

PLEASE NOTE CHANGE OF TIME

PLANNING COMMITTEE AGENDA



Wednesday 3rd September 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 6th August 2014

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director, Regeneration*

- 1 H/2014/0196 Land off Valley Drive, Tunstall Farm (page 1)
- 2 H/2014/0215 Land at Quarry Farm, Elwick Road (page 37)
- 3 H/2014/0163 Meadowcroft, Elwick Road (page 67)
- 4 H/2014/0179 Meadowcroft, Elwick Road (page 95)

4.2 Appeal at land, Ashfield Caravan Park, Ashfield Farm, Hartlepool – *Assistant Director (Regeneration)*



PLEASE NOTE CHANGE OF TIME

5. ITEMS FOR INFORMATION / DISCUSSION

- 5.1 Planning Training for Members – *Assistant Director (Regeneration)*
- 5.2 Appeal at land adjacent to Raby Arms, Front Street, Hart, Hartlepool – *Assistant Director (Regeneration)*
- 5.3 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 Enforcement Notice (paras 5 and 6) – *Assistant Director (Regeneration)*
- 8.2 Tunstall Court, Hartlepool (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 meeting scheduled for Wednesday 1 October at 10.00 am in the Civic Centre, Hartlepool.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

6th August 2014

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

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Stephen Akers-Belcher, Alan Barclay, Keith Dawkins, Marjorie James, Ray Martin-Wells, Robbie Payne and George Springer

Officers: Peter Devlin, Chief Solicitor
Damien Wilson, Assistant Director (Regeneration)
Andrew Carter, Planning Services Manager
Jim Ferguson, Planning Team Leader (DC)
Sylvia Pinkney, Public Protection Manager
Peter Frost, Highways, Traffic and Transport Team Leader
Tom Britcliffe, Principal Planning Officer
Matthew King, Principal Planning Officer
Adrian Hurst, Principal Environmental Health Officer
Helen Heward, Senior Planning Officer
Sinead Turnbull, Senior Planning Officer
Fiona Reeve, Planning Officer
Jane Tindall, Planning Officer
Helen Williams, Planning Officer
Robin Daniels, Archaeology Officer
Kate McCusker, Solicitor
Jo Stubbs, Democratic Services Officer

19. Apologies for Absence

Apologies were submitted by Councillor George Morris who was recovering from a recent back operation. Members asked that their best wishes be sent to Councillor Morris for a speedy recovery.

20. Declarations of interest by members

Councillor Marjorie James declared a non-prejudicial interest in planning application H/2014/0214 Barnard Grove Primary School

Councillor Marjorie James declared a non-prejudicial interest in planning application H/2014/0233 Manor College of Technology

Councillor Ray Martin-Wells dedared a personal, non-prejudicial interest in planning application H/2014/0194 The Woodcutter

Councillor Ray Martin-Wells dedared a prejudicial interest in planning application H/2014/0196 Land off Valley Drive and reserved the right to speak as a Ward Councillor on this issue

Councillor Ray Martin-Wells dedared a personal, non-prejudicial interest in planning application H/2014/0215 Land at Quarry Farm

Councillor Ray Martin-Wells dedared a personal interest in planning application H/2014/0163 Meadowcroft

Councillor Ray Martin-Wells dedared a personal interest in planning application H/2014/0179 Meadowcroft

Councillor Alan Barclay declared a personal interest in planning application H/2014/0233 Manor College of Technology

Councillor Jim Ainslie dedared a personal, non-prejudicial interest in planning application H/2014/0004 Land at the Friarage Manor House

Councillor Stephen Akers-Belcher dedared a non-prejudicial interest in planning application H/2014/0194 The Woodcutter

Councillor Stephen Akers-Belcher dedared a non-prejudicial interest in planning application H/2014/0233 Manor College of Technology

Councillor Robbie Payne dedared a non-prejudicial interest in planning application H/2014/0004 Land at the Friarage Manor House

The Chair declared a prejudicial interest in planning application H/2014/0214 Barnard Grove Primary School and indicated that he would vacate the Chair during consideration of that item

21. Confirmation of the minutes of the meeting held on 9th July 2014

The minutes were approved

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

Number: H/2014/0163

Applicant: Mr & Mrs S Cockrill Elwick Road HARTLEPOOL

Agent: GAP Design Mr Graeme Pearson 7 Hylton Road

HARTLEPOOL

Date received: 18/06/2014

Development: Erection of fourteen unit retirement village, access road, entrance and endosure details

Location: Meadowcroft Elwick Road HARTLEPOOL

Decision: Deferred for site visit

Number: H/2014/0179

Applicant: Mr & Mrs S Cockrill Elwick Road HARTLEPOOL

Agent: GAP Design Mr Graeme Pearson 7 Hylton Road HARTLEPOOL

Date received: 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

Decision: Deferred for site visit

Number: H/2014/0214

Applicant: MS ANNA EVANS 35 GREY COURT STREET LONDON

Agent: ARCHIALNORR MR P SIMPSON 8TH FLOOR PERCY HOUSE PERCY STREET NEWCASTLE UPON TYNE

Date received: 25/06/2014

Development: Erection of replacement school building, associated external works, landscaping and car parking

Location: BARNARD GROVE PRIMARY SCHOOL BARNARD GROVE HARTLEPOOL

The Chair had previously declared a prejudicial interest in this item and withdrew from the meeting during its consideration. Nominations for Chair were sought and received.

Councillor Stephen Akers-Belcher in the Chair

The applicant, Ian Cansfield, addressed the meeting advising that consultation on the plans had been carried out with parents, community groups and the Council's Highways Department. An objector, Mrs Powell, highlighted several concerns including whether the car park would be gated (The Senior Planning Officer confirmed it would be) and whether the school's refuse bins would be located in close proximity to nearby housing (The Senior Planning Officer advised that it was a condition that the school's bins be stored at some distance from properties). Mrs Powell stressed that she did not wish to object to the proposal but wanted to ensure clarity as there were aspects of the developer plan which differed from the plan provided by Stagecoach. The Senior Planning Officer was happy with the plan as submitted to the committee and could not comment on any other plans currently in circulation. Members were being asked to approve the plan as submitted.

Members approved the application unanimously.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 1. 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.

3) 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, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. 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. 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 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 prior to the first use of the proposed new school.

In the interests of highway safety.

18. A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree the routing of all HGV's movements associated with the 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.

The Committee considered representations in relation to this matter.

Councillor Rob Cook in the Chair

Number:	H/2014/0194
Applicant:	Euro Property Management c/o 7 HYLTON ROAD HARTKEPOOL
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

The Applicant, Mr Whitfield, addressed the Committee. He indicated that the proposal to move the crossing had been taken to encourage parents of Kingsley Primary School pupils to use the car park at the recreational ground rather than park on the Woodcutter site. Barriers would also be repositioned for this reason with all costs covered by the developer. However an objector, Mr Vale, felt that moving the crossing would alter the safe route to the school

and severely endanger the pupils as the new route would involve pupils walking across driveways. Existing congestion problems would be increased and problems with parking made worse.

Members were happy to approve the development but were concerned at the proposed new site for the crossing. The Applicant advised that he would be happy to agree any necessary amendments to the development in order that the crossing remain in its current position.

Members noted the proposed green infrastructure contribution of £10,500 to be split equally between the Waverley Terrace Allotment Project, Oxford Road play facility and sports facilities at Brierton Lane. They moved that a resolution be made to consult Ward Councillors on all future Section 106 Agreements as there were other areas they would have preferred to see profit from these contributions. The Chief Solicitor commented that Section 106 agreements were based on negotiations between the Planning Department, developers and interested parties. He would be happy for Ward Councillors to be consulted as part of this process but would have serious reservations about anything more. Any requests by Ward Councillors of this kind could not be included as a planning condition.

Members approved the application unanimously

Decision:	Planning Permission Approved subject to the receipt of an amended plan(s) showing the school crossing retained in its current position and consultation with ward members on the application of the green infrastructure contribution and the following conditions (as amended to allow for the required amended plan(s))
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CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans 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.

5. In the interests of preserving the amenity of residents.
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.

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.

The Committee considered representations in relation to this matter.

Number:	H/2014/0196
Applicant:	Taylor Wimpey UK Ltd North House Wessington Way SUNDERLAND
Agent:	Taylor Wimpey NE Ltd Mr Neil Duffield North House Wessington Way SUNDERLAND

Date received: 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

Officers highlighted that a large number of objections to this development related to drainage concerns and previous flooding on Valley Drive. They noted however that the Environment Agency had identified the cause of this and were confident the problems would not recur. Members queried whether the Environment Agency had been invited to attend. The Planning Team Leader advised that a representative from Northumbrian Water was in attendance and the comments of the Environment Agency on this application were contained within the report. Members also asked whether an Environmental Impact Assessment had been carried out. The Planning Team Leader confirmed that as the proposals only had a local impact this had not been deemed necessary.

A member referred to the surface water management plan document which had been carried out in 2013. In this six options were given for actions which would need to be taken to the area under discussion to alleviate drainage. He queried which of these options had been completed. The Planning Team Leader advised that the HBC engineer was on annual leave and officers present were unable to answer that question at this time. However a flood alleviation scheme had been carried out and none of the statutory agencies had raised any concerns. The member commented that the committee were being asked to make this decision without the full information and when work previously deemed necessary may not have been completed. He noted that the document called for consultation with residents and this did not appear to have taken place. Members concurred with these comments and also questioned the failure of the Environment Agency to attend.

The applicant, John Foster, explained the measures they had taken to improve the drainage issues however the Chair felt officers had provided insufficient information to allow the committee to make a decision. He deferred the item until this information could be provided. A member queried whether the objectors would be given the opportunity to speak on that occasion as the applicant had. The Chair confirmed that he had allowed the applicant to speak in the hopes of clarifying matters.

Decision: Deferred for further consideration of drainage and highway issues

Number: H/2014/0215

Applicant: VILLIERS STREET AGRICULTURAL

Agent: SIGNET PLANNING 26 APEX BUSINESS
VILLAGE ANNITSFORD NEWCASTLE UPON
TYNE

Date received: 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

The Chair deferred this item for the same reasons as the previous application.

Decision: Deferred for further consideration of drainage and
highway issues

Number: H/2014/0233

Applicant: Ms Anna Evans Secretary of State for Education
(Education Funding Agency) c/o Agent

Agent: ArchialNORR Mr Dahel Shields Percy House 8th
Floor Percy Street NEWCASTLE UPON TYNE

Date received: 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

Ward Members highlighted concerns at the proposal that site traffic use Ivanhoe Crescent to access the site as they felt there was a risk to children travelling to and from nearby Grange Primary School. They asked that alternative options for access be considered via Muir Grove. The Senior Planning Officer indicated that Sport England would probably object to this as it might mean vans driving over the school playing fields however a member contended that a corridor could be utilised at the back end of the field and requested that officers engage in discussions with Sport England regarding this possibility. The Chair queried whether objections from Sport England would lead to the automatic failure of the application. The Senior Planning Officer explained that their objection would lead to the application being referred to the Secretary of State for decision. This could consequently lead

to the funding being withdrawn as it was time critical. As members were very much in favour of the application the Assistant Director suggested that members approve the application in principle with a caveat that alternative access routes be explored with the developer and Sport England. He emphasised that there would be no guarantees with this course of action however. Members were happy with this suggestion but disappointed that planning decisions were subject to the recommendations of an unelected quango. A representative from the developer confirmed that they would be happy to meet with ward councillors to discuss the proposals.

Members approved the application unanimously

Decision: Minded to Approve subject to further discussions with the applicant and Sport England regarding the possible use of Muir Crescent for construction access traffic if it can be accommodated, final decision delegated to the Planning Services Manager and the following conditions

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the 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.
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
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.

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.

17. A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development, 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.

The Committee considered representations in relation to this matter.

Councillor Ray Martin-Wells left the meeting

Number: H/2014/0003

Applicant: Vela Group Mrs Louise Nicholson Stranton
HARTLEPOOL

Agent: DKS Architects Mr Mark Barlow The Design Studio
22 Ellerbeck Court Stokesley Business Park
MIDDLESBROUGH

Date received: 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

Members queried whether a sprinkler system would be installed in the apartments. The agent, Joe Crinion, confirmed that this request could be accommodated. He described the application as a tremendous opportunity to bring the Friarage back into use. The Civic Society and English Heritage were both supportive of the development which would be supported by an archaeological advisor at all stages. An objector, Mrs Empson, acknowledged that redevelopment was inevitable but felt that the proposal would not preserve the house in keeping with the character of the area. She felt an opportunity to develop the site as a tourist attraction had been missed.

The Chair of Headland Parish Council advised that attempts had been made over the years to bring the House back into use, including as a museum, heritage centre and visitor centre. Ten feasibility studies had been carried out but no developer had shown an interest unless the land around the Manor House was included as part of the deal. If members turned down this

proposal it was unlikely that another developer would come forward. He urged his fellow committee members to support the application. A member commented that objectors often had their own ideas for development but without the funding to make them a reality

Members approved the application by a majority vote

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby 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.

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.

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.

The Committee considered representations in relation to this matter.

Number:	H/2014/0004
Applicant:	VELA GROUP MRS LOUISE NICHOLSON STRANTON HARTLEPOOL
Agent:	DKS ARCHITECTS MR MARK BARLOW THE DESIGN STUDIO 22 ELLERBECK COURT STOKESLEY BUSINESS PARK
Date received:	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
Decision:	Listed Building Consent Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.

2. The development hereby 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

The Committee considered representations in relation to this matter.

Number:	H/2014/0117
Applicant:	Mr John Musgrave Coal Lane Elwick HARTLEPOOL
Agent:	Steve Hesmondhalgh & Associates LLP Mr Jonathan Saddington Bishops Bam Boroughbridge Road Bishop Monkton HARROGATE
Date received:	12/03/2014
Development:	Outline application for the erection of an agricultural workers dwelling
Location:	Pawton Hill Farm Coal Lane Elwick HARTLEPOOL

The agent, Steve Hesmondhalgh, spoke in favour of the application saying it was rare to see the younger generation wanting to continue in the farming industry so this should be encouraged. An agricultural expert had identified the potential for considerable expansion of the site and the business remained strong and viable.

Members spoke in favour of the application while others spoke against.

The application was refused using the Chair's casting vote.

Decision: Planning Permission Refused

REASONS FOR REFUSAL

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.

The Committee considered representations in relation to this matter.

Number:	H/2014/0226
Applicant:	Secretary Of State For Education (EFA) Ms Anna Evans 35 Grey Court Street LONDON
Agent:	Archialnorr Mr Phil Simpson Percy House 8th Floor Percy Street NEWCASTLE UPON TYNE
Date received:	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

Members approved the application

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans 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. Prior to the first use of the new school a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement shall be 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. 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.

17. A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree the routing of all HGV's movements associated with the 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.

23. Low Throston House, Netherby Gate (*Assistant Director (Regeneration)*)

Members were informed that an appeal had been submitted against the decision of the Council to refuse planning permission for the erection of a temporary siting of a chalet at Low Throston House, Hart Lane, Hartlepool. The appeal was to be determined by written representation and authority was requested to contest the appeal.

Decision

That authority be given to officers to contest the appeal

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

Members were given an update on performance and progress across the key areas of Planning Services for the first quarter of 2014/2015. This showed 100% of major applications had been determined within their target date (national target of 60%), 89% of minor applications (national target of 65%) and 95% of other applications (national target of 80%). Over £176,000 had

been generated in fee income from applications for the quarter with a further £5,000 coming from enquiries to the One Stop Shop for the year to date.

52 complaints regarding potential planning breaches had been received and were currently being investigated by the Planning Enforcement Officer. Details were included in an appendix to the report.

Updates on Planning Policy, Landscape Planning and Conservation and Tees Archaeology were also included within the report.

Decision

That the report be noted

25. Update on Current Complaints *(Assistant Director (Regeneration))*

Nine issues currently under investigation were reported to the committee. The Chair asked that members contact planning officers direct for any further information

Decision

That the report be noted

26. Local Government (Access to Information) (Variation Order) 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved 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.

Minute 27 – (180 York Road) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment

27. 180 York Road *(Assistant Director (Regeneration))* This item contains exempt information under Schedule 12A Local Government Act 1972 as

amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment

Authorisation was sought from members to issue a Breach of Condition Notice. Further details are provided in the exempt minutes.

Decision

Details given in the exempt minutes

28. Any Other Items which the Chairman Considers are Urgent

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

The Chair referred to the recommendations of the recent planning peer challenge review, specifically the need to develop better relationships between officers and councillors and the need to provide ongoing training. He noted that a planning training session had been held the previous week and less than half of the committee had attended, something which concerned him. As a result of this he proposed a resolution that all planning training be made compulsory for Planning Committee members and that this be included in the Planning Code of Conduct within the constitution. Members felt that such a blanket approach might not work in practice as they might not always be able to attend such events, however the Chief Solicitor confirmed that 1-1 training would be made available to members in these cases. A member felt that making training mandatory was unreasonable and would discourage people from putting their name forward for Planning Committee. The Chair advised that a list of future planning training dates would be provided at the next meetings and asked officers to bring a report on this issue for further discussion.

The meeting concluded at 13:55pm.

CHAIR

No: 1

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

1.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council (HBC) 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 This application was considered at the Planning Committee of 6th August 2014 when it was deferred as members raised concerns in relation to drainage and highway issues.

1.3 In relation to drainage issues members were concerned as to whether the cumulative impacts of this development, the development at Quarry Farm (H/2014/0215) also on this agenda, and approved development at Brierton School (H/2013/0311) had been considered. A Member also produce a copy of a report, the HBC Surface Water Management Plan (2013) (SWMP) and asked in particular whether the six options for the management of flood risk in West Park had been actioned and if not whether the implications had been considered.

1.4 In respect to the drainage issues HBC Engineering Consultancy have advised that their comments, of no objections, stand even when the application is considered with the other applications. In relation to the SWMP and the options presented for the future management of flood risk, the Engineers have confirmed that Option 1 (Improved Watercourse Maintenance) is an ongoing requirement and regular inspection and maintenance is carried out by HBC and the Environment Agency, Option 3 (Management of Overland Flow Paths) and 4 (Local Resilience) are currently being investigated and Option 2 (Improved Capacity of Attenuation Tanks) was looked into by Northumbrian Water to identify the design capacity of the tanks. Options 5 (Installation of additional Gullies) and 6 (Separation of Surface Water Network) are yet to be investigated. They have confirmed in any case that these matters are not relevant to this application as the surface water is to discharge into the Summerhill Drain, thus reducing demand on the Valley Drive/ West Park area. Northumbrian Water have confirmed that they have no concerns regarding this

proposal along with the other applications and that from their perspective, there is no cumulative impact from the school development in relation to Tunstall Farm/Quarry Farm as the systems are separate and drainage flows into a different system and direction.

1.5 In relation to highway issues members were concerned as to whether the cumulative impact of the development and development at Quarry Farm (H/2014/0215) also on this agenda, and approved development at Brierton School (H/2013/0311) had been considered. HBC Traffic & Transportation have confirmed that the cumulative impact of the developments is satisfactory.

1.6 Any further information received on these matters will be subject of a verbal update at committee.

1.7 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.

1.8 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.

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

PROPOSAL AND SITE CONTEXT

1.10 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.

1.11 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.

1.12 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

1.13 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

1.14 The application has been advertised by site notice, neighbour notification and in the press. The time period for representations has expired. Some 171 letters of objection have been received.

1.15 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. Drives are blocked. Road Safety risks. 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 taxpayers 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.
 - One objector has confused the application with the proposals at High Tunstall Farm and raises concerns regarding that development.
- 1.16 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 Conisdiffe Road which would impact on already dangerous traffic situation at West Park School.

1.17 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.

1.18 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.

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CONSULTATIONS

1.19 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

1.20 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

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

1.22 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 and 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

1.23 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)

1.24 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

1.25 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

1.26 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.

1.27 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.

1.28 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.”*

1.29 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.

1.30 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

1.31 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.

1.32 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.

1.33 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.

1.34 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.

1.35 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.

1.36 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 anticipates 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.

1.37 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.

1.38 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.

1.39 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.

1.40 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

1.41 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.

1.42 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

1.43 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.

1.44 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 evidenced 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.

1.45 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).

1.46 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.

1.47 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.

1.48 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.

1.49 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

1.50 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.

1.51 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.

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

TREES

1.53 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.

1.54 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

1.55 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.

1.56 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

1.57 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.

1.58 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.

1.59 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.

1.60 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.

1.61 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

1.62 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)

1.63 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.

1.64 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.

1.65 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

1.66 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

1.67 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

1.68 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

1.69 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.

1.70 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.

1.71 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.

1.72 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

1.73 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

1.74 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.

1.75 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/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.

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.
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 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 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 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.
 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 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.
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.

29. The clearance of any vegetation, including trees, hedgerows and arable land, 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.
30. A scheme for the provision of 30 bat roosting features, bat bricks or other feature as may be agreed in writing by the Local Planning Authority, 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.
31. 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 and public safety.

BACKGROUND PAPERS

1.76 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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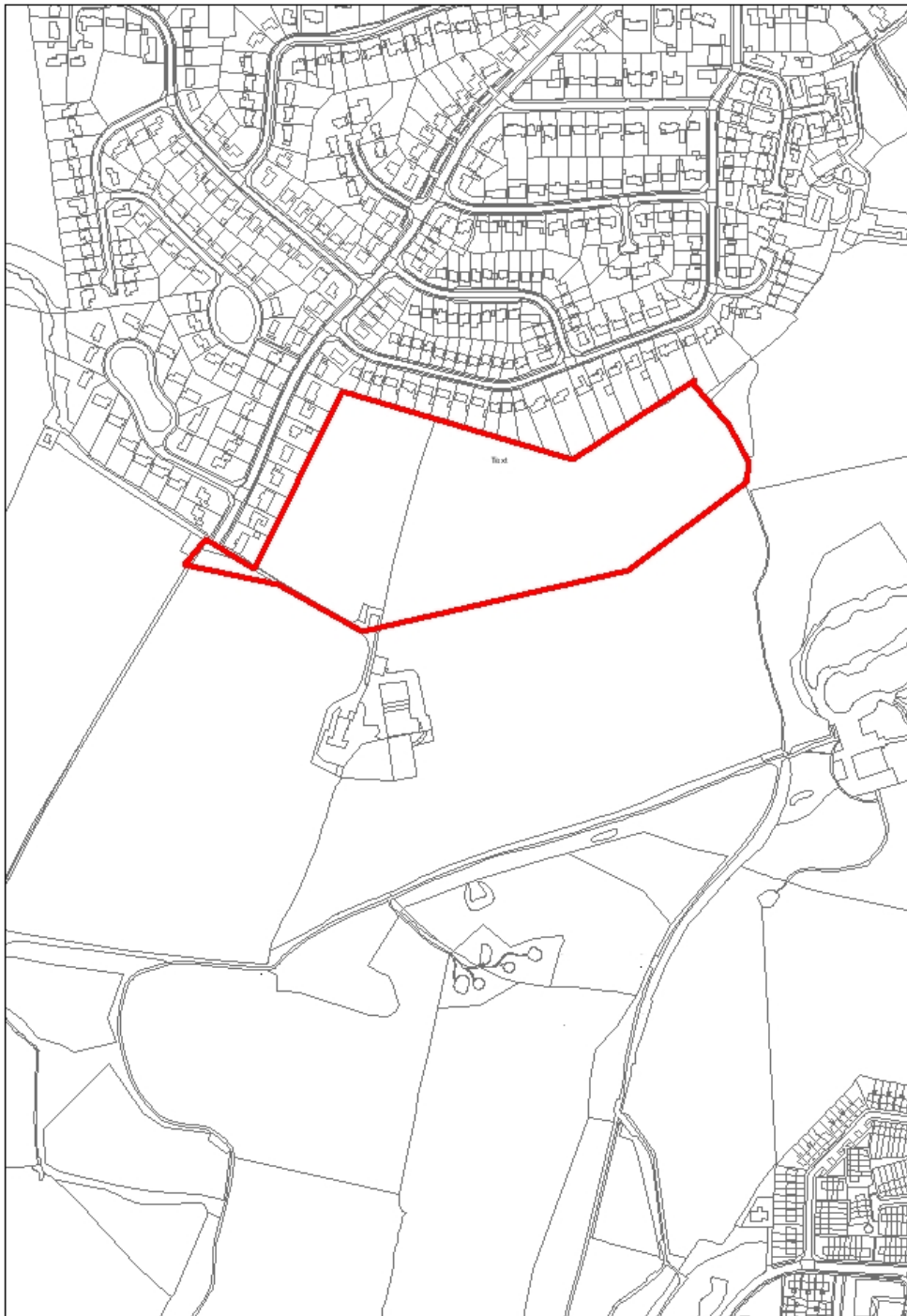
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LAND OFF VALLEY DRIVE



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: 2
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

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 This application was considered at the Planning Committee of 6th August 2014 when it was deferred as members raised concerns in relation to drainage and highway issues.

2.3 In relation to drainage issues members were concerned as to whether the cumulative impacts of this development, the development at Tunstall Farm (H/2014/0196) also on this agenda, and approved development at Brierton School (H/2013/0311) had been considered. A Member also produce a copy of a report, the HBC Surface Water Management Plan (2013) (SWMP) and asked in particular whether the six options for the management of flood risk in West Park had been actioned and if not whether the implications had been considered.

2.4 In respect to the drainage issues HBC Engineering Consultancy have advised that their comments, of no objections, stand even when the application is considered with the other applications. In relation to the SWMP and the options presented for the future management of flood risk, the Engineers have confirmed that Option 1 (Improved Watercourse Maintenance) is an ongoing requirement and regular inspection and maintenance is carried out by HBC and the Environment Agency, Option 3 (Management of Overland Flow Paths) and 4 (Local Resilience) are currently being investigated and Option 2 (Improved Capacity of Attenuation Tanks) was looked into by Northumbrian Water to identify the design capacity of the tanks. Options 5 (Installation of additional Gullies) and 6 (Separation of Surface Water Network) are yet to be investigated. They have confirmed in any case that these matters are not relevant to this application as the surface water is to discharge into the mains drains. Northumbrian Water have confirmed that they have no concerns regarding this proposal along with the other applications and that from their perspective, there is no cumulative impact from the school development in relation to

Tunstall Farm/Quarry Farm as the systems are separate and drainage flows into a different system and direction.

2.5 In relation to highway issues members were concerned as to whether the cumulative impact of the development and development at Tunstall Farm, (H/2014/0196) also on this agenda, and approved development at Brierton School (H/2013/0311) had been considered. HBC Traffic & Transportation have confirmed that the cumulative impact of the developments is satisfactory.

2.6 Any further information received on these matters will be subject of a verbal update at committee.

2.7 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 up to 100 dwellings.

PROPOSAL

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

2.9 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.

2.10 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.

2.11 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.

2.12 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

2.13 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.

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

2.15 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

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

2.17 8 representations were received advising that they did not wish to object.

2.18 224 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

2.19 Copy letters **C**

CONSULTATIONS

2.20 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.

Additional comments

With regards to the Brierton School application, we have no concerns regarding this proposal along with the other applications. From our perspective, there is no cumulative impact from the school development in relation to Tunstall Farm/Quarry Farm as the systems are separate and drainage flows into a different system and direction.

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.

HBC Community Safety and Engagement Team: I have checked anti-social behaviour levels reported to Cleveland Police for the time period 1st April 2012 – 31st July 2014 (inclusive) for the research boundary depicted in the attached map.

Anti-social behaviour incident types researched includes all recorded police incidents that have been closed with any of the following incident closure codes; AS21 Anti-social Behaviour – Personal, AS22 Anti-social Behaviour – Nuisance or AS23 Anti-social Behaviour – Environmental, as per the National Standard for Incident Recording (NSIR). Definitions of these anti-social behaviours codes can be found in the attached document.

I can confirm that during the 28 month time period, April 2012 to July 2014. eight incidents of anti-social behaviour have been reported to Cleveland Police, accounting for 1% of the total number of anti-social behaviour incidents reported in the Rural West ward.

Incident Date	Anti-social Behaviour Incident Category
Jul-12	ANTI-SOCIAL BEHAVIOUR - PERSONAL
Oct-12	ANTI-SOCIAL BEHAVIOUR - PERSONAL
Oct-12	ANTI-SOCIAL BEHAVIOUR - PERSONAL
Nov-12	ANTI-SOCIAL BEHAVIOUR - PERSONAL

Nov-12	ANTI-SOCIAL BEHAVIOUR - NUISANCE
Apr-13	ANTI-SOCIAL BEHAVIOUR - NUISANCE
Jun-14	ANTI-SOCIAL BEHAVIOUR - NUISANCE
Jul-14	ANTI-SOCIAL BEHAVIOUR - NUISANCE

All recorded incidents were linked to youth related anti-social behaviour, with most recent incidents recorded in June & July 2014 relating to the misuse of the wooded area located to the rear of Naisberry Park.

This information can be made public as no personal details or addresses are included.

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 gully 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 elliotconsultancy 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.

Additional comments

I can confirm that Brierton School site was not specifically included in the TA.

It was considered this would have a minimal impact on this junction and that this small increase would be addressed through general growth in traffic built into the model up to the year 2019.

The Tunstall Farm site is not a committed development and was not included in the Quarry Farm Development and vice versa, therefore no cumulative impact has been assessed, however the traffic growth factors included in the transport modelling would take into account these developments.

We are therefore happy that the proposed £100,000 contribution towards highway improvements would mitigate against any cumulative impact.

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.

Additional Comments

I can confirm that the options raised on the SWMP for the West Park area still being progressed however the application submitted states that NWL will be accepting the surface water drainage on this site so it will be for them to confirm allowable discharge rates during the detailed design process.

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 reinforce our infrastructure. We have no objection to this development.

PLANNING POLICY

Local Policy

2.21 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

2.22 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

2.23 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

2.24 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.

2.25 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.

2.26 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.

2.27 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.

2.28 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

2.29 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.

2.30 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

2.31 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.

2.32 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.

2.33 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.

2.34 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.

2.35 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.

2.36 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.

2.37 With regard to the cumulative impact of the development The Councils Traffic and Transport section have confirmed that Brierton School site was not specifically included in the submitted TA. However 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. The Tunstall Farm site is not a committed development and was not included in the Quarry Farm Development and vice versa, therefore no cumulative impact has been assessed in this regard. However the traffic growth factors included in the transport modelling would take into account these developments.

2.38 Therefore the councils Traffic and Transport section is satisfied that the junction analysis is robust and that no mitigation is required on the junctions analysed. It is considered this would have a minimal impact on this junction and that this small increase would be addressed through general growth in traffic built into the model up to the year 2019.

2.39 Therefore subject to the required developer contribution towards highway improvements being secured through a section 106 agreement the Council's traffic and transport section consider that the proposed £100,000 contribution towards highway improvements would mitigate against any cumulative impact. It is not considered that the proposal will result in an adverse impact upon highway safety.

VISUAL AMENITY/ CHARACTER OF THE AREA

2.40 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.

2.41 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.

2.42 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.

2.43 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 open space.

2.44 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

2.45 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.

2.46 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.

2.47 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.

2.48 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.

DRAINAGE/FLOOD RISK

2.49 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.

2.50 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.

2.51 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.

2.52 In response to committee members concerns raised at the previous committee meeting (6th August 2014) The Council's engineers have confirmed that the options raised in the Surface Water Management Plan for the West Park area are still being progressed. However the application submitted states that Northumbrian Water will be accepting the surface water drainage on this site therefore it will be for them to confirm allowable discharge rates during the detailed design process. As previously discussed this is a matter which is subject to a condition.

2.53 However following the previous committee Northumbrian Water also submitted further comments with regard to the cumulative impact of the development (including the Brierton School application). Northumbrian Water have confirmed that they have no concerns regarding this proposal along with the other applications. It is considered that there is no cumulative impact from the school development in relation to Tunstall Farm/Quarry Farm as the systems are separate and drainage flows into a different system and direction.

Archaeology

2.54 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.

2.55 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

2.56 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

2.57 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

2.58 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

2.59 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

2.60 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.

2.61 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 exiting and/or future residents. If play facilities cannot be suitably provided on site then a contribution of £250 per dwelling would be required.

2.62 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

2.63 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 entitle `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

2.64 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.

2.65 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

2.66 Concerns are raised by objectors with regard to crime and anti social behavior. 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 measures are put in place where appropriate. Objectors have stated that the intensification of informal footpaths would increase anti-social behavior in the area. HBC Neighbourhood Safety Unit have been consulted on the proposed development. They have confirmed that no reports of anti-social behavior have been received. However the police have confirmed that there have been 8 records of anti-social behavior complaints in the last 14 months which equates to 1% of complaints within the rural west area. This is considered to be minimal furthermore it is considered that formalization of the footpaths will allow for additional natural surveillance .

2.67 Therefore 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 by the police.

2.68 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

2.69 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

2.70 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.72 There are no Section 17 implications.

REASON FOR DECISION

2.73 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 pedestrian access and internal highway layout 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 segregated right turning lane into the site shall be provided in accordance with plan number ITM9189-SK-001 and details within the Transport Assessment. 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 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

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 impervious 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 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs 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

2.73 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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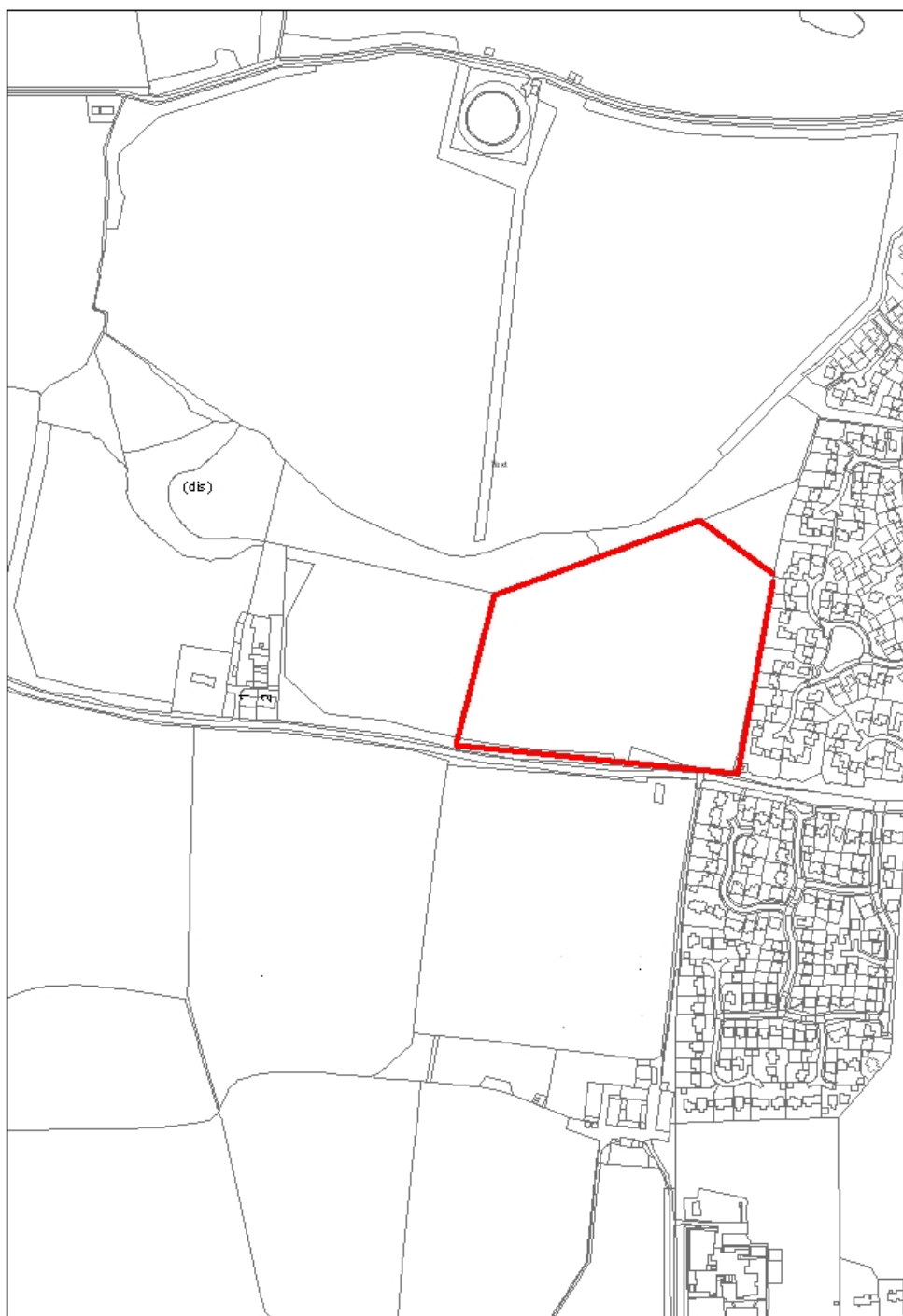
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LAND AT QUARRY FARM



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: 3
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

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 The application was deferred at the last committee meeting to allow members to undertake a site visit

3.3 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.

3.4 (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.

3.5 (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”*.

3.6 (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.

3.7 (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

3.8 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;

3.9 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)

3.10 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.*

3.11 The applicant subsequently appealed and the appeal was dismissed.

3.12 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.

3.13 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).

3.14 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).

3.15 In October 2012 an application for the erection of two dwellinghouses (H/2012/0354) was approved by Planning Committee against Officer recommendation.

3.16 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.

3.17 These residential properties (known as Summerhill view and Fentons) are now completed and occupied.

PROPOSAL

3.18 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.

3.19 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.

3.20 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.

3.21 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.

3.22 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 provided accommodation for the over 55s which there is an identified need for in the borough.

SITE CONTEXT

3.23 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 Meadowsides are Grade II listed buildings. The site is also located within Park Conservation area which was designated in 1979.

3.24 There are a number of mature trees within, and surrounding, the site and the proposed access passes through an area of woodland.

3.25 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

3.26 The application has been advertised by way of neighbour letters (19). To date, there have been 10 objections.

3.27 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 tranquillity 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.

3.28 Two submissions of support have also been received on the grounds that the facility is required to serve the town.

Copy Letters **G**

CONSULTATIONS

3.29 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 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 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

3.30 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

3.31 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

3.32 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

3.33 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

3.34 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.

3.35 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.

3.36 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.

3.37 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.”*

3.38 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.

3.39 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

3.40 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).

3.41 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.

3.42 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’.

3.43 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.’

3.44 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.’

3.45 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.’

3.46 A number of applications have been made over the years on this site and an adjacent site.

3.47 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.'

3.48 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.'

3.49 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.'

3.50 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.'

3.51 An earlier appeal on the site to the rear of Meadowcroft for three dwellings follows much the same line.

3.52 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.'

3.53 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.

3.54 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.

3.55 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.

3.56 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.'

3.57 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.'

3.58 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.

3.59 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.

3.60 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.

3.61 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.

3.62 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.'

3.63 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.

3.64 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.

3.65 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.'*

3.66 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.'*

3.67 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.'

3.68 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 ham its historic layout character.*

3.69 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.

3.70 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.

3.71 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.

3.72 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.

3.73 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

3.74 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.

3.75 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.

3.76 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.

3.77 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.

3.78 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.

3.79 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.

3.80 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.

3.81 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

3.82 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.

3.83 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.

3.84 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.

3.85 The Council's public protection section were consulted and have raised no objections to the proposed development

Access and Highway Safety

3.86 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.

3.87 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.

3.88 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.

3.89 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.

3.90 The developer has provided 2 parking spaces per property. This is considered to be an acceptable level of parking to serve the proposed development.

3.91 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.

3.92 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

3.93 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.

3.94 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

3.95 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

3.96 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

3.97 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

3.98 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

3.99 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

3.100 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.

3.101 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.

3.102 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.

3.103 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.

3.104 The agent has confirmed that the above requirements would be acceptable should the application have been recommended for approval.

Residual Matters

3.105 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.

3.106 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.

3.107 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

3.108 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.

3.109 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

3.110 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.111 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.

3.112 There are no Section 17 implications.

REASON FOR DECISION

3.113 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

3.114 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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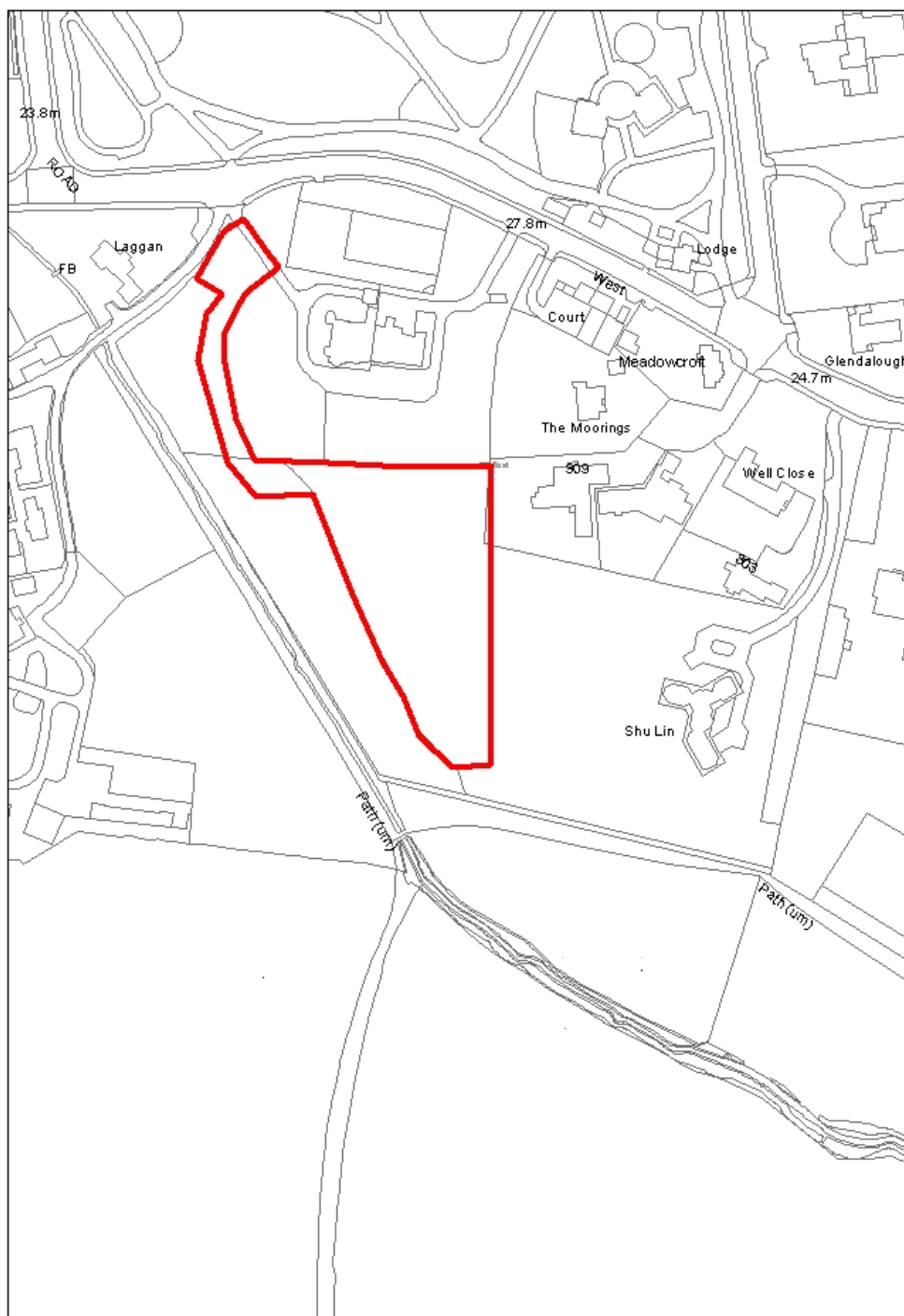
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MEADOWCROFT, ELWICK ROAD



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: 4
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

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 The application was deferred at the last planning committee meeting to allow a member site visit to be undertaken.

4.3 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.

4.4 (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.

4.5 (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”*.

4.6 (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.

4.7 (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

4.8 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

4.9 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).

4.10 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.*

4.11 The applicant subsequently appealed and the appeal was dismissed.

4.12 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.

4.13 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).

4.14 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).

4.15 In October 2012 an application for the erection of two dwellinghouses (H/2012/0354) was approved by Planning Committee against Officer recommendation.

4.16 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.

4.17 These residential properties (known as Summerhill view and Fentons) are now completed and occupied.

PROPOSAL

4.18 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.

4.19 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.

4.20 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.

4.21 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.

4.22 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 provided accommodation for the over 55s which there is an identified need for in the borough.

SITE CONTEXT

4.23 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.

4.24 There are a number of mature trees within, and surrounding, the site and the proposed access passes through an area of woodland.

4.25 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

4.26 The application has been advertised by way of neighbour letters (19). To date, there have been 5 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 tranquillity 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.

4.27 Ten letters of support have been received on the grounds that the proposal will provide a facilities which is needed to serve the town.

4.28 Copy Letters **H**

CONSULTATIONS

4.29 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 ham 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 ham 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

4.30 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

4.31 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

4.32 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

4.33 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.

4.34 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).

4.35 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.

4.36 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'.

4.37 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.'

4.38 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.'

4.39 A number of applications have been made over the years on this site and an adjacent site.

4.40 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.'

4.41 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.'

4.42 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.'

4.43 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.'

4.44 An earlier appeal on the site to the rear of Meadowcroft for three dwellings follows much the same line.

4.45 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.'

4.46 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.

4.47 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.

4.48 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.

4.49 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.'*

4.50 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.'

4.51 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.'

4.52 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.

4.53 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.

4.54 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.

4.55 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.

4.56 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.'

4.57 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.

4.58 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.

4.59 The Victorian Society have also objected to the proposed development on the grounds as it would harm the setting of the listed building.

4.60 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

4.61 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.

4.62 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

4.63 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.

4.64 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

4.65 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.66 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.

4.67 There are no Section 17 implications.

REASON FOR DECISION

4.68 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

4.69 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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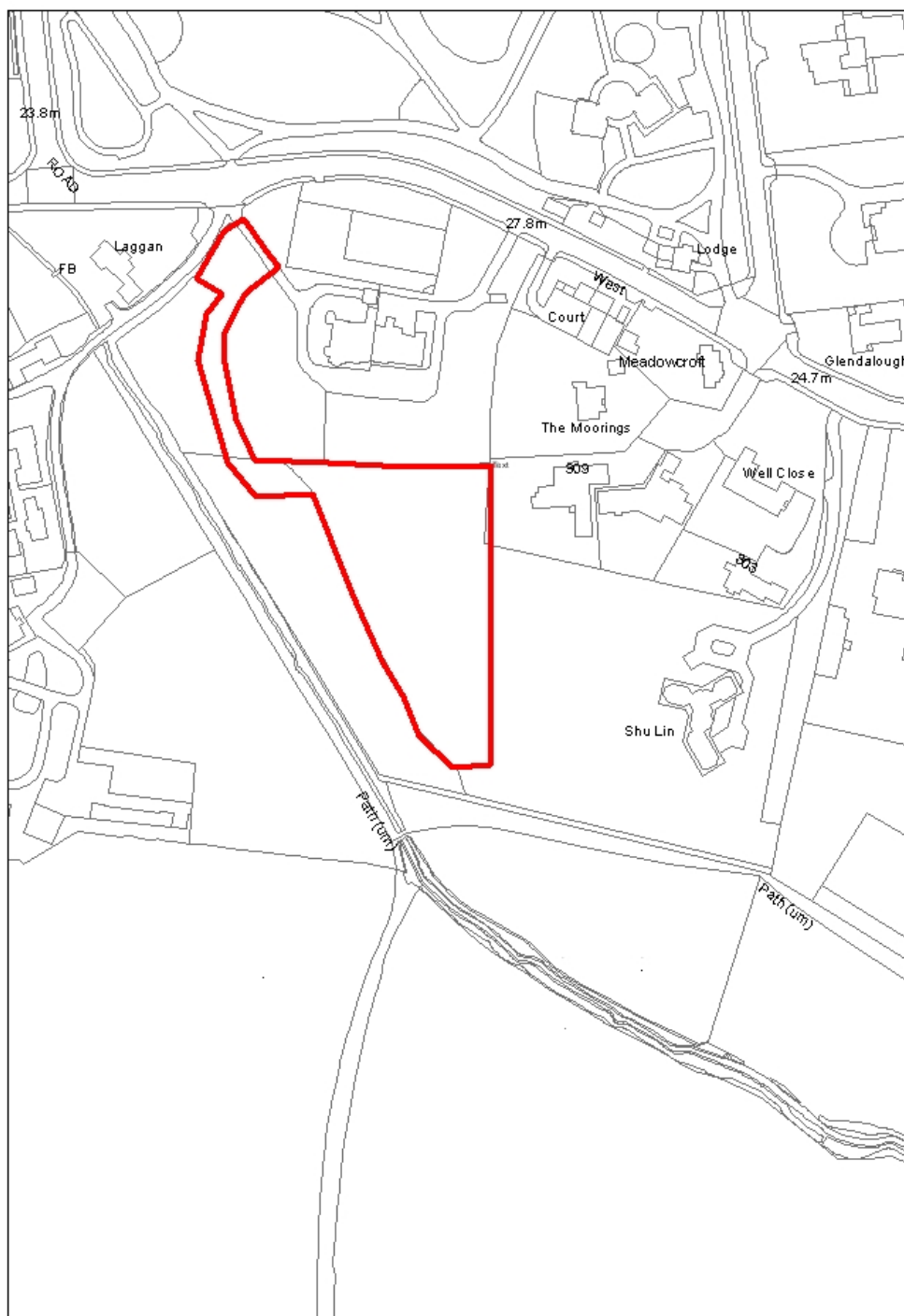
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MEADOWCROFT, ELWICK ROAD



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
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 Department of Regeneration and Planning

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Scale: 1:2000
Date : 14/07/14
H/2014/0179/H/2014/0163

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.

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.

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.

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.

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.

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 food 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.

109. The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- 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;

- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and

- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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

3 September 2014



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT LAND ASHFIELD CARAVAN PARK,
ASHFIELD FARM, HARTLEPOOL – APPEAL REF:
APP/H0724/A/14/2222416 – ERECTION OF A
DETACHED DWELLINGHOUSE (RESUBMITTED
APPLICATION)

1. 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 detached dwelling house at Ashfield Caravan Park, Ashfield Farm, Dalton Piercy. The decision was made by the Planning Services Manager in consultation with the Chair of the Planning Committee. A copy of the report is attached.

2.0 RECOMMENDATION

- 2.1 That Members authorise Officers to contest the appeal.

3.0 CONTACT OFFICER

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DELEGATED REPORT

Application No H/2014/0145

Proposal Erection of a detached dwellinghouse (resubmitted application)

Location Ashfield Fam Dalton Piercy HARTLEPOOL

PS Code: 13

DELEGATION ISSUES	Neighbour letters:	19/05/2014
1) Publicity Expiry	Site notice:	29/05/2014
	Advert:	N/a
	Weekly list:	N/a
	Expiry date:	09/06/2014
2) Publicity/Consultations The development has been advertised by way of 8 neighbour letters and a site notice no objections have been received. HBC Economic Development: No comments offered HBC Engineering Consultancy: No comments offered HBC Landscape: No objections HBC Public Protection: No objections HBC Building Consultancy: No comments offered Environment Agency: Object to the proposal Northumbrian Water: No comments to make The Ramblers Association: No comments to make Tees Archaeology: No objections Dalton Parish Council: No objections		
3) Neighbour letters needed	N	
4) Parish letter needed	Y	

5) Policy

Planning Policy

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 14: Presumption in favour of sustainable development

PARA 55: Sustainable development in rural areas

PARA 56: Requiring Good Design

PARA 196: Primacy of the Development Plan

PARA 197: Presumption in favour of sustainable development.

Relevant Planning Policies

GEP1: General Environmental Principles

Rur7: Development in the Countryside

6) Planning Consideration

Background

H/2012/0200 Erection of a detached dwelling – Approved 14/09/2012

H/2011/0650 Variation of planning conditions to allow extension of operational period from ten months to twelve months per year – Approved 10/04/2012

H/2011/0295 Erection of a detached dwelling house - Withdrawn

H/2010/0625 Erection of a single storey extension to clubhouse and variation of

condition on approved application H/2008/0558 to allow the consumption of food and drink on land surrounding the clubhouse – Approved 22/12/2010.

H/2009/0279 Change of use of sheep paddock to provide storage for touring caravans, provision of residential caravan to provide security to storage site and the adjacent caravan park – Approved 26/01/2010

H/2009/0239 Change of use to provide storage for touring caravans and siting of residential caravan for Manager to provide site security – Not determined.

H/2008/0558 Variation of planning conditions to allow opening of caravan and camping park and clubhouse between 1st April and 31st January and removal of condition to provide an acoustic fence – Approved 05/03/2009

H/2008/0507 Variation of planning condition to allow opening of caravan and camping park and clubhouse between 1st April and 31st January inclusive – Withdrawn

H/2007/0244 Variation of the original approval (H/2006/0333) to provide licensed clubhouse to the caravan site – Refused 14/08/2007, Appeal allowed 13/12/2007

H/2006/0333 Provision of a touring caravan and campsite with associated facilities - Approved 08/08/2006

The Site

The application site is located within Ashfield Caravan Park in a paddock currently utilised for caravan storage. Ashfield Caravan Park is located approximately 1km to the north east of Dalton Piercy. The caravan park is considered to be situated in a relatively isolated rural location.

The site is accessed from Dalton Piercy Road via a track some 300m in length.

The Proposal

Planning permission is sought for the erection of a detached dwellinghouse at Ashfield Caravan Park for a permanent worker.

Planning permission was previously granted for a detached dwelling house (H/2012/0200) 14/09/2012. This permission is currently extant. When measured externally the approved dwelling has a gross floor area of approximately 238sqm. The proposed dwelling when measured externally has a gross floor area 268sqm representing a proposed increase of 30sqm. The proposed application also seeks to remove the approved double integral garage. The height of the proposed dwelling has been increased from 7.7m to 9.7m.

The approved dwelling was amended prior to its approval to reduce its scale following concerns raised by Officer's.

As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The main considerations in regard to this application are the principle of the development, the impacts of the proposal on visual amenity and neighbour amenity, drainage and highways.

Principle of the development

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

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.

National and Local Plan policy generally does not support the provision of isolated new dwellings in the open countryside unless it can be demonstrated that they are essential for the efficient functioning of agricultural, forestry or other approved or established uses in the countryside, the enterprise to which they are required is economically viable and they are of a size commensurate with the established functional requirement and the siting, design, scale and materials used will not be significantly detrimental to the rural environment.

A dwelling has previously been approved on the site by virtue of planning permission H/2012/0200, this is an extant permission. The 2012 proposal was amended during the application process to reduce the scale of the dwelling due to officers concerns. It is considered that the approved dwelling with a floor space of approximately 238sqm is of a scale that has reached the maximum level of development on the site; while providing the applicant with generous living accommodation. It is considered the previous approval is commensurate with the scale of the operation it sought to support.

The applicant has submitted information in support of a functional need for a dwelling on site. This information is taken directly from the 2012 planning application. The applicant's information states that there is a requirement for 24 hour management of the caravan park as customers can arrive at any time of the day. If there wasn't a permanent presence on the site it would require one of the applicants to drive from their current dwelling in Elwick to the site when required by customers. This could happen several times a day particularly during peak times. In addition the applicant considers that there is a need to live on site to provide both emergency and behavioural management. The permanent residence would provide a management presence 24 hours a day. Presence on site would also reduce risk of crime particularly in relation to theft from the caravan storage facility.

The applicant's information makes reference to a sheep rearing business it is unclear if this business is still in existence. No significant detailed information on this agricultural element of the enterprise has been submitted to the local planning authority other than an extract from the 2012 planning supporting statement.

The applicant's information states that their existing dwelling house within the village of Elwick will be sold to finance the proposed dwelling. The applicant also states that his elderly mother is likely to live in the proposed dwelling along with his adult children.

As the supporting information has not been updated it is therefore not possible to establish whether or not the family's situation has changed, however not withstanding this any dwelling must be commensurate with the business operating on the site.

Policy Rur7 of the Hartlepool Local Plan states that when determining applications for planning permission in the open countryside the relationship of the development to other buildings in terms of siting, size and colour will be considered as well as the visual impact on landscape. In addition the compatibility of the design of the development within its setting and the landscape generally will be a consideration. The operational requirements and viability of the enterprise shall also be considered.

The proposed dwelling is located in a relatively isolated location, in the open countryside. It is considered that the proposed development significantly exceeds the scale of dwellings previously approved in the open countryside within the Borough of Hartlepool.

No information has been provided to demonstrate a functional requirement for a larger dwelling than what has previously been approved. It is therefore considered that there are no special circumstances which would justify a significant increase to the scale of the previously approved dwelling house.

The proposal would see the removal of a double integral garage which was approved under the original planning permission H/2012/0200. It is considered that the removal of garaging facilities from the scheme has the potential to lead to future applications for garages/outbuildings associated with the dwelling constituting additional development in the open countryside.

No financial information has been submitted to demonstrate the viability of the business or to demonstrate that the size of the dwelling is commensurate with the viability of the business.

Visual impact

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.

It is considered that the proposed development by reason of its mass, scale and design whilst would appear prominent in this setting and within the landscape generally as the setting of the dwelling would be in low lying land it is considered on fine balance that the dwelling would not be significantly visually intrusive to warrant a refusal. It is acknowledged that a dwelling was previously approved on the site the proposed dwelling is significantly larger than the approved dwelling both in terms of footprint and height. The proposed dwelling by virtue of its design is not considered appropriate in terms of this rural setting as there are no features to incorporate the design into the area in general. The previously approved dwelling has traditional features whereas the current proposal lacks design and is non-descript. However on fine balance it would be difficult to sustain an argument on these grounds given their subjective nature.

The proposed development is considered to be in contrary to policy GEP1 and Rur7 of the Hartlepool Local Plan.

Neighbour amenity

There are no residential dwellings in close proximity of the application site. It is therefore considered that the proposed dwelling would not create any significant impacts for the amenity of neighbouring properties.

Drainage

The Environment Agency have objected to the proposed development as submitted as it involves the use of a non-mains foul drainage system but no assessment of the risks of pollution to the water environment has been provided by the applicant.

The application form indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances DETR Circular 03/99 advises that a full and detailed consideration be given to the environmental criteria listed in Annex A of the Circular in order to justify the use of non-mains drainage facilities. In this instance no such information has been submitted.

The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development.

Highways

The Council's traffic and transportation section have been consulted and raise no objections to the proposed development.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

There are no Section 17 implications.

9) Chair's Consent Necessary

N

10) Recommendation**REFUSE****REASONS**

1. In the opinion of the Local Planning Authority the application does not demonstrate that there is a need for a larger dwelling than the previously approved proposal. For this reason the application is considered to be contrary to Policy Rur7 of the Hartlepool Borough Council Local Plan and paragraph 55 of the NPPF.
2. No financial information has been provided to demonstrate the financial viability of the business or the financial viability of the business to support the construction of the dwelling contrary to policy Rur7 of the Hartlepool Borough Council Local Plan.
3. The application does not provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development contrary to policy GEP1 of the Hartlepool Local Plan.

Signed:**Dated:**

Director (Regeneration and Neighbourhoods)
 Planning Services Manager
 Planning Team Leader DC
 Senior Planning Officer

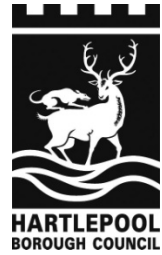
I consider the scheme of Officer/Chair delegation to be appropriate in this case

Signed:**Dated:**

Chair of the Planning Committee

PLANNING COMMITTEE

Wednesday 3rd September 2014



Report of: Assistant Director (Regeneration)

Subject: PLANNING TRAINING FOR MEMBERS

1. PURPOSE OF REPORT

- 1.1 To remind Members of the timetable for Planning Committee Member Training which has been organised for the current financial year

2. BACKGROUND

- 2.1 The Planning system is constantly changing and is made up of many subjects that require consideration. In order to keep up-to-date with regard to subjects and changes in Planning it is important that officers and Members make themselves aware these and also their respective roles and responsibilities in decision making.
- 2.2 Changes in Planning primarily result from case law and changes to national and local planning policy and guidance. National planning policy and guidance changes can occur through changes in Government Legislation and through guidance publications such as the National Planning Policy Framework. Local changes can occur through the production of new Local Plans and Supplementary Planning Documents.
- 2.3 In order to make effective decisions at Planning Committee it is essential that all Members who attend Planning Committee are aware of their role and responsibilities and also any changes in the Planning system. Bearing this in mind a training programme, which will be delivered by Council Officers, has been brought together in order to help Members.
- 2.4 Members will also be aware that this is a key component of the Planning Peer Review Action Plan agreed by the Regeneration Services Committee on 8th May 2014.

3. PROPOSALS

- 3.1 The proposed Planning Training Programme for the 2014/15 period for Members is set out below.

- (1) **Role of Elected members and Planning Officers**
Wednesday 30th July 2014 (10am till 12noon)
Committee Room B Civic Centre
- (2) **Understanding Viability / Hartlepool Vision**
Wednesday 27th August 2014 (3pm till 4pm)
Committee Room B Civic Centre
- (3) **Sustainable Urban Drainage / Sustainable Approval Boards**
Wednesday 24th September 2014 (10.30am till 12.30pm)
Committee Room C, Civic Centre
- (4) **The Use of Conditions and Legal Agreements**
Thursday 27th November 2014 (2pm till 4pm)
Committee Room B Civic Centre
- (5) **Ecology, Planning and Conservation**
Thursday 29th January 2015 (2pm till 4pm)
Committee Room B Civic Centre

- 3.2 To ensure Members are adequately trained in order to assist the process to make informed decisions, it is further proposed that the training programme is made compulsory for all Members of the Planning Committee and that this be incorporated into the Planning Code of Practice as part of the Constitutional changes proposed for October 2014
- 3.3 The proposed training programme has been specifically organised around areas of training deemed to be essential for Members of the Planning Committee. The dates proposed have been arranged will in advance to ensure maximum possible attendance, however, it is accepted that if Members are unable to attend, special arrangements will be made to ensure they receive the training.

4. EQUALITY AND DIVERSITY CONSIDERATIONS

- 4.1 There are no equality or diversity implications.

5. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 5.1 There are no Section 17 Implications.

6. RECOMMENDATIONS

- 6.1 Members are requested to note the training timetable for 2015 to 2015.

7. CONTACT OFFICER

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PLANNING COMMITTEE

3 September 2014



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT LAND ADJACENT TO RABY ARMS,
FRONT STREET, HART, HARTLEPOOL – APPEAL
REF: APP/H0724/A/14/2213850 – RESIDENTIAL
DEVELOPMENT COMPRISING 23 DWELLINGS,
ASSOCIATED ROADS, DRAINAGE AND
LANDSCAPING

1.0 PURPOSE OF REPORT

- 1.1 To advise members of the outcome of the above planning appeal.
- 1.2 The appeal was allowed and full costs are to be awarded to the appellant these costs are likely to be substantial. A copy of the appeal decision is **attached**.

2.0 RECOMMENDATIONS

- 2.1 That Members note the outcome of the appeal.

3.0 CONTACT OFFICER

- 3.1 Damien Wilson
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3.2 AUTHOR

Sinead Turnbull
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E-mail sinead.turnbull@hartlepool.gov.uk



Appeal Decision

Hearing held on 24 June 2014

Site visit made on 24 June 2014

by Alan M Wood MSc FRICS

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

Decision date: 8 August 2014

Appeal Ref: APP/H0724/A/14/2213850
Front Street, Hart, Hartlepool, Cleveland, TS27 3AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Gentoo Homes against the decision of Hartlepool Borough Council.
 - The application Ref H/2013/0383, dated 2 August 2013, was refused by notice dated 4 December 2013.
 - The development proposed is a residential development of 23 dwellings, associated roads, drainage and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for a residential development of 23 dwellings, associated roads, drainage and landscaping at Front Street, Hart, Hartlepool, Cleveland, TS27 3AW in accordance with the terms of the application, Ref H/2013/0383, dated 2 August 2013, subject to the conditions set out in the schedule below.

Application for costs

2. At the hearing an application for costs was made Gentoo Homes against Hartlepool Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The effect of the proposed development on (i) the character and appearance of the surrounding area and (ii) the local infrastructure with regard to the adequacy of the proposed surface and foul water drainage arrangements and the attendant flood risk in the surrounding area.

Reasons

Character and Appearance

4. The Council's principal concern related to the intensity of the proposed development on the appeal site which is situated adjacent to but beyond the settlement boundary of the village. The proposal would have a density of 17.7 dwellings per hectare (dph). By comparison, it is common ground that the existing residential developments in close proximity to the appeal site, namely

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Millbank Close, Voltigeur Drive and Hart Pastures, have densities of 38dph, 23/30dph and 30dph respectively.

5. Furthermore, the separation distances between the proposed dwellings and the spatial relationship with adjacent dwellings, the levels of amenity space for the individual dwelling plots and the proposed open space provision within the site are not a matter of dispute between the parties. In my judgement, a scheme of lower density at this edge of village location, in comparison to the more intensive residential development to the north and west, would be appropriate in spatial planning terms and the proposal satisfactorily meets that objective.
6. Whilst the site is classified as open countryside, it is enclosed within an existing tree belt that extends along the boundary with the A179, which forms a bypass for the village, and then along the western boundary of the site. The proposed site access would be from Front Street and there are a number of trees within the grass verge on the eastern boundary of the site facing onto the street. Given this level of enclosure, in my judgement, the proposed development would not appear over prominent in this setting. Rather, it would read as a continuation of the built form in Front Street with a direct visual relationship to the adjacent Raby Arms public house.
7. The village is characterised by variety rather than uniformity in terms of its local distinctiveness. The proposed house type designs would have some resonance with the existing dwellings in Hart Pastures which adjoins the appeal site and would not be out of character with the streetscape in the surrounding area. It is also common ground that the appeal site is situated in a sustainable location. Consequently, I find that the proposal would not represent over-intensive development in this location. On the contrary, it would complement the character and appearance of the surrounding area and would be in keeping with it.
8. The proposal would therefore accord with the National Planning Policy Framework (the Framework) which promotes high quality inclusive design and seeks to ensure that development responds to local character and reflects the identity of local surroundings. It would also be consistent with Policies GEP1 and Hsg9 of the Hartlepool Plan (2006) [LP]. These policies aim to ensure that the external appearance of development and its relationship to the surrounding area are acceptable, and that the scale of the development is appropriate to the locality.

Drainage and Flood Risk

9. It is clear from the representations made to me that the issue of flooding is a major concern of the residents of the village. During the heavy and prolonged period of rainfall in December 2013 there were incidences of flooding to properties due to the excessive accumulations of surface water in the village. I was informed at the hearing that the local water authority, Northumbrian Water (NW), has subsequently carried out various works in the village. A presentation by NW has been made to Hart Parish Council (HPC) in this regard. I was also told that no further instances of flooding have been experienced following the remedial works instigated by NW but HPC is still awaiting the final report from NW.
10. The key issue before me therefore is whether the proposed development would exacerbate the risk of future flooding in the village. In respect of the foul water

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drainage arrangements, the proposal would incorporate a pumping station in order to overcome the disparity in gradient associated with the site. In terms of surface water disposal, a connection would be made to the existing 225mm diameter drainage pipeline at a point adjacent to the proposed site access. The flow of water into the storm water drain would be restricted to a rate of 5l/s by way of storage arrangements on the site and this would be sufficient to accommodate a 1 in 30 year storm event. These drainage arrangements can be secured by the imposition of conditions.

11. No concerns have been raised by NW, the Environment Agency (EA) or the Council's engineers regarding the surface water or foul sewage disposal arrangements. Any new connection to the public sewerage system cannot be made until the applicant has entered into a signed adoption agreement with the water company in accordance with sections 104 and 106 of the Water Industry Act 1991. NW has not indicated that it would be unwilling to enter into such an agreement in this case. The EA has confirmed that the appeal site is situated within Flood Zone 1 and it has not therefore objected to the proposed development in relation to fluvial flooding.
12. In light of the above considerations, I find that the proposal would not exacerbate the level of flood risk in the village. It would not therefore conflict with paragraph 103 of the Framework which states that decision makers should ensure that flood risk is not increased elsewhere as a consequence of new development. Neither would the proposed development be contrary to Policy GE1 which requires development to provide adequate surface and foul mains drainage and take account of potential flood risk.

Planning Obligation

13. Policy GE9 of the LP relates to developer contributions. It states that, amongst other things, developer contributions will be sought for highway and infrastructure works, the layout of and maintenance of open space and play facilities, and the layout and maintenance of landscaping and woodland planting. The policy is supported by the Council's Supplementary Planning Documents: *Planning Obligations* (2009) [SPD]; and *Hartlepool Green Infrastructure* (2013).
14. The appellant has submitted a signed and dated planning obligation which provides services and infrastructure contributions in respect of: (i) £5,750 for off-site play provision; (ii) £5,750 for green infrastructure; (iii) £15,000 for traffic calming measures; (iv) £21,579 for open space provision and (v) the provision of affordable housing. From the evidence before me, the level of contributions for (i), (ii) and (iv) above are in accordance with the SPD and would be spent on providing and enhancing infrastructure which will directly benefit the occupants of Hart including the future occupiers of the development. The necessity for traffic calming measures to safeguard highway safety is referred to below.
15. The Framework requires Council's to meet the fully objectively assessed needs for affordable housing. In this case, proposed development would include three affordable dwellings which would be transferred to a Registered Provider. This number represents 13% of the 23 dwellings. I am satisfied from the information provided to me that this level of affordable housing would be reasonable and proportionate in this case and the Council has indicated its support in this regard.

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Other Matters

16. Interested parties raised a number of other concerns relating to the effect of the proposal. Principal among them were highway safety and traffic capacity, the effect on the primary school places, noise and disturbance, and the loss of archaeological remains on the site. The original proposals showed a traffic island arrangement in order to connect the site to Front Street. The highway authority has however required a T junction to be created with associated traffic calming measures. These arrangements have been incorporated into the proposed scheme and on that basis the highway authority has raised no objection on transportation grounds. An acceptable design of the proposed highway infrastructure can be secured by way of a condition and the costs of the necessary works would be provided through a planning obligation contribution as described above.
17. The Local Education Authority has confirmed that there would be sufficient school places within the borough to accommodate the additional demand that would be generated by the proposed development. The appellant has submitted a Noise Assessment Report in support of the planning application. This indicated the need for certain noise attenuation measures to be incorporated into the proposed scheme in order to comply with the World Health Organisation guideline noise limit. These measures can be secured by the imposition of conditions.
18. In terms of the archaeological remains, the Council has taken advice from Tees Archaeology. The latter has indicated that the 13th-14th century ridge and furrow feature on the site could be considered of local interest but its importance is insufficient to preclude development. They have however recommended that the recording of the historical feature be secured by way of a condition. The Council has accepted this advice and I find no compelling reasons to differ from that view.

Balancing Exercise

19. Paragraph 47 of the Framework states that Councils should identify and update annually a supply of specific deliverable sites sufficient to provide a five year housing supply with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The Council has acknowledged that it cannot demonstrate a 5 year supply and that its housing land supply policies are therefore out of date in this regard. Paragraph 14 of the Framework stipulates that decision makers should grant permission where relevant policies are out of date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. The appellant has stated that the benefits of the proposed development include: the provision of 23 houses which are achievable and deliverable in the short term; temporary employment during the construction period; support of further jobs in the supply chain and related services; increased net expenditure in the borough; increased Council Tax revenues; sustainable development; a mix of house types and tenures; and an emphasis on tree retention and the planting of a significant number of new trees. Having regard to my findings above, I find that the benefits of this proposal would not be significantly and demonstrably outweighed by any adverse impacts.

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Conditions

21. In addition to the conditions already referred to above, I have imposed a condition to confirm all of the plans upon which the decision has been made for the avoidance of doubt and in the interests of proper planning. I have also imposed conditions in the interests of visual amenity and the living conditions of the future occupiers. A condition is necessary in the interests of sustainability principles in respect of energy provision. I have imposed conditions in the interests of protected species, the residential amenity of neighbouring occupiers and to ensure that the existing bench facility is appropriately relocated.
22. The Council also suggested a condition restricting the permitted development rights of future occupiers. The Planning Practice Guidance however states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. I acknowledge that the loss of control over future changes/additions may have some impact on the living conditions of the occupiers and the renewable energy ratio with reference to some of the conditions imposed below.
23. However, in my judgement, the effects would not be of a scale that would amount to the exceptional circumstances which would warrant the removal of permitted development rights in this particular case. I am also mindful of my findings in relation to the proposed intensity of development. Accordingly, future uncontrolled addition/extensions could be accommodated on the site without prejudicing the character and appearance of the overall development.
24. The Council suggested a further condition relating to the avoidance of any development in relation to the existing line of a public sewer within the site. However, Plan 560/1H clearly shows a buffer zone between the footprints of the houses adjacent to the sewer. Moreover, NW has not expressed any specific concerns in this regard in its consultation response to the planning application. Any potential future encroachment could be controlled under other legislation.
25. I have amended the wording to and combined some of the suggested conditions in the interests of consistency, clarity and enforceability. In imposing these conditions I have had regard to paragraphs 203 and 206 of the Framework. The latter paragraph sets out the tests which apply to any condition.

Conclusion

26. I have considered all of the matters before me and, for the reasons given above, the appeal succeeds.

Alan M Wood

Inspector

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Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250), 560/1H, 2A, 3A, 4A, 5A, 6B, 9D, 10 (as amended) and 11.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include hard surfacing which shall be carried out before the first occupation of the dwellings hereby permitted.
- 5) Soft landscape works shall include planting plans; schedules of trees and/or shrubs, noting species, plant sizes and proposed numbers/densities where appropriate; the provision of screen fences or walls; the movement of earth; the formation of banks or slopes; the seeding of land with grass; or any other works for improving the appearance of the development. The approved soft landscape works shall be carried out within the first planting season following the completion of the development of the site and shall thereafter be maintained for a period of 5 years following planting.
- 6) No development shall take place until an Arboricultural Method Statement, including a scheme for the protection during the period of construction works of all trees to be retained on the site, in accordance with BS 5837: *Trees in relation to design, demolition and construction-recommendations* (2012) has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought onto 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 the works shall be replaced in the next available planting season with trees of such size and species as may be specified in writing by the local planning authority.
- 7) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the first occupation of the dwellings hereby permitted. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place until details of a scheme for the provision of surface and foul water drainage works has been submitted to

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- and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details and shall be fully operational before the first occupation of the development hereby permitted.
- 9) No development shall take place until details of a pumping station have been submitted to and approved in writing by the local planning authority. The pumping station shall be provided in accordance with the approved details and shall be fully operational before the first occupation of the development hereby permitted.
 - 10) No development shall take place until the finished ground floor datum levels of all of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 11) The existing bench on the land to the east of the site shall be moved to another location, the details of which shall be submitted to and approved in writing by the local planning authority. The relocation of the bench shall be carried out within a timescale approved in writing by the local planning authority.
 - 12) No development shall take place until details of a scheme of sound insulation relating to the habitable rooms of plots 1, 4, 5, 12, 13, 18 and 23 (as annotated on Plan 560/1H) have been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details before the dwellings referred to above are occupied and shall be retained thereafter for the lifetime of the development.
 - 13) No development shall take place until details of an acoustic fence/barrier to be installed along the rear boundary with the Raby Arms public house and the along the boundary with the A179 Hart Bypass have been submitted to and approved in writing by the local planning authority. The fence/barriers shall be installed in accordance with the approved details before the occupation of the dwellings hereby permitted and shall be retained for the lifetime of the development.
 - 14) No development shall take place until details of a wheel-washing facility within the site have been submitted to and approved in writing by the local planning authority. The approved facility shall be installed before any operations on the site associated with the development begin and shall thereafter remain operational and be available for its intended use at all times during the period of the construction works.
 - 15) No development shall take place until details of a scheme to provide a minimum level of at least 10% of the total energy consumption of the development from decentralised and renewable or low carbon sources has been submitted to and approved in writing by the local planning authority.
The development shall be carried out in accordance with the approved scheme and, before the occupation of the dwellings hereby permitted, a verification report and completion certificate shall be submitted to and approved 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 verification report and the completion certificate.

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The approved scheme shall be retained at the development at the certified level for the lifetime of the development.

- 16) (A) No development shall take place until a programme of archaeological works including a Written Scheme of Investigation (WRI) has been submitted to and approved in writing by the local planning authority. The WRI shall include an assessment of significance and research questions; and:
 - (i) the programme and methodology of site investigation and recording;
 - (ii) the programme for post investigation assessment;
 - (iii) provision to be made for the analysis of the site investigation and recording;
 - (iv) provision to be made for the publication and dissemination of the analysis and records of the site investigation;
 - (v) provision to be made for archive deposition of the analysis and records of the site investigation; and
 - (vi) nomination of a competent person or persons/organisation to undertake the works set out within the WRI.

(B) No demolition/development shall take place other than in accordance with the WRI approved under part A of this condition.

(C) The development hereby permitted shall not be occupied until the site investigation and post site investigation assessment have been completed in accordance with the programme set out in the WRI approved under part A of this condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 17) No development shall take place until details of bat and bird roosts have been submitted to and approved in writing by the local planning authority. The provision of the approved bat and bird roosts on the site shall be completed before the first occupation of the development.
- 18) No development shall take place until a Secured by Design scheme setting out how the principles and practices of the scheme, including measures to deter rear access to Plots 13 and 14 (as annotated on Plan 560/1H), are to be incorporated into the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the occupation of the dwellings and shall be retained for the lifetime of the development.
- 19) Notwithstanding the layout indicated on Plan 560/1H, no development shall take place until a scheme of traffic calming measures including the design of the T junction has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out before the first occupation of the development hereby permitted.

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APPEARANCES

FOR THE APPELLANT:

James Taylor	Nathaniel Lichfield & Partners
Nick Beckwith	Patrick Parsons Ltd
David Barker	Landowner

FOR THE LOCAL PLANNING AUTHORITY:

Sinead Turnbull	Planning Officer, Hartlepool Borough Council
Chris Pipe	Hartlepool Borough Council

INTERESTED PERSONS:

John R Littlefair	Parish Council
Councillor Paul Beck	Council Member, Hartlepool Borough Council
Stella Leighton	Local resident



The Planning Inspectorate

Costs Decision

Hearing held on 24 June 2014

Site visit made on 24 June 2014

by **Alan M Wood MSc FRICS**

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

Decision date: 8 August 2014

Costs application in relation to Appeal Ref: APP/H0724/A/14/2213850 Front Street, Hart, Hartlepool, Cleveland, TS27 3AW

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Gentoo Homes for a full award of costs against Hartlepool Borough Council.
- The hearing was in connection with an appeal against the refusal of planning permission for a residential development of 23 dwellings, associated roads, drainage and landscaping.

Decision

1. The application for an award of costs is allowed in the terms set out below.

The submissions for Gentoo Homes

2. This was made in writing. Reference is made to Paragraph 049 of the Planning Practice Guidance (PPG).

The response by Hartlepool Borough Council

3. This was also in writing.

Reasons

4. Irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG sets out examples of types of behaviour which may give rise to a substantive award of costs against a local planning authority although these are not exhaustive. In this case, the appellant has referred to the Council's unsubstantiated and unnecessary reasons for refusal which has prevented and delayed a development which should have clearly been permitted as it accords with the development plan and national planning policy.
5. There were two principal reasons for the refusal of the planning application (H/2013/0383) cited by the Council. The first related to character and appearance and specifically concerned the intensity of the proposed development on the appeal site. Whilst it is accepted that the site is on the edge of the village and outside of the settlement boundary, the density of the proposal would be significantly less than is the case in respect of the residential development in the immediate locality.

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6. Furthermore the Council has acknowledged that the separation distances and levels of amenity space indicated on the proposed layout are satisfactory, and in some cases, more than satisfactory. The Council has also accepted that the separation distances to surrounding development are also adequate. I have therefore found no substantive grounds in the Appeal Decision to justify the Council's contentions in terms of the intensity of the proposal and its effect on the character and appearance of the surrounding area. Accordingly, I find that the Council has acted unreasonably with reference to this matter and the appellant has thereby incurred unnecessary costs in the defence of their case with regard to this issue.
7. The second reason for refusal related to drainage provision and the risk of flooding. I have acknowledged in the Appeal Decision the concerns of the residents of the village in respect of flooding particularly having regard to the most recent flooding event. However, the key issue in this case was whether the proposed development would exacerbate the level of flood risk in the area.
8. The Council has concluded that this would be the case despite the fact that Northumbrian Water, the Environment Agency and the Council's engineers have acknowledged that the proposed drainage arrangements would be acceptable in this case and have therefore raised no objections to the proposal on drainage or flooding grounds. The Council has failed to provide any substantive technical evidence which would clearly and demonstrably counter the views expressed by the statutory consultees. On that basis, I find that in respect of this issue, the Council has also acted unreasonably and the appellant has thereby also incurred unnecessary costs in the defence of their case.
9. For the reasons given above, I conclude that a full award of costs is justified in this case.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Hartlepool Borough Council shall pay to Gentoo Homes, the full costs of the appeal proceedings, such costs to be assessed in the Senior Courts Costs Office if not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.
11. The applicant is now invited to submit to Hartlepool Borough Council, to whom a copy of these decisions have been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Court Costs Office is enclosed.

Alan M Wood

Inspector

PLANNING COMMITTEE

3 September 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 the placing of a caravan on a section of the communal grassed area in front of a residential property on Arbroath Grove.
2. An investigation has commenced in response to an anonymous complaint regarding the erection of a high fence to the front of a property on Macrae Road.
3. An investigation has commenced in response to an anonymous complaint regarding a car sales business operating from a residential property on Warkworth Drive.
4. An investigation has commenced in response to a complaint regarding an overgrown rear garden specifically a hedge leaning and damaging side boundary fence at a property on Juniper Walk.
5. An investigation has commenced following a report of a complaint regarding a scrap metal recycling business operating from a residential property in Topcliffe Street.
6. An investigation has commenced stemming from a Council planning officer noting a breach of advertisement control in respect of extra signage displayed at a car wash and MOT Centre on Catcote Road.
7. An investigation has commenced in response to a complaint regarding the erection of fences around a rear terrace of a flat above a shopping parade on Elizabeth Way.
8. An investigation has been completed in response to a complaint regarding the fixing of barbed wire along the top of a rear boundary fence. There was

no planning breach in this case as the single line of barbed wire would not constitute “development” for planning purposes.

9. An investigation has commenced in response to a complaint regarding the running of a dog boarding business from a residential property on West View Road. The input and assistance of the Council's Licensing Enforcement Team is also required in this instance.
10. An investigation has commenced in response to a complaint regarding the stationing of an InPost Parcel Locker in front of a Shopping Parade on Clavering Road.
11. An investigation commenced in response to a complaint regarding the erection of a low trellis type fence at the front of a property on Ripon Close. Permitted development rights removed in respect of the walls/fencing erected between the highway and the wall of the dwelling that fronts onto the highway.
12. An investigation has commenced stemming from a Council Building Surveyor noting a breach of building and planning regulations in respect of the provision of pitched roof to an existing garage, kitchen/utility and porch at a property on Crowland Road.
13. An investigation has been completed in response to an anonymous complaint regarding an untidy front garden due to the storage of building materials, stationing of an unroadworthy caravan and erection of an outbuilding in the rear garden of a property on Howden Road. The property is owned by Housing Hartlepool the complaint has been forward to Housing Hartlepool to take action if necessary under the terms of the tenants' agreement.

2. RECOMMENDATION

- 2.1 Members note this report.

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