

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 30th September 2015.



No: 6
Number: H/2014/0179
Applicant: Mr & Mrs S Cockrill Elwick Road HARTLEPOOL TS26 0BQ
Agent: GAP Design Mr Graeme Pearson 7 Hylton Road HARTLEPOOL TS26 0AD
Date valid: 18/06/2014
Development: Listed building consent for alterations to access and enclosures to facilitate the erection of fourteen unit retirement village, access road, entrance and enclosure details. (Amendments to description, access, layout, enclosure & drainage details, and red line identifying the site)
Location: Meadowcroft Elwick Road HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

6.2 This application was last considered by Committee on 5th November 2014. The original report is **attached**.

6.3 The Committee were minded to approve the application in accordance with the officer recommendation subject to conditions.

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

6.5 In the course of discussions in relation to the section 106 agreement relating to the planning application, which is also under consideration on this agenda, 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 enclosure/access treatments.

6.6 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.

6.7 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 3.6 & 3.7 in the original report (**attached**).

PROPOSAL

6.8 Listed building consent is sought for alterations to the boundary walls and entrance gates at Meadowcroft. The existing walls and entrance gates at the entrance will be removed. In their place boundary walls and vehicular (x2) and pedestrian access gates (x1) will be provided.

SITE CONTEXT

6.9 The major part of the application site consists of a paddock measuring approximately 0.73 hectares to the rear of Meadowcroft, a residential property which along with its neighbour Meadowsides are Grade II listed buildings. The site is also located within Park Conservation area which was designated in 1979. These works however relate particularly to the entrance at Meadowcroft located in the northwest corner of the site.

6.10 The surrounding area is predominantly residential in nature with the surrounding properties consisting of large well established properties set within generous plots. There are also properties adjacent to the site which have been recently constructed (on land to the rear of Shu-Lin). There is a park directly to the north of the application site, with a busy highway to the north, Elwick Road, providing access to the site.

PUBLICITY

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

6.12 The amended plans have been advertised by neighbour notification, site notice and in the press. Three letter of support. One letter of no objection from the applicant, and three letters of objection have been received to the re-consultation.

6.13 Those supporting the application raise the following issues:

- Express desire to acquire property on the development

6.14 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.
- Unacceptable alterations to/impact on listed building.
- Applicant has objected to other proposals
- Plans inadequate.
- Previous applications on the site have been refused
- Safety & Security, estate will no longer be secluded.

6.15 The time period for representations has expired.

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CONSULTATION RESPONSES

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

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

Tees Archaeology : I have no additional comments to make in light of the amendments and I presume my earlier representations remains valid.

Engineering Consultancy : No comments on this application. My comments will be made of application H/2014/0163.

Heritage & Countryside Manager : Listed building consent is sought for the erection of a new entrance to Meadowcroft / Meadowside in the form of a new wall and a set of entrance gates to the driveway leading to the house and a similar set of gates leading to the garden. A third set of gates and enclosure, will also be provided for the access to the new buildings at the rear of the property.

The wall is contemporary with Meadowcroft / Meadowside and is therefore considered to be part of the grade II listed building hence the alteration of the entrance and the attachment of a new wall requires consent. This site is also located within the Park Conservation Area. Both of these are designated heritage assets as defined by National Planning Policy Framework (NPPF).

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 its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'

Local plan policy HE8, 'Works to listed buildings' is relevant. This states, 'Traditional materials and sympathetic designs should be used in works to listed buildings, to buildings adjacent to listed buildings and to those buildings which affect the setting of a listed building.'

The boundary wall which runs along the northern edge of the site is described in the Park Conservation Area Appraisal as, 'one of the most distinctive features of the conservation area. The tall panelled section at the west end is very prominent on Elwick Road'.

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 proposed development will not harm the significance of this element of the heritage asset.

There would be no objection in principle to the proposed alterations to the boundary wall.

It should be noted that these comments relate only to the alteration of the boundary wall and not to the construction of the access road which is not part of this application but considered under the planning application reference H/2014/0163.

The conclusions in assessing that application were that the proposed road will cause significant harm to the character of the Park Conservation Area and the setting of the listed building. The proposal neither sustains nor enhances the significance of either of the heritage assets.

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.

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 re-inforced by the NPPF Guidelines as well as a 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 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 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

6.18 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

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

Policy	Subject
GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP9	Developer Contributions
Hsg9	New Residential Layout
Tra16	Car Parking Standards
HE8	Works to Listed Buildings (Including Partial Demolition)

National Policy

6.20 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.

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

6.21 The main issues for consideration are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact upon the listed buildings which are defined heritage assets.

6.22 The boundary wall which runs along the northern edge of the site is described in the Park Conservation Area Appraisal as, 'one of the most distinctive features of the conservation area. The tall panelled section at the west end is very prominent on Elwick Road'.

6.23 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 proposed development will not harm the significance of this element of the heritage asset.

6.24 HBC Heritage & Countryside Manager raised no objection in principle to the proposed additions/alterations to the walls and gates subject to the conditions set out in this report.

6.25 The application is recommended for approval subject to conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.26 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

6.28 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (1404:ER:P.05 Rev C Location Plan, 1404:P 05 03 Existing and Proposed Plans and elevations at Entrance) received by the Local Planning Authority on 21st July 2015.
For the avoidance of doubt.
3. Details of all external finishing materials (bricks and copings and gates) shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of the character and appearance of the listed building.
4. Prior to the commencement of work on the wall a sample panel of one square metre of walling using the approved materials shall be constructed on the site and approved in writing by the Local Planning Authority. The remainder of the wall shall thereafter be constructed in accordance with the sample and so approved.
In the interests of the character and appearance of the listed building.
5. This permission relates only to the walls and gates (vehicular and pedestrian) to be constructed at the northern end of the site.
To clarify the extent of the permission.

BACKGROUND PAPERS

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

CONTACT OFFICER

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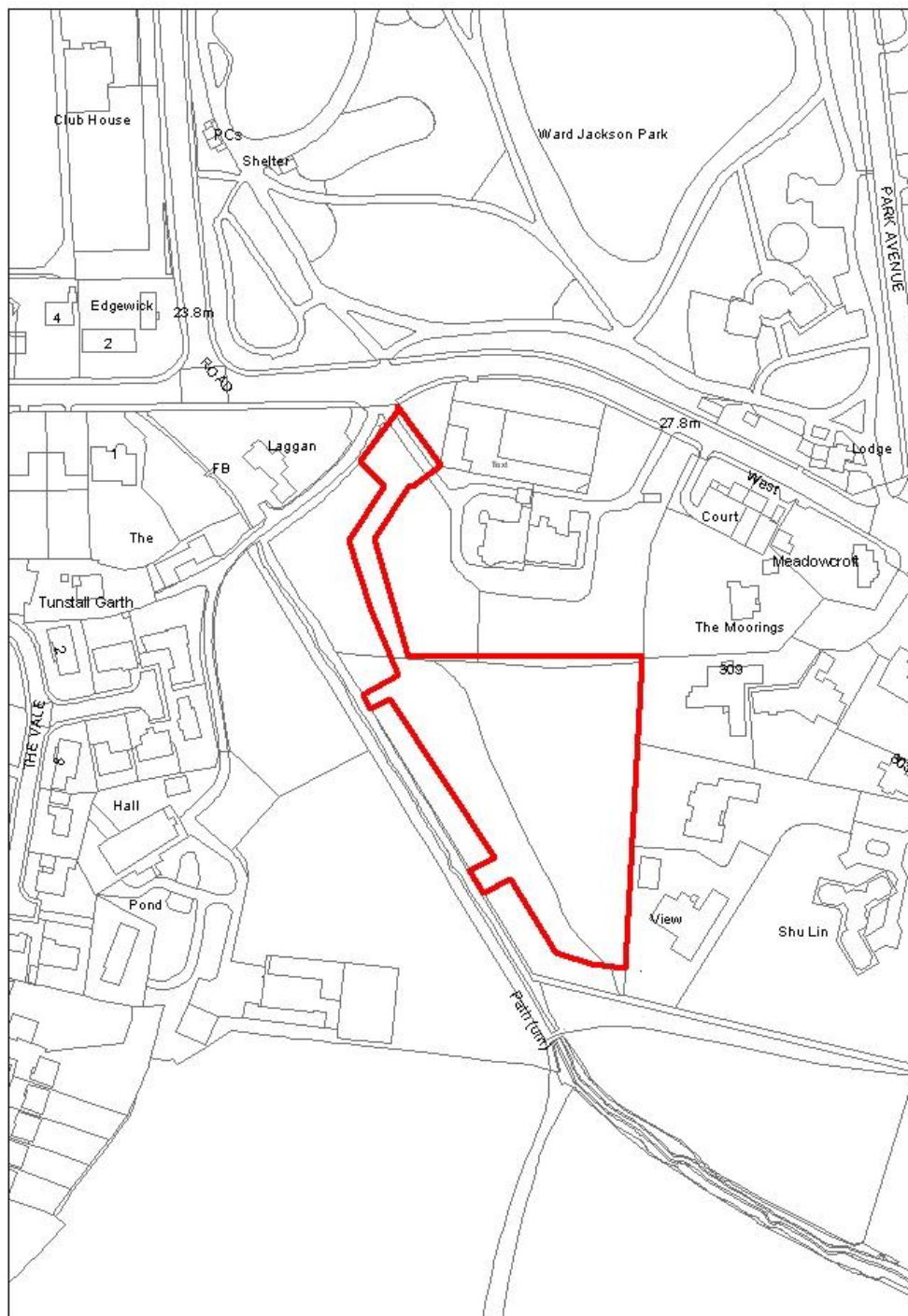
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MEADOWCROFT



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

Planning Committee – 5 November 2014

4.1

No: 3
Number: H/2014/0179
Applicant: Mr & Mrs S Cockrill Elwick Road HARTLEPOOL TS26 0BQ
Agent: GAP Design Mr Graeme Pearson 7 Hylton Road HARTLEPOOL TS26 0AD
Date valid: 18/06/2014
Development: Listed building consent for the erection of fourteen unit retirement village, access road, entrance and enclosure details
Location: Meadowcroft Elwick Road HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

3.3 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 conditions delegated to the Planning Services Manager in consultation with the Chair.

3.4 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 cannot issue a decision until this matter is resolved with the NPCU.

3.5 Following this intervention 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 now 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 the advice of the Chief Solicitor.

3.6 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

3.7 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.

Planning Committee – 5 November 2014

4.1

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.

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

PROPOSAL

3.9 Following discussions with English Heritage the scope of the requirement for Listed Buildings Consent for the scheme as proposed has been clarified. This relates to the parts of the proposal which involve alterations to the structures within the curtilage of the listed building and therefore relates to works at the entrance to the site and principally alterations to the enclosure here, the walls and gates. These works relate to the provision of boundary walls and vehicular and pedestrian access gates (x3) to be provided to the development and the existing property. These include a 1.8 metre high brick feature wall with pillars. The access gates will measure a maximum of 2 metres.

SITE CONTEXT

3.10 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.

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

3.12 The surrounding area is predominantly residential in nature with the surrounding properties consisting of large well established properties set within generous plots. There are also properties adjacent to the site which have been recently constructed (on land to the rear of Shu-Lin). There is a park directly to the north of the application site, with a busy highway to the north, Elwick Road, providing access to the site.

PUBLICITY

3.13 The application has been advertised by way of neighbour letters (19). To date, there have been 6 objections. The concerns raised are:

- Out of keeping with the character of the conservation area
- Out of keeping with character of listed building
- Loss of trees and impact upon the existing woodland
- Extensive loss of existing trees poses a security threat to existing homes.
- Loss of view to open countryside from Meadowcroft and Meadowside which are listed buildings
- Development will result in a loss of green area affecting the setting of the listed buildings
- Dangerous access point will be significantly intensified
- Access road will destroy the tranquility of the area
- Drainage and sewerage disposal is already at capacity
- Development will result in disturbance for neighbouring residential properties during construction
- Increased risk of flooding
- Impact upon wildlife
- The site is of archaeological interest and should approval be granted a recording condition should be recommended and appropriately policed
- Works have already commenced to provide access track and remove trees
- Photographs in the submitted statement depict when trees are in full leaf and are therefore misleading
- Devaluation of properties
- Objections have been submitted by the applicant to other similar developments in the area.

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

3.15 Copy Letters E

Planning Committee – 5 November 2014

4.1

CONSULTATIONS

3.16 The following consultation replies have been received:

English Heritage Comments awaited.

Tees Archaeology I have screened the proposal against the Historic Environment Record and note that ridge and furrow earthworks are present on part of the development area. These earthworks represent medieval or later agricultural activity and are of local archaeological interest. To the south and west are the remains of the deserted medieval settlement of Tunstall. Archaeological remains have been noted during construction work at Tunstall Hall to the immediate west. The site has archaeological potential as it contains earthworks, potentially of medieval date, with documented evidence of medieval settlement directly adjacent. The site has archaeological interest.

In this case the upstanding remains are limited to a former field system which is now fragmented and a case cannot be made for its physical preservation. The site appears to be outside of the main core of the deserted settlement and any archaeological features are likely to consist of features such as boundary ditches and waste disposal pits rather than more important structures such as buildings. They are also unlikely to preclude development or prove to be of major significance.

I therefore recommend, in accordance with the NPPF (para. 141) that any archaeological remains, including the ridge and furrow earthworks are subject to archaeological recording prior to and during development. A survey should be made of the extant earthworks in the first instance. The site should then be monitored by an archaeological contractor during any ground disturbance and any archaeological features or finds should be fully investigated and recorded prior to destruction.

I recommend a suitable following planning condition to secure these works

Victorian Society Thank you for consulting the Victorian Society on this application. We object to the proposed erection of fourteen residential units in the historic grounds of Meadowcroft as it would harm the setting of the listed building and erode the character of the designated Conservation Area in which it is situated.

Meadowcroft is a large villa of 1895 built for John Rickinson, a wine and spirits merchant, and was one of several substantial houses erected in west Hartlepool towards the end of the nineteenth and the beginning of the twentieth centuries. As the *Park Conservation Area Appraisal* notes, on page 39, the area around Ward Jackson Park was "where the wealthy industrialists of the late Victorian and Edwardian period built their mansions". It "is an area of fine environment notable for its many large houses and its particularly fine trees and woodland". The Appraisal goes on to identify both the Briarfields and Meadowcroft estates as two that "still define the character of the conservation area's green low-density layout". Meadowcroft remains one of the best and "most intact" (CAA p.88) examples of the grand suburban estate, with formal gardens, woods and fields to the south. Despite later development to west the estate is "still with enough historic structure to be

discernible" (CAA, p.38). The Conservation Area then is defined as much by its green pastoral setting as by the fine architectural set pieces which are located here, and in the case of Meadowcroft also by the blur that exists between the estate and the countryside beyond.

The application proposes the erection of a fourteen-unit retirement village in the grounds of Meadowcroft, with new vehicular access track. We object in principle to this development. The new buildings would occupy a large plot and would sit at the heart of the surviving estate, in close proximity to the listed building. They would encroach upon its immediate setting and erode the Arcadian character of its wider grounds that are of such essential and acknowledged importance to the setting of the listed building and the wider Conservation Area.

The CAA highlights the danger of just this sort of development. On page 10 it states that "infill developments in the large garden areas of the large houses can pose a threat to the environment if not adequately controlled". It also highlights that previous attempts to develop in the grounds of Meadowcroft in both 1998 and 2006 were unsuccessful, having been opposed by English Heritage, refused consent by the Council and subsequently turned down at appeal. In both cases it was the importance of Meadowcroft's spatial and visual relationship with the open land to the south – deemed sufficiently important to the listing of the building and the designation of the Conservation Area – that formed the basis of those decisions. In exercising its planning powers Hartlepool Council has a statutory duty to pay special attention to the desirability of preserving the listed building and its setting, as well as a statutory duty to preserve or enhance the character and appearance of conservation areas. This application would do neither. It would hamper the setting of the listed building and its "coherent" grounds, and would erode the character and appearance of the Conservation Area. On these grounds it should be refused consent.

Arboricultural Officer The Tree Survey and Plan that was submitted with this application provides a reliable and accurate picture of what trees are currently there and also provides an overview of how the woodland is to be managed at a later date should permission for the Retirement Village be granted.

The trees in this area are currently protected by Tree Preservation Order no. 100 which legally protects them from being removed or pruned without the consent of the Local Planning Authority. This is in addition to the status of The Park Conservation Area which also gives them similar protection.

The applicant has provided a comprehensive report identifying these trees individually and setting parameters which place some at risk from the development itself and others which are included within the overall management of the woodland belt itself.

Historically, before the applicant acquired this land, the woodland area comprised a neglected stand of trees consisting mainly Sycamore at very close spacing, intermingled with elms, chestnut, beech, and an under-storey of yew, elder, holly and bramble with a lot of ivy. Most of the elms had died through Dutch Elm Disease and any understory trees that existed were getting strangled by ivy.

Both the previous owner and the current owner have contributed to the removal of these elms and as they were exempt from the Order it was not necessary to request approval from the Local Planning Authority. That said, much of the undergrowth has also been removed together with some of the lower branches of the existing trees. To put it into context, the woodland floor, which had previously been smothered with ivy will support a more diverse range of species if it is allowed to.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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 Listed building consent is sought for the erection of a new entrance to Meadowcroft / Meadowside in the form of a new wall and a set of entrance gates to the driveway leading to the house and a similar set of gates leading to the garden. A third set of gates and enclosure, will also be provided for the access to the new buildings at the rear of the property.

The wall is contemporary with Meadowcroft / Meadowside and is therefore considered to be part of the grade II listed building hence the alteration of the entrance and the attachment of a new wall requires consent. This site is also located within the Park Conservation Area. Both of these are designated heritage assets as defined by National Planning Policy Framework (NPPF).

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

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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 its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'

Local plan policy HE8, 'Works to listed buildings' is relevant. This states, 'Traditional materials and sympathetic designs should be used in works to listed buildings, to buildings adjacent to listed buildings and to those buildings which affect the setting of a listed building.'

The boundary wall which runs along the northern edge of the site is described in the Park Conservation Area Appraisal as, 'one of the most distinctive features of the conservation area. The tall panelled section at the west end is very prominent on Elwick Road'.

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 proposed development will not harm the significance of this element of the heritage asset.

There would be no objection in principle to the proposed alterations to the boundary wall however it is suggested that there should not be any decoration to the wall other than a plain coping, i.e. the spheres to the pillars should be omitted. There is a walled garden in existence and a simple wall, gates and coping would reflect this. In addition this would reinforce the entrance as secondary to the original main entrance which can be found some distance away.

It is requested that the following conditions are considered.

- Final details of the wall are agreed.
- Sample brick and copings are provided.
- A section of the wall is built for consideration to enable the mortar finish to be agreed.

PLANNING POLICY

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

Local Policy

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

Policy	Subject
GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP9	Developer Contributions
Hsg9	New Residential Layout
Tra16	Car Parking Standards
HE8	Works to Listed Buildings (Including Partial Demolition)

National Policy

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

14	Presumption in favour of sustainable development
32	Transport Statements or Transport Assessments
34	Sustainable modes of transport
47	Supply of housing
48	Windfall sites
49	Five year land supply
58	Quality of development
72	Sufficient choice of school places
96	Decentralised energy supply
128	Determining planning application for Heritage Assets
129	Identify and assess the Heritage Asset
131	Determining planning applications
132	Impact of a proposed development on Heritage significance
133	Substantial harm to or total loss of significance
134	Less than substantial harm to the significance
137	New development within Conservation Areas
138	Elements of a Conservation Area
187	Approve applications for sustainable development
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development

PLANNING CONSIDERATIONS

3.20 The main issues for consideration are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact upon the listed buildings which are defined heritage assets.

3.21 The boundary wall which runs along the northern edge of the site is described in the Park Conservation Area Appraisal as, 'one of the most distinctive features of the conservation area. The tall panelled section at the west end is very prominent on Elwick Road'.

3.22 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 proposed development will not harm the significance of this element of the heritage asset.

3.23 The HBC Landscape Planning & Conservation Manager raised no objection in principle to the proposed additions/alterations to the walls and gates subject to conditions including a condition relating to the detailing of the wall. In particular it is suggested that there should not be any decoration to the wall other than a plain coping, i.e. the spheres to the pillars should be omitted. There is a walled garden in existence and a simple wall, gates and coping would reflect this. In addition this would reinforce the entrance as secondary to the original main entrance which can be found some distance away.

3.24 The application is recommended for approval subject to conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.25 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.27 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (1404:ER:Sk.05 Location Plan, 1404:ER:Sk.04 Proposed site layout Enclosure Details, 1404: P.05 location plan and entrance elevations, 1404:P.06 Proposed site layout Enclosure and SW Outfall Details (Trees omitted for clarity)) and details received by the Local Planning Authority at the time the application was made valid on 18th June 2014, as amended in respect to the final details of the walls by condition 3 below.
For the avoidance of doubt.
3. Notwithstanding the submitted details final details of the walls shall be submitted to and approved in writing by the Local Planning Authority. The walls shall thereafter be constructed in accordance with the plans so approved.
In the interests of the character and appearance of the listed building.
4. Details of all external finishing materials (bricks and copings) shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of the character and appearance of the listed building.
5. Prior to the commencement of work on the wall a sample panel of one square metre of walling using the approved materials shall be constructed on the site and approved in writing by the Local Planning Authority. The remainder of the wall shall thereafter be constructed in accordance with the sample and so approved.
In the interests of the character and appearance of the listed building.
6. This permission relates only to the walls and gates (vehicular and pedestrian x3) to be constructed at the north western end of the site.
To clarify the extent of the permission.

BACKGROUND PAPERS

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

CONTACT OFFICER

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4.1

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MEADOWCROFT, ELWICK ROAD



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

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Scale: 1:2000
Date : 21/10/14
H/2014/0163-H/2014/0169

No: 7
Number: H/2015/0158
Applicant: HERITAGE DEVELOPMENTS LTD C/O GAP DESIGN
 ST OSWALDS HOUSE HARTLEPOOL TS26 8DD
Agent: GAP Design Mr GRAEME PEARSON ST OSWALD
 HOUSE 32 VICTORIA ROAD HARTLEPOOL TS26 8DD
Date valid: 04/06/2015
Development: Outline planning application for the erection of 12no. semi detached houses with associated access. Landscaping matters reserved (demolition of former public house)
Location: FORMER KING OSWY PUBLIC HOUSE KING OSWY DRIVE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

7.2 Following the submission and consideration of the original application, the proposed scheme has been amended with changes to the design of plots 1 and 2, 11 and 12 (addition of windows in side elevations), revisions to car parking, footpaths and boundary treatments.

7.3 The application site benefits from an extant outline planning permission for the demolition of public house and erection of retail food store (decision dated 05/04/2013) (H/2014/0428). The permission has not been implemented to date.

PROPOSAL

7.4 This application seeks outline planning permission for residential development comprising 12 semi-detached dwellings with associated access at the former King Oswy public house, which will be demolished to accommodate the development. The scheme seeks permission to establish the principle of development along with details of access, appearance, layout and scale. Only matters of landscaping are reserved.

7.5 The proposed dwellings would be served by two points of access from King Oswy Drive; the first would serve 10 of the properties with a smaller second access serving plots 1 and 2. Works would be required to the adopted highway to facilitate the accesses and visibility splays, with the intention of blocking up/making good the existing vehicular access into the site.

7.6 The proposed dwellings would be laid out in an inverted 'L' shape design with plots 1 and 2, 11 and 12 siding/fronting King Oswy Drive. Plots 3-10 (inclusive)

would be set in a linear building line with a set back from the main highway to the front (north).

7.7 The proposed dwellings would each be served by private garden/amenity areas. A car parking/hard standing area would be present within the middle of the site to serve the proposed dwellings (plots 1 and 2 would be served by a smaller parking area). The submitted plans provide indicative details of boundary treatment, with approximately 1.8m and 0.9m high boundary walls and soft landscaping present along sections of the northern boundary.

7.8 The proposed two and a half storey dwellings (two storey with rooms in the attic) are made up of a uniform house type, consisting of 3-bed dwellings. The gable ended dwellings are served by dormer windows in the front with roof lights in the rear elevation. Following the request by the case officer, amended plans have been submitted to provide windows (and mock effect blocked up windows) in the gable ends of plots 1 and 2, 11 and 12 in the gable to add additional interest to this elevation.

7.9 The application has been referred to Planning Committee owing to the number of objections received.

SITE CONTEXT

7.10 The application site relates to the former King Oswy public house, located off King Oswy Drive, Hartlepool. The former public house consists of a two storey and single storey building that is vacant and is in a state of poor disrepair. The remaining curtilage of the site consists of hard standing areas with dwarf brick walls around the perimeter of the site (the site is secured by Herras fencing at present). The site lies adjacent to St John Vianney RC primary school (west), with a church beyond the highway to the north. Residential properties are present to the north west, east and beyond a garage court to the rear (south). The site is relatively level in nature.

PUBLICITY

7.11 The application was originally advertised by way of neighbour letters (30), site notice and press notice. Further neighbour consultation letters have been undertaken in respect of the amended plans.

7.12 To date, 3 objections have been received which can be summarised as follows:

- Extra traffic/congestion will exacerbate existing highway and pedestrian safety issues as a result of existing parking/traffic problems and effect on visibility along King Oswy Drive.
- These highway issues would pose a risk to the safety of school children
- The site density is inappropriate to the area and would be built close to two recently developed housing sites
- The proposed scheme would place a strain on resources including schools and health care facilities

Copy Letters B

7.13 The period for publicity has expired.

CONSULTATIONS

7.14 The following consultation replies have been received:

HBC Traffic and Transport: The amended layout is acceptable. The comments made previously still apply (see below).

The layout and access points for the proposed development are acceptable. Roads and pavings should be constructed to an adoptable standard under a section 38 agreement. All materials used in the construction of the roads and pavings should be approved by HBC Highway Section prior to the commencement of the works. Construction of new access points will require a highway licence and works should be carried out by an approved contractor. The existing access should be sealed as per applicants plans, materials should match existing footway and verge. The works should be carried out by a NRASWA approved contractor under a highway licence.

(further comments in respect of accidents/pedestrian safety)

There have been 2 recorded injury accidents on King Oswy Drive in this vicinity in the past 5 years. Both these accidents have been classed as slight. One of the accidents involved a child pedestrian crossing the road, and the other accident was a loss of control during snowy weather.

School time parking is currently a hazard in this area and the requirement for the development to fund parking restrictions in this vicinity will help improve would road safety in this vicinity. So long as these restrictions are implemented I would have no issues with the location of the development.

The developer would be required to provide a plan showing extent of proposed restrictions and an approved scheme implemented prior to first occupation.

HBC Arboricultural Officer

There are six young trees that have recently been planted in the highway verge to the front of the proposed development site. They were planted as part of a wider tree planting scheme across the north area of the town and, although they are only just beginning to become established, they are considered to make a positive contribution to the amenity of the area and that this contribution will increase over time. As such it is considered important that these trees are not damaged during development works or unnecessarily removed.

It is not completely clear from the submitted plans, but one of the trees might be in direct conflict with the creation of the new access for the main parking area. It may be possible however, given the age of the tree, to replant it 2m - 3m away from the access point. If this is the case the tree should be replanted at the developers expense.

It is recommended that details for the retention and protection of the aforementioned trees should be made a condition of approval.

(further comments on amended plans)

I would make no change to my previous comments on the application other than to say that I note the comments annotated on the amended plan regarding the existing trees on the adjacent highway verge.

A general indication of landscaping for the site is shown on the amended plan; however there is insufficient information to enable a full assessment of the landscaping proposal. Full landscaping details should form part of a reserved matters submission.

HBC Heritage and Countryside (Ecologist)

We would not require a bat survey in this particular case as the construction style of the buildings present little in the way of opportunities for roosting bats.

HBC Engineering Consultancy

There is not enough detail on the surface water aspect of these proposals so can I therefore request a surface water condition be applied to this application.

Further to my request for a surface water condition I would also request that a contaminated land condition is applied to cover any encountered contamination while on site.

HBC Public Protection Manager

I would have no objections to this application subject to the following condition; that an acoustic barrier is provided along the boundary between the school and plots 10/11 & 12. The details of the barrier to be agreed in writing with the LPA prior to the development going ahead and the said barrier maintained for the life of the development.

Tees Archaeology

I have checked the Historic Environment Record and can confirm that there are no known sites of archaeological interest in the development area. The construction of the existing buildings will have had a major impact on any archaeological deposits should they have existed. As a result the archaeological potential of the site is low.

The public house itself was built in the 2nd half of the 20th century (circa 1960) and is not of archaeological interest.

I therefore have no objection to the proposal and have no further comments to make.

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 we have the following comments to make:

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

Cleveland Police Architectural Liaison Officer

It is preferable that footpaths are not placed to the back of properties if essential to give access to the rear of properties then gates must be fitted close to the entrance of the footpath and have a key operated lock operable from both sides. Plot 1 has such a rear footpath.

Side gates to plot 4/5,6/7,8/9 must be fitted as close to the front building line as possible and capable of being locked

Boundaries to rear of plots 1-10, 11/12 I would recommend be increased to 2.0m

Parking area for plot should ideally be over looked window in side elevation plot 2 would improve security of parking in this parking area. Parking area for plot 12 is not overlooked or close to the property.

Conflict may occur with proposed parking areas re lack of footpaths and proposed parking layout. Lighting to car parking areas should comply with BS 5489.

No further comments have been received following the consultation on the amended plans.

HBC Economic Regeneration

No objection

HBC 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.

HBC Waste Management

This is a standard supply of 3 x240ltr bins and 55ltr blue box per property. Please see attached dimensions for container sizes. These will be collected from the front of the properties in the car park area. Bins provided are for General waste, Recyclable waste, Garden waste, Box is provided for glass only.

Northern Gas Networks

(summarised) No objections. Details of mains records of the area provided.

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 confirm the following;

- abandonment of the existing supply will be required
- we do not anticipate any diversion work

- I can confirm that Hartlepool Water has sufficient capacity in the local network to supply the proposed development
- We have no objection to this development

HBC Education (School Place Planning, Admissions & Capital Manager)

The education contribution required will be £27,495 – Primary contribution only

We will reassess the position as the development progresses and if there are sufficient places available at that time, we may not require all of the contribution. Our approach to new developments is outlined in the Early Years and School Infrastructure Plan.

The admissions zone schools for the development, Barnard Grove is over capacity and St John Vianney is at full capacity at the moment. Therefore there is no surplus capacity at these two schools.

(further comments received from Education on confirmation by Planning Policy that the requirement for the education contribution, in addition to other contributions, would render the development unviable);

At the moment the two schools I mentioned are over-subscribed therefore we would consider other schools within the area and also to note we operate an admissions policy oversubscription criteria therefore this would be used to determine which children are admitted to a particular school. At this moment in time there is pressure on places within the north of the town.

However, as this is a relatively low contribution which could jeopardise the regeneration of this area, we would waive this contribution but would (request if) it be possible seek a nominal financial contribution to improve facilities at the two schools mentioned. I also believe we have asked for 5 primary contributions already agreed for the North West Planning Area.

To note: this would not set a precedent for seeking further contributions.

PLANNING POLICY

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

7.16 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.

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

7.18 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
111	the effective use of land by re-using land that has been previously developed (brownfield land),
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

7.19 The following policies are relevant to this application:

Policy	Subject
GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP9	Developers' Contributions
GEP12	Trees, Hedgerows and Development
Hsg9	New Residential Layout
Tra16	Car Parking Standards
Rec 2	Provision for Play in New Housing Areas
GN5	Tree Planting

PLANNING CONSIDERATIONS

7.20 The main planning considerations are the compliance of the proposal with national and local planning policy (the principle of housing development, sustainability of the site, planning obligations), the impacts upon the character and appearance of the area (including design, scale and layout), the impact on the privacy and amenity of neighbouring residents, the impact on highway and pedestrian safety, flooding and drainage, and any other material planning considerations.

PRINCIPLE OF DEVELOPMENT

7.21 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).

7.22 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 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.

7.23 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 cannot demonstrate a five year housing land supply but that does not override the

requirement that is set out in statute to ensure that development is sustainable. The NPPF sets out the three strands that form sustainable development, namely, economic, environmental and social. Given the location of the site it is considered that it is sustainable.

7.24 One of the core planning principles of the NPPF is *“to encourage the effective use of land by reusing land that has been previously developed (brownfield land)”*.

7.25 As set out above within the HBC Education comments, the two schools within the immediate area are over-subscribed. Contributions to education were therefore requested to off-set this impact. However, the applicant has provided a viability assessment, which has been assessed accordingly. Planning Policy have considered the assessment in detail and have concluded that the requirement for planning obligations *“could render the scheme unviable particularly given that the scheme is running at a profit level below what is often accepted within the borough. Planning Policy is disappointed that the scheme can not provide the planning obligations however, weight should be given to the fact that the proposal will clear an eye sore building and provide homes in a sustainable location”*.

7.26 The HBC School Place Planning, Admissions & Capital Manager (Education) has considered this further and has commented that other schools within the area would need to be considered (the Education section operate an admissions policy oversubscription criteria therefore this would be used to determine which children are admitted to a particular school). The Education section also acknowledges the relatively low contribution towards education (£27, 495) and are mindful of the effect the development not coming forward would have on the regeneration of the site. As such, the HBC Education section has confirmed that the contribution would not be insisted upon (from Education’s perspective) but they would wish to seek a nominal financial contribution to improve facilities at the two schools mentioned. The above referenced nominal fee towards education places and/or play facilities (as set out below), can be secured accordingly through a section 106 agreement.

7.27 It is acknowledged that the proposal could place additional pressure on school places within the area, and this could, in its own right, make the proposal an unsustainable form of development. However, in accordance with the provisions of the NPPF, this needs to be weighed up against the benefits of the scheme; the application site is a brown field site, located within the defined limits to development and is within walking distance to a number of shops, services and public transport facilities. The benefits of the proposal include it assisting in clearing a derelict building that is unsightly and that it would provided much needed homes in a sustainable location. The Planning Policy team also support the application in this respect.

7.28 In weighing up the clear benefits of the scheme against any pressures on school places, Officers consider that, on balance, the proposal would constitute 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. It is considered the proposal would not give rise to any unacceptable impacts which would significantly and

demonstrably outweigh the benefits when assessed against the policies in the NPPF. The proposal is therefore recommended for approval.

PLANNING OBLIGATIONS

7.29 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.

7.30 In terms of the required planning obligations for the current proposal, planning obligations were sought at a rate of £250 per dwelling for play (£3,000), £250 per dwelling for green infrastructure (£3,000) and £250 per dwelling for built sports facilities (£3,000). A contribution of £27,495 was sought for the provision of additional primary school provision to be directed towards the North West Planning area.

7.31 As set out above, the applicant has provided a viability assessment, which has been assessed accordingly. Planning Policy has concluded that the requirement for planning obligations could render the scheme unviable.

7.32 Notwithstanding the above, the applicant has confirmed his agreement to make a £3000 contribution towards play facilities and/or education (for the reasons set out above). This can be secured by the required section 106 agreement.

7.33 In view of the above considerations, it is considered that the proposal would therefore comply with the three tests of the Community Infrastructure Levy (CIL) Regulations 2010.

DESIGN/IMPACT ON CHARACTER AND APPEARANCE OF AREA

7.34 The proposed dwellings are considered to be of a design, scale and appearance that are keeping with the general pattern and built form of the surrounding area.

7.35 Concerns are raised by objectors with respect to the density of the development. However the density (in this instance 49 dwellings per hectare) would accord with the provisions of saved Policy Hsg9 (which requires a minimum of 30 dwellings per hectare). It is considered that the proposed development would, for the most part, be read in the context of the existing housing or the immediate surrounding area which is at relatively high density itself.

7.36 Furthermore, it is considered that the proposed layout, with the main section of the dwellings being set back from the highway to the front, would assist in breaking up the massing of the development when viewed from wider areas. Furthermore, the provision of modest amendments to plots 1 and 2, 11 and 12 consisting of the addition of windows and mock-effect blocked up windows in the gable ends would assist in breaking up the massing of these dwellings (which are situated close to the adjacent highway), and also add interest to the street scene. It is therefore

considered that the proposal would achieve a satisfactory design, scale, layout and density.

7.37 The Council's Arboricultural Officer has raised no objections to the scheme subject to satisfactory mitigation planting being provided for any trees removed within the adopted highway (to take account of the proposed access points), tree protection, and that the final landscaping details would be secured by the required Reserved Matters application.

7.38 In view of the above, 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 or visual amenity of the area. 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 ON AMENITY AND PRIVACY OF NEIGHBOURING PROPERTIES

7.39 The development meets the guideline separation distances identified in the Hartlepool Local Plan. It is considered that the location of the development is sufficiently separated from existing dwellings and neighbouring land users 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.

7.40 The Council's Public Protection Manager has raised no objections to the scheme subject to the provision of an acoustic fence along the adjacent boundary (West) to the primary school to protect the amenity of future occupiers of the dwellings (and the school), which can be secured by a planning condition.

7.41 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.

IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY

7.42 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 adjacent school, and the impact on pedestrian safety.

7.43 In response, the Traffic and Transport section have commented that the amended layout and access points for the proposed development are acceptable. They have also provided comments in respect of works being constructed to an adoptable standard with a number of works to the highway requiring a separate highway license, which can be secured by the requisite planning conditions.

7.44 In response to concerns regarding the number of accidents/pedestrian safety in the area, the Traffic and Transport section has confirmed there *“have been 2 recorded injury accidents on King Oswy Drive in this vicinity in the past 5 years. Both these accidents have been classed as slight. One of the accidents involved a child pedestrian crossing the road, and the other accident was a loss of control during snowy weather”*. The section has advised that school time parking *“is currently a hazard in this area”* and has therefore requested that the development funds parking restrictions in this vicinity, which *“will help improve road safety in this vicinity”*. Subject to the provision of such restrictions, which can be secured by a planning condition, the Traffic and Transport section raises no objections to the scheme in terms of highway and pedestrian safety.

7.45 In view of the above, it is considered that the proposal would not result in an adverse impact on highway and pedestrian safety.

FLOODING AND DRAINAGE

7.46 With respect to matters of flooding, the site falls outside of both Flood Zones 2 and 3 and is below the threshold for requiring a flood risk assessment.

7.47 With regard to surface water drainage from the site, both the Council's Engineering Consultancy section and Northumbrian Water have confirmed the requirement for details of surface water and foul sewage connection details to be secured by a planning condition. In view of the above considerations and subject to the identified condition, it is considered that the scheme is satisfactory in terms of flooding and drainage related matters.

OTHER ISSUES

7.48 No objections have been received from technical consults in respect of archaeology, ecology, potable water supply and any effect on public rights of way.

7.49 The Council's Environmental Engineering section have confirmed that further site investigation works (in respect of contamination) will be required for this site and this can be dealt with through a standard contaminated land planning condition.

7.50 Cleveland Police's Architectural Liaison Officer (ALO) has assessed the proposal and provided a number of advisory comments in respect of Secure By Design principles. The applicant has considered these recommendations and incorporated a number of these into the scheme in respect of boundary treatments and lockable gates. The scheme is therefore considered to be acceptable in this respect.

EQUALITY AND DIVERSITY CONSIDERATIONS

7.51 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

7.53 The design has been amended to address concerns raised by Cleveland Police.

CONCLUSION

7.54 The development site is located on a brown field parcel of land within the established urban limits and Officers consider, that on balance, the development would constitute a sustainable form of development for the reasons set out above. The scheme is also considered to be acceptable in respect of other material considerations set out above.

7.55 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

7.56 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 £3,000 for education and/or play facilities, the provision and maintenance of highways to an adoptable standard and the following conditions.

1. Application for the approval of the reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

To clarify the period for which the permission is valid.

2. Approval of the details of the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.

To clarify the period for which the permission is valid.

3. The development hereby approved shall be carried out in accordance with amended plan 1511:P.10 REV H (location plan, site layout, elevations and floor plans), date received by the Local Planning Authority on 13th July 2015 unless otherwise agreed in writing with the Local Planning Authority.

For the avoidance of doubt.

4. 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.

5. No development shall take place until a scheme for the protection during construction works of all trees within and adjacent to the site including those within the adjacent highway verge, in accordance with BS5837:2012 (Trees in relation to design, demolition and construction Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Any trees which are to be removed, seriously damaged or die as a result of the 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 visual amenity and to protect those trees on site and adjacent to the site that are considered to be of a amenity value.

6. 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. 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.

7. 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, accesses, blocking up of the existing access, 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.

8. 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. The works to the highway consisting of the existing access being sealed and provision of the proposed accesses and visibility splays, shall be carried out in accordance with plan 1511: P.10 REV H (date received 13th July 2015), to the satisfaction of the Local Planning Authority. The agreed scheme shall be implemented prior to the occupation of the dwellings unless otherwise agreed in writing with the Local Planning Authority.

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

9. Prior to the occupation of the dwellings hereby approved, a scheme of highway measures shall be 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 in respect of car parking restrictions. The agreed scheme shall be implemented prior to the occupation of the dwellings.

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

10. Car parking space, to Local Planning Authority standards, shall be constructed, surfaced and marked out in accordance with the agreed car parking spaces and layout plan 1511: P.10 REV H (date received 13th July 2015), to the satisfaction of the Local Planning Authority before the dwellings hereby approved are brought into use unless otherwise agreed in writing with 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. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

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

12. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

In order to prevent pollution.

13. Notwithstanding the submitted information, 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.

14. Prior to the occupation of the dwellings hereby approved, details of an acoustic fence to be erected along the adjacent boundary to St John Vianney school (West) and as indicated on plan 1511:P.10 REV H (date received 13th July 2015) shall be submitted to and agreed in writing with the local planning authority. The scheme shall include technical details so approved of the acoustic qualities of the fence, the finishing colour and location. The development shall be implemented in accordance with the agreed details prior to the first occupation of the dwellings and shall remain in place for the lifetime of the development.

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

15. 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.

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

1. Site Characterisation

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

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in

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

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

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

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

17. 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 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.

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

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

20. 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.

21. 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

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

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

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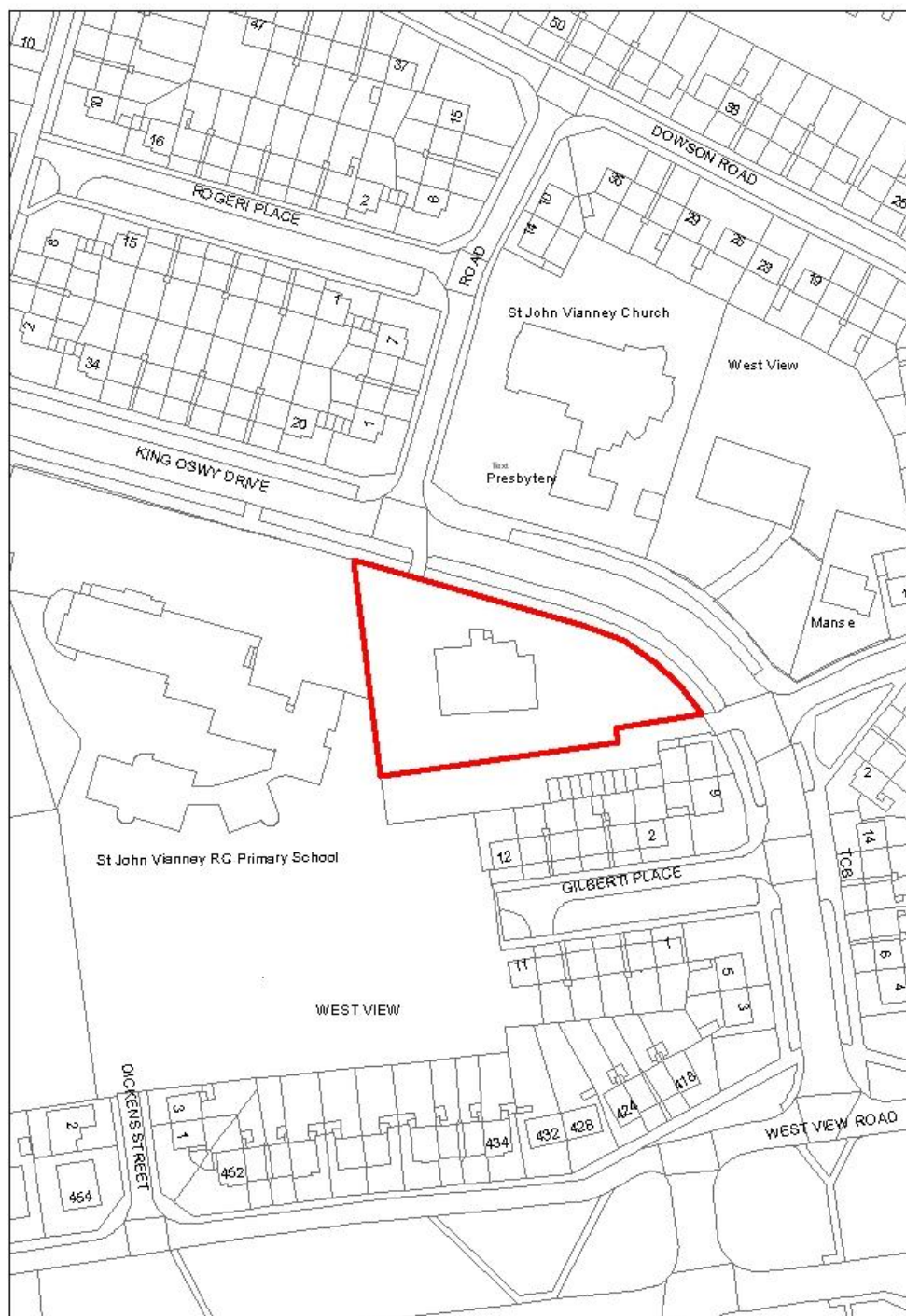
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KING OSWY DRIVE



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

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H/2015/0158
Scale: 1:1250
Date : 14/08/15

PLANNING COMMITTEE

(2nd September 2015)



Report of: (Assistant Director (Regeneration))

Subject: APPEAL AT 23 STANHOPE AVENUE,
HARTLEPOOL – APPEAL REF:
APP/H0724/D/15/3119184 – INSTALLATION OF
REPLACEMENT WINDOWS TO FRONT AND SIDE
AND REPLACEMENT GUTTERING

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council to refuse planning permission for the installation of replacement windows to the front and side and replacement guttering at 23 Stanhope Avenue, Hartlepool. The decision was made under delegated powers through the Chair of the Planning Committee. A copy of the report is **attached**.
- 1.2 The appeal is to be determined by written representation and authority is therefore requested to contest the appeal.

2. RECOMMENDATIONS

- 2.1 That Members authorise Officers to contest the appeal.

3. CONTACT OFFICER

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4. AUTHOR

- 4.1 Leigh Taylor
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CHAIRMAN'S DELEGATED REPORT

Application No H/2015/0163

Proposal Installation of replacement windows to front and side and replacement guttering

Location 23 Stanhope Avenue HARTLEPOOL

PS Code: 21

DELEGATION ISSUES	Neighbour letters:	01/06/2015
	Site notice:	11/06/2015
1) Publicity Expiry	Advert:	04/06/2015
	Weekly list:	07/06/2015
	Expiry date:	30/06/2015
	Extended date:	N/A
<p>2) Publicity/Consultations</p> <p>The proposal has been advertised by way of a site notice, advert, three Neighbour Notification letters and three Councillor Notification letters.</p> <p>HBC Heritage and Countryside (extract of comments received 22/05/15) <i>...The main issue of consideration is the impact the proposal will have on the Grange Conservation Area.</i></p> <p><i>The proposed windows are of a modern design. They are casement windows with top hung opening lights. The windows proposed differ significantly from a sash window for the following reasons,</i></p> <ul style="list-style-type: none"> <i>The width, bulk of the framing and opening mechanisms of the windows are unacceptable. The windows to the property are traditional double hung vertical sliding sash windows constructed in timber. The appearance of the windows that are proposed is vastly different to a sliding sash. They are top hung and the detailing and shape of the frame is flatter and wider than that of a timber sash. In particular the lower sash of a timber window would be set back rather than flush as with the proposed windows</i> <i>A timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window. It is these small but significant details that contribute to the special character and appearance of a conservation area.</i> <p><i>The windows are contrary to the policy guidelines agreed by Planning Committee as they are not, 'of a type appropriate to the age and character of the building.' It is, therefore considered that the proposed windows would cause less than substantial harm to the significance of the conservation area. There is no evidence presented to suggest that this harm will be outweighed by public benefits of the proposal.</i></p>		

From the information provided it is not clear if the works to the guttering and downpipes constitutes direct replacement of these or if the applicant proposes rationalising the pipe work that exists at the moment. Furthermore no details are provided to identify which parts of the gutters etc are plastic and which are cast iron. In light of this lack of information it is not possible to assess the impact that these works would have on the conservation area.

Further comments received 26/05/2015

Following the submission of additional information on the proposed changes to guttering, further comments were received:

Further to our conversation regarding the guttering at the above property, I would confirm that in light of the additional information that has been submitted, there would be no objections to the proposed replacement guttering subject to suitable information being provided to show how the second down pipe would be attached to the canopy over the front door.

Hartlepool Civic Society (comments received 26/05/15)

We have carefully studied the plans and see that currently, the original windows are distinctive wooden sash windows. The proposal for uPVC replacements would alter the proportions with the smaller upper sash. 'Fake sashes' are actually casement windows – a style not in keeping with the period especially when the windows are opened.

Even if uPVC sashes are fitted, the proportions of the actual sashes are crucial to the distinct character. These would be preferable and look more in period even when opened – ideally however, wood should be employed.

The window bars are much clumsier and thicker in uPVC which would completely destroy the character of the house and therefore diminish the conservation area.

We would urge that the applicants would reconsider the use of uPVC.

3) Neighbour letters needed	N
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4) Parish letter needed	N
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5) Policy

Planning Policy

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

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

Part 7: Requiring Good Design

PARA 013 : NPPF is material consideration

PARA 014 : Presumption in favour of sustainable development

PARA 131: Protecting and Enhancing Heritage Assets and Conservation Areas

PARA 132: Significance of Heritage Asset Designation

PARA 134: Less Than Substantial Harm and Public Benefits

PARA 196: Primacy of the Development Plan

PARA 197: Presumption in favour of sustainable development.

Relevant Planning Policies

GEP1: General Environmental Principles

HE1: Protection and Enhancement of Conservation Areas

Hsg10: Residential Extensions

6) Planning Consideration

Site

The property is a two storey semi-detached dwelling located within the Grange Conservation Area. The property faces north towards the highway and the south facing neighbours at no's. 22 and 24 Stanhope Avenue. The adjoining neighbour at no.21 is on the east and the other neighbour at no.25 is on the west. The front of the property is bounded by an approx. 0.5m high brick wall with a driveway opposite the protruding side part of the dwelling.

Proposal

Planning permission is sought for the replacement of five windows which include two bay windows, two first floor single windows and a ground floor single window. Planning permission is required as the property is subject to an Article 4 Direction removing all permitted development rights for works to the front. The proposal is to replace the existing white painted timber framed sliding sash windows with white uPVC casement type windows with top opening lights. There will also be replacement and repair of cast iron guttering on the front of the property with uPVC cast effect.

The main considerations in regard to the above proposal are the impact on the Grange Conservation Area in terms of design and visual amenity, and any impact

on neighbour amenity.

Impact on the Grange Conservation Area – Design and Visual Amenity

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*”.

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*”.

This property is located within the Grange Conservation Area, a designated heritage asset.

In relation to the design of the windows, it is considered that the proposed top hung uPVC sash effect windows are significantly different to the double hung timber frame windows currently on the property. The proposed windows differ in terms of specific features such as the top opening lights, frame widths and opening mechanisms. The proposed window design is not considered to be consistent with the original character of the property and its period features.

In relation to visual amenity and the street scene, it is noted that uPVC windows have been installed on a number of nearby properties. The use of this material is acceptable in principle however, given the overall design and lack of matching details on the proposed uPVC type, it is considered that these windows would have a detrimental impact on visual amenity in terms of consistency on the street scene. It is not considered that the proposal would preserve or enhance the character or appearance of the Conservation Area but instead would have a detrimental impact on these matters. In relation to the additional information submitted showing the proposed replacement guttering, it is not considered that this aspect of the proposals would have a significant impact on the Grange Conservation Area. In relation to the proposed replacement window, the proposal is considered to be contrary to the relevant planning policies for protecting and enhancing the Grange Conservation Area.

Neighbour Amenity

The proposal is not considered to have any undue impact on neighbours due to the minor nature of the works.

Conclusion

In relation to the material planning considerations examined above, the proposal is considered to be unacceptable in accordance with policies GE1, HE1 and Hsg10

of the Hartlepool Local Plan 2006, and Part 7, paragraphs 131, 132, 134, 196 and 197 of the NPPF. It is recommended that planning permission is refused on the basis that the style and design of replacement windows to the front of the property is inappropriate in terms of the impact on the Grange Conservation Area.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

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

There are no Section 17 implications.

9) Chair's Consent Necessary	N
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10) Recommendation REFUSE

CONDITIONS/REASONS

- 1 The proposed replacement windows are not in keeping with the style and design of the original property and would have a detrimental impact on the Grange Conservation Area. The proposals are contrary to policies GEP1 (General Environmental Principles), Hsg10 (Residential Extensions) and HE1 (Protection and Enhancement of Conservation Areas) of the Hartlepool Local Plan 2006, and Part 7 (Requiring Good Design), paragraphs 131, 132, 134, 196 and 197 of the NPPF.

Signed:

Dated:

Planning Team Leader DC

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

Signed:

Dated:

Chair of the Planning Committee

PLANNING COMMITTEE

02 September 2015



Report of: Assistant Director (Regeneration)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:

1. An investigation has been completed in response to a complaint regarding a children's party held in the outside drinking areas of a public house on Stockton Road, which breached the permitted hours and playing of music detailed in a condition linked to the planning approval. The public house manager has assured officers any future events will comply with the terms of those conditions.
2. An investigation has commenced in response to a complaint regarding breaching closing time hours and parking provisions detailed in the terms of conditions linked to the planning approval for the erection of a new clubhouse on Catcote Road.
3. An investigation has commenced in response to a complaint regarding the running of a dog grooming business from a residential property on Campbell Road.
4. An investigation has been completed in response to a complaint regarding uncut grass at a vacant former residential care home on Brierton Lane. The grass has been mown. No action necessary.
5. An investigation has commenced in response to a complaint regarding a sandwich shop with an element of hot food sales operating from a commercial unit on Stanley Road.
6. An investigation has been completed in response to a complaint regarding construction works being undertaken outside the permitted hours detailed in a condition linked to the planning approval for the siting of a temporary school in Wynyard Woods. The developer has assured officers that the working hours will be observed as set out in the planning conditions.

7. An investigation has commenced in response to a complaint regarding the construction of new boundary fence to side of a property on Blackwood Close.
8. An investigation has been carried out and completed in response to a complaint regarding the construction of single storey extension to side of an existing building at a car wash and MOT testing centre on Catcote Road. The extension benefited from a lawful planning permission in this case. No action necessary.
9. An investigation has been carried out and completed in response to a complaint regarding the construction of replacement mobile phone base stations and mast at Hart Lane/Dunston Road roundabout. The works benefited from a lawful planning permission in the case. No action necessary.
10. An investigation has been carried out and completed in response to a complaint regarding the installation of UPVC windows and a front door to a property on Grantham Avenue. This property is located within the Grange Conservation Area and affected by an Article 4 Direction. The replacement UPVC windows and door are in proportion and design matching those of the original windows and door. No action necessary.
11. An investigation has been carried out and completed in response to a complaint regarding the construction of shared neighbour boundary fence to rear of a property on Bluebell Way. The complaint arose from the garden ground levels being increased resulting in a replacement boundary fence higher than the original fence. The property owner has agreed to reduce new fence to match the height of the original fence. No action necessary.
12. An investigation has commenced in response to a complaint regarding the use of residential property as supported living accommodation for people with learning disabilities on Courageous Close.
13. An investigation has commenced in response to a complaint regarding the fixing of steel beading mesh primed to render on the low front boundary wall of a property on Hutton Avenue. The property is located within the Grange Conservation Area and affected by an Article 4 Direction.
14. An investigation has commenced in response to a complaint regarding the running of a business from home at a property on Miers Avenue.
15. An investigation has commenced in response to a complaint regarding untidy land on Moor Terrace. The land in question benefits from a planning approval to construct houses, bungalows and apartments. The developer has agreed to cut down the overgrown vegetation and put in place a watching brief to monitor the condition of the site.

2. RECOMMENDATION

- 2.1 Members note this report.

3. CONTACT OFFICER

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