

# REGENERATION SERVICES COMMITTEE AGENDA



**Friday 31 July 2015**

**at 9.30 am**

**in Committee Room B, Civic Centre, Hartlepool.**

MEMBERS: REGENERATION SERVICES COMMITTEE

Councillors S Akers-Belcher, Clark, Cook, Cranney, Lindridge, Morris and Thompson

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

- 3.1 To receive the minutes of the meeting held on 17 July 2015 (*previously published*)

**4. BUDGET AND POLICY FRAMEWORK**

- 4.1 New Dwellings Outside of Development Limits Supplementary Planning Document – *Assistant Director, Regeneration*

**5. KEY DECISIONS**

No items.

**6. OTHER ITEMS REQUIRING DECISION**

- 6.1 Carr/Hopps Street Housing Regeneration Area Proposals – Recommendation July 2015 – *Assistant Director, Regeneration*



**7. ITEMS FOR INFORMATION**

- 7.1 Presentation - Tees Valley Innovation Strategy – *Economic Strategy and Intelligence Manager, Tees Valley Unlimited*
- 7.2 ERDF Small Business Start Up Programme – *Assistant Director, Regeneration*
- 7.3 Building Better Opportunities Fund – *Assistant Director, Regeneration*

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

**FOR INFORMATION:**

Date of next meeting – Friday 28 August 2015 at 2.00 pm am in the Civic Centre, Hartlepool



# REGENERATION SERVICES COMMITTEE

31 July 2015



**Report of:** Assistant Director (Regeneration)

**Subject:** NEW DWELLINGS OUTSIDE OF  
DEVELOPMENT LIMITS SUPPLEMENTARY  
PLANNING DOCUMENT

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Budget and Policy Framework.

## 2. PURPOSE OF REPORT

2.1 The purpose of this report is to seek endorsement by the Regeneration Services Committee of the New Dwellings Outside of Development Limits Supplementary Planning Document (SPD) following a successful 8 week consultation on the draft SPD which ended on 1<sup>st</sup> of May 2015, and recommend the report to be presented to full Council for adoption. The SPD is attached at **Appendix 1** to this report and the consultation statement at **Appendix 2**.

## 3. BACKGROUND

3.1 The SPD outlines the justification test criteria to be used to assess planning applications for residential development in the countryside/rural areas outside of development limits. This follows the deletion of Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas in 2012 and its subsequent replacement by the National Planning Policy Framework (NPPF) which does not repeat the PPS7 Annex A criteria for assessing planning applications for residential development in the countryside.

3.2 The deletion of PPS7 and Annex A has since resulted in uncertainty for developers and the Council on what is expected as part of special justification from applicants with regards to proposals for residential development in the countryside outside of development limits. This SPD therefore provides guidance in accordance with the existing planning policy framework.

- 3.3 The existing planning policy framework allows for new dwellings in the countryside subject to the proposals being in accordance with criteria established in the following policies:
- Local Plan (2006) policy Rur7 and Rur12
  - Policies in the emerging Local Plan which once adopted will replace the 2006 Local Plan
  - National Planning Policy Framework (NPPF) 2012 paragraph 55
  - National Planning Practice Guidance (NPPG) 2014.
- 3.4 The justification test assessment criteria are established in Table 1 and are in accordance with the current planning framework as outlined in the SPD (see **Appendix 1**). Therefore, any new dwellings outside of development limits will not be permitted unless the criteria established in Table 1 are satisfied.
- 3.5 According to the current National Planning Policy Framework, the need for new dwellings in the countryside is driven by many factors; among the few circumstances in which isolated residential development may be justified are:
- 1) **Rural Enterprise:** Accommodation is required to enable agricultural, forestry and other rural based enterprise full-time workers to live at, or in the immediate vicinity of, their place of work, or
  - 2) **Heritage:** The development would represent the best viable use or secure the future of a heritage asset, or
  - 3) **Redundant or Disused Buildings:** The development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting, or
  - 4) **Outstanding Design:** as this is a subjective issue there are no justification criteria included within the SPD, and
  - 5) **Relevant Policies:** the proposal should meet the requirements of all other relevant planning policies in the Local Plan and the NPPF.

## 4. PROPOSALS

- 4.1 Following the cancellation of PPS7 and its subsequent replacement by the NPPF in 2012, and the NPPG in 2014, this SPD seeks to replace the explicit guidance outlined in the deleted PPS7 Annex A and to help applicants make successful applications through establishing a framework where detail illustrating the developments conformity with the justification criteria is required as part of an application. The SPD will specifically give both developers and the Council clarity and guidance on what is expected as part of special justification with regards to proposals for residential development in the countryside outside of development limits.

- 4.2 This SPD is in accordance with the principles of the NPPF. It is thus proposed that the SPD is endorsed and adopted by Council for use as material consideration in the decision making process with regard to assessing proposals for residential development in the countryside.

## **5. RISK IMPLICATIONS**

- 5.1 There are no risk implications associated with this SPD.

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

- 6.1 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. The Council is committed to securing safe and secure environments within the borough.
- 6.2 Safety and security is a key consideration when assessing planning applications; however the issue is not of major relevance as the New Dwellings Outside of Development Limits SPD consultation will not be conducted face-to-face or physically but by mail.

## **7. FINANCIAL CONSIDERATIONS**

- 7.1 There are no foreseeable major financial considerations in adopting the New Dwellings Outside of Development Limits SPD.

## **8. LEGAL CONSIDERATIONS**

- 8.1 There are no foreseeable legal considerations in adopting the New Dwellings Outside of Development Limits SPD.

## **9. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 9.1 There are no foreseeable equality and diversity considerations in adopting the New Dwellings Outside of Development Limits SPD.

## **10. RECOMMENDATIONS**

- 10.1 That Regeneration Committee Members endorse the New Dwellings Outside of Development Limits Supplementary Planning Document (SPD) and permit the report to be presented to full Council for adoption.

## 11. REASONS FOR RECOMMENDATIONS

- 11.1 This SPD will form part of the planning policy framework and will provide detailed guidance to developers and the Council regards to proposals for dwellings in the open countryside. The SPD will thus be a material consideration in the determination of planning applications once adopted.

## 12. BACKGROUND PAPERS

- 12.1 The Adopted Hartlepool Local Plan (2006) with specific regard to policies Rur9 and Rur12  
[http://www.hartlepool.gov.uk/downloads/file/961/hartlepool\\_local\\_plan\\_2006](http://www.hartlepool.gov.uk/downloads/file/961/hartlepool_local_plan_2006)
- 12.2 The National Planning Policy Framework (NPPF) with specific regard to paragraph 55  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)
- 12.3 Government Planning Practice Guidance (2014)  
<http://planningguidance.planningportal.gov.uk/blog/guidance/housing-and-economic-development-needs-assessments/methodology-assessing-economic-development-and-main-town-centre-uses/>

## 13. CONTACT OFFICERS

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# **New Dwellings Outside of Development Limits**

## **Supplementary Planning Document**

**June 2015**

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## **1. INTRODUCTION**

- 1.1 The need for new dwellings in the countryside is driven by many factors; one of the few circumstances in which residential development may be justified is when accommodation is required to enable agricultural, forestry and other rural based enterprise full-time workers to live at, or in the immediate vicinity of, their place of work.
- 1.2 The existing planning policy framework allows for new dwellings in the countryside subject to the proposals being in accordance with criteria established in the policies. To ensure any development is in accordance with the planning policy framework, in most cases it is necessary that a justification test is undertaken.
- 1.3 This Supplementary Planning Document (SPD) provides the guidance on whether the principle of a new dwelling in the countryside is appropriate and as to when a justification test will be required and details what information the applicant will be required to submit as part of the justification test.
- 1.4 This SPD seeks to replace the explicit guidance outlined in Planning Policy Statement 7: Sustainable Development in Rural Areas, with specific regard to Annex A. Since the cancellation of PPS7 in 2012 there has been uncertainty with regard to what is expected from applicants, with many applications being submitted still using the old Annex A guideline criteria. The SPD seeks to help applicants make successful applications through establishing a framework on where detail is required as part of an application, with regard to the justification test; replacing the cancelled PPS7 Annex A guideline criteria.

**2. NEED FOR NEW DWELLINGS OUTSIDE OF DEVELOPMENT LIMITS**

- 2.1 Most of the land in the borough which falls outside of development limits can be characterised as being “countryside”. Therefore most dwellings proposed outside of the development limits will be, by definition: development in the countryside. Isolated dwellings/homes, by definition are ‘stand alone’ settlements with 1 or 2 buildings or families in them. Isolated dwellings usually have negligible services, if any.
- 2.2 The National Planning Practice Guidance (NPPG) 2014 states that assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. Therefore all large sustainable housing sites at the edge of villages will be allocated through the Local Plan and limits to developments re-drawn to reflect this. Following this, any proposals for dwellings outside development limits will only be accepted under exceptional circumstances in accordance with the National Planning Policy Framework (NPPF), the NPPG, the Hartlepool Local Plan and other material considerations.
- 2.3 The Hartlepool Local Plan (2006) and Paragraph 55 of the National Planning Policy Framework (NPPF) makes clear that new isolated homes in the countryside require special justification for planning permission to be granted. Circumstances in which residential development may be justified are:
- 1) **Rural Enterprise:** Accommodation is required to enable agricultural, forestry and other rural based enterprise full-time workers to live at, or in the immediate vicinity of, their place of work, or
  - 2) **Heritage:** The development would represent the best viable use or secure the future of a heritage asset, or
  - 3) **Redundant or Disused Buildings:** The development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting, or
  - 4) **Outstanding Design:** The development is of truly outstanding design, architecture, sustainable construction methods etc, or
  - 5) **Relevant Policies and Material Considerations:** the proposal meets the requirements of all other relevant planning policies in the Local Plan and the NPPF.
- 2.5 Historically, in Hartlepool, there have not been many cases of new dwellings outside of development limits justified through heritage or outstanding design housing need. Therefore it is anticipated that the majority of the new dwellings outside of development limits proposed will be justified through the rural enterprise housing need argument.
- Rural Enterprise**
- 2.6 It will often be as convenient and more sustainable for rural based workers to live in the main urban area or in nearby villages or in suitable existing dwellings, so avoiding new and potentially intrusive and unsustainable development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the

enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

- 2.7 It is essential that all applications for planning permission for new occupational dwellings in the countryside are assessed thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) the concession that the NPPF makes for such dwellings. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuinely financially viable and are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.

### **Heritage**

- 2.8 There may be appropriate justification where a new dwelling, conversion or change of use of a building to residential use would represent the best viable use of a heritage asset or secure the future of the asset. The heritage justification is an individual justification and as a result the heritage justification can be made without the need to justify the need via the rural enterprise need.

### **Redundant or Disused Buildings**

- 2.9 There may be appropriate justification where a new dwelling results from the conversion or change of use of redundant and/or disused building, providing that the development would lead to an enhancement to the immediate setting.

### **Outstanding Design**

- 2.10 Notwithstanding the rural enterprise, heritage justification and re-use of redundant buildings, in exceptional circumstances, new dwellings outside of development limits may be permitted where the design is truly outstanding, groundbreaking, innovative, reflecting the highest standards in architecture and the development significantly enhances the immediate setting.

### **Relevant Policies and Material Considerations**

- 2.11 In addition to requirements of paragraph 55 in the NPPF and policies RUR 7 and RUR 12 of the Local Plan, other policy areas in both the NPPF and the Local Plan will need to be met and these will be determined through the planning application process. In addition, material considerations pertinent at the time of application will also need to be met.

**3. EXISTING PLANNING POLICY**

- 3.1 The current Local Plan (2006) includes policies RUR7 and RUR12 which outline when development in the countryside and also specifically new housing in the countryside will be appropriate. The policy wording is detailed in appendix 1. Notwithstanding the Local Plan policies, the other main planning policy consideration with regard to the principle of new dwellings in the countryside is the National Planning Policy Framework (NPPF); detailed in appendix 2.
- 3.2 The Borough has specific policy areas in the current Hartlepool Local Plan (2006), including the supply of housing, where relevant policies are out-of-date. As at November 2014 the housing supply policy areas are out-of-date as the Council cannot effectively demonstrate a five-year supply of deliverable housing sites in accordance with NPPF paragraph 49. The specific details and explanation of the current planning policy framework are illustrated in the “*Saved Policies 2006 Hartlepool Local Plan Planning Policy Framework Justification (November 2014)*” document which can be viewed at on the Council website:  
[http://www.hartlepool.gov.uk/downloads/file/10709/hbc\\_policy\\_framework-november\\_2014\\_update](http://www.hartlepool.gov.uk/downloads/file/10709/hbc_policy_framework-november_2014_update).
- 3.3 As at November 2014 the current Local Plan policy situation means that policy RUR12 is out-of-date however policy RUR7 is still, and will be in the long term, in full accordance with the NPPF as it specifically relates to protecting the countryside from all types of developments. It does not directly relate to supply of housing in the countryside. The important consideration with regard to policy RUR7 is that there is a requirement for an applicant to justify the viability of the rural enterprise; this justification is outlined in section 4. For the duration of this SPD it is likely that at some point the Council will be able to effectively demonstrate a five-year supply of deliverable housing sites in accordance with NPPF paragraph 49. Once this has been demonstrated, with specific regard to this SPD, Local Plan policy RUR12 will be in full accordance with the NPPF.
- 3.4 As a result of the partial Local Plan policy void with regard to the supply of housing the NPPF, although not solely, is the main planning policy consideration with regard to decision making on the principle of new housing in the countryside. The NPPF identifies when new housing in the countryside may be appropriate. The NPPF allows for new dwellings in the countryside subject to proposals according with the criteria established in paragraph 55, which states:

*“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*

- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
  - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
  - *reflect the highest standards in architecture;*
  - *significantly enhance its immediate setting; and*
  - *be sensitive to the defining characteristics of the local area.”*

3.5 The NPPF specifically directs local planning authorities to avoid new isolated homes in the countryside unless there are special circumstances. In order to ensure any development is in accordance with the NPPF it is essential that a functional test is undertaken which allows the applicant to demonstrate the “special circumstances” of the proposed development. The functional test will be required for all relevant development that would be considered under NPPF paragraph 55 and Local Plan (2006) policy RUR7. Local Plan Rural Policy RUR12 will only be considered when the five-year supply of deliverable housing sites can be demonstrated.

3.6 Section 4 outlines the functional test requirements with regard to justification made under the rural enterprise or heritage needs. The justification is illustrated in table 1.

3.7 NPPF paragraph 153 states that:

*“Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.”*

This SPD seeks to help applicants make successful applications through establishing a framework on where detail is required as part of an application. The application detail required is outlined in section 4 which illustrates the functional test detail required in order for the applicant to make a successful application.

3.8 This SPD itself does not seek to add financial burdens on development through any planning conditions, Community Infrastructure Levy or developer contributions via a Section 106 Legal Agreement above a level that would normally be required in the saved policies in the Hartlepool Local Plan (2006) and elsewhere in the NPPF.

3.9 This SPD is in accordance with the principles of the NPPF and as a result is a material consideration in the decision making process with regard to new dwellings in the countryside.

3.10 As previously illustrated, the current policy framework for determining the principle of development involving new dwellings outside of development limits is primarily although not exclusively:

- NPPF Paragraph 55
- Local Plan (2006) Policy RUR7
- Local Plan (2006) Policy RUR12 (only when the five-year supply of deliverable housing sites can be demonstrated)

- 3.11 Table 1 in section 4 illustrates the functional test criteria and identifies the specific policy areas to which the functional test criteria applies. Notwithstanding the policy framework identified explicitly, depending upon the nature of the proposals, other saved policies in the Local Plan (2006), other paragraphs in the NPPF, the 2014 National Planning Practice Guidance (NPPG) and policies in the Tees Valley Minerals & Waste DPDs may be applicable in determining planning applications.

**4. THE JUSTIFICATION TEST**

4.1 A justification test is required for new dwellings outside of development limits where the development falls in the following categories:

- **Rural Enterprise:** Accommodation is required to enable agricultural, forestry and other rural based enterprise full-time workers to live at, or in the immediate vicinity of, their place of work, or
- **Heritage:** The development would represent the best viable use or secure the future of a heritage asset, or
- **Redundant or Disused Buildings:** The development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting or
- **Outstanding Design:** The development is of truly outstanding design, architecture, sustainable construction methods etc, or
- **Relevant Policies and Material Considerations:** the proposal should meet the requirements of all other relevant planning policies in the Local Plan and the NPPF.

4.2 There is no requirement to undertake a justification test where new dwellings outside of development limits are proposed due to their truly outstanding design, architecture, sustainable construction methods etc. as detailed in paragraph 55 in the NPPF. This is due to the subjective nature of what is considered “exceptional quality or innovative design” and the difficulty in establishing minimum benchmarks what can be set out in a criteria framework. The justification under quality and design will therefore not be assessed through this SPD but will need to be demonstrated by the applicant at the time the application is made.

4.3 The justification test criteria are assessed against the criteria established in the planning policy framework consisting of policies detailed in paragraphs 3.3 to 3.5. The assessment criteria are established in table 1. In accordance with the planning policy framework, any new dwellings outside of development limits will not be permitted unless the criteria established in table 1 are satisfied.

**Rural Enterprise**

4.4 In order to justify housing need through rural enterprise, all applicants will be required to submit the relevant information to answer the questions 1.1 to 1.11 in table 1 to the Local Planning Authority in order to justify the housing need.

**Heritage**

4.5 For applications which are justified under heritage need, applicants will be required to submit relevant information to answer the questions 2.1 to 2.7 in table 1 to the Local Planning Authority.

**Redundant or Disused Buildings**

4.6 For applications which are justified under the re-use of redundant or disused buildings which lead to the enhancement of the immediate setting, applicants will be required to submit relevant information to answer the questions 3.1 to 3.4 in table 1 to the Local Planning Authority.

**Relevant Policies and Material Considerations**

- 4.7 Notwithstanding the requirements set out in table 1, 1.1 to 4.5, all applications will need to be in accordance with the relevant material considerations and policies in the 2006 Local Plan and the NPPF, as established in questions 5.1 and 5.2.

**Important Advice to Applicants**

- 4.8 In order for the application for a dwelling outside of development limits to be determined without delay it is recommended that the applicant includes evidence which satisfies the questions posed in table 1 on submission of the planning application. Failure to submit the relevant supporting information may result in delay as more information could be sought by the Council from applicants in order to make a decision on the justification test.
- 4.9 Table 1 outlines the justification test criteria and identifies the potential mechanism whereby applicants could demonstrate the answers to the Council. Applicants only need to answer the questions and provide evidence relating to the type of need applied for; for instance if justification is sought through criteria subject 1, there will be no requirement for the applicant to answer questions on criteria subject 2 and 3. However criteria subject 4 needs to be answered in all applications.
- 4.10 If applicants are in any doubt as to what evidence is required early consultation with the Council is recommended. The Council offers a One Stop Shop planning advice service where for a small fee, planning advice can be obtained prior to any application being submitted.



**Table 1: Justification Test Assessment Criteria**

Criteria Subject	Functional Test Criteria	Application Assessment Mechanism	NPPF P55 Criteria	LP Rur7 Criteria	LP Rur12 Criteria	Justification
<b>1. Rural Enterprise</b> <b>(a)</b> There is a clearly established functional need and that they are essential for a full time rural worker(s) to live permanently at or near their place of agricultural, forestry or other rural based enterprise considered acceptable by the Borough Council	<p>1.1 Is it essential for full time workers to tend to agricultural or rural enterprise business at short notice?</p> <p>1.2 Is it essential for full time workers to quickly deal with emergencies that could otherwise cause loss of agricultural produce such as crops and livestock?</p> <p>1.3 Is it essential for full time workers to protect livestock or business infrastructure from theft and/or vandalism day and night?</p>	<p>Planning Statement</p> <p>Police reports which cover incidents of crime and/or anti-social behaviour at the site</p>	1	(v) (ix)	(a)	<p>In order for a dwelling in the countryside to be deemed appropriate the applicant has to demonstrate that the operational needs of the enterprise require a round the clock on-site presence. The applicant will need to demonstrate the requirement in order to satisfy the Council's concern that the proposed development is not just a speculative residential development proposal in a potentially unsustainable location.</p> <p>The need to demonstrate the on-site presence is set out in the NPPF paragraph 55 and Local Plan (2006) policy RUR7 and RUR12.</p>

Criteria Subject	Functional Test Criteria	Application Assessment Mechanism	NPPF P55 Criteria	LP Rur7 Criteria	LP Rur12 Criteria	Justification
(b) The agricultural, forestry or other rural based enterprise considered acceptable by the Borough Council has been established for at least three years, has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so.	<p>1.4 Has the enterprise been established for three or more years?</p> <p>1.5 Has the enterprise been profitable for at least one of the three years it has been established?</p> <p>1.6 Is there a clear prospect of the enterprise remaining economically viable in the long term?</p>	Business accounts	1	(vii)	(b)	<p>The need for the round the clock on-site presence will primarily be driven by the long term economic viability of the rural enterprise, not withstanding animal welfare in cases of livestock production. If the business is not proven to be currently viable and/or there is no clear prospect of remaining so there will be no need for an on-site presence as there will be no business in operation.</p> <p>The need to demonstrate the financial soundness of the rural enterprise is intrinsically related to the on-site presence and is set out in the NPPF paragraph 55 and Local Plan (2006) policy RUR7 and RUR12.</p>

Criteria Subject	Functional Test Criteria	Application Assessment Mechanism	NPPF P55 Criteria	LP Rur7 Criteria	LP Rur12 Criteria	Justification
(c) The need could not be met by another existing dwelling nearby.	<p>1.7 Are there any other suitable dwellings nearby which can meet the housing need?</p> <p>1.8 Have suitable dwellings or buildings suitable for conversion been sold separately from the farm and/or rural enterprise business holding? Such a sale could constitute a lack of housing need.</p>	<p>Residential property search Report</p> <p>Historical land use Report</p>	1	(i)	n/a	<p>If it is accepted that there is a genuine need for a round the clock on-site presence the applicant will need to further demonstrate that there are no suitable dwellings nearby which can meet the housing need. The applicant will need to demonstrate the housing situation in order to satisfy the Council's concern that that the proposed development is not just a speculative residential development proposal in a potentially unsustainable location when there is suitable and available housing nearby.</p> <p>The need to demonstrate the lack of existing housing provision is intrinsically related to the on-site presence and is set out in the NPPF paragraph 55 and Local Plan (2006) policy RUR7.</p>

Criteria Subject	Functional Test Criteria	Application Assessment Mechanism	NPPF P55 Criteria	LP Rur7 Criteria	LP Rur12 Criteria	Justification
(d) The dwelling(s) proposed is of a size commensurate with the size/value of the agricultural, forestry or other rural enterprise it is supporting.	<p>1.9 Is the size of the dwelling proportionate to the functional requirements of the rural enterprise?</p> <p>1.10 Is the market value of the dwelling proportionate to the current and/or future income generated through the rural enterprise?</p> <p>1.11 Is the dwelling sited so as to meet the identified functional need and does it relate well to existing buildings and/or other dwellings?</p>	<p>Planning Statement</p> <p>Property Valuation &amp; Business Accounts</p> <p>Plans &amp; Drawings</p>	1	(i) (vii)	(b) (c)	<p>If it is accepted that there is a genuine need for a round the clock on-site presence the applicant will need to further demonstrate that the proposed dwelling(s) is of a size that relates to the rural enterprise business model.</p> <p>The applicant will need to demonstrate the proportionate size of the dwelling(s) in order to satisfy the Council's concern that that the proposed development is not a speculative residential development proposal which cannot be supported (in isolation) by the anticipated turnover of the rural enterprise.</p> <p>For instance, it is highly unlikely that a rural enterprise with a turnover of £20,000 can realistically support a high quality 5 bedroom detached dwelling, with the accompanying mortgage/rent value; the dwelling would not be commensurate with the size/value of the rural enterprise it is supporting. If a future worker/business owner cannot afford to live in the dwelling then there would be no way of ensuring the round the clock on-site presence.</p> <p>The need to demonstrate the proportionate size of the proposed dwelling is intrinsically related to the on-site presence and is set out in the NPPF paragraph 55 and Local Plan (2006) policy RUR7 and RUR12.</p>

Criteria Subject	Functional Test Criteria	Application Assessment Mechanism	NPPF P55 Criteria	LP Rur7 Criteria	LP Rur12 Criteria	Justification
<b>2. Heritage</b>  Where relevant the development would represent the best viable use or secure the future of a heritage asset.	2.1 Will it not materially harm the heritage values of the place/asset and/or its setting?  2.2 Will it avoid detrimental fragmentation of management of the place/asset and/or its setting?  2.3 Will it secure the long term future of the place/heritage asset and its setting; and where appropriate, its continued use for a sympathetic purpose?  2.4 Is it necessary to resolve problems arising from the inherent needs of the place/heritage asset, rather than the circumstances of the present owner, or the purchase price paid?  2.5 Is sufficient subsidy not available from any other source?  2.6 Can it be demonstrated that the amount of development is the minimum necessary to secure the future of the place/heritage asset, and that its form minimises harm to other public interests?  2.7 Does the public benefit of securing the future of the significant place/heritage asset through such development clearly outweigh the harm of breaching other public policies?	Heritage Statement (Where Relevant)	2	(ii) (iii)	(d) (ii)	<p>In order for a dwelling in the countryside to be deemed appropriate the applicant has to demonstrate that the development would rescue a heritage asset in danger of net harm. The applicant will need to demonstrate that the heritage asset will not be harmed and that its long term future will be secured by the development and that the development proposed is appropriate with regard to the heritage asset.</p> <p>The applicant will need to demonstrate the requirement in order to satisfy the Council's concern that that the proposed development is not just a speculative residential development proposal in a potentially unsustainable location and that the development would represent the best viable use and secure the future of the heritage asset.</p> <p>The need to demonstrate heritage asset justification is set out in the NPPF paragraph 55. Some of the functional test criteria are set out in the Local Plan (2006) policy RUR7 and RUR12</p> <p>The applicant also needs to satisfy/meet the requirements of NPPF paragraphs 132-136. Most if not all of criteria 2.1 to 2.7 will apply to any proposal justified through heritage. Relevant criteria will depend on the type of proposal, i.e. erection of new dwelling(s) regarded as necessary to secure the future of a heritage site or conversion of existing heritage asset into dwelling(s)</p>
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Criteria Subject	Functional Test Criteria	Application Assessment Mechanism	NPPF P55 Criteria	LP Rur7 Criteria	LP Rur12 Criteria	Justification
<b>3. Redundant or Disused Buildings</b>  The development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.	3.1 Does the development re-use a redundant or disused building?  3.2 Has the building been vacant for at least 12 months and reasonable marketing efforts conducted to secure existing use?  3.3 Does the re-development of the building lead to the enhancement of the immediate setting?  3.4 Is the redundant/disused building a heritage asset?	Planning Statement  Plans & Drawings  Sales and marketing records  Heritage statement	3	(ii) (iii) (vi)	(d) (i) (ii)	<p>In order for a dwelling in the countryside to be deemed appropriate the applicant has to demonstrate that the existing building to be converted into residential use is redundant and disused and that the re-use of the building will lead to the enhancement of the immediate setting.</p> <p>Whilst it is difficult to set benchmark criteria to assess any “enhancement” of the immediate setting it will be expected that the development will improve the overall appearance of the vacant building and grounds, the immediate curtilage and the immediate surrounding area.</p> <p>If the development involves demolishing the redundant building, the applicant needs to demonstrate that the existing accommodation no longer meets modern standards and is incapable of economic repair or adaptation and is no longer required by the enterprise. In such a case, the scale and nature of the proposed development should be similar to the original. The form, scale, massing and general design should be such to minimise visual intrusion and should enhance immediate environmental and visual settings in the countryside.</p> <p>If building is a heritage asset, then assessment will be based in combination with criteria subject 2 (i.e. heritage)</p> <p>The applicant will need to demonstrate the requirement in order to satisfy the Council’s concern that that the proposed development is not just a speculative residential development proposal in a potentially unsustainable location. The need is set out in the NPPF paragraph 55. Some of the functional test criteria are set out in the Local Plan (2006) policy RUR7 and RUR12.</p>
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Criteria Subject	Functional Test Criteria	Application Assessment Mechanism	NPPF P55 Criteria	LP Rur7 Criteria	LP Rur12 Criteria	Justification
<p><b>4. Relevant Policies and other Material Considerations</b></p> <p>Proposals are in accordance with other relevant material considerations and policies in the Local Plan and the NPPF.</p>	<p>4.1 Does the proposed development lie on land over which a public footpath/bridleway or multiple public footpath/bridleways run?</p> <p>4.2 Are the proposals in accordance with all relevant policies in the Local Plan and NPPF?</p> <p>4.3 Are the proposals in accordance with all other material considerations at the time of application?</p>	Planning Statement Plans & Drawings	NPPF as a whole	Local Plan as a whole	Local Plan as a whole	<p>Where the proposed development does directly affect a single or multiple public footpaths or bridleway then the relevant Town &amp; Country Planning regulations apply. In such cases the developer or their agent will need to discuss with the Council's Countryside Access Officer whether or not there is a need to consider the use of the appropriate legal procedure to divert or stop up the relevant public footpath or bridleway</p> <p>Notwithstanding the need to satisfy the specific criteria of the functional test, in order for the development proposals to be considered acceptable in planning terms all relevant Local Plan policies and NPPF paragraphs need to be satisfied. Also there maybe other material considerations at the time of application and these will need to be taken into account.</p>

**END OF SPD**



## Appendix 1: Local Plan (2006) Policy Extract

### Policy RUR7: Development in the Countryside

#### DEVELOPMENT IN THE COUNTRYSIDE

IN ADDITION TO POLICIES GEP1, Rur11, Rur13, Rur16 AND OTHER RELEVANT LOCAL PLAN POLICIES, THE FOLLOWING FACTORS WILL BE TAKEN INTO ACCOUNT IN DETERMINING APPLICATIONS FOR PLANNING PERMISSION IN THE OPEN COUNTRYSIDE:

- i. RELATIONSHIP OF THE DEVELOPMENT TO OTHER BUILDINGS IN TERMS OF SITING, SIZE AND COLOUR,
- ii. VISUAL IMPACT ON THE LANDSCAPE,
- iii. COMPATIBILITY OF THE DESIGN OF THE DEVELOPMENT WITHIN ITS SETTING AND THE LANDSCAPE GENERALLY,
- iv. USE OF TRADITIONAL OR SYMPATHETIC MATERIALS,
- v. OPERATIONAL REQUIREMENTS OF THE AGRICULTURE AND FORESTRY INDUSTRIES,
- vi. REQUIREMENT WHERE APPROPRIATE FOR ADDITIONAL TREE AND HEDGE PLANTING AND OTHER RELATED ENVIRONMENTAL IMPROVEMENTS,
- vii. VIABILITY OF A FARM ENTERPRISE,
- viii. ADEQUACY OF THE SEWAGE DISPOSAL ARRANGEMENTS,
- ix. PROXIMITY TO EXISTING INTENSIVE LIVESTOCK UNITS, AND
- x. ADEQUACY OF THE ROAD NETWORK.

WITHIN THE TEES FOREST AREA THE BOROUGH COUNCIL WILL IMPOSE PLANNING CONDITIONS AND WILL SEEK LEGALLY BINDING AGREEMENTS, AS APPROPRIATE, TO ENSURE THE PLANTING OF TREES AND HEDGEROWS IN ASSOCIATION WITH NEW DEVELOPMENT.

### Policy RUR12: New Housing in the Open Countryside

#### NEW HOUSING IN THE OPEN COUNTRYSIDE

ISOLATED NEW DWELLINGS WILL NOT BE PERMITTED IN THE OPEN COUNTRYSIDE UNLESS IT CAN BE DEMONSTRATED THAT:

- a) THEY ARE ESSENTIAL FOR THE EFFICIENT FUNCTIONING OF AGRICULTURAL, FORESTRY OR OTHER APPROVED OR ESTABLISHED USES IN THE COUNTRYSIDE,
- b) THE ENTERPRISE FOR WHICH THEY ARE REQUIRED IS ECONOMICALLY VIABLE,
- c) THEY ARE OF A SIZE COMMENSURATE WITH THE ESTABLISHED FUNCTIONAL REQUIREMENT,
- d) THE SITING, DESIGN, SCALE AND MATERIALS WILL NOT BE SIGNIFICANTLY DETRIMENTAL TO THE RURAL ENVIRONMENT.

PROPOSALS FOR ONE FOR ONE REPLACEMENT DWELLINGS WILL ONLY BE APPROVED WHERE:

- i. THE EXISTING ACCOMMODATION NO LONGER MEETS MODERN STANDARDS AND IS INCAPABLE OF ECONOMIC REPAIR OR ADAPTATION, AND
- ii. THE SCALE OF THE PROPOSED DEVELOPMENT IS BROADLY SIMILAR TO THE ORIGINAL AND THE FORM, SCALE, MASSING AND GENERAL DESIGN IS SUCH TO MINIMISE VISUAL INTRUSION.

INFRASTRUCTURE INCLUDING SEWAGE DISPOSAL TO SERVE HOUSING IN THE RURAL AREA MUST BE ADEQUATE TO MEET THE NEEDS OF THE DEVELOPMENT.

## Appendix 2: NPPF Extract

### Paragraph 55

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
  - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
  - reflect the highest standards in architecture;
  - significantly enhance its immediate setting; and
  - be sensitive to the defining characteristics of the local area.”

### Paragraph 153

“Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.”

**Hartlepool New Dwellings Outside of Development Limits Green**  
**Supplementary Planning Document**

**Consultation Statement – June 2015**

**Town and Country Planning (Local Development) (England) Regulations 2012**

**1. Introduction**

- 1.1 The New Dwellings Outside of Development Limits (NDODL) Supplementary Planning Document (SPD) has been prepared by Hartlepool Borough Council. The draft SPD was published for public consultation on the 6<sup>th</sup> of March 2015 which ran for an 8 week period until 1<sup>st</sup> of May 2015.
- 1.2 Section 2 of this document outlines the consultation processes and provides details of those people and organisations that were consulted.
- 1.3 Section 3 of the document gives a summary of the consultation responses and provides the Council's response to each element i.e. whether the suggestion has been accepted and the document amended or whether the suggestion was not considered appropriate and the reason why.
- 1.4 Section 4 gives a brief overview of the next steps in the process of adopting the SPD.

**2. Consultation Process**

- 2.1 The public consultation began on the 6<sup>th</sup> of March 2015 and ended on 1<sup>st</sup> of May 2015. The documents made available in a range of ways, listed below:
  - As part of the regeneration committee meeting on 12<sup>th</sup> February 2015 which approved the SPD for public consultation.
  - Copies of the documents were placed in the Civic Centre, Victoria Road, Hartlepool.
  - Copies of the documents were placed in the following libraries and village post offices; The Central Library, Seaton Library, Mobile Library, Greatham post office and Elwick post office.
  - The Documents were uploaded onto the Planning Policy element of the Council's Website.
- 2.2 There was also a large number of consultees (239 external) sent letters and asked to comment. These included English Heritage, Natural England, The Highways Agency, The Environment Agency, Tees Valley Wildlife Trust, Parish Councils, Neighbouring Authorities, house builders, house associations and many others. A Full list of consultees is attached as Appendix 1.
- 2.3 As well as external organisations and individuals there were a range of individuals within the Local Authority contacted for their views including Parks and Countryside officers, Development Control officers and housing officers.

**3. Consultation Responses to 1<sup>st</sup> consultation and HBC Response**

3.1 During the consultation 9 responses were received by letter and email.

3.2 The 9 responses received were from the following people/organisations:

- Chris Scaife, Countryside Access Officer, HBC
- Jim Ferguson, Planning Team Leader Development Control, HBC
- Alastair Welch, Natural England
- Alan Hunter, English Heritage
- Gary Baker, Planning Strategy Officer, Redcar & Cleveland Borough Council
- GVA Grimley Ltd on behalf of Taylor Wimpey UK Limited
- Fran Johnson, Chairperson, Park Residents Association, Hartlepool
- Valerie Lister, Secretary, Hartlepool Civic Society
- Ben Stephenson, Persimmon Homes

3.3 Table 1 lists the issues raised within the representations received during the consultation and notes where the Council amended the SPD to reflect the comment.

**Table 1 – Comments Received and HBC Response**

Organisation / Individual	Representation	Planning Policy Response	Proposed Changes
English Heritage	1) Confusion with regard to the approach to dealing with heritage assets and redundant and disused buildings: the special circumstances involving the optimal use of an existing heritage site pertains whether or not the building is disused or redundant	The SPD does not restrict the appropriateness of a residential dwelling to rescue only disused/redundant heritage assets but to all types of assets in general regardless of their physical state	None
	2) Comments that the SPD draws justification criteria for the conversion/change of use/demolition/re-development of disused and redundant buildings from RUR12 which is no longer NPPF compliant at the time of writing the SPD.	Section 3.5 states <b><i>"RUR12" will only be considered when the five year supply of deliverable housing sites can be demonstrated.</i></b> Reference to RUR12 is made so that the SPD is flexible and remains valid in the event that a five year supply of deliverable sites is demonstrated by the Council.  Justification is also drawn from RUR 7 and NPPF paragraph 55	None
	3) Para 55 encourages <b>re-use</b> of redundant or disused buildings but does not allow for demolition and re-building as the SPD states. Reference to demolition is therefore out of scope of the special circumstances under which isolated dwellings will be allowed.	Noted	Criteria 3.2 to be deleted and make no reference to demolishing buildings
	4) Criteria subject 3 needs to note that some of the disused/redundant buildings could	Noted	Add to Subject 3 the following functional test criterion:

## 4.1 APPENDIX 2

	be a heritage asset. If so assessment of proposal should be based on paragraphs 132-136 of the NPPF in respect of safeguarding the significance of heritage assets and weighing or balancing the public benefit of a development proposal in relation to any harm to, or loss of, that significance.		<p><b><i>Is the redundant or disused building a heritage asset?</i></b></p> <p>Also add following statement in justification column:  <b><i>"If building is a heritage asset, the assessment will be based in combination with Subject 2 Criteria (i.e. Heritage)"</i></b></p> <p>Flag up NPPF paragraphs 132-136 in the heritage justification column</p>
	5) In doing the above assessment in 4), the council needs to give regard to the English Heritage guidance on Enabling Development and the Conservation of Significant Places published in 2008, and replicate under functional test criteria 2.1-2.7.	Noted. All the heritage functional test criteria were replicated from the English Heritage Policy on enabling development (2008)	None
	6) Criteria subject 2: heritage deals with two distinct scenarios; (i) conversion/adaptation of existing heritage asset into dwelling(s) and (ii) erection elsewhere of a new dwelling(s) regarded as necessary to secure the future of an associated heritage asset. Suggestion is if proposal is for new dwelling(s) then most, if not all of the functional test criteria 2.1-2.7 should apply only to new dwelling(s). On the other hand if proposal is for conversion/adaptation then council can apply some but not all of the functional test criteria	Noted	<p>Add to heritage subject the following justification:</p> <p>The applicant also needs to satisfy/meet the requirements of NPPF paragraphs 132-136. Most if not all of criteria 2.1 to 2.7 will apply to any proposal justified through heritage. Relevant criteria will depend on the type of proposal, i.e. erection of new dwelling(s) regarded as necessary to secure the future of a heritage site or conversion of existing heritage asset into dwelling(s).</p>
	7) In all circumstances council needs to assess proposals in relation to paragraphs 132-136 of the NPPF.	Noted	Addressed in point 4 above
GVA on behalf of Taylor Wimpey UK Limited	1) The definitions and 'Justification Test' provided in the SPD do not fully reflect the aims of the NPPF (March 2012) as they are overly general and seek to restrict all housing developments which are outside settlement limits. In particular, the SPD fails to apply the NPPF's wider policy tests including the requirement to boost the supply of housing (para 47) and the presumption in favour of housing applications (para. 49).	<p>Noted.</p> <p>The SPD in accordance with NPPF paragraph 55 seeks to restrict isolated dwellings in the countryside outside of development limits unless there is sound justification for the need thereof as outlined in the NPPF paragraph 55.</p> <p>The SPD states in sections 2.10, 4.8 and Table 1 justification test criteria subject 5; that planning application assessment will not only be based on paragraph 55 but all other relevant policies in the current Local Plan and</p>	<p>Add to Criteria Subject 5. Relevant Policies <b><i>and other relevant material considerations</i></b></p>

## 4.1 APPENDIX 2

		the NPPF.	
2)	In addition, and most importantly, the document fails to provide a distinction between isolated dwellings in the countryside and land which is outside development limits but on the edge of the urban area. This land is often crucial to allowing the sustainable growth of settlements and policy tests which severely restrict all but a few specific types of housing would be contrary to the NPPF.	<p>The Council is aware that land which is outside development limits but on the edge of the urban area or village settlements is in essence on sustainable locations and will allow sustainable growth of settlements. As such the emerging Local Plan will allocate sites on the urban edge and on edge of village settlements to boost housing supply in the Borough. New limits to development will be drawn to include these new sites within the urban limit.</p> <p>Criteria subject 4: Vitality of the rural communities (functional test criteria 4.2) recognises the sustainability of sites adjoining village envelopes and the direction of the NPPF to promote sustainable development in rural areas hence the SPD is not severely restrictive of housing in sustainable locations</p> <p>The main purpose of the SPD is to deal with isolated dwellings in otherwise unsustainable locations in the countryside outside of development limits.</p>	<p>Insert in section 2.9 the following statement: The Council recognises that land outside of development limits but located on the edge of urban areas and village settlements is in essence sustainable and as such will allow sustainable growth of settlements. In accordance with the NPPF, all relevant policies and other material considerations, justification maybe sought if the proposal is on sites located at the urban edge or village envelopes. However, housing allocations of large sustainable sites on edges of rural settlements and urban fringes will be done through the Local Plan.</p>
3)	We concur with the Council that policy RUR12 is out of date whilst there is no five year supply of deliverable housing. However we also consider that the parts of RUR7 which seek to heavily restrict the type of housing development which can be delivered in the countryside should be also considered out of date.	<p>Policy RUR7 seeks to protect the countryside from all types of developments in general not specifically the supply of housing hence RUR7 is not considered out of date</p> <p>The SPD states in sections 2.10, 4.8 and Table 1 justification test criteria subject 5; that planning application assessment will not only be based on paragraph 55 but all other relevant policies in the current Local Plan and the NPPF therefore it conforms to the NPPF principles of sustainable development</p>	None
4)	<p>The SPD does not conform to a number of the key NPPF principles;</p> <ul style="list-style-type: none"> <li>• Delivery of <b>sustainable development</b> should be at the heart of decision-taking. Paragraph 7 of the NPPF outlines that there are three dimensions to sustainable development: economic, social and environmental.</li> <li>• Development Plans should have a presumption in favour of sustainable development 'so that it is clear that</li> </ul>	<p>Criteria subject 4: Vitality of the rural communities (functional test criteria 4.2) recognises the sustainability of sites adjoining village envelopes and the direction of the NPPF to promote sustainable development in rural areas hence the SPD does not restrict housing in sustainable locations</p>	See (2) above

	<p><b>development which is sustainable can be approved without delay'</b> (paragraph 15 NPPF). A Local Plan without this provision is considered to be out of date</p> <ul style="list-style-type: none"> <li>• Paragraph 47 of the NPPF states that local planning authorities are required to <b>boost significantly</b> the supply of housing.</li> <li>• Paragraph 49 goes on to state: <i>"Housing applications should be considered in the context of the presumption in favour of sustainable development."</i></li> <li>• Regarding rural areas the NPPF is clear that policies should support economic growth in rural areas in order to create jobs and prosperity by taking a <b>positive approach to sustainable new development</b> (Paragraph 28).</li> <li>• Local planning authorities should <b>also be responsive to local circumstances and plan housing development to reflect local needs</b> (Paragraph 54).</li> <li>• The SPD seeks to impose a blanket ban on housing development in the countryside unless strict criteria can be met. This focus only on policy 55 of the NPPF is at odds with the NPPF's overall requirement for Local Planning Authorities to secure a planning balance in creating sustainable developments that improve the economic, social and environmental conditions of the area.</li> </ul>		
5)	The proposed SPD seeks to restrict the delivery of sustainable housing development and is therefore not considered sound.	Criteria subject 4: Vitality of the rural communities (functional test criteria 4.2) recognises the sustainability of sites adjoining village envelopes and the direction of the NPPF to promote sustainable development in rural areas hence the SPD does not restrict housing in sustainable locations	None
6)	Paragraph 153 of the NPPF states that SPDs should only be used to help applicants make successful applications or aid infrastructure delivery and should not be used to add unnecessarily to the burdens on development. As demonstrated above the proposed SPD will act to restrict otherwise sustainable development, above and beyond the requirements of the NPPF and will not facilitate positive planning. Therefore the proposed SPD is not compliant with the	<p>See (5) above – it will not restrict sustainable development.</p> <p>In addition The SPD states in sections 2.10, 4.8 and Table 1 justification test criteria subject 5; that planning application assessment will not only be based on paragraph 55 but all other relevant policies in the current Local Plan and the NPPF therefore it conforms to the NPPF principles of sustainable development</p>	None

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Hartlepool Civic Society	<p>1) comment on section 2.2 of the SPD - need for new dwellings outside of development limits - outstanding design:</p> <p>'New isolated homes in the countryside require special justification for planning permission to be granted. Local authorities should avoid isolated properties in the countryside unless it is of outstanding design.....'</p> <p>This is quoted as one which is of exceptional quality or innovative nature of the design of the dwelling :</p> <ul style="list-style-type: none"> <li>• Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas</li> <li>• Reflect the highest standards of architecture</li> <li>• Significantly enhance its immediate setting and</li> <li>• Be sensitive to the defining characteristics of the local area"</li> </ul> <p><i>While the Society would normally welcome steps to encourage high architectural standards in every instance - the judgement would have to be wholly <b>SUBJECTIVE</b>. Who would be responsible for deciding such? Would they have the necessary knowledge? It seems <b>dangerously vague</b> and would lead to unscrupulous applicants attempting to 'bend the rules' to comply with this condition causing unnecessary complications for Planning Officers. It could also leave it open to widespread abuse in all its connotations.</i></p> <p><i>The Society would strongly urge that unless the parameters can be more clearly defined then this item is REMOVED from the Local Plan.</i></p>	<p>Noted.</p> <p>This is highly subjective but it is outlined in the NPPF as one of the criteria upon which permission of isolated dwellings in the rural area may be sought. 'Outstanding design' is therefore included in the SPD. However due to lack of case studies/practice guidance thereof, the justification test assessment criteria could not be established.</p> <p>Assessment based on 'outstanding design' will be dealt with on a case by case basis and the applicant will be required to support their application, back it up with relevant evidence and case studies to give relevant justification (section 4.2)</p>	None
Park Residents Association	<p>1) Comment on section 2.8 of SPD: Outstanding Design</p> <p>2.8 <i>Notwithstanding the rural enterprise, heritage justification and re-use of redundant buildings, in exceptional circumstances, new dwellings outside of development limits may be permitted where the design is truly outstanding, groundbreaking, innovative, reflecting the highest standards in architecture and the development significantly enhances the immediate setting.</i></p> <p>Whilst I applaud high standards of architecture and groundbreaking innovative design I would say that this statement is purely subjective and</p>	<p>Noted.</p> <p>This is highly subjective but it is outlined in the NPPF as one of the criteria upon which permission of isolated dwellings in the rural area may be sought. 'Outstanding design' is therefore included in the SPD. However due to lack of case studies/practice guidance thereof, the justification test assessment criteria could not be established.</p> <p>Assessment based on 'outstanding design' will be dealt with on a case by</p>	None

	<p>believe it to be inappropriate for an official document that will be used to guide future development.</p> <p>There are no specific criteria in evidence and I feel it should be removed from the Local Plan or give specific criteria as to what constitutes "Outstanding Design". This could be interpreted in so many ways and would cause planners an inordinate amount of work when speculative designs are produced.</p>	<p>case basis and the applicant will be required to support their application, back it up with relevant evidence and case studies to give relevant justification (section 4.2)</p>	
Persimmon Homes	<p>1) Persimmon Homes agree with the principle purpose of the SPD to stop inappropriate development in the countryside; however the application of the policies within the SPD should contain sufficient flexibility in order to be reflective of the wider planning policy context of the borough with regards to housing supply.</p> <p>2) Despite laying beyond the development limits, and therefore within the countryside, <b>edge of settlement sites can provide sustainable locations for residential development.</b> Whether through applications in the event of no five year land supply or through the promotion and allocation of sites in the emerging local plan, boosting significantly the supply of housing and maintaining a 5 year land supply position should be at the fore front of the council's approach to planning.</p>	<p>Noted</p> <p>The Council is aware that land which is outside development limits but on the edge of the urban area or village settlements is in essence on sustainable locations and will allow sustainable growth of settlements. As such the emerging Local Plan will allocate sites on the urban edge and on edge of village settlements to boost housing supply in the Borough and will redraw the limits to development to include allocated sites within the Local Plan.</p> <p>Criteria subject 4: Vitality of the rural communities (functional test criteria 4.2) recognises the sustainability of sites adjoining village envelopes and the direction of the NPPF to promote sustainable development in rural areas hence the SPD is not restrictive of housing in sustainable locations</p>	<p>Changes suggested above including reference to sites allocated within the new Local Plan and limits to development should address these concerns.</p>
Development Control HBC	<p>1) Fairly happy with SPD however have concerns to the exception relating to 4) <b>Vitality of the Rural Communities, exception</b> I can't remember this being in the original document. It seems to me that an argument could be made under these criteria for any site on the edge of a village, or elsewhere. It also doesn't appear to be one of the exceptions suggested by the NPPF so why have it? (If we have to have it at 2.9 and elsewhere in the document it is also not clear that this means housing on the edge of villages as suggested by the functional test criteria at the end of the document)</p>	<p>This is in the preamble to NPPF paragraph 55 exceptions. The exceptions listed are to assist towards meeting the requirements of preamble.</p> <p>Regarding rural areas the NPPF (paragraph 28) is clear that policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.</p> <p>The SPD hence recognises the sustainability of sites on the edge of a village and any other sustainable sites in the rural area that will enhance or support services in a village nearby.</p> <p>This exception (4) has been added in order to fulfil the following requirements of the NPPF regarding</p>	<p>Add to section 2.9 in the SPD the following statement: The Council recognises that land outside of development limits but located on the edge of urban areas or village settlements is in essence sustainable and as such will allow sustainable growth of settlements. In accordance with the NPPF, all relevant policies and other material considerations, justification maybe sought if the proposal is on sites located at the urban edge or village envelopes.</p>

		<p>development in rural areas:</p> <ul style="list-style-type: none"> <li>• paragraph 7 (delivery of sustainable development)</li> <li>• paragraph 15 (development which is sustainable should be approved without delay)</li> <li>• paragraph 47 (local planning authorities are required to boost significantly the supply of housing)</li> <li>• paragraph 49 (consider <i>housing applications in context of the presumption in favour of sustainable development</i>)</li> <li>• paragraph 54 (local planning authorities should also be responsive to local circumstances and plan housing development to reflect local needs)</li> </ul>	
	<p>Also in terms of Redundant and disused buildings I'm confused by Page 16 justification 3<sup>rd</sup> point. "If the development involves demolishing the redundant building, the applicant needs to demonstrate that the existing accommodation no longer meets modern standards and is incapable of economic repair or adaptation and is no longer required by the enterprise". This seems to be encouraging the rebuilding of such buildings rather than their conversion/reuse which is specified as the exception at 2.7</p>	<p>Noted.</p> <p>Acknowledged that demolishing buildings in the rural areas is out of scope of the NPPF, Instead the NPPF in paragraph 55 encourages re-use of redundant or disused buildings.</p>	<p>Delete functional test criteria 3.2 and accompanying justification.</p>
<p>Rights of Way and Countryside HBC</p>	<p>1) Here is a criteria test and justification to add to the relevant categories:</p> <p><b>Test</b> Does the proposed development lie on land over which a public footpath/bridleway or multiple public footpaths/bridleways run?</p> <p><b>Justification</b> Where the proposed development does directly affect a single or multiple public footpath or bridleway then the Town &amp; Country Planning Act 1990, section 257 makes available or permits:</p> <p><i>Subject to section 259 of the Act, a competent authority by order to authorise the stopping up or diversion of any footpath or bridleway if they are satisfied that it is necessary to do so in order to enable development to be carried out—</i></p> <p>a) <i>In accordance with planning permission granted under Part III or section 293A of the Act , or</i></p> <p>b) <i>By a government department.</i></p> <p>In such cases the developer or their agent will</p>	<p>Noted</p> <p>Criteria subject 4: <b>Vitality of the Rural Communities</b> is non-specific and more general hence has to be answered in all applications (see section 4.10). As such the rights of way test and justification applies to all applications hence will be added to criteria subject 4.</p>	<p>Test and justification added to criteria subject 4: Vitality of the Rural Communities.</p>

	need to discuss with the Council's Countryside Access Officer whether or not there is a need to consider the use of the appropriate legal procedure to divert or stop up the relevant public footpath or bridleway		
Natural England	The topic of the Supplementary Planning Document does not relate to our remit to any significant extent. We do not therefore wish to comment	Noted	None
Redcar & Cleveland Borough Council	No specific comments, support the general approach of the SPD	Noted	None

#### 4. Next Steps - Adoption

- 4.1 The comments received during the consultation periods have, where appropriate, been included into the finalised version of the SPD. These will be taken to full Council for adoption.
- 4.2 It will be important following the adoption that the documents are kept up to date and modified to reflect any changes in government regulations and emerging opportunities across the Borough.

**Appendix 1: List of People/Organisations Consulted**

<b>Name/Organisation</b>	<b>Contact Name (if any)</b>
	Stephen J Akers-Belcher
	Barry Wilkinson
	Christopher Akers-Belcher
Anchor Housing Association	
Ancient Monuments Society	
Appletons	John Wilson
Association of North East Councils	
Avondale Centre & City Learning Centre	Noreen Orr
B3 Architects	
Banks	
Barret Homes Newcastle	
BDP Planning Limited	Andrew Teage
Bellway Homes	
BenBailey Homes	Ed Alder
Big Tree Planning Limited	
Billingham Town Council	Mrs D Rickaby
BNP Paribas Real Estate UK	Alex Willis
Brenda Road Properties Limited	
Bridge Community Association	Mary Mstert
British Butterfly Conservation Society,	S Kirtley
British Telecom	
British Telecommunications plc	
British Trust for Conservation Volunteers	
British Waterways	Alan Slater
British Wind Energy Association	
Cameron Hall Developments Ltd.,	
Campaign for Better Transport	
Camping & Caravaning Club	Mr S Inness
Castle Eden Parish Council	Ms J Collins
Charlotte Boyes	
Chris Thomas Ltd	Chris Thomas
Churches Together in Hartlepool	Val Towler
Cleveland Buildings Preservation Trust,	
Cleveland Emergency Planning Unit	Aurora Court
Cleveland Industrial Archaeology Society	Peter Lane
Compassion in World Farming	
Council for British Archaeology	
Council for the Protection of Rural England	Patricia Gorman
Country Landowners Association	Jane Harrison
County Fire Brigade	
CPRE	
Crown Estate	Kate Bruce
Dalton Piercy Parish Council	Michael Holt
Darlington Borough Council	Valerie Adams
David Barker	David Barker
David Stovell & Millwater	David Stovell
Davis Planning Partnership	

Dean and Chapter of Durham,	Mr H J Williams
DEFRA	
Defra Flood Management Division	Jim Hutchison
Dennis Downen Associates	
Department for Transport	
Dev Plan	Laura Ross
Development Planning Partnership	Faith Folley
Devereux Architects	Nic Allen
Dickenson Dees	Peter McGowan
Dransfield Properties Ltd	Mark Dransfield
Drivas Jonas Deloitte	
DTZ	Andrew Cole
Durham Bat Group	Noel Jackson
Durham County Council	Mike Alum
Durham Heritage Coast	N Benson
Dyke House Area Residents Association	Linda Shields
Eastland Construction Limited	Mr D Brown
Elwick Parish Council	Minna West
Elwick Women's Institute	S K Jobson
Endeavour Housing Association	Mr C Hughes
England & Lyle	Ian Lyle
English Heritage	Alan Hunter
ENTEC UK	
Environment Agency	Lucy Mo
Esh Developments	Adrian Miller DipTP, MRTPI
Esh Property Services	
F Sturrock	F Sturrock
Fens Residents Association	Robert Smith
Fishburn Parish Council	Mrs K A Toward
Forestry Commission	Richard Pow
Franklin & Andrews	
G L Hearn	Jason Living
Garden History Society,	
George F White	Stephanie Linnell
Georgian Group	
Gerald Eve	
Gladman Developments	Daniel Chant
Go Ahead Northern	
Goldacre (Offices) Ltd	
Greatham Parish Council	John Cunliffe
Greatham Women's Institute	K Harrison
Greig Cavey	Peter Cavey
Grindon Parish Council	Mrs Johnson
Gus Robinson	Daniel Robinson
GVA	Rachel Whaley
GVA Grimley	
GVA Grimley	Chris Goddard
Halcrow Group Limited	

Hallam Land Management Ltd	Paul Burton
Hammond Suddards	
Hart Parish Council	Mr R Gray
Hart Village Women's Institute	J Nicholson
Hartlepool Archaeological & Historical Society	M Smith
Hartlepool Civic Society	Mrs S Bruce
Hartlepool Countryside Volunteers	Robert Smith
Hartlepool Environmental Network	Kevin Cranney
Hartlepool Natural History Society	Mr R T McAndrew
Hartlepool Partnership	c/o Cathryn Frank
Hartlepool People Ltd	
Haswell Parish Council	
Headland Parish Council	Gillian Elliston
Health & Safety Executive	
Hedley Planning Services	Sean Hedley
Helios Properties	Trevor Cartner,
Henry Boot Developments Ltd	David Anderson
Highways Agency	Kyle Maylard
Highways Agency Northern	Daniel Gaunt
Home Group Ltd	
Homes & Community Agency	Ann Barker
Housing 21	
Housing Hartlepool	Cath Purdy
Huntsman Tioxide Ltd	Allan Wise
Hutton Henry Parish Council	Mrs M Wilson
HVDA	
Hyams & Brownlee	
I.N.C.A.,	Geoff Barber
ICI	Mr PS Gill,
Indigo	Mr Simon Grundy
JacksonPlan Limited	Ted Jackson
James Hall, Planning Partner	Barton Willmore
John Herbert	Mr John Herbert
Jomast Construction Ltd	
Jones, Lang & LaScelles	
Kebbell Developments Ltd	
Keepmoat Partnership	Carol Watkin
King Sturge	Mr Atam Verdi
King Sturge LLP	Joanna Gabrilatsou
Kirkwells	Michael Wellock
La Farge Aggregates	
Lambert Smith Hampton	
Landmark Information Group	James Tippins
Landmark Partnership	
Langtree Properties Limited	Stephen Barnes
Leebell Developments Limited	
Legato Properties	
Limes Development	
Lorne Stewart	
Lovell Partnerships Limited	
Malcolm Arnold	

Malcolm Judd and Partners	
Mandale Properties	
Manners & Harrison	
Manor Residents Association	
Matthews & Goodman	
McAlpine & Sons	
McGough Planning Consultants	Christopher McGough
McInally Associates,	
McNicholas Bros	
Middlesbrough Borough Council	Paul Clarke
Miller Homes	Tim Williams
Mobile Operators Association	Ginny Hall
Monk Hesleden Parish Council	Mrs L A Wardle
MP	Mr Iain Wright, M.P
Mr & Mrs D. Ogle	Mr & Mrs D Ogle
Mr & Mrs P A Wood	Mr & Mrs P A Wood
Mr P Jenkins	
Mrs P Harkness	
Nathanial Lichfield and Partners	Michael Hepburn
National Farmers Union	Miss Laurie Norris
Natural England	
Natural England	Marney Harris
Natural England North East	
NEDL	
Nesbitt Parish Meeting	Mr T Bird
New Deal for Communities Trust	Christopher Barnard
Newton Bewley Parish Meeting	Mrs Christine Nowell
Park Residents Association	Mrs F Johnson
Peacock & Smith	Lucie Jowitt
Peel Holdings plc (Durham Tees Valley Airport)	Strategic Planning Director
Persimmon Homes	Richard Tindale
Prism Planning	Alison Baines
Railway Housing Association	
Redcar & Cleveland Borough Council	Alex Conti
RIBA North East	Mark Crosby
River Green Developments PLC	
Robert Turley Associates	
Roger Tym & Partners	
Rokeby Developments	Adrian Goodall
Ron Greig Estate Agents	
Rural Housing Trust	
Sanderson Weatherall	Emma Hulley
Sanderson Wetherall	
Savills	Melys Pritchett
Savills	Trevor Adey
Savills	Rebecca Housam
Sedgefield Town Council	Mrs L K Swinbank
Shepherd Homes	
Signet Planning	Nick McLellan
Smiths Gore	A M Hutton MRTPI
Spawforths	David Rolinson
SSA Planning Limited	Mark McGovern

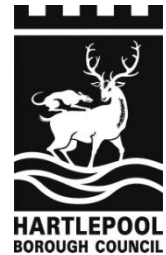


## 4.1 APPENDIX 2

Stockton Borough Council	Rosemary Young
Stonham Housing Association	
Storey Edward Symmonds	Martyn Lytollis
Storey Sons & Parker	Mark Brooker
Strutt & Parker	R W Close
Talyor Wimpey UK Limited	
Tees Valley Housing Association	
Tees Valley Living	Jim Johnsonsone
Tees Valley Local Access Forum	Beryl Bird
Tees Valley Rural Community Council	Doff Pollard
Tees Valley Unlimited	Malcolm Steele
Tees Valley Wildlife Trust	Dr S Antrobus
Terence O'Rourke Plc	
The Crown Estate	Emily Forsythe
The Guinness Trust	
The Home Builders Federation	Matthew Good
The Hospital of God at Greatham	John Quinn
The Planning Bureau Ltd	
The Planning Inspectorate	Steve Carnaby
The Woodland Trust	Nick Sandford
Three Rivers Housing Group	
Tilly Bailey and Irvine	
Trimdon Foundry Parish Council	Mrs K Tweddle
Trimdon Parish Council	Mrs A Delandre
Turley Associates	Bethany McQue/Rebecca Robson
University of Newcastle	Jackie Dunn
URS Infrastructure & Environment UK Ltd	Robin Newlove
Walsingham Planning	
Walton & Co	Vicki Richardson
Ward Hadaway	Andrew Moss
Wates Development	
White Young Green	John Whittaker
Whitstone Weavers	Steve Byrne
Wingate Parish Council	Mr G Reid
Wolviston Parish Council	Mr P Healey
Woodland Trust	Nick Sandford
WSP Development	
WSP Development	
Wynyard Park Limited	Chris Musgrave
Yuill Homes	
Groundwork North East	Leah Remington

# **REGENERATION SERVICES COMMITTEE**

**31<sup>st</sup> July 2015**



**Report of:** Assistant Director (Regeneration)

**Subject:** CARR/HOPPS STREET HOUSING REGENERATION  
AREA PROPOSALS - RECOMMENDATION JULY  
2015

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

- 1.1 Non Key Decision/For information and to extend the current decision on demolition only.

## **2. PURPOSE OF REPORT**

- 2.1 To provide Members with a progress update on the implementation of the Carr/Hopps Street housing regeneration programme including an up to date progress report. The report sets out a proposal for tender/development brief to be issued for demolition of the existing properties owned by the Council and the redevelopment of the site with new build properties.

## **3. BACKGROUND**

- 3.1 The Carr/Hopps housing regeneration area includes 175 residential terraced properties including two properties with a commercial element in the streets of Rodney Street (numbers 17-73 odds and 24-80 evens) Richardson Street, Blake Street numbers 2-18 evens) Carr Street, Jobson Street and Hopps Street. The Council owns 161 of these properties. The site extends to approximately two hectares.
- 3.2 The issues associated with obsolete terraced properties have been prevalent in the central area of Hartlepool since the late 1990's. Problems led to a severe decline in some neighbourhoods and attracted large scale speculation in the property market with buy to let. In response to these issues the Council introduced a housing regeneration strategy and collaborated in the Tees Valley partnership to implement a 15 year programme of Housing Market Renewal (HMR). The Hartlepool Housing Regeneration strategy identified an oversupply of terraced properties, approximately 2,000, due to housing market failure and changing

aspirations. The schemes have delivered multi-million pound new build investment and successfully attracted owner occupiers back to the central area of town by creating mixed tenure developments, sustainable communities and enhancing localism through community regeneration. To date approximately 1,200 properties have been demolished and over 500 new homes constructed on HMR sites in central Hartlepool. Development is ongoing on both the Raby Road Corridor, now known as Alexander Square and Headway sites.

- 3.3. The Carr/Hopps street regeneration site was located within the New Deal for Communities (NDC) area and was identified as an area for intervention through the NDC Community Housing Plan (CHP) an integrated part of Hartlepool's HMR programme. Following the end of the NDC programme in 2010, the Council became responsible for the delivery of this scheme and it became part of the HMR programme. The Carr/Hopps Street regeneration area is the last piece in the jigsaw of incremental housing regeneration.
- 3.4 Given that the Carr/Hopps Street area was part of the NDC CHP, significant consultation has taken place over a number of years with local residents. Investment took place in the streets as a result of the NDC programme with offers which supported and encouraged owner occupiers to take up grants and loans to relocate to the area. This was a choice that few took up and the scheme failed to make an impact. This was largely due to a trend of declining owner occupation and a rapid increase in properties being purchased by speculative investors. Properties within the central block of the site were identified for acquisition and clearance to create open space. Further research and consultation was undertaken in 2007 (this included individual visits to all occupants on the site) which highlighted that the area had not improved since the NDC intervention, the area had declined significantly and a more substantial area for intervention was identified. The Carr/Hopps site was included in proposals for larger scale redevelopment and became part of the towns housing market regeneration programme in 2008, initially purchases being from owner occupiers.
- 3.5 The comprehensive spending review of 2011 effectively abolished the HMR programme by the removal of further funding. This was followed by significant pressure and lobbying from the areas affected and subsequently the Government made available a HMR Transition fund to allow the challenged pathfinders to complete an exit programme for regeneration schemes. Members approved reports on the 1<sup>st</sup> August 2011 and the 24<sup>th</sup> January 2012 approving a Hartlepool application to this fund, this application was subsequently successful.
- 3.6 The Council was awarded £2million transition funding to relocate trapped households and to complete a structured exit from the HMR programme'. On the 19<sup>th</sup> March 2012 Members approved the HMR Transition Funding project plan which included consultation arrangements, tenant relocation packages, compensation packages for property owners and the timetable and phasing of acquisitions. Acquisition of properties has progressed since

the plan was approved in March 2012 and Members were presented with an update report on the 17<sup>th</sup> December 2012. At this stage the risks to project delivery were set out. These included owners unwillingness to sell and the financial risks associated with the outcome of the Raby Road Corridor Lands Tribunal.

- 3.7 Considerable resident consultation has been taken forward through the duration of the project implementation. Resident and owner consultation took place in April and May 2012. All residents on the site were visited individually and drop in sessions were held on a number of occasions. Non-resident owners were consulted on a phased approach in line with the phasing plan.
- 3.8 A review report was presented to Members on the 24<sup>th</sup> October 2013 setting out progress in relation to acquisition and options for future delivery of the scheme. It was determined that acquisition by agreement of privately owned properties would continue and a review presented to Members in October 2014 with proposals for a selective demolition programme. It was also determined that Hart Lane would be excluded from the demolition boundary and a grant refurbishment scheme implemented. Consultation and dialogue with owners has continued since this date. The wider community has been updated on a regular basis via meeting with officers, Ward Members and residents associations, together with ward priority meeting updates.

#### **4. CURRENT POSITION**

- 4.1 Since Members last considered this in October 2014 work has commenced to progress the demolition of acquired properties. This is all necessary preparation for the practical demolition of bricks and mortar and is a very time intensive process which must be undertaken to get the buildings to a position where they can be physically dismantled via demolition both safely and legally.
- 4.2 Following the removal of the Hart Lane properties from the boundary of the site, work has been undertaken to refurbish the Council owned houses as part of the Empty Homes programme and these properties have been re furnished to a high standard and re let to tenants at affordable rents. Grants have been awarded and works completed to the other properties in Hart Lane and works are due to be commissioned to completed the programme.
- 4.3 Further properties have been purchased across the site from none resident owners and some tenants have been relocated. The final owner occupier on the site has agreed a sale and is in the process of relocating. This means that only 14 properties in the boundary of the site are not in Council ownership and of these 3 are tenanted.
- 4.4 A development brief has been drawn up by Planning Policy officers working with officers from across the Council in order to produce a

development brief, to guide potential purchasers as to the form scale and density of the redevelopment.

- 4.5 The Procurement team has completed the pre qualification stage for a demolition contractor (although those who have qualified have not been advised yet) should the Council go forward with demolition as approved by Members at committee on 23<sup>rd</sup> October 2014.
- 4.6 Work has been completed on a bat survey, which had to be undertaken before demolition could be considered, this survey found that no bats are present on the site. Two other key areas of demolition work are underway by the Councils Building Design and Management officers in preparation for actual demolition of property this include, gas, electric and water disconnections. This is a time consuming process as over 20 suppliers are involved and they are not required to give the Council a timescale for completion of the works. However it must be done for compliance with health and safety requirements which are a legal requirement. Preparations have been made for a planning application for demolition and legal advertisements to be placed in the correct format to allow practical demolition to take place.
- 4.7 The Housing Hartlepool regeneration team no longer has involvement in managements of the site, although staff from Housing Hartlepool had a long involvement in this site since the NDC days of delivery. This is now being undertaken by the Housing Services team on a daily basis and site inspections are programmed in 3 times per week but in practice a member or Council officer is usually there every day. Many visits are being made to the site to undertake disconnections and surveys each week and this will continue. Multi agency meetings are taking place with adjacent residents of the site, which are convened by the Housing Services and Community Safety teams as well as resident's group meetings and ward priority meetings.
- 4.8 A number of developers have come forward to discuss options for the site and this has been a significant change to preceding seven years. Concern has been expressed by some developers about not having any control over the demolition process envisaged for the site. Some of the developers believe that the environmental sustainability and impacts of the site could be improved by inclusion of recycling of the demolition debris in the new build process. Hence why a recommendation is being proposed in the direction of the tender being issued to include demolition and redevelopment of the land with new build properties, which may take advantage of an overall scheme and produce cost efficiencies.

## **5. PROPOSALS**

- 5.1 The proposal is to extend the decision to go ahead with selective demolition of Council owned properties on the Carr/Hopps Street housing regeneration site to include for the demolition of the existing properties

owned by the Council and the redevelopment of the site with new build properties.

## **6. FINANCIAL CONSIDERATIONS**

- 6.1 The budget for the Carr Hopps scheme includes an amount for the Council to directly contract for demolition works in order to clear the site ready for future development. Some preliminary market testing and discussions with potential developers have indicated that it may be more cost effective for the demolition work to be carried out by the actual future Developer of the site. It is therefore recommended that the Council market test this option by including the option to demolish in the invitation to tenders for future development of the site. The results of this exercise and evaluation of the financial implications will be reported back to Members to approve the preferred option.

## **7. RISK IMPLICATIONS**

- 7.1 There are risks associated with this approach these are that no bids will be forthcoming when the tender/development brief is put out to the market, however over recent months several organisations have expressed interest in the site and undertaking its redevelopment. These contact have resulted in them looking at the site in some detail to understand how they may be able to undertake a development with the constraints present on the site.
- 7.2 The intention will be to put the tender/land development opportunity out to the market as a competitive procurement exercise, however this may draw the scheme into a much wider procurement exercise depending on the types of schemes and offers which come forward, it may be a simple land deal, but at this stage that would have to be reported back to committee once the outcome and evaluation of the bids are available.

## **8. LEGAL CONSIDERATIONS**

- 8.1 There are no further legal considerations at this stage as noted above should a wider procurement process be required this will be reported to Committee Members in a future report.

## **9. EQUALITY AND DIVERSITY CONSIDERATION**

- 9.1 There are no equality or diversity implications.

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

- 10.1 Empty and boarded up properties often become a target for arson, dumping of rubbish and vandalism. In recent years the empty properties in the Carr/Hopps Street area have blighted the area, caused a nuisance to local people, attracted anti-social behaviour, graffiti, drug activity, vandalism, and also attracted the dumping of rubbish. Therefore the demolition of the empty boarded up properties in the Carr/Hopps Street area is likely to significantly contribute to reductions in crime and anti-social behaviour.

## **11. RECOMMENDATIONS**

- 11.1 That officers of the Council continue to do preparatory works necessary for the physical demolition of properties on the Carr/Hopps housing regeneration site, this includes asbestos surveys, any other surveys necessary and utility disconnect to make the properties ready for practical demolition.
- 11.2 That a tender/development brief be issued for demolition of the existing properties owned by the Council and the redevelopment of the site with new build properties.
- 11.3 That officers develop an evaluation matrix to assess the delivery requirements of the Council for the site; this will provide the information on what can be delivered on the redeveloped site.
- 11.4 Once the bids from the procurement process have been assessed and evaluated a further report is brought back to Members on the merits and outcomes of particular bids.

## **12. REASONS FOR RECOMMENDATIONS**

- 12.1 Since the last report to Committee in October 2014 further properties have been acquired and a number of developers have come forward to discuss potential options for the site and expressed interest in development of the site. This has only recently happened and this was not the case in previous years while assembling the site.
- 12.2 However some of the discussions have highlighted that some development schemes would benefit from being more involved in the demolition of the current properties on the site, this element of redevelopment would add to the environmental sustainability impacts of the new build property.
- 12.3 Officers are also aware that from previous housing regeneration sites that it is more cost effective for the developer to undertake the procurement and delivery of a demolition contract.

- 12.4 It would also mean that the Council would not have a clearly defined site left vacant following the demolition process which would bring its own issues.

### **13. BACKGROUND PAPERS**

- Regeneration Services Committee 23<sup>rd</sup> October 2014
- Regeneration Services Committee 24<sup>th</sup> October 2013
- Cabinet meeting 17<sup>th</sup> December 2012
- Cabinet meeting 19<sup>th</sup> March 2012
- Cabinet meeting 24<sup>th</sup> January 2012
- Cabinet meeting 1<sup>st</sup> August 2011

### **14. CONTACT OFFICER**

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

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

Nigel Johnson  
Head of Housing  
Housing Services Level 2  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 284339  
E-mail: [nigel.johnson@hartlepool.gov.uk](mailto:nigel.johnson@hartlepool.gov.uk)



# REGENERATION SERVICES COMMITTEE

31 July 2015



**Report of:** Assistant Director, Regeneration

**Subject:** ERDF SMALL BUSINESS START UP PROGRAMME

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

For Information only.

## 2. PURPOSE OF REPORT

- 2.1 To update Members on the submission of an Expression Of Interest (EOI) for European Regional Development Fund (ERDF) funded business start up programme in Tees Valley.

## 3. BACKGROUND

- 3.1 The Government has issued a competitive open call for the submission of EOIs' to undertake a business start up programme across the Tees Valley.
- 3.2 The open call, which is published across the EU required the submission of an initial EOI to bid for £1.3m ERDF and applications have to demonstrate matched funding to around £800,000. If the EOI meets the criteria the Government will invite a full application. EOI applicants are expected to be advised of the outcome of the process in August 2015 with a final detailed application submitted prior to a potential project start date of 1<sup>st</sup> October 2015. The proposed end date being 31<sup>st</sup> March 2018.

## 4. PROPOSALS

- 4.1 The Council is part of a consortium that has submitted an EOI on the 27<sup>th</sup> May 2015 to deliver small business start up support in Hartlepool as part of a wider Tees Valley programme. The accountable body is proposed to be the North East Enterprise Agency Ltd (NEEAL).
- 4.2 The guidance available at present from DCLG is limited in terms of what activities and outputs are required, however as Hartlepool has an

extensive record in ERDF funded business support programmes the current ERDF funded programme in Hartlepool has been used as a guide in terms of what is likely to be expected. On that basis and subject to a detailed application and future approval from this Committee it is likely that Economic Regeneration match funding from existing resources will be around £32,000 net pa with a minimum of 50 business supported per annum.

- 4.3 Business support will be provided on a clinic basis and additional one to one support for business start ups that show potential for growth. In addition the EOI has identified the need to support underrepresented groups. Any support provided through the programme will be over and above the core business support offer currently provided by the Council.

## **5. FINANCIAL CONSIDERATIONS**

- 5.1 Matched funding is a requirement of the bid and existing Economic Regeneration core funding will be used. Subject to a detailed bid it is anticipated that £32,000 net pa will be required, based on a 40% contribution.

## **6. LEGAL CONSIDERATIONS**

- 6.1 There are no legal implications at this stage; however should an offer be made to the consortium to deliver the business support package all contractual arrangements will be checked by the Council's Legal Team.

## **7. STAFF CONSIDERATIONS**

- 7.1 There are no staff considerations at this stage however if the bid is successful it will be delivered by existing Economic Regeneration staff.

## **8. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 8.1 There are no equality and diversity implications at this stage however the EOI makes provision for delivering business support to underrepresented groups.

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

- 9.1 There are no Section 17 Implications at this stage, however being economically active is accepted as a method of reducing criminal behavior.

**10. IMPACT ON CHILD / FAMILY POVERTY**

- 10.1 There are no specific impacts on child/family poverty at this stage , however if the bid is successful being economically active is an accepted way of helping to alleviate child poverty and all the services of the Economic Regeneration Team are targeted at achieving economic growth and participation. In addition the service, whilst supporting underrepresented groups the Team seeks to support value added businesses where, in general terms skills levels are higher and consequently wage levels are also correspondingly higher, providing better standards of living.

**11. RECOMMENDATIONS**

- 11.1 That the report is noted for information and a further detailed report will be submitted to this Committee should the EOI proceed to a contractual offer to deliver the ERDF funded business start up programme within Hartlepool.

**12. BACKGROUND PAPERS**

- 12.1 There are no background papers.

**13. CONTACT OFFICER**

Damien Wilson  
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Civic Centre  
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# REGENERATION SERVICES COMMITTEE

31 July 2015



Report of: Assistant Director, Regeneration

Subject: **BUILDING BETTER OPPORTUNITIES FUND**

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 For information only.

## 2. PURPOSE OF REPORT

2.1 The purpose of this report is to inform Members that the Council will be submitting a BIG Lottery Stage One application to become the Lead Accountable Body for the Building Better Opportunities programme.

## 3. BACKGROUND

3.1 The European Structural and Investment Funds (ESIF) 2014 - 2020 have been designed by the European Union to promote smart, sustainable and inclusive growth and cohesion across all member states. This brings significant investment into local areas across a range of activities such as access to employment, development of skills and promoting social inclusion.

3.2 In the UK, the Government has agreed that Local Enterprise Partnerships (LEPs) will play a key role in managing and delivering the ESIF by setting the strategic direction and framework for the new programme. Tees Valley Unlimited, who are the LEP, has developed an ESIF Strategy which shows how the funds will be utilised across the sub-region.

3.3 A key theme of the ESIF is social inclusion which is focused on tackling the causes of high levels of economic inactivity and social inequality by providing additional, more intensive and flexible support tailored to the multiple needs of people at most disadvantage in the labour market. The ESIF strategy outlines that it will achieve this by focusing on the main issues of; employability, capacity building (within the context of employability) and financial/digital inclusion.

## 4. BUILDING BETTER OPPORTUNITIES PROGRAMME

4.1 The Social Inclusion theme will be delivered through the Big Lottery and European Social Fund Building Better Opportunities Programme. The total funding allocation

for the programme is £8.8m which equates to £5.3m from the European Social Fund and £3.5m from the Big Lottery Fund. This a three year programme which will commence in April 2016 and will finish in December 2019.

- 4.2 There will be a single programme across the Tees Valley with one Lead Accountable Body in partnership with a consortium of delivery partners from the public, private and voluntary sector.
- 4.3 This project aims to provide holistic and bespoke support for participants to increase their employability and improve their prospects for employment. It will focus on those individuals who are furthest from the labour market and will offer support on a voluntary basis to those individuals who find mainstream services difficult to access/use or who are unable to use the national offers of support. The programme will support participants to move away from benefit dependency and progress to economic activity, use of mainstream learning/ training services and ultimately sustainable employment.
- 4.4 The project will address three themes, in order to provide a single holistic service delivered by a range of partners. This will provide an enhanced service to participants and will include a range of options and wrap-around services to dovetail with and add value to mainstream support.
- **Theme 1 – Removing Health and Wellbeing Barriers to Employment**  
The project will address ‘multiple barriers’ to entering work, offering support to participants who may be experiencing poor physical and mental health, childcare or caring responsibilities, poor unstable housing situations, drug and alcohol addictions, lack of personal transport, lack of awareness of in-work benefits, lack of ID or email address, and lack of basic social/employability skills.
  - **Theme 2 - Steps towards Employment**  
The project will provide the means through which disadvantaged people can become work-ready, by encouraging individuals to gain the appropriate skills, build confidence and increase their understanding of the range of opportunities available in the labour market. Individuals should also be supported to gain work-related experience in particular through access to volunteering and other work experience opportunities.
  - **Theme 3 – Financial/Digital Inclusion**  
The project will provide support for individuals to develop their financial and digital skills to improve their financial stability. A comprehensive range of Financial and Digital Inclusion activities needs to be available across the Tees Valley area to increase the confidence of participants and support the transition from benefits to employment.
- 4.5 Within each theme, the project will need to support and encourage best practice and to ensure ‘rural proofing’ – providing access of opportunity for targeted people within rural areas. The project will be delivered across the Tees Valley area (Redcar and Cleveland, Darlington, Stockton-on-Tees, Middlesbrough and Hartlepool) and will include easy access for disadvantaged individuals living within any community.

## 5. PROJECT PARTICIPANTS

- 5.1 All participants must be unemployed or economically inactive as defined in our programme guide. The project will have a specific focus on those out of work and people who are most at risk of social exclusion. This includes, but is not limited to:
- People who have health and/or disability barriers to employment (including mental health);
  - People who experience issues with drug and alcohol abuse;
  - People who are over 50;
  - Women aged between 25 and 34;
  - People from black and minority ethnic (BME) backgrounds, and;
  - People living in the most deprived lower super output areas (LSOAs). Figures in respect of LSOAs (available in the Index of Multiple Deprivation) are expected to be updated in summer 2015. Applicants should demonstrate how activities would target these areas according to the most recent information.
- 5.2 As Tees Valley will have the benefit of a comprehensive programme of activities using Youth Employment Initiative EU funding until July 2018 to address the issues facing young people aged 15 to 29 years old, BIG Lottery will not be identifying young people as a particular target group for the Building Better Opportunities Programme.

## 6. PROGRAMME TARGETS

- 6.1 The project must deliver the following outputs and results within its lifetime:
- At least 2,153 people are engaged in activities to improve their work readiness, including at least:
    - 1,077 men;
    - 1,076 women;
    - 1,076 people who are unemployed;
    - 1,077 people who are economically inactive;
    - 322 people who are 50 or older;
    - 431 people with disabilities;
    - 108 people from ethnic minorities.
  - At least 13 per cent of people move into employment, including self-employment, on leaving. Of these, 50 per cent must have been unemployed when joining the project and 50 per cent must have been economically inactive.
  - At least 27 per cent of people who were economically inactive when joining the project move into job-search on leaving.
- 6.2 These are the minimum targets projects are expected to deliver and as part of the application process Lead Accountable Bodies will be asked if they can support more people through the project.

## **7. TEES VALLEY INVESTING IN PEOPLE, INVESTING IN COMMUNITIES PROGRAMME SUBMISSION**

7.1 Following the announcement of this Open Call, the Council was approached by the other four Local Authorities within the Tees Valley and other partners and agreed to act as the Accountable Body to submit a Stage One Application.

7.2 Under the title of '*Tees Valley Investing in People, Investing in Communities Programme*', the Council has been developing its Stage One application and to ensure the application is submitted by the deadline of 3<sup>rd</sup> August 2015 has:

- Set up an interim Steering Group consisting of membership from the five Local Authority Economic Regeneration and Adult Education Teams
- Developed an Expressions of Interest (EOI) Form for potential delivery partners to complete to become part of this consortium.
- Encouraged organisations from community-based groups sector to submit an EOI which identifies: -
  - Which Open Call/s they wish to deliver?
  - What activities they could deliver as part of the partnership?
  - How the proposed activities contribute to the Tees Valley ESIF and Local Strategic Need?
  - Previous track record of delivery to the client groups.
- Has had a number of large scale Partner Events to promote this initiative and secure support from delivery partners.
- Arranged for all of the EOIs to be presented to the Steering Group who will decide which organisations will be named in the bid based on the above criteria.

## **8. STAGE TWO PROCESS**

8.1 Lead Accountable Bodies will be informed within four months if they reached the Stage Two (Final Phase) and they will then have up to six months to develop and submit a detailed programme proposal. This time will allow the partnership to undertake extensive consultation with statutory organisations, potential participants and community groups.

## **9. FINANCIAL IMPLICATIONS**

9.1 This is not a payment-on-results programme but instead a 'payment on actual expenditure incurred', with BIG Lottery providing quarterly payments in advance based on the Lead Accountable Body's submitted financial profile. BIG Lottery will also retain 10% of the grant funding until the project closes and all evidence is verified which will reduce the risk of future claw-back. The Council will undertake due diligence checks on all of the delivery partners as part of any future Service Level Agreement negotiation process.

**10. HUMAN RESOURCE IMPLICATIONS**

- 10.1 If successful, the Council will need to recruit a dedicated Project Team who will be based within the Economic Regeneration Team (ERT) and will be responsible for the contract management of the programme. The size of the team and skill requirements will be developed in line with the Stage Two process.

**11. LEGAL IMPLICATIONS**

- 11.1 The full legal implications will not be known until the successful applicant receives the contract. It will be at this stage that Legal will become involved in reviewing this document and supporting with the development of SLAs for each of the delivery partners. The Council will ensure that any contractual documents are reviewed and endorsed by Legal prior to the commencement of any delivery.
- 11.2 The Corporate Procurement Team has been fully consulted and all procurement processes will be executed in accordance with the Council's Contract Procedure Rules which are compliant with procurement law. If gaps in provision are identified following the commencement of the project the Council will follow the policies and principles of Public Procurement Law to procure suitable sub-contractors to deliver elements of the project. This process will be undertaken in an open and transparent manner with all opportunities subject to: -
- Open marketing to potential organisations;
  - Suitable guidance, application and selection processes;
  - Assessment of applications by suitable qualified and experienced staff, and;
  - The selection of the successful application based on merit.

**12. IMPACT ON CHILD / FAMILY POVERTY**

- 12.1 This funding will positively contribute to tackling the longer term causes and consequences of child and family poverty by preventing social isolation and moving hard to reach closer to the labour market.

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

- 13.1 This funding will positively contribute to Section 17 by providing education, employment and training routeways for young people. It will also provide routeways for individuals who may have been identified as high risk of offending.

**14. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 14.1 This funding will provide opportunities for vulnerable groups such as those shown below: -



- Lone parents;
- Adults who are economically inactive;
- Long-term unemployed;
- Adults with specific learning difficulties and/or disabilities (SLDD);
- Adults with mental health issues, and;
- Adults with drug and alcohol misuse issues.

14.2 If funding is secured, a full Equality Impact Assessment will be produced.

## **15. CONCLUSION**

15.1 This funding provides the five Local Authorities with an excellent opportunity to work closely with community-based organisations to engage with hard to reach groups including those who are socially isolated.

## **16. RECOMMENDATIONS**

16.1 Members are recommended to note the contents of this report and further update reports will be submitted to members.

## **17. BACKGROUND PAPERS**

17.1 <https://www.biglotteryfund.org.uk/global-content/programmes/england/building-better-opportunities/tees-valley>

## **18. CONTACT OFFICER**

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