

# PLANNING COMMITTEE AGENDA



**Wednesday 2 September 2015**

**at 10.00 am**

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Ainslie, S Akers-Belcher, Barclay, Belcher, Cook, James, Loynes, Martin-Wells, Morris, Richardson 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 5 August 2015.

**4. ITEMS REQUIRING DECISION**

4.1 Planning Applications – *Assistant Director (Regeneration)*

- 1 H/2015/0162 Residential Development – Land off Coniscliffe Road (page 1)
- 2 H/2015/0279 Extensions – 22 Victoria Road (page 39)
- 3 H/2015/0277 Change of use to create HMO for up to 20 residents – 19-21 Tankerville Street (page 53)
- 4 H/2015/0264 Residential Development – Land adjacent to Raby Arms, Hart (page 69)
- 5 H/2014/0163 Residential Development – Retirement Village – Meadowcroft (page 77)
- 6 H/2014/0179 Residential Development - Listed Building Consent – Meadowcroft (page 137)
- 7 H/2015/0158 Residential Development – King Oswy Drive (page 163)

4.2 Appeal at 23 Stanhope Avenue, Hartlepool – Appeal Ref: APP/H0724/D/15/3119184 – Installation of Replacement Windows to Front and Side and Replacement Guttering – *Assistant Director (Regeneration)*

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



5. **ITEMS FOR INFORMATION**

None.

6. **ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

**FOR INFORMATION: -**

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 30<sup>th</sup> September 2015.



**PLANNING COMMITTEE**  
**MINUTES AND DECISION RECORD**  
5<sup>th</sup> AUGUST 2015

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

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Stephen Akers-Belcher, Allan Barclay, Sandra Belcher, Marjorie James, Brenda Loynes, Ray Martin-Wells, George Morris, Carl Richardson and George Springer

Officers: Peter Devlin, Chief Solicitor  
Damien Wilson, Assistant Director (Regeneration)  
Andrew Carter, Planning Services Manager  
Adrian Hurst, Principal Environmental Health Officer  
Mike Blair, Highways, Traffic and Transportation Manager  
Daniel James, Senior Planning Officer  
Fiona Stanforth, Planning Policy Officer  
Jane Tindall, Senior Planning Officer  
Jo Stubbs, Democratic Services Officer

**23. Apologies for Absence**

None

**24. Declarations of interest by members**

Councillor Ray Martin-Wells declared a prejudicial interest in planning application H/2014/0581 (Land North of the A689, Wynyard Park, Manorside, Phase 1, Wynyard) and stated his intention to leave the meeting during consideration of this item.

**25. Confirmation of the minutes of the meeting held on 8<sup>th</sup> July 2015**

Approved

## 26. Planning Applications *(Director of Regeneration and Neighbourhoods)*

<b>Number:</b>	H/2015/0235
<b>Applicant:</b>	Mr T Horwood C/O Agent
<b>Agent:</b>	Prism Planning Ltd Mr Jonathan Helmn 1st Floor 11 High Row DARLINGTON
<b>Date received:</b>	10/06/2015
<b>Development:</b>	Part-retrospective application for the creation of a new dwelling on land off Bilsdale Road
<b>Location:</b>	Land to the rear of 42 Bilsdale Road HARTLEPOOL

Steve Barker spoke on behalf of the applicant. He explained that should the planning committee approve the application the new dwelling would house the owner of the main house, Mr Horwood, and his wife while their daughter would live in the min house. Issues regarding traffic accessing the new dwelling were immaterial as should the application be refused the dwelling would be used as a garage and ancillary building so the result would be the same. Mr Horwood and his wife were fostering a child with autism and wished to be near their daughter should any incidents arise. There had been no objections from the immediate neighbours and he dismissed concerns that this would set a precedent as it was an unusual set of circumstances.

Members expressed their dislike of retrospective applications but acknowledged that these were unique circumstances. They were concerned that a precedent might be set if this application was approved but the Chief Solicitor and Senior Planning Officer both confirmed that precedent did not exist in planning as each application must be considered on its own merits. Members voted to approve the application by a majority.

**Decision:** **Planning Permission Approved**

### CONDITIONS AND REASONS

1. The development hereby approved shall be carried out in accordance with the location plan (at a scale of 1:125) and plans 5 (Proposed floor plan), 6 (Proposed elevations), 7 (Proposed elevations) and 8 (site plan), date received by the local planning authority 10th June 2015 unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt.
2. Notwithstanding the submitted information, a scheme for means of enclosure shall be submitted to and approved by the Local Planning Authority before the dwelling hereby approved is occupied. Thereafter the development shall be carried out in accordance with the approved



details and the enclosures erected prior to the occupation of the dwelling hereby approved.

In the interests of the amenity of proposed occupiers of the dwelling and that of surrounding neighbouring properties.

3. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the occupation of the building hereby approved, details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible. To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
4. Notwithstanding the submitted information and prior to the development hereby approved being brought into use, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly. In the interests of the amenities of the occupants of neighbouring properties.
5. Prior to the erection of any external lighting associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment; light colour, luminance of building facades and external areas of the site, including parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed the lighting shall be implemented wholly in accordance with the agreed scheme. To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents, highway safety and the adjacent railway line.
6. The external materials used for this development shall match those of the existing building(s). In the interests of visual amenity.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling hereby approved shall not be extended or altered 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.
8. The development hereby approved shall be used as a single dwellinghouses as defined by Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification and shall not be sub-

divided in any way.

For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.

9. The development hereby approved shall be laid out and operate solely in accordance with the layout as set out on plan 8 (Proposed site plan) (date received 10th June 2015) including the proposed rear garden boundaries, access and car parking areas.

In order to adequately control the impacts of the sites' use on the amenity associated with the surrounding residential area in accordance with the requirements of saved Local Plan Policy GEP1.

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

**Number:** H/2014/0557

**Applicant:** Mr F Sturrock c/o agent

**Agent:** England & Lyle Miss Naomi Gibson Gateway House  
55 Coniscliffe Road DARLINGTON

**Date received:** 24/11/2014

**Development:** Extension to existing agricultural building

**Location:** Benknowle Farm Benknowle Lane Elwick  
HARTLEPOOL

Naomi Gibson spoke in support of the application. 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 (Location plan) and details received by the Local Planning Authority on 24/11/2014 as amended by the plan (Drawing No: S890 Elevation Details) received by the Local Planning Authority on 01/06/2015.  
For the avoidance of doubt.

3. The external materials used for this development shall match those of the existing building(s)  
In the interests of visual amenity.

**Number:** H/2014/0579

**Applicant:** Mrs D Watson Butterwick Moor Farm  
SEDFIELD

**Agent:** David Gall Solicitors Mr M Birtles Fulford House  
Town Foot HAWES

**Date received:** 11/12/2014

**Development:** Extension of time of planning application  
H/2008/0026 for change of use, alterations,  
extensions and new build to create 14 dwellings and  
creation of new vehicular access

**Location:** North Farm The Green Elwick HARTLEPOOL

Members asked whether the details of the 106 agreement would be the same as at the time the previous permission was given. The Planning Officer advised that the original 106 agreement had been determined under a previous planning regime and the thresholds may have changed. The final details still needed to be agreed. Members indicated that they would prefer to wait until the detail of the 106 agreement was in place. A request was also made that the ward councillors be party to the negotiations with the applicant. The Planning Services Manager commented that 106 agreements were often confirmed when the committee were asked to agree applications. However he would ensure that in this case the detail would be brought to members at the next available meeting. The Chief Solicitor advised that on recollection the previous 106 agreement for this development had included 2 affordable units which was above policy requirements but the main issues surrounded procuring satisfactory access to the proposed development.

The Chair asked that the application be deferred until the 106 agreement details were available.

**Decision:** **Deferred**

**Number:** H/2014/0581

**Applicant:** Wynyard Park Land Ltd Care of Agent

**Agent:** Prism Planning Ltd Mr Rod Hepplewhite 1st FLOOR  
11 HIGH ROW DARLINGTON

**Date received:** 24/12/2014

**Development:** Outline planning permission with some matters reserved for residential development comprising 15 dwellings

**Location:** LAND NORTH OF THE A689 WYNYARD PARK  
MANORSIDE PHASE 1 WYNYARD

**Councillor Ray Martin-Wells left the meeting during consideration of this item.**

Matt Johnson spoke in favour of the application. He advised that this would be the first of several applications for self-build plots at Wynyard. So far returnable deposits had been taken for 17 plots and people were eager to commence building should the committee approve the application. He gave details of the affordable housing contribution and how this had been calculated, highlighting that the applicant had contributed more than they were required to. Members also noted that deposits for 17 plots had been taken but the application only referred to 15 plots. Mr Johnson advised that these were based on future developments and were returnable should planning permission not be given.

A member raised concerns at the destruction of ecology and habitat which could be caused by this development. The Planning Officer indicated that discussions were still ongoing in relation to this. Members expressed no concerns with the outline planning application but requested that the final details of the 106 agreement be brought back to committee for final approval. The Chair was happy to agree this course. The Planning Officer advised that the detail of any ecology agreements could be brought back to members at the same time.

Members approved the application by a majority.

**Decision:** **MINDED TO APPROVE** subject to the satisfactory conclusion of discussions regarding viable developer contributions and ecological mitigation and a legal agreement (or where appropriate, conditions) securing the developer contributions and obligations and mitigation measures for ecology and subject to conditions. Subject to the satisfactory conclusion of those issues the final decision will be made by Planning Committee.

**Councillor Ray Martin-Wells returned to the meeting.**

**27. Appeal at 94 Silverbirch Road, Hartlepool** (*Assistant Director (Regeneration)*)

An appeal had been submitted against the decision of the Council, made under delegated powers through the Chair of the committee, to refuse planning permission for the erection of a two-storey extension at the rear of 94 Silverbirch Road. The appeal would be determined by written representation.

**Decision**

That Officers be authorised to contest the appeal.

**28. Appeal at Crookfoot Farm, Elwick** (*Assistant Director (Regeneration)*)

An appeal had been submitted against the decision of the Council, made under delegated powers through the Chair of the committee, to refuse planning permission for the following:

- Permanent retention of an existing cabin
- Temporary retention of an existing stable block
- Retention of an existing cabin for use as a holiday cottage and office to administer the farm
- Addition of solar panels to the roof.

The appeal would be determined by written representation.

**Decision**

That Officers be authorised to contest the appeal

**29. Appeal at 74 Hutton Avenue, Hartlepool** (*Assistant Director (Regeneration)*)

An appeal had been submitted against the decision of the Council, made under delegated powers through the Chair of the committee, to refuse planning permission for a loft conversion with dormer window at the rear of 74 Hutton Avenue. The appeal would be determined by written representation.

A member requested more information as to why this permission had originally been refused. The Senior Planning Officer advised that the decision had been taken based on conservation issues and following a number of site visits by the Heritage and Countryside Manager. A member commented that he would have preferred this application had come to committee originally rather being made under delegated powers.

### Decision

That Officers be authorised to contest the appeal.

### 30. **Update on Current Complaints** (*Assistant Director (Regeneration)*)

Members' attention was drawn to 7 ongoing issues which were currently being investigated. Further information was sought by members of the following issues:

- The painting of an exterior wall on 3 Grange Road properties
- The use of a wood sawing machine at a property on Forfar Road
- The erection of a farm building for the keeping of livestock at a new dwelling on Coal Lane

The Chair requested that in future members contact the planning officers in advance of the meeting in order that an answer be made available at the meeting.

### Decision

That the report be noted

### 31. **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 32 – (Enforcement Action, Bilsdale 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 information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and 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 director under any enactment (para 6)

- 32. Enforcement Action, Bilsdale 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 information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and 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 director under any enactment (para 6)

This item was withdrawn from the agenda.

### **Decision**

The item was withdrawn from the agenda.

The meeting concluded at 10:55am.

CHAIR

**No:** 1  
**Number:** H/2015/0162  
**Applicant:** Tunstall Homes Ltd  
**Agent:** Prism Planning Ltd Mr Rod Hepplewhite Prism Planning  
 1st Floor 11 High Row Darlington DL3 7QQ  
**Date valid:** 08/07/2015  
**Development:** Residential development comprising 39 dwellings and  
 provision of a car park (and drop-off point) to serve West  
 Park Primary School.  
**Location:** LAND OFF CONISCLIFFE ROAD/DUCHY ROAD,  
 HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND/RELEVANT PLANNING HISTORY

1.2 Following the submission and consideration of the original application, the proposed scheme has been revised to take account of works required to a section of public footpath along Duchy Road/Coniscliffe Road and secondly, the scheme was updated to include a car park/drop off point to the north of the proposed residential development, served off Duchy Road. The applicant has confirmed that the proposed car park and drop off facility is to serve the existing, adjacent West Park primary school.

1.3 **H/2014/0428** - *outline planning application with all matters reserved for residential development comprising up to 2,000 homes of up to two and a half storeys in height, new distributor road, local centre, amenity open space and structure planting.*

1.4 The submitted application is still being considered by the Local Planning Authority at the time of writing. The current application site (H/2015/0162) is annotated as 'phase 1' on the above outline application for a larger scheme. It should be noted that the current application for 39 dwellings is however a stand alone application, to be considered on its individual merits.

## PROPOSAL

1.5 This application seeks planning permission for residential development comprising 39 dwellings on land to the west of Coniscliffe Road and the provision of a car park (and drop-off point) to serve West Park Primary School on land to the west of Duchy Road. The proposal would create a density of approximately 14 dwellings per hectare.



1.6 The proposed residential development would be served through an access to the north, extending from the existing highway of Coniscliffe Road, accommodated through works to the highway and existing hedge/boundary. The main road would extend centrally through the site (from north to south) serving the 39 dwellings.

1.7 The proposed two and two and half storey (two storey with rooms in the attic) dwellings are set out in a relatively uniform, linear building layout, with the properties being served by driveways and private amenity/garden areas. The proposed dwellings are made up of 6 different house types, consisting of 4 and 5 bed dwellings, a number of which are served by detached double garages. The total floor space for the dwellings ranges from 197sqm - 247sqm. The different house types include a variety of styles with both hipped end and gable ended roof designed dwellings. House types 15 and 19 feature rooms in the roof, served by dormer windows. 23 of the 39 plots would be served by detached double garages, which would measure approximately 5m in height with a pyramid shaped roof design.

1.8 The proposed eastern boundary would consist of a landscape buffer, which is shown indicatively on the proposed layout, and includes a number of trees to be planted along the length of the eastern boundary. The depth of the buffer varies in an organic line and following the submission of revised plans, the proposed buffer is to be incorporated into the garden curtilage of the proposed dwellings in question. The applicant has verbally advised that the section of planting to the north of plots 38 and 39 is likely to be incorporated into the curtilage of the adjacent plots. Sporadic tree planting/landscaping is to be incorporated into the rear boundaries of the proposed plots along the western boundary.

1.9 The submitted plans provide indicative details of proposed means of enclosure, soft and hard landscaping areas.

1.10 The proposed scheme is to be served by a Sustainable Urban Drainage System (SUDS) pond/attenuation basin, to the south of the proposed residential development, bordering the rear boundaries to proposed plots 16-20 (inclusive). A detailed technical drawing has been submitted to provide indicative details of the levels. A Flood Risk Assessment has also been submitted to accompany the application with respect to matters of flooding and drainage (foul and surface water). The proposed scheme would also be served by a pumping station for sewerage, located to the rear of proposed plot 16 and adjacent to the proposed SUDS pond. No further details of this have been provided.

1.11 The proposed 29 space car park and drop off point is to be located to the north of the proposed residential development with access taken from Duchy Road (which in turn is served off Coniscliffe Road). The submitted details indicate that the car park/drop off would feature a one way system with provision for a landscape buffer to the south. The proposed car park is intended to serve the adjacent primary school (West Park) with a pedestrian crossing point across Duchy Road from the car park to the school entrance. The proposal would be facilitated through an opening into the existing hedgerow.

1.12 The application has been referred to Planning Committee owing to the number of objections received and the nature of the development.

## **SITE CONTEXT**

1.13 The application site relates to land off Coniscliffe Road and Duchy Road, Hartlepool. The site relates to an elongated parcel of agricultural land that straddles the western limits of development to properties along Coniscliffe Road, Parklands Way and Auckland Way (east).

1.14 The proposed residential development would take access from Coniscliffe Road whilst the proposed car park would be served from Duchy Road, which serves High Tunstall Farm to the north and West Park Primary School to the north east.

1.15 The site is enclosed by mature hedgerows along the northern and western boundaries with dense woodland to the south. The boundaries of residential properties make up the eastern boundary, which consist of domestic enclosures and dense, mature planting.

1.16 The site features an undulating ground level, with the land primarily sloping from north to south.

1.17 Beyond the western boundary are further fields and two major gas pipelines, which will be considered in further detail below.

## **PUBLICITY**

1.18 The original application and the amended plans have been advertised by way of neighbour letters (104), site notices (x4) and press notice.

1.19 To date, there have been 64 objections from neighbouring properties (including more than 1 letter of objection from 21 properties) and concerns from both Elwick and Hart Parish Councils.

1.20 The objections/concerns raised can be summarised as follows:

- Extra traffic will result in highway and pedestrian safety issues as a result of existing parking/traffic problems, particularly in relation to West Park primary school
- Extra traffic would exacerbate existing congestion problems particularly at the Elwick Road/Wooler Road, and Egerton Road/Elwick Road junctions
- More pressure on A19 through Elwick
- Impact on pedestrian safety as a result of construction traffic and roads are not suitable
- Impact on emergency services accessing site.
- No local bus services serve the area
- Existing network is not capable of handling additional development on site
- Petition from 'concerned parents/adults over the well being of their children...over traffic'
- Objectors disagree with comments from HBC Traffic and Transport

- The proposed access should not be allowed to serve any future, larger developments beyond this site
- The proposed car park would not improve the situation/it is insufficient and would create a bottleneck and create a pedestrian safety risk
- Access should be relocated from Elwick Road
- Impact on/erosion of 'Green Belt' – plenty of brown field alternatives
- Development unnecessary – it would not provide affordable housing and there is a plentiful supply of available houses for sale in the area
- Proposal will place further pressure on primary school places/insufficient provision for schooling
- Potential alternative sites to the north of Tunstall Farm
- Issues of archaeology need to be addressed through a field survey
- Impact on ecology/loss of habitat
- Proposed landscaping scheme insufficient and inappropriate
- Land should be used for producing food not houses. The land is good quality farm land and should be retained
- Dust, mud, pollution as a result of construction works and impact upon air quality and health
- Unacceptable impact on residential amenity in terms of noise disturbance, light pollution, loss of privacy, overshadowing, loss of outlook
- Visual impact, out of keeping with area
- Loss of sunlight to habitable room windows and garden areas of existing properties
- proposed landscaping buffer narrows at certain points adjacent to existing residential boundaries (to east) and the buffer could create a security risk
- Proposed SUDS pond could affect drainage resulting in subsidence/flooding/damage to existing properties
- Proposed pumping station and SUDS could cause noise pollution and smells/odours
- Area already at risk at flooding and problems with sewage
- Proposal contrary to NPPF
- Occupiers of existing properties have been 'victimised';
- Increase in crime/fear of crime
- Objections to outline application H/2014/0428 should be relevant/applied
- Loss of a view/Right to a view for existing properties
- Human Rights considerations – right to a private and family life. Article 8(2) of the Human Rights Act 1998
- Potential increase in vermin.

#### Copy Letters A

1.21 The period for publicity has expired.

#### CONSULTATIONS

1.22 The following consultation replies have been received:

#### HBC Traffic and Transport

I would confirm that the provision of the drop off and car park facility prior to first occupation mitigates the concerns that I had regarding traffic in the am peak. On that basis there are no traffic and transportation objections to the development. I would however remind you of the comments I made regarding public transport accessibility in previous correspondence.

#### Elwick Road / Wooler Road

I have reviewed the Technical Note response to my initial comments on this junction. It is accepted that the traffic flow from the proposed development can be classed as not material (0.65% increase in traffic in comparison with a scenario where the proposed development does not come forward).

I therefore have no concerns that the proposed development will cause any capacity issues on the local highway network.

#### Coniscliffe Road

I have previously raised serious concerns that without the construction of a car park / drop facility for West Park School the development would have a severe impact on road safety on Coniscliffe Road. The developer has now proposed to construct a 29 space car park on land off Duchy Road adjacent to the school.

This facility will help reduce parking congestion on Coniscliffe Road and I'm happy for my objection to be removed. The car park should be ready for use prior to first occupation.

A system of parking restrictions (TRO's) should be introduced on Coniscliffe Road and Duchy Road to prevent overspill parking in inappropriate areas. The TRO's should be introduced at the developer's expense and approved and implemented prior to first occupation.

#### Site Layout

The developer has addressed my concerns over visibility at plot 39 by removing trees and shrubs from a section of the landscape border. This should be conditioned so that no planting higher than 0.6 metres should be permitted within the first 15 metres of the landscaped area (measured from the footway edge) in order to protect sight lines.

The proposed layout of the site is acceptable and conforms to the Councils Design Guide and specification.

All roads and pavings should be constructed in accordance with the HBC design guide and specification under a section 38 agreement.

The section of carriageway between the last house on Coniscliffe Road and the site access is currently private this section of carriageway should be part of the adopted highway and constructed as such.

#### **Highways England**

Highways England wishes to offer no objection to the above application.

We note that this is part of a much larger scale of development in West Hartlepool and this should be considered as part of committed development in consideration of further applications.

While there is no formal recommendation I would highlight our general concerns about the intensification of use of the usage of the 2 level junctions at Elwick and the junction at Dalton Piercy with the A19. We expect a very small number of extra movements across the A19 at these locations from this development. We are currently seeking to address our concerns in this regard in consultation with Hartlepool BC. Further development will need to be considered in terms of safe access to and exit from the A19 should further incremental development come forward.

### **HBC Arboricultural Officer**

A pre-development tree survey for the wider High Tunstall site has been submitted in support of the application. Unfortunately however, the survey information does not take account any of the trees that are located within the adjacent rear gardens along the eastern boundary of the application site. These trees will require temporary protection during construction works; therefore it is recommended that submission of an arboricultural method statement and tree protection plan, taking account of the trees within properties along the eastern boundary of the application site, be made a condition of approval.

With regard to future landscaping of the development, the submitted site layout plan indicates a landscaped buffer adjacent to the proposed site entrance and along the eastern boundary of the site. It is not clear whether this landscaped buffer is to be incorporated into private curtilages or within an area under separate ownership. In order to avoid future problems associated with maintenance it is recommended that the landscape buffer is contained within individual property curtilages.

The plan shows hedges to be planted to front and side boundaries of the proposed dwellings; however no details of species have been included. It is recommended that consideration is given to planting native species hedges and also incorporating single small to medium sized trees within a number of the front and side gardens fronting the access road. It is also recommended that a number of medium to large sized trees are incorporated within rear gardens along the western boundary of the site. The submission of landscaping details can be made a condition of approval.

(further comments on amended plans)

It is noted that the plan now shows the incorporation of the eastern boundary landscape buffer into individual property curtilages. Other than this, I would make no change to my previous comments on this application.

(further comments on amended plans)

I would add to my previous comments on this application the following:

There is a mature mixed species hedge at the eastern boundary of the area shown to accommodate the proposed car park. It appears from the submitted plan that it will be necessary to remove a section of the hedge in order to create access to the

proposed car park. Although the loss of a section of hedge is considered regrettable, it is necessary to facilitate construction of the proposed car park.

My previous comments on this application recommended that a landscaping scheme be required by condition. The proposed car park should be incorporated into the overall landscaping scheme.

### **HBC Building Consultancy (Landscape Architect)**

Following review of the available information it is noted that landscape details are limited. A detailed planting layout with schedule, etc. should be provided for all landscape areas. It is also noted that the landscape buffer to the east of the site, located between the proposed development and the existing housing, is wholly within private garden areas. This allows for the potential for the buffer to be removed by occupiers following the sale of the building. No such buffer has been located on the western boundary which will provide a stark edge against the adjacent agricultural fields (the existing residential boundary has established vegetation which breaks up the fence line and building line). Consideration should be given to the landscape treatment of the western boundary for reasons of visual impact.

In terms of general character it would appear that the developer has attempted to reflect the eclectic character of the wider residential area through provision of a range of housing styles and materials.

There are no further landscape based comments (not already addressed through the heritage, arboricultural or access comments).

#### (further comments on amended plans)

The landscape scheme required for the development of the 39 dwellings should also incorporate the car park proposals. The landscape scheme should address issues of screening the car park and would benefit from a landscape treatment that is sympathetic to the 'rural' context of the wider area, particularly to the west.

### **HBC Heritage and Countryside (Ecologist)**

The ecological report assesses the site in two parts, site A which is where the proposed housing would go and site B, which is a small, broad-leaved wood immediately to the south.

Site A is currently in arable use with a grass field margin and the occasional hedgerow shrub. Consequently its ecological value is likely to be limited to a small number of nesting birds and possibly also as a small part of the foraging range of mammals such as badger and hedgehog. The development of this area of land as housing would therefore have minimal ecological impacts. The Council's standard condition on nesting birds should be attached to any permission in order to prevent potential impacts on nesting birds.

In line with NPPF the LPA should require that development enhances biodiversity where possible. The submitted plans show the creation of a SUDS scheme at the southern end of site A. If implemented in such a way that it benefits biodiversity, the SUDS scheme would be sufficient to provide an enhancement for biodiversity on the site. Therefore details of the SUDS scheme should be submitted for approval.

Site B is of much higher value for biodiversity as it consists largely of broad-leaved woodland, a priority habitat. It is known to support a range of nesting birds and badger and has high potential to support roosting bats. Site B should therefore be protected from damage during the construction period and details of protection measures should be submitted for approval.

Subject to the conditions described above, the proposal is considered to be suitable in ecological terms.

(further comments on amended plans)

The addition of the school car park would result in the loss of two short lengths of hedge. The planting of a 10m wide landscaped area at the south of the car park, as shown in drawing no 2063/SK001/001, should be enough to compensate for that loss in ecological terms, however the incorporation of a hedge around the northern and western sides of the car park would be beneficial. In any case, details of the landscaping should be submitted for approval. Suitable measures for the protection of the remaining length of hedge should be submitted for approval.

Further to my earlier comments regarding the SUDS feature providing an ecological enhancement; I understand that it is likely this will generally be dry and only come into play in wet conditions therefore of itself its benefit for biodiversity would be minimal. Therefore could we request that the area set aside for the SUDS, including the attenuation area itself is sown as a wildflower meadow, which would provide the enhancement for biodiversity.

### **Natural England**

Natural England does not consider that this application poses any likely or significant risk to those features of the natural environment for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.

The lack of case specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may make comments that will help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process. In particular, we would expect the LPA to assess and consider the possible impacts resulting from this proposal on the following when determining this application:

### Protected species

Where there is a reasonable likelihood of a protected species being present and affected by the proposed development, the LPA should request survey information from the applicant before determining the application (Paragraph 99 Circular 06/05).

Natural England has produced standing advice, which is available on our website [Natural England Standing Advice](#) to help local planning authorities to better understand the impact of particular developments on protected or BAP species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, local planning authorities should undertake further consultation with Natural England.

### Impact Risk Zones

You can search the [‘Magic’ mapping website](#) to see if the development is in or near a protected site, including SSSIs, SPAs and SACs and if you need to consult Natural England.

*The case officer has considered the application site through the [‘Magic’ mapping website](#) - a parcel of land was identified as ‘Priority Habitat Inventory’ - Deciduous Woodland (England)*

### **Teesmouth Bird Club**

The ecology report for the EIA is representative of the bird biodiversity of the area and the mitigation measures appropriate. The badger evidence of periodic use of a hole in the coppice is probably that of an outlying individual. The proposed SUDS design should be such as to retain enough water to act safely as a site pond at all times. Soft landscaping in the housing sector of the site should comprise appropriately wildlife beneficial trees and shrubs.

### **HBC Engineering Consultancy**

Upon reviewing the PRA I can confirm that further site Investigation works will be required to supplement the Stage 1 Desk Study that has so far been undertaken for this site. This intrusive site works should identify the physical ground conditions, groundwater levels (if encountered) and the ground gas regime. I would expect that this can be dealt with through our standard contaminated land conditions

Having reviewed the FRA provided I would like to make the following comments. Section 4.1 of the document assumes that the flood alleviation measures prevent flooding downstream however there have been instances of further flooding since the scheme was implemented. A JBA review of the scheme indicated that the grills were the cause of this flooding and new grills were installed by the Environment Agency in early 2015. The West Park/ Valley Drive area as a whole is susceptible to surface water flooding and as such any proposals within this area need to- as a minimum- match the existing Greenfield run off.

I accept that under the hierarchy of surface water drainage Northumbrian Water are right to request that other methods of surface water disposal should be considered before discharging into the mains sewer and that for this site the use of sustainable drainage appears to be the most logical solution.

The site does not lie within flood zone 2 or 3 and I am satisfied that by adopting sustainable drainage on this site a betterment situation can be achieved as flows entering the watercourse can be restricted to ease the water flow further downstream during storm events. I do however require some further information on this application before I can approve the proposals.

I require some design levels of the attenuation pond, given the proximity to the existing houses I need to be satisfied that the bank level will be sufficient to prevent a flood risk being passed on else where. I would also request details of the proposed flow control and the developers intentions for some form of oil interception, be this through further SUDS or mechanical means. I note from the surface finishes



proposal that private driveways will be constructed using block paving, is this permeable paving or is this something the developer may consider further?

I note that a Northumbrian Water pre development enquiry has already been undertaken and it is my understanding that Northumbrian Water will be adopting the foul drainage including the pumping station however the adoption of the surface water system is less clear, can I request some further clarity on this? As these proposals intend to discharge into the main river it is outside of the jurisdiction of the Lead Local Flood Authority to agree the final discharge and as such agreement needs to be reached with the Environment Agency.

I reiterate that in principal I believe these proposals can offer a suitable drainage solution that will provide betterment and should planning be granted I would urge the developer to get in contact with the Councils Engineers early in the design stage to develop the drainage proposals further.

(further comments on amended plans)

I reviewed the resubmitted plan (providing details of the SUDS pond) but still think that we need to condition it further to ensure we are happy with the proposals once detailed design has been completed. I am happy with the proposed condition as I think it covers all bases.

### **Environment Agency**

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

#### Land Contamination

In relation to the proposed development, in so far as it relates to land contamination, we only consider issues relating to controlled waters. We do not consider this site a priority, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency 'Guiding Principles for Land Contamination'.

We recommend that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- 3) Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

#### Disposal of Foul Sewage

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

### **Northumbrian Water Limited**

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:

We 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*". In this document it states that foul water will discharge between manholes 2001 & 2907 and that no surface water will enter the public sewer system.

We would therefore request that the flood risk assessment form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

#### *(additional comments)*

You are correct to say that we model the impact of development on our network before allowing connection into our sewer system. In this case we did model the sewers and found that the network could sufficiently cope with the extra foul flows.

### **Hartlepool Water**

In making our response Hartlepool Water has carried out a desk top study to assess the impact of the proposed development on our assets and has assessed the capacity within Hartlepool Waters network to accommodate the anticipated demand arising from the development. Having assessed the proposed development against the context outlined above I can confirmed the following;

#### **Diversion of existing assets**

A ground survey of the proposed site area and a crossed reference of our network data base shows that no diversion would be required.

#### Capacity from adjacent existing network

The recent data results following an analysis of the existing network adjacent to the proposed development has shown that it would not be capable of meeting the demand of the proposed development due to the topography of the area.

We have no objection to this development

*(additional comments received with respect to capacity)*

I can confirm that I discussed this matter of capacity on the above proposed development with the agent yesterday and the comments are correct in that we can supply the proposed development of 39 dwellings from our existing network in Elwick Road.

#### **HBC Public Protection Manager**

No objections raised but confirmed the need for planning conditions relating to

1. Restriction on hours of construction/delivery - *I would suggest 7:30am to 7:00pm Monday to Friday, 7:30am to 1:00pm on a Saturday and at no time on a Sunday or Bank Holiday.*
2. Construction management plan - *The plan needs to prohibit delivery and construction vehicles from entering or leaving the site at drop off and pick up times at the school. Delivery drivers should be required to book in a delivery time in advance with the site to enable this to work. Instructions need to be given to drivers that they must not park vehicles on Coniscliffe Road or any of the neighbouring residential streets at any time.*
3. Full details including noise specification for the pumping station

#### **Tees Archaeology**

Thank you for the additional archaeological trial trenching report. The report confirms that the archaeological potential of the site is low and that the geophysical anomalies identified previously had a natural or agricultural origin.

I can confirm that the reports submitted meet the information requirements of the NPPF (para 128) and that I have no objection to the current proposal and no further comments to make.

#### **Health and Safety Executive's PADHI+ (Land Use Planning Consultation) (summarised)**

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

#### **Northern Gas Networks**

Looking at the revised plans the developer is keeping the development outside of the easement for the pipeline and is also able to achieve the recommended minimum proximity distance for this pipeline. I cannot see any issues with regard to the proposed development with respect to the proximity to the high pressure pipeline.

(further comments)

I have checked the application against the Northern Gas Networks mains records and can confirm that a high pressure pipeline runs in a north/south direction to the west of the proposed development. This pipeline will be protected with an easement. The Institution of Gas Engineers and Managers document TD1 Edition 5 recommends a minimum building proximity distance of 14m for this pipeline. The development proposal indicates that the edge of the development will be greater than 14m from the pipeline.

#### **Cleveland Emergency Planning Unit**

The only points I wish to make on the application are the presence of the Natural Gas Networks pipeline running in close proximity to the site and the access to the site during the school run. As a result of this I have no concerns or objections to the proposal.

#### **HBC Countryside Access Officer**

As discussed with the Agent and Developer; there is a need to look at the partial stopping up of a short section of Public Footpath No.25, Hartlepool (southern end).

This procedure will enable the extension of adopted highway to proceed into the proposed development.

(Further comments)

Having discussed my previous application comments and concerns with Prism Planning I am satisfied that no further partial stopping-up application amendment is required. Duchy Road will remain private and the access to the proposed car park will be through a private access agreement that is already in place.

#### **Ramblers Association**

Having seen the proposed TCPA 90 s257 order for stopping up the southern 5m of FP Hartlepool 25 we have no comment on the amended plans.

#### **Cleveland Police Architectural Liaison Officer**

Although this proposed development is located in a lower than average crime area I would always encourage developers to adopt appropriate crime prevention measures as outlined in Secured by Design guidelines. Secured by Design is a police initiative which reflects the established principles of designing out crime

With regard the general layout and design there is no major concern I would though recommend that rear boundaries to open land are to a min of 2.0m with regard plots 1-16 I would recommend that the proposed rear boundary be amended to 1.8m close boarded with 200mm trellis topping to offer greater security and privacy.

Street Lighting including footpaths and non- adopted areas should comply to BS 5489:2013.

I would also recommend that access road to pumping station is gated to a minimum of 1.8m without climbing aids and capable of been locked. If the developer is seeking Secured By Design Accreditation then the requirements Secured by Design regard

physical security of doors and windows, garages and sheds will need to be met along with 13amp non fused spur suitable for an alarm system must be fitted. Dusk/Dawn lighting should be provided to both rear and front doors. I would ask the developer to consult with me in relation to the required physical security specifications if Secured by Design is required

### **Hart Parish Council**

The Hart Parish Council are concerned at any additional traffic movements which will be incurred on the A179.

### **Elwick Parish Council**

The Parish Council is deeply concerned about the potential increase in traffic through the village, should this development go ahead.

### **Northern Powergrid**

Advisory comments provided with respect to mains records.

### **HBC Waste Management**

No comments received

### **The Chief Fire Officer**

No comments received

### **Community Safety and Engagement Team**

I have had a look at the proposed development area from a Community Safety perspective:

1. A check of Anti-social Behaviour Unit records finds that the Unit has not received any ASB or Hate Incident complaints regarding the local area over the previous 24 months. (13.08.13 – 13.08.15)

#### ASB/Hate Incident complaints - streets checked:

- Auckland Way
- Coniscliffe Road
- Duchy Road
- Hardwick Court
- Hylton Road
- Parkland Way
- The Spinney
- Valley Drive

2. ASB and Crime analysis carried out by the Units Community Safety Research Officer finds that over the previous 24 months (13.08.13 – 13.08.15) there have been 39 incidents of ASB and 42 Crimes recorded in the area by Cleveland Police in the estate bordering the proposed development. (See attached research document for further details) Given the size of the research area and the 24 month date period considered the Unit would not regard the estate as an ASB or Crime hotspot location.

3. Due to the short response time the Unit has not had time to conduct any Vulnerable Localities Index research for the development location in question. However the Unit would consider it unlikely that the West Park estate and new development area would be identified as a Vulnerable Locality. (see below)

#### Vulnerable Localities Index Information

The Vulnerable Localities Index (VLI) is a research method which can help to identify residential neighbourhoods that may require prioritised attention from a community safety perspective. The VLI integrates data collected at the neighbourhood level to form an overall composite index value of vulnerability for a locality. It is calculated using six variables, and can be applied in any country where access to reliable data on these variables exists. The variables (measured at the same geographical units) are as follows:

- Counts of burglary dwelling
- Counts of criminal damage to a dwelling
- Income deprivation score
- Employment deprivation score
- Count of 15-24 year olds
- Educational attainment

4. During the previous 24 month date period (13.08.13 – 13.08.15) the Unit has not received any reports of young people gathering in the local area / planned development area. Due to this the Unit has not needed to deploy it's Targeted Outreach Project team to the area.

The Targeted Outreach Project team consists of trained youth workers who deploy to areas of the town where the Community Safety Team and its partners identify that groups of young people are gathering. Workers from the Targeted Outreach Project then, engage with young people, make them aware of youth centres and young person related activities in their area, signpost young people to support and advice services where necessary, identify, protect and safeguard any young people who are vulnerable due to their own behaviour or current circumstances, and challenge, and where necessary, report to the police any anti-social behaviour and/or inappropriate behaviour by a young person that they witness.

## **PLANNING POLICY**

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

1.24 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving

sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires Local Planning Authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

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

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

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
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
72	School Places
73	Access to open space and sport and recreation
96	Minimise energy consumption
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203 - 205	Planning Obligations

National Planning Practise Guidance (online)

Local Policy

1.27 Within the current Hartlepool Local Plan this site lies outside of the limits to development, although at present, given the lack of a five year housing supply, this

policy is not currently being used until a five year supply can be demonstrated. The following policies are relevant to this application:

<b>Policy</b>	<b>Subject</b>
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
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

## **PLANNING CONSIDERATIONS**

1.28 The main planning considerations of this application are the compliance of the proposal with national and local planning policy, (the principle of housing development, sustainability of the site, Planning Obligations), impact on highway design and pedestrian safety, impact upon the character and appearance of the area, impact on the privacy and amenity of neighbouring residents, ecology and nature conservation, archaeology, flooding and drainage and other material planning considerations.

### **POLICY CONTEXT, PRINCIPLE OF DEVELOPMENT AND THE SUPPLY OF HOUSING**

1.29 The application site is an unallocated site in the adopted local plan and is located outside the limits of development ('the urban fence') as defined by saved Local Plan policy Rur1 which seeks to strictly control development within the countryside beyond these limits limiting development to activities necessary for the continuation of farming and forestry, contribute to rural diversification or cater for tourism, sport or recreation, provided it does not harm the appearance of the countryside.

1.30 The proposed residential development does not fall within these categories and a judgement is required whether considerations in support of the proposed housing are sufficient to outweigh rural restraint policies

1.31 A significant material consideration is the supply of housing land. The National Planning Policy Framework (NPPF) was adopted on 27 March 2012. The NPPF



states that “*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.*” (Para 49).

1.32 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 and those relating to the limits of development within the 2006 Local Plan are deemed to be out of date. Where policies are out of date, the proposal must be assessed in relation to the presumption in favour of sustainable development and the tests set out in NPPF paragraph 14, namely that the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

1.33 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. Considerable weight should be given to the fact that the authority can not demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. The NPPF sets out the three strands that form sustainable development, namely, economic, environmental and social.

1.34 The benefits of the application within a housing context are that it would boost the supply of housing, the financial contribution towards the provision of affordable housing (see below) would contribute to reducing the annual net shortfall of affordable housing, it would make a contribution to the executive housing offer in the Tees Valley and that it would, if implementation begins within a five year time frame, make a small contribution towards the five year supply of housing.

1.35 The proposals will result in the provision of the identified affordable housing contribution, and the proposed school car park and will therefore bring about significant socio-economic benefits.

1.36 In terms of the location of the site outside beyond the limits to development as set out above, consideration is given to the Council’s current position with a lack of a five year housing supply and the resultant position of not being able to use the limits to development policy within the 2006 Local Plan.

1.37 Consideration is given to the site’s location, immediately adjacent to the existing housing to the east where the site is considered to result in an unobtrusive extension to the urban core (for the reasons set out below).

1.38 Given the sites location and proximity to services, it is considered that the development would constitute sustainable development.

1.39 The proposal seeks to provide 39 dwellings in a mix of 4 and 5 bedroom properties. Planning Policy have noted that *“this is one area of the town the can provide executive housing sites; the housing types shown will help to meet this shortfall but it is felt that a couple of bungalows could be added without impacting on the executive nature of the site”*. The scheme does not include the provision of bungalows of which there is a specific need identified highlighted within the 2015 Strategic Housing Market Assessment (SHMA). The SHMA noted bungalows are in short supply in Hartlepool and therefore is something that new developments should look to provide as a small element of within the overall scheme. A request has been made to the applicant to include bungalows within the scheme, however the applicant is not willing to include such provision. In view of the above considerations, it is however considered that the lack of such provision would not warrant a reason for the refusal of the application.

1.40 Objectors have questioned the ‘need’ for the development, commenting that there a large number of properties for sale within the immediate area and wider borough. In response, reference is made to the Planning Inspector’s comments for the recently allowed appeal decision on land at Tunstall Farm, Valley Drive (appeal reference APP/H0724/A/14/2228786, decision date 21/05/2015), in which the Inspector commented that *“for the most part, houses currently on the market are existing not proposed dwellings, and the local housing market is more a reflection of people moving up or down the housing ladder to meet their accommodation requirements ad aspirations rather than the availability of additional housing to meet local need. The findings of the SHMA are only part of the objective assessment of housing need which must be made for identifying future land availability and allocations. The need for housing has to take account of a wider range of factors which, as well as the existing need for different forms and tenure of housing, include additional provision to tie in with policies for economic growth”*.

1.41 In view of the above, it is considered that the application, including the proposed car park, is a sustainable form of development and the presumption in the NPPF that Planning should operate to encourage and not act as an impediment to sustainable growth must be applied. Significant weight is required to be placed on the need to support economic growth through the planning system. In light of the lack of a five year housing land supply, the Local Planning Authority’s policies for the supply of housing cannot be considered as up-to-date. In accordance with paragraph 14 of the NPPF therefore the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is considered the proposal would not give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. It is considered that approval of this application is not so significant to the outcome of the emerging Local Plan housing options that planning permission should or could be reasonably withheld.

## PLANNING OBLIGATIONS

1.42 Saved Policies GEP9 and Rec2 relate to planning obligations and set out requirements for new development to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements. Off-site provision or financial contributions instead of on site provision may be made where

the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.

1.43 In terms of the required planning obligations for the current proposal, these are set out below. The applicant has provided a viability appraisal, which has been assessed accordingly. Following the requirement to provide a car park for the primary school, the developer has purchased the land in question and will gift this to the Local Authority and pay the Local Authority to construct the car park, this has been taken into account in the viability assessment for the scheme.

1.44 The viability assessment is considered to be acceptable and the applicant has indicated that they will enter into a Section 106 Agreement to provide the following contributions;

- A) £125,000 contribution for primary education
- B) £9,750 for Green Infrastructure
- C) £9,750 for Built Sports
- D) £9,750 for Play
- E) A commitment to provide solar panels on 4 properties at a cost to the developer of £20,000
- F) A contribution of £47,880 towards off site affordable housing
- G) The provision of the school car park.

1.45 A contribution of £47,880 is to be made towards off site affordable housing. Officers consider that this equates to an equivalent 2.05% on site contribution. It should however be noted that there are two further abnormalities (in addition to the car park) on the scheme – a pumping station and a rising main which have added to the overall costs. As such, the contribution is considered to be acceptable in this respect.

1.46 In view of the above considerations, it is considered that the proposal would satisfy the provisions of the NPPF (para. 204) and the three tests of the Community Infrastructure Levy (CIL) Regulations 2010.

#### IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY

1.47 Objectors have raised concerns regarding the impact of the scheme on highway and pedestrian safety, in particular the potential for the scheme to exacerbate existing access/parking problems associated with the primary school, and the impact on the existing network in terms of capacity.

1.48 With respect to the impact on the identified junctions, the Traffic and Transport section has reviewed the submitted 'Technical Note' and have confirmed that they have no concerns that the proposed development will cause any capacity issues on the local highway network.

1.49 With respect to the impact on Coniscliffe Road, the Traffic and Transport section had previously raised serious concerns that without the construction of a car park/drop facility for West Park School the development would have a severe impact on road safety on Coniscliffe Road. Following the submission of a revised scheme

to include the provision of a car park and drop off point to serve the school, the Traffic and Transport section has confirmed that this facility will help reduce parking congestion on Coniscliffe Road and mitigates the concerns regarding traffic in the 'am' peak. Subject to the provision of the car park facility prior to the first occupation, the Technical Services Manager (Traffic and Transport) has confirmed that there are no traffic and transportation objections to the development.

1.50 The Traffic and Transport section has outlined the need for a system of parking restrictions (TRO's) to be introduced on Coniscliffe Road and Duchy Road to prevent overspill parking in inappropriate areas. This can be secured by a planning condition.

1.51 With respect to other elements, the Traffic and Transport section have confirmed that the revised plans have addressed concerns over visibility within the site subject to landscaping being restricted to a certain height to protect site lines. They have confirmed that the proposed layout of the site is acceptable and conforms to the Councils Design Guide and specification.

1.52 Highways England has been consulted on the application and has raised no objection to the proposal though they have raised general concerns regarding the intensification of the use of junctions on the A19. (Members will recall similar concerns were raised in relation to a recent application at Quarry Farm, members refused that application, against officer advice, on highway safety grounds. The subsequent appeal was allowed with the inspector concluding that any impact was not severe). They have however commented that the site is part of a much larger scale of development and this should be considered as part of committed development in the consideration of further applications. These comments are noted in respect of future applications, in particular the outstanding application H/2014/0428.

1.53 The NPPF indicates that account should be taken of whether improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of development. It goes on to advise that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Subject to the provision of the car park/drop off and area and off-site highways works outlined above, and that the Traffic and Transport section have raised no objection to the scheme, there is no substantiated evidence which would conclude that any residual impact would be severe.

1.54 In view of the above, it is considered that the proposal is acceptable in terms of its impact on highway and pedestrian safety.

#### DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE ON THE AREA

1.55 The planning application is accompanied by a Design and Access Statement and indicative landscaping plans which provide a design strategy to mitigate, where necessary, any landscape and visual impacts arising from the development.

1.56 The Council's Landscape Character Assessment (2000) identifies that the site as being located within the Rural Fringe with a medium-high value.

1.57 The proposed scheme includes provision for a landscape buffer along the eastern boundary, adjacent to the existing rear boundaries of the properties that bound this area. The proposed scheme also includes an indicative provision for landscape screening adjacent to the proposed car park to the north and tree planting within the rear gardens of the properties along the western boundary.

1.58 Both the Council's Landscape Architect and Arboricultural Officer have assessed the proposal and their detailed comments are set out in full in the consultation section of this report.

1.59 The Council's Arboricultural Officer has raised no objections to the scheme subject to a number of planning conditions with respect to the full details of soft landscaping and management being secured by a planning condition. With regard to future landscaping of the development, the Arboricultural Officer has confirmed that the inclusion of the eastern landscaping buffer within the curtilages of the proposed dwellings will avoid future problems associated with maintenance.

1.60 The Council's Landscape Architect has advised that the landscape scheme should address issues of screening the car park and would benefit from a landscape treatment that is sympathetic to the 'rural' context of the wider area, particularly to the west.

1.61 The proposed car park will require the removal of a section of the hedge in order to create access to the proposed car park. The Arboricultural Officer has commented that *"although the loss of a section of hedge is considered regrettable, it is necessary to facilitate construction of the proposed car park"*.

1.62 The Arboricultural Officer has also advised that it is necessary to condition the protection of existing trees along the eastern boundary during construction works. Such tree protection measures will need to extend to the woodland to the south of the site, as per the recommendations of the Council's Ecologist (as set out below).

1.63 With respect to the proposed western boundary, the Council's Landscape Architect has commented that the lack of a landscape buffer on the western boundary *"will provide a stark edge against the adjacent agricultural fields (the existing residential boundary has established vegetation which breaks up the fence line and building line). Consideration should be given to the landscape treatment of the western boundary for reasons of visual impact"*. The applicant's agent has been made aware of this request but have declined to provide such a buffer. Nonetheless, revised plans have been submitted detailing the provision of sporadic tree planting/landscaping within the rear garden curtilages of the proposed dwellings to the west of the site.

1.64 It is considered that the proposed development would, for the most part, be read in the context of the backdrop/existing built up area of the existing housing to the east, and would reflect such development to the east. Consideration also needs to be given to the siting of the adjacent major gas pipeline in terms of retaining the requisite, minimum separation distances to the pipeline. Furthermore, consideration is given to the undulating ground levels of the adjacent land to the west and the presence of the mature woodland to the south. Furthermore, taking account of the

siting of the farm to the north and satisfactory distances to Elwick Road beyond, it is considered that on balance, the lack of a landscaping buffer to the west would not result in an adverse impact on the visual amenity of the surrounding area or warrant a reason for the refusal of the application.

1.65 The proposed retention of existing hedgerows and the provision of new planting to the east and west, and adjacent to the proposed car park would create a strong buffer around the site (to contain views). As such it is considered that the proposed application site has the capacity to contain the proposed development without dominating its surroundings or significantly affecting the character of the area.

1.66 Whilst the development is outside of the limits to development, it is considered that the landscape mitigation offered would assist in integrating the scheme into the local landscape and the proposed development would not have a significant impact on the landscape character of the area. It is considered that there would be no significant adverse visual harm arising from the development.

1.67 The proposed dwellings are considered to be of a design, scale and appearance that are considered to be in keeping with the general pattern and built form of the surrounding area, which is generally characterised by large, detached dwellings. This view is supported by the Council's Landscape Architect who has commented that *"in terms of general character it would appear that the developer has attempted to reflect the eclectic character of the wider residential area through provision of a range of housing styles and materials"*.

1.68 It is considered that the proposed layout would achieve a satisfactory design, with the scheme forming a logical extension to the urban limits. The proposed dwellings would be served by off street car parking with satisfactory private garden/amenity areas. Guideline separation distance would be achieved within the site. As set out above, the scheme would make provision for a landscape buffer along the eastern boundary, and adjacent to the proposed car parking area. Sporadic tree planting is indicated along the western boundary. In view of the above, it is considered that the scheme satisfies the provisions of saved Policies GEP1, GEP12 and Hsg9, and the provisions of the NPPF.

#### IMPACT UPON THE PRIVACY AND AMENITY OF NEIGHBOURING RESIDENTS

1.69 Objections have been received with respect the proposal resulting in an adverse impact on the amenity and privacy of existing neighbouring properties.

1.70 The sites of the proposed dwellings to the east of the site would bound the existing residential boundaries of properties along Coniscliffe Road, Parklands Way and Auckland Way. It is considered that the location of the development is sufficiently separated from existing dwellings and it is considered that the proposed dwellings would be sufficiently far apart to meet any visual privacy requirements and the site has a sufficient area to meet the amenity of the occupants. As such, it is not considered that the application will have any significant impact upon the privacy and amenity of neighbouring residents in terms of outlook, overbearing, overshadowing and overlooking.

1.71 The layout incorporates a landscape buffer along the eastern boundary to the existing properties and has been designed to ensure that adequate distances are met and designed to limit any overlooking. Suitable type and size of tree species can be secured by way of a planning condition. As such, it is considered that the site would satisfactorily accommodate the proposed development.

1.72 Notwithstanding the above, taking into account the levels across the site, it is considered necessary to control details of existing/proposed ground and finished floor levels, which can be secured by a planning condition. In addition, house type T18 features 2 non-habitable room windows in the gable side/rear elevation that would face onto the adjacent boundaries to the east (in respect of plots 20, 22 and 28). It is considered necessary to condition that these windows are fixed and obscurely glazed in the interests of the amenity and privacy of neighbouring properties to the east.

1.73 With respect to objections/concerns over noise disturbance, dust and mud from construction traffic, the Council's Public Protection Manager has been consulted and raised no objections to the scheme subject to a number of conditions namely i) restricting hours of construction/deliveries ii) requiring approval of a construction management scheme and iii) requiring approval of details of the pumping station (associated with the SUDS pond). Appropriate planning conditions are proposed.

1.74 With respect to the impact of the proposed car park, in view of the modest scale of the car park, its associated use with the school (the use of which is limited to certain hours of the day), and the satisfactory remaining separation distances to surrounding residential properties, it is considered that the proposal will not result in an adverse impact on the amenity and privacy of neighbouring land users.

1.75 In terms of noise and air quality impact the Public Protection Manager has considered the proposal and raises no objection on these matters.

1.76 Subject to the identified planning conditions, it is considered that on balance, the proposal will not result in an unacceptable impact on the amenity and privacy of both existing and proposed neighbouring properties, and of future occupiers of the proposed dwellings.

## ECOLOGY AND NATURE CONSERVATION

1.77 The application is accompanied by an Ecological Appraisal which assesses the site in two parts; site A relates to the proposed housing and site B, is a small broad-leaved wood immediately to the south.

1.78 Site A is currently in arable use with a grass field margin and the occasional hedgerow shrub. Consequently, the Council's Ecologist has confirmed that its ecological value "*is likely to be limited to a small number of nesting birds and possibly also as a small part of the foraging range of mammals such as badger and hedgehog. The development of this area of land as housing would therefore have minimal ecological impacts*". The Ecologist has recommended a standard condition on nesting birds, which is proposed.

1.79 In line with NPPF, the LPA should require that development enhances biodiversity where possible. The submitted plans show the creation of a SUDS scheme at the southern end of the site. The Council's Ecologist has advised that if implemented in such a way that it benefits biodiversity, the SUDS scheme "*would be sufficient to provide an enhancement for biodiversity on the site. Therefore details of the SUDS scheme should be submitted for approval*". The Ecologist has further advised that the attenuation area is sown as a wildflower meadow to provide some minor overall enhancement for biodiversity as a result of the development should the SUDS pond be dry.

1.80 Site B is of much higher value for biodiversity as it consists largely of broad-leaved woodland, a priority habitat. Natural England has been consulted on the application and do not object to the proposal. They have however provided a number of advisory comments, referring the LPA to Natural England's standing advice and their ['Magic' mapping website](#); the woodland to the south of the development is identified as 'Priority Habitat Inventory' - Deciduous Woodland.

1.81 The Council's Ecologist has advised that this area "*is known to support a range of nesting birds and badger and has high potential to support roosting bats. Site B should therefore be protected from damage during the construction period and details of protection measures should be submitted for approval*". This can be secured by a planning condition accordingly.

1.82 With respect to the proposed car park, the Council's Ecologist has commented that the provision of a landscaping strip to the south of the car park would compensate for the loss of the short section of hedge that would need to be removed. As set out above, full details of the landscaping can be secured by a planning condition.

1.83 Subject to the conditions described above, the proposal is considered to be suitable in ecological terms.

## ARCHAEOLOGY

1.84 Following the initial submission, Tees Archaeology requested that additional archaeological trial trenching be undertaken. The subsequent report confirms that the archaeological potential of the site is low and that the geophysical anomalies identified previously had a natural or agricultural origin. Tees Archaeology have therefore confirmed that the site is of low archaeological potential and that the report meets the information requirements of the NPPF (para 128). Tees Archaeology raise no objection to the proposal which is therefore acceptable in terms of archaeology.

## FLOODING AND DRAINAGE

1.85 Objections have been received with respect to the proposed development exacerbating existing drainage and flooding problems within the area and that the proposed SUDS pond could result in further flooding/drainage problems. With respect to matters of flooding, the site falls outside of both Flood Zones 2 and 3. The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy.



1.86 With regard to surface water drainage from the site, Northumbrian Water has confirmed that no surface water flow from the site will be allowed to connect to the existing public sewerage system. As such, discharge to a sustainable urban drainage system (SUDS) pond into the southern end of the site has been identified as the method for storing excess storm water and to restrict discharge of surface water to the existing Greenfield run-off rates into the existing watercourse.

1.87 The scheme has been considered by the Environment Agency who has raised no objections to the proposal in respect of drainage and flooding. Northumbrian Water acknowledges the provision of the SUDS pond and has requested that the scheme be implemented in accordance with the submitted FRA. The Council's Environmental Engineering section have also assessed the scheme (and FRA) and has commented that "*the use of sustainable drainage appears to be the most logical solution...I am satisfied that by adopting sustainable drainage on this site a betterment situation can be achieved as flows entering the watercourse can be restricted to ease the water flow further downstream during storm events*".

1.88 The applicant has provided initial engineering details of the proposed SUDS pond with the final details to be secured by way of a planning condition, which the Environmental Engineering section considers to be acceptable. Final details of the associated pumping station would also need to be secured by way of a planning condition.

1.89 With respect to matters of foul drainage, Northumbrian Water has confirmed that they model the impact of development on their network before allowing connection into their sewer system. In this case, Northumbrian Water have modelled the sewers and found that the network could sufficiently cope with the extra foul flows.

1.90 In view of the above considerations and subject to the identified conditions, it is considered that the scheme is satisfactory in terms of flooding and drainage related matters.

## OTHER ISSUES

### *Proximity to high pressure gas pipeline*

1.91 A high pressure gas main runs adjacent to the application site (approximately 14m -18m from the western site boundary). The application has been considered through the Health and Safety Executive's Land Use Planning system (PADHI+), which confirms that there are no grounds to advise against the granting of planning permission (the HSE have confirmed in writing that this is the correct stance). The pipeline operator has also been consulted and they have confirmed that the proposed scheme would achieve the requisite separation distances to the pipeline, which have been illustrated on the submitted drawings. The scheme is therefore considered to be acceptable in this respect.

### *Contaminated land*

1.92 The Council's Environmental Engineering section have confirmed that further site investigation works will be required to supplement the Stage 1 Desk Study that has so far been undertaken for this site and this can be dealt with through standard contaminated land planning conditions.

### *Agricultural land*

1.93 The NPPF defines the best and most versatile agricultural land as being Grades 1, 2 and 3a. The current site is in agricultural use and is classified as grade 3a. Whilst the proposed development would result in the loss of agricultural land from production the loss is not considered to be significant enough to warrant refusal on this ground alone.

### *Public Right of way*

1.94 The works to the proposed site entrances (to both the dwellings and the proposed car park) will require the partial stopping up of a short section of public footpath. The Council's Countryside Access Officer has confirmed that *"this procedure will enable the extension of adopted highway to proceed into the proposed development...Duchy Road will remain private and the access to the proposed car park will be through a private access agreement that is already in place"*.

1.95 The applicant has entered into discussions with the Local Authority on this matter and has submitted the requisite application (which is controlled through separate legislation).

### *Crime/fear of crime and anti social behaviour*

1.96 A number of objections have raised concerns with respect to the proposal resulting in an increase in crime/fear of crime and anti social behaviour (ASB). In response, the Council's Community Safety and Engagement Unit have been consulted and have confirmed;

1. The Unit has not received any ASB or Hate Incident complaints regarding the local area over the previous 24 months
2. Given the size of the research area and the 24 month date period considered the Unit would not regard the estate as an ASB or Crime hotspot location.
3. The Unit considers it unlikely that the West Park estate and new development area would be identified as a Vulnerable Locality.
4. During the previous 24 month date period (13.08.13 – 13.08.15) the Unit has not received any reports of young people gathering in the local area / planned development area.

1.97 This view is also supported within a recent appeal decision at the Quarry Farm site (Appeal ref APP/H0724/A/14/2225471, decision date 18.02.2015) which falls within the same Ward as the current application site. The Inspector commented that

*“although of great concern to local residents, the proportion of reported crime and anti-social behaviour within the vicinity of the appeal site is extremely low in the context of both the Rural West Ward and Hartlepool as a whole. Given this, along with the benefits to the local area which could be secured through natural surveillance from the appropriate design of the proposed dwellings and the proposed upgrade and formalisation of the footpath through the woods, in my opinion, opportunities for crime and anti-social behaviour would be substantially reduced in the vicinity of the appeal site”.*

1.98 Cleveland Police’s Architectural Liaison Officer (ALO) has assessed the proposal and commented that the proposed development “*is located in a lower than average crime area*”. The ALO has made some advisory comments in respect of adopting appropriate crime prevention measures as outlined in Secured by Design guidelines, primarily relating to boundary treatments. The applicant has considered these recommendations and incorporated a number of these into the scheme.

1.99 In view of the above, it is considered that the proposed development would not harm the living conditions of neighbouring occupiers, with particular reference to antisocial behaviour, crime and the fear of crime. As such, it would not be contrary to Local Plan Policy GEP1 and would accord with the guidance in the NPPF, in this respect.

## RESIDUAL MATTERS

1.100 Objections have commented that the proposed dwellings would place an undue further pressure on existing school places (at West Park Primary School). As set out above, a financial contribution for primary education has been secured. The scheme is therefore acceptable in respect.

1.101 The application site is not located within a Green Belt.

1.102 Hartlepool Water has confirmed that the proposed development of 39 dwellings can be served from their existing network in Elwick Road (in terms of potable water).

1.103 Objections have made reference to the Human Rights Act and the loss of light; the ‘Right to Light’ and ‘Right to a view’, operate separately from the planning system and is not a material planning consideration. Nonetheless, the Human Rights Act 1998, which came into force on the 2nd October 2000, incorporates into UK law certain provisions of the European Convention on Human Rights. The provisions require public authorities to act in a way that is compatible with Convention rights. In response it should be noted that the human rights of the adjoining residents are engaged, in particular, under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission involves balancing the rights of a landowner or developer to develop on his land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents.

1.104 The determination of a planning application in accordance with town and country planning legislation requires the exercise of a discretionary judgement in the

implementation of policies that have been adopted in the interests of the community and the need to balance competing interests is an inherent part of the determination process. In making that balance it may also be taken into account that the amenity and privacy of local residents can be adequately safeguarded by the imposition of conditions if relevant. The impact on the amenity and privacy of neighbouring properties has been assessed within the material considerations above.

1.105 The provisions of the European Convention of Human Rights have therefore been taken into account in the preparation of this report.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.106 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

1.107 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. These issues are considered above, where it is considered the proposal is acceptable.

## **CONCLUSION**

1.108 The development is an unallocated site located outside the established urban limits and such development would normally be resisted unless material considerations indicated otherwise having regard to the development plan. However the guidance in the NPPF makes clear that the Local Planning Authority's existing housing delivery policies cannot be considered as up to date as it cannot demonstrate a five year supply of deliverable housing sites. Also housing applications are to be considered in the context of the presumption in favour of sustainable development. The site is considered sustainable. It is considered that there are important material benefits arising from the proposed development and there are not any adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

1.109 The scheme is also considered to be acceptable in respect of other material considerations set out above.

1.110 The application must be considered in accordance with the NPPF guidance in the context of the presumption in favour of sustainable development and delivery and therefore the application is accordingly recommended for approval.

## **REASON FOR DECISION**

1.111 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 securing an educational contribution of £125,000; a contribution towards built sports of £9,750, £9,750 for Green Infrastructure and £9,750 for Play; an affordable housing contribution of £47,880; the provision and construction of the proposed school car park, the provision and maintenance of highways to an adoptable standard and a local labour agreement subject to the following conditions.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

To clarify the period for which the permission is valid.

2. The development hereby approved shall be carried out in accordance with the following plans and supporting information/reports unless otherwise agreed in writing by the Local Planning Authority;

House Type 14 (SH 014), Type 15 (SH015), Type 16 (SH016), Type 17 (SH 017), Type 18 (SH018), House Type 19 (SH019), all plans date received by the Local Planning Authority on 27th April 2015; Plans N14164-900 REV P3 (Preliminary Drainage Strategy) and plan G01 (Proposed Double Garage General Arrangements) both plans date received by the Local Planning Authority on 11th June 2015; and amended plans 001 REV H (Proposed Site Layout Plan), 002 REV D (Proposed Boundary Treatment and Hard Landscape Plan), 005 REV C (Location Plan) and 2063/SK001/001 (Proposed Car Park for West Park Primary School), all plans date received by the Local Planning Authority on 6th July 2015.

Patrick Parsons Flood Risk Assessment, all date received 27th April 2015. For the avoidance of doubt.

3. Notwithstanding the submitted details in the application the external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been approved in writing by the Local Planning Authority.

To enable the Local Planning Authority to control details of the proposed development.

4. Prior to the commencement of development, trees and hedgerows within and adjacent to the site shall be protected in accordance with 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 shall include measures to protect existing planting along the eastern boundary, hedgerows and the woodland to the south of the site as identified by 'Area B' of the Naturally Wild Ecological Appraisal PP-15-02 (date received 27/04/2015). 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).

5. Notwithstanding the submitted details, 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. The scheme shall include the provision of landscaping in respect of the proposed car park. No planting above 0.6 metres in height shall be planted within the first 15 metres of the landscaped area (measured from the footway edge) adjacent to plot 39 in order to protect sight lines.

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.

6. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwellings hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.

7. Notwithstanding the submitted information, the school car park and drop off area shall be laid out in accordance with plan 2063/SK0001/001 (date received 6th July 2015) with details of the proposed hard landscaping, levels and surface finishes for the the car park to be first submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details and shall be implemented prior to the occupation of the first dwelling on site. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.

8. No development shall commence until a scheme of highway measures

and parking restrictions on Coniscliffe Road and Duchy Road has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of appropriate signage, and lining/markings on the highway. The agreed scheme shall be implemented prior to the occupation of the first dwelling.

In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.

9. 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.

10. 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 and pedestrian safety and in the interests of the visual amenity of the surrounding area.

11. 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.

12. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the finished floor levels and garden areas of the existing, adjacent properties that abound the east of the site. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy GEP1 of the Hartlepool Local Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents.

13. Notwithstanding the submitted information and the measures outlined within Patrick Parsons Flood Risk Assessment (date received 27th April 2015), no development shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. The scheme shall make provision for a sown wildflower meadow within the attenuation area. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

To accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management.

14. Prior to the commencement of development and notwithstanding the submitted information, full details of the pumping station identified on plan 002 Rev D (date received 06/07/2015) shall be first submitted to and agreed in writing with the local planning authority. The scheme shall include technical details of the pumping station including acoustic information and noise attenuation measures, the design, scale and appearance of the pumping station building, hard standing and enclosures. The development shall be implemented in accordance with the details so approved and operate in accordance with the agreed details for the lifetime of the development..

In the interests of the amenity and privacy of the occupiers of the adjacent residential properties.

15. No development shall take place until a scheme for passing surface water drainage from parking areas and hard standings through an oil interceptor prior to being discharged into any watercourse, SUDs feature,

surface water sewer or soakaway system, has been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until the oil interceptor has been installed in accordance with the approved details. Roof water shall not pass through the interceptor.

To ensure a satisfactory form of development.

16. Notwithstanding the submitted details shown on plan SH018 (Type 18), the 2no. windows to be installed within the first floor side elevations (east, serving a bathroom and an en suite) of the proposed dwellings on the plots identified as plots 20, 22 and 28 as indicated on plan 001 REV H (Proposed Site Layout Plan, date received 06/07/2015) facing onto the adjacent eastern boundary, shall fixed and obscurely glazed using a minimum of type 4 opaque glass, details of which shall be first submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented thereafter and shall remain for lifetime of the development hereby approved.

To prevent overlooking.

17. Notwithstanding the submitted information and prior to the occupation of the dwellings hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly.

In the interests of the amenities of the occupants of neighbouring properties and ensure a satisfactory form of development.

18. No development shall commence until details of proposed external lighting has been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed and retained in accordance with the details so approved.

To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.

19. No development shall commence until the Local Planning Authority has approved a report identifying how the scheme will generate 10% of the predicted CO<sub>2</sub> emissions from on-site renewable energy. Before the development is occupied the renewable energy equipment, detailed in the report, shall be installed.

In the interests of promoting sustainable development.

20. 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.

21. No development shall take place until a Construction Management Plan has been submitted to and agreed in writing with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, and to effectively control dust emissions from the site remediation and construction works. The construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

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

22. No construction/building works or deliveries shall be carried out except between the hours of 07.30 am and 07.00 pm on Mondays to Fridays and between 07.30 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

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

23. 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 or converted 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), 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.

25. 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) and notwithstanding the approved details, 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.

## **BACKGROUND PAPERS**

1.112 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

## **CONTACT OFFICER**

1.113 Damien Wilson  
Assistant Director (Regeneration)  
Level 3  
Civic Centre

Hartlepool  
TS24 8AY

Tel: (01429) 523400  
E-mail: [damien.wilson@hartlepool.gov.uk](mailto:damien.wilson@hartlepool.gov.uk)

## **AUTHOR**

1.114 Daniel James  
Senior Planning Officer  
Hartlepool Borough Council  
Civic Centre (Level 1)  
Victoria Road  
Hartlepool  
TS24 8AY

Tel: (01429) 524319  
E-mail: [daniel.james@hartlepool.gov.uk](mailto:daniel.james@hartlepool.gov.uk)



## LAND OFF CONISCLIFFE 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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**H/2015/0162**  
**Scale: 1:3000**  
**Date : 14/08/15**

**No:** 2  
**Number:** H/2015/0279  
**Applicant:** BENTLEY MATHIESON DENTALCARE 22 Victoria Road  
 HARTLEPOOL TS26 8DD  
**Agent:** KINGFIELD DEVELOPMENTS GRAEME PEARSON ST  
 OSWALD HOUSE 32 VICTORIA ROAD HARTLEPOOL  
 TS26 8DD  
**Date valid:** 13/07/2015  
**Development:** Revised application for the erection of a single and two  
 storey extension to rear  
**Location:** 22 VICTORIA ROAD HARTLEPOOL

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## 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 (relevant history)

2.2 The following applications are relevant:

[H/2012/0612](#) – Retrospective advertisement consent was granted on 12/03/2013 for the display of an illuminated free standing double sided advertisement to the front.

[H/2013/0117](#) – Planning permission was granted on 20/05/2013 for the erection of a first floor extension at the rear to provide staff room facilities. This extant approval has not been implemented to date.

H/2015/0108 - Planning permission was recently refused on 05/06/2015 for the erection of a single and two storey extension to rear. The application was refused for the following reason;

*In the opinion of the Local Planning Authority, the proposed extensions are considered to cause less than significant harm to both the designated Grange Conservation Area and the heritage asset (locally listed building) by virtue of the scale, mass and siting of the proposed extensions and resultant loss of the existing yard space that is considered to be an important characteristic of this conservation area. It is considered that the development would have a detrimental impact on the character and appearance of the Grange Conservation Area and the locally listed building. It is further considered that there is no information to suggest that this harm would be outweighed by the public benefits of the proposal and that the proposal is therefore contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of the National Planning Policy Framework and National Planning Practice Guidance, and saved Policies HE1 and HE12 of the adopted Hartlepool Local Plan.*

2.3 The application has been requested to go to planning committee by a Member.

## **PROPOSAL**

2.4 This revised application seeks planning permission for the erection of a two storey extension and a single storey extension to the rear of 22 Victoria Road.

2.5 As set out above, planning permission was recently refused for the same proposed extensions to the rear of the property; the applicant's agent has advised that the revised plans provide further detailing of how the extension would be viewed from both side elevations. With this slight exception, there are no notable differences from the revised scheme.

2.6 The proposed two storey extension would project from the main rear elevation of the building by approximately 5m x 6.8m in width x 8.3m in height with a predominantly flat roof design; the roof would feature a parapet wall design across the front elevation, tying into an existing, retained parapet wall that extends from an existing off shoot extension. The proposed roof would feature a glazed roof lantern, set back from the parapet wall. The proposal would project along the adjacent boundary to No 20 (being built up to the existing off shoot extension serving No 20) and the existing off shoot extension serving the host building. The proposal would feature 1, large sash window in the first floor rear elevation. The scheme would facilitate additional surgeries at ground and first floor level.

2.7 The proposed single storey extension to the rear would project beyond the proposed two storey extension and existing rear elevation(s) of the building by approximately 5.3m x 6m x 3.9m in height with a flat roof design. The proposal would be built within the majority of the remaining footprint of the existing open yard and would be facilitated by the removal of part of an existing garage along the rear boundary. The proposal would facilitate toilets, a hallway and access to the existing x-ray room that is to be amended internally. The proposal would feature a single access door in the rear elevation (north) that would be accessed via an external staircase, owing to the difference in ground levels.

2.8 The scheme also includes minor amendments to the rear boundary (north) consisting of the blocking up of a single access door and creation of a new yard access door (to access the proposed single storey extension and bin store).

## **SITE CONTEXT**

2.9 The application site relates to a two storey, mid-terraced property, located along Victoria Road. The property (No 22) is locally listed and is also located within the Grange Conservation Area. The host property is currently occupied by a dental practice and is adjoined to commercial properties to the east (No 20 occupied by a hairdresser at ground floor and photographers at first floor) and west (No 24 occupied by a solicitors firm). The highway of Victoria Road is present beyond a car park to the front (south). Beyond the rear boundary is an alleyway/access road with residential properties beyond this to the north east and north west.

2.10 The host property is currently served by off shoot extensions to the rear and detached garages that form part of the immediate rear boundary (north) in addition to a brick wall. An open yard area is formed as a result of the site layout.

## **PUBLICITY**

2.11 The application has been advertised by way of neighbour letters (17), site notice and press notice. To date, no responses have been received.

2.12 Copy Letters **C**

2.13 The period for publicity expires 26.08.15 (site notice).

## **CONSULTATIONS**

2.14 The following consultation responses were received;

### **Heritage and Countryside Manager**

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF). It also looks for local planning authorities to take account of the desirability of new development to make a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF). In this instance para 135 is also relevant as the building is considered to be a heritage asset in its own right.

This scheme appears to be the same as the previous application which was considered under reference H/2015/0108 without any modifications which would address the issues raised at the time. The comments made in relation that scheme are still relevant and should be taken into considered when determining this new application. These are appended (below) for ease of reference.

It is considered that the proposal would still cause less than significant harm to the conservation area. There is no additional information provided to suggest that this harm would be outweighed by the public benefits of the proposal.

### Original comments:

This property is located within the Grange Conservation Area, a designated heritage asset. The building is also on the Hartlepool local list and is therefore considered to be a heritage asset in its own right. The significance of it is largely due to the architectural interest of the property and it is described in the local list as thus,

‘Two storey mid 19th century originally constructed as a dwelling now converted to a dental practice. Symmetrical front elevation with central door with sidelights and fanlight in porch with columns, frieze and cornice. Door flanked by ground floor bay windows with decorative moulded panel to stallriser and bracketed cornice. Centre fixed light to bays and opening vertical sash windows to side. Three first floor windows with stone cills and lintels with keystones expressed. One over one sash



windows retained. Elevation framed by rusticated stone quoins. Slate roof with gabled chimneys and deep two part timber fascia. Garden largely retained.'

The proposal is an extension to the rear of the property.

Relevant policy can be found in the National Planning Policy Framework (NPPF), paragraph 131 which states that, in determining planning applications, account should be taken of, 'the desirability of new development making a positive contribution to local character and distinctiveness.'

It goes further to state 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' in paragraph 132.

In relation to Heritage Assets paragraph 135 states, 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of harm or loss and the significance of the heritage asset.'

Local Plan Policy HE1, Protection of Conservation Areas is relevant in this instance. This states that, '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.' In addition policy HE12 is relevant; this covers the, 'protection of locally important buildings'.

The Grange Conservation Area considers the character of the area. It describes the plot layout of Victoria Road as, 'a string of detached and semi-detached buildings, on plots of varying width, which happen to be built up against each other, creating the effect of a terrace...the grain is very open with wide plots and buildings positioned at the back, keeping a consistent building line with Grange Road and creating deep south-facing front gardens. Rear offshoots leave small yards...The building line and basic layout survives despite detailed changes.'

It notes that, 'The commercial area is concentrated on Victoria Road with a number of services such as solicitors and dental practices...The impact of change of use here has been profound over the years (mainly before the conservation area designation) with the loss of front gardens and boundary walls to parking, loss of trees...radical change to ground floor frontages and the introduction of commercial signage.'

It further notes that, 'Radical changes in character as a result of a change in use, leaving a legacy of change and harm, must be prevented. Where the opportunity arises, efforts should be made to reverse some of the worst intrusions into the historic character of the Victoria Road area, but without compromising its economic viability.'

The rear of this street has retained a traditional character, with rear offshoots in predominantly in brick with pitched roofs in slate.

A previous application for an extension at first floor level was approved at this property. At the time it was considered that a rear offshoot with a pitched roof would be within the character of this conservation area and the adjacent buildings however the incremental development that had taken place to the rear of the building over the years appeared to preclude this. It was requested that an appropriate solution, minimising the impact on the character of the conservation area, would be an extension in brick rather than a development in blocks and render. Any new windows should reinforce the vertical emphasis of the window pattern found within this conservation area.

This application proposes the development of the rear yard to remove incorporate the majority of the space into the ground floor of the building. To the first floor the proposal is a flat roofed extension across the rear of the building with a lantern providing light through the roof.

The loss of the space within the rear yard of the property is disappointing. As noted in the appraisal although such spaces are not visible from public areas these rear yard areas reinforce the grain and building lines found within the Grange area.

In relation to the first floor extension, narrow extensions that are often paired with the adjacent property are characteristic of the Grange Conservation Area. The rear offshoots with small spaces provided by rear yards can be seen along the street scene with larger offshoots which don't follow this pattern breaking the rhythm.

The proposal to build across the rear of the building would cause harm to the significance of the conservation area as it would break up the street scene which, in this particular locality, is typical of the Grange Conservation Area. In addition unlike many parts of the conservation area, the rear of these properties can be widely viewed from Milton Road.

In relation to the heritage asset the proposal would cause harm. The loss of the rear yard area and the extension to the rear combine to add further to the incremental changes which have taken place at this property over time. The changes are not characteristic of the buildings found in this area, and do not draw on the character of the conservation area as noted above.

It is therefore considered that the proposal would cause less than significant harm to both the designated heritage asset (conservation area), and the heritage asset (locally listed building). There is no information provided in the Heritage Statement to provide details to suggest that this harm would be outweighed by the public benefits of the proposal.

A solution in this instance would be to consider a proposal which is more sympathetic to the character of the building and the conservation area. This could include reducing the development within the yard area and considering a reduced extension to the rear in the form of an offshoot extension. In addition the materials used in this area are predominantly brick with slate roofs therefore it is contented that a pitched roof should be considered on any new extension, particularly at first floor level.

**Public Protection**

No objections

**Traffic and Transportation**

There are no highway and traffic concerns

**HBC Countryside Access Officer**

No comments

**PLANNING POLICY**

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

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

PARA 002 : Primacy of Development Plan

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 019: Building a strong, competitive economy

PARA 128 + 129 : Heritage assets

PARA 131 : Viable use consistent with conservation

PARA 132 : Weight given to asset's conservation

PARA 135 : Non-designated heritage asset

PARA 137 : Opportunities for new development within Conservation areas

PARA 196 : Planning system is plan led

PARA 197 : Presumption in favour of sustainable development

## 2.17 Relevant Planning Policies

Com4: Edge of Town Centre Areas  
 GEP1: General Environmental Principles  
 GEP2: Access for All  
 GEP3: Crime Prevention by Planning and Design  
 HE1: Protection and Enhancement of Conservation Areas  
 HE2: Environmental Improvements in Conservation Areas

## 2.18 Grange Conservation Area Character Appraisal (2009)

### **PLANNING CONSIDERATIONS**

2.19 The main planning considerations with respect to this application relate to the impact on the character, appearance and setting of the existing building and conservation area, the impact on the amenity of neighbouring land users and the impact on highway safety.

#### **IMPACT ON LOCALLY LISTED BUILDING AND CONSERVATION AREA**

2.20 When considering any application for planning permission that affects a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to pay “*special attention...to the desirability of preserving or enhancing the character or appearance of that area*”.

2.21 The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF). Para 129 of the NPPF states “*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*”.

2.22 This property is located within the Grange Conservation Area, a designated heritage asset. The building is also on the Hartlepool local list and is therefore considered to be a heritage asset in its own right. The significance of it is largely due to the architectural interest of the property, which is detailed within the Heritage and Countryside Manager’s comments above.

2.23 The NPPF also looks for local planning authorities to take account of the desirability of new development to make a positive contribution to local character and distinctiveness (paras. 126 and 131). In this instance para. 135 is also relevant as the building is considered to be a heritage asset in its own right.

2.24 Para. 132 of the NPPF goes on to further state 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’ in para. 132.

2.25 In relation to Heritage Assets para. 135 of the NPPF states, *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of harm or loss and the significance of the heritage asset”.*

2.26 Para 013 of the National Planning Practice Guidance (online) also emphasises that *“a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it”.*

2.27 Saved Local Plan Policy HE1 (Protection of Conservation Areas) is also relevant in this instance. The Policy states that, *‘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.’* In addition, saved Policy HE12 is also applicable in this instance, in making reference to *‘protection of locally important buildings’.*

2.28 The Grange Conservation Area Character Appraisal (2009) considers the character, appearance and setting of the conservation area in great detail. It describes the plot layout of Victoria Road as, *‘a string of detached and semi-detached buildings, on plots of varying width, which happen to be built up against each other, creating the effect of a terrace...the grain is very open with wide plots and buildings positioned at the back, keeping a consistent building line with Grange Road and creating deep south-facing front gardens. Rear offshoots leave small yards...The building line and basic layout survives despite detailed changes.’*

2.29 It further notes that *‘radical changes in character as a result of a change in use, leaving a legacy of change and harm, must be prevented. Where the opportunity arises, efforts should be made to reverse some of the worst intrusions into the historic character of the Victoria Road area, but without compromising its economic viability.’*

2.30 The rear of Victoria Road has on the main part, retained a traditional character, with a number of off shoot extensions and single storey extensions to the rear, which are predominantly in brick with mono or dual pitched roofs in slate. A large incongruous extension is present to the rear/side of No 18 Victoria Road which is visible from wider areas, however this represents a poor example that pre-dates the designation of the Grange Conservation Area in September 2004.

2.31 This revised application proposes the development of the rear yard that would remove and incorporate the majority of the yard space into the ground floor of the building. The proposed two storey extension would extend across the main rear elevation of the building with a predominantly flat roof design (with parapet wall and glazed roof lantern features).

2.32 Whilst not visible from wider public areas, the loss of the space within the rear yard of the property is contrary to the aims of the conservation area appraisal, which

highlights that these rear yard areas reinforce the grain and building lines found within the Grange area.

2.33 In relation to the proposed two storey extension, narrow off shoot extensions that are often paired with the adjacent property are characteristic of the Grange Conservation Area. The rear offshoots with small spaces provided by rear yards can be seen along the street scene with a number of larger offshoots which do not follow this pattern, breaking the rhythm.

2.34 It is considered that the proposal to build across the rear of the building would cause harm to the significance of the conservation area as a result of the cumulative impact of the general mass of the extension(s) including its width and the loss of the space to the rear yard. It is considered that the proposals would break up the rhythm and form of the street scene which, in this particular locality, is typical of the Grange Conservation Area. In addition, unlike many parts of the conservation area, the rear of these properties can be widely viewed from Milton Road.

2.35 The Council's Heritage and Countryside Manager has commented "*in relation to the heritage asset, the proposal would cause harm. The loss of the rear yard area and the extension to the rear combine to add further to the incremental changes which have taken place at this property over time. The changes are not characteristic of the buildings found in this area, and do not draw on the character of the conservation area as noted above*".

2.36 Para 134 of the NPPF states

*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.*

2.37 It should be noted that 'substantial harm' is a high test. 'Less than significant harm' is still considered to be a level of harm that should be considered with great weight. Accordingly and in view of the above, it is considered that the proposal would cause less than significant harm to both the designated heritage asset (conservation area), and the heritage asset (locally listed building).

2.38 It is acknowledged that the proposed extensions would also facilitate the expansion of an existing business; 'building a strong, competitive economy' is a key message of the NPPF in which it states that "*the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth...therefore significant weight should be placed on the need to support economic growth through the planning system*".

2.39 However, it is considered that there is no information within the revised application to suggest that the identified harm would be outweighed by the public benefits of the proposal, nor would the proposal enhance or 'better reveal' the significance of the heritage asset (as required by para 137 of the NPPF). It is also considered that the economic benefits of the proposal would be outweighed by the identified harm to the designated heritage assets. As such, it is considered the above impacts would warrant a reason for the refusal of the application, which is

considered to be contrary to the provisions of the NPPF, NPPG and saved Local Plan Policies HE1 and HE12.

#### AMENITY OF NEIGHBOURING LAND USERS

2.40 The proposed extensions would primarily project along the adjacent boundaries to No's 20 Victoria Road (east) and 24 (west). The boundary to No 20 consists of the blank gable wall of an existing two storey mono-pitch roof off shoot extension (which features a blank gable along the western/side elevation) and a single storey extension that adjoins an existing garage serving the host dwelling (to create a dual pitched roof).

2.41 The blank gable wall of a two storey mono-pitched roof extension (serving No 24) projects along the full length of the western boundary to the application site.

2.42 As a result, the proposed two storey extension would not extend beyond the two storey mono-pitched off shoot extension serving No 20 or the existing two storey off shoot of the host building (and therefore would not project beyond the rear of No 24, west). It is further considered that no direct views would be achievable between the first floor window of the proposed two storey extension and windows in the rear elevations of the adjoining properties.

2.43 As a result of the siting and layout of the proposed extensions in relation to the adjacent properties, it is considered that the proposals would not result in an adverse loss of amenity (in terms of overbearing, overshadowing and outlook) and privacy for existing and future occupiers of the adjoining properties.

2.44 Oblique separation distances of approximately 20m and 28m would remain between the rear of the proposed two storey extension and the nearest properties to the north east (3 Milton Road and 93 York Road) and north west (21-24 Barbara Mann Court, inclusive) respectively. The proposed single storey rear extension would be primarily screened by the existing, retained boundary wall. In view of the above distances and the established commercial use of the application site, it is considered that the proposal will not result in an adverse loss of amenity and privacy for existing and future occupiers of neighbouring properties to the rear of the site.

2.45 Furthermore, the Council's Public Protection team has raised no objections to the scheme in terms of noise disturbance.

#### HIGHWAY SAFETY AND CAR PARKING

2.46 The Council's Traffic and Transportation team has raised no objections to the scheme in terms of highway safety and car parking. In view of this and the close proximity of the site to the town centre, it is considered that the proposal will not result in an adverse loss of highway safety or result in an increase in on street car parking.

## CONCLUSION

2.47 The revised scheme as proposed is considered to cause less than significant harm to both the designated heritage asset (conservation area), and the heritage asset (locally listed building) by virtue of the general scale and mass of the proposed extensions and resultant loss of the existing yard space that is considered to be a characteristic of this conservation area and which should be preserved. It is further considered that there is no information within the revised submission to suggest that this harm would be outweighed by the public benefits of the proposal.

2.48 The proposal is therefore considered to be contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, aims of the NPPF and NPPG, saved Local Plan Policies HE1 and HE12 and the guidance contained within the Grange Conservation Area Character Appraisal.

2.49 The application is therefore recommended for Refusal.

## EQUALITY AND DIVERSITY CONSIDERATIONS

2.50 There is no evidence of equality or diversity implications.

## SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.51 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.

2.52 There are no Section 17 implications.

## REASON FOR DECISION

2.53 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 proposed extensions are considered to cause less than significant harm to both the designated Grange Conservation Area and the heritage asset (locally listed building) by virtue of the scale, mass and siting of the proposed extensions and resultant loss of the existing yard space that is considered to be an important characteristic of this conservation area. It is considered that the development would have a detrimental impact on the character and appearance of the Grange Conservation Area and the locally listed building. It is further considered that there is no information to suggest that this harm would be outweighed by the public benefits of the proposal and that the proposal is therefore contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of the National Planning Policy Framework and National



Planning Practice Guidance, and saved Policies HE1 and HE12 of the adopted Hartlepool Local Plan.

## **BACKGROUND PAPERS**

2.54 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

## **CONTACT OFFICER**

2.55 Damien Wilson  
Assistant Director (Regeneration)  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: (01429) 523400  
E-mail: [damien.wilson@hartlepool.gov.uk](mailto:damien.wilson@hartlepool.gov.uk)

## **AUTHOR**

2.56 Daniel James  
Senior Planning Officer  
Hartlepool Borough Council  
Civic Centre (Level 1)  
Victoria Road  
Hartlepool  
TS24 8AY

Tel: (01429) 524319  
E-mail: [daniel.james@hartlepool.gov.uk](mailto:daniel.james@hartlepool.gov.uk)



## 22 VICTORIA 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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**H/2015/0279**  
**Scale: 1:1250**  
**Date : 14/08/15**



**No:** 3  
**Number:** H/2015/0277  
**Applicant:** Oriel House Calverts Lane STOCKTON-ON-TEES TS18 1SW  
**Agent:** Jomast Developments Limited Oriel House Calverts Lane STOCKTON-ON-TEES TS18 1SW  
**Date valid:** 20/07/2015  
**Development:** Change of use and internal alterations to create HMO for up to 20 residents  
**Location:** The Tankerville Hostel 19 - 21 Tankerville Street HARTLEPOOL

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## 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 site consisted of originally, two dwellings, combined in the mid 1980s to form a single mid terrace, three storey double bay Victorian building with ground floor extensions to the rear. Since 1987 the site has developed a history of use alternatively as a hostel and later as a bed and breakfast establishment before falling into disuse.

3.3 In this respect, planning permission was granted in February 1987 (H/FUL/0603/86) for the change of use of this building from residential to a Hostel for the homeless for up to 15 residents.

3.4 The application is reported to committee for consideration at the request of Councillors.

## PROPOSAL

3.5 This application seeks consent to change the of use of the building and internal alterations to create a House in Multiple Operation (HMO) for up to 20 persons.

3.6 Internal alterations to facilitate the use of the building as an HMO would utilize a floor plan configuration that reflects the layout of the two original dwellings. A single doorway between the two halves would be retained at ground floor level linking the hallways. Other centrally positioned hallway linking doors located on the upper floors would be closed off. Each half of the premises would, in effect, become a mirror image of the other and consist of:

### 1. Ground Floors

Communal rooms consisting of living room, dining room, WC and a kitchen;

2. First Floor

Three bedrooms, shower bathroom and WC;

3. Second Floor

Two bedrooms and combined shower and WC.

3.7 The building would therefore have a combined total of two living rooms; two dining rooms, two kitchens all for use in common by the residents. Combined the upper floors would provide for a total of 10 bedrooms to sleep the 20 residents.

3.8 The applicant points out that the building is currently in a poor state of repair with the fixtures and fittings stripped out and windows and doors security boarded. It is their stated intention to bring the property back into use and address an identifiable housing need which in this case is for refugees seeking temporary accommodation whilst seeking asylum. Internal layout design of the premises would be functional and consistent with its use as an HMO.

3.9 As an HMO the Councils Housing Services section would issue the premises its mandatory Licence to operate as an HMO under the Housing Act 2004. Also the following would be required under the licence:

- The installation of suitable, properly installed & maintained automatic fire detection and warning system in accordance with the LACoRS Housing – Fire Safety Guidance on fire safety provisions for certain types of existing housing (July 2008);
- The provision of an adequately protected escape route in the event of a fire having regard to the above LACoRS Housing – Fire Safety (July 2008) and; also;
- Adequate provision made for the storage and disposal of refuse.

3.10 No provision is to be made by the applicant for on-site live-in or day time supervision. The day to day running of the site would be based on the responsibility of the residents and their ability to contact staff on a 24/7 basis. Management of the site would follow the guidelines of a contract with G4s and the Home Office to provide temporary accommodation to asylum seekers and, operate in accordance with the requirements of both the Home Office and the Local Authority licencing standards.

3.11 Although they may be from different cultural and religious backgrounds, the applicant identifies certain characteristics shared by most asylum seekers in that:

- They are unlikely to have anywhere to live;
- They will have few possessions and be very likely to own a car;
- They have limited financial resources
- They will represent a full range of households from single persons to couples with children and single nursing mothers.

3.12 In respect of this site, it is the applicant's stated intention to provide accommodation for use by single mother with children and single mothers

3.13 In terms of management, the applicant intends to undertake:

- An induction and orientation exercise for new arrivals;
- And have a 24/7 notification regime to address repairs and other service needs.

## SITE CONTEXT

3.14 The application site is a three storey terraced building located at 19/21 Tankerville Street, it is bounded to the North and South by residential properties. To the East is Tankerville Street beyond which are residential properties. To the rear is an alley way beyond which is Lynnfield Primary School.

## PUBLICITY

3.15 The application has been advertised by way of 11 neighbour letters and a site notice. To date, there have been no letters of objection received from local residents.

3.16 The period for publicity has expired.

## CONSULTATIONS

3.17 The following consultation replies have been received:

**HBC Traffic and Transportation:** The site is located on a terraced street with limited parking. Although it is anticipated that there would be low car ownership, there may still be potential for the development to create parking issues in Tankerville Street.

**HBC Housing Services:** reviewed the plans and made the following comments -

- The property was previously used as a HMO on a bed and breakfast basis but has been empty for approximately 15 years.
- If approved, the HMO will require a mandatory licence under the provisions of part 2 of the Housing Act 2004.
- Occupation of sleeping rooms by more than one person is not permitted unless they are married or living together as if married, they are parent and child (same sex or opposite sex if child aged under 10) or members of the same family and same sex. Therefore the maximum number of households allowed would be 10. Depending on the room sizes, the 10 households may comprise 20 people. The final number will be determined based on room sizes.
- There would be adequate shared facilities provided for bathing, personal hygiene and water closets for 20 people, except for wash hand basins, which are required in each bedroom where reasonably practicable.
- There are adequate facilities provided for the preparation and cooking of food for up to 20 residents.

- The premises will be required to have a suitable, properly installed and maintained automatic fire detection and warning system having regard to the LACoRS Housing – Fire Safety Guidance on fire safety provisions for certain types of existing housing (July 2008).
- There must be adequately protected escape route in the event of a fire having regard to the LACoRS Housing – Fire Safety Guidance on fire safety provisions for certain types of existing housing (July 2008).
- There must be adequate provision made for the storage and disposal of refuse.
- Guidance documents and property specific advice can be provided by officers within my team.

**HBC Public Protection:** no objection subject to a sound insulation condition to the party walls with numbers 17 and 23 Tankerville Street.

**HBC Community Safety:** As requested I have considered the proposed development from a Community Safety perspective:

1. Anti-social Behaviour Unit records finds that the Unit has dealt with 4 Anti Social Behaviour (ASB) complaints in the local area. (2 noise, 1 street drinking, 1 rowdy behaviour) The Community Safety CCTV Service has also monitored 3 suspicious incidents, 3 violent incidents, and 1 missing person in the local area. In May 2015 a CCTV tasking was put in place for the area CCTV camera with CCTV operators giving the area extra monitoring. This was due to intelligence received by the Police that behaviour linked to hate may be occurring in the area. This was not witnessed/proven and no further reports were received.

ASB complaints – streets checked:

- Albany Court
- Alma Street
- Lynnfield School
- Milton Road
- Sherriff Street
- Tankerville Street

2. There is a Public Space CCTV Camera located in the street at the junction of Tankerville Street and Milton Road. This camera is operated by the Council's Community Safety CCTV Service and is monitored at the towns Community Monitoring Centre.

3. ASB and Crime analysis carried out by the Units Community Safety Research Officer finds that over the previous 24 months (13.08.13 – 13.08.15) there have been 128 incidents of ASB and 103 Crimes recorded in the area by Cleveland Police. (See attached research document and below table for further details) Due to this the Unit would consider the area to be one that experiences higher than average levels of crime and ASB when compared to the majority of other areas in the town.

4. Analysis carried out by the Units Community Safety Research Officer into the geographical distribution of crime and ASB across Hartlepool Borough wards for the

annual Safer Hartlepool Partnership Strategic Assessment 2014 shows that the Victoria Ward (which includes Tankerville Street) is one of the top five wards with the highest rates of crime and ASB per 1000 population.

5. Due to the short response time the Unit has not had time to conduct any Vulnerable Localities Index research for the development location in question. However due to the above crime figures and employment, income and educational information contained in the Victoria Ward Profile the Unit would consider it likely that the Tankerville Street area would be identified as a Vulnerable Locality. (see below)

#### *Vulnerable Localities Index Information*

The Vulnerable Localities Index (VLI) is a research method which can help to identify residential neighbourhoods that may require prioritised attention from a community safety perspective. The VLI integrates data collected at the neighbourhood level to form an overall composite index value of vulnerability for a locality. It is calculated using six variables, and can be applied in any country where access to reliable data on these variables exists. The variables (measured at the same geographical units) are as follows:

- Counts of burglary dwelling
- Counts of criminal damage to a dwelling
- Income deprivation score
- Employment deprivation score
- Count of 15-24 year olds
- Educational attainment

6. Jomast have stated that the proposed development will be used to temporarily house Asylum Seekers. As identified in the Victoria Ward Profile the ward:

- has a number of active community / resident groups working with Ward Councillors and service providers to improve the local community - one of these groups is the towns Asylum Seekers and Refuges Group.
- has a number of Third Party Reporting Centres where hate crime/incidents can be reported should they occur.
- is Hartlepool's most diverse ward with 6% of the 8660 population being from BME communities.

**Cleveland Police:** National Planning Guidance states that designing out crime and designing in Community Safety should be central to the planning and delivery of new developments. Planning should also promote cohesive and vibrant neighbourhoods. Any mix of uses in neighbourhoods should avoid opportunities for conflict

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

Cleveland Police recognises the need for secure well managed accommodation for vulnerable persons who are need of support and accommodation. Cleveland Police will always offer support and commit to work with the management of such premises.



If planning permission is granted it is essential that the premises is effectively managed and that selection with regard the suitability of potential residents is correctly risk assessed prior to them been located at the facility to help promote community safety and cohesion of the local community.

Police would also ask that the following security measures are put in place

- Effective management of premises which is located on site.
- CCTV installed to cover all entrances and external areas of the building the CCTV must provide images of facial recognition that can be used in a court of law. CCTV installation must comply with requirements of Data Protection.
- Secure access control to building
- Ground floor and easily accessible windows to resident's rooms should have small window openings or window restrictors to prevent access through any opening window.
- Fire Escape doors should be alarmed to give indication to staff of any opening of these doors.
- Secure Bin Store should be provided
- Security lighting to all entrances in the form of dusk to dawn lighting should be fitted.
- Any replacement doorsets including flat entrance doors should be certified to BSPAS24 -2012. Flat doors should be fitted with a door viewer any glazing to doors should be laminated to a minimum of 6.4mm
- Any replacement ground floor windows and easily accessible 1<sup>st</sup> floor windows certified to PAS 24 -2012

Ward Councillor 1: Whilst I have no objections in principal to this application, I do have some concerns that the development has the potential to cause distress and nuisance to neighbouring properties should there be no careful vetting of the tenants once the building has been completed. What controls/responsibilities will be placed on the owners and management of the property to ensure that there will be increase in antisocial behavior in the vicinity of the property when the units are let.

Ward Councillor 2: I believe this will have to go to planning and therefore I would reserve my comments till then, however I will be in consultation with my ward colleagues and of course will be listening to the residents of the ward as well.

Councillor: Maintains that the application is in contradiction of the recently full Council approved Housing Strategy which states:

*Our Strategy has been developed around the following five priority outcomes:*

- *Delivering suitable new homes, including affordable homes and older persons accommodation;*
- *Making the best use of existing homes; improving quality conditions and the environment;*
- *Bringing long-term empty homes back into use;*

- *Improving health and wellbeing; promoting sustainability by supporting people with specific housing needs;*
- *Preventing homelessness and providing options.*

Whilst the proposal may bring a long-term property back into use he does not believe a HMO will improve quality, conditions and improve the environment. The Councillor also believe there are other options for addressing options for single bed accommodation that will improve the health and wellbeing of new and existing residents who have such a need. Our housing strategy needs to be considered in its overall context and not as isolated component parts identified within our priorities.

The second point the Councillor wishes to make is, in law, Landlords are not solely responsible for Anti-Social Behaviour and has provided some recent statistics outlining prevalence of Anti-Social Behaviour in the Victoria Ward, which can be corroborated by the Safer Hartlepool Partnership. Crime is a material planning consideration, as is fear of crime and it is the Councillor's opinion that the application may exacerbate an already identified problem in the area. He notes that at a recent meeting of the Safer Hartlepool Partnership members were informed of the upward trend in crime in this area. The burden of addressing further Anti-Social Behaviour would impose even more pressure on the Council and Cleveland police at a time of diminishing budgets.

Historically the Council has always had ambition to drive up the standard of Private Sector Housing in Hartlepool evident in previous bids for funding i.e. to the former Office of the Deputy Prime Minister. The Councillor therefore does not believe the proposal is a strategic fit with the Council's ambition and would have a negative impact in an area, which needs multi-agency support to protect residents in the longer term.

## **PLANNING POLICY**

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

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

- GEP1: General Environmental Principles
- GEP2: Access for All
- GEP3: Crime Prevention by Planning and Design

### National Policy

3.20 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve

all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

Paragraph 13 - The National Planning policy Framework constitutes guidance

Paragraph 14 - Presumption in favour of sustainable development

Paragraph 23 – Vitality of Town Centres

Paragraph 38 – Promoting sustainable transport

Paragraph 49 - Housing and the presumption in favour of sustainable development

Paragraph 51 – Identifying and bringing back into use empty housing and buildings

Paragraph 56 -Design of the built environment and its contribution to sustainable development.

Paragraph 57 - High quality inclusive design

Paragraph 60 - Promotion or reinforcement of local distinctiveness

Paragraph 61 - The connections between people and places

Paragraph 64 - Improving the character and quality of an area

Paragraph 66 - Community involvement

Paragraph 96 - Minimise energy consumption

Paragraph 186 – Approach decision making in a positive way to foster the delivery of sustainable development.

Paragraph 187 – LPAs should look for solutions rather than problems

Paragraph 196 - Determination in accordance with the development plan

Paragraph 197 – Presumption in favour of sustainable development

## **PLANNING CONSIDERATIONS**

3.21 The main issues for consideration in this instance are the appropriateness of the proposal in principle in terms of the policies and proposals held within the Development Plan, highways, design and layout, crime/fear of crime, anti social behaviour and impact on the amenity of neighbouring properties and the character of the area.

### Principle of Development

3.22 The principle of the use of the premises as a hostel was originally established by the grant of the February 1987 permission (H/FUL/0603/86). This allowed for the use of the premises as a homeless hostel for up to 15 residents at any one time. Though not supported by any planning history, the Councils Environmental Health Officer has nonetheless advised that, according to their records, this building has been empty for the last 15 years. As such, it is arguable whether the use as a hostel granted by the 1987 permission would subsist given the length of time that the

building has been empty, with boarded windows and a lot of the internal fittings removed - all signs of a use being abandoned. Case law suggests in any case that a large HMO and a hostel would fall within the Sui-generis use class and consent would need to be obtained to change between the two. The application seeks a new planning permission for the use of the premises as a HMO for up to 20 residents.

3.23 Councillors have raised the issue that the Housing Strategy, as recently agreed by the Full Council should now be material to the determination of this application in that it reflects the current aims and goals of the Council in terms of the Boroughs housing need. Whilst this strategic document with its aims to improve the supply quality and location of the Districts Housing supply, including affordable housing, has been agreed in principle by the Full Council, its means of delivery, namely an up to date local plan with specific housing policies, does not yet exist. As such the council has no means to deliver the aims of the Housing Strategy in terms of planning policy.

3.24 To date, there have been no changes to the 2006 Local Plan policies. Policies can only be amended through a local plan review which is underway but the Council have yet to publish any draft policies. The review, when it is undertaken, must have regard to the Housing Strategy as it is the most up to date document that reflects the current housing desires and intentions for the borough.

3.25 However, the Council does not yet have any Policy documents that enable the implementation of the Housing Strategy and, given the absence of an up to date plan and the absence of a five year housing land supply, saved Policy Hsg7 of the 2006 Hartlepool Local Plan is not considered to be compliant with the NPPF. As such this Authority can only rely upon Policies GEP 1 – 3 of the Local Plan (2006) and any relevant sections of the NPPF.

3.26 The National Planning Policy Framework (NPPF) was adopted on 27 March 2012 states that “*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.*” (Para 49).

3.27 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 cannot currently demonstrate a five year supply of deliverable housing sites and thus the housing policies and those relating to the limits of development within the 2006 Local Plan are deemed to be out of date. Where policies are out of date, the proposal must be assessed in relation to the presumption in favour of sustainable development and the tests set out in NPPF paragraph 14, namely that the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

3.28 It should be also be noted that the development would be compliant with guidance contained within paragraph 51 of the NPPF in bringing an empty building back into residential use.

3.29 Given the location of the application the development is considered sustainable. The benefits of the application within a housing context are that it would boost the supply of housing and bring a derelict building into use. The other material considerations are considered below where it is concluded that the proposal is acceptable. It is not considered therefore that any adverse impacts arising from the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. In principle therefore the proposal is considered acceptable.

### Highways

3.30 The site is located on a terraced street with limited on-street parking within a wider area of terraces that is characterised by an almost total absence of off-street parking. In common with other dwellings in the neighbourhood, the site lacks curtilage accessible to the highway and would therefore be unable to provide for any off street parking.

3.31 In respect of multiple occupancy conversions, the Councils Design Guide for Parking Standards (April 2011) indicates a minimum provision of 1.5 spaces per dwelling. However, this guidance does allow some latitude for parking provision to be further reduced particularly in areas readily accessible to local facilities by public transport, by cycling or by foot.

3.32 In this respect, the site is located within short walking distance to the town centre; is served by nearby good public transport links and; is in close proximity to other local services such as schools and doctors surgeries. Also, car ownership of hostel residents is expected to be low.

3.33 Therefore the circumstances of the site would allow for members to consider a relaxation of parking requirements to be exercised in the re-use of this building as a dwelling and for no off street parking to be provided in common with the majority of other dwellings within the street and the wider locality.

3.34 The proposal would, on balance, comply with many of the requirements of Section 4 of the NPPF (Promoting Sustainable Transport) particularly (paragraph 38) in providing a residential development where key facilities such as schools and shops are within walking distance and allow for the re-use of the building for residential within an already residential street in accordance with the guidance contained in paragraph 51 of the NPPF.

3.35 It is noted that whilst acknowledging that anticipated car ownership is likely to be low and there may still be potential for the development to create parking issues, no objections have been raised by HBC Traffic & Transportation.

3.36 In light of the above it is considered that it would be difficult to sustain an objection on highway grounds.

### Design and Layout

3.37 No external alterations to the building have been proposed which will retain its double bay frontage with two centrally positioned adjacent accesses onto the street. To the rear, the 2 adjoining two storey additions would remain in place within their respective settings of separate small walled courtyards. No additional window or door openings are proposed and details of any changes to the external finishes to the building can be conditioned to any planning approval that may be granted. In terms of its design and layout the proposal is acceptable.

### Crime, Fear of Crime and Antisocial Behaviour

3.38 Though, asylum seekers, in themselves, are not considered to increase the risk of crime, they are generally recognised to be a vulnerable sector of the community.

3.39 Tankerville Street and the surrounding area is a high crime area with the Councils Anti-Social Behaviour Unit recording a number of crimes and incidents within the vicinity, including alleged hate crime, over the last 24 months. Victoria Ward (which includes Tankerville Street) is one of the top five wards with the highest rates of crime per 1000 population and is Hartlepool's most diverse ward with 6% of the 8660 population being from BME communities. Council Operated CCTV is positioned on the junction of Tankerville Street and Milton Road.

3.40 Cleveland Police have reminded this Authority of the requirements under Section 17 of the Crime and Disorder Act 1998 to exercise their functions with due regard to their likely effect on crime and disorder and do all they reasonably can to prevent crime and disorder. This, in turn is supported by National Planning Guidance which states in paragraph 69 that designing out crime and designing in Community Safety should be central to the planning and delivery of new developments. Planning should also promote cohesive and vibrant neighbourhoods.

3.41 In respect of refugees it is recognised that there is a need to provide well managed accommodation for vulnerable persons who are in need of support and accommodation.

3.42 Cleveland Police advise that it is essential for the premises to be effectively managed and that selection with regard the suitability of potential residents is correctly risk assessed prior to them been located at the facility to help promote community safety and cohesion of the local community. In addition they have advised the use of:

- On-site management
- CCTV with facial recognition installed to cover all entrances and external areas of the building. CCTV installation must comply with requirements of Data Protection
- Secure access control to building
- Ground floor and easily accessible windows to resident's rooms should have small window openings or window restrictors to prevent access through any opening window.

- 5 Fire Escape doors should be alarmed to give indication to staff of any opening of these doors.
- Security lighting to all entrances in the form of dusk to dawn lighting should be fitted.
- Any replacement door sets including flat entrance doors should be certified to BSPAS24 -2012. Flat doors should be fitted with a door viewer any glazing to doors should be laminated to a minimum of 6.4mm
- Any replacement ground floor windows and easily accessible 1<sup>st</sup> floor windows certified to PAS 24 -2012.

3.43 Though security of vulnerable residents is paramount, the premises would be operated under the auspices of Home Office Regulations and would need to meet their security standards in respect of short term accommodation for housing refugees whilst their applications are being processed. It is important to recognise that refugees and asylum seekers are vulnerable persons, not criminals and that the premises would be civilian in its operation and not correctional. Therefore the uses of CCTV with facial recognition or security lighting in place from dawn until dusk are all likely to be in excess of the security needs for this type of premises.

3.44 Other elements such as the provision of fire doors, security doors and windows and alarmed emergency fire escapes would all be under the aegis of the HMO Licence.

3.45 No objections to the proposal have been raised by Cleveland Police or HBC Community Safety.

3.46 Though the Councils Community Safety Team has correctly identified the wider Victoria Ward, as an area that experiences a higher than usual level of crime, it carefully avoided any assumption that the crime itself was generated by local residents or, that the asylum seekers or other residents would be a source of crime in themselves. Instead, the Vulnerable Localities Index (VLI) is used as a research tool to identify residential neighbourhoods, such as this, that may require prioritised attention from a community safety perspective. There is no rationale put forward to indicate that the introduction of asylum seekers, in itself, would result in any increase in crime or indeed be victims of crime on other residents.

3.47 Any suggestion that the introduction of refugees and asylum seekers or other residents into the area would result, in itself, in a material increase in crime within an area which already experiences high crime is unsupported by any evidence.

3.48 In light of the above it is not considered that an objection on the grounds of crime, fear of crime or antisocial behaviour could be sustained.

#### Amenity of neighbouring properties and the character of the area

3.49 Consisting of mainly Victorian terraces, there is already a dwelling mix within the street and the wider environs consisting of houses and flats in an area that already benefits from an established mixed BEM community.

3.50 As indicated in this report, the residents would be transient, being asylum seekers, with few possessions, unlikely to be car owners and unlikely to have English as a first language. Their life is likely to be dominated by the asylum and immigration process and therefore dependant on the assistance and guidance offered by the service provided by the applicants company on behalf of the Home Office.

3.51 The National Planning Policy Framework already contains guidance supporting the principle of the utilisation of buildings and re-use of empty houses to provide residential accommodation, including multiple occupation and hostel accommodation where it can be demonstrated that the development would be sustainable with no significant detrimental impacts upon the amenities of nearby properties or, upon the character of the area.

3.52 The premises would, in effect, bring an existing building back into residential use with no discernable changes to the buildings or the character of the area. Subject to a noise insulation condition, no objections have been received from HBC Public Protection. It is therefore not considered that the proposal will have a detrimental impact on the amenity nearby of properties or the character of the area. Indeed bringing the building back into use will have a positive impact on the area's character.

### Conclusion

3.53 Though HMO accommodation is not usually counted toward the housing figures, it does provide for a definite need within the housing market whether it be for the housing of asylum seekers or other elements of the community.

3.54 The site is considered sustainable. It is not considered that any adverse impacts arising from the development would significantly and demonstrably outweigh the benefits.

3.55 In bringing back into use an empty residential building the proposal would comply with the guidance contained in paragraph 51 of the NPPF particularly where there is an identified need for additional housing in the area and that there are no strong economic reasons why such development would be inappropriate.

3.56 Other than reoccupying an existing residential building the proposal would, on balance not have a detrimental impact upon the residential amenity and the character of the street. Indeed bringing the building back into use would, on balance, have a positive impact on the character of the area.

3.57 The proposal is recommended for approval.

### **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.58 Section 17 of the Crime and Disorder Act 1998 requires all Local Authorities to exercise their functions with due regard to their likely effect on crime and disorder and do all they reasonable can to prevent crime and disorder. These issues are discussed in the report.



## REASON FOR DECISION

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

## RECOMMENDATION – APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
For the avoidance of doubt
2. The development hereby permitted shall be carried out in accordance with the proposed plan layout drawing no 100-02 (First Issue) and details received by the Local Planning Authority on 6th July 2015 and, additional details provided by the applicant to this Authority by email on 13th August 2015 unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
3. The persons resident at the accommodation shall not exceed more than 20 residents at any one time.  
In order to maintain the amenity of residents in the street.
4. Details of any proposed external finishes to the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works  
In order to maintain visual amenity.
5. The use hereby approved shall not commence until proposals for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority and all such approved details have been implemented.  
In the interests of the amenities of the occupants of neighbouring properties.
6. Prior to the commencement of the development hereby approved, the building shall be provided with noise insulation measures, details of which shall be submitted for the consideration and approval of the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between the property and neighbouring properties. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development.  
In the interests of the amenities of the occupants of neighbouring properties.

## BACKGROUND PAPERS

3.60 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:  
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except

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

### **CONTACT OFFICER**

3.61 Damien Wilson  
Assistant Director (Regeneration)  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: (01429) 523400

E-mail: [damien.wilson@hartlepool.gov.uk](mailto:damien.wilson@hartlepool.gov.uk)

### **AUTHOR**

3.63 Tom O'Connor  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523433

E-mail: [tom.oconnor@hartlepool.gov.uk](mailto:tom.oconnor@hartlepool.gov.uk)



### 19-21 TANKERVILLE STREET



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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**H/2015/0277**  
**Scale: 1:1250**  
**Date : 14/08/15**

**No:** 4  
**Number:** H/2015/0264  
**Applicant:** Gentoo Homes Ltd 1 Emperor Way Doxford International Business Park SUNDERLAND SR3 3XR  
**Agent:** Mrs Jane Turnbull Gentoo Homes Ltd Akeler House 1 Emperor Way Doxford International Business Park SR3 3XR  
**Date valid:** 01/07/2015  
**Development:** Variation of condition 2 of planning application H/2013/0383 for residential development comprising 23 dwellings, associated roads, drainage and landscaping  
**Location:** Land adjacent to Raby Arms Front Street Hart 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 A planning application for 22 dwellings was submitted in January 2013 (H/2013/0383) and refused by members at the Planning Committee of 4<sup>th</sup> December 2013. However, an appeal against this decision was made and allowed by the Inspectors decision letter dated 8<sup>th</sup> August 2014 (APP/H0724/A/14/2213850) granting conditional permission. The permission was subject to a legal agreement dated 22<sup>nd</sup> July 2014 securing a play contribution, traffic calming contribution, a green infrastructure contribution and affordable housing. A clause in the agreement ensures these obligations will be carried on to this new permission.

## PROPOSAL

4.3 This application is submitted under 73 of the Town and Country Planning Act 1990 (as amended) and relates to a variation of condition 2 of planning application (H/2013/0383) granted by the Inspectors decision.

4.4 The proposal seeks to substitute 8 of the dwelling design types within the context of the same plots, namely:

- 4 x 5 bedroom Birch to be replaced by 4 x 5 bedroom Mulberries on plots 1, 16, 17 & 23;
- 3 x 4 bedroom Larches replacing 3 x 4 bedroom Hazels on plots 9, 15 & 19
- 1 x 5 bedroom Birch replacing a 4 bedroom Sycamore on plot 18;

4.5 Two new housing types would be introduced. These would consist of the Mulberry to be utilized in replacing four of the 7 x 5 bedroom plots with the Hazel

being used to substitute for the Larch on the 3 x 4 bedroom plots. In terms of substitutions, all of the units would occupy the same positions as the previously approved units and maintain the same mix of dwellings in terms of bedroom numbers and size.

4.6 Infrastructure such as drainage, estate roads and links to the highway network would remain as previously approved.

4.7 Landscaping would remain as previously approved.

4.8 Affordable housing provision would remain as previously approved in terms of the provision of 3 affordable housing units consisting of:

- 1 x 3 bedroom detached dwelling available at discount open market value and;
- 2 x 2 bedroom semi-detached dwellings to be ceded over to a registered provider and made available as affordable rented accommodation

4.9 Section 106 contributions would remain as the signed S106 Agreement dated 22<sup>nd</sup> July 2014.

## **SITE CONTEXT**

4.10 The site consists of a 1.3ha Greenfield site located on the southern edge of Hart village and positioned to the south of the Raby Arms Public House & car park and; the nearby residential street of Hart Pastures. A belt of trees defines the boundaries to the south and south east of the site beyond which lies the A179 highway that links the village to Hartlepool.

## **PUBLICITY**

4.11 The application has been advertised by way of a site notice posted at the entrance to the site a Press Notice (HM) and 43 neighbour letters. To date, there have been 5 letters of objection.

4.12 The concerns raised are:

- Increased traffic congestion at roundabouts and on Front Street,
- Exacerbation of existing drainage and flooding problems,
- Development not in keeping with its village environment,
- Destruction of yet another Greenfield site,
- No provision for security fencing on the site.

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4.13 The period for publicity has expired.

## **CONSULTATIONS**

4.14 The following consultation replies have been received:

**HBC Traffic and Transport:** No objection

**HBC Arboricultural Officer:** No objection

**HBC Countryside Access Officer:** the variation of condition 2 will not affect the proposed and applied for diversion of Public Footpath No.3, Hart.

**HBC Ecologist:** Sufficient Information has been submitted in respect of the provision of bird and bat boxes in fulfilment of condition 17 of planning permission H/2013/0383. It seems unlikely that the change of house types would require any amendments to the condition. That being the case, no further comments are made on this application.

**Tees Archaeology:** No comments to make on the specifics of this application. The archaeological condition still applies.

**Ramblers Association:** It appears that the changes would not affect the proposed diverted route of Footpath Hart 03 through the development.

**Cllr Paul Beck (Hart Ward):**

- Requests that the rumble strips be laid at the earliest opportunity to control the speed of traffic coming off this busy roundabout;
- Make sure that the Fens Road entrance is kept clear at all times and is not used by developers for parking;
- Maintains that the sign proposed by the developer saying ‘Hart Village’ is out of keeping with the village;
- Requests that delivery times to this site be discussed as early morning traffic generated by the construction site would not be acceptable due to the potential for disturbance to local residents;
- The road leading to the site must be cleaned every day;
- Requests that regular police visits are sought in order to reassure local residents in respect of the potential for crime out of work hours.

## PLANNING POLICY

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

### Local Policy

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

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

Hsg9: Residential Layout – Design and Other Requirements

## National Policy

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

Paragraph 13 - The National Planning policy Framework constitutes guidance

Paragraph 14 - Presumption in favour of sustainable development

Paragraph 49 - Housing and the presumption in favour of sustainable development

Paragraph 56 -Design of the built environment and its contribution to sustainable development.

Paragraph 57 - High quality inclusive design

Paragraph 60 - Promotion or reinforcement of local distinctiveness

Paragraph 61 - The connections between people and places

Paragraph 64 - Improving the character and quality of and area

Paragraph 66 - Community involvement

Paragraph 96 - Minimise energy consumption

Paragraph 196 - Determination in accordance with the development plan

Paragraph 197 – Presumption in favour of sustainable development

## **PLANNING CONSIDERATIONS**

4.18 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular:

- The suitability of the design and scale of the substitute dwellings within the context of the development already approved, and;
- An assessment of any material impacts upon or alterations to the character and appearance of the overall development.

## Principle of Development

4.19 Acceptability of the principle of the overall development for 23 dwellings on the wider site was established by the Inspectors decision of 8<sup>th</sup> August 2014.

This application seeks a variation of a limited number of house types within the development as indicated above and involving a total of 8 plots. As previously indicated in this report in the description, the proposal would seek to substitute four (4) of the detached 5 bed Birch with the same number of a new design, the 5 bed Mulberries, occupying similar footprints in plots 1, 16, 17 & 23 of the development. The building types would be similar in terms of their scale, proportion and design in their use of corniced gables. The Mulberries would retain the adjoining double garages commensurate in terms of scale design and position to those proposed for utilisation with the 'Birch'.

Similarly, three (3) of the detached 4 bed Larches would be substituted by 4 bedroom Hazels within the footprints of plots 9, 15 & 19. Though of similar size and scale to the dwelling to be replaced, the Hazel would have a truncated 'L' shaped configuration rather than the rectangular footprint of the Larch and utilize a hipped roof configuration on part of the roof-line. Also, a single 5 bedroom Birch would replace a 4 bedroom Sycamore on plot 18.

As indicated in the Proposed Site Layout Drawing (3579/10/100/RevJ) the proposal would result in the substitution of a number of similar sized dwellings of similar design configuration within eight of the existing previously approved development plots. In every other respect, the proposal would remain the same and consistent in terms of design and layout with that approved in the Inspectors decision of 8<sup>th</sup> August 2014 designs. The separation distances are in relationship with neighbouring properties are considered acceptable. As such, the proposed amendments to the scheme would be entirely in accordance with saved Policies GEP1 and Hsg9 (Residential Layout) of the Hartlepool Borough Local Plan

#### Neighbour, Councillor and Parish Consultations.

4.20 Certain objections to the principle of the development were raised again by some local residents principally in respect of the loss of a Greenfield site and the opinion that the development would not be in keeping with the village environment. However, these issues were raised at the time of the previous application and addressed in the Inspectors decision letter.

Other issues, particularly pertaining to highways matters, drainage and flooding issues and site management during construction have all been addressed by conditions to planning permission H/2013/0383 to which this application also pertains

#### Conclusion

4.21 Having regard to the policies identified in the Development Plan, it is considered that the proposal would be comply with the requirements of policies GEP1 and HSG6 of the Hartlepool Borough Local Plan

### **EQUALITY AND DIVERSITY CONSIDERATIONS**

4.22 There is no evidence of equality or diversity implications.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**



4.23 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.

4.24 There are no Section 17 implications ongoing from this application.

### FOR DECISION

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

### RECOMMENDATION – APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than 8th August 2017.  
For the avoidance of doubt.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250), Site Layout as proposed 3579/10/100/Revision J; Plan and elevation drawings 560/2A, 3A, 4A, 5A, 6B, 10 & 11; 3579/09/301/A, 201, 202, 302/A, 303/A; 304, 3579/10/201/A, 202/A, 203, 204, 205, 206, 301/A, 302/B, 303/B, 304, 305, 306, 307 & 308, received by the local Planning Authority 26th June 2015.  
For the avoidance of doubt.
3. This approval relates solely to this application for the variation of condition 2 to allow for the revision to the approved plans. The other conditions attached to the original permission (Approval reference H/2013/0383 granted by the Inspectors decision letter dated 8th August 2014) shall continue to apply to this consent and shall require full compliance.  
For the avoidance of doubt.

### BACKGROUND PAPERS

Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:  
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

### CONTACT OFFICER

4.26 Damien Wilson  
Assistant Director (Regeneration)  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: (01429) 523400

E-mail: [damien.wilson@hartlepool.gov.uk](mailto:damien.wilson@hartlepool.gov.uk)

**AUTHOR**

4.27 Tom O'Connor  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel (01429) 523433  
E-mail: [tom.o'connor@hartlepool.gov.uk](mailto:tom.o'connor@hartlepool.gov.uk)



# RABY ARMS



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

COPYRIGHT RESERVED LICENCE 1000233902013  
**H/2015/0264**  
**Scale: 1:2000**  
**Date : 14/08/15**

**No:** 5  
**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 (Amendments to access, layout, enclosure & drainage details, and red line identifying the site)  
**Location:** Meadowcroft Elwick Road HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

5.2 This application was last considered by Committee on 5<sup>th</sup> November 2014. The original report is **attached**.

5.3 The Committee were minded to approve the application, contrary to officer recommendation, subject to conditions and the completion of a legal agreement securing the developer contributions/obligations set out in the report £3,500 towards green infrastructure, £3,500 towards Play provision, £3,500 towards built sports facilities, a commitment to build and maintain the access road to an adoptable standard and to the appropriate maintenance of open spaces within the site. Conditions were delegated to the Planning Services Manager.

5.4 The application was subject to a call in request to the Secretary of State who declined to intervene.

5.5 In the course of discussions in relation to the section 106 agreement the applicant offered that the access road should be adopted to address the legal obligation relating to the future maintenance of the road. However it transpired that the access road as proposed in the submitted plans was not to an adoptable standard. In order to address this amended plans were requested. The amendments resulted in changes to the access road, enclosure/access treatments, layout, redline and additional drainage information was also included on the amended plan.

5.6 In light of the changes to the plans it was considered appropriate to re-advertise and reconsult on the amended plans. This has resulted in a number of additional objections and the application therefore returns to members for consideration.

5.7 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. These are summarised at 2.6 & 2.7 in the original report (**attached**).

## **THE APPLICATION AND THE SITE**

5.8 Planning Permission is sought for the erection of fourteen terraced dwellings set in blocks of six, four and two blocks of two. 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.

5.9 Access to the development will be provided via the existing access to Meadowcroft. The existing gates and wall will be removed. Walls, gates and estate fencing will be erected to separate Meadowcroft itself from the access. A 4.8m wide access road with a 1.8m wide footpath will turn south through the existing wood before turning into the site. Car parking provision will consist of two parking spaces per dwelling plus 4 visitor spaces. The proposed gardens will be communal and controlled by a management company.

5.10 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.

5.11 The applicant has advised that the upkeep of the dwelling and grounds is not affordable or feasible, therefore profit from the development will secure the future of Meadowcroft. The applicant also states that the proposal will provide accommodation for the over 55s which there is an identified need for in the borough.

5.12 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.

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

5.14 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. To the south the site is bounded by a public right of way and fields.

## Publicity

5.15 The details of the responses received to the previous consultations on the application are outlined in the original report at 2.17 **attached**.

5.16 Two additional letters of objection were tabled at the 5<sup>th</sup> November 2014 Committee meeting. These letters raised the following issues.

- The writer had requested that the Secretary of State call in the application.
- The committee have ignored the advice of the NPPF.
- References to the threat Meadowcroft might become derelict are unsupported.
- References that the profits from the development will be invested in Meadowcroft are spurious.
- The committee has disregarded its own policies, abrogated its responsibilities and threatens to undermine the integrity of the Council's conservation policies.
- The committee disregarded the views of the Victorian Society.
- The committee should have regard to English Heritage's advice.
- The committee should have regard to Officer's advice.
- The findings of the Local Government Ombudsman establish that there is perversity and maladministration if a Local Planning Authority approves an application which has previously been refused where there has been no significant change in the planning circumstances.
- The committee decision of 3<sup>rd</sup> September 2014 disregarded planning guidance, officer recommendations and a statutory consultees recommendations. Ignored Council policies, was contrary to previous decisions, ignored the absence of special circumstances to override the harm to the heritage asset, was based on unsupported statements relating to the housing market and potential dereliction of Meadowcroft, ignored local objectors. The decision is therefore vulnerable to call in, open to legal challenge, amounts to maladministration and is open to judicial review.
- Have relevant authorities been informed.
- Drainage problems unresolved.
- Traffic congestion.
- Meadowcroft last example of its kind, it and its grounds should be preserved.
- There are enough bungalows in West Park for elderly population.

5.17 A further representation was subsequently received from a neighbour raising the following issues.

- Overdevelopment
- Working hours should be restricted
- Windows facing property should be obscure glazed.

5.18 The amended plans have been advertised by neighbour notification, site notice and in the press. Six responses in support, one letter of no objection from the

applicant and four letters of objection have been received in response to the re-consultation.

5.19 Those supporting the application raise the following issues:

- Unique development in fantastic location
- Wonderful location for retirement village
- Express desire to acquire property on the development

5.20 Those objecting to the proposal raise the following issues

- Sewers at capacity. Concerns sewers will flood.
- Building and wall are listed and should not be touched.
- Highway safety. Junction is dangerous. Narrow entrance on to narrow lane. Dangerous access with restricted easterly view.
- Development unduly large for the conservation area and grounds of a listed building.
- Unsuitable for the area.
- Applicant has objected to other proposals
- Plans inadequate.
- Previous applications on the site have been refused on the grounds that they will affect the listed building.
- Traffic noise
- Unacceptable alterations to impact on listed building
- Safety and security, estate will no longer be secluded.

5.21 The time period for representations has expired.

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### **Consultation Responses**

5.22 The details of the consultation responses received in relation to the previous consultations on the application are outlined in the original report at 2.21 **attached**.

5.23 The following consultation responses have been received in relation to the amended plans:

**Traffic & Transportation** : The proposed amendments are acceptable.

**HBC Engineering Consultancy** : Our previous comments still stand for this application.

**HBC Countryside Access Officer** : I have no further comments to make regarding this proposed development apart from a reiteration that access signs are required to be placed so that both vehicular and pedestrian traffic are fully aware of the exit/entrance to the development. This will warn all parties of the other users access movements in and out of the site and will warn site users of the presence of the Public Footpath No.8, Hartlepool.

**Cleveland Police** : Secured by Design states that vehicle and pedestrian routes should be designed to ensure that they are visually open direct and well used. Surveillance of the access road from the development and any other well used areas will be poor. It will be desirable that access to the development is limited to residents and their legitimate visitors. Without gating the access road features at the entrance such as rumble strips change of road surface may help to give the impression that area beyond is private. Lighting to the access road should comply with BS5489:2003 and any existing plants should be kept clear of access road and footpath.

**Northumbrian Water** : In making our response to the local planning authority Northumbrian Water will 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 I can confirm that at this stage we would have the following comments to make:

An enquiry was received by NWL from the applicant for allowable discharge rates & points into the public sewer for the proposed development. I note that our response to this enquiry has not been submitted with the planning application. I have therefore attached a copy for your information.

In this document it states no surface water can enter the public sewerage system. Because the applicant has not submitted a drainage scheme with the application, NWL request an appropriate condition.

**Historic England** : The amendments to the application do not change Historic England's in principle objection to the development and so I refer you to our previous response.

**HBC Arboriculturalist** : The footpath near to the radius of trees 20 and 24 (Plan accompanying the report from All About Trees) is now shown to be realigned thus taking the immediate threat to these trees away and I have no objection to this current design.

As I have not received details of the road construction and based on previous information submitted by the applicant, I can only assume that this is going to be constructed in accordance with Section 5.2 "Construction Methodology & Materials Near To Retained Trees" of the Arboricultural Report namely it will be a no dig construction and that a cellular geogrid will lie on top of the existing ground! I have looked at the trees near to the main entrance into the site and although some will need to be removed this can be offset with landscaping (awaited).

Further comments: I spoke with Peter Nixon this morning to go over the construction details – and I am aware that it will be a full dig out for the road which is what I expected in view of previous discussions.

He mentioned that when work commences the Highway Authority will be monitoring the construction to ensure it is to specification standards. My concern was that the



only detail that I had sight of was the construction method mentioned in the report from “All about Trees” which was to build on a cellular grid. Now that I know that there is a departure from this and the excavation is to be to be much deeper, Peter assured me that on- site monitoring by a Council Officer will be in place to address any problems as they arise.

There is a conflict of interests here but I accept that if the driveway has to be built to adoptable standards which will preclude a “no dig construction” there may be additional stress put on some of the trees but this will only be identifiable as work progresses.

The way forward is to accept the proposal and if any major root system is encountered, those trees affected are reduced in size to compensate for root loss or removed and replaced. Regarding the footpath construction – this has already been addressed and the finishing materials are purely aesthetic.

**HBC Heritage & Countryside Manager** : The proposal comprises amendments to the access arrangements to an application submitted for the erection of fourteen terraced dwellings to the rear of Meadowcroft, Elwick Road.

The proposal is to alter the existing entrance to the site which is attached to a wall that is contemporary with Meadowcroft / Meadowside and is therefore considered to be part of the grade II listed building. The site is located within the Park Conservation Area. Both of these are designated heritage assets as defined by National Planning Policy Framework (NPPF).

#### Policy Background and relevant planning decisions

Relevant planning policy can be found in NPPF. The following paragraphs should be considered.

Paragraph 6 states that ‘The purpose of the planning system is to contribute to the achievement of sustainable development.’ There are said to be ‘three dimensions to sustainable development; economic, social and environmental.’ The environmental role is stated as, ‘contributing to protecting and enhancing our natural, built and historic environment’.

Paragraph 17 of the document 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’.

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.’

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 it

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.’

Paragraph 133 states that, ‘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.’

Also of relevance are the saved policies from the Hartlepool Local Plan, in particular policy HE1, ‘Protection and enhancement of conservation areas’ which 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.’

Setting is defined in the NPPF as, ‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.’

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

In particular the Planning Inspector’s report on the most recent Appeal in this area should be noted (Ref APP/H0724/A/06/2029518). 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.’

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.’

### Impact on the setting of Meadowcroft / Meadowside

Consideration needs to be given to the impact of the development on the designated heritage asset that is the listed building Meadowcroft/Meadowside.

The building was constructed in 1895. 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.

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.

In this instance paragraphs 131 and 132 of the NPPF are relevant. 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.'

Access to the site is via the existing entrance to Meadowcroft. The proposal is to modify this to provide a secure gated access to the host property and its garden. Access to the rear of the site is via a road formed from this entrance through the woodland area to the west of the site. A formal access in this location does not appear to be part of the original estate plan.

The entrance to the site is not original to Meadowcroft but a new entrance created when the house was subdivided into two. The main boundary wall of the property will remain with a new wall extended into the site. The significance of this element of the listed building is found in the wall facing on to Elwick Road rather than the altered entrance therefore this part of the proposed development will not harm the significance of the heritage asset.

The introduction of a more formal access with regular vehicle movements would result in a change in the character of the undeveloped woodland area. In particular the alteration from a garden to a 'public thoroughfare' would impact on the setting of the listed building by reinforcing the subdivision of the site and diluting the link the area provides between the developed West Park and rural area to the south.

The proposed access road would cause significant harm to the setting of the designated heritage asset. It has not been demonstrated that this harm would be outweighed by the public benefits of the proposal.

### Impact on the Park 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 importance of this area is described in the appraisal as, '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.'

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.'

In relation to further developments within this area the appraisal states that, 'At the Meadowcroft estate, the existing balance between plot subdivision and open land should be preserved. Further sub-division would harm its historic layout character.'

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 road into the undeveloped woodland garden which provides a link with the rural area to the south. Further more it would reinforce the continued division of the estate into further smaller lots and dilute one of the main attributes of the Park Conservation Area, which are large dwellings set in generous grounds. It has not been demonstrated that substantial public benefit would outweigh the significant harm caused to the designated heritage asset.

### Conclusion

To conclude the proposal will negatively impact on the setting of the designated heritage asset (Meadowcroft / Meadowside) through the introduction of development into an area which has previously been undeveloped.

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 setting to the listed building causing significant harm to the historic character of the area.

No evidence has been presented to suggest that the significant harm, as outlined above, would be outweighed by the public benefits of the proposal.

**Environment Agency** : I can confirm that the Environment Agency has no further comments to make with regard to the proposed development and refers to the previous comments as detailed in our letter of 9 July 2014.

**Hartlepool Civic Society** : The Society has studied the 3 new plans including alterations to the walls, etc. to incorporate amended plans for a new road.

The whole character of that part of the conservation area - ie - the current access with its woodland appearance - will be downgraded with the imposition of an 'official' road and all its implications.

Moreover, presently, the listed building is screened by brick walls or woodland from the public view – reinforcing its character, detached from the public realm as one of the significant private mansions which developed in the Park area.

The closeness of the proposed road will result in the opening out of this building to view with what appears to be an insignificant fence – this will result in a dramatic alteration to the setting of a listed building and should be rejected. At the very least, the boundary around the original listed building should continue to be an enclosing brick wall.

The Society's view on the whole project remains the same. In simple terms the development will destroy the setting and therefore the listed building as a whole and further detrimentally change the Conservation Area. We repeat our original detailed objections below – which are reinforced by the NPPF Guidelines as well as the history of previous applications and appeals.

Meadowcroft, an important listed building, situated in 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, 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.

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 the alteration or destruction of the heritage asset or

development within its setting As heritage assets are irreplaceable, any harm or less 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 or adjoining or nearby properties'.

Following a number of previous applications/appeals the comments from the Inspectors are well documented – as 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.

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 existing 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 Shu 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.

We would urge the Council to refuse the application for the amendments for the access and reconsider the application as a whole.

## PLANNING POLICY

5.24 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

5.25 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

5.26 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. The following paragraphs are of particular relevance to the application.

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

5.27 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 listed buildings and the conservation area, impact upon trees, amenity of neighbouring properties, highway safety, archaeology, drainage, ecology, crime fear of crime & antisocial behaviour, developer obligations and other residual matters.

### PRINCIPLE OF DEVELOPMENT

5.28 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.

5.29 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. The Council cannot currently 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.

5.30 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.

5.31 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.”*

5.32 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.

5.33 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 LISTED BUILDING AND CONSERVATION AREA

5.34 Meadowcroft is a large villa of 1895 as the *Park Conservation Area Appraisal* notes (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).

5.35 English Heritage characterise the site as a small-scale country estate in which the house was designed to look south over the formal gardens with framed views through planting to the open fields further away from the house.

5.36 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.

5.37 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas Act) 1990 require the Local Planning Authority to give special consideration to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 72 of the Act also requires the local planning authority to pay “*special attention...to the desirability of preserving or enhancing the character or appearance of that area*”.

5.38 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’.

5.39 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.’

5.40 Paragraph 132 goes on to say 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.’

5.41 Policy HE1 of the Hartlepool Local Plan seeks the ‘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.’

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

5.44 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.’

5.45 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.’

5.46 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.’

5.47 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.’

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

5.49 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.’

5.50 In accordance with the requirements of the Planning Act and 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.

5.51 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. English Heritage have commented that the recent development approved in the east of the landscape was contrary to English Heritage's advice. This has affected the setting of Meadowcroft, and its ancillary

buildings, and therefore makes the remaining landscape to the south of the villa important to protect.

5.52 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.

5.53 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.'

5.54 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.'

5.55 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.

5.56 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.

5.57 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.

5.58 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.

5.59 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.'

5.60 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.

5.61 English Heritage consider that the development of the remaining pastoral landscape setting of the grade II listed building and of this important estate within the Park Conservation Area would be harmful to the assets' significance. Development of this site would destroy the remaining landscaped setting of the listed house (its formal gardens and informal landscape both being integral to its setting) and any understanding of the relationship between the landscape and the house. The submitted Heritage Statement part 3.0 states that the form of the development has been designed to reflect a coach house. However, the scale of the development is such that English Heritage consider it would dominate the landscape and not be ancillary in form to the main house. Therefore English Heritage recommends that the application is refused.

5.62 The Council's Conservation officer also considers 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.

5.63 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.'*

5.64 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.'*

5.65 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.'

5.66 In relation to further developments within this area the appraisal states that, *'At the Meadowcroft estate, the existing balance between plot subdivision and open land should be preserved. Further sub-division would harm its historic layout character.'*

5.67 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.

5.68 It is stated that the design of the proposed dwellings is based on coach house style dwellings. However the Council's Conservation Officer considers that 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.

5.69 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.

5.70 As previously discussed English Heritage have recommended that the application should be refused on the grounds that the development of the remaining pastoral landscape setting of the grade II listed building and of this important estate within the Park Conservation Area would be harmful to the assets' significance.

5.71 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.

5.72 It has been suggested that profit from the development will secure the future of Meadowcroft in essence that the proposed development should be considered as

“Enabling Development” in which resultant funds from the construction of the houses in the grounds of the property will then be used to support the upkeep of the listed building. Enabling Development is defined in English Heritage guidance as, ‘development that would be unacceptable in planning terms but for the fact that it would bring heritage benefits sufficient to justify it being carried out, and which could not otherwise be achieved’. The guidance goes on to note that the problem, ‘which enabling development typically seeks to address occurs when the cost of maintenance, major repair or conversion to the optimum viable use of a building is greater than its resulting value to its owner or in the property market. This means that a subsidy to cover the difference – the ‘conservation deficit’ – is necessary to secure its future.’ In order to fully assess Enabling Development an applicant is required to supply detailed financial information covering all aspects of the proposed enabling development in order to assess the need covering both the condition of the building and the means and cost of addressing the problems associated with it. In addition it should be demonstrated that sufficient funds are not realistically available from any other source. In this case no supporting information has been provided in the form of financial information demonstrating the problems with the building or details of the funds that will be generated from the development to address these issues and therefore the application is not considered to be Enabling Development.

5.73 It is considered 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. It is also considered that the development would harm the setting of the listed building (Meadowcroft). 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

5.74 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.

5.75 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.

5.76 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.

5.77 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.

5.78 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.

5.79 The Council's Arboricultural Officer has raised no objection to the works which will involve the removal of trees however should this application be approved it is advised that details of a woodland management plan, landscape proposals and details of the road construction should be subject to a condition.

#### AMENITY OF NEIGHBOURING PROPERTIES

5.80 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 6 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.

5.81 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.

5.82 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.

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

#### HIGHWAY SAFETY

5.84 Concerns have been raised by objectors with regards 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. 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. This requirement along with lighting on the access road could be conditioned.

5.85 The Department for Transport's Manual for Streets requires a 2.4 x 43 metre sight line for a 85<sup>th</sup> 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.

5.86 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 in this location. 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.

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

5.88 In conclusion the proposed access arrangements are considered acceptable in principle subject to appropriate conditions 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.

5.89 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

5.90 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.

5.91 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

5.92 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

5.93 Objectors have raised concerns regarding flooding. 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 and foul water management of the site. Therefore should the application have been recommended for approval suitably worded conditions, 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 appropriate conditions.

5.94 Foul drainage will be to the public sewer Northumbrian Water have raised no objection to the proposal subject to an appropriate condition.

## CRIME FEAR OF CRIME & ANTISOCIAL BEHAVIOUR

5.95 It is noted that the revised proposals will result in the removal of the gated access. This is to ensure that the highway can be adopted. The access through the woodland will not be readily overlooked. Concerns have been raised that this might encourage the misuse of the area. A condition will be imposed requiring a suitable lighting scheme for the road. The risk is noted however, Cleveland Police have not objected to the scheme and it is not considered that this would warrant refusal of the proposal.

## DEVELOPER OBLIGATIONS

5.96 In accordance with requirements of Local Plan policy GEP9 should the application have been approved the following contributions/obligations would be required to be secured by a section 106 agreement;

### Green Infrastructure

5.97 Commitment to deliver £250 per dwelling equating Green Infrastructure 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

5.98 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

5.99 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.

### Infrastructure

5.100 A commitment to build and maintain the access road to an adoptable standard and to secure appropriate maintenance of open space areas within the site.

5.101 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. 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.

5.102 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.

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

## RESIDUAL MATTERS

5.104 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.

5.105 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.

5.106 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

5.107 Whilst the principle of residential development in a sustainable location would potentially be acceptable it is considered 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.

5.108 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

5.109 There is no evidence of equality or diversity implications.

## SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.110 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.

5.111 Section 17 implications are discussed in the main body of the report.

## REASON FOR DECISION

5.112 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.

5.113 The officer recommendation remains that the application be refused. Should members be minded to approve the application it would be recommended that any approval be subject to conditions and the completion of a legal agreement securing the developer contributions/obligations set out in the report £3,500 towards green infrastructure, £3,500 towards Play provision, £3,500 towards built sports facilities, a commitment to build and maintain the access road to an adoptable standard and to the appropriate maintenance of open spaces within the site. It is recommended that conditions be delegated to the Planning Services Manager.

**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

5.114 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.

**CONTACT OFFICER**

5.115 Damien Wilson  
Assistant Director (Regeneration)  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: (01429) 523400  
E-mail: [damien.wilson@hartlepool.gov.uk](mailto:damien.wilson@hartlepool.gov.uk)

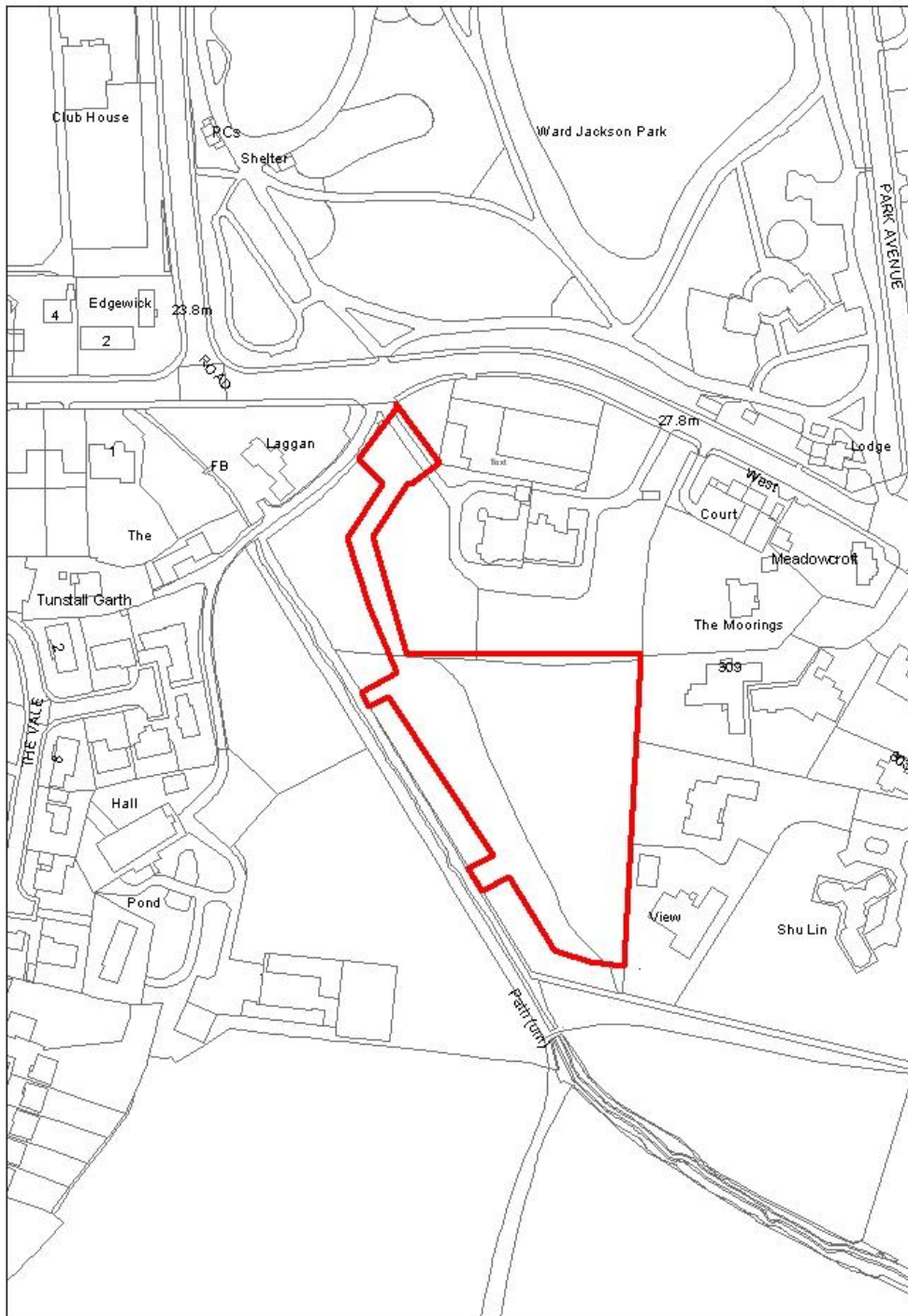
**AUTHOR**

5.116 Jim Ferguson  
Planning Team Leader  
Level 1  
Civic centre  
Hartlepool  
TS24 8AY

Tel: 01429 523274  
Email: [jim.ferguson@hartlepool.gov.uk](mailto:jim.ferguson@hartlepool.gov.uk)



# MEADOWCROFT



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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**H/2014/0163-H/2014/0179**  
**Scale: 1:2000**  
**Date : 14/08/15**

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**No:** 2  
**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

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

2.3 A site visit was undertaken prior to the September committee meeting and the application was considered by planning committee members at the meeting on 3rd September 2014. The committee were minded to approve the application, subject to a section 106 agreement to secure planning obligations and conditions delegated to the Planning Services Manager in consultation with the Chair. This was contrary to the officer recommendation.

2.4 Following the Committee meeting however the National Planning Casework Unit (NPCU) contacted the case officer and advised that a request that the application be "called in" for decision by the Secretary of State had been received. Therefore the Local Planning Authority can not issue a decision until this matter is resolved with the NPCU.

2.5 Through the investigation process it became evident that English Heritage had not been formally consulted regarding the proposed development. Given the size of the application site and location within a conservation area consultation with English Heritage is a requirement. As such formal consultation with English Heritage has taken place, in accordance with the requirements, and this report includes the consultation response from English Heritage for consideration by planning committee members along with all other consultee responses including those previously reported. This is in line with legal advice that the application should be reported back to Committee for decision



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2.6 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.

(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.

(H/OUT/0553/97) February 1998 Outline permission for the erection of 3 detached dwellings, 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”*.

(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.

(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

2.7 The adjacent site, Shu-Lin (to the east of the application site) has also been subject to a number of applications which are summarised below;

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)

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.

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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.

The applicant subsequently appealed and the appeal was dismissed.

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.

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).

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).

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

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.

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

#### **PROPOSAL**

2.9 Planning Permission is currently sought for the erection of fourteen terraced dwellings set in blocks of six, four and two blocks of two. 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 domer bungalows with a maximum roof ridge height of 7.7 metres. The design includes domers, rooflights and dovescots to create interest within the elevations.

2.10 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

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dwelling. The proposed gardens will be communal and controlled by a management company.

2.11 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.

2.12 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.

2.13 The applicant has advised that the upkeep of the dwelling and grounds is not affordable or feasible, therefore profit from the development will secure the future of Meadowcroft. The applicant also states that the proposal will provide accommodation for the over 55s which there is an identified need for in the borough.

#### **SITE CONTEXT**

2.14 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.

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

2.16 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. To the south the site is bounded by a public right of way and fields.

#### **PUBLICITY**

2.17 The application has been advertised by way of neighbour letters (19). To date, there have been 12 objections.

2.18 The concerns raised are:

- Out of keeping with the character of the conservation area.
- Out of keeping with character of listed building.
- Loss of trees and impact upon the existing woodland.
- Extensive loss of existing trees poses a security threat to existing homes.
- Loss of view to open countryside from Meadowcroft and Meadowside which are listed buildings.
- Development will result in a loss of green area affecting the setting of the listed buildings.
- Dangerous access point will be significantly intensified.

- Access road will destroy the tranquility of the area.
- Drainage and sewerage disposal is already at capacity.
- Development will result in disturbance for neighbouring residential properties during construction.
- Increased risk of flooding.
- Impact upon wildlife.
- The site is of archaeological interest and should approval be granted a recording condition should be recommended and appropriately policed.
- Works have already commenced to provide access track and remove trees.
- Photographs in the submitted statement depict when trees are in full leaf and are therefore misleading.
- Devaluation of properties.
- Objections have been submitted by the applicant to other similar developments in the area.

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

2.20 Copy Letters D.

#### CONSULTATIONS

2.21 The following consultation replies have been received:

**English Heritage** English Heritage is a statutory consultee for applications in which the site area exceeds 1000 sq.m. affecting a conservation area.

The Park Conservation Area is significant as an area developed on the edge of the town in the late Victorian/Edwardian period and centred around Ward Jackson Park. Large villas were developed within large plots by wealthy industrialists wanting to live in spacious villas and grounds. Meadowcroft itself is a fine example of one of these villas, reflected in its listed status as a building of national importance. It is a smallscale country estate in which the house was designed to look south over the formal gardens with framed views through planting to the open fields further away from the house. The 1990 Planning (Listed Buildings and Conservation Areas) Act places a duty on Local Planning Authorities to "pay special attention to the desirability of preserving or enhancing the character or appearance" of a conservation area. The National Planning Policy Framework (NPPF) states that when considering the impact of proposed development upon the significance of heritage assets, great weight should be given to the asset's conservation (para. 132) and where a proposal would lead to harm to the asset Local Planning Authorities should refuse consent. The development of the remaining pastoral landscape setting of the grade II listed building and of this important estate within the Park Conservation Area would be harmful to the assets' significance. English Heritage recommends that the application is refused.

#### English Heritage Advice

The Park Conservation Area is significant as an area developed on the edge of the town in the late Victorian/Edwardian period and centred around Ward Jackson Park.

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Large villas were developed within large plots by wealthy industrialists wanting to live in spacious villas and grounds, away from the poor quality air of the town and as an expression of their wealth. The area tells the story of the success of Hartlepool at this time and is an attractive conservation area with high quality buildings. Unfortunately the character and appearance of the conservation area has been detrimentally affected by repeated development within the grounds of these large villas – this compromises their setting as well as the significance of the conservation area as a whole.

Meadowcroft itself is a fine example of one of these villas, reflected in its listed status as a building of national importance. It is a small-scale country estate - its form, including the landscape, is typical of a large country estate but on a smaller scale. The house was designed to look south over the formal gardens with framed views through planting to the open fields further away from the house. The contrast between the formal, domestic garden and informal, pastoral landscape further afield is significant and typical of a landscape of this form. The villa's original plot has since been subdivided with recent development approved in the east of the landscape contrary to English Heritage's advice. This has affected the setting of Meadowcroft, and its ancillary buildings, and therefore makes the remaining landscape to the south of the villa important to protect.

The Heritage and Design and Access Statements make no reference to the relationship of this land to the listed house nor the rest of the original estate and both documents lack an assessment of the significance of the heritage assets in line with the NPPF para. 128. The proposed development is of a terraced form of 4 blocks around a central courtyard, sited in the informal landscape to the south of the listed building. Development of this site would destroy the remaining landscaped setting of the listed house (its formal gardens and informal landscape both being integral to its setting) and any understanding of the relationship between the landscape and the house. The form of the development has been designed to reflect a coach house (Heritage Statement part 3.0). However, the scale of the development is such that it would dominate the landscape and would certainly not be ancillary in form to the main house. The access road (and accompanying highway detailing) and entrance gates/walls would also dominate the landscape and would ham the setting of the main house.

The 1990 Planning (Listed Buildings and Conservation Areas) Act places a duty on Local Planning Authorities to "pay special attention to the desirability of preserving or enhancing the character or appearance" of a conservation area. The NPPF goes further again in requiring Local Planning Authorities to take account of the desirability of new development to make a positive contribution to local character and distinctiveness (para. 131). When considering the impact of proposed development upon the significance of heritage assets, great weight should be given to the asset's conservation (para. 132) and where a proposal would lead to harm to the asset Local Planning Authorities should refuse consent.

This is a precious remnant of the original form of the Park Conservation Area and, in our opinion, should not be developed. The development of the remaining pastoral landscape setting of the grade II listed building and of this important estate within the Park Conservation Area would be harmful to the assets' significance.

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The applicant has also applied for listed building consent for the development. From the information submitted, it is not clear where the development would involve the alteration, extension or demolition of the listed building or a structure within its curtilage and therefore require listed building consent. As such, I have not offered any comment in respect of the listed building consent application reference H/2014/0179.

English Heritage recommends that the application is refused on the grounds that the development would be harmful to the significance of the Park Conservation Area and the setting of the grade II listed Meadowcroft.

**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

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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



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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/tyb/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



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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 Hartlepool 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 85<sup>th</sup> 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.

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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.

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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 understorey 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.

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To put it into context, the woodland floor, which had previously been smothered with ivy will support a more diverse range of species if it is allowed to.

There are 8 trees that will be removed as a direct consequence of the road alignment and crown overhang into the proposed development site. A further 18 have been classified as being in poor condition and although it is advisory at the moment, they do not need to be removed to accommodate the new development.

The management of the woodland as described, will include a phased removal of trees and is consistent with the priority for replanting because it would establish cleared areas for groups to promote successful establishment by increasing light and reducing competition. New planting would include a range of sizes of plant stock combining feathery and transplants. These are the most likely to grow and establish healthily. Species mixes would be designed ultimately to emphasise a semi-natural range of trees similar to those present, with the aim of enhancing wildlife benefit/biodiversity.

Having looked at the site and taking in the context of any new changes, the proposed work to these trees is of a minor nature and will allow those remaining, more room to expand. The consultants undertaking this report have a proven track record and I am prepared to accept their findings and recommendations.

Should this application be accepted I will need to see details of a woodland management plan and detailed landscape proposals which can be conditioned but as far as the layout goes, I am satisfied with the consultants report and recommendations.

**HBC Ecologist:** I have visited the site to inspect the trees that will need to be pruned or removed as part of this application. None of these appears to have any potential for roosting bats. Therefore a bat survey would not be required in this instance. There is the possibility for breeding birds to be affected by removal of trees or foliage. This can be covered by our standard condition on breeding birds.

**Hartlepool Civic Society** Meadowcroft, an important listed building, situated within its own grounds, in the Park Conservation Area, is a valued part of the town's heritage – a designated heritage asset.

An important feature is the setting of this building which contributes to its status. The illustration on the front of the tree survey (12071029) clearly shows the quality of this setting. Indeed, in the Inspector's comments from an appeal against refusal of a previous application, reference was made that 'undeveloped spaces to the south of Meadowcroft/Meadowside, continue to contribute to the setting of this listed building'.

It is obvious that any development within the grounds would immediately degrade it. The Council has a duty within the provisions of the National Planning Policy Framework to protect heritage assets – viz

**PARA 131** – 'in determining planning applications, locally planning authorities should take account of .... The desirability of sustaining and enhancing the significance of heritage assets and ... the desirability of new

development making a positive contribution to local character and distinctiveness’.

**PARA 132** ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation’. It goes on to note that, ‘Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

‘Significance’ in the NPPF is defined as. ‘The value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset’s physical presence, but also from its setting.’

The Borough’s conservation areas are a major component of its status and it is vitally important that they are protected. One of the policies in the ‘Saved Policies from the Local Plan’ document – HE1 – includes:-

‘Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area and where the development does not adversely affect the amenities of occupiers of adjoining or nearby properties.’

Following a number of previous applications/appeals the comments from the Inspectors are well documented – an example of which:

‘In my opinion the undeveloped spaces to the south of Meadowcroft/Meadowside, including the appeal site, continue to contribute to the setting of this listed building’ Given the detrimental impact upon this part of the conservation area that I have already identified, and the importance of these same undeveloped spaces to the setting of Meadowcroft/Meadowside, I cannot escape from the conclusion that the setting of the listed building would also be materially harmed by the proposed development.’

The views to and from the listed building will be totally destroyed by the development of houses which are actually two-storey.

The current application would require the removal of a number of mature trees, this again, would be detrimental to the conservation area, the tree cover in the Borough is very low as it is. In this area in particular, trees should be protected, not removed.

When looking at the plans, the proposed houses are pushed to the very edge of the site, close to existing trees – history tells us that it would only be a matter of time when the residents would be applying for removal of the trees pleading that they would be too near their houses!

In connection with access – the proposal of a carriageway construction going through the section of woodland again diminishes the nature of the setting – this could only be done by damaging trees which may have been done already.

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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**

2.23 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

2.24 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**

2.25 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**

2.26 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

2.27 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.

2.28 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.

2.29 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.

2.30 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."*

2.31 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



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demonstrably outweigh the benefits. As a result unless the impacts outweigh the benefits the application should be granted.

2.32 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

2.33 Meadowcroft is a large villa of 1895 as the *Park Conservation Area Appraisal* notes (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).

2.34 English Heritage characterise the site as a smallscale country estate in which the house was designed to look south over the formal gardens with framed views through planting to the open fields further away from the house.

2.35 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.

2.36 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’.

2.37 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.’

2.38 Paragraph 132 goes on to say 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.’

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2.39 Policy HE1 of the Hartlepool Local Plan seeks the '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.'

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

2.41 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.'

2.42 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.'

2.43 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, 'ham the character and appearance of The Park Conservation Area.'

2.44 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.'

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

2.46 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.'

2.47 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.

2.48 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. English Heritage have commented that the recent development approved in the east of the landscape was contrary to English Heritage's advice. This has affected the setting of Meadowcroft, and its ancillary buildings, and therefore makes the remaining landscape to the south of the villa important to protect.

2.49 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.

2.50 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.'

2.51 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.'

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2.52 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.

2.53 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.

2.54 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.

2.55 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.

2.56 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.'

2.57 The introduction of a group of houses to the grounds of Meadowcroft/Meadowside would interrupt this hierarchy. Not only would it alter the original hierarchy of buildings on the earlier Meadowcroft/Meadowside estate but further to this it would introduce additional modern minor houses to the subsequent arrangement of dwellings in this area which is contrary to the character of the area defined in the appraisal.

2.58 English Heritage consider that the development of the remaining pastoral landscape setting of the grade II listed building and of this important estate within the Park Conservation Area would be harmful to the assets' significance. Development of this site would destroy the remaining landscaped setting of the listed house (its

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formal gardens and informal landscape both being integral to its setting) and any understanding of the relationship between the landscape and the house. The submitted Heritage Statement part 3.0 states that the form of the development has been designed to reflect a coach house. However, the scale of the development is such that English Heritage consider it would dominate the landscape and not be ancillary in form to the main house. Therefore English Heritage recommends that the application is refused.

2.59 The Council's Conservation officer also considers 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.

2.60 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.'*

2.61 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.'*

2.62 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.'

2.63 In relation to further developments within this area the appraisal states that, *'At the Meadowcroft estate, the existing balance between plot subdivision and open land should be preserved. Further sub-division would harm its historic layout character.'*

2.64 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.

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2.65 It is stated that the design of the proposed dwellings is based on coach house style dwellings. However the Council's Conservation Officer considers that 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.

2.66 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.

2.67 As previously discussed English Heritage have recommended that the application should be refused on the grounds that the development of the remaining pastoral landscape setting of the grade II listed building and of this important estate within the Park Conservation Area would be harmful to the assets' significance

2.68 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.

2.69 It has been suggested that profit from the development will secure the future of Meadowcroft in essence that the proposed development should be considered as "Enabling Development" in which resultant funds from the construction of the houses in the grounds of the property will then be used to support the upkeep of the listed building. Enabling Development is defined in English Heritage guidance as, 'development that would be unacceptable in planning terms but for the fact that it would bring heritage benefits sufficient to justify it being carried out, and which could not otherwise be achieved'. The guidance goes on to note that the problem, 'which enabling development typically seeks to address occurs when the cost of maintenance, major repair or conversion to the optimum viable use of a building is greater than its resulting value to its owner or in the property market. This means that a subsidy to cover the difference – the 'conservation deficit' – is necessary to secure its future.' In order to fully assess Enabling Development an applicant is required to supply detailed financial information covering all aspects of the proposed enabling development in order to assess the need covering both the condition of the building and the means and cost of addressing the problems associated with it. In addition it should be demonstrated that sufficient funds are not realistically available from any other source. In this case no supporting information has been provided in the form of financial information demonstrating the problems with the building or details of the funds that will be generated from the development to address these issues and therefore the application is not considered to be Enabling Development.

2.70 It is considered 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. It is also considered that the development would harm the setting of the listed building (Meadowcroft). Furthermore it has not been demonstrated that substantial public benefit would outweigh the significant harm

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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

2.71 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.

2.72 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.

2.73 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.

2.74 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.

2.75 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.

2.76 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.

2.77 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 to benefit biodiversity.



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2.78 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

2.79 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.

2.80 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.

2.81 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.

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

#### Access and Highway Safety

2.83 Concerns have been raised by objectors with regards 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.

2.84 The Department for Transport's Manual for Streets requires a 2.4 x 43 metre sight line for a 85<sup>th</sup> 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



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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.

2.85 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 in this location. 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.

2.86 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.

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

2.88 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.

2.89 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.

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Archaeology

2.90 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.

2.91 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

2.92 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

2.93 Objectors have raised concerns regarding flooding. 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 and foul water management of the site. Therefore should the application have been recommended for approval suitably worded conditions, 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 appropriate conditions.

Developer Obligations

2.94 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*

2.95 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*

2.96 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*

2.97 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.

*Infrastructure*

2.98 A commitment to build and maintain the access road to an adoptable standard and to secure appropriate maintenance of open space areas within the site.

2.99 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. 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.

2.100 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.

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

Residual Matters

2.102 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.

2.103 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.

2.104 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

2.105 Whilst the principle of residential development in a sustainable location would normally be acceptable it is considered that the proposal will have a detrimental

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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.

2.106 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**

2.107 There is no evidence of equality or diversity implications.

**SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

2.108 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.

2.109 There are no Section 17 implications.

**REASON FOR DECISION**

2.110 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

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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**

2.111 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

**CONTACT OFFICER**

2.112 Damien Wilson  
 Assistant Director (Regeneration)  
 Level 3  
 Civic Centre  
 Hartlepool  
 TS24 8AY  
  
 Tel: (01429) 523400  
 E-mail: [damien.wilson@hartlepool.gov.uk](mailto:damien.wilson@hartlepool.gov.uk)

**AUTHOR**

2.113 Helen Heward  
 Senior Planning Officer  
 Level 1  
 Civic centre  
 Hartlepool  
 TS24 8AY  
  
 Tel: 01429 523537  
 Email: [Helen.heward@hartlepool.gov.uk](mailto:Helen.heward@hartlepool.gov.uk)



