore the design of the apartment block, set against the three storey buildings towards the south-west corner of the site was considered to be acceptable.

5.52 In terms of landscaping the submitted scheme is generally considered to be acceptable, however a condition is recommended to ensure details of the tree, shrub and hedge species are submitted to allow the Local planning Authority to retain control over the landscaping scheme.

5.53 Following comments from English Heritage a condition is recommended to ensure no dwellings are occupied until works to the listed building are completed to ensure works to the listed building, which is considered to be at risk, takes place at an appropriate time in relation to the overall development. This condition has been confirmed with the agent.

5.54 In conclusion it is considered that the proposals are acceptable in terms of its impact on the Conservation Area and the Listed Building.

Archaeology

5.55 The agent has submitted additional detail relating to the archaeology of the site in the Heritage Impact Assessment (HIA).

5.56 The Friarage site has been subject to extensive archaeological excavations in the past. The HIA identifies the impact of different aspects of the development on the archaeological deposits and the upstanding remains of the Friarage Mansion. The highest impacts occur where the areas of piling coincide with archaeological remains of the medieval Franciscan Friary referred to in section 5.1 of the HIA.

5.57 Almost all aspects of the build, including installation of services and car parking are likely to have an impact on archaeological remains. The HIA recognises this and makes a number of mitigation recommendations (Section 5.2 of the HIA). The principal form of mitigation is the archaeological excavation of deposits in the areas where piling is required. The mitigation strategy put forward also recommends archaeological monitoring during installation of services and ground reduction around the Friarage Mansion. The HIA concludes that mitigation for the proposed car parking and access roads will be designed once construction levels are available for these areas. It is however anticipated that these will involve less ground

disturbance and will have less of an impact on the more deeply stratified medieval and Anglo-Saxon deposits.

5.58 Tees Archaeology have raised no objection in principle to these mitigation measures but has commented that their implementation will require significant financial investment from the developer, particularly if complex archaeological deposits, including human remains, are discovered.

5.59 As well as below ground archaeology, the application will have an impact on standing buildings of historic interest. This includes the Friary Mansion and the boundary walls to the development site. These structures are of interest in their own right and are also likely to have reused stonework from the demolition of the Friary. Therefore a condition is recommended to ensure further archaeological recording works on any sections of the boundary wall to be demolished and during any new opening up within the Friary Mansion. The recommended condition is multi-part and based on a model prepared by the Association of Local Government Archaeology Officers for the Planning Inspectorate to ensure recording of a heritage asset through a programme of archaeological works to accord with the requirements of paragraph 128 of the NPPF.

Ecology

5.60 The Council's Ecologist has commented that the only likely ecological issue is the potential to harm any birds that might be nesting in the existing Friarage building during the refurbishment process.

5.61 Wild birds and their nests are protected by the Wildlife & Countryside Act (1981) as amended. It is an offence to damage or destroy the nest of a wild bird whilst it is being built or in use. Any operations which have the potential to cause an offence, for example removal or repair of the roof or repairing gaps in the structure which birds could access to nest should therefore take place outside of the bird breeding season. The breeding season is taken to be March-August inclusive unless otherwise advised by the LPA. As such a condition relating nesting birds is recommended.

Highway safety

5.62 Concerns were raised with regard to the originally submitted scheme by the Council's Traffic and Transport section with regard to visibility and car parking. Concerns raised by residents with regard to highway safety and traffic generation are also noted.

5.63 The Council's Traffic and Transport section were consulted regarding the amended plans and have commented that previous concerns have now been addressed and the highway layout is now acceptable in Highway and Traffic terms.

5.64 The site does not provide footways to an adoptable standard with the aim of the scheme to provide a shared surface type environment. This would be acceptable since the development will not attract through traffic.

5.65 The minimum number of parking spaces has been provided (1 space per property) for a social housing scheme. Given the type of housing and the age restriction on the apartment block this is considered to be acceptable. Therefore the Council's Traffic and Transport section have raised no objections to the development. As such it is not considered that the development will result in an adverse impact upon highway safety.

5.66 The carriageway should be constructed in accordance with the HBC Design Guide and Specification and using a section 38 agreement. This is outside the control of planning legislation therefore this is attached as an informative.

Drainage

5.67 The Environment Agency has assessed this application as having a low environmental risk. Therefore raises no objections to the proposals.

5.68 Northumbrian Water have provided the developer with a pre-development enquiry response for this proposal stating that an estimated foul flow of 1.7 l/sec can discharge into the 300mm diameter combined sewer between manhole 9702 and manhole 9704. Northumbrian Water have requested a condition relating to disposal of foul water which is recommended accordingly. Northumbrian Water have however advised that surface water cannot be discharged to their network.

5.69 The applicant has submitted a drainage strategy with drawings which details surface water route, which has been designed in liaison with Northumbrian Water. This requires a discharge to the sea for which a Marine Licence has been approved. The comments of the Environment Agency on the drainage proposals are awaited with regard to this matter however it is anticipated that these comments will be favourable. HBC Engineering Consultancy have advised that these works will need to take account of coastal defence works and a relevant condition is proposed.

5.70 The excavations pass through a conservation area and are close to listed structures however the Council's Conservation Officer has confirmed that she is content that the below ground nature of the drainage within the highway does not require any further consent other than that granted.

Residual Matters

5.71 Devaluation of properties is raised as a matter of concern by objectors. This is not a material planning consideration and therefore cannot be taken into consideration when assessing this application.

5.72 The Council's engineers have raised no objections however have recommend that the standard contaminated land condition is imposed on any approval. Therefore a condition is recommended accordingly.

Conclusion

5.73 In light of the above it is not considered that the proposal will result in a detrimental impact upon the amenity of neighbouring land users, the character of the

listed building and conservation area, archaeology, ecology highway safety or drainage. Therefore the proposal accords with policies and guidance within the Local Plan and principles within the NPPF and as such is recommended for approval.

RECOMMENDATION – APPROVE subject to favourable comments being received from the Environment Agency with regard to the surface water drainage scheme and the following conditions.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) P101 Rev P5 received on 30 June, 1886-01B, P25 Rev P2, P105, received 26 June 2014 , P28 Rev P1, P26 Rev P1, P27 Rev P1, P18 Rev P1, P15 Rev P1, P16 Rev P1, P17 Rev P1, P10 Rev P1, P11 Rev P1, P12 Rev P1, P14 Rev P1 received 7 January 2014 unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. 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. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
5. Any works to the Friarage manor house, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.
To protect breeding birds
6. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections, of the proposed windows and external doors shall be submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed in accordance with the approved details.
In the interests of visual amenity.
7. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:50 and cross sections, of the proposed the external extraction, flues and any vents to be used on the Friarage Manor House building shall be submitted to and approved in writing by the Local Planning Authority. The scheme of ventilation shall be installed in accordance with the approved details.

In the interests of visual amenity and the character and appearance of the listed building.

8. Notwithstanding the submitted details a scheme detailing the means of enclosure shall be submitted to and approved in writing to the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details and retained for the life of the development.
In the interest of visual amenity.
9. Prior to the commencement of development including demolition a programme of archaeological work including a Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority. This should include appropriate recording of archaeological heritage assets of all periods and standing buildings including the Friary Mansion and boundary walls. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the agreed Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

To ensure proper recording of a heritage asset through a programme of archaeological works

10. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
11. A detailed scheme of landscaping and tree and shrub planting 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 interest of visual amenity

12. 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 interest of visual amenity

13. The apartments hereby approved shall only be occupied by persons aged over 55 years.

In order to restrict the use of the premises in the interests of highway safety.

14. Non of the residential units hereby approved shall be occupied until works to the Friarage Manor House have been completed in accordance with plans and details approved under this application.

To ensure the works to the listed building which form an intrinsic part of the scheme are not delayed.

15. The development hereby approved shall be carried out having regard to the following:

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and

other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected

within the garden area of any of the dwelling(s) without prior planning permission.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16. Notwithstanding the submitted details prior to the recommencement of development details of proposals for the disposal of surface water, including details of the new outfall, shall be submitted to and approved in writing by the Local Planning Authority. The details shall thereafter be implemented as approved.

In order to ensure these details are acceptable in terms of the impact of the development on heritage assets and coastal defence works.

17. Prior to any works to the existing wall to the south of the proposed bungalows, a full survey of the wall and methodology for the works shall be carried out in accordance with a scheme first agreed in writing with the Local Planning Authority. This shall include details as to how the wall will be reduced, and identify areas where the wall will be repaired. It shall also detail where removed stone will be stored and how opportunities for the inspection of the stone by Tees Archaeology will be afforded. Finally it shall detail how the stone will be re-used. The works to the wall shall be carried out in accordance with the details so approved.

In the interests of preserving and recording the heritage asset.

18. 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 Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

19. 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 Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

BACKGROUND PAPERS

5.74 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working

hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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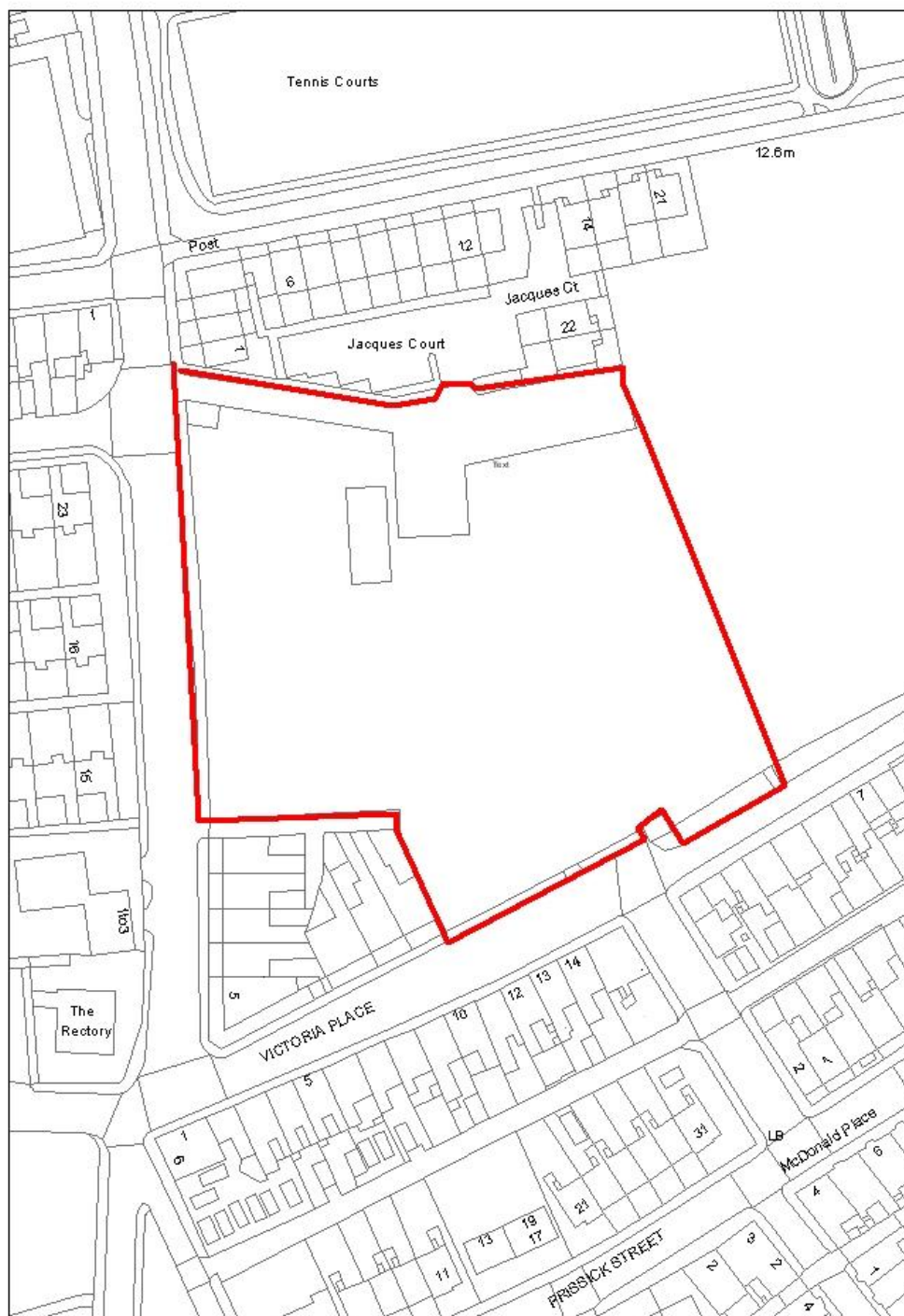
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FRIARAGE MANOR HOUSE



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
 Level 1, Civic Centre, Hartlepool TS24 8AY
 Department of Regeneration and Planning

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Scale: 1:1000
Date : 14/07/14
H/2014/0004/H/2014/0003

No: 6
Number: H/2014/0004
Applicant: VELA GROUP STRANTON HARTLEPOOL TS24 7QS
Agent: DKS ARCHITECTS MR MARK BARLOW THE DESIGN STUDIO 22 ELLERBECK COURT STOKESLEY BUSINESS PARK TS9 5PT
Date valid: 07/01/2014
Development: Listed building consent for residential development comprising conversion of Grade II Listed manor house to form 4 No dwellings, erection of 5 houses, 11 bungalows and 18 apartments and associated works and landscaping
Location: LAND AT THE FRIARAGE, MANOR HOUSE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

6.2 The application was originally submitted in January 2014 however there were a number of issues with regard to the Archaeology of the site and required mitigation, the proposed access and layout of the development.

6.3 Amended plans were submitted by the agent 30 June 2014 to address concerns raised and an additional round of consultation was undertaken (consisting of neighbour letters, press notice and site notice). This consultation expired on 22/07/2014.

6.4 A full application has also been submitted in relation to the scheme (planning reference H/2014/0003). This application is also subject to consideration by the planning committee.

PROPOSAL

6.5 Listed Building Consent is sought for a residential development on the site comprising of a total of 38 units.

6.6 The development includes the conversion of The Friarage building, which is Grade II listed, to form four separate 2 bedroom apartments. Private garden areas will be provided along with resident and visitor car parking which will be interspersed within the grassed verge adjacent to the access road which arcs round The Friarage building to another access onto Friar Street.

6.7 The erection of five terraced town houses is also proposed which will front on to Friar Street. These properties will have pedestrian access on to Friar Street with private garden areas to the rear. The design of the dwellings include a bay window at ground floor with art stone heads and cills to the first floor windows. The finishing materials will consist of a mix of brickwork and render with interlocking roof tiles.

6.8 Towards the rear of the site, adjacent to the shared boundary with the playing field the proposal includes ten 2 bedroom apartments and 1 disabled access bungalow. The existing stone wall adjacent to the southern boundary will be reduced in height to 0.9 metres in height with openings proposed to provide pedestrian access to the bungalows. Four car parking spaces are proposed adjacent to the front of these bungalows on Moor Terrace. An acoustic barrier fence is proposed adjacent to the eastern boundary of the site along the side boundaries with the playing fields. An existing substation to the south will be retained.

6.9 A two storey apartment block is also proposed towards the south west corner of the site consisting of 18 apartments. Car parking is proposed to the front with a landscaped shared garden area proposed to the rear of the apartments. A new boundary is proposed 6 metres further away than the existing properties to the south to aid vehicle turning.

6.10 In connection with the proposed development the existing substation adjacent to the access from Friar Street will be demolished and the existing kerb will be realigned to form a 6 metre radius. This will provide access to the development adjacent to the side of the proposed town houses.

Amended Plans

6.11 Amended plans and an updated Heritage Impact Assessment have been submitted for the proposed development. The amendments consist of;

6.12 Amended details of the design of the terraced house to drop the artstone cills, increase the width of the columns within the bay windows and include 4 panel front doors to be in keeping with the design of traditional dwellings within the area.

6.13 Amended details of the vents to serve the first floor apartments within the Friarage to ensure the ventilation will not project through the roof. The amended details show the vents within the elevations of the building as proposed at ground floor level.

6.14 Amendments to the layout to retain the stone wall adjacent to the southern boundary of the site. The wall will be reduced in height to 0.9 metres with access by foot provided by gates for each of the bungalows. Car parking is provided on the amended layout plan by means of parallel parking adjacent to Moor Terrace

6.15 Owing to the nature of the development and number of objections received this application is required to be determined by planning committee.

SITE CONTEXT

6.16 The application site currently consists of vacant brownfield land located within the Headland area of Hartlepool which is predominantly residential in nature. The site is largely open grass land adjacent to residential properties and existing playing fields to the east of the site.

6.17 Towards the middle of the site is The Friarage which is a Grade II listed building in a state of disrepair. This building is the surviving western gable wing of the former Friarage hospital.

6.18 The surrounding properties consist of various designs including traditional terraced properties to the south which front on to Victoria Place and Moor Terrace with more modern residential dwellings towards the west and north of the site.

PUBLICITY

6.19 The application has been advertised by way of site notices, press advert and neighbour letters (91). To date, there have been 5 objections to the application.

6.20 The concerns raised are:

Loss of playing field and open space,
 Generation of additional traffic in busy streets which are already congested
 Insufficient parking
 Car parking layout unacceptable in terms of access to existing properties
 Impact upon the historic character of the surrounding area
 Amenity of neighbouring residential properties in terms of loss of view, appearing overbearing, loss of privacy, noise and smells
 Impact upon residential properties during construction as a result of noise and dust
 The Friarage manor will be lost in terms of frontage and should be used for community use rather than affordable housing
 Devaluation of properties
 Concerns regarding lack of publicity

6.21 Copy Letters F

6.22 The period for publicity has expired.

CONSULTATIONS

6.23 The following consultation responses have been received.

Landscape & Conservation: In relation to the proposed amendments to the existing plans I would confirm the following.

Alterations to proposal for 5 houses

The proposed bay windows are now of a design which is more in keeping with properties found within this conservation area therefore no objections.

Could the final details of these be conditioned?

Alterations to the Manor House

In relation to the location of the windows to the west elevation of the building it is accepted that these are the most suitable locations, therefore no objections.

It is requested that the final details of the external extraction, flues and any vents to the roof are conditioned.

Alterations to the wall to Victoria Place

Whilst the two new openings to the wall and the reduction in height are disappointing it is accepted that these works are required to facilitate the scheme.

It is requested that prior to any work starting on the wall a full survey of the wall is carried out. This should include a methodology outlining how the wall will be taken down, where the stone will be stored, and areas where the wall can be repaired should be identified. There should be an opportunity for Tees Archaeology to view the stone removed from the wall and assess its significance as necessary prior to the stone being reused elsewhere in the wall.

Landscaping: A landscaping scheme has been submitted which is generally acceptable however a condition is recommended to ensure details of tree, shrub and hedge species are included with the submitted plans for completeness.

Hartlepool Civic Society: Hartlepool Civic Society has studied the long-awaited plans for the restoration of the Manor House and use of the surrounding land.

We are pleased that the Manor House is to be restored and used as this listed building is of huge historic interest, not just to the Headland but the whole area.

However, the plans for the proposed new properties on the land are a huge disappointment.

The site presents Vela with a golden opportunity to create a nationally renowned scheme – in a similar way to the Highgate development in Durham City.

We are incredulous that Vela should consider that the designs presented, which are of dubious architectural merit, without originality or innovation, and might be seen on any of their ordinary suburban sites, are deemed acceptable for what is arguably Hartlepool's most historic area, an area which should be considered a valuable heritage asset for the whole Borough, if not regionally. The design and access statement presented by the applicant has surprisingly hardly mentioned the existence of the conservation area it is located within.

We applaud that part of the site analysis which identifies vistas that permit views of the listed building at the core of the development. This is particularly valuable in closing Queen Street. The profusion of trees proposed does however suggest this view will not remain for long.

We also agree with the enclosing of the rear of the terraces at the South West corner of the site with the two- storey apartment block. Having concealed the rear of the terrace, we do however, question the easily-viewed rear of the proposed new terrace facing Friar Street which would form the backdrop to the most important façade of the listed building. It is doubted that such a backdrop would enhance the setting of the listed building. A greater enclosure of the rear of the Friarage, which was originally attached to a more extensive building, would be desirable.

The design of this terrace is also concerning for its ‘split personality’, the gable particularly and strangely, displays this. The appearance of a Victorian façade on the front and poor/unsympathetic alteration to the side – different materials, different orientation of windows – decidedly odd.

It would seem that we should be grateful that the terrace facing Friar Street did adopt some attempt to reflect the style of the rest of the conservation area as the remaining new buildings, in architectural style, ignore the Conservation Area altogether. The mix of materials on a single building, brick, render, cladding and large areas of glazing is also alien to the Headland Conservation Area where buildings, particularly residential are not so fussy or fiddly. What place in this conservation Area do suburban style bungalows with gables have opposite Georgian or Victorian terraces?

While, as a Society we are loathe to question the planting of trees, if the aim is to preserve or enhance the character of a conservation area we are not at all sure a tree-lined avenue has any place on the Headland – being quite alien to this exposed peninsular site. The buildings on the Headland tend to be huddled together, wisely providing shelter – although they do occasionally open out to provide squares. Otherwise the open space is collectively gathered at the Town Moor. Again, this development is very open indeed, more becoming of suburbia than an ancient Town Centre. The trees as they grow will surely hide the façade of the listed building which has otherwise been so carefully left open.

While not objecting to the uses proposed, or the restoration of the listed building, the Society does object to the design of the new buildings in that they are contrary to the following Hartlepool Council policies:-

HE8 which states that ‘traditional materials and sympathetic designs should be used in works to listed buildings, adjacent to listed building and to those buildings which affect the setting of a listed building’

HE1 which states that proposals should ‘demonstrate that the development will preserve or enhance the character or appearance of the conservation area.

HE 3 which states that ‘the design and materials used in new developments which would affect the setting of conservation areas, should take account of the character of those neighbouring conservation areas.

N.P.P.F para 60 ‘planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain

development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.'

NPPF para 126 states – account should be taken of 'the desirability of new development making a positive contribution to local character and distinctiveness, and the opportunities to draw on the contribution made by the historic environment to the character of a place.

NPPF para 128 states – 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting'

NPPF para 131 states – account should be taken of the 'desirability of new development making a positive contribution to local character and distinctiveness.'

The Society is particularly disappointed in that we know Vela are capable of better, having won awards from the Society on several occasions. We would strongly hope that rather than be turned down, the application could be referred back to Vela for them to reconsider the architectural design of the considerable new-build part of this application.

If however, this is not possible, the considerable damage the new buildings would have on the quality, character and local distinctiveness of the Headland Conservation Area, requires that the application be most regrettably refused in order to ensure the future cultural and potential economic benefit afforded to Hartlepool by this outstanding Conservation Area.

Comments regarding amended plans:

At our meeting this evening, the Society studied the minor amendments to the plans.

Although we are pleased that such a historic building as the Manor House is to be restored and re-used we are still concerned with the plans for the new houses. We would have expected something more fitting and inspirational for such a historic site in a conservation area - instead of basic 'estate type' houses. The fact that they are for social housing is irrelevant. An opportunity to provide what could have been a 'nationally renowned scheme' will be lost.

We again urge our comments in our detailed letter of 20 February which explains our suggestions and reasons, which are still relevant, to be 'taken on board' (letter again attached).

The Society also strongly suggests that following any permissions, a condition is placed that the Friarage Manor House is restored before the houses are built.

English Heritage (Summarised): English heritage welcome this opportunity to conserve and bring back into use of the Headlands most important historic buildings, especially given its long standing poor state of repair. I assume that the repair of the

listed building will be directly funded through the surrounding housing and I recommend the use of planning obligation to ensure the benefit is fully realised.

Comments re amended plans

Thank you for sending through amended details and plans for the above applications. Having considered the additional information I can confirm that English Heritage has no comments to add to its original advice dated 24th January 2014.

PLANNING POLICY

National Planning Policy Framework

6.24 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires Local Planning Authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

6.25 It must be appreciated that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

6.26 The following paragraphs in the NPPF are relevant to this application:

Paragraph 2: Application of planning law
Paragraph 6: Purpose of the planning system
Paragraph 7: Three dimensions to sustainable development
Paragraph 13: The National Planning Policy Framework constitutes guidance
Paragraph 14: Presumption in favour of sustainable development
Paragraph 17: Core Planning Principles
Paragraph 57: High quality inclusive design
Paragraph 60: Promotion or reinforcement of local distinctiveness
Paragraph 61: The connections between people and places
Paragraph 128: Significance of any heritage assets affected
Paragraph 131: Determining heritage planning applications
Paragraph 132: Impact on the significance of a designated heritage asset

Paragraph 134: Less than substantial harm to the significance heritage
 Paragraph 137: New development within Conservation Areas
 Paragraph 196: Determination in accordance with the development plan
 Paragraph 197: Presumption in favour of sustainable development

LOCAL PLAN (2006)

6.27 The 2006 Local Plan forms part of the Development Plan and is still the overriding consideration for determining planning applications.

6.28 Within the current Hartlepool Local Plan is located on white land in the Headland Conservation Area. The following policies are relevant to this application:

GEP1: General Environmental Principles
 HE1: Protection and Enhancement of a Conservation Area
 HE2: Environmental Improvements in Conservation Areas
 HE8: Works to Listed Buildings (Including partial demolition)

PLANNING CONSIDERATIONS

6.29 The main issues for consideration when assessing this listed building consent application are the appropriateness of the proposal in terms of policies and proposals held within the development plan, in particular the impact upon the listed building which is considered to be a heritage asset.

6.30 Whilst the visual impact of the proposal in relation to the heritage asset is a matter for consideration, concerns raised by residents with regard to increased traffic, car parking, highway safety, amenity of neighbouring residents are material planning considerations assessed as part of the full planning application (reference H/2014/0003) which is also under consideration by the planning committee.

6.31 The proposed development consists of the erection of two storey townhouses, bungalows and apartments on land adjacent to the Manor House. Also proposed are internal and external alterations to the Manor House itself in connection with the conversion of the building into 4No. apartments. The proposal does not include any extensions to the listed building however external alterations are proposed to reinstate fenestration openings and repair stonework which is in a state of disrepair.

6.32 The property is Grade II listed and is the last visual remnant of what was once Hartlepool Hospital and before that a large manor house of the 17th century. Therefore in its own right it is a heritage asset. Therefore guidance within the NPPF held within section 12 which relates to ‘conserving and enhancing the historic environment’ is considered to be relevant to assessing the proposed development. In particular paragraph 126 states that Local Authorities must “*Recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance*”.

6.33 Paragraph 128 of the NPPF also requires the setting of the listed building to be considered. A key principle of sustainable development contained within the NPPF is the protection and enhancement of the historic environment. At a local level, policy

HE1 is relevant in relation to protecting and enhancing conservation areas and all assets within them.

6.34 Concerns regarding the design of the housing proposed raised by the Hartlepool Civic Society are noted however English Heritage have commented that the proposed development will bring back into use one of the Headlands most important historic buildings, especially taking into account its long-standing poor state of repair. It is noted that the building is only one small remnant of a much larger complex, this illustrates the great degree of change and loss that has occurred on the site. The surrounding buildings largely comprise of relatively modern housing which is in accordance with the grain of the surrounding area. Therefore English Heritage have commented that the minor loss of the significance of the conservation area and listed building is outweighed by the benefit of conserving a listed building that is highly vulnerable to further decay. In this regard the proposal accords with paragraphs 131 and 134 of the NPPF.

6.35 The Council's Landscape and Conservation Team leader has provided comments with regard to the amended plans. With regard to the impact upon the listed building, it is noted that the amended plans relate to the location of the windows to the west elevation of the building. It is accepted that these are the most suitable locations, therefore no objections are raised. The amended plans also show external extraction vents within the elevations of the listed building rather than projection from the roof. This is considered to be acceptable however a condition is requested that the final details of the external extraction, flues and any vents are submitted for consideration to ensure control is retained by the Local Authority with regard to this matter.

6.36 Within the setting of the listed building the proposed layout includes the erection of 5 townhouses to front on to Friar Street, adjacent to the west of the listed building. As such these will be highly visible from the surrounding conservation area. The amended details show alterations to the design of the bay windows to include wider columns, deeper artstone cills and four panelled front access doors. The Council's Landscape and Conservation team leader has commented that the amended bay windows are now of a design which is more in keeping with properties found within this conservation area and therefore raises no objections. However a condition relating to final details of the windows is recommended to ensure these details are agreed with the Local Planning Authority.

6.37 The originally submitted scheme sought to remove the stone wall adjacent to Victoria Place however significant concerns were raised with regard to its removal. Therefore the amended scheme has been submitted with the wall retained. However the wall will be reduced in height to 0.9 metres with openings to allow access by foot to the front of bungalows on plots 17-20. The Council's Landscape and Conservation team leader has commented that whilst the two new openings to the wall and the reduction in height are disappointing it is accepted that these works are required to facilitate the scheme. However a condition is recommended to ensure that prior to any work starting on the wall a full survey of the wall is carried out. This will allow for the stone removed from the wall to be assessed in terms of its significance as necessary, prior to the stone being reused elsewhere in the wall.

6.38 With regard to the proposed apartment block whilst raising no objection to the layout, the Council's Landscape and Conservation team leader has commented that it is considered that the design only relates to the surrounding Headland in a minimal way. This was discussed with the agent however in terms of viability the applicant could not offer any amendments. Having discussed this further with the Landscape and Conservation team leader it was considered that concerns were not so significant to object to the scheme. Therefore the design of the apartment block, set against the three storey buildings towards the south-west corner of the site was considered to be acceptable in terms of impact upon the setting of the listed buildings.

Conclusion

6.39 In conclusion it is considered that bringing the Manor house back into operation will preserve it in the long term. With regard to the minor loss of the significance of the conservation area, which forms the setting of the listed building, and listed building itself it is considered that this is outweighed by the benefit of conserving a listed building that is highly vulnerable to further decay. In this regard the proposal accords with paragraphs 131 and 134 of the NPPF and Local Planning Policies GEP1 and HE8. Therefore listed building consent is recommended for approval

EQUALITY AND DIVERSITY CONSIDERATIONS

6.40 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

6.42 There are no Section 17 implications.

REASON FOR DECISION

6.43 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) P101 Rev P5 received on 30 June, 1886-01B, P25 Rev P2, P105, received 26 June 2014, P28 Rev P1, P26 Rev P1, P27 Rev P1, P18 Rev P1, P15 Rev P1, P16 Rev P1, P17 Rev P1, P10 Rev P1, P11 Rev P1, P12 Rev P1, P14 Rev P1 received 7 January 2014 unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

3. 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. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections, of the proposed windows and external doors shall be submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed in accordance with the approved details.
In the interests of visual amenity.
5. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:50 and cross sections, of the proposed the external extraction, flues and any vents shall be submitted to and approved in writing by the Local Planning Authority. The scheme of ventilation shall be installed in accordance with the approved details.
In the interests of visual amenity
6. Notwithstanding the submitted details a scheme detailing the means of enclosure shall be submitted to and approved in writing to the Local Planning Authority. Details shall include simple railing design to the front of the manor house. The rear gardens of the Manor House enclosures shall include, in part, of a wicker fence rather than a timber fence to be appropriate in the context of the listed building. The approved scheme shall be implemented in accordance with the agreed details and retained for the life of the development.
In the interest of visual amenity.
7. Prior to the commencement of development including demolition a programme of archaeological work including a Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority. This should include appropriate recording of archaeological heritage assets of all periods and standing buildings including the Friary Mansion and boundary walls. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 No demolition/development shall take place other than in accordance with the agreed Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
To ensure proper recording of a heritage asset through a programme of archaeological works

BACKGROUND PAPERS

6.44 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

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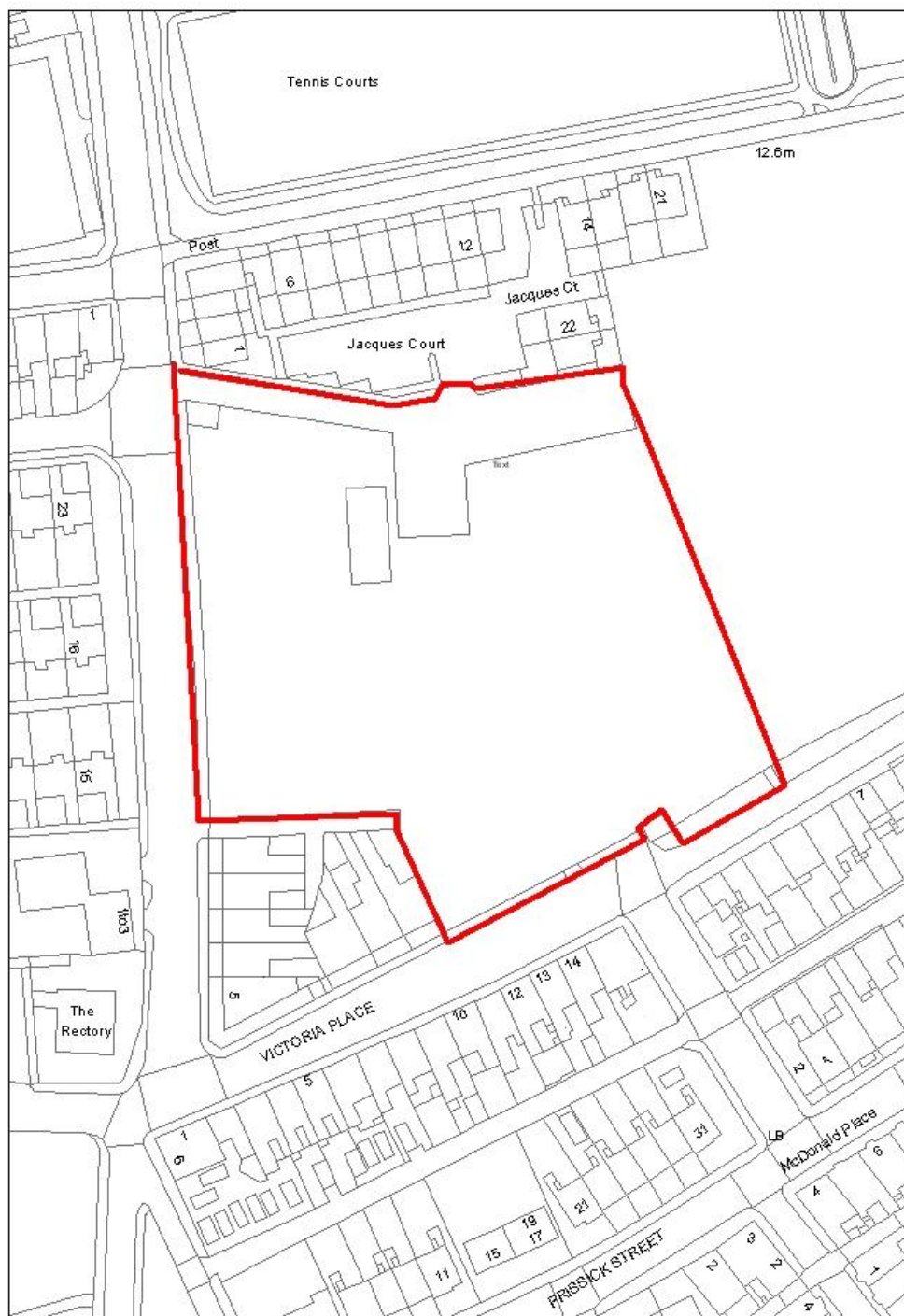
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FRIARAGE MANOR HOUSE



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
 Level 1, Civic Centre, Hartlepool TS24 8AY
 Department of Regeneration and Planning

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Scale: 1:1000
Date : 14/07/14
H/2014/0004/H/2014/0003

No: 7
Number: H/2014/0163
Applicant: Mr & Mrs S Cockrill Elwick Road HARTLEPOOL TS26 0BQ
Agent: GAP Design Mr Graeme Pearson 7 Hylton Road HARTLEPOOL TS26 0AD
Date valid: 18/06/2014
Development: Erection of fourteen unit retirement village, access road, entrance and enclosure details
Location: Meadowcroft Elwick Road HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

7.2 The site and adjacent land has been subject to a number of planning applications and notably a number of refusals for residential development which have been successfully defended at appeal.

7.3 (H/OUT/0283/96) November 1996 outline permission for 9 detached dwellings together with access improvements and landscaping was refused on the grounds of adverse impact upon the character and appearance of the listed buildings and conservation area and character of the woodland.

7.4 (H/OUT/0553/97) February 1998 Outline permission for the erection of 3 detached dwelling, associated access and related tree works in the field area to the south of Meadowcroft was refused on the grounds of highway safety, impact upon the setting and character of the listed buildings, and conservation area. This refusal was upheld at appeal. The inspector noted in dismissing the appeal that *“the vista across the appeal site is, in my judgement, particularly important. The position and orientation of the original villa will have been established to take advantage of the open south-facing aspect towards open countryside and away from the urban development to the north. The woodland area curves around to the south and enhances this aspect which is directly across the appeal site”*.

7.5 (H/2005/5697) December 2005 Outline permission for the erection of four detached dwellings consisting of three no. within the field area to the south of Meadowcroft and one no. with a frontage on to Elwick Road was refused on the grounds of the adverse impact upon the character and appearance of the listed buildings, conservation area and relationship with the adjacent development. An appeal was submitted and later withdrawn.

7.6 (H/2005/6033) September 2005 an application for the erection of a gatehouse was refused on the grounds that it would be unduly large and would be out of keeping with the character of the listed buildings at Meadowcroft and Meadowsides and with the Park Conservation Area. This refusal was upheld at appeal.

Background to adjacent site at Shu-Lin

7.7 The adjacent site, Shu-Lin (to the east of the application site) has also been subject to a number of applications which are summarised below;

7.8 In December 2005 an application for the erection of 18 apartments on the site was submitted. This scheme in the form of a single three storey block was withdrawn in March 2006 after fundamental concerns were raised in relation to the scheme. (H/2005/6027).

7.9 In November 2006 a planning application for the erection of 17 apartments with access road and service facilities (H/2006/0304) was refused for the following reasons.

1. The proposed development by reason of its layout, architectural form and detailing including the miscellany of associated infrastructure would have a detrimental impact on the character and appearance of the Park Conservation Area contrary to policy HE1 of the adopted Hartlepool Local Plan 2006.
2. The proposed development would intrude on views from the listed building located to the north west and therefore detract from the setting of the listed building contrary to policy HE10 of the adopted Hartlepool Local Plan 2006.

7.10 The applicant subsequently appealed and the appeal was dismissed.

7.11 In March 2008 an application for the erection of three dwellings with attached double garages and associated private driveways and landscaping (H/2007/0141) was withdrawn after fundamental concerns were raised in relation to the scheme.

7.12 In June 2009 an application for the erection of a detached dwelling garage and storage building was approved (H/2008/0663). This development was for a substantial detached property some 10.5m high to ridge, some 27.5m in width and some 21m in depth located at the northern end of the site. This application was not implemented though an application to renew the permission was approved in July 2012 (H/2012/0186).

7.13 In April 2012 an application for the erection of two detached dwellings was refused. The dwellings proposed were identical in design and appearance and measured some 19.7m wide, some 11.4m deep and some 9.8m to the ridge (excluding porches, garages and single storey offshoots).

7.14 In October 2012 an application for the erection of two dwellinghouses (H/2012/0354) was approved by Planning Committee against Officer recommendation.

7.15 In January 2013 an application for the erection of a detached bungalow and detached garages (H/2012/0563) was approved. The bungalow replaced the southern most dwellinghouse approved under the provision of H/2012/0354 above. A minor material amendment application (H/2013/0057) has since been allowed.

7.16 These residential properties (known as Summerhill view and Fentons) are now completed and occupied.

PROPOSAL

7.17 Approval is currently sought for the erection of fourteen terraced dwellings set in blocks of six, four and two blocks of three. The proposed retirement accommodation will be open plan in nature and will consist of a living, kitchen and dining area. Each will comprise two bedrooms and two bathrooms. The proposals take the appearance of dormer bungalows with a maximum roof ridge height of 7.7 metres. The design includes dormers, rooflights and dovecots to create interest within the elevations.

7.18 Access to the development will be provided through secure access gates which will be electronic. The existing access track will be widened in areas outside of tree protection areas. Car parking provision will consist of two parking spaces per dwelling. The proposed gardens will be communal and controlled by a management company.

7.19 The proposed boundary treatments to enclose the access adjacent to the host dwelling is proposed to be a 1.8 metre high brick feature wall. The access gates will measure a maximum of 2 metres.

7.20 The finishing materials proposed will consist of facing bricks with slate roof tiles and windows proposed will consist of double glazing constructed from traditional materials. Each of the dwellings include PV panels on the roofs.

7.21 The applicant has submitted support for the application on the grounds that the upkeep of the dwelling and grounds is not affordable or feasible, therefore profit from the development will secure the future of Meadowcroft. The applicant also states that the proposal will provide accommodation for the over 55s which there is an identified need for in the borough.

SITE CONTEXT

7.22 The major part of the application site consists of a paddock measuring approximately 0.73 hectares to the rear of Meadowcroft, a residential property which along with its neighbour Meadowside are Grade II listed buildings. The site is also located within Park Conservation area which was designated in 1979.

7.23 There are a number of mature trees within, and surrounding, the site and the proposed access passes through an area of woodland.

7.24 The surrounding area is predominantly residential in nature with the surrounding properties consisting of large well established properties set within generous plots. There are also properties adjacent to the site which have been

recently constructed (on land to the rear of Shu-Lin). There is a park directly to the north of the application site, with a busy highway to the north, Elwick Road, providing access to the site.

PUBLICITY

7.25 The application has been advertised by way of neighbour letters (19). To date, there have been 9 objections.

7.26 The concerns raised are:

- Out of keeping with the character of the conservation area.
- Out of keeping with character of listed building.
- Loss of trees and impact upon the existing woodland.
- Extensive loss of existing trees poses a security threat to existing homes.
- Loss of view to open countryside from Meadowcroft and Meadowsides which are listed buildings.
- Development will result in a loss of green area affecting the setting of the listed buildings.
- Dangerous access point will be significantly intensified.
- Access road will destroy the tranquility of the area.
- Drainage and sewerage disposal is already at capacity.
- Development will result in disturbance for neighbouring residential properties during construction.
- Increased risk of flooding.
- Impact upon wildlife.
- The site is of archaeological interest and should approval be granted a recording condition should be recommended and appropriately policed.
- Works have already commenced to provide access track and remove trees.
- Photographs in the submitted statement depict when trees are in full leaf and are therefore misleading.
- Devaluation of properties.
- Objections have been submitted by the applicant to other similar developments in the area.

7.27 Two submissions of support have also been received on the grounds that the facility is required to serve the town.

Copy Letters **G**

CONSULTATIONS

7.28 The following consultation replies have been received:

Tees Archaeology: I have screened the proposal against the Historic Environment Record and note that ridge and furrow earthworks are present on part of the development area. These earthworks represent medieval or later agricultural activity and are of local archaeological interest. To the south and west are the remains of the deserted medieval settlement of Tunstall. Archaeological remains have been

noted during construction work at Tunstall Hall to the immediate west. The site has archaeological potential as it contains earthworks, potentially of medieval date, with documented evidence of medieval settlement directly adjacent. The site has archaeological interest.

In this case the upstanding remains are limited to a former field system which is now fragmented and a case cannot be made for its physical preservation. The site appears to be outside of the main core of the deserted settlement and any archaeological features are likely to consist of features such as boundary ditches and waste disposal pits rather than more important structures such as buildings. They are also unlikely to preclude development or prove to be of major significance.

I therefore recommend, in accordance with the NPPF (para. 141) that any archaeological remains, including the ridge and furrow earthworks are subject to archaeological recording prior to and during development. A survey should be made of the extant earthworks in the first instance. The site should then be monitored by an archaeological contractor during any ground disturbance and any archaeological features or finds should be fully investigated and recorded prior to destruction.

I recommend a suitable planning condition to secure these works.

Northumbrian Water: In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

Having assessed the proposed development against the context outlined above we have the following comments to make:

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

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

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

We would recommend that the developer contacts Niki Mather (tel. 0191 419 6603) at this office to arrange for a Developer Enquiry to ascertain allowable discharge points and rates.

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

However access and water supplies should meet the requirements as set out in approved document B volume 1 of the building regulations for domestic dwellings, or where buildings other than dwelling houses are involved then these should meet the requirements of Approved Document B Volume 2 for both access and water supply requirements. Further comments may be made through the building regulation consultation process as required.

Ramblers Association: We thank the council for consulting the Ramblers Association on the proposed development. FP Hartlepool 08 runs along sections of the development site boundary; it does not appear to be affected but should this prove to be not the case we ask that the path be kept in a fit condition for public use at all time.

Public Protection: No objections

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

However a public right of way, Public Footpath No.8, Hartlepool, runs outside the entrance to the development site, from Elwick Road to Catcote Road, with a second public footpath (No.9, Hartlepool) spurring off No.8, heading towards Summerhill Countryside Park. The first path is fully recorded within the Design and Access Statement.

I have a minor concern with regards to the entrance to the development site and its future relationship to users of the public footpath. As the site develops and is fully operational more vehicular traffic will enter and exit at the access point. I would require some type of warning/information sign to be placed at a location to warn both pedestrian and vehicular traffic of other users and the caution required by both parties.

Environment Agency: The Environment Agency has no objections to the proposed development but wishes to provide the following information.

Surface Water Disposal

The Environment Agency recommend visiting <http://www.environment-agency.gov.uk/research/planning/82584.aspx> for standing advice regarding general surface water drainage issues.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water

quality. Ponds, reedbeds and seasonally flooded grasslands can be particularly attractive features within public open spaces.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

Support for the use of SUDS approach to ensuring development does not increase flood risk elsewhere is set out in paragraph 103 of the National Planning Policy Framework.

Disposal of Foul Sewage

As it is intended to dispose of foul sewage via the mains system, the Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

Otter

Our records show that there could be Otter in the area. These are protected under the Wildlife & Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010. Further guidance can be found at Natural England's website <http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/iyb/otter.aspx>.

HBC Engineering Consultancy: A contaminated land PRA would be required. I note that surface water will be discharged into sustainable drainage and the adjacent watercourse. There would therefore be a requirement for the applicant to submit a detailed drainage design outlining the intended surface water management of the site. For this element, I would request a suitably worded condition including the requirement for both design and the need for an oil interceptor prior to discharge into the SuDS/watercourse. Within the detailed design, the applicant must highlight how betterment will be achieved over and above the current site Greenfield runoff rate, and how flows will be controlled before being discharged into the watercourse.

Cleveland Police: With regards to your recent planning application for a 14 Unit Retirement Village, Access and Associated Works at Meadowcroft, Elwick Rd. Hartlepool.

I would like to make you aware that Cleveland Police operate the "Secured By Design" initiative. This is an ACPO and Home Office scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments.

I am prepared to study the plans and/or arrange a site visit/meeting if you feel that you would benefit or you are actively seeking to achieve this standard. If it is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour.

Once a development has been completed the main opportunity to design out crime has gone. The local Crime Prevention Design Advisor/ Architectural Liaison Officer

should be contacted at the earliest opportunity, prior to submission and preferably at the design stage.

Although not an SBD requirement, Hartlepool along with many other areas nationwide suffers from offences of metal theft. These include copper piping, boilers, cables and lead flashing. Buildings under construction are particularly vulnerable. I recommend that alternative products be utilised where possible. Many new builds are now using plastic piping where building regulations allow and alternative lead products.

Strong consideration should also be given in relation to the provision of On Site Security throughout the lifespan of the development.

HBC Traffic & Transport: The visibility at the sites junction with Elwick Road in its current form is poor and below the required standard. There have been no recorded injury accidents in this location in the last three years. In order to improve the visibility the developer proposes to move the give way marking forward reducing the carriageway width on Elwick Road to 6.7 metres. This will give a 2.4 x 50 metre sight line.

The Department for Transport's Manual for Streets requires a 2.4 x 43 metre sight line for a 85th percentile speed of 30 mph. The current speed limit on Elwick Road is 30mph; therefore the proposed 2.4 x 50 metre sight line would be acceptable. We do however have concerns that traffic regularly exceeds the speed limit in this location, which may compromise the safety of the junction. The developer should fund a scheme to improve signing and lining in advance of the junction to ensure that traffic speed does not exceed 30 mph. There is little scope in improving the sight line further due to the road geometry, without demolishing the boundary wall.

The developer has stated that Elwick Road could be reduced in width with the use of white lining, Hatching has been used to push the give way markings forward and guide approaching traffic. The use of white lining would be visually intrusive and the junction should be re-kerbed and flagged to provide a more permanent boundary.

This work should be carried out using a section 278 agreement.

Detailed drawings of the junction should be provided prior to the commencement of the development.

The site provides 14 Cottages off a private drive, Hartlepool Borough Council design guide and specification requires that a private drive should serve no more than 5 properties. This is to protect the Council from incurring costs if at a later date there were calls for the site to become part of the adopted highway.

In order to protect the Council from future possible future costs the roads and pavings should be constructed to an adoptable standard, and system of street lighting installed. This would require the developer to enter into an advanced payment code or section 38 agreement.

The proposed carriageway construction through the section of woodland would not conform to the HBC specification, an alternative permeable carriageway construction would have to be used.

The developer has provided 2 spaces per property; this would be an acceptable level of parking.

Victorian Society: Thank you for consulting the Victorian Society on this application. We object to the proposed erection of fourteen residential units in the historic grounds of Meadowcroft as it would harm the setting of the listed building and erode the character of the designated Conservation Area in which it is situated.

Meadowcroft is a large villa of 1895 built for John Rickinson, a wine and spirits merchant, and was one of several substantial houses erected in west Hartlepool towards the end of the nineteenth and the beginning of the twentieth centuries. As the *Park Conservation Area Appraisal* notes, on page 39, the area around Ward Jackson Park was “where the wealthy industrialists of the late Victorian and Edwardian period built their mansions”. It “is an area of fine environment notable for its many large houses and its particularly fine trees and woodland”. The Appraisal goes on to identify both the Briarfields and Meadowcroft estates as two that “still define the character of the conservation area’s green low-density layout”. Meadowcroft remains one of the best and “most intact” (CAA p.88) examples of the grand suburban estate, with formal gardens, woods and fields to the south. Despite later development to west the estate is “still with enough historic structure to be discernible” (CAA, p.38). The Conservation Area then is defined as much by its green pastoral setting as by the fine architectural set pieces which are located here, and in the case of Meadowcroft also by the blur that exists between the estate and the countryside beyond.

The application proposes the erection of a fourteen-unit retirement village in the grounds of Meadowcroft, with new vehicular access track. We object in principle to this development. The new buildings would occupy a large plot and would sit at the heart of the surviving estate, in close proximity to the listed building. They would encroach upon its immediate setting and erode the Arcadian character of its wider grounds that are of such essential and acknowledged importance to the setting of the listed building and the wider Conservation Area.

The CAA highlights the danger of just this sort of development. On page 10 it states that “infill developments in the large garden areas of the large houses can pose a threat to the environment if not adequately controlled”. It also highlights that previous attempts to develop in the grounds of Meadowcroft in both 1998 and 2006 were unsuccessful, having been opposed by English Heritage, refused consent by the Council and subsequently turned down at appeal. In both cases it was the importance of Meadowcroft’s spatial and visual relationship with the open land to the south – deemed sufficiently important to the listing of the building and the designation of the Conservation Area – that formed the basis of those decisions. In exercising its planning powers Hartlepool Council has a statutory duty to pay special attention to the desirability of preserving the listed building and its setting, as well as a statutory duty to preserve or enhance the character and appearance of conservation areas. This application would do neither. It would harm the setting of

the listed building and its “coherent” grounds, and would erode the character and appearance of the Conservation Area. On these grounds it should be refused consent.

Arboricultural Officer: The Tree Survey and Plan that was submitted with this application provides a reliable and accurate picture of what trees are currently there and also provides an overview of how the woodland is to be managed at a later date should permission for the Retirement Village be granted.

The trees in this area are currently protected by Tree Preservation Order no. 100 which legally protects them from being removed or pruned without the consent of the Local Planning Authority. This is in addition to the status of The Park Conservation Area which also gives them similar protection.

The applicant has provided a comprehensive report identifying these trees individually and setting parameters which place some at risk from the development itself and others which are included within the overall management of the woodland belt itself.

Historically, before the applicant acquired this land, the woodland area comprised a neglected stand of trees consisting mainly Sycamore at very close spacing, intermingled with elms, chestnut, beech, and an under-storey of yew, elder, holly and bramble with a lot of ivy. Most of the elms had died through Dutch Elm Disease and any understory trees that existed were getting strangled by ivy.

Both the previous owner and the current owner have contributed to the removal of these elms and as they were exempt from the Order it was not necessary to request approval from the Local Planning Authority. That said, much of the undergrowth has also been removed together with some of the lower branches of the existing trees. To put it into context, the woodland floor, which had previously been smothered with ivy will support a more diverse range of species if it is allowed to.

There are 8 trees that will be removed as a direct consequence of the road alignment and crown overhang into the proposed development site. A further 18 have been classified as being in poor condition and although it is advisory at the moment, they do not need to be removed to accommodate the new development.

The management of the woodland as described, will include a phased removal of trees and is consistent with the priority for replanting because it would establish cleared areas for groups to promote successful establishment by increasing light and reducing competition. New planting would include a range of sizes of plant stock combining feathery and transplants. These are the most likely to grow and establish healthily. Species mixes would be designed ultimately to emphasise a semi-natural range of trees similar to those present, with the aim of enhancing wildlife benefit/biodiversity.

Having looked at the site and taking in the context of any new changes, the proposed work to these trees is of a minor nature and will allow those remaining, more room to expand. The consultants undertaking this report have a proven track record and I am prepared to accept their findings and recommendations.

Should this application be accepted I will need to see details of a woodland management plan and detailed landscape proposals which can be conditioned but as far as the layout goes, I am satisfied with the consultants report and recommendations.

HBC Ecologist: I have visited the site to inspect the trees that will need to be pruned or removed as part of this application. None of these appears to have any potential for roosting bats. Therefore a bat survey would not be required in this instance. There is the possibility for breeding birds to be affected by removal of trees or foliage. This can be covered by our standard condition on breeding birds.

Hartlepool Civic Society: Meadowcroft, an important listed building, situated within its own grounds, in the Park Conservation Area, is a valued part of the town's heritage – a designated heritage asset.

An important feature is the setting of this building which contributes to its status. The illustration on the front of the tree survey (12071029) clearly shows the quality of this setting. Indeed, in the Inspector's comments from an appeal against refusal of a previous application, reference was made that 'undeveloped spaces to the south of Meadowcroft/Meadowside, continue to contribute to the setting of this listed building'.

It is obvious that any development within the grounds would immediately degrade it. The Council has a duty within the provisions of the National Planning Policy Framework to protect heritage assets – viz

PARA 131 – 'in determining planning applications, locally planning authorities should take account of The desirability of sustaining and enhancing the significance of heritage assets and ... the desirability of new development making a positive contribution to local character and distinctiveness'.

PARA 132 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation'. It goes on to note that, 'Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

'Significance' in the NPPF is defined as. 'The value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting.'

The Borough's conservation areas are a major component of its status and it is vitally important that they are protected. One of the policies in the 'Saved Policies from the Local Plan' document – HE1 – includes:-

'Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the

character or appearance of the area and where the development does not adversely affect the amenities of occupiers of adjoining or nearby properties.’

Following a number of previous applications/appeals the comments from the Inspectors are well documented – an example of which:

‘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’ 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.’

The views to and from the listed building will be totally destroyed by the development of houses which are actually two-storey.

The current application would require the removal of a number of mature trees, this again, would be detrimental to the conservation area, the tree cover in the Borough is very low as it is. In this area in particular, trees should be protected, not removed.

When looking at the plans, the proposed houses are pushed to the very edge of the site, close to existing trees – history tells us that it would only be a matter of time when the residents would be applying for removal of the trees pleading that they would be too near their houses!

In connection with access – the proposal of a carriageway construction going through the section of woodland again diminishes the nature of the setting – this could only be done by damaging trees which may have been done already.

According to the experts, the proposed roadway would not conform to Hartlepool Borough Council’s specification. There are also anticipated problems with cars entering the main busy main road on a bend, therefore there will be difficulties with sighting etc. The manoeuvres required will be highly dangerous.

We would draw the Council’s attention to the following issues highlighted in the Park Conservation Area Appraisal produced by the North of England Civic Trust for Hartlepool Borough Council. Issues 4, 14, 15, 49 and 53 are particularly relevant All extol the virtues and importance of the landscape associated with Meadowcroft/Meadowside and this corner of the Park Conservation Area. Drawing on just a couple of quotes “protecting view of the conservation area from the outside is important, particularly at the gateways to the area and from Summerhill”. “Views north from Summerhill are defined by heavy tree cover at and in land to the south of Meadowcroft” and “at Meadowcroft estate, the excising balance between plot sub-division and open land should be preserved, further sub-division would harm its historical layout character. No further buildings should be sited as far south as Shun Lin”. With the appraisal in mind, this application cannot be considered to enhance or contribute to the Conservation Area or the setting of the listed building.

If this application were to be accepted it would totally destroy this Listed building and its setting and further detrimentally change the Conservation Area. We would urge the Borough Council to refuse this application.

HBC Conservation Officer: (summarized) Objects as the proposal will negatively impact on the setting of the designated heritage asset (Meadowcroft / Meadowside) through the introduction of development into an area which would interrupt the views to and from the listed building to the open countryside.

Further to this the proposal would see the further subdivision of garden areas interrupting the hierarchy of buildings within the area and negatively impacting on the character of the conservation area.

In addition it would adversely impact on the character and appearance of the Park Conservation Area due to the introduction of development into an area of land which forms a rural boundary to the south of the conservation area causing significant harm to the historic character of the area.

No evidence has been presented to suggest that the significant harm would be outweighed by the public benefits of the proposal.

PLANNING POLICY

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

Local Policy

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

Policy	Subject
GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP9	Developer Contributions
Hsg9	New Residential Layout
Tra16	Car Parking Standards
HE1	Protection and Enhancement of Conservation Areas
HE2	Environmental Improvements in Conservation Areas
HE8	Works to Listed Buildings (Including Partial Demolition)

National Policy

7.33 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach

development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

14	Presumption in favour of sustainable development
32	Transport Statements or Transport Assessments
34	Sustainable modes of transport
47	Supply of housing
48	Windfall sites
49	Five year land supply
58	Quality of development
72	Sufficient choice of school places
96	Decentralised energy supply
128	Determining planning application for Heritage Assets
129	Identify and assess the Heritage Asset
131	Determining planning applications
132	Impact of a proposed development on Heritage significance
133	Substantial harm to or total loss of significance
134	Less than substantial harm to the significance
137	New development within Conservation Areas
138	Elements of a Conservation Area
187	Approve applications for sustainable development
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development

PLANNING CONSIDERATIONS

7.34 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular impact upon the character of the listed buildings and the conservation area, impact upon trees, amenity of neighbouring properties, highway safety, drainage, archaeology, ecology, developer obligations and all residual matters.

Principle of Development

7.35 When considering NPPF paragraphs 14, 196 and 197 there is an identified need to determine planning applications in accordance with the Development Plan whilst considering the presumption in favour of sustainable development.

7.36 NPPF paragraphs 47, 48 and 49 state that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. As detailed in “*Saved Policies 2006 Hartlepool Local Plan Planning Policy Framework Justification*”

document (May 2014) table 2 and graph 1 reveals a situation where the Council cannot demonstrate a 5 year supply of deliverable housing sites to meet the housing requirement over the next 5, 10 and 15 years when considering the projected gross housing delivery and the projected demolitions in the borough. Currently the Council is approximately 130 dwellings short of demonstrating a 5 year supply, which equates to a 4.6 year supply of deliverable housing sites.

7.37 The inability of the Council to demonstrate a 5 year supply of deliverable housing sites means that, in accordance with NPPF paragraph 49, any saved policies included in the 2006 Local Plan regarding the supply of housing should not be considered up-to-date. As a result the NPPF as a whole should be used as a basis to determine this application alongside other relevant 2006 Local Plan policies, the Tees Valley Minerals and Waste DPDs and other material considerations.

7.38 With specific regard to this application and the 5 year land supply situation NPPF paragraph 14 holds significant weight and it states:

“Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *Specific policies in this Framework indicate development should be restricted.”*

7.39 NPPF Paragraph 14 is explicit in that where the plan is out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. As a result unless the impacts outweigh the benefits the application should be granted.

7.40 The application site is located within the defined limits to development within walking distance to amenities and services to serve a residential development. Therefore whilst the site is acknowledged as a sustainable location and the principle of residential development is considered to be acceptable this is subject to consideration of the material planning considerations as discussed below.

Impact upon the character of Listed Building and Conservation Area

7.41 Meadowcroft is a large villa of 1895 as the *Park Conservation Area Appraisal* notes, on page 39, the area around Ward Jackson Park was “*where the wealthy industrialists of the late Victorian and Edwardian period built their mansions*”. It is therefore considered to be “*an area of fine environment notable for its many large houses and its particularly fine trees and woodland*”. The Appraisal goes on to identify both the Briarfields and Meadowcroft estates as two that “*still define the character of the conservation area’s green low-density layout*”. Meadowcroft remains one of the best and “most intact” (CAA p.88) examples of the grand suburban estate, with formal gardens, woods and fields to the south. Despite later development to west the estate is “still with enough historic structure to be discernible” (CAA, p.38).

7.42 The Conservation Area is characterised as much by its green pastoral setting as by the fine architectural set pieces which are located here, and in the case of Meadowcroft also by the blur that exists between the estate and the countryside beyond.

7.43 Paragraph 17 of the NPPF sets out the core planning principles stating that, planning should, 'Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations'.

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

7.45 Paragraph 132 states that, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.' It goes on to note that, 'Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.' It should be noted that significance is defined in the NPPF as, 'The value of a heritage asset to this and future generations because of its heritage interest...Significance derives not only from a heritage asset's physical presence, but also from its setting.'

7.46 Policy HE1 of the Hartlepool Local Plan offers 'Protection and enhancement of conservation areas' and notes, 'Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area and where the development does not adversely affect the amenities of occupiers of adjoining or nearby properties.'

7.47 A number of applications have been made over the years on this site and an adjacent site.

7.48 In particular the Planning Inspector's report on the most recent Appeal in this area at Shu-Lin should be noted (Ref APP/H0724/A/06/2029518). In the report the site and area is described as thus, 'the edge of the built development on this side of Elwick Road is well defined and, 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.'

7.49 The inspector then goes on to describe the surrounding countryside and comments on the impact of the proposed development noting that, '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.'

7.50 The Inspector does acknowledge the other development which has occurred in this area however he states, 'overtly modern housing development has also taken place on many other open spaces around The Park...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.' The Inspector concludes that the development would, 'harm the character and appearance of The Park Conservation Area.'

7.51 The Inspector also has regard for the adjacent listed buildings and notes that, '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.' He added, '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.'

7.52 An earlier appeal on the site to the rear of Meadowcroft for three dwellings follows much the same line.

7.53 The Park Conservation Area Character Appraisal summarises the decisions on this site and the adjacent Paddock as thus, 'Meadowcroft's spatial characteristics have been twice tested on appeal, in 1998 (T/APP/H072/A/98/298990/P7) and 2006 (APP/H0724/A/06/2029518). Both inspectors concluded that the spatial and visual relationship between Meadowcroft/Meadowside and open land to the south was important enough to the listing and the conservation area to prevent the proposed development from getting consent.'

7.54 In accordance with the requirements of the NPPF consideration needs to be given to the impact of the development on the designated heritage asset that is the listed building Meadowcroft/Meadowside.

7.55 The property comprises the main house, a lodge house on Elwick Road and, a block of stables / out buildings also to the north of the house new Elwick Road. The house was subdivided in the 1950s with land and associated buildings subsequently sold off. This began the gradual disposal of plots of land on this estate for the construction of housing.

7.56 What has remained is the link between the main house and the countryside. The house was constructed to face south which provided a link through the planned landscape to the adjacent rural area and created a feeling of being located far away

from the town centre on a country estate. This is significant as the house is one of the few examples of such an estate remaining within Hartlepool.

7.57 In this instance paragraphs 131 and 132 of the NPPF are relevant. The setting of a heritage asset is defined in the NPPF (Annex 2) as, 'The surrounding in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

7.58 The practice guide produced by English Heritage, Setting of Heritage Assets (October 2011) provides further explanatory information on setting. It notes that, 'The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration; by spatial associations; and by our understanding of the historic relationship between places.' The guidance goes on to state that, 'The contribution that setting makes to the significance does not depend on there being public rights or an ability to access or experience that setting.'

7.59 In considering the proposal against this guidance it is clear that the dwellings would impact on the setting of the listed building as they would interrupt the views to and from the listed building to the open countryside to the south of the site.

7.60 Furthermore the planned estate which once sat isolated on the site with a hierarchy of buildings spread across an area of gardens would be further reduced. The hierarchy of buildings can be seen clearly in the plans dating from 1987 – 1954 in the Conservation Area Appraisal. All ancillary buildings are located to the north of the property.

7.61 The green wedge which provided a boundary of gardens merged into countryside would be developed impacting on the setting of the listed building by further incremental development of the land introducing a suburban feel to the area with a cluster of houses. In particular this would be viewed when entering the site from the Elwick Road side which allows views of both the listed buildings and the site to the rear. Rather than viewing the dwelling with a garden and green open space to the rear, it would be seen with intensive development in the form of 14 dwellings which would instantly set the context of a large property subsumed by development rather than a house in spacious grounds.

7.62 Access to the site is via the existing entrance to Meadowcroft. A formal access in this location does not appear to be part of the original estate plan. The access runs down the side of the property. A new access is proposed through a previously undeveloped area of woodland. The introduction of a more formal access with regular vehicle movements would result in a change in the character of this area in particular the alteration from a garden to a 'public thoroughfare' would impact on the setting of the listed building and reinforce the subdivision of the site.

7.63 The appraisal considers the “status” of buildings in the area and notes that, it is ‘characterised by a distinct hierarchy of buildings.’ It goes on to state that, ‘The principle hierarchy in the area is between large houses and their lodges and outbuildings, from the earliest development in the area up to the early twentieth century.’ The appraisal highlights two issues,

1. The traditional hierarchy of the major historic houses and their lodges and outbuilding should be protected.
2. The wider hierarchy between major and minor houses should be protected, ensuring that minor houses are not mixed amongst major ones.’

7.64 The introduction of a group of houses to the grounds of Meadowcroft/Meadowside would interrupt this hierarchy. Not only would it alter the original hierarchy of buildings on the earlier Meadowcroft/Meadowside estate but further to this it would introduce additional modern minor houses to the subsequent arrangement of dwellings in this area which is contrary to the character of the area defined in the appraisal.

7.65 As such it is considered that the proposal would cause significant harm to the setting of the designated heritage asset which would not be outweighed by public benefits. Therefore in this regard the proposal is considered to be contrary to paragraphs 131 and 132 of the NPPF and HE1 of the Local Plan.

7.66 In terms of the impact upon the conservation area the character of the Park Conservation Area is defined in the appraisal completed in 2008. It describes the application site, as one of two original estates which ‘define the character of the conservation area’s green, low-density layout.’ The appraisal goes on to note that, *‘The countryside edge south of both estates is one of the conservation area’s definitive features. This boundary between town and country is much more than just the end of one and the start of the other – there is an active designed relationship between the two which is key.’*

7.67 The importance of this area is described in the appraisal, *‘The Arcadian origins of the neighbourhood were grounded in a strong visual, landscape and “wellbeing” link between the houses and the countryside they were built in, those with the capacity to do so escaping the dirt of the town to live a privileged life in their simulated country estates.’* It notes that Meadowcroft, *‘fed off the dene and Summerhill, firstly by being laid out with long, controlled views to “borrow” the scene beyond by placing the house to the north of the plot, and secondly by landscaping with a country estate feel (large open fields with tree clumps and belts) to blur the boundary between estate and setting.’*

7.68 The appraisal states that this arrangement was retained in previous subsequent developments in this area but that Shu-Lin and No. 309 Elwick Road have ‘begun to interrupt it, leap-frogging them to take the relationship to the south for themselves’. It goes on to note that this ‘erodes the original spatial pattern which defines this edge, robs the earliest houses of their setting and fills in open land which is key to the estates’ historic character.’

7.69 In relation to further developments within this area the appraisal states that, *‘At the Meadowcroft estate, the existing balance between plot subdivision and open land should be preserved. Further sub-division would harm its historic layout character.*

7.70 The Council’s conservation officer has commented that the proposal would exacerbate this situation harming the character of this part of the conservation area by introducing buildings into an area that currently provides an open, green edge to the area.

7.71 It is stated that the design of the proposed dwellings is based on coach house style dwellings. The repetitive design and cluster of buildings do not reflect the design of properties within the conservation area which are generally individually designed properties set within their own grounds. In addition if the buildings were to be read as ancillary properties to the main dwelling their location would not be to the south side of the property but to the north.

7.72 Furthermore the inevitable associated structures that are related with development such as this i.e. bin stores, lighting, formal parking areas will further emphasise the introduction of a suburban character to this part of the conservation area.

7.73 The Victorian Society have also objected to the proposed development on the grounds that it would harm the setting of the listed building and erode the character of the designated Conservation Area in which it is situated.

7.74 It is clear that this proposal will cause significant harm to the character of the Park Conservation Area. The proposal neither sustains nor enhances the significance of the heritage asset but would harm the character of the Park Conservation Area as defined in the appraisal document due to the introduction of a group of dwellings in an area which provides a green boundary to the conservation area. Furthermore it has not been demonstrated that substantial public benefit would outweigh the significant harm caused to the designated heritage asset. Therefore the proposal would be contrary to principles within paragraph 131 and 132 of the NPPF and HE1 of the Local Plan.

Impact upon existing trees

7.75 A Tree Survey and Plan was submitted with the application. It provides a reliable and accurate picture of what trees are currently there and also provides an overview of how the woodland is to be managed at a later date should permission for the Retirement Village be granted.

7.76 The trees in this area are currently protected by Tree Preservation Order no. 100 which legally protects them from being removed or pruned without the consent of the Local Planning Authority. This is in addition to the status of The Park Conservation Area which also gives them similar protection.

7.77 The applicant has provided a comprehensive report identifying these trees individually and setting parameters which place some at risk from the development

itself and others which are included within the overall management of the woodland belt itself.

7.78 Concerns have been raised that works to trees within the woodland area have commenced. The Council's Arboricultural officer has visited the site and has confirmed that historically, before the applicant acquired this land, the woodland area comprised a neglected stand of trees consisting mainly of Sycamore at very close spacing, intermingled with elms, chestnut, beech, and an under-storey of yew, elder, holly and bramble with a lot of ivy. Most of the elms had died through Dutch Elm Disease and any understory trees that existed were getting strangled by ivy.

7.79 Both the previous owner and the current owner have contributed to the removal of these elms and as they were exempt from the Order it was not necessary to request approval from the Local Planning Authority. That said, much of the undergrowth has also been removed together with some of the lower branches of the existing trees. To put it into context, the woodland floor, which had previously been smothered with ivy will support a more diverse range of species if it is allowed to.

7.80 There are 8 trees that proposed to be removed to facilitate the road alignment and crown overhang into the proposed development site. A further 18 have been classified as being in poor condition and although it is advisory at the moment, they do not need to be removed to accommodate the new development.

7.81 The management of the woodland as described, will include a phased removal of trees and is consistent with the priority for replanting because it would establish cleared areas for groups to promote successful establishment by increasing light and reducing competition. New planting would include a range of sizes of plant stock combining feathers and transplants. These are the most likely to grow and establish healthily. Species mixes would be designed ultimately to emphasise a semi-natural range of trees similar to those present, with the aim of enhancing wildlife to benefit biodiversity.

7.82 The Council's Arboricultural Officer has commented that the proposed work to the trees is considered to be of a minor nature and will allow those remaining, more room to expand. Therefore he raises no objections however should this application be approved he advises that details of a woodland management plan and detailed landscape proposals should be subject to a condition.

Amenity of neighbouring properties

7.83 The closest residential properties would be the properties adjacent to the east boundary of the site consisting of recently constructed properties to the rear of Shu Lin known as Summerhill View and Fentons. The proposed dwellings would be approximately 7 metres from eastern boundary of the application site. The rear gardens serving the neighbouring properties will also be adjacent to the shared boundary providing further separation distance between existing properties and the proposed dwellings. Taking into account the scale of the proposed dwellings, which will consist of a dormer style construction with only velux style rooflights within the rear roof slope, it is not considered that the proposal would result in a detrimental

impact upon the amenity of neighbouring residential properties in terms of loss of light, overlooking or appearing overbearing.

7.84 The host property, Meadowcroft and adjoining property Meadowside are located approximately 38 metres from the northern boundary of the application site. Taking into account the separation distance from the proposed development it is not considered that the proposals would result in a detrimental impact upon the amenity of the properties to the north in terms of loss of light, privacy or through appearing overbearing.

7.85 There is an area of woodland which wraps around the west and south of the application site therefore there are no residential properties directly adjacent to the west or southern boundaries of the site.

7.86 The Council's public protection section were consulted and have raised no objections to the proposed development

Access and Highway Safety

7.87 Concerns have been received from neighbouring properties with regard to access and highway safety. The Council's Traffic and Transport section has commented that the visibility at the sites junction with Elwick Road in its current form is poor and below the required standard. There have been no recorded injury accidents in this location in the last three years. In order to improve the visibility the developer proposes to move the give way marking forward reducing the carriageway width on Elwick Road to 6.7 metres. This will give a 2.4 x 50 metre sight line. 6.7 metres would be an acceptable width for the carriageway at this location.

7.88 The Department for Transport's Manual for Streets requires a 2.4 x 43 metre sight line for a 85th percentile speed of 30 mph. The current speed limit on Elwick Road is 30mph; therefore the proposed 2.4 x 50 metre sight line would be acceptable. The Council's Traffic and Transport section have however raised concerns that traffic regularly exceeds the speed limit in this location, which may compromise the safety of the junction. It has been requested that the developer should fund a scheme to improve signing and lining in advance of the junction to ensure that traffic speed does not exceed 30 mph as there is little scope in improving the sight line further due to the road geometry, without demolishing the boundary wall. The Council's legal team have provided a view as to whether this could reasonably be controlled by condition. However as the speed limit of the road is controlled by legislation outside of the planning system it is considered it would be unreasonable to request the developer should provide funding in this regard through a planning condition or obligation.

7.89 However as discussed above the developer has proposed that Elwick Road could be reduced in width with the use of white lining and hatching to push the give way markings forward and guide approaching traffic. It is considered the use of white lining would be visual intrusive and therefore would be unacceptable. As such the junction should be re-kerbed and flagged to provide a more permanent boundary. Should the application have been recommended for approval this work could have

been secured through a condition to ensure detailed drawings of the junction be provided to be approved and the works implemented.

7.90 The site provides 14 No. Cottages with access which is proposed from a private drive, Hartlepool Borough Council design guide and specification requires that a private drive should serve no more than 5 properties. This is to protect the Council from incurring costs if at a later date there were calls for the site to become part of the adopted highway. Should the application have been recommended for approval the access could be required to be constructed to an adoptable standard and this could be secured through conditions requiring the prior approval of access details and through an appropriate clause in a legal agreement. The agent has confirmed that this would be acceptable.

7.91 The developer has provided 2 parking spaces per property. This is considered to be an acceptable level of parking to serve the proposed development.

7.92 In conclusion the proposed access arrangements are considered acceptable in principle subject to modification and appropriate conditions/legal agreement and it is not considered that the proposed development would result in an adverse impact upon highway safety. As such in this regard the proposal accords with policy GEP1, TRa16 and principles within the NPPF.

7.93 The Council's Countryside Access Officer has raised a minor concern with regards to the entrance to the development site and its future relationship to users of the public footpath. Taking into account the intensification of the junction comments have been received that some type of warning/information sign to be placed at a location to warn both pedestrian and vehicular traffic of other users and the caution required by both parties. Whilst the agent has been made aware of these concerns this is a matter which is outside the control of planning legislation and could not reasonably be subject to a condition.

Archaeology

7.94 Tees Archaeology were consulted on the application and have commented that the site appears to be outside of the main core of the deserted settlement and any archaeological features are likely to consist of features such as boundary ditches and waste disposal pits rather than more important structures such as buildings. They are also unlikely to preclude development or prove to be of major significance.

7.95 Tees Archaeology recommended that should the application be approved any archaeological remains, including the ridge and furrow earthworks be subject to archaeological recording prior to and during development. This could be secured through a planning condition.

Ecology

7.96 The Council's Ecologist has visited the site to inspect the trees that would need to be pruned or removed as part of this application. He has commented that none of these appear to have any potential for roosting bats, as such a bat survey would not be required in this instance. There is the possibility for breeding birds to be affected

by removal of trees or foliage, therefore should the application be approved a suitably worded condition relating to breeding birds would be recommended.

Drainage

7.97 Neighbour concerns regarding flooding are noted however it is intended that surface water will be discharged into sustainable urban drainage system and the adjacent watercourse. There would therefore be a requirement for the applicant to submit a detailed drainage design outlining the intended surface water management of the site. Therefore should the application have been recommended for approval a suitably worded condition, including the requirement for both design and the need for an oil interceptor prior to discharge into the SuDS/watercourse, would be recommended. The Council's engineers and the Environment Agency have raised no objections subject to the appropriate condition.

Developer Obligations

7.98 In accordance with requirements of Local Plan policy GEP9 should the application have been approved the following contributions would be required to be secured by a section 106 agreement;

Green Infrastructure

7.99 Commitment to deliver £250 per dwelling equating to £3,500. The £3,500 commuted sum would be used to contribute to the ongoing green infrastructure connections in immediate local area.

Play Provision

7.100 Commitment to deliver on-site play provision to cater for doorstep use, or £250 per dwelling equating to £3,500. The £3,500 commuted sum would be used to contribute to the ongoing maintenance/replacement of the existing provision in the Ward Jackson Park.

Built Sport Facilities

7.101 Commitment to provide a contribution towards off-site built sports facilities. £250 per dwelling would equate to £3,500. The £3,500 commuted sum would be used to part fund or used as matched funding to contribute to built sports provision in the local area and/or elsewhere in the Borough.

7.102 As the application is for over 55 occupiers there would be no requirement for the development to contribute towards the expansion in capacity of education provision as it is assumed there will be no school aged children occupying the dwellings. The over 55 occupancy would need to be secured through a suitably worded Condition should the application have been recommended for approval a condition would be recommended accordingly.

7.103 It must be understood however that should the dwellings revert to "open market" housing, and not be age restrictive, through a variation of Condition application, there would be a likely requirement to contribute towards the existing and future education capacity in the local area. Any contribution would be delivered

as a commuted sum and would contribute towards additional primary and secondary school place provision.

7.104 In terms of affordable housing, the proposals are for 14 dwellings and are therefore below the 15 dwelling threshold where affordable housing would be required.

7.105 The agent has confirmed that the above requirements would be acceptable should the application have been recommended for approval.

Residual Matters

7.106 The Council's engineers have commented that a contaminated land Preliminary Risk Assessment would be required. Therefore should the application have been recommended for approval an appropriate condition would be recommended.

7.107 Cleveland Police were consulted on the application and have commented that should the applicant want to receive Secure by Design accreditation the police should be contacted directly. The relevant information has been forwarded to the agent in this regard.

7.108 Devaluation of property is a matter of concern raised by neighbouring residents. This is not a material planning consideration and therefore cannot be considered when assessing this application.

Conclusion

7.109 Whilst the principle of residential development in a sustainable location would normally be acceptable it is considered for the following reasons that the proposal will have a detrimental impact on the setting of the designated heritage asset comprising of listed buildings (Meadowcroft / Meadowside) and the character and appearance of the Park Conservation Area. Through the introduction of development into an area which would interrupt the views to and from the listed building to the open countryside which were a key concept behind the original design of the dwellinghouse. Through the further subdivision of garden areas interrupting the hierarchy of buildings within the area and negatively impacting on the character of the Park Conservation Area. Through the introduction of development into an area of land which forms a rural boundary to the south of the conservation area, causing significant harm to the historic character of the area.

7.110 No substantive evidence has been presented to suggest that the significant harm, as outlined above would be outweighed by the public benefits of the proposal. Therefore the development is considered to be contrary to the principles of paragraphs 131 and 132 of the NPPF and policy GEP1 and HE1 of the Local Plan.

EQUALITY AND DIVERSITY CONSIDERATIONS

7.111 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

7.113 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reasons.

1. In the opinion of the Local Planning Authority the introduction of a group of houses to the estate of Meadowcroft/Meadowside would intrude on views from and to the listed buildings and be contrary to the historic layout of the area of Meadowcroft and Meadowside to the detriment of the setting of the listed building(s). It has not been demonstrated that substantial public benefit would outweigh the significant harm caused to the designated asset. Therefore the proposal would be contrary to paragraphs 131 and 132 of the NPPF and policies GEP1 and HE8 of the Hartlepool Local Plan 2006.

2. In the opinion of the Local Planning Authority the proposed development would cause significant harm to the character of the Park Conservation Area by virtue of the visual impact of the development in an area which provides a green boundary to the conservation area and would be contrary to the historical layout of the area. It has not been demonstrated that substantial public benefit would outweigh the significant harm caused to the designated heritage asset. Therefore the proposal would be contrary to principles within paragraph 131 and 132 of the NPPF and policies GEP1 and HE1 of the Hartlepool Local Plan 2006.

BACKGROUND PAPERS

7.115 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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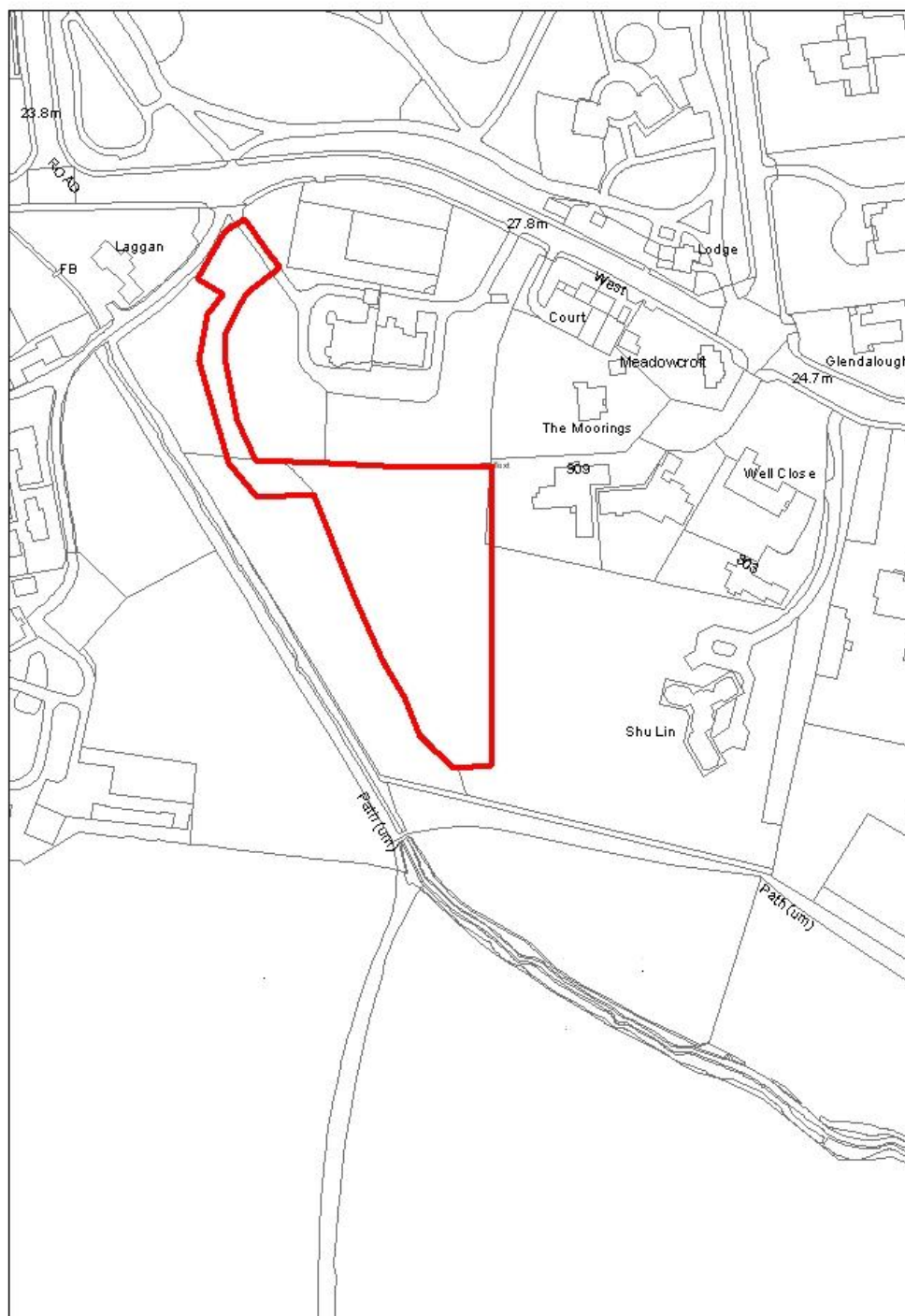
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MEADOWCROFT, ELWICK ROAD



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
 Level 1, Civic Centre, Hartlepool TS24 8AY
 Department of Regeneration and Planning

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Scale: 1:2000
Date : 14/07/14
H/2014/0179/H/2014/0163

No: 8
Number: H/2014/0179
Applicant: Mr & Mrs S Cockrill Elwick Road HARTLEPOOL TS26 0BQ
Agent: GAP Design Mr Graeme Pearson 7 Hylton Road HARTLEPOOL TS26 0AD
Date valid: 18/06/2014
Development: Listed building consent for the erection of fourteen unit retirement village, access road, entrance and enclosure details
Location: Meadowcroft Elwick Road HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

8.2 The site and adjacent land has been subject to a number of planning applications and notably a number of refusals for residential development which have been successfully defended at appeal.

8.3 (H/OUT/0283/96) November 1996 outline permission for 9 detached dwellings together with access improvements and landscaping was refused on the grounds of adverse impact upon the character and appearance of the listed buildings and conservation area and character of the woodland.

8.4 (H/OUT/0553/97) February 1998 Outline permission for the erection of 3 detached dwelling, associated access and related tree works in the field area to the south of Meadowcroft was refused on the grounds of highway safety, impact upon the setting and character of the listed buildings, and conservation area. This refusal was upheld at appeal. The inspector noted in dismissing the appeal that *“the vista across the appeal site is, in my judgement, particularly important. The position and orientation of the original villa will have been established to take advantage of the open south-facing aspect towards open countryside and away from the urban development to the north. The woodland area curves around to the south and enhances this aspect which is directly across the appeal site”*.

8.5 (H/2005/5697) December 2005 Outline permission for the erection of four detached dwellings consisting of three no. within the field area to the south of Meadowcroft and one no. with a frontage on to Elwick Road was refused on the grounds of the adverse impact upon the character and appearance of the listed buildings, conservation area and relationship with the adjacent development. An appeal was submitted and later withdrawn.

8.6 (H/2005/6033) September 2005 an application for the erection of a gatehouse was refused on the grounds that it would be unduly large and would be out of keeping with the character of the listed buildings at Meadowcroft and Meadowside and with the Park Conservation Area. This refusal was upheld at appeal.

Background to adjacent site at Shu-Lin

8.7 The adjacent site, Shu-Lin (to the east of the application site) has also been subject to a number of applications which are summarised below;

8.8 In December 2005 an application for the erection of 18 apartments on the site was submitted. This scheme in the form of a single three storey block was withdrawn in March 2006 after fundamental concerns were raised in relation to the scheme. (H/2005/6027).

8.9 In November 2006 a planning application for the erection of 17 apartments with access road and service facilities (H/2006/0304) was refused for the following reasons.

1. The proposed development by reason of its layout, architectural form and detailing including the miscellany of associated infrastructure would have a detrimental impact on the character and appearance of the Park Conservation Area contrary to policy HE1 of the adopted Hartlepool Local Plan 2006.
2. The proposed development would intrude on views from the listed building located to the north west and therefore detract from the setting of the listed building contrary to policy HE10 of the adopted Hartlepool Local Plan 2006.

8.10 The applicant subsequently appealed and the appeal was dismissed.

8.11 In March 2008 an application for the erection of three dwellings with attached double garages and associated private driveways and landscaping (H/2007/0141) was withdrawn after fundamental concerns were raised in relation to the scheme.

8.12 In June 2009 an application for the erection of a detached dwelling, garage and storage building was approved (H/2008/0663). This development was for a substantial detached property some 10.5m high to ridge, some 27.5m in width and some 21m in depth located at the northern end of the site. This application was not implemented though an application to renew the permission was approved in July 2012 (H/2012/0186).

8.13 In April 2012 an application for the erection of two detached dwellings was refused. The dwellings proposed were identical in design and appearance and measured some 19.7m wide, some 11.4m deep and some 9.8m to the ridge (excluding porches, garages and single storey offshoots).

8.14 In October 2012 an application for the erection of two dwellinghouses (H/2012/0354) was approved by Planning Committee against Officer recommendation.

8.15 In January 2013 an application for the erection of a detached bungalow and detached garages (H/2012/0563) was approved. The bungalow replaced the southern most dwellinghouse approved under the provision of H/2012/0354 above. A minor material amendment application (H/2013/0057) has since been allowed.

8.16 These residential properties (known as Summerhill view and Fentons) are now completed and occupied.

PROPOSAL

8.17 Listed Buildings consent is currently sought for the erection of fourteen terraced dwellings set in blocks of six, four and two blocks of three. The proposed retirement accommodation will be open plan in nature and will consist of a living, kitchen and dining area. Each will comprise two bedrooms and two bathrooms. The proposals take the appearance of dormer bungalows with a maximum roof ridge height of 7.7 metres. The design includes dormers, rooflights and dovecots to create interest within the elevations.

8.18 Access to the development will be provided through secure access gates which will be electronic. The existing access track will be widened in areas outside of tree protection areas. Car parking provision will consist of two parking spaces per dwelling. The proposed gardens will be communal and controlled by a management company.

8.19 The proposed boundary treatments to enclose the access adjacent to the host dwelling is proposed to be a 1.8 metre high brick feature wall. The access gates will measure a maximum of 2 metres.

8.20 The finishing materials proposed will consist of facing bricks with slate roof tiles and windows proposed will consist of double glazing constructed from traditional materials. Each of the dwellings include PV panels on the roofs.

8.21 The applicant has submitted support for the application on the grounds that the upkeep of the dwelling and grounds is not affordable or feasible, therefore profit from the development will secure the future of Meadowcroft. The applicant also states that the proposal will provide accommodation for the over 55s which there is an identified need for in the borough.

SITE CONTEXT

8.22 The major part of the application site consists of a paddock measuring approximately 0.73 hectares to the rear of Meadowcroft, a residential property which along with its neighbour Meadowside are Grade II listed buildings. The site is also located within Park Conservation area which was designated in 1979.

8.23 There are a number of mature trees within, and surrounding, the site and the proposed access passes through an area of woodland.

8.24 The surrounding area is predominantly residential in nature with the surrounding properties consisting of large well established properties set within

generous plots. There are also properties adjacent to the site which have been recently constructed (on land to the rear of Shu-Lin). There is a park directly to the north of the application site, with a busy highway to the north, Elwick Road, providing access to the site.

PUBLICITY

8.25 The application has been advertised by way of neighbour letters (19). To date, there have been 4 objections. The concerns raised are:

- Out of keeping with the character of the conservation area
- Out of keeping with character of listed building
- Loss of trees and impact upon the existing woodland
- Extensive loss of existing trees poses a security threat to existing homes.
- Loss of view to open countryside from Meadowcroft and Meadowside which are listed buildings
- Development will result in a loss of green area affecting the setting of the listed buildings
- Dangerous access point will be significantly intensified
- Access road will destroy the tranquility of the area
- Drainage and sewerage disposal is already at capacity
- Development will result in disturbance for neighbouring residential properties during construction
- Increased risk of flooding
- Impact upon wildlife
- The site is of archaeological interest and should approval be granted a recording condition should be recommended and appropriately policed
- Works have already commenced to provide access track and remove trees
- Photographs in the submitted statement depict when trees are in full leaf and are therefore misleading
- Devaluation of properties
- Objections have been submitted by the applicant to other similar developments in the area.

8.26 Four letters of support have been received on the grounds that the proposal will provide a facilities which is needed to serve the town.

8.27 Copy Letters **H**

CONSULTATIONS

8.28 The following consultation replies have been received:

Tees Archaeology: I have screened the proposal against the Historic Environment Record and note that ridge and furrow earthworks are present on part of the development area. These earthworks represent medieval or later agricultural activity and are of local archaeological interest. To the south and west are the remains of the deserted medieval settlement of Tunstall. Archaeological remains have been noted during construction work at Tunstall Hall to the immediate west. The site has archaeological potential as it contains earthworks, potentially of medieval date, with

documented evidence of medieval settlement directly adjacent. The site has archaeological interest.

In this case the upstanding remains are limited to a former field system which is now fragmented and a case cannot be made for its physical preservation. The site appears to be outside of the main core of the deserted settlement and any archaeological features are likely to consist of features such as boundary ditches and waste disposal pits rather than more important structures such as buildings. They are also unlikely to preclude development or prove to be of major significance.

I therefore recommend, in accordance with the NPPF (para. 141) that any archaeological remains, including the ridge and furrow earthworks are subject to archaeological recording prior to and during development. A survey should be made of the extant earthworks in the first instance. The site should then be monitored by an archaeological contractor during any ground disturbance and any archaeological features or finds should be fully investigated and recorded prior to destruction.

I recommend a suitable following planning condition to secure these works

Victorian Society: Thank you for consulting the Victorian Society on this application. We object to the proposed erection of fourteen residential units in the historic grounds of Meadowcroft as it would harm the setting of the listed building and erode the character of the designated Conservation Area in which it is situated.

Meadowcroft is a large villa of 1895 built for John Rickinson, a wine and spirits merchant, and was one of several substantial houses erected in west Hartlepool towards the end of the nineteenth and the beginning of the twentieth centuries. As the *Park Conservation Area Appraisal* notes, on page 39, the area around Ward Jackson Park was “where the wealthy industrialists of the late Victorian and Edwardian period built their mansions”. It “is an area of fine environment notable for its many large houses and its particularly fine trees and woodland”. The Appraisal goes on to identify both the Briarfields and Meadowcroft estates as two that “still define the character of the conservation area’s green low-density layout”. Meadowcroft remains one of the best and “most intact” (CAA p.88) examples of the grand suburban estate, with formal gardens, woods and fields to the south. Despite later development to west the estate is “still with enough historic structure to be discernible” (CAA, p.38). The Conservation Area then is defined as much by its green pastoral setting as by the fine architectural set pieces which are located here, and in the case of Meadowcroft also by the blur that exists between the estate and the countryside beyond.

The application proposes the erection of a fourteen-unit retirement village in the grounds of Meadowcroft, with new vehicular access track. We object in principle to this development. The new buildings would occupy a large plot and would sit at the heart of the surviving estate, in close proximity to the listed building. They would encroach upon its immediate setting and erode the Arcadian character of its wider grounds that are of such essential and acknowledged importance to the setting of the listed building and the wider Conservation Area.

The CAA highlights the danger of just this sort of development. On page 10 it states that “infill developments in the large garden areas of the large houses can pose a threat to the environment if not adequately controlled”. It also highlights that previous attempts to develop in the grounds of Meadowcroft in both 1998 and 2006 were unsuccessful, having been opposed by English Heritage, refused consent by the Council and subsequently turned down at appeal. In both cases it was the importance of Meadowcroft’s spatial and visual relationship with the open land to the south – deemed sufficiently important to the listing of the building and the designation of the Conservation Area – that formed the basis of those decisions. In exercising its planning powers Hartlepool Council has a statutory duty to pay special attention to the desirability of preserving the listed building and its setting, as well as a statutory duty to preserve or enhance the character and appearance of conservation areas. This application would do neither. It would harm the setting of the listed building and its “coherent” grounds, and would erode the character and appearance of the Conservation Area. On these grounds it should be refused consent.

Arboricultural Officer: The Tree Survey and Plan that was submitted with this application provides a reliable and accurate picture of what trees are currently there and also provides an overview of how the woodland is to be managed at a later date should permission for the Retirement Village be granted.

The trees in this area are currently protected by Tree Preservation Order no. 100 which legally protects them from being removed or pruned without the consent of the Local Planning Authority. This is in addition to the status of The Park Conservation Area which also gives them similar protection.

The applicant has provided a comprehensive report identifying these trees individually and setting parameters which place some at risk from the development itself and others which are included within the overall management of the woodland belt itself.

Historically, before the applicant acquired this land, the woodland area comprised a neglected stand of trees consisting mainly Sycamore at very close spacing, intermingled with elms, chestnut, beech, and an under-storey of yew, elder, holly and bramble with a lot of ivy. Most of the elms had died through Dutch Elm Disease and any understory trees that existed were getting strangled by ivy.

Both the previous owner and the current owner have contributed to the removal of these elms and as they were exempt from the Order it was not necessary to request approval from the Local Planning Authority. That said, much of the undergrowth has also been removed together with some of the lower branches of the existing trees. To put it into context, the woodland floor, which had previously been smothered with ivy will support a more diverse range of species if it is allowed to.

There are 8 trees that will be removed as a direct consequence of the road alignment and crown overhang into the proposed development site. A further 18 have been classified as being in poor condition and although it is advisory at the moment, they do not need to be removed to accommodate the new development.

The management of the woodland as described, will include a phased removal of trees and is consistent with the priority for replanting because it would establish cleared areas for groups to promote successful establishment by increasing light and reducing competition. New planting would include a range of sizes of plant stock combining feathery and transplants. These are the most likely to grow and establish healthily. Species mixes would be designed ultimately to emphasise a semi-natural range of trees similar to those present, with the aim of enhancing wildlife benefit/biodiversity.

Having looked at the site and taking in the context of any new changes, the proposed work to these trees is of a minor nature and will allow those remaining, more room to expand. The consultants undertaking this report have a proven track record and I am prepared to accept their findings and recommendations.

Should this application be accepted I will need to see details of a woodland management plan and detailed landscape proposals which can be conditioned but as far as the layout goes, I am satisfied with the consultants report and recommendations.

Hartlepool Civic Society: Meadowcroft, an important listed building, situated within its own grounds, in the Park Conservation Area, is a valued part of the town's heritage – a designated heritage asset.

An important feature is the setting of this building which contributes to its status. The illustration on the front of the tree survey (12071029) clearly shows the quality of this setting. Indeed, in the Inspector's comments from an appeal against refusal of a previous application, reference was made that 'undeveloped spaces to the south of Meadowcroft/Meadowside, continue to contribute to the setting of this listed building'.

It is obvious that any development within the grounds would immediately degrade it. The Council has a duty within the provisions of the National Planning Policy Framework to protect heritage assets – viz

PARA 131 – 'in determining planning applications, locally planning authorities should take account of The desirability of sustaining and enhancing the significance of heritage assets and ... the desirability of new development making a positive contribution to local character and distinctiveness'.

PARA 132 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation'. It goes on to note that, 'Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

'Significance' in the NPPF is defined as. 'The value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting.'

The Borough's conservation areas are a major component of its status and it is vitally important that they are protected. One of the policies in the 'Saved Policies from the Local Plan' document – HE1 – includes:-

'Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area and where the development does not adversely affect the amenities of occupiers of adjoining or nearby properties.'

Following a number of previous applications/appeals the comments from the Inspectors are well documented – an example of which:

'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' 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.'

The views to and from the listed building will be totally destroyed by the development of houses which are actually two-storey.

The current application would require the removal of a number of mature trees, this again, would be detrimental to the conservation area, the tree cover in the Borough is very low as it is. In this area in particular, trees should be protected, not removed.

When looking at the plans, the proposed houses are pushed to the very edge of the site, close to existing trees – history tells us that it would only be a matter of time when the residents would be applying for removal of the trees pleading that they would be too near their houses!

In connection with access – the proposal of a carriageway construction going through the section of woodland again diminishes the nature of the setting – this could only be done by damaging trees which may have been done already.

According to the experts, the proposed roadway would not conform to Hartlepool Borough Council's specification. There are also anticipated problems with cars entering the main busy main road on a bend, therefore there will be difficulties with sighting etc. The manoeuvres required will be highly dangerous.

We would draw the Council's attention to the following issues highlighted in the Park Conservation Area Appraisal produced by the North of England Civic Trust for Hartlepool Borough Council. Issues 4, 14, 15, 49 and 53 are particularly relevant All extol the virtues and importance of the landscape associated with Meadowcroft/Meadowside and this corner of the Park Conservation Area. Drawing on just a couple of quotes "protecting view of the conservation area from the outside is important, particularly at the gateways to the area and from Summerhill". "Views north from Summerhill are defined by heavy tree cover at and in land to the south of Meadowcroft" and "at Meadowcroft estate, the excising balance between plot sub-division and open land should be preserved, further sub-division would harm its historical layout character. No further buildings should be sited as far south as Shun

Lin”. With the appraisal in mind, this application cannot be considered to enhance or contribute to the Conservation Area or the setting of the listed building.

If this application were to be accepted it would totally destroy this Listed building and its setting and further detrimentally change the Conservation Area. We would urge the Borough Council to refuse this application.

HBC Conservation Officer: (summarized) Objects as the proposal will negatively impact on the setting of the designated heritage asset (Meadowcroft / Meadowside) through the introduction of development into an area which would interrupt the views to and from the listed building to the open countryside.

Further to this the proposal would see the further subdivision of garden areas interrupting the hierarchy of buildings within the area and negatively impacting on the character of the conservation area.

In addition it would adversely impact on the character and appearance of the Park Conservation Area due to the introduction of development into an area of land which forms a rural boundary to the south of the conservation area causing significant harm to the historic character of the area.

No evidence has been presented to suggest that the significant harm would be outweighed by the public benefits of the proposal.

PLANNING POLICY

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

Local Policy

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

Policy	Subject
GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP9	Developer Contributions
Hsg9	New Residential Layout
Tra16	Car Parking Standards
HE8	Works to Listed Buildings (Including Partial Demolition)

National Policy

8.31 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve

all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

14	Presumption in favour of sustainable development
32	Transport Statements or Transport Assessments
34	Sustainable modes of transport
47	Supply of housing
48	Windfall sites
49	Five year land supply
58	Quality of development
72	Sufficient choice of school places
96	Decentralised energy supply
128	Determining planning application for Heritage Assets
129	Identify and assess the Heritage Asset
131	Determining planning applications
132	Impact of a proposed development on Heritage significance
133	Substantial harm to or total loss of significance
134	Less than substantial harm to the significance
137	New development within Conservation Areas
138	Elements of a Conservation Area
187	Approve applications for sustainable development
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development

PLANNING CONSIDERATIONS

8.32 The main issues for consideration when assessing the listed building consent application in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact upon the listed buildings which are defined heritage assets.

8.33 Meadowcroft is a large villa of 1895 as the *Park Conservation Area Appraisal* notes, on page 39, the area around Ward Jackson Park was “*where the wealthy industrialists of the late Victorian and Edwardian period built their mansions*”. It is therefore considered to be “*an area of fine environment notable for its many large houses and its particularly fine trees and woodland*”. The Appraisal goes on to identify both the Briarfields and Meadowcroft estates as two that “*still define the character of the conservation area’s green low-density layout*”. Meadowcroft remains one of the best and “most intact” (CAA p.88) examples of the grand suburban estate,

with formal gardens, woods and fields to the south. Despite later development to west the estate is “still with enough historic structure to be discernible” (CAA, p.38).

8.34 The Conservation Area is characterised as much by its green pastoral setting as by the fine architectural set pieces which are located here, and in the case of Meadowcroft also by the blur that exists between the estate and the countryside beyond.

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

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

8.37 Paragraph 132 states that, ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.’ It goes on to note that, ‘Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.’ It should be noted that significance is defined in the NPPF as, ‘The value of a heritage asset to this and future generations because of its heritage interest...Significance derives not only from a heritage asset’s physical presence, but also from its setting.’

8.38 A number of applications have been made over the years on this site and an adjacent site.

8.39 In particular the Planning Inspector’s report on the most recent Appeal in this area at Shu-Lin should be noted (Ref APP/H0724/A/06/2029518). In the report the site and area are described as thus, ‘the edge of the built development on this side of Elwick Road is well defined and, 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.’

8.40 The inspector then goes on to describe the surrounding countryside and comments on the impact of the proposed development noting that, ‘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.'

8.41 The Inspector does acknowledge the other development which has occurred in this area however he states, 'overtly modern housing development has also taken place on many other open spaces around The Park...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.' The Inspector concludes that the development would, 'harm the character and appearance of The Park Conservation Area.'

8.42 The Inspector also has regard for the adjacent listed buildings and notes that, '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.' He added, '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.'

8.43 An earlier appeal on the site to the rear of Meadowcroft for three dwellings follows much the same line.

8.44 The Park Conservation Area Character Appraisal summarises the decisions on this site and the adjacent Paddock as thus, 'Meadowcroft's spatial characteristics have been twice tested on appeal, in 1998 (T/APP/H072/A/98/298990/P7) and 2006 (APP/H0724/A/06/2029518). Both inspectors concluded that the spatial and visual relationship between Meadowcroft/Meadowside and open land to the south was important enough to the listing and the conservation area to prevent the proposed development from getting consent.'

8.45 In accordance with the requirements of the NPPF consideration needs to be given to the impact of the development on the designated heritage asset that is the listed building Meadowcroft/Meadowside.

8.46 The property comprises the main house, a lodge house on Elwick Road and, a block of stables / out buildings also to the north of the house. The house was subdivided in the 1950s with land and associated buildings subsequently sold off. This began the gradual disposal of plots of land on this estate for the construction of housing.

8.47 What has remained is the link between the main house and the countryside. The house was constructed to face south which provided a link through the planned landscape to the adjacent rural area and created a feeling of being located far away from the town centre on a country estate. This is significant as the house is one of the few examples of such an estate remaining within Hartlepool.

8.48 The importance of this area is described in the Conservation Area Appraisal, *'The Arcadian origins of the neighbourhood were grounded in a strong visual, landscape and "wellbeing" link between the houses and the countryside they were built in, those with the capacity to do so escaping the dirt of the town to live a privileged life in their simulated country estates.'* It notes that Meadowcroft, *'fed off the dene and Summerhill, firstly by being laid out with long, controlled views to "borrow" the scene beyond by placing the house to the north of the plot, and secondly by landscaping with a country estate feel (large open fields with tree clumps and belts) to blur the boundary between estate and setting.'*

8.49 In this instance paragraphs 131 and 132 of the NPPF are relevant. The setting of a heritage asset is defined in the NPPF (Annex 2) as, 'The surrounding in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

8.50 The practice guide produced by English Heritage, Setting of Heritage Assets (October 2011) provides further explanatory information on setting. It notes that, 'The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration; by spatial associations; and by our understanding of the historic relationship between places.' The guidance goes on to state that, 'The contribution that setting makes to the significance does not depend on there being public rights or an ability to access or experience that setting.'

8.51 In considering the proposal against this guidance it is clear that the dwellings would impact on the setting of the listed building as they would interrupt the views to and from the listed building to the open countryside to the south of the site.

8.52 Furthermore the planned estate which once sat isolated on the site with a hierarchy of buildings spread across an area of gardens would be further reduced. The hierarchy of buildings can be seen clearly in the plans dating from 1987 – 1954 in the Conservation Area Appraisal. All ancillary buildings are located to the north of the property.

8.53 The green wedge which provided a boundary of gardens merged into countryside would be developed impacting on the setting of the listed building by further incremental development of the land introducing a suburban feel to the area with a cluster of houses. In particular this would be viewed when entering the site from the Elwick Road side which allows views of both the listed buildings and the site to the rear. Rather than viewing the dwelling with a garden and green open space to the rear, it would be seen with intensive development in the form of 14 dwellings which would instantly set the context of a large property subsumed by development rather than a house in spacious grounds.

8.54 Access to the site is via the existing entrance to Meadowcroft. A formal access in this location does not appear to be part of the original estate plan. The access

runs down the side of the property. A new access is proposed through a previously undeveloped area of woodland. The introduction of a more formal access with regular vehicle movements would result in a change in the character of this area in particular the alteration from a garden to a 'public thoroughfare' would impact on the setting of the listed building and reinforce the subdivision of the site.

8.55 The Conservation Area Appraisal considers the "status" of buildings in the area and notes that, it is 'characterised by a distinct hierarchy of buildings.' It goes on to state that, 'The principle hierarchy in the area is between large houses and their lodges and outbuildings, from the earliest development in the area up to the early twentieth century.' The appraisal highlights two issues,

3. The traditional hierarchy of the major historic houses and their lodges and outbuilding should be protected.
4. The wider hierarchy between major and minor houses should be protected, ensuring that minor houses are not mixed amongst major ones.'

8.56 The applicant states that the design of the proposed dwellings is based on coach house style dwellings. The repetitive design and cluster of buildings do not reflect the design of properties within the conservation area which are generally individually designed properties set within their own grounds. In addition if the buildings were to be read as ancillary properties to the main dwelling their location would not be to the south side of the property but to the north.

8.57 The introduction of a group of houses to the grounds of Meadowcroft/Meadowside would interrupt this hierarchy. Not only would it alter the original hierarchy of buildings on the earlier Meadowcroft/Meadowside estate but further to this it would introduce additional modern minor houses to the subsequent arrangement of dwellings in this area which is contrary to the character of the area defined in the appraisal. Furthermore the inevitable associated structures that are related with development such as this i.e. bin stores, lighting, formal parking areas will further emphasise the introduction of a suburban character to this part of the conservation area detracting further from the setting of the listed building.

8.58 The Victorian Society have also objected to the proposed development on the grounds as it would harm the setting of the listed building.

8.59 It is considered that the proposal would cause significant harm to the setting of the designated heritage asset which would not be outweighed by public benefits. Therefore in this regard the proposal is considered to be contrary to paragraphs 131 and 132 of the NPPF and HE1 of the Local Plan.

Residual Matters

8.60 Devaluation of property is a matter of concern raised by neighbouring residents. This is not a material planning consideration and therefore cannot be considered when assessing this application.

8.61 A number of concerns raised by objectors relate to matters which are not material to the consideration of listed building consent (such as amenity, highway

safety, drainage etc) however are material to the full planning application and have therefore been considered under application H/2014/0163.

Conclusion

8.62 It is considered that the proposal will have detrimental impact on the setting of the designated heritage asset comprising of the listed buildings (Meadowcroft / Meadowside) for the following reasons. Through the introduction of development into an area which would interrupt the views to and from the listed building to the open countryside which was a key concept in the original design of the dwellinghouse. Through the further subdivision of garden areas interrupting the hierarchy of buildings within the area.

8.63 No substantive evidence has been presented to suggest that the significant harm, as outlined above would be outweighed by the public benefits of the proposal. Therefore the development is considered to be contrary to the principles of paragraphs 131 and 132 of the NPPF and policy GEP1 and HE1 of the Local Plan.

EQUALITY AND DIVERSITY CONSIDERATIONS

8.64 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

8.66 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION - REFUSE

1. In the opinion of the Local Planning Authority the introduction of a group of houses to the estate of Meadowcroft/Meadowside would intrude on views to and from the listed buildings and be contrary to the historic layout of the area to the detriment of the setting of the listed building(s) of Meadowcroft and Meadowside. It has not been demonstrated that substantial public benefit would outweigh the significant harm caused to the designated heritage asset. Therefore the proposal would be contrary to paragraphs 131 and 132 of the NPPF and policies GEP1 and HE8 of the Hartlepool Local Plan 2006.

BACKGROUND PAPERS

8.68 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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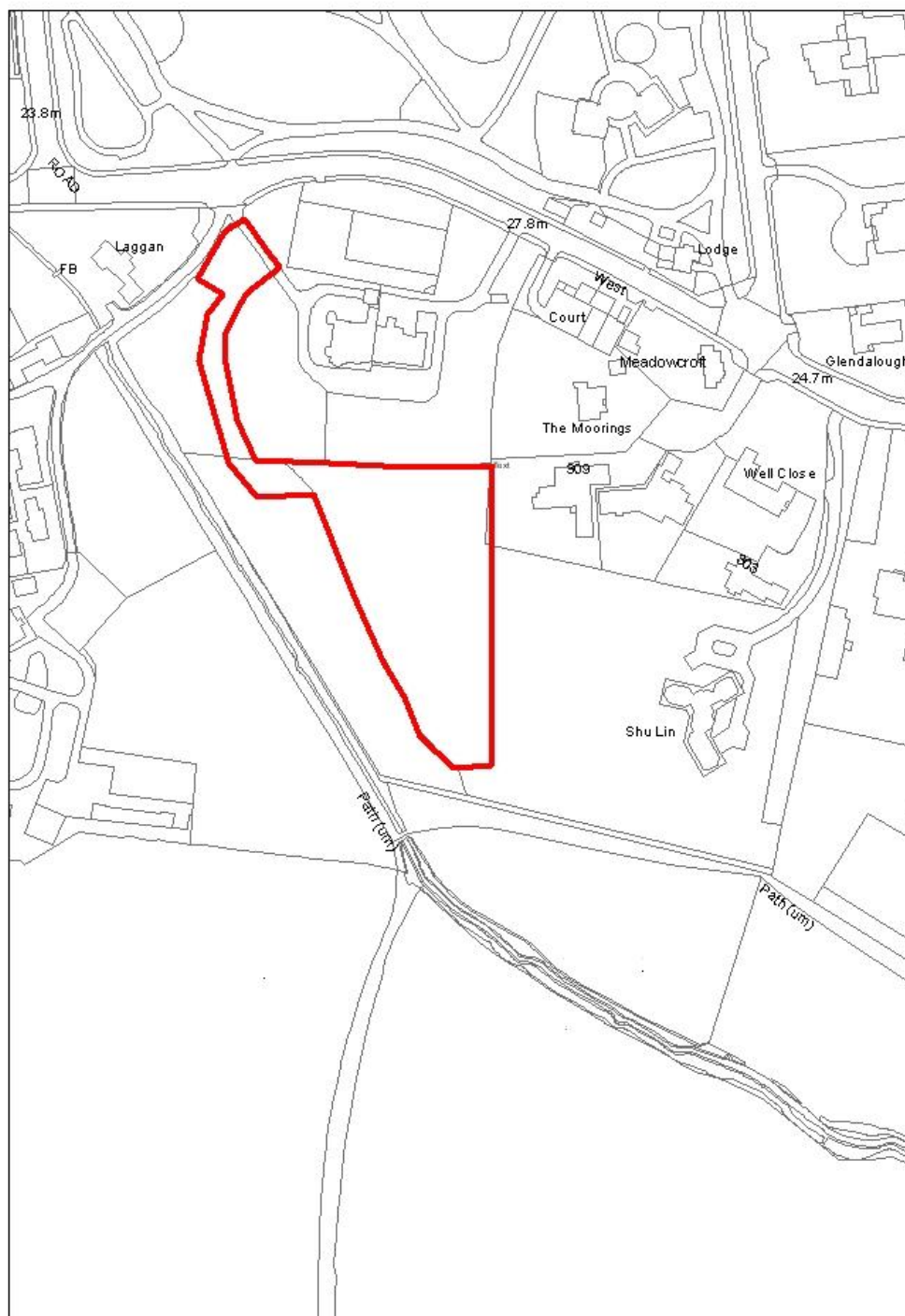
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MEADOWCROFT, ELWICK ROAD



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
 Level 1, Civic Centre, Hartlepool TS24 8AY
 Department of Regeneration and Planning

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Scale: 1:2000
Date : 14/07/14
H/2014/0179/H/2014/0163

No: 9
Number: H/2014/0117
Applicant: Mr John Musgrave Coal Lane Elwick HARTLEPOOL
TS27 3EX
Agent: Steve Hesmondhalgh & Associates LLP Mr Jonathan
Saddington Bishops Barn Boroughbridge Road Bishop
Monkton HARROGATE HG3 3QN
Date valid: 12/03/2014
Development: Outline application for the erection of an agricultural
workers dwelling
Location: Pawton Hill Farm Coal Lane Elwick HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

9.2 Application (H/2013/0276) was received 29/5/2013 for the prior notification for the erection of an agricultural building for the storage of machinery, straw and feed approved 24/6/2013.

9.3 Application (H/2013/0169) was received 5/4/2013 for prior notification for the erection of an agricultural building for the storage of machinery, straw and feed and was refused 16/4/2013.

9.4 Application (H/2010/0644) was received 4/11/2014 for prior notification for the construction of a silage pit and was approved 24/11/2010.

9.5 Application (H/2010/0070) was received 5/2/2010 for the erection of two-storey extension to side to provide kitchen with bedroom / en-suite over and was approved 1/4/2010.

9.6 Application (HAGR/1999/0232) was received 10/5/1999 to determine whether the erection of a milking parlour requires the prior approval of the Local Planning Authority and was approved 04/06/1999.

9.7 Application (HAGR/1995/0375) was received 24/7/1995 to determine whether the siting, design an external appearance of a general purpose agricultural building requires the prior approval of the Local Planning Authority and was approved 29/8/1995.

9.8 Application (HFUL/1990/0013) was received 10/1/1990 for the erection of an agricultural building for housing cattle and was approved 28/2/1990.

9.9 Application (H/1984/0459) for a two storey extension of existing farmhouse to provide entrance hall, kitchen, lounge, two bedrooms and bathroom was Approved 26/11/1984.

9.10 Application (H/1984/0368) for the change of use and conversion of 2 cow byers to dormer dwelling was Refused 2/10/1984.

9.11 The application is being reported to committee as it has been called in by a ward member.

PROPOSAL

9.12 Outline planning permission is sought for the erection of an agricultural workers dwelling at Pawton Hill Farm, Coal Lane, Elwick. The dwelling would have a floor area of 226m².

SITE CONTEXT

9.13 The application site constitutes an area of agricultural land located outside of the settlement limits for Elwick. The site is effectively located in open countryside. The proposed dwelling would be situated to the east of the existing farmhouse and farm buildings. The application site is located approximately 1.5 miles from the village of Elwick.

PUBLICITY

9.14 The application has been advertised by way of neighbour letters (2) and a site notice. To date, there has been one e-mail of no objection.

Copy Letters I

9.15 The period for publicity has expired.

CONSULTATIONS

9.16 The following consultation replies have been received:

HBC Parks and Countryside: Concerns regarding the privacy of the new dwelling due to its proximity to Public Footpath 17, Elwick Parish.

Tees Archaeology: No objections

The Ramblers Association: No objection subject to the protection of footpath Elwick 17 for unhindered public use at all times.

Northumbrian Water: No comments to make

HBC Engineering Consultancy: No comments offered

HBC Ecology: No objection subject to condition

Elwick Parish Council: No objection provided it can be justified for agricultural purposes

HBC Public Protection: No objections

HBC Traffic and Transportation: No Objections

Hartlepool Water: No comments offered

PLANNING POLICY

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

Local Policy

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

GEP1: General Environmental Principles

GEP3: Crime Prevention by Planning and Design

Hsg9: New Residential Layout - Design and Other Requirements

Rur7: Development in the Countryside

National Policy

9.19 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

PARA 55 : Isolated Homes in the Countryside

PARA 196: Primacy of the Development Plan

PARA 197: Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

9.20 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, visual impact, neighbour amenity, ecology, Public Right of Way, highways and drainage.

Principle of the Development

9.21 The main issue is whether there are special circumstances to justify the proposed dwelling having regard to national and local planning policies which seek to avoid isolated new homes in the countryside.

9.22 The National Planning Policy Framework confirms that the intrinsic character and beauty of the countryside should be recognised and that new isolated homes therein should be avoided unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work. It is essential to establish that there is a functional need but also that the enterprise is viable in order to ensure that need is sustained.

9.23 Policy Rur7 'Development in the Countryside' of the Hartlepool Local Plan requires development in the countryside to consider visual impacts, operational requirements of the enterprise, landscaping, the viability of the enterprise, drainage and highway impacts.

9.24 Currently the applicant and his wife live in the main farmhouse with their son and daughter. An extension was added to the property following the approval of planning application (H/2010/0070) which provided annexe type accommodation for Mr Musgrave's mother. This application seeks planning permission for a bungalow to provide living accommodation for Mr Musgrave's son. The applicant has submitted a statement in support of the functional requirement for 2.17 workers on site. This requirement is based on projected herd numbers and not on actual herd numbers. Section 3 of the Assessment of Need states that the farm supports 215 cattle, while Section 2 of the Assessment of Need suggests that the farm supports 236 cattle in either case this is below the herd numbers which the labour requirement has been calculated on by 31 cattle and 11 cattle respectively. It is therefore considered that the applicant has not clearly presented a case for more than two agricultural workers on the site.

9.25 Planning case law ascertains that the functional need for an agricultural worker should relate to the need for the worker to be on site for most of the day and night for most of the year. The applicants supporting information sets out the scale of the enterprise in terms of land ownership and livestock numbers however it does not provide a detailed breakdown of how the agricultural workers time would be spent throughout the year therefore failing to demonstrate that there is a need for an additional agricultural worker for most of the day and night and for most of the year. As the agricultural unit relates to breeding livestock it is considered that time apportioned to supervision of animals will vary considerably throughout the year and that only occasional 24 hour care for livestock shall be necessary on site. It is also considered that on site presence is adequately catered for by Mr and Mrs Musgrave.

9.26 The holding is made up of 96.32ha of grassland, 16.19ha is owner occupied, with the rest of the land held on tenancy from two landlords. It is considered that the amount of land in the ownership of the applicant is relatively small. There is officer concern regarding the ongoing availability of the land held on tenancy. Within the Assessment of Need it is stated that the applicant has a contingency plan for the ongoing management of the holding in the event of the farm losing the land it holds on tenancy. No details of this contingency plan have been set out nor how it would still require 3 full time workers to be on site.

9.27 The application site is located approximately 1.5 miles from the village of Elwick, where a number of dwellings of varying prices, including family homes are for sale or rent. A number of these properties are less than a five minute drive from the site. Dwellings are also available to rent or buy in the town of Hartlepool and the village of Wolviston both of these areas can be reached by car in under 10 minutes. It is considered that if there was a need for an additional worker at the farm it could be met by other existing accommodation in the area which is suitable and available for occupation.

9.28 Accounting information has been submitted which demonstrates that the farm has been operating at a loss and in some years at a substantial loss. Both the applicant's agent and accountant have confirmed the financial losses of the farm but state that it is trading well, a business can be trading well i.e. selling a good level of stock, however in this case the costs of operating the business mean that it is running at a loss. It is therefore considered questionable that the enterprise can support an additional worker or can support the construction costs of the proposed dwelling. In addition the losses at the farm increase further if the applicant and his wife draw a salary. Any business operating at a loss over time is at risk from ceasing to operate and in this case risks the construction of a dwelling in an isolated countryside location which would not be related to the needs of a rural enterprise.

9.29 The proposed dwelling at approximately 226m² represents a substantial dwelling in the open countryside; the large living accommodation incorporates features such as a master bedroom with en-suite and walk in wardrobe, a snug in addition to a living room, a large kitchen diner, a utility room and double garage. The level of accommodation proposed is considered to be more than what might be considered necessary to meet an essential need. Furthermore the financial information presented indicates a loss making enterprise therefore there is no apparent income generated by the farm which would fund the building of such an extensive dwelling.

9.30 It is therefore considered that the financial information submitted in support of the application fails to demonstrate that the business is sufficiently viable to justify a new detached dwelling in the open countryside.

9.31 In the opinion of the Local Planning Authority, this application is contrary to policy Rur7 of the Hartlepool Local Plan 2006 and paragraph 55 of the NPPF in that it fails to adequately demonstrate the need for a new permanent dwelling on this site, as opposed to a personal preference for a worker to live on the site. It is also

considered that the financial viability of the enterprise has not been adequately demonstrated.

Visual impact

9.32 Policy Rur7 of the Hartlepool Borough Council Local Plan states that development in the countryside should generally be resisted in order to maintain the character of the rural landscape. In addition the design of the development should be compatible with its setting and the landscape generally.

9.33 As the application is in outline with matters of appearance, landscaping and scale reserved it is considered that it would not be prudent to make detailed comments on the visual impact of the proposal at this stage. It is however acknowledged that the dwelling would be a large addition into the open countryside.

Neighbour amenity

9.34 It is considered that the proposed dwelling would not create any significant impacts for the amenity of neighbouring properties.

Ecology

9.35 The proposed dwelling would be approximately 200m from Pawton Hill Gill Local Wildlife Site (LWS). Given the nature of the proposal it is unlikely to have any effect on the LWS. There are not likely to be any other ecological issues with this application.

9.36 There is a mature hedge with mature trees which forms a boundary between the application site and Coal Lane.

9.37 The Council's Ecologist has raised no objections to the proposal; it is therefore considered that there would be no significant detrimental impacts to ecology or protected species as a result of the development.

Public Right of Way

9.38 A public footpath, Public Footpath No. 17, Elwick Parish, runs from the road, through the main entrance to the farm and then westwards, in front of the existing farm house, towards the Borough boundary, on the eastern edge of Scotland Wood.

9.39 With the proposed development sited on the southern side of the main entrance. The public footpath will be positioned close to two residential property sites and will overlook both property areas in some manner. At present the path passes one residential set of properties but the user has the option not to visually intrude into the private residential area next to the path. With the siting of the new house this would not be as easy an option.

9.40 The Council's Countryside Access Officer has expressed concerns regarding the privacy of the proposed dwelling in relation to the nearby Public Footpath. It is

considered that although this is a concern on balance it would not be a reason for the refusal of the application.

Highways

9.41 The Council's traffic and transportation section have been consulted and raise no objections to the proposed development.

Drainage

9.42 The applicant has indicated that surface water drainage will be to a watercourse. In terms of foul drainage, a package treatment is proposed. No details have been provided. Should members be minded to approve the application this matter would need to be resolved.

EQUALITY AND DIVERSITY CONSIDERATIONS

9.43 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

9.45 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reasons:

1. In the opinion of the Local Planning Authority the application does not demonstrate that there is an essential need for a rural worker to live permanently at or near their place of work in the countryside, nor does the application demonstrate that need for an agricultural workers dwelling could not be met by suitable alternative accommodation in the area. The proposed development is considered to be contrary to Policy Rur7 of the Hartlepool Borough Council Local Plan and paragraph 55 of the NPPF.
2. Based on the financial information submitted the farm is currently operating at a loss, it is therefore considered that the farm enterprise is not currently viable. In addition there is no income generated by the farm which would fund the building of such an extensive dwelling. The proposed development is considered to be contrary to Policy Rur7 and paragraph 55 of the NPPF.

BACKGROUND PAPERS

9.47 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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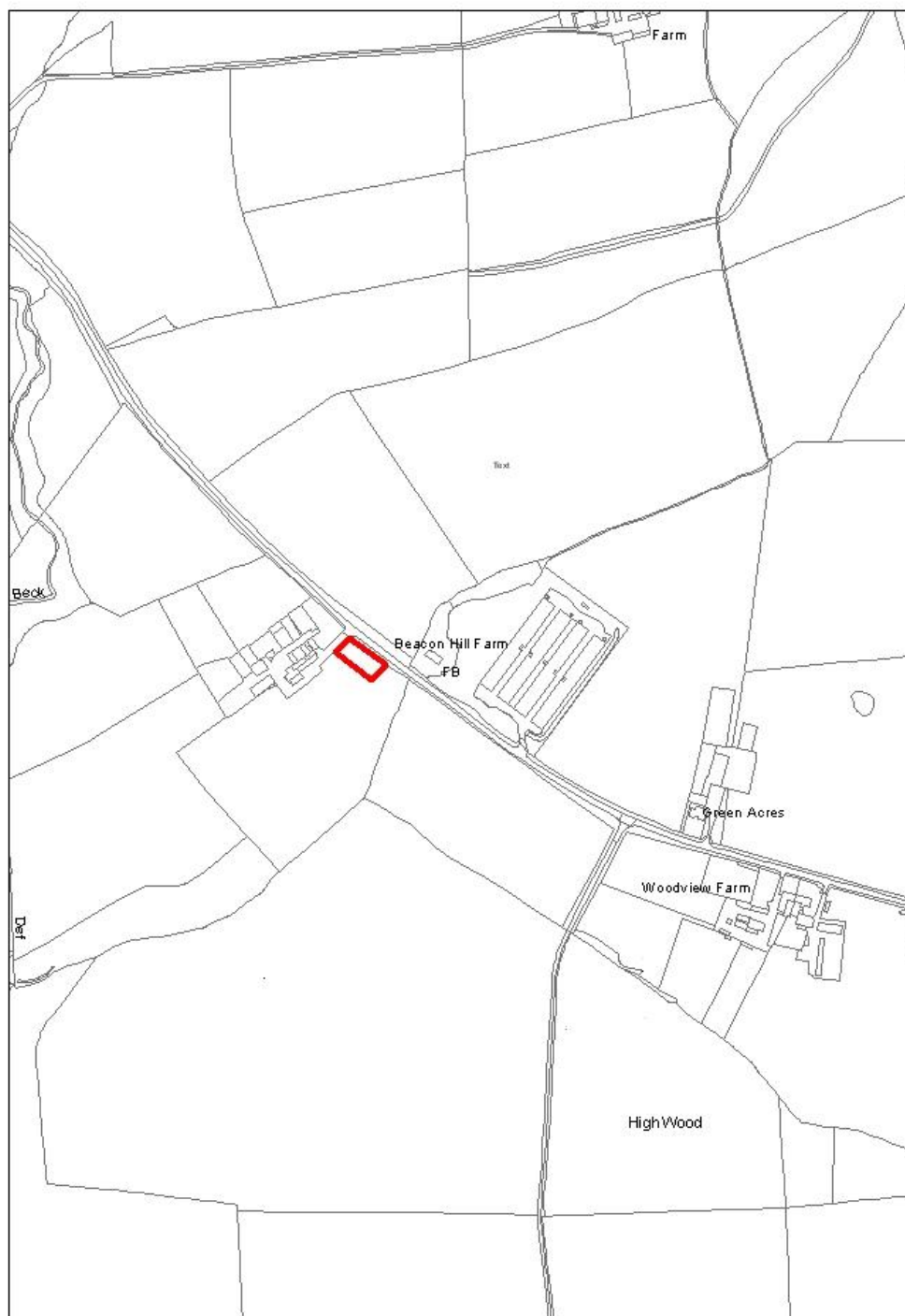
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PAWTON HILL FARM



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
 Level 1, Civic Centre, Hartlepool TS24 8AY
 Department of Regeneration and Planning

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Scale: 1:5000
Date : 14/07/14
H/2014/0117

No: 10
Number: H/2014/0226
Applicant: Secretary Of State For Education (EFA) 35 Grey Court Street LONDON SW1P 2QF
Agent: Archialnorr Mr Phil Simpson Percy House 8th Floor Percy Street NEWCASTLE UPON TYNE NE1 4PW
Date valid: 29/05/2014
Development: Erection of new school building, associated external works, landscaping and car parking to replace existing school
Location: Holy Trinity C of E (Aided) Primary School Crawford Street HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

10.2 An application was received 23/07/2012 (H/2013/0401) for the installation of window and removal of existing steps to form store room and was approved 03/09/2012.

10.3 An application was received 16/10/2009 (H/2009/0590) for the provision of a covered external play area and new playground equipment, replacement timber windows and doors to the existing single storey extension with UPVC units and was approved 07/12/2009.

10.4 An application was received 19/03/2003 (HFUL/2003/0171) for the erection of a rear single storey extension to provide ICT suite and was approved 16/06/2003.

10.5 The application is being reported to committee as 2 objections and one letter of comments have been submitted.

PROPOSAL

10.6 Planning permission is sought for the redevelopment of the site with the erection of a new, replacement school building, provision of external playing fields/sports provision and associated parking, hard and soft landscape works. The new school would remain as a 210 place primary school for 5-11 year olds but with the addition of a new 26 place nursery for 3-5 year olds.

10.7 The proposed new school building would be sited directly north of the existing school building. On the site of the existing school building proposed for demolition a Multi Use Games Area (MUGA), staff parking, outdoor play areas and landscaping

would be provided. To the north of the new school building landscaped areas and a mini soccer (U9-U10) grass pitch would be provided on the existing playing field.

10.8 The proposed replacement school building itself would be of a similar height to the existing school building and rectangular in shape. The class areas would be single storey and anchored around a one and a half storey hall. The proposed building would have a contemporary design, with the external surfaces principally consisting of a mixture of red and buff brick.

10.9 The building orientation is on an East West axis and is parallel to Crawford Street. The proposals include a separate pupil and staff/visitor entrances, encouraging pupil ingress from the north west of the site through Seaton Park to ease vehicular congestion to Crawford Street during arrival and pick up periods. The new main pupil entrance is accessed directly via a new gated access to the western boundary. The existing car park and access off Crawford Street is to be reused and extended with a link to a new pedestrian footpath linking directly from Crawford Street through to the new school staff and visitor entrance. The car park would provide 14 bays and 1 accessible bay. Servicing and deliveries will access the site from the existing Crawford Street entrance to a new service bay inside the site, fenced from the wider site for safety and security.

10.10 The existing site boundary treatment will remain. New fencing within the site will run along the west of the new staff/visitor entrance and another along the south and west end of the Key Stage 1 & 2 active play areas providing a secure line to the school grounds.

SITE CONTEXT

10.11 The application site constitutes the existing Holy Trinity Church of England (Aided) Primary School at Crawford Street, Seaton Carew, Hartlepool. The school has been in existence for approximately 165 years. The school is located adjacent to Holy Trinity Church and is also adjacent to Seaton Carew Conservation Area. Within the site the existing school building is located to the south of the site, abutting the highway with playing fields to the north.

10.12 To the north of the site there are tennis courts and a bowling green, to the east is Holy Trinity Church and cemetery, to the south is highway and residential properties and to the west of the site there is a large area of open space.

PUBLICITY

10.13 The application has been advertised by way of neighbour letters (311), 4 site notices and a press notice. To date, there have been 14 responses of no objection, 2 responses of support and 2 objections making the following comments:

- Congestion in Crawford Street and Rectory Way.
- Would it be possible to utilise the amusement car park with an assistant for crossing?
- Traffic and parking pressures

- The open evening in the school suggested that everything was already agreed.

10.14 One letter of comments has been received raising the following concerns:

- Concerned about access to my home via car
- Dust and debris

Copy Letters J

10.15 The period for publicity has expired.

CONSULTATIONS

10.16 The following consultation replies have been received:

HBC Building Control: No comments offered

HBC Economic Development: No comments offered

HBC Engineering Consultancy: No objection subject to condition

HBC Landscape: No objections subject to condition

HBC Conservation: No objections

HBC Ecology: No objections subject to condition

HBC Parks and Countryside: No comments to offer

HBC Public Protection: No comments offered

HBC Traffic and Transport: The access to the school is from Crawford Street, this road has been subject to two recent consultations with regards to school time parking, both consultations failed to gain a consensus from residents on what action should be taken. The provision of a nursery at the site will increase parking demand within Crawford Street during the school day.

HBC Child Services: No comments offered

Cleveland Fire Brigade: No objections

Environment Agency: The application has a low environmental risk, therefore no comments to make.

Hartlepool Water: No objections

Northern Gas Networks: No objections

NEDL: No comments offered.

Northumbrian Water: No objection subject to the development being carried out in accordance with the submitted drainage layout.

Cleveland Police: Recommends the use of Secured by Design principles.

Sport England: No objection subject to conditions

Tees Archaeology: No objection subject to condition

PLANNING POLICY

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

Local Policy

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

GEP1: General Environmental Principles

GEP2: Access for all

GEP3: Crime prevention by Planning and Design

GEP9: Developer Contributions

Tra16: Car parking standards

Tra20: Travel Plans

Rec4 Protection of outdoor playing space

Rec6: Dual use of School Facilities

HE3: Developments in Vicinity of Conservation Areas

National Policy

10.18 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

PARA 2: Application of planning law (development plan and material considerations)
 PARA 6: Purpose of the planning system – creation of sustainable development
 PARA 7: Three dimensions to sustainable development
 PARA 13: The National Planning Policy Framework constitutes guidance
 PARA 14: Presumption in favour of sustainable development
 PARA 17: Core planning principles
 PARA 36: Travel Plan requirement
 PARA 37: Minimise journey lengths
 PARA 56: Design of the built environment and its contributions to sustainable development
 PARA 57: High quality inclusive design
 PARA 61: The connections between people and places
 PARA 64: Improving the character and quality of an area
 PARA 66: Community involvement
 PARA 70: Delivery of social, recreational and cultural facilities
 PARA 72: Sufficient provision of education provision
 PARA 74: Protection of open space, sports and recreational buildings and land, including playing fields
 PARA 96: Minimise energy consumption
 PARA 131: Conservation of heritage assets
 PARA 132: Significance of heritage assets
 PARA 141: Information gathering historic environment
 PARA 196: Determination in accordance with the development plan
 PARA 197: Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

10.19 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, design, historic heritage, neighbour amenity, ecology, land contamination and highways.

Principle of Development

10.20 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption the educational needs of the community must be considered in weighing up the appropriateness of the proposals which are contrary to Policy Rec4 as the proposals will result in the loss of playing field land. The fact that agreement has been reached through discussions with Sport England (subject to certain conditions being attached to the permission) over the provision of a football pitch and MUGA which will have community use helps to allay the fears over the loss of the playing pitch, however it must be noted that it is only in exceptional circumstances that a departure from the Local Plan such as this will be seen as acceptable.

10.21 The development of the new school takes place on a constrained site, and development on the periphery of the playing field is unavoidable. Once the new

school has been completed, the vacated school will be demolished. It is not practical or desirable to create replacement playing field in this area. As a result the proposal results in a loss of playing field, contrary to Sport England's playing field policy. This would normally result in an objection from Sport England. However in this instance, the applicant in consultation with the school has agreed to implement the following package of measures:

- The provision of an U9-U10 (7v7) Mini Soccer field
- The mitigation of overall loss in playing field area with design guidance 'Natural Turf for Sport'. Thus allowing for utilisation of the pitch year round.
- The development of a community use agreement
- The inclusion of a controlled and gated access to allow for out of hours community use direct to the pitch.
- Provision of an 18.5m x 37m MUGA on part of the cleared site.

10.22 Therefore whilst the proposal does not fully comply with Sport England policy they are prepared to accept that the proposal represents the best achievable outcome for sport on this site. This being the case Sport England have raised no objection to the proposed development.

10.23 The principle of this development is not straightforward and it is a departure from the Local Plan as a result of the loss of playing field, however, given the educational and community benefit and the fact that Sport England have not objected providing the community use is secured for the football pitch and the MUGA and that specific Sport England conditions are attached to the permission. It is considered that in principle the development is acceptable.

10.24 In terms of national guidance, paragraph 72 of the NPPF attaches great weight to ensuring that a sufficient choice of school places is available to meet the needs of new and existing communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.

10.25 The NPPF sets out guidance relating to promoting healthy communities. Paragraph 70 states that planning decisions should plan positively for the provision and use of shared space, community facilities and other local services to enhance sustainability of communities and residential environments. Decisions should also guard against the loss of valued facilities and services, and to ensure that facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.

10.26 In addition, the redevelopment of the existing site which is located within a settlement and as a result close to a range of services, facilities and transport options is considered to accord with the principle of sustainable development, the "golden thread" running through the NPPF.

10.27 The proposal, by promoting healthy communities and improving the choice of school places and by the provision of education and community facilities on land within the settlement that is currently in use for educational and community based purposes, is firmly aligned with the core principles of the NPPF.

Design

10.28 Due to budget constraints now present in the Priority School Building Programme the proposed replacement is of a simple design. The present building is an attractive and well designed building. However its loss needs to be weighed up against the benefits of the modern facilities a new school would provide in an educational sense. Whilst externally the building is of a modern contemporary design the internal modern facilities would offer significant benefits to local education.

Historic Heritage

10.29 Holy Trinity School opened in 1925 and has some historic interest. The school could be considered a heritage asset, but does not offer sufficient significance to merit physical preservation. Tees Archaeology have raised no objection to the demolition of the building but have recommended that a written record and photographic record is made of the building prior to its demolition.

10.30 This site is located just outside Seaton Carew Conservation Area, and provides the setting to Holy Trinity Church both of which are designated heritage assets as defined by the NPPF.

10.31 The Council's conservation officer has stated that the proposed school will not impact on the character or appearance of the conservation area or the special architectural or historic interest of the listed building, therefore there are no objections to this proposal.

10.32 The proposed development is considered to be in accordance with policies GEP1 and HE3 of the Hartlepool Local Plan and paragraphs 132, 132 and 141 of the NPPF.

Neighbour Amenities

10.33 The proposed development would be located on the site of an existing school. The intensity of use of the site would increase to a degree with the introduction of a 26 place nursery. The school building would be moved back into the site further from residential properties than the existing school building. It is considered that there will be a level of noise and disturbance during drop off and pick up times, however it is considered that this would not be significantly greater than the existing situation and not so detrimental to residential amenity as to warrant the refusal of this planning application.

Ecology

10.34 The presence of protected species such as bats and breeding birds is a material consideration, in accordance with Circular 06/05 and Paragraph 119 of the NPPF. Under the requirements of the Conservation of Habitats and Species Regulations 2010 (and as amended in 2012) it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England.

10.35 Regulation 9(3) of the Conservation of Habitats and Species Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species licence from Natural England. This requires an examination of the derogation provisions. The Local Planning Authority must not usurp the functions of the licensing authority in this regard. It is for Natural England to decide licensing applications; the local planning authority must only be satisfied that there is a possibility of a required licence being granted. The Conservation of Habitats and Species Regulations contain three "derogation tests", which are that i) the development must meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment ii) there must be no satisfactory alternative and iii) favourable conservation status of the species must be maintained.

10.36 Two bat surveys were carried out in May 2014 and have shown that the existing school was not supporting roosting bats at that time. The Council's ecologist has assessed the scheme and has concluded that the likelihood of the school supporting bats is low. The only other potential ecological issue associated with this application is the possibility of breeding birds in the shrubberies which are scheduled for removal. The protection of breeding birds can be dealt with by a suitable condition.

Land Contamination

10.37 A geo-environmental desk study has been carried out for the site. A review of the site has shown that there are potential sources of contamination which may present a risk to human health, the environment and future structures on the site. The risk is moderate however contamination testing should be undertaken to ascertain the level of risk of the identified sources pose and the likelihood of pathways being established.

10.38 The submitted geo environmental desk study recommends that an intrusive ground investigation be undertaken on site to assess the geo-technical and geo-environmental issues.

10.39 An appropriate condition is proposed to ensure contamination is identified and appropriately dealt with.

Highways

10.40 The access to the school is from Crawford Street, this road has been subject to two recent consultations with regards to school time parking, both consultations failed to gain a consensus from residents on what action should be taken. The provision of a nursery at the site will increase parking demand within Crawford Street during the school day. As the Council's highways section have not objected to the scheme it is considered that the application could not be refused on highways grounds.

10.41 The proposed development is considered to be in accordance with policies GEP1, Tra16 and Tra20 of the Hartlepool Borough Council Local Plan.

Other Matters

10.42 An objector has stated that during a consultation evening held at the school prior to the submission of the application it was suggested that the scheme was agreed and works would commence on site in October. The Local Planning Authority have no control over public consultation carried out by a developer. A scheme is not agreed until a planning application has been submitted, approved and relevant conditions discharged.

EQUALITY AND DIVERSITY CONSIDERATIONS

10.43 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

10.45 The programme is likely to contribute to reductions in crime and anti-social behaviour if the scheme is constructed in accordance with secured by design principles as recommended by Cleveland Police.

REASON FOR DECISION

10.46 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to satisfactory comments being received from the Head of Public Protection and the following conditions and any other conditions arising from the outstanding consultation response.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 16/05/2014

(Drawing no. HT-A-L-(90)001 Rev A Site location plan; Drawing no. HT-A-L-(27)301 Rev A, Proposed Roof Plan; Drawing no. HT-A-L-(00)500 Rev A, Proposed Elevations; HT-A-L-(90)003 Rev A, Proposed Block Plan; HT-A-L-(00)400 Rev A, Proposed Sections; HT-A-L-(00)300 Rev B, Proposed Ground Floor Plan; HT-A-L-(00)501 Rev A, Proposed Contextual Elevations; L-1265-GAP-001 Rev 06, Landscape Masterplan; SM-CP1-1-212, Proposed Drainage Layout).

For the avoidance of doubt.

3. 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. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. No development shall commence until a scheme for the improvement and maintenance of playing field drainage for the proposed U9-U10 football pitch, based upon an assessment of the existing playing field quality and including an improvement and maintenance implementation programme, has been submitted to and approved in writing by the Local Planning Authority. The playing fields shall thereafter be improved and maintained in accordance with the approved scheme.
To ensure the quality of pitched is satisfactory and that they are available for use.
5. No development shall commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the playing field and MUGA and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review.. The development shall not be used at any time other than in strict compliance with the approved agreement.
To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport.
6. A) No demolition shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research question; and:
 1. The programme and methodology of site investigation and recording.
 2. The programme for post investigation assessment.
 3. Provision to be made for analysis of the site investigation and recording.
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 5. Provision to be made for archive deposition of the analysis and records of the site investigation.
 6. Nomination of a competent person or persons/reorganisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

In the interests of the historic heritage.

7. A detailed scheme of landscaping and tree and shrub planting 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.
8. 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.
9. Notwithstanding the details submitted within the application no development in respect of the erection of a bin store or cycle storage shall take place until full details of the appearance of the bin store and cycle storage have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
In the interests of visual amenity.
10. The clearance of any vegetation, including trees, shrubs and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.
In the interests of protected species.
11. Notwithstanding the submitted details full details of the method of external illumination, siting, angle of alignment; light colour, luminance of buildings facades and external areas of the site, including parking courts and pitches, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development, the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation and maintained for the lifetime of the development unless some variation is subsequently agreed in writing by the Local Planning Authority.
In the interests of residential amenity.
12. No operations associated with the construction and demolition works hereby approved shall be carried out outside the hours of Monday to Friday 08.00 - 1800hours and Saturdays 09.00 - 1300hours with no working on Sundays or

Public and Bank Holidays.

In the interests of residential amenity.

13. The development hereby approved shall be carried out having regard to the following:

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported

in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14. In accordance with section 10 of the Design and Access submitted 16 May 2014 the development hereby approved shall secure at least 10% of its energy supply from renewable energy or low carbon sources. The scheme shall be implemented in complete accordance with the details included in section 10 of the Design and Access statement.

To ensure a sustainable form of development which secures energy from renewable sources to comply with paragraph 96 of the NPPF.

15. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the health and appearance of the preserved tree(s).

16. The development hereby approved shall be implemented in accordance with the travel plan submitted as part of this application 16/05/2014.
In the interests of sustainable travel.

BACKGROUND PAPERS

10.47 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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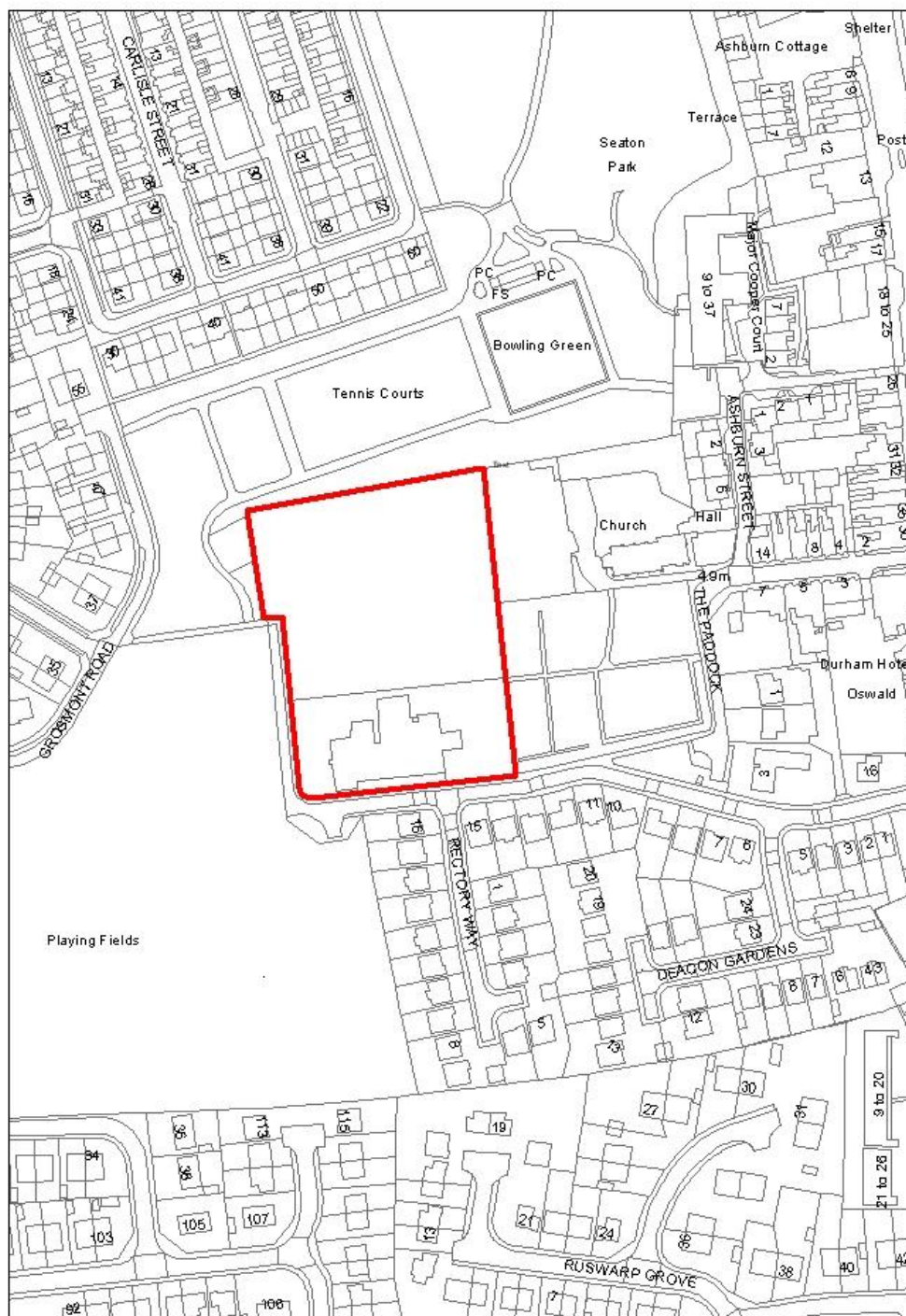
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HOLY TRINITY CHURCH OF ENGLAND SCHOOL



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
 Level 1, Civic Centre, Hartlepool TS24 8AY
 Department of Regeneration and Planning

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Scale: 1:2000
Date : 14/07/14
H/2014/0226

No: 11
Number: H/2014/0214
Applicant: MS ANNA EVANS 35 GREY COURT STREET LONDON SW1P 2QF
Agent: ARCHIALNORR MR D SHIELDS 8TH FLOOR PERCY HOUSE PERCY STREET NEWCASTLE UPON TYNE NE1 4PW
Date valid: 25/06/2014
Development: Erection of replacement school building, associated external works, landscaping and car parking
Location: BARNARD GROVE PRIMARY SCHOOL BARNARD GROVE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

11.2 An application was received 28/11/2005 (H/2005/5967) for the erection of a hall extension and was approved 13/01/2006.

11.3 An application was received 23/05/2002 (HHDC/2002/0304) for the erection of a detached store and was approved 08/07/2002.

11.4 An application was received 04/03/2002 (HHDC/2002/0127) for the erection of a 2.4m high steel palisade fencing with access gates and was approved 15/04/2002.

11.5 An application was received 15/08/2000 for the provision of pitched roof to caretakers bungalow and was approved 25/09/2000.

11.6 An application was received 13/07/1994 for the construction of a new car park and erection of 2.5m high palisade fence and was approved 01/09/1994.

11.7 The application is being reported to committee as five objections have been received.

PROPOSAL

11.8 Planning permission is sought for the redevelopment of the site with the erection of a new, replacement school building, associated external works, landscaping and car parking.

11.9 Barnard Grove Primary School will benefit from the Governments Priority Schools Building Programme. The proposed development will involve:

- Construction of a new 315 pupil primary school and additional nursery provision (26 places) with state of the art ICT and teaching facilities.
- Significant improvement in the quality of learning spaces and far more efficient use of the school site.
- Opportunities for improved community use facilities during the evenings and weekends.
- Additional sport pitch provision and Multi-Use Games Areas.
- Improved access from King Oswy Drive.

11.10 The proposed replacement school building would primarily be two storey and would be located to the south east of the existing school on part of the playing field area. The existing school building is single storey. The school hall would be one and a half storey, with a single storey element for a kitchen and storage areas, this element of the building would be adjacent to King Oswy Drive. The proposed building would have a contemporary design with the external surfaces principally consisting of a mixture of red and buff brick.

11.11 A new 2.4m weldmesh fence will be provided along King Oswy Drive and Barnard Grove linking to the existing secure fence lines retained on the North East and South East boundaries. This will enhance the street view from the main road to create a welcoming school frontage. Internal to the site the long dividing fence to the North East of the existing buildings will remain and the shorter South East section will be taken down and reused to close off the North East dividing fence to the boundary. Therefore the main playing field is separated from the main school site, which gives the school a degree of control of how to use these spaces for students or for future community use.

11.12 Short sections of fencing will separate the car park from the main grounds enabling the school to control access via the main entrance. This fence line is deliberately set back to allow for future expansion of parking provision should it be needed. And a short section of fencing is proposed to control the service access from the delivery bay in the new car park.

11.13 Low timber fencing is proposed around the Nursery external garden with access gate to Reception play area. The new attenuation pond to the North East corner of the playing field will also be fenced with lockable access gate for maintenance.

11.14 There would be two vehicle access points to the school. The new access on King Oswy Drive is for visitor, disabled person and staff vehicles with a new pedestrian footpath linking directly through to the new school main entrance. Servicing and deliveries will also share this access and use the drop off area for kitchen deliveries and bin collection. The existing car park (partial) and access off Barnard Grove is retained for the school to manage for either staff or community use as needed.

11.15 The new pupil entrance would be from King Oswy Drive, it is located away from the visitor entrance to reduce the pressure during drop off and pick up times.

11.16 Pupil cycle parking will be accessed via the main pupil arrival route from King Oswy Drive.

SITE CONTEXT

11.17 The application site constitutes the existing Barnard Grove Primary School at Barnard Grove, Hartlepool. The school site has a long elevation along King Oswy Drive, however the current main school entrance is via Barnard Grove. To the north, south and west of the site there are residential properties. To the east there is a railway line abutted by the large open green space of Hartlepool Golf Club.

PUBLICITY

11.18 The application has been advertised by way of neighbour letters (44), 3 site notices and a press notice. To date, there have been three letters of do not want to object and five objections.

11.19 The concerns raised are:

- The development looks like a money saving exercise
- Traffic and congestion
- Fencing should be constructed as per the submitted plan
- Traffic will also be increased when the housing development opposite St Hild's is completed and occupied.
- Bin store should be behind the school out of sight of residential properties.
- Pollution from traffic, noise and bin store
- School should be set back in the site and accessed via a service road behind the existing road.
- Not enough parking
- Will there be a gate on the car park? And will it be locked at night? To prevent vehicles using it every evening.
- Car park is in the wrong location.
- Loss of trees and bushes.
- Safety of children
- Detrimental to bus services on King Oswy Drive due to traffic congestion.
- Round about at top of King Oswy Drive needs to be repaired.

Copy Letters K

11.20 The period for publicity expires 06/08/2014. Subject to no substantially different additional objections being received prior to the expiry of the consultation period, the final decision shall be delegated to the Planning Services Manager.

CONSULTATIONS

11.21 The following consultation replies have been received:

HBC Economic Development: No comments offered

HBC Engineering Consultancy: No objection subject to condition

HBC Landscape: No objection subject to conditions

HBC Ecology: No objection subject to condition

HBC Parks and Countryside: No comments offered

HBC Property Services: No comments offered

HBC Public Protection: No comments offered

HBC Traffic and Transport: These proposals involve the relocation of the school pedestrian and vehicular access points.

The school crossing patrol will also be relocated from its present location to a new position outside 149 King Oswy Drive, this is required because of the relocation of the pedestrian access. The school crossing patrol service has voiced no concerns with the relocation, so long as appropriate highway infrastructure is implemented.

This will require the relocation of highways infrastructure including

- Speed Cushions
- Pedestrian guard railing
- 20mph speed limit
- Parking restrictions
- Speed roundels
- Signage

These works would be implemented through a Section 278 agreement.

The proposed car park and servicing arrangements are acceptable.

The proposed vehicular access meets the requirements of the HBC Design Guide and specifications and it is considered an appropriate location for the access.

Cleveland Fire Brigade: No representations to make

Environment Agency: No objection subject

Hartlepool Water: No objection

Northumbrian Water: No objection subject to the development being carried out in accordance with the submitted flood risk assessment.

Cleveland Police: Recommends the use of secured by design principles.

Sport England: No objection subject to conditions

Tees Archaeology: No objection

Natural England: No objection

HBC Sport and Recreation: No objection subject to the provision of a community use agreement.

PLANNING POLICY

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

Local Policy

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

GEP1: General Environmental Principles
 GEP2: Access for all
 GEP3: Crime prevention by Planning and Design
 GEP9: Developer Contributions
 Tra16: Car parking standards
 Tra20: Travel Plans
 Rec4 Protection of outdoor playing space
 Rec6: Dual use of School Facilities

National Policy

11.24 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage

assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

PARA 2: Application of planning law (development plan and material considerations)

PARA 6: Purpose of the planning system – creation of sustainable development

PARA 7: Three dimensions to sustainable development

PARA 13: The National Planning Policy Framework constitutes guidance

PARA 14: Presumption in favour of sustainable development

PARA 17: Core planning principles

PARA 36: Travel Plan requirement

PARA 37: Minimise journey lengths

PARA 56: Design of the built environment and its contributions to sustainable development

PARA 57: High quality inclusive design

PARA 61: The connections between people and places

PARA 64: Improving the character and quality of an area

PARA 66: Community involvement

PARA 70: Delivery of social, recreational and cultural facilities

PARA 72: Sufficient provision of education provision

PARA 74: Protection of open space, sports and recreational buildings and land, including playing fields

PARA 96: Minimise energy consumption

PARA 100: Flood Risk

PARA 196: Determination in accordance with the development plan

PARA 197: Presumption in favour of sustainable development

PLANNING CONSIDERATIONS

11.25 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, design, neighbour amenity, ecology land contamination, flood risk, landscaping and highways.

Principle of Development

11.26 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption the educational needs of the community must be considered in weighing up the appropriateness of the proposals

11.27 In terms of national guidance, paragraph 72 of the NPPF attaches great weight to ensuring that a sufficient choice of school places is available to meet the needs of new and existing communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.

11.28 The NPPF sets out guidance relating to promoting healthy communities. Paragraph 70 states that planning decisions should plan positively for the provision

and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments. Decisions should also guard against the loss of valued facilities and services, and to ensure that facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.

11.29 The site forms part of a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more.

11.30 Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area.

11.31 The new school building is to be erected on a playing field within the security fence, to the south east of the existing built footprint. The playing field area outwith the inner security fence is largely unaffected by the development albeit for the creation of a new access and car park. Once the new school building is completed the existing school buildings will be demolished and a replacement area of playing field will be created on the cleared site. The final site layout therefore meets the following exceptional circumstance:

E4 - Replacement/better quality playing fields provided for

The playing fields of playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development

11.32 This being the case, Sport England does not wish to raise an objection to this application, subject to conditions

11.33 In addition the site is located within a settlement and as a result is close to a range of services, facilities and transport options it is therefore considered that the proposal accords with the principle of sustainable development, the “golden thread” running through the NPPF.

11.34 The proposal, by promoting healthy communities and improving the choice of school places and by the provision of education and community facilities on land within the settlement that is currently in use for educational and community based purposes, is firmly aligned with the core principles of the NPPF.

Design

11.35 Due to budget constraints now present in the Priority School Building Programme the proposed replacement school is of a simple design. This needs to be weighed up against the benefits of the modern facilities a new school would

provide in an educational sense. Whilst externally the building is of a modern design the internal facilities would offer significant benefits to local education.

Neighbour Amenity

11.36 The proposed development would be located on the site of an existing school. The intensity of use of the site would increase to a degree with the introduction of 26 nursery places and an increase in pupil numbers from 300 to 315. The school building would be relocated on the site with new access arrangements, objections have been received in terms of the site layout. Concerns have been raised regarding the access and parking arrangements, however the Councils Traffic and Transport Section have raised no objections to the proposed development. It is considered that there will be a level of noise and disturbance during drop off and pick up times. However it is considered that this would not be significantly greater than the existing situation and not so detrimental to residential amenity as to warrant the refusal of this planning application.

11.37 Concerns have been raised regarding the siting of the bin store. The bin store has been sited to allow for access for refuse collection vehicles. The final details of the design of the bin store shall be agreed by condition.

11.38 It is acknowledged that a school causes some levels of disruption and traffic congestion in the area in which they are sited primarily at pick up and drop off time. However this must be considered on balance in terms of the significant benefits to local education which new school facilities would bring. The new school at Barnard Grove will in particular provide modern ICT and teaching facilities.

Ecology

11.39 The presence of protected species such as bats and breeding birds is a material consideration, in accordance with Circular 06/05 and Paragraph 119 of the NPPF. Under the requirements of the Conservation of Habitats and Species Regulations 2010 (and as amended in 2012) it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England.

11.40 Regulation 9(3) of the Conservation of Habitats and Species Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species license from Natural England. This requires an examination of the derogation provisions. The Local Planning Authority must not usurp the functions of the licensing authority in this regard. It is for Natural England to decide licensing applications. The local planning authority must only be satisfied that there is a possibility of a required license being granted. The Conservation of Habitats and Species Regulations contain three "derogation tests", which are that i) the development must meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the

environment ii) there must be no satisfactory alternative and iii) favourable conservation status of the species must be maintained.

11.41 An external inspection of the buildings has assessed them as being of low risk for roosting bats. Consequently only a single bat survey has been carried out, which found no sign of roosting bats. The Council's Ecologist has confirmed that there would be no requirement for any further bat surveys to be carried out in this instance. The mitigation set out in the submitted bat survey shall be conditioned.

Land Contamination

11.42 The Council's Engineering Consultancy considers the submitted Preliminary Risk Assessment (PRA) for land contamination to be acceptable and sufficiently detailed. Given the findings of the PRA and due to the sensitivity of the proposal in relation to the end users of the site it is considered appropriate to condition further site investigations.

Flood Risk

11.43 A Flood Risk Assessment (FRA) has been submitted in support of the application. It is indicated in the (FRA) that there is a culvert on the site. The Environment Agency have recommended that the developer discusses this in detail with the Lead Local Flood Authority. This would be an informative to any planning permission for the proposed development.

1.44 Northumbrian Water as the Sewerage Undertake have not objected to the scheme provided the development is carried out in accordance with the submitted FRA.

11.45 Neither the Environment Agency or Northumbrian Water have objected to the scheme it is therefore considered that the development would not create an unacceptable risk of flooding.

11.46 The proposal is considered to be in accordance with policy GEP1 of the Hartlepool Local Plan and paragraph 100 of the NPPF.

Landscaping

11.47 The submitted landscape plan shows 4 existing trees to be removed due to the relocation of the school building, approximately 10 trees are to be removed to facilitate the creation of a new mini soccer pitch, and 1 tree is to be removed to create the new pupil entrance from King Oswy Drive. The majority of the sites existing trees, which are in the main located adjacent to the King Oswy Drive boundary, are shown to be retained. In addition the tree belt adjacent to the sites eastern boundary will be unaffected by the proposed development.

Only 9 new trees are shown to be planted as part of the submitted landscaping scheme, these comprise 4 trees adjacent to the Barnard Grove boundary and 5 trees adjacent to the King Oswy Drive boundary in the area of the proposed new car park.

11.48 Although relatively few new trees are proposed as part of the redevelopment of the site, it is considered that the opportunities for new planting are limited and that the site has a good existing tree population. It is therefore considered that the landscaping details submitted, which also includes small areas of shrub planting and large areas laid to grass, is generally acceptable. Notwithstanding this, there is insufficient detail included within the submitted landscaping scheme to enable a full assessment of the proposal it is therefore considered appropriate to condition the submission of a comprehensive landscaping scheme. In addition it is considered appropriate to condition details of tree protection.

Highways

11.49 The proposal involves the relocation of the school pedestrian and vehicular access points.

11.50 The school crossing patrol will also be relocated from its present location to a new position outside 149 King Oswy Drive, this is required because of the relocation of the pedestrian access. The school crossing patrol service has voiced no concerns with the relocation so long as appropriate highway infrastructure is implemented.

11.51 This will require the relocation of highways infrastructure including

- Speed Cushions
- Pedestrian guard railing
- 20mph speed limit
- Parking restrictions
- Speed roundels
- Signage

11.52 These works would be implemented through a section 278 agreement.

11.53 The proposed car park and servicing arrangements are considered to be acceptable.

11.54 The proposed vehicular access meets the requirements of the HBC Design Guide and specifications and it is considered an appropriate location for the access.

11.55 As the Council's highways section have not objected to the scheme it is considered that the application could not be recommended for refusal on highways grounds.

11.56 The proposed development is considered to be in accordance with policies GEP1, Tra16 and Tra20 of the Hartlepool Borough Council Local Plan.

EQUALITY AND DIVERSITY CONSIDERATIONS

11.57 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

11.59 The development is likely to contribute to reductions in crime and anti-social behaviour if the scheme is constructed in accordance with secured by design principles as recommended by Cleveland Police.

REASON FOR DECISION

11.60 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to satisfactory comments being received from the Head of Public Protection and the following conditions and any other conditions arising from the outstanding consultation response. In addition the decision is subject to no substantially different additional objections being received prior to the expiry of the consultation period, with the final decision should any additional responses be received being delegated to the Planning Services Manager.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 13 05 2014 (Drawing no. BA-A-L-(90)001 Rev A, Site location plan; Drawing no. L-1262-GAP-001 Revision 12, Landscape Masterplan; Drawing no. L-1262-GAP-003 Revision 01, Proposed playing field; L-1262-GAP-002 Revision 05, Boundary treatment plan; Drawing no. BG-A-L-(00)301 Rev A, School building proposed first floor plan; Drawing no. BG-A-L-(00)400 Rev A, Proposed Sections; Drawing no. BG-A-L-(00)300 Rev A, School building proposed ground floor plan; Drawing no. BG-A-L-(27)302 Rev A, Sports hall proposed roof plan; Drawing no. BG-A-L-(90)003 Rev A, Proposed block plan; Drawing no. BG-A-L-(00)500 Rev A, Proposed elevations; Construction Management Plan; Doc No: 1008580-RPT-00045 Barnard Grove Primary Flood Risk Assessment prepared by Cundall).
For the avoidance of doubt.
3. 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. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. No development shall commence until details for the phasing of the development, including the provision of the replacement playing field, have been submitted to and approved in writing by the Local Planning Authority.

The development hereby permitted shall not be carried out other than in accordance with the approved details so approved.

To ensure the satisfactory replacement of playing field lost to the erection of the new school building.

5. (a) Within three months of the demolition and clearance of the former school buildings the following documents shall be submitted to and approved in writing by the Local Planning Authority:
 - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
 - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

(b) The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority.

The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport.
6. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the playing fields and hall and include details of pricing policy, hours of use, access by non-educational establishment users management responsibilities and a mechanism for review. The development shall not be used at any time other than in strict compliance with the approved agreement.
- To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport.
7. A detailed scheme of landscaping and tree and shrub planting 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.
8. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval

of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the health and appearance of the preserved tree(s).

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. Notwithstanding the details submitted within the application no development in respect of the erection of a bin store or cycle storage shall take place until full details of the appearance of the bin store and cycle storage have been submitted to and approved in writing by the Local Planning Authority. The bin store and cycle storage shall be constructed in accordance with the details so approved.

In the interests of visual amenity.

11. Notwithstanding the submitted details full details of the method of external illumination, siting, angle of alignment; light colour, luminance of buildings facades and external areas of the site, including parking courts and pitches, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development, the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation and maintained for the lifetime of the development.

In the interests of residential amenity.

12. No operations associated with the construction and demolition works hereby approved shall be carried out outside the hours of Monday to Friday 08.00 - 1800hours and Saturdays 09.00 - 1300hours with no working on Sundays or Public and Bank Holidays.

In the interests of residential amenity.

13. The development hereby approved shall be carried out having regard to the following:

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets,

woodland and service lines and pipes,

c. adjoining land,

d. groundwaters and surface waters,

e. ecological systems,

f. archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be

produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14. In accordance with section 10 of the Design and Access submitted 16 May 2014 the development hereby approved shall secure at least 10% of its energy supply from renewable energy or low carbon sources. The scheme shall be implemented in complete accordance with the details included in section 10 of the Design and Access statement.

To ensure a sustainable form of development which secures energy from renewable sources to comply with paragraph 96 of the NPPF.

15. The development hereby approved shall be implemented in accordance with the travel plan submitted as part of this application 16/05/2014.

In the interests of sustainable travel.

16. The development hereby approved shall be implemented in accordance with the recommendations and mitigation measures set out in section 7 of the 'Bat Presence / Absence Survey Buildings Only Barnard Grove Primary School, Hartlepool' received 27 05 2014 and completed by Marshial Thompson Group Arboricultural & Ecological Consultants. The mitigation measures in Section 7 shall be maintained for the lifetime of the development.

In the interests of protected species.

17. Prior to the commencement of the development a scheme for off site highways works including (speed cushions, pedestrian guard railing, 20mph speed limit, parking restrictions, speed roundels and signages) a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed to the satisfaction of the Local Planning Authority in accordance with the details so approved.

In the interests of highway safety.

BACKGROUND PAPERS

11.61 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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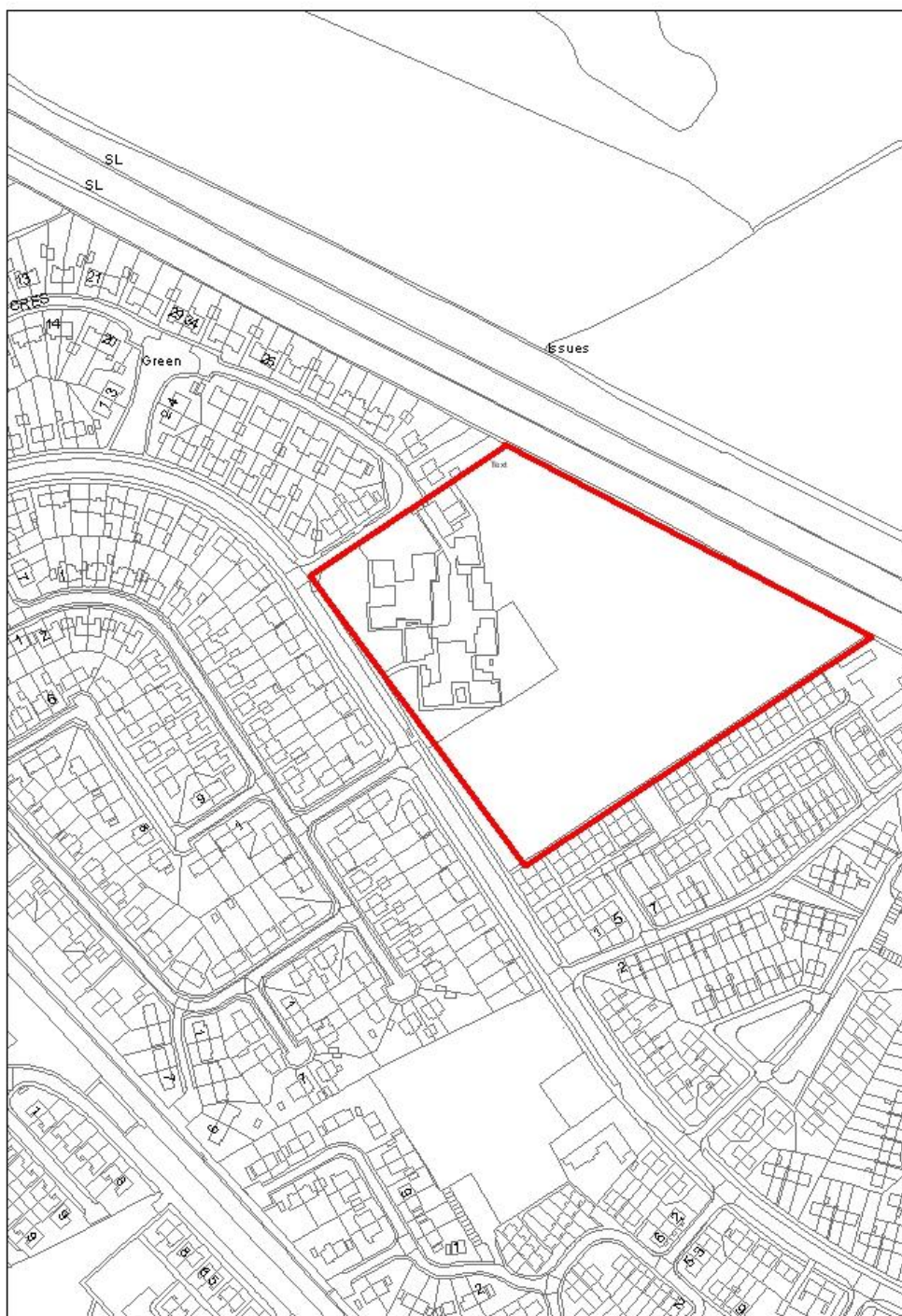
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BARNARD GROVE PRIMARY SCHOOL



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
 Level 1, Civic Centre, Hartlepool TS24 8AY
 Department of Regeneration and Planning

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Scale: 1:3000
Date : 14/07/14
H/2014/0214

UPDATE REPORT

No: 2
Number: H/2014/0196
Applicant: Taylor Wimpey UK Ltd North House Wessington Way
SUNDERLAND Tyne & Wear SR5 3RL
Agent: Taylor Wimpey NE Ltd Mr Neil Duffield North House
Wessington Way SUNDERLAND SR5 3RL
Date valid: 25/04/2014
Development: Outline application for residential development of up to
110 dwellings with all matters reserved except means of
access
Location: Land off Valley Drive Tunstall Farm HARTLEPOOL
HARTLEPOOL

BACKGROUND

2.1 This application appears on the main agenda at item 2.

2.2 It was advised the conditions would be subject to an update report.

RECOMMENDATION - APPROVE subject to the completion of a legal agreement securing an educational contribution of £192,645, a contribution towards built sports of £27,500 to be used at Brierton, an affordable housing contribution of £884,000, a commitment to undertake/fund improvements to the PROW network including improvements to the permissive path in Summerhill and Footpath No 11, the creation of a PROW link to Summerhill, adequate maintenance of play and open space areas and a local labour agreement and subject to the following conditions, with authority to vary, add or delete conditions delegated to the Planning Services Manager.

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the layout, scale and appearance of the building(s), the further means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
In order to ensure the details of the development are acceptable.
3. The total development hereby approved shall not exceed the following maxima:
Up to 110 Residential dwellings (C3 Use Class).
To ensure a satisfactory form of development.
4. A minimum of two bungalows shall be provided on the site and the reserved matters application providing details of house types and layout shall include two plots showing the provision of bungalows.

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In order to meet the identified need as evidenced in the Strategic Housing Market Assessment.

5. No part of the development shall be occupied until the off site highway mitigation measures identified in the Transport Assessment prepared by Tim Speed Consulting, issued 10th April 2014, and submitted in support of the application have been implemented in accordance with a detailed scheme first submitted to and approved in writing by the Local Planning Authority.
In the interests of highway safety.
6. No development shall take place other than in accordance with the Written Scheme of Investigation for archaeological recording prepared by URS and dated January 2014. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation submitted with the application and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
The site is of archaeology interest.
7. Trees and hedgerows within the site shall be retained unless the prior written consent of the Local Planning Authority is obtained for their removal. The details submitted with the reserved matters shall include a scheme for the protection during construction works of all trees and hedgerows to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. The scheme once approved in writing by the Local Planning Authority shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the preserved tree(s).
8. A detailed scheme of landscaping and tree and shrub planting, taking account of the mitigation proposals identified in section 6.4 of the report "A breeding bird survey of Tunstall Farm, Hartlepool" and in section D4 & D5 of the report "An extended phase 1 and protected species survey of land at Tunstall Farm, Hartlepool", 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

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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. 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

a. human health,

b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

c. adjoining land,

d. groundwaters and surface waters,

e. ecological systems,

f. archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in

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writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with condition 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

In order to ensure that any contamination on the site is addressed.

11. No development shall commence until such time as a scheme for surface water management, including the detailed drainage/SuDS design, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the risk of flooding to the proposed development, surrounding area and future users.
12. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.
In order to prevent pollution.
13. No development shall take place until a scheme for the provision and management of a 5 metre wide buffer zone alongside the watercourse has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The buffer zone scheme shall, unless otherwise agreed, be free from built development including lighting, domestic gardens and formal landscaping. The schemes shall include:
 - a) plans showing the extent and layout of the buffer zone;
 - (b) details of any proposed planting scheme (for example, native species);
 - (c) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan;
 - (d) details of any proposed footpaths, fencing, lighting etc; and
 - (e) where a green roof is proposed for use as mitigation for development in the buffer zone ensure use of appropriate substrate and planting mix.Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.
14. The development hereby permitted shall be carried out in accordance with the plan (QD463-00-06 (Rev C) Site Access Road Layout) and details received at

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the Local Planning Authority on 16th April 2014 as amended by the plan (1N/TUN/SK-10(RevA) Red Line Boundary, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

15. Prior to the commencement of development details of play facilities and public open space to be provided on site (including their/its location, the proposed phasing of provision, means of enclosure, landscaping, design and details of play equipment), shall be submitted to and approved in writing by the Local Planning Authority. The play facilities and public open space shall thereafter be provided in accordance with the details so agreed.
In order to ensure that these details are acceptable and are brought forward at an appropriate time in the interests of providing a sustainable development.
16. The details submitted with the reserved matters shall include details of existing and proposed levels of the site including finished floor levels of the buildings to be erected, sections through the site and adjacent land/buildings and any earth retention measures.
In order to ensure that these details are acceptable in the interests of visual amenity, safety and the amenity of future and adjacent residents.
17. A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.
In the interests of the occupiers of adjacent and nearby premises and highway safety.
18. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
19. No development shall take place until the Local Planning Authority has approved a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or design efficiencies. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment or design efficiency measures shall have been installed.
In the interests of promoting sustainable development.
20. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.
In the interests of highway safety and to ensure a satisfactory form of development.

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21. The details submitted at reserved matters stage shall be in general conformity with the block plan (1N/TUN/SK-20) Block Plan submitted with the application and received at the Local Planning Authority on 25th April 2014.
To enable the Local Planning Authority to satisfactorily control the development.
22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) or other outbuildings shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
23. 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 Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
24. 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 Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
25. The clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.
In order to avoid harm to birds.
26. A scheme for the provision of bat roosting features within buildings and bird and bat boxes throughout the site, including a timetable for provision, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall thereafter be implemented in accordance with the details and timetable so approved.
In the interests of ecology and in accordance with the mitigation and compensation identified in section 6.4 of the report "A breeding bird survey of Tunstall Farm, Hartlepool" and in section D4 & D5 of the report "An extended phase 1 and protected species survey of land at Tunstall Farm, Hartlepool" prepared by E3 Ecology and submitted in support of the application.
27. The trees shown in Figure 5 of the report "An extended phase 1 and protected species survey of land at Tunstall Farm, Hartlepool" prepared by E3 Ecology and submitted in support of the application shall not be removed unless first inspected for their potential to support roosting bats by a suitably qualified ecologist. Any trees that are identified by this inspection as having high potential for roosting bats shall be subject to bat activity surveys prior to any

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felling works being undertaken on them. If bats are found to be present the tree(s) shall not be removed unless a method statement safeguarding the bats is first submitted to agreed in writing by the Local Planning Authority. Any trees that have been identified as having moderate bat roosting potential should be felled according to a suitable method statement to reduce the risk of harm to bats. The method statement shall be submitted to and approved in writing by the Local Planning Authority for approval prior to the felling of the tree(s). Where method statements are agreed works shall be undertaken in accordance with the method statement.

In order to avoid harm to bats.

28. No development shall commence until details of proposed external lighting has been submitted to and approved in writing by the Local Planning Authority prior to its installation. The lighting shall thereafter be installed and retained in accordance with the details so approved unless some variation is otherwise agreed in writing by the Local Planning Authority.

In the interests of Ecology, the amenity of neighbours and public safety.

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POLICY NOTE

The following details a precis of the policies referred to in the main agenda. For the full policies please refer to the relevant document.

ADOPTED HARTLEPOOL LOCAL PLAN 2006

GEP1 (General Environmental Principles) - 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 wedges. 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 (Access for All) - 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 (Crime Prevention by Planning and Design) - 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.

GEP9 (Developer Contribution's) States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

GEP12 (Trees, Hedgerows and Development) States that the Borough Council will seek within development sites, the retention of existing and the planting of additional, trees and hedgerows. Development may be refused if the loss of, or damage to, trees or hedgerows on or adjoining the site will significantly impact on the local environment and its enjoyment by the public. Tree Preservation Orders may be made where there are existing trees worthy of protection, and planning conditions will be imposed to ensure trees and hedgerows are adequately protected during construction. The Borough Council may prosecute if there is damage or destruction of such protected trees.

Hsg5 (Management of Housing Land Supply) - A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility, range

and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

Hsg9 (New Residential Layout – Design and Other Requirements) - 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.

Hsg10 (Residential Extensions) - Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

Tra14 (Access to Development Sites) - Identifies the primary access point to this development.

Tra16 (Car Parking Standards) - The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

Tra20 (Travel Plans) - Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

Rec2 (Provision for Play in New Housing Areas) - Requires that new developments of over 20 family dwellings provide, where practicable, safe and convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

Rec4 (Protection of Outdoor Playing Space) - Seeks to protect existing areas of outdoor playing space and states that loss of such areas will only be acceptable subject to appropriate replacement or where there is an excess or to achieve a better dispersal of playing pitches or where the loss of school playing field land does not prejudice its overall integrity. Where appropriate, developer contributions will be sought to secure replacement or enhancing of such land remaining.

Rec6 (Dual Use of School Facilities) - Seeks the wider community use of school sports and playing field facilities. Developers contributions may be sought in this respect.

GN5 (Tree Planting) - Seeks additional tree and woodland planting in this area through the use of planning conditions and obligations.

HE1 (Protection and Enhancement of Conservation Areas) - States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

HE2 (Environmental Improvements in Conservation Areas) - Encourages environmental improvements to enhance conservation areas.

HE3 (Developments in the Vicinity of Conservation Areas) - States the need for high quality design and materials to be used in developments which would affect the setting of conservation areas and the need to preserve or enhance important views into and out of these areas.

HE8 (Works to Listed Buildings (Including Partial Demolition))

States that traditional materials and sympathetic designs should be used in works to listed buildings and to adjoining or nearby properties affecting the setting of the building. These should be in keeping with the character and special interest of the building. Those internal features and fittings comprising an integral part of the character of the building should be retained where practical. Alterations to part of a listed building will only be approved where the main part of the building is preserved or enhanced and no significant features of interest are lost.

Rur1 (Urban Fence) - States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

Rur7 (Development in the Countryside) - Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements agriculture and forestry and viability of a farm enterprise, proximity to intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

Rur12 (New Housing in the Countryside) - States that isolated new dwellings in the countryside will not be permitted unless essential for the efficient functioning of viable agricultural, forestry, or other approved or established uses in the countryside and subject to appropriate siting, design, scale and materials in relation to the functional requirement and the rural environment. Replacement dwellings will only be permitted where existing accommodation no longer meets modern standards and the scale of the development is

similar to the original. Infrastructure including sewage disposal must be adequate.

Rur18 (Rights of Way) - States that rights of way will be improved to form a network of leisure walkways linking the urban area to sites and areas of interest in the countryside.

MINERALS & WASTE DPD 2011

Policy MWP1: Waste Audits : A waste audit will be required for all major development proposals. The audit should identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The audit should set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

2. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

6. The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

13. The National Planning Policy Framework is a material consideration in determining applications.

14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

17: within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surrounding, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer

land of lesser environmental value, where consistent with other policies in the framework;

- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

34. Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

36. All developments which generate significant amounts of movement should be required to provide a Travel Plan.

37. Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

47. To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery

of the housing strategy over the plan period;

- identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

48. Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

49: Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

50: To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

56: The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

57: It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Planning Policies and decisions should aim to ensure that developments...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

60. Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

61: Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

66: Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

70. To deliver the social, recreational and cultural facilities and services the community needs decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

72. The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.

74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

96: In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.¹⁹ Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- safeguarding land from development that is required for current and future flood management;
- using opportunities offered by new development to reduce the causes and

impacts of flooding; and

- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

131: Viable uses consistent with the conservation, positive contribution to sustainable communities and local character and distinctiveness

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness

132: Great weight should be given to the asset's conservation

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

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

137. LPA's should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals to preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

138. Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

141. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

196: The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the

development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

197: In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

203. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

204. Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

205. Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

206. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

PLANNING COMMITTEE

6 August 2014



Report of: Assistant Director (Regeneration)

Subject: LOW THROSTON HOUSE NETHERBY GATE

1.0 PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council to refuse planning permission for the erection of a temporary siting of chalet at Low Throston House, Hart Lane, Hartlepool. The decision was made by the Planning Committee.
- 1.2 The appeal is to be determined by written representation and authority is therefore requested to contest the appeal.

2.0 RECOMMENDATION

- 2.1 That Members authorise Officers to contest the appeal.

3.0 CONTACT OFFICER

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PLANNING COMMITTEE

6 August 2014



Report of: Assistant Director (Regeneration)

Subject: QUARTERLY UPDATE REPORT FOR PLANNING SERVICES APRIL – JUNE 2014

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 This report is for information.

2. PURPOSE OF REPORT

2.1 To update the Planning Committee on performance and progress across the key areas of Planning Services for the first quarter of 2014.

3. BACKGROUND

3.1 The Planning Service consists of four discrete teams: Development Control, Planning Policy, Landscape Planning and Conservation and Tees Archaeology.

3.2 The Development Control Team focuses on assessing proposals for new development and their impact on their surroundings, particularly in the form of planning applications. The service encourages the use of an advisory service (One Stop Shop) to enable proposals to be considered informally before applications are submitted, helping to improve the quality of development where appropriate. The section is also responsible for monitoring development and, where necessary, implementing enforcement action against unauthorised development, including derelict and untidy buildings and land.

3.3 Planning Policy is responsible for spatial planning policy and sustainable development policy, this includes the preparation, monitoring and review of the statutory Local Development Framework including the Local Plan, which will establish the overarching planning policy framework for the Borough and will eventually replace the adopted Hartlepool Local Plan 2006. The section also provides policy advice in relation to planning applications and guidance on

development activities, including the preparation of development briefs.

- 3.4 Landscape Planning and Conservation provides professional and technical expertise aimed at the conservation, protection and enhancement of the natural and built environment of Hartlepool. This team provides arboricultural and ecology advice and carries out ecology surveys and the inspection and review of Hartlepool's protected tree stock, including the making of Tree Preservation Orders, the processing of High Hedge applications and the surveying of Council owned trees. The section also has wider roles across the Council this includes ensuring that the authority complies with statutory duties such as the Habitats Directive, Wildlife & Countryside Act and NERC (Natural Environment and Rural Communities) Act. The team has recently launched a limited number of financial grants which are available to help property owners repair and restore pre 1919 residential properties in the 8 Conservation Areas. Grants will be considered for up to 50% of the eligible work up to a maximum of £5,000 in any one year.
- 3.5 Tees Archaeology is a shared service between Hartlepool and Stockton Borough Councils based in Sir William Gray House. The section provides the Local Planning Authorities and other relevant organisations with advice on the archaeological implications of planning proposals and maintains and updates a Heritage Environment Record (HER). Government policy requires authorities to hold a record of heritage assets, archaeological and historical sites and other information such as excavations, found objects and documentary sources within its area. It is also involved in a wide range of projects both in Hartlepool, Stockton and the wider region.

4. DEVELOPMENT CONTROL

- 4.1 This quarter 96% of planning applications were approved. This demonstrates the proactive, pro-development nature of the planning service. The applications approved include a reserved matters application for a retail development of some 1230 square metres at Teesbay Retail Park (H/2013/0614), the Ice Dome leisure development at Seaton Carew (H/2013/0435), and housing development at Elizabeth Way Seaton Carew (H/2013/0128). The latter developments will support the further regeneration of Seaton Carew.
- 4.2 In terms of major applications (such as minerals and waste developments, residential developments over 10 dwellings, the creation of floorspace over 1,000 square metres or sites over 1 hectare) which have been received, 100% were determined within the required target date (13 weeks or longer with the applicant's consent). This is well above the national target of 60%.

- 4.3 In terms of minor planning applications (such as residential developments up to 9 dwellings, the creation of floor space less than 1,000 square metres or sites less than 1 hectare) for the quarter, 89% were determined within the 8 week target or longer with the applicants consent. Again well above the national target of 65%.
- 4.4 With regard to other planning applications (such as change of use, householder development, advertisements, notifications etc) for the quarter, 95% were determined within the 8 week target date. Again well above the national target of 80%.
- 4.5 One planning appeal was received during this quarter. Three appeals were determined this quarter. Of the appeals determined two out of three were dismissed, giving a success rate of 66%.
- 4.6 The applications received this quarter have generated a fee income of £176,942 this equates to approximately 18% of the total gross running costs and 47% of the net running costs of the Service.
- 4.7 This quarter 128 informal enquiries (pre-application advice in the form of the 'One Stop Shop') have been received generating a fee income of £5279.70.
- 4.8 Planning Services receives complaints regarding potential planning breaches which are then investigated by the Council's Planning Enforcement Officer and 52 complaints were received this quarter (see **Appendix 1**). A single breach of condition notices was served.

5. PLANNING POLICY

- 5.1 The first stage of the Local Plan, the Issues and Options Document was reported to the Regeneration Committee and permission to undertake an eight week public consultation was endorsed on the 8th May 2014.
- 5.2 A launch event took place at the Historic Quay and was attended by in excess 100 people, who included members, landowners, national and local developers, planning consultants and architects, major local employers, planners from other local authorities, chairs of the parish councillors, residents groups, environmental groups, the youth parliament and other public organisations such as health and the police.
- 5.3 Following the launch further consultation events were held by request and these have included with the following, the Chamber of Commerce, Elwick and Greatham Parish Councils, Hartlepool Health Watch, The Durham Heritage Coast, the Youth Parliament, the Civic Society and The Park and Fens residents groups.

- 5.4 The consultation is due to end on July 18th 2014. All the feedback will be used to inform the Preferred Options Document. The Preferred Options Document, which is currently timetabled to be produced by January 2015, will effectively be the first draft of the actual Local Plan with proposed allocations and strategic policies.
- 5.5 The main evidence base documents that underpin the Local Plan include, the Strategic Land Availability Assessment (SHLAA), Employment Land Review (ELR), The Open Space Assessment and Gypsy and Traveller Accommodation Assessment (GTAA). Other subsequent evidence base work will be carried out once these have been completed covering such issues as flood risk, retail and Infrastructure.
- 5.6 The SHLAA has progressed well. All site visits were completed and the 116 initial assessments were sent to the consultees. This information was collated in a database and was used for the developer workshop which was held at the end of June. Officers are now using the information from the workshop to update the SHLAA. The SHLAA is timetabled for completion in September/October 2014
- 5.7 For the ELR small and major businesses and land owners have been consulted. Out of 170 letters sent out to small businesses, 87 responses were received and this works out to 51.2% and this is a very good response rate. Face to face meetings with 16 major businesses in the town are on schedule to be completed in early July.
- 5.8 Employment site visits were done in mid June and these are yet to be analysed and incorporated into the ELR report. The initial economic forecast results up to the year 2030 using an economic scenario forecast model developed by Oxford are now available. The model used variants such as the GVA, population, employment and jobs by economic sector; migration etc. The model also shows comparative results at regional level and national level. The Oxford economic forecast model results will be analysed and incorporated into the final ELR report.
- 5.9 The ELR Draft report is scheduled to be complete by end of August.
- 5.10 The Council has appointed private consultants to assess the need and demand for Gypsy and Traveller provision. The assessment will identify if there is a current need for an allocated Gypsy site in the Borough and will also illustrate a future need for additional pitches over the next 15 years. The evidence contained in the assessment will be used to guide the preparation of the new Local Plan.
- 5.11 The consultants are expected to report findings in July 2014.
- 5.12 For the Open Space Assessment the work is progressing well and all site surveys are now completed. Mapping is ongoing to map all sites as

precisely as possible; this will enable the size of all sites to be calculated which is important in determining the standards to be set for the different typologies. There was an excellent response to the household survey with slightly over 1100 returned and at the last count approximately 350 school children had filled in an online survey sent to the schools. It is hoped a draft report can be produced for the end of July.

- 5.13 The policy team has been heavily involved in processing of major planning applications. This is primarily regarding providing professional advice to seek and negotiate developer contributions which subsequently involves viability testing, examples include applications at Wynyard Woods and Tunstall Farm.
- 5.14 A regular quarterly monitoring update will be reported on the Local Development Orders (LDO's) for Enterprise Zones as per the monitoring framework agreed as part of the LDOs. There has been one new businesses locating to the Enterprise zones in this quarter and this C & A Pumps who have taken up premises at Queens Meadow business park.

6. LANDSCAPE PLANNING AND CONSERVATION

- 6.1 Consultancy work has continued steadily with the Ecologist carrying out Great Crested Newt surveys for Stockton Borough Council and bat surveys for Thirteen Group. These along with other projects have generated approximately £3,000 income in this quarter. In addition a water vole survey of the borough has been carried out as part of a Local Nature Partnership initiative but also to inform Local Site designation. A main focus has been on planning policy work, including open spaces assessments, advising the rural plan and developing a policy on ecological networks. Work has also commenced on a report to inform the Habitats Regulations Assessment of the emerging Local Plan
- 6.2 Arboricultural Officers continue to survey publicly owned trees in various locations within the town. This quarter areas included Ward Jackson Park, and trees within the town centre and Marina area. These inspections are carried out on a cyclical basis with trees examined to identify any risks they may pose to the public or signs of obvious defects which can then in turn be reported to enable appropriate remedial action to take place.
- 6.3 Conservation projects have included consultation work on the Local List of Heritage Assets inviting nominations of properties, structures and land that are associated with the military and their activities to commemorate the centenary of the beginning of World War One. Working continues with the Economic Development Section, Hartlepool College and neighbouring authorities to develop an apprenticeship

programme focused on Heritage Skills. Whilst the first stage of the project has been confirmed, investigation work is now taking place to source funding to support work on historic buildings by the apprentices for the second part of the project including potential buildings that could be part of the project in Hartlepool.

- 6.4 Alongside this work the team has provided specialist advice and guidance on 44 planning applications in the quarter of this year and processed numerous applications covering works to trees, listed building consent and work to properties in conservation areas.

7. TEES ARCHAEOLOGY

- 7.1 Tees Archaeology was the subject of an Internal Audit at the beginning of 2014. This looked in particular at the partnership arrangement with Stockton Borough Council. The final report concluded that; ***‘Reasonable Assurance can be provided that the risks identified are well controlled’***. The report did however recommend that a ‘Service Level Agreement’ be concluded with the partners and that the service should produce a medium term financial strategy. Stockton Borough Council has agreed in principle to a Service Level Agreement and work is progressing on this, while the financial strategy is to be completed by the end of September 2014
- 7.2 Tees Archaeology has been working with Hartlepool Borough Council Youth Service on a Heritage Lottery funded Young Roots project to explore the archaeology of the First World War in the area. This project comprised four workshops and included visits to the Heugh Gun Battery, the recording of buildings in Hartlepool associated with the First World War and the recording of First World War military graves in Stranton cemetery.
- 7.3 North Yorkshire County Council has asked for an extension to the secondment of the Archaeologist (Planning) to their heritage service in order to provide maternity cover. The current two days a week arrangement will now continue to the end of October instead of finishing at the end of July.

8. EQUALITY AND DIVERSITY CONSIDERATIONS

- 8.1 There are no equality or diversity implications.

9. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 9.1 There are no Section 17 Implications.

10. RECOMMENDATIONS

- 10.1 That the Planning Committee notes the content of the report and the progress made across key areas of the Planning Services Team.

11. BACKGROUND PAPERS

- 11.1 There are no background papers.

12. CONTACT OFFICER

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Breaches of Planning Control Notified Between 1 April 2014 to 30 June 2014

COMPLAINT REF.	DATE LPA REGISTERED THE BREACH	LOCATION	NATURE OF THE CASE
CMP/2014/00042	7 April 2014	Worset Lane	Erection of high side flank close boarded fence sitting on top of existing low boundary wall.
CMP/2014/00043	7 April 2014	Stockton Road	Erection of wall between two properties to the front
CMP/2014/00044	7 April 2014	Bilsdale Road	Erection of outbuildings in the rear garden
CMP/2014/00045	7 April 2014	Complaint Records	Management of waste sites saved emails
CMP/2014/00046	8 April 2014	High Street, Greatham	Marquee erected in car park for wedding fair
CMP/2014/00047	9 April 2014	Lawson Road	Alterations to driveway
CMP/2014/00048	9 April 2014	Sandringham Road	Erection of rear extension
CMP/2014/00049	9 April 2014	Oxford Street	Erection of rear extension
CMP/2014/00050	11 April 2014	Tees Road	Change of use from residential to office use
CMP/2014/00051	11 April 2014	Rectory WaY	Fixing fence panels in the rear garden
CMP/2014/00052	14 April 2014	Burbank Street	Untidy undeveloped site
CMP/2014/00053	14 April 2014	Ivanhoe Crescent	Erection of a rear boundary wall
CMP/2014/00054	23 April 2014	Ashgrove Avenue	Change of use from residential to flats
CMP/2014/00055	23 April 2014	Ashwood Close	Parking of a caravan on the driveway
CMP/2014/00056	24 April 2014	Brenda Road	Displaying advertising boards on land owned by the Council
CMP/2014/00057	25 April 2014	Ventnor Avenue	Outbuilding not built in accordance with approved plan
CMP/2014/00058	25 April 2014	Stockton Road	Replacement dwellinghouse under construction not in accordance with approved plans
CMP/2014/00059	28 April 2014	Purvis Place	Erection of pigeon loft in the rear garden
CMP/2014/00060	1 May 2014	The Front	Amusements/attractions placed on land owned by the Council not operating to a condition linked to the planning approval
CMP/2014/00061	2 May 2014	Whin Meadows	Running a car repair business from home
CMP/2014/00062	7 May 2014	Dalton Piercy Road	Ground works carried out on private land
CMP/2014/00063	12 May 2014	South Crescent	Change of use of a residential property to create two residential units

Breaches of Planning Control Notified Between 1 April 2014 to 30 June 2014

COMPLAINT REF.	DATE LPA REGISTERED THE BREACH	LOCATION	NATURE OF THE CASE
CMP/2014/00064	12 May 2014	Chichester Close	Change of use from residential to drop in centre
CMP/2014/00065	13 May 2014	Park Avenue	Advertisement banners fixed to highway railings in the town
CMP/2014/00066	13 May 2014	Mowbray Road	Placing of tables and chairs on the forecourt
CMP/2014/00067	21 May 2014	Thirlmere Street	Advertisement banners fixed to highway railings in the town
CMP/2914/00068	30 May 2014	Burbank Street	Change of a use from residential property to two self contained flats
CMP/2914/00069	1 June 2014	Bodmin Grove	Untidy residential garden
CMP/2914/00070	6 June 2014	Marshall Grove	Fixing of an advertisement banner on a residential boundary fence
CMP/2914/00071	6 June 2014	King Oswy Drive	Erection of a shed in the rear garden
CMP/2914/00072	9 June 2014	Lithgo Close	Fence gate added to the rear boundary fence
CMP/2914/00073	11 June 2014	Stockton Road	Change of use waiting room to convenience store and siting of steel container
CMP/2914/00074	11 June 2014	York Road	Change of use from doctors surgery to shop
CMP/2914/00075	11 June 2014	Tunstall Gove	Demolition of existing detached garage and erection of replacement garage
CMP/2914/00076	11 June 2014	Park Road	Use of student accommodation as a boarding house
CMP/2914/00077	12 June 2014	Viola Close	Barbed wire fixed to an existing wooden fence on developers land
CMP/2914/00078	13 June 2014	Harvester Close	Erection of low boundary fence to the front on an open plan estate
CMP/2914/00079	13 June 2014	Navigation Point	Tables and chairs placed on disabled parking bays
CMP/2914/00080	13 June 2014	Caistor Drive	Laying of paving on driveway
CMP/2914/00081	13 June 2014	Tweed Walk	Cars parked in connection with a business in communal parking bays
CMP/2914/00082	16 June 2014	Mainsforth Terrace	Fly tipping
CMP/2914/00083	16 June 2014	Haswell Avenue	Company advertisement banner fixed to residential boundary fence

5.1 APPENDIX 1

Breaches of Planning Control Notified Between 1 April 2014 to 30 June 2014

COMPLAINT REF.	DATE LPA REGISTERED THE BREACH	LOCATION	NATURE OF THE CASE
CMP/2914/00084	20 June 2014	Mainsforth Terrace	Erection of two brick buildings
CMP/2914/00085	18 June 2014	Four Winds Court	Erection of sheds and a conservatory
CMP/2914/00086	20 June 2014	Albion Terrace	Holding a bric-a-brac sale in the front garden
CMP/2914/00087	24 June 2014	Stockton Road	Unsecured and untidy vacant members club
CMP/2914/00088	25 June 2014	Hart Lane	Erection of wooden children's play structures
CMP/2914/00089	25 June 2014	Mainsforth Terrace	Unauthorised site for advertising and erection of a hoarding

PLANNING COMMITTEE

6 August 2014



Report of: Assistant Director (Regeneration)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:

1. An investigation has commenced in response to a complaint regarding an advertisement hoarding recently renewed, on Mainsforth Terrace. Checks of the advertisement history for the site revealed a time-limiting restriction on the express consent, by which the consent expired at the end of a period of 5 years from the date of the consent in October 1998.
2. Northumbrian Water Official identified a rear yard, which has been covered over at a takeaway on Elwick Road.
3. An investigation has commenced in response a complaint regarding the running of a chiropractic business from a residential property on Eldon Grove.
4. An investigation has been completed in response to a Councillor's complaints regarding scaffolding linked to an adjacent housing development encroaching on a footpath in a Council cemetery on Tanfield Road. There was no planning breach in this case; the complaint was forward to Council's Transport & Highway Team to action if necessary.
5. An investigation has commenced in response to a complaint regarding decorate shop canopy iron features replaced with wooden imitations on Navigation Point.
6. An investigation has commenced following a report of the Council's Licensing Officer, regarding the placing of tables and chairs on the pavement outside a public house on the Headland.

7. An investigation has commenced following a report of o a complaint regarding a caravan used for residential and business use located within the curtilage of a farm in Newton Bewley.
8. An investigation has commenced arising from monitoring of a temporary planning permission that had expired for the placing of a storage container used in connection with an eco project at a school field on King Oswy Drive.
9. An investigation has commenced in response to a complaint regarding non-compliance with a landscaping condition linked to a planning consent for the erection of extension to the side and rear of a property on Ruswarp Grove.

2. RECOMMENDATION

- 2.1 Members note this report.

3. CONTACT OFFICER

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