

PLANNING COMMITTEE

AGENDA



Wednesday 2nd December 2020

at 9.30 am

in the Civic Centre, Hartlepool.

PLEASE NOTE: this will be a 'remote online meeting', a web-link to the public stream will be available on the Hartlepool Borough Council website at least 24 hours before the meeting.

MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Brewer, Brown, Buchan, Fleming, James, Lindridge, Loynes, C Richardson, Stokell and Young.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To Confirm the Minutes of the Meeting held on 7 October, 2020
- 3.2 To Confirm the Minutes of the Meeting held on 4 November, 2020

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Director for Neighbourhood and Regulatory Services*

- | | | |
|----|-------------|--|
| 1. | H/2019/0457 | 1-14 Meadowcroft Mews, Elwick Road (page1) |
| 2. | H/2020/0096 | 19 Cropston Close (page 19) |
| 3. | H/2020/0051 | Meadowcroft, Elwick Road (page 29) |
| 4. | H/2020/0052 | Meadowcroft, Elwick Road (page 63) |
| 5. | H/2020/0060 | Meadowcroft, Elwick Road (page 85) |
| 6. | H/2020/0061 | Meadowcroft, Elwick Road (page 115) |
| 7. | H/2020/0312 | 39 Moorhen Road (page 135) |
| 8. | H/2020/0373 | 32 Chaucer Avenue (page 145) |

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone.

The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

5. ITEMS FOR INFORMATION

- 5.1 Update on Current Complaints – *Assistant Director (Place Management)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

EXEMPT ITEMS

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

7 ITEMS REQUIRING DECISION

- 7.1 Enforcement Notice (paras 5 and 6) – *Assistant Director (Place Management)*
- 7.2 Enforcement Notice (paras 5 and 6) – *Assistant Director (Place Management)*
- 7.3 Enforcement Notice (paras 5 and 6) – *Assistant Director (Place Management)*
- 7.4 Enforcement Notice (paras 5 and 6) – *Assistant Director (Place Management)*
- 7.5 Enforcement Notice (paras 5 and 6) – *Assistant Director (Place Management)*

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

Any requests for a Site Visit on a matter then before the Committee will be considered with reference to the Council's Planning Code of Practice (Section 16 refers). No requests shall be permitted for an item requiring a decision before the committee other than in accordance with the Code of Practice

Any site visits approved by the Committee at this meeting will take place on a date and in a manner to be agreed by the Chair of the Committee that is compliant with the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No. 392 and other relevant legislation.

The next meeting of the Committee will be held on Wednesday 13 January commencing at 9.30 am.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

7th October 2020

The meeting commenced at 9.35 am and was an online remote meeting in compliance with the Council Procedure Rules Relating to the holding of Remote Meetings and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Present:

Councillor: Mike Young (In the Chair)

Councillors: Stephen Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Marjorie James, Jim Lindridge, Brenda Loynes, Carl Richardson and Cameron Stokell

In accordance with Council Procedure Rule 4.2 Councillor Shane Moore was in attendance as substitute for Councillor Tim Fleming.

Also present: Councillors Helen Howson, Sue Little and Tony Richardson

Officers: Jim Ferguson, Planning and Development Manager
Kieran Bostock, Interim Assistant Director (Place Management)
Sylvia Pinkney, Interim Assistant Director (Regulatory Services)
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Sarah Scarr, Coast, Countryside and Heritage Manager
Peter Frost, Highways, Traffic and Transport Team Leader
Daniel James, Planning (DC) Team Leader
Scott Parkes, Engineering Team Leader (Environment)
Laura Chambers, Senior Planning Officer
Stephanie Bell, Planning Officer
Tom Graham, Legal Representative
Jo Stubbs, Democratic Services Officer

64. Apologies for Absence

Apologies were submitted on behalf of Councillor Tim Fleming.

65. Declarations of interest by members

Councillor Stephen Akers-Belcher declared a non-prejudicial interest in planning application H/2020/0121 (70-71 The Front, Seaton Carew) due to his awareness of the premises and its owner.

Councillor Mike Young declared a prejudicial interest in planning application H/2020/0240 (5 Grange Road) and indicated he would leave the meeting during consideration of this item.

66. Confirmation of the minutes of the meeting held on 2nd September 2020

Minutes approved

A member requested an update on site visits. The Chair confirmed this would be covered under Any Other Business at the end of the meeting

67. Confirmation of the minutes of the meeting held on 16th September 2020.

Minutes deferred

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

Councillor Mike Young indicated he had a prejudicial interest in the first planning application and would therefore vacate the Chair during consideration of this item. In the absence of the Vice-Chair nomination for Chair were sought. Councillor Stephen Akers-Belcher was duly nominated, seconded and appointed as Chair for this application. Councillor Mike Young left the meeting.

Councillor Stephen Akers-Belcher in the Chair

Number:	H/2020/0240
Applicant:	HENNESSY GROUP C/O AGENT
Agent:	PLANNING HOUSE MRS C PIPE 24 BRIARDENE WAY PETERLEE
Date received:	04/08/2020
Development:	Change of Use to Residential Institution (Use Class C2)
Location:	5 GRANGE ROAD HARTLEPOOL

A member queried whether there had been any call outs involving anti-social behaviour to this property in the previous 2 years. The Environmental Health Manager was unaware of any involvement by Public Protection. It was noted that there had been no objections to the proposal by the Police or Community Safety. A member noted that a fence had been erected which did not appear to adhere to the conservation area requirements. The Planning and Development Manager confirmed that Planning Committee had previously approved the installation of this fence. This did not however have any bearing on the current application.

The Applicant was present and urged members to support the proposal which would provide housing for young people. In terms of concerns around previous issues he advised that they were a different provider working to a different set of regulations and the property would be housed by new tenants. They would register with OFSTED and take part in all necessary audit processes. Of the 6 bedrooms in the property 2 would be allocated to staff and staffing levels would be increased in line with the needs of the tenants with a minimum of 2 staff members on site at all times. There were no plans for staff to sleep overnight but they would have access to an office with couches and beds should they be required.

Councillor Helen Howson, speaking as Ward Councillor, highlighted concerns raised by residents around anti-social behaviour and how this would be managed by the developer. She noted reports of fighting outside the property which had been reported to the police and Council.

A member moved that the application be refused on the grounds that it may result in anti-social behaviour. They based this on previous issues with this property during which time staff had lost control, something they felt might happen again. There were also concerns around the type of people that might be housed there. However other members felt that it was unfair to make assumptions that any child in care would naturally be a trouble causer and given the lack of objections from the police they felt the application should be supported. All of the issues raised had been historical under a previous provider. This would support young people and might lead them to a more acceptable pathway.

In accordance with rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings, a recorded vote was taken on the recommendations as set out in the report:

Those for:

Councillors Stephen Akers-Belcher, James Brewer, Bob Buchan, Marjorie James, Jim Lindridge, Brenda Loynes, Shane Moore and Cameron Stokell

Those against:

Councillor Carl Richardson

Those abstaining:

Councillor Paddy Brown

Decision: **Planning Permission Approved subject to the consideration of any additional comments received before the expiry of the publicity by the Planning and Development Manager, and subject the following planning conditions (with the final decision delegated to the Planning and Development Manager):**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: drawing number TQRQM1824815151682 (Location Plan), Proposed Ground Floor Plan, Proposed First Floor Plan and Proposed Second Floor Plan, received by the Local Planning Authority 10/07/20.
For the avoidance of doubt.
3. The use hereby approved shall be limited to a maximum of five occupants, as set out in the submitted application.
For the avoidance of doubt.

The Committee considered representations in relation to this matter.

Councillor Mike Young returned to the meeting.

Councillor Mike Young back in the Chair.

Number: H/2020/0242

Applicant: MR ASHLEY MCFEE CRANSON CLOSE
BOWBURN

Agent: MR ASHLEY MCFEE 32 CRANSON CLOSE
BOWBURN

Date received: 03/08/2020

Development: Change of use from Tyre Fitting Business (Use Class B2) to Gym (Use Class E), including alterations to pedestrian access points

Location: 9A PARK VIEW ROAD WEST HARTLEPOOL

The applicant was present. He informed members of his previous experience in this leisure sector which he did not feel was catered for currently in Hartlepool. Despite the current circumstances he felt this was the perfect time to start this new venture and urged members to offer their support. The project would result in jobs for local people and help improve people's health which was crucial in the current climate. Class sizes would be limited so there would be no need for any additional parking. He would work with those businesses already active in the area and would take full responsibility for the closure of the premises every evening.

Members were happy to support this application. They noted the applicant's willingness to work with other businesses and his plans to combat concerns around parking and security. They were also reassured by his intention to secure a waste management contract for the premises and to install a fire suppression system. They were also pleased to welcome an international gym brand into Hartlepool.

In accordance with rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings, a recorded vote was taken on the recommendations as set out in the report:

Those for:

Councillors Stephen Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Marjorie James, Jim Lindridge, Brenda Loynes, Shane Moore, Carl Richardson and Cameron Stokell

Those against:

None

Those abstaining:

None

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans as amended; Site Location Plan (Scale 1:1250), Proposed Layout Plan (1:50) and Proposed Layout showing boundary treatment (1:50) and details received by the Local Planning Authority on 11 September 2020.
For the avoidance of doubt.

3. The proposed gate to be inserted within the existing southern boundary on the east side of the unit as shown on the amended Proposed Layout showing boundary treatment (1:50) (date received by the Local Planning Authority on 11 September 2020), shall match the materials and height of the existing adjacent palisade fencing and shall be installed prior to the development hereby approved being brought into use. Thereafter the gate shall remain for the lifetime of the development.
In the interests of highway safety.
4. The premises shall not be open to the public outside the following times; 06:00 to 20:00 Monday to Friday, 08:00 to 14:00 Saturday, Sunday and Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
5. The development hereby approved shall be laid out and operate in general conformity with drawing Proposed Layout (as amended, date received by the Local Planning Authority 11 September 2020) and there shall be no provision of a café or cooking facilities on the premises, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to retain control over the development and in order to safeguard the vitality and viability of the defined town centres in the Borough.
6. Notwithstanding the provisions of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting those orders), the development hereby approved shall be used solely as a gym use within the 'E' Use Class and for no other Use within The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.
To enable the Local Planning Authority to retain control over the development in order to safeguard the vitality and viability of the defined town centres in the Borough.

The Committee considered representations in relation to this matter.

Number:	H/2020/0072
Applicant:	MR S WILKINSON HARTLEPOOL
Agent:	MR S WILKINSON 4 STRATFORD ROAD HARTLEPOOL
Date received:	07/04/2020
Development:	Siting of wind turbine on 5m high fixed galvanised steel column

Location: PLOT 25 HASWELL AVENUE ALLOTMENTS
HARTLEPOOL

The applicant was present. He urged members to support the application which would enable improvements to 2 communal allotment plots through the provision of renewable energy. Local schools had previously visited the communal site which had been designed with raised areas and a pond dipping platform as part of their science curriculum. The turbine would provide enough power to supply 3 100w lightbulbs. The blades were designed to be very quiet and the turbine would be screened by surrounding fencing and trees. The height of the turbine was smaller than lighting poles in the area.

Members were happy to support the application which would be environmentally friendly and contribute toward wind energy targets recently announced by the government. A member indicated they wished to raise an issue connected to this application confidentially under any other business.

In accordance with rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings, a recorded vote was taken on the recommendations as set out in the report:

Those for:

Councillors Stephen Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Marjorie James, Jim Lindridge, Brenda Loynes, Shane Moore, Carl Richardson and Cameron Stokell

Those against:

None

Those abstaining:

None

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: Location Plan at scale of 1:1250 received by the Local Planning Authority 17/02/20, Proposed Elevation at scale of 1:25 and Proposed Elevation at scale of 1:50, received by the Local Planning Authority 30/03/20, and Proposed Block Plan at scale of 1:500 received by the Local Planning Authority 07/04/20.
For the avoidance of doubt.

The Committee considered representations in relation to this matter.

Number:	H/2020/0230
Applicant:	MR TREVOR ROBINSON DUNCAN ROAD HARTLEPOOL
Agent:	MR TREVOR ROBINSON 18 DUNCAN ROAD HARTLEPOOL
Date received:	23/07/2020
Development:	Display of advertisement boards around 11-a-side playing pitch (136no. boards in total)
Location:	ST FRANCIS FIELD ROSSMERE WAY HARTLEPOOL

A member referred to an online petition and queried whether the advertisement boards would be placed on the outside perimeter of the pitch. The Planning (DC) Team Leader advised that the boards would be set off and around the pitch. He was not aware of a petition having been submitted therefore it should not form part of members' considerations. A member queried whether there could be restrictions on what could be advertised on the boards. The Planning (DC) Team Leader indicated there could not.

The applicant was present. He advised that the advertisement boards would make the club financially more sustainable and give it a more professional appearance. They would be well maintained and kept tidy. He apologised for the lack of consultation with residents which he felt had led to objections due to misleading information being put out.

A member queried the current usage of the pitch. The applicant confirmed it as used by 14 teams of young people. Parents and grandparents of the players also naturally became involved. They carried out regular litter picks and players were asked to tidy up after every match. Volunteers also kept a check on any anti-social behaviour connected with the ground and would ensure that the boards were kept clean and tidy.

Members were supportive of the application which was vital to the survival of the clubs. They were disappointed at the lack of consultation with residents which appeared to have led to a negative impression of the plans being given and urged the applicant to work with the community in future. They expressed the hope that the boards would not be used to advertise fast food, alcohol or similar products.

In accordance with rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings, a recorded vote was taken on the recommendations as set out in the report:

Those for:

Councillors Stephen Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Marjorie James, Jim Lindridge, Brenda Loynes, Shane Moore, Carl Richardson and Cameron Stokell

Those against:

None

Those abstaining:

None

Decision: **Advertisement Consent Approved**

CONDITIONS AND REASONS

1. The development hereby permitted shall be carried out in accordance with the plans and details Existing Site Plan Rev 1, Proposed Site Plan (scale 1:1350) Rev 1, Proposed Site Plan (Layout) (scale 1:550) Rev 1, Side Elevation of Proposed Advertisement Rev 1, Advertisement Board Detail Rev 1 received by the Local Planning Authority on 13th July 2020; Site Location Plan Rev 3 (scale 1:1600) received by the Local Planning Authority on 27th July 2020.
For the avoidance of doubt.
2. Prior to above ground construction, details of all external finishing materials for the proposed advertisement boards (including the colour of the rear of the boards) shall be first submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose. No adverts shall be placed or displayed on the rear/outside of the boards at any time. Thereafter, the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
3. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.
To ensure that any site contamination is addressed.

The Committee considered representations in relation to this matter.

Number:	H/2020/0121
Applicant:	MR J UNWIN C/O AGENT
Agent:	COLLABORATIVE DESIGN MR CHRISTOPHER SUTTON 65 ELMWOOD PARK COURT GREAT PARK NEWCASTLE UPON TYNE
Date received:	17/04/2020
Development:	Replacement of bay window to front, installation of new awning over front elevation (retention of existing awning), repairing existing windows and refurbishments to existing cast iron columns and beams (resubmitted application)
Location:	SEATON GIFT AND ROCK SHOP 70 71 THE FRONT HARTLEPOOL

A member noted that the report stated that the changes would cause less than substantial harm and queried why this had led to a refusal recommendation. The Heritage and Countryside Manager advised that substantial harm was the highest possible level of harm and referred to demolition of or extensive works to listed buildings. Everything else was less than substantial harm. In this case the size and styling of the window would be different as would the detailing on the pillars.

The Agent was present. They advised that the current practice of removing the entire front window in high winds was dangerous and so it was necessary to find other more practical solutions. The use of a kiosk to dispense ice creams was no longer practical given the large variety of flavours on offer but they had been unable to find a solution which Council officers were happy with. They felt that the changes they were proposing were sympathetic to the street scene and that changes to other premises meant the character of the conservation area had already been affected. They were a successful business employing 12 staff which contributed to the economy. Officers had said that the changes would cause less than substantial harm and Government guidance was that this should be weighed against the benefits of these changes. The original window was dilapidated and required replacement and these changes would revamp an important local business while improving health, safety and wellbeing of staff.

Members queried the practical implications of the proposed changes. The agent confirmed that instead of removing the entire window the central window panel would be split into 2 and hinged meaning the window could be opened entirely without being taken out. A member queried the comments around it not being practical to use a kiosk noting that the owner used a kiosk

in a similar more enclosed premises. The agent indicated that it was impractical to use a kiosk at this premises due to the nature of the machinery. The Planning (DC) Team Leader referred members to previous applications to change windows in the area which had been refused, decisions which had been backed up at appeal.

Councillor Sue Little, speaking as a Ward Councillor, urged members to go against the officer recommendation and support this application for health and safety reasons.

Members expressed their support for the application due to concerns around the safety of staff when removing the current window and also based on a wish to support businesses in the town. A member highlighted the lack of leniency given to residents in conservation areas wishing to make changes to their property compared with businesses wishing to make changes in conservation areas. They acknowledged that the current window was cumbersome but this decision should be based on the retention of the conservation area. However other members felt that proposals would enhance Seaton Carew in terms of the colours which had been selected. They felt that by supporting this application they would be helping local business

In accordance with rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings, a recorded vote was taken on the recommendations as set out in the report:

Those for:

Councillors James Brewer, Bob Buchan, Shane Moore and Marjorie James

Those against:

Councillors Stephen Akers-Belcher, Paddy Brown, Jim Lindridge, Brenda Loynes, Carl Richardson, Cameron Stokell and Mike Young

Those abstaining:

None

The Planning and Development Manager noted that members felt this application was acceptable in terms of the character and appearance of the conservation area. They also felt there were benefits to the business and economy of the area and the health and safety of staff.

In accordance with rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings, a recorded vote was taken to go against the recommendations as set out in the report:

Those for:

Councillors Stephen Akers-Belcher, Paddy Brown, Jim Lindridge, Brenda Loynes, Carl Richardson, Cameron Stokell and Mike Young

Those against:

Councillors James Brewer, Bob Buchan, Shane Moore and Marjorie James

Those abstaining:

None

Decision: **Planning Permission Approved with formulation of planning conditions and issuing of decision notice delegated to the Planning and Development Manager.**

The Committee considered representations in relation to this matter.

69 Appeal at rear of Millbank Close / Land at the Fens, Hart Village *(Director of Neighbourhood and Regulatory Services)*

Members were advised that an appeal against a decision to approve a reserved matters application had been allowed. The appeal had related a planning condition within the approval requiring obscure glazing and restricted opening on a number of proposed windows. A copy of the decision letter was appended to the report.

Decision

That the outcome of this appeal be noted.

70. Update on Current Complaints *(Assistant Director (Environment and Neighbourhood Services))*

Members were given information on 9 ongoing investigations and 10 which had been completed.

Decision

That the report be noted.

71. Any other items which the Chair considers are urgent

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

Elected member site visits

Following a request for an update earlier in the meeting the Interim Assistant Director (Place Management) indicated that recent changes relating to the coronavirus pandemic made it more problematic to hold in-person site visits. This was due to the fact that while legally permissible having a large group of people attend a site visit would not be good for the Council's reputation given rules against gatherings of more than 6 people and recommendations against non-essential travel. He advised that officers were currently considering a range of options, details of which would be brought to the next meeting. A member suggested that technological option should be considered as he agreed that attending in person did not look good at the moment. He also expressed a hope that those whose applications were on hold due to these considerations would be reasonable.

Decision

That a report detailing options for future site visit requirements be brought to the next Planning Committee meeting.

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

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

Minute 73 – (Any other exempt items which the Chair considers are urgent) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 2) information which is likely to reveal the identity of an individual.

73. Any other exempt items which the Chair considers are urgent

This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 2) information which is likely to reveal the identity of an individual.

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

A member updated the Committee on a matter arising from a decision made earlier in the meeting. Details are provided in the exempt minutes

Decision

Detailed in the exempt minutes

The meeting concluded at 12:25pm

CHAIR

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

4th November 2020

The meeting commenced at 9.30 am and was an online remote meeting in compliance with the Council Procedure Rules Relating to the holding of Remote Meetings and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Present:

Councillor: Mike Young (In the Chair)

Councillors: Stephen Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge, Brenda Loynes and Cameron Stokell

Also present: Councillors Sue Little, Tony Richardson and Leisa Smith

Officers: Jim Ferguson, Planning and Development Manager
Daniel James, Planning (DC) Team Leader
Kieran Bostock, Assistant Director (Place Management)
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Sarah Scarr, Coast, Countryside and Heritage Manager
Scott Parkes, Engineering Team Manager (Environmental)
Aidan Dobinson-Booth, Principal Planning Officer
Ryan Cowley, Senior Planning Officer
Stephanie Bell, Planning Officer
Tom Graham, Legal Representative
Jo Stubbs, Democratic Services Officer

74. Apologies for Absence

Apologies were submitted by Councillor Carl Richardson.

75. Declarations of interest by members

None

76. Confirmation of the minutes of the meeting held on 16th September 2020

Minutes confirmed

77. Confirmation of the minutes of the meeting held on 7th October 2020

Minutes deferred

78. Planning Applications *(Director of Neighbourhood and Regulatory Services)*

Number: H/2019/0473

Applicant: COUNTRYSIDE PROPERTIES PLC

Agent: PEGASUS GROUP KRISHNA MISTRY
PAVILION COURT GREEN LANE GARFORTH
LEEDS

Date received: 12/12/2019

Development: Residential development comprising erection of 186 dwellings and associated works including access and landscaping.

Location: LAND AT WYNYARD PARK

A member queried whether there would be adequate wheel washing facilities on site. The Principal Planning Officer confirmed this would be included as part of the conditions.

The Agent urged members to support the application which would bring significant investment and economic benefits to the local area and the wider region. The applicant was a leading UK home builder and were confident in their ability to deliver a high quality development. A member requested further information on the proposed play areas in the development. The agent confirmed that a playground was included in the plans targeted at younger children. It was felt that there was provision for older children and other age groups within the wider area. A representative of the applicant advised that other Wynyard developments included a number of other play areas covering a wide spectrum of ages. The member acknowledged this but asked that Officers provide details of play areas to be delivered at Wynyard Park. In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings a recorded vote was taken on the recommendations set out in this report that the application be approved:

Those for:

Councillors Stephen Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge, Brenda Loynes, Cameron Stokell and Mike Young

Those against:

None

Those abstaining

None

Decision: **Minded to approve subject to the completion of a Legal Agreement securing the planning obligations set out in the report**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans and reports:
 - a. Drawing no. SKY001-PL-01, Rev A (Location Plan)
 - b. Drawing no. SKY001-PL0-01, Rev N (Planning Layout)
 - c. Drawing no. SKY001-SC-03 (Site Cross Sections)
 - d. Drawing no. 5013-C-D10-01, Rev B (Engineering Feasibility Sheet 1)
 - e. Drawing no. 5013-C-D10-02, Rev B (Engineering Feasibility Sheet 2)
 - f. Drawing no. 5013-C-D10-03, Rev B (Engineering Feasibility Sheet 3)
 - g. Drawing no. SKY001-BP-01, Rev D (Boundary Plan)
 - h. Drawing no. SKY001-EX-01, Rev A (External Finishes Sheet 1)
 - i. Drawing no. SKY001-EX-02, Rev A (External Finishes Sheet 2)
 - j. Drawing no. SKY001-EX-03, Rev A (External Finishes Sheet 3)
 - k. Drawing no. SKY001-EX-04, Rev A (External Finishes Sheet 4)
 - l. Drawing no. SKY001-EX-05, Rev A (External Finishes Sheet 5)
 - m. Drawing no. SKY001-EX-06, Rev A (External Finishes Sheet 6)
 - n. Drawing no. SKY001-EX-07, Rev A (External Finishes Sheet 7)
 - o. Drawing no. SKY001-EX-08, Rev A (External Finishes Sheet 8)
 - p. Drawing no. SKY001-EX09, Rev A (External Finishes Sheet 9)
 - q. Drawing no. SKY001-EX10, Rev A (External Finishes Sheet 10)
 - r. Drawing no. 101. Rev B (Landscape Masterplan)
 - s. Drawing no. 102 (LAP Layout)
 - t. Drawing no. 201 Planting Plan (1 of 7)
 - u. Drawing no. 202 Planting Plan (2 of 7)
 - v. Drawing no. 203 Planting Plan (3 of 7)
 - w. Drawing no. 204 Planting Plan (4 of 7)
 - x. Drawing no. 205 Planting Plan (5 of 7)
 - y. Drawing no. 206 Planting Plan (6 of 7)
 - z. Drawing no. 207 Planting Plan (7 of 7)
 - aa. Housetype Drawing Pack Issue V4 dated 13.05.20
 - bb. Energy Statement Wynyard Park Hartlepool, received by the Local Planning Authority 11.06.20
 - cc. Document ref: NIA/8572/19/8514/v3/ Hartlepool Road, Noise Impact Assessment dated 01.04.20.

dd. Document ref: ER-4130-01A (Preliminary Ecological Appraisal Report) dated 17.02.20.

ee. Document ref: ER-4130-02 (Ecological Impact Assessment - Wynyard Park) dated 14.02.20.

ff. Flood Risk Assessment and Surface Water Management Strategy for a Proposed Residential Development at Wynyard Park dated 29.09.19.

To clarify the period for which the permission is valid.

3. Prior to commencement of development, full details of the tree protection measures recommended in the Arboricultural Survey, reference number MC, received by the Local Planning Authority 01/11/19 shall be submitted to and approved in writing by the Local Planning Authority, thereafter the approved details shall be put in place prior to commencement of development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interest of tree protection.

4. Notwithstanding the submitted details prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected, garden levels, car parking levels, and the areas adjoining the site boundary any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

To take into account the position and levels of the buildings and car parking areas and the impact on adjacent residential properties.

5. Notwithstanding the submitted information and the measures outlined within the submitted Flood Risk Assessment, no development shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details as to how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to the management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the

- lifetime of the development in accordance with the agreed details.
To prevent the increased risk of flooding from any sources in accordance with the NPPF and ensure future maintenance of the surface water drainage system.
6. Notwithstanding the submitted information, development shall not commence until a detailed scheme for the disposal of foul water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
In the interests of badger protection and in accordance with the submitted Preliminary Ecological Appraisal.
7. A Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.
In the interests of the amenities of the area.
8. Notwithstanding the proposals detailed in the submitted plans and prior to the implementation of such works on site, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and implemented in accordance with the approved details and programme of works.
In the interests of visual amenity and biodiversity enhancement.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of the amenities of the area.
10. No part of the residential development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.
In the interests of highway and pedestrian safety and in the interests of the visual amenities of the surrounding area.

11. Prior to occupation of the dwellings hereby approved, a compliance report to confirm that the energy demand of the development and its CO2 emissions (measured by the Dwellings Emission Rate) has been reduced in line with the approved details shall be submitted to and agreed in writing with the Local Planning Authority.
In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policies QP7 and CC1.
12. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination on the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objective. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.
In the interests of a satisfactory form of development.
13. No construction/building/demolition works or deliveries shall be carried out except between the hours of 7.30am and 18.00 on Mondays to Fridays and between 8.30am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or no Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
To ensure the development does not prejudice the employment of neighbouring occupiers of their properties.
14. Demolition and the clearance/removal of trees and vegetation shall take place outside of the bird breeding season. The breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. An exception to this timing restriction could be made if the site is first checked within 48 hours prior to the relevant works taking place by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.
In the interests of breeding birds.
15. Notwithstanding the submitted details none of the dwellings shall be first occupied until details of the proposed street lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter the street lighting shall be provided in accordance with the approved details.
In the interests of amenity and biodiversity.
16. Plots 14-17 (inclusive) shall not be constructed above damp proof course until details of a 2.1m high close boarded wooden fence have been submitted to and approved in writing by the Local Planning

- Authority. Thereafter the fence shall be installed prior to first occupation of these plots and maintained/retained thereafter.
To protect plots 14-17 from road noise to ensure a satisfactory living environment.
17. Plots 14-17 (inclusive) shall not be constructed above damp proof course until details of enhanced double glazing rated at least 28 dB for upper floor bedrooms has been submitted to and approved in writing by the Local Planning Authority. Thereafter noise attenuation shall be provided and maintained in accordance with the manufactures details.
To protect plots 14-17 from road noise to ensure a satisfactory living environment.
 18. No development shall take place until details a Construction Environment Management Plan (CEMP) based on the model wording within BS42020 and incorporating the measures identified within the EclA and Bat Survey Report, has been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall only be carried out in accordance with the approved CEMP.
In the interests of biodiversity.
 19. No development shall take place including any vegetation or tree removal until details of a Biodiversity Management Plan (BMP) based on the model working within BS42020, to incorporate measures identified within the EclA. Thereafter the development shall only be carried out in accordance with the approved BMP.
In the interests of biodiversity.
 20. Prior to first occupation of any of the dwellings hereby permitted a Visitor Management Strategy, in respect of Close Wood Complex Local Wildlife Site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Visitor Management Strategy will be implemented in accordance with the approved details and maintained.
In the interests of biodiversity.
 21. The Local Area of Play (LAP) shown on drawing number 102 (LAP Layout) received by the Local Planning Authority on 24.07.20 shall be constructed in accordance with this plan and fully open and available for use prior to first occupation of the 80th dwelling hereby permitted.
To ensure the play area is available for use by children who are living on the development.
 22. Prior to any development above ground level details of a blanking plate for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the blanking plate shall be provided in each property prior to that property being first occupied.
In the interests of the environment.

The Committee considered representations in relation to this matter.

Number: H/2020/0048

Applicant: STORY HOMES LTD MISS AMANDA
STEPHENSON ASAMA COURT NEWCASTLE
BUSINESS PARK NEWCASTLE UPON TYNE

Agent: STORY HOMES LTD AMANDA STEPHENSON
PANTHER HOUSE ASAMA COURT
NEWCASTLE BUSINESS PARK NEWCASTLE
UPON TYNE

Date received: 27/03/2020

Development: Approval of reserved matters relating to access,
appearance, landscaping, layout and scale for the
erection of 162 no. residential dwellings and
associated engineering works pursuant to outline
planning permission H/2014/0428.

Location: LAND SOUTH OF ELWICK ROAD HIGH
TUNSTALL HARTLEPOOL

A member referred to concerns around speeding traffic in the area, construction traffic and queried whether a roundabout would be provided. Officers advised that the delivery of the Elwick Bypass plans would assist matters (they were unable to provide further detail at this time but would do so at a later date), that a construction traffic management plan was conditioned as part of the outline permission, and that the roundabout was not to be delivered within this phase.

A representative of the applicant urged members to support the application which would provide a high quality development.

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings a recorded vote was taken on the recommendations set out in this report that the application be approved:

Those for:

Councillors Stephen Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge, Brenda Loynes, Cameron Stokell and Mike Young

Those against:

None

Those abstaining

None

Decision: **Reserved Matters Approved**

CONDITIONS AND REASONS

1. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;

SD100 - External Plot Finishes - Issue (01) (Standard Construction Details) drawing pack

House Type Butler (A) drawing pack (including elevations and floor plans)

House Type Charlton (A) drawing pack (including elevations and floor plans)

House Type Ferguson (A) drawing pack (including elevations and floor plans)

House Type Harrison (A) drawing pack (including elevations and floor plans)

House Type Hewson (A) drawing pack (including elevations and floor plans)

House Type Lawson (A) drawing pack (including elevations and floor plans)

House Type Masterton (A) drawing pack (including elevations and floor plans)

House Type Pennington (A) drawing pack (including elevations and floor plans)

House Type Robinson (A) drawing pack (including elevations and floor plans)

House Type Sanderson (A) drawing pack (including elevations and floor plans)

House Type Spencer (A) drawing pack (including elevations and floor plans)

House Type Wilson (A) drawing pack (including elevations and floor plans)

House Type Garage Booklet drawing pack (including elevations and floor plans)

ARB/AE/1231 (Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan)

Reserved Matters Statement (dated January 2020)
received 3rd February 2020 by the Local Planning Authority;

SH.30012.SS (Substation - Plans and Elevations)
received 13th March 2020 by the Local Planning Authority;

SH.30012.SLP (Site Location Plan)
SH.30012.STS (Street Sections)
received 27th March 2020 by the Local Planning Authority;

Energy Report (dated September 2020)
received 1st September 2020 by the Local Planning Authority;

PNN-ETR1/21 Revision B (Pennington (A) Elevation Treatment 1/31 Additional Gable Window)
 HRN-ETR1/32 Revision B (Harrison (A) Elevation Treatment 1/32 Additional Gable Window)
 30012.PLN.GA Revision A (General Arrangement)
 30012.PLN.BT Revision A (Boundary Treatment Plan)
 30012.PLN.ST Revision A (Surface Treatment Plan)
 30012.PLN.ET Revision A (Elevation Treatment Plan)
 30012.PLN.SEP Revision A (Site Execution Plan)
 30012.PLN.NOI Revision A (Noise Attenuation Plan)
 30012.PLN.ECO Revision A (Ecology Plan)
 30012.PLN.GEL Revision A (Easements and Buffers Layout)
 30012.PLN.SPP Revision A (SANGS Phasing Plan)
 30012.PLN.HRP Revision A (Hedge Retention Plan)
 30012.SH.EFBT Revision G (External Finishes and Boundary Treatments)
 received 8th September 2020 by the Local Planning Authority;

1504 11 P12 (Drainage Layout - Sheet 1 of 4)
 1504 12 P12 (Drainage Layout - Sheet 2 of 4)
 1504 13 P12 (Drainage Layout - Sheet 3 of 4)
 1504 14 P13 (Drainage Layout - Sheet 4 of 4)
 1504 05 P9 (Proposed Levels - Sheet 1 of 3)
 1504 06 P9 (Proposed Levels - Sheet 2 of 3)
 1504 07 P12 (Proposed Levels - Sheet 3 of 3)
 1504 61 P4 (Section 104 - Sheet 1 of 2)
 1504 62 P4 (Proposed Section 104 Sheet 2 of 2)
 1504 51 P4 (Proposed Section 38 and S278 Sheet 1 of 2)
 1504 52 P4 (Proposed Section 38 Sheet 2 of 2)
 1504 31 P5 (Proposed Surface Finishes and Kerb Layout Sheet 1 of 2)
 1504 32 P6 (Proposed Surface Finishes and Kerb Layout Sheet 2 of 2)
 received 18th September 2020 by the Local Planning Authority;

SD-10.03 Revision E (Masterplan as Proposed Colour Layout)
 received 23rd September 2020 by the Local Planning Authority;

c-1507-10 Revision C (Detailed landscape proposals Sheet 1 of 4)
 c-1507-11 Revision C (Detailed landscape proposals Sheet 2 of 4)
 c-1507-12 Revision C (Detailed landscape proposals Sheet 3 of 4)
 c-1507-13 Revision C (Detailed landscape proposals Sheet 4 of 4)
 received 6th October 2020 by the Local Planning Authority.
 For the avoidance of doubt.

The Committee considered representations in relation to this matter.

Number: H/2020/0308

Applicant: MR P CHARLTON FULLER CRESCENT
NORTON STOCKTON ON TEES

Agent: PYRAMID ARCHITECTURAL DESIGNS MR B
WEARS UNIT 8 LEXINGTON BUILDINGS
MARSKE BY THE SEA

Date received: 28/08/2020

Development: Change of use of land to form enclosed beer
garden

Location: 2 THE FRONT HARTLEPOOL

Ward Councillor Leisa Smith spoke on behalf of herself and her fellow Ward Councillor Sue Little. She highlighted public concerns around previous on-premises activities which were against the licensing agreement and would not be alleviated by the granting of this change of use. These activities included music being played outside, patrons smoking outside private houses. Concerns were raised that people frequenting the beer garden would be encouraged to allow their children to play unsupervised in the nearby park – something which could lead to accident or injury for which the Local Authority could be held responsible. Ward Councillors had been trying to get a Public Space Protection Order for this area and granting permission for this change of use would only cause problems.

The Environmental Health Manager (Environmental Protection) indicated that he was unaware of any allegations relating to the playing of music outdoors or other activities by patrons outside the premises.

Members raised queries as to whether any proposed Protection Order would be affected and queried the allegation that the Local Authority would be responsible for play park accidents if children were not being supervised. Councillor Smith advised that her comments were based around a ‘blame’ culture rather than insurance concerns. The Legal Representative advised members to disregard these comments as being irrelevant. Public Order Matters were covered by the Licensing Committee and therefore should not form part of member considerations.

Members felt that businesses should be supported at the current time and questioned the fairness of allowing patrons to drink outside in one area but not in another. They felt any impacts could be addressed through existing enforcement powers. However it was noted that the land in question was owned by the Local Authority and not for sale. The Legal Representative advised that this was immaterial and it was up to the applicant to resolve this should permission be granted.

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings a recorded vote was taken on the recommendations set out in this report that the application be refused:

Those for:

Councillors James Brewer, Bob Buchan, Brenda Loynes, Cameron Stokell and Mike Young

Those against:

Councillors Stephen Aker-Belcher, Paddy Brown, Tim Fleming, Marjorie James and Jim Lindridge

Those abstaining

None

The Chair used his casting vote to refuse the application.

Decision: Planning Permission Refused

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, the proposed development by virtue of its siting and scale, would result in an unacceptable loss of amenity for surrounding neighbouring properties in terms of an increase in noise and disturbance, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 127 and 180a of the National Planning Policy Framework (2019).
2. In the opinion of the Local Planning Authority, the proposed development by virtue of its design, scale and siting, would result in a detrimental visual impact on the character and appearance of the area, in particular by reducing the visibility of the connection it has with The Front and Seaton Park, contrary to Policies LT3, QP3 and QP4 of the Hartlepool Local Plan (2018) and paragraph 130 of the NPPF (2019) which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The Committee considered representations in relation to this matter.

79. Planning Committee Site Visits *(Assistant Director (Place Management))*

At the Planning Committee on September 2nd 2020 members had voted to defer consideration of 2 planning application pending physical site visits. A number of options had been considered as a viable way forward however the recent announcement of a second national lockdown meant that a return to physical site visits seemed increasingly unlikely. Given that there was

currently a 3 month backlog in terms of site visit the Chair therefore proposed that instead the Committee use technological means at its disposal to conduct a digital (virtual) site visit.. He proposed that this be the case for at least 6 months in order to adapt to any future changes to national guidance caused by the pandemic.

Members were happy with this proposal with the proviso that these virtual site visits should take place immediately before the Committee meeting when the applications would be considered. Members were also urged to contact planning officers upon receipt of agenda and other papers if they felt there was any additional information they needed which could be provided by a virtual site visit.

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings a recorded vote was taken on the recommendation that future site visits take place virtually on a live stream:

Those for:

Councillors Stephen Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge, Brenda Loynes, Cameron Stokell and Mike Young

Those against:

None

Those abstaining:

None

Decision

- a. That future site visits take place virtually.
- b. That they take place immediately before the meeting when the applications are due for consideration
- c. That this arrangement be in place for a minimum of 6 months.
- d. That the above recommendations be referred to Constitution Committee and thereafter Council as a change to the Planning Code of Practice.

80. Update on Current Complaints (*Assistant Director (Place Management)*)

Members were advised of 12 complaints currently under investigation and 16 which had been completed.

Decision

That the report be noted

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

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

Minute 82 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Minute 83 – (Any other confidential items which the Chair considers are urgent) - This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 2) information which is likely to reveal the identity of an individual.

- 82. Enforcement Action** (*Assistant Director (Place Management)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment. Members were asked to consider whether it was expedient to take enforcement action. Further details are provided in the closed minutes.

Decision

Detailed in the closed minutes.

83. Any other exempt items which the Chair considers are urgent

This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 2) information which is likely to reveal the identity of an individual.

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

A member updated the Committee on a matter arising from a previous meeting. Details are provided in the exempt minutes

Decision

Detailed in the exempt minutes

The meeting concluded at 10:55am.

CHAIR

No: 1.
Number: H/2019/0457
Applicant: MR MRS S COCKRILL MEADOWCROFT ELWICK ROAD HARTLEPOOL TS26 0BQ
Agent: GAP DESIGN MR GRAEME PEARSON EDENSOR COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK ROAD HARTLEPOOL TS26 0QE
Date valid: 05/11/2019
Development: Section 73A application for the variation of conditions no. 15 and no. 17 of planning approval H/2014/0163 (for the erection of fourteen unit retirement village, access road, entrance and enclosure details) to allow for the provision of sheds within each plot and privacy screen/fencing between plots, provision of 1.8m high and 1.05m high brick walls to side boundaries of plots 1 & 14, omission of landscaping 'Pod A' and replacement with 2no. additional car parking bays adjacent to plot 1, and provision of footpath to rear of plots 5 - 9 (part-retrospective application)
Location: 1-14 MEADOWCROFT MEWS ELWICK ROAD HARTLEPOOL

PURPOSE OF REPORT

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

1.2 The application was deferred at the previous meeting of 02/09/2020 to allow Members to undertake a site visit as part of the assessment of the application. Subsequently at the committee meeting of 04/11/2020 and in light of the Covid-19 situation, it was agreed that site visits would take place by digital (virtual) means (by utilising photographs, video and google earth or similar applications) for the next 6 months at least (with a view to reviewing the matter at that point).

BACKGROUND

1.3 The following planning history is considered to be relevant to the current application;

H/OUT/0283/96 – Outline planning permission was refused in November 1996 for 9 detached dwellings together with access improvements and landscaping, on the grounds of adverse impact upon the character and appearance of the listed buildings and conservation area and character of the woodland.

H/OUT/0553/97 - Outline planning permission was refused in February 1998 for the erection of 3 detached dwellings, associated access and related tree works in the

field area to the south of Meadowcroft, on the grounds of highway safety, impact upon the setting and character of the listed buildings, and conservation area. This refusal was upheld at appeal. The inspector noted in dismissing the appeal that *“the vista across the appeal site is, in my judgement, particularly important. The position and orientation of the original villa will have been established to take advantage of the open southfacing aspect towards open countryside and away from the urban development to the north. The woodland area curves around to the south and enhances this aspect which is directly across the appeal site”*.

H/2005/5697 - Outline permission was refused in December 2005, for the erection of four detached dwellings consisting of 3no. within the field area to the south of Meadowcroft and 1no. with a frontage on to Elwick Road, on the grounds of the adverse impact upon the character and appearance of the listed buildings, conservation area and relationship with the adjacent development. An appeal was submitted and later withdrawn.

H/2005/6033 – Planning permission was refused in September 2005 for the erection of a gatehouse, on the grounds that it would be unduly large and would be out of keeping with the character of the listed buildings at Meadowcroft and Meadowside and with the Park Conservation Area. This refusal was upheld at appeal.

H/2014/0163 – Planning permission was granted on 24th November 2015 by the Planning Committee, against officer recommendation, for the erection of a fourteen unit retirement village, access road, entrance and enclosure details.

H/2019/0048 – Planning permission was refused on 3rd October 2019 for the erection of a single storey extension at the rear of 12 Meadowcroft Mews, on the grounds of the harm to the Park Conservation Area, by virtue of the size and siting of the proposed development that would detract from the character and appearance of the identified heritage asset.

H/2019/0496 – Planning permission was refused on 13th March 2020 for the erection of a single storey extension at the rear of 12 Meadowcroft Mews, on the grounds of the harm to the Park Conservation Area, by virtue of the size and siting of the proposed development that would detract from the character and appearance of the identified heritage asset. An appeal (ref: APP/H0724/D/20/3252388) against the decision of the Local Planning Authority to refuse planning permission in respect of application H/2019/0496 was dismissed by the Planning Inspectorate on 22nd July 2020. In dismissing the appeal, the Inspectorate noted *“this disproportionate addition would compound the incremental loss of the parkland to development”*.

H/2020/0051- Demolition of existing stables, part-demolition of and amendments to existing garage block, creation of new access and erection of detached bungalow (including retention and incorporation of existing wall) with associated hard and soft landscaping and works to existing boundary treatments. This application is still under consideration, and is included in the agenda for this planning committee meeting (2nd December 2020).

H/2020/0052 – A valid Listed Building Consent (LBC) application was received on 12th June 2020 for the current proposal, as described above. This application is still

under consideration, and is included in the agenda for this planning committee meeting (2nd December 2020).

H/2020/0060 – A valid planning application was received on 4th June 2020 for the erection of 2 storey detached dwellinghouse with associated hard and soft landscaping and works to existing boundary treatments, on land to the west of the current application site, also within the grounds of Meadowcroft. This application is still under consideration, and is included in the agenda for this planning committee meeting (2nd December 2020).

H/2020/0061 – A valid Listed Building Consent (LBC) application was received on 4th June 2020 for the development described in application H/2020/0060 (above). This application is still under consideration, and is included in the agenda for this planning committee meeting (2nd December 2020).

PROPOSAL

1.4 Part-retrospective planning permission (Section 73A application) is sought for the variation of condition no's 15 (removal of permitted development rights for outbuildings) and no. 17 (removal of permitted development rights for means of enclosure) of planning approval H/2014/0163 (for the erection of fourteen unit retirement village, access road, entrance and enclosure details) to allow for the provision of sheds within each plot and privacy screen/fencing between plots, provision of 1.8m high and 1.05m high brick walls to the side boundaries of plots 1 & 14, omission of landscaping 'Pod A' and replacement with 2no. additional car parking bays adjacent to plot 1, and provision of a footpath to rear of plots 5 – 9.

1.5 In detail, the proposals comprise the following elements;

1.6 Provision of 14no. garden sheds in various locations within the rear garden area of each plot and of various footprints up to a maximum size of 2.4m x 1.8m. No details with respect to the height, design/appearance or finishing materials of the proposed sheds have been provided. Notwithstanding this, it was noted at the time of the case officer's site visit that a number of sheds have already been installed, including at plots 1, 4, 6, 11, 12 and 14, comprising a mix of designs and materials including timber, metal and plastic with dual-pitched roofs.

1.7 Provision of a 1.8 metre high privacy screen/fencing panel(s) between plots 1 & 2, 3 & 4, 4 & 5, 5 & 6, 7 & 8, 8 & 9, 9 & 10, 11 & 12, and 13 & 14. The proposed privacy screen/fencing projects up to 2 metres out from the rear wall of the dwellings and features a curved top design with a small trellis above. No details with respect to the stain/colour of the fences have been provided. At the time of the case officers site visit, it appeared the fence panels had not been erected. Notwithstanding this, additional unauthorised boundary enclosures including bamboo cane screens tied to a number of plot boundaries and more recently mesh fencing has been erected/installed however these do not form part of the consideration of this application.

1.8 Provision of a 1.8 metre high brick wall to the western side boundary of plot 1, and a 1.8 metre high brick wall to the northern side boundary of plot 14, stepping

down to 1.05m where it sits adjacent to the highway/parking bays. Both of these walls were erected at the time of the case officer site visit, following which it became apparent that they did not feature in the original planning permission for the estate (H/2014/0163) and therefore require consent and were subsequently added to this application.

1.9 Omission of landscaping 'Pod A' and replacement with 2no. additional car parking bays adjacent to plot 1. At the time of the case officers site visit, it was noted that two parking bays had been constructed to the (west) side of plot 1, and on further investigation it became apparent that these did not feature in the original planning permission for the estate (H/2014/0163), with the area shown as a landscaping 'pod' within the approved plans, and therefore these require permission and were subsequently added to this application.

1.10 Provision of footpath to rear of plots 5 – 9. At the time of the case officer's site visit, it was noted that a footpath had been provided to the rear of plots 5-9 and on further investigation it became apparent that these did not feature in the original planning permission for the estate (H/2014/0163) and therefore require consent and were subsequently added to this application.

1.11 The application has been referred to the planning committee in view of the officer recommendation and as the application is part-retrospective in line with the Council's scheme of delegation.

SITE CONTEXT

1.12 The application site relates to Meadowcroft Mews, a residential estate accessed via Elwick Road, Hartlepool. The site is located within the Park Conservation Area and the estate comprises a relatively recently completed development consisting of 14no. 'mews' style (1.5 storey) dwellings set out in a triangular layout made-up of semi-detached and terraced properties. Immediately to the north of the site is the grade II listed building at Meadowcroft/Meadowside (formerly a large villa, now two dwellings). To the east of the site are a number of existing large detached 'self-build' dwellings (known as '309 Elwick Road', 'Summerhill View', 'Fentons'). To the south of the site is agricultural/undeveloped land.

1.13 The site is bounded to the west by a shallow landscaped valley sloping down and away from the site and comprising a protected tree belt (TPO No. 100) and a stream at the bottom, with 3no. grade II listed buildings (Tunstall Hall, Low Tunstall Farmhouse and associated boundary wall) and a residential estate at West Park beyond.

PUBLICITY

1.14 The application has been advertised by way of neighbour letters (28), site notice and press advert. To date, there have been 4 letters of support with the following comments (summarised);

- Proposals are essential for security and welfare of occupants
- Proposed sheds needed for tools, gardening equipment, furniture and bikes

- Creating storage for tools/gardening equipment enables maintenance and upkeep of area
- Creating storage for bikes is good for the environment
- Privacy fencing will provide privacy between neighbours and makes occupants feel more comfortable
- Privacy fencing is commonplace in gardens
- Privacy fencing needs to be robust to withstand wind and rain
- Tools/gardening equipment would otherwise be left outside resulting in untidiness and encouraging crime
- Privacy fencing does not detract from appearance of development
- High brick boundary walls at Plots 1 & 14 add to character of development and provide extra security
- Omission of landscaping Pod A insignificant given amount of landscaping/greenery in development

1.15 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=134698>

1.16 The period for publicity has expired.

CONSULTATIONS

1.17 The following consultation replies have been received:

HBC Traffic & Transport – There are no highway or traffic concerns.

HBC Public Protection – Do not object.

HBC Heritage and Countryside Manager – The application site is within the setting of Meadowcroft/Meadowside a grade II listed building that is located in the Park Conservation Area, both of which are recognised as designated heritage assets. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193, NPPF). Further to this Policy HE4 of the local plan states, 'to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting'.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). It also looks for local planning

authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192).

At a local level, Local Plan Policy HE3 states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.'

The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings.

Meadowcroft/Meadowside is typical of the larger properties found in the conservation area. The listed building was constructed in 1895. It comprises the main house, a lodge house on Elwick Road and, a block of stables / out buildings also to the north of the site. The house was subdivided in the 1950s with land and associated buildings subsequently sold off. This began the gradual disposal of plots of land on this estate for the construction of housing.

A particular concern in this conservation area is the loss of gardens and open spaces as dwellings which once sat within generous grounds are being subsumed by development. The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of listed buildings. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

The proposal is the provision of sheds in each rear garden and fencing providing privacy panels.

The Park Conservation Area Appraisal describes this area stating, 'The Arcadian origins of the neighbourhood were grounded in a strong visual, landscape and 'wellbeing' link between the houses and the countryside they were built in, those with the capacity to do so escaping the dirt of the town to live a privileged life in their simulated country estates.' It notes that Meadowcroft, 'fed off the dene and Summerhill, firstly by being laid out with long, controlled views to 'borrow' the scene beyond by placing the house to the north of the plot, and secondly by landscaping with a country estate feel (large open fields with tree clumps and belts) to blur the boundary between estate and setting.'

The new development has interrupted those views to the countryside however efforts were made to minimise the impact of this when considering the finer details of the development. The subdivision of the land using estate fencing to demarcate plots provided a nod to the rural character and ensured an openness around with site, and in particular to the rear of the properties. The introduction of privacy panels would reduce that openness. Similarly introduction of further buildings in the form of sheds would provide further built development in this area, and contribute to the gradual erosion of open space within the conservation area. Such developments would bring

the feel of a suburban estate and be out of character with the rural edge of this conservation area.

It is considered that the proposals will cause less than substantial harm to the designated heritage asset, namely the Park Conservation Area. This is due to reduced openness around the site and the introduction of further buildings. Such works will also contribute to the wider difficulties experienced in this conservation area, namely the loss of open space in and around properties. No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

UPDATE 03/04/2020 (following receipt of amended plans/additions to application):

In relation to the amendments that have been made to this application, namely the retrospective works which comprise, provision of brick walls to side boundaries of plots 1 & 14, omission of landscaping 'pod a' and replacement with additional car parking bays adjacent to plot 1 and provision of footpath to rear of plots 5 - 9.

There would be no objection to these works as it is considered that they do not impact on the significance of the conservation area.

These comments do not supersede those made in relation to the proposals for the introduction of privacy screening walls between plots and sheds.

UPDATE 11/05/2020 (following further discussions with case officer):

Prior to the development within this area the site provided a green rural edge to the southern side of the conservation area which Meadowcroft/Meadowside was orientated towards. Although some aspects of this has been lost with the introduction of this development and that on the adjacent site as Shu-Lin the fringe of trees to the south and west of the site still provide a transitional area to the countryside. In addition the development was presented as a single intervention and therefore any further alterations which would continue to incrementally erode this part of the conservation area require careful consideration.

With regard to the introduction of sheds within the gardens of the properties, given the scale of each plot a very modest sized shed could potentially be accommodated, i.e. sentry style unit. Alternatively a small store for tools and pots may suffice in some cases, examples provided below. If such development could be located up against the rear or side of a building this would reduce the impact and retain the openness on the site.

With regard to the introduction of privacy panels it is difficult to see how these could be integrated into the current infrastructure and not impact on the wider site by blocking views across the site to the rear of the properties and therefore reducing views into the adjacent woodland thereby infringing further on the openness of this part of the conservation.

UPDATE 19/05/2020 (following response from applicant to proposed compromise):

It's disappointing to receive this reply, particularly as I felt that we have offered a suitable compromise in this instance.

It was my understanding that the original development was built as a set piece and would be maintained as such, I am sure this reassurance was provided by the applicant at the time in order to demonstrate that the proposal would not adversely impact on the setting of the listed building.

The continued erosion of the garden areas around this site suburbanises the development and appears to be somewhat contradictory to the original proposal of buildings which would complement Meadowcroft/Meadowside.

Historic England – On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Tees Archaeology - I have no objection to the proposed variation of conditions on this application.

HBC Countryside Access Officer – There is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site.

HBC Landscape Architect – There are no landscape and visual objections to the retrospective changes.

HBC Arboricultural Officer – There should be no or little impact on any trees covered by the TPO on this site with the current proposals. No objection.

HBC Ecology – No objections.

Cleveland Police – Police have no objections to the proposals.

Sheds though can be vulnerable to theft and would advise that any shed is robust and suitably secured with secure padlocks preferably certified to Sold Secure Silver or LPS Security Rating 1. The use of tower coach bolts or non-returning screws for all fittings would enhance security.

PLANNING POLICY

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

Local Policy

1.19 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

HE1: Heritage Assets
 HE3: Conservation Areas
 HE4: Listed Buildings and Structures
 HE7: Heritage at Risk
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 SUS1: The Presumption in Favour of Sustainable Development
 LS1: Locational Strategy

National Policy

1.20 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 001: Introduction
 PARA 002: Permission determined in accordance with development plan
 PARA003: Introduction
 PARA 007: Achieving sustainable development
 PARA 008: Achieving sustainable development
 PARA 010: Achieving sustainable development
 PARA 011: The presumption in favour of sustainable development
 PARA 012: The presumption in favour of sustainable development
 PARA038: Decision-Making
 PARA047: Determining Applications
 PARA058: Enforcement
 PARA124: Achieving well-designed places
 PARA127: Achieving well-designed places
 PARA 130: Achieving well-designed places

PARA 150: Planning for Climate Change
 PARA184: Conserving and enhancing the historic environment
 PARA189: Proposals affecting heritage assets
 PARA190: Proposals affecting heritage assets
 PARA192: Proposals affecting heritage assets
 PARA193: Considering potential impacts
 PARA194: Considering potential impacts
 PARA 196: Considering potential impacts
 PARA 200: Considering potential impacts
 PARA212: Implementation

1.21 HBC Planning Policy comments - With regards to the variation of conditions for Meadowcroft Mews, as the site is located within a conservation area, all development is expected to positively contribute to the character of the conservation area. Planning Policy have concerns regarding this application. It has been noted within the comments of the Heritage and Countryside Manager that the addition of extra buildings on the site would be detrimental and would cause less than substantial harm to the character of the conservation area. This therefore leads the proposal in its current form to be contrary to policies HE1 and HE3 of the Local Plan.

1.22 The Park Conservation Area (PCA) is traditionally characterised by large dwellings within large open gardens. It is noted that these 14 properties are within the former garden area of Meadowcroft, and that does detract from the original character of the PCA, however the 14 properties were designed to be as open as possible with estate fencing and no sheds permitted in the garden without planning consent. Planning Policy considers that the proposed sheds and fences would reduce the openness of the properties/area which in turn would cause harm to the conservation area.

PLANNING CONSIDERATIONS

1.23 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the visual amenity of the application site, character and appearance of the surrounding area and the impact on heritage assets (incl. the character of the conservation area and setting of the listed building), landscaping and landscape features, the amenity and privacy of neighbouring land users and highway and pedestrian safety. These and all other planning and residual matters are set out in detail below.

VISUAL AMENITY OF THE APPLICATION SITE, CHARACTER AND APPEARANCE OF THE SURROUNDING AREA AND IMPACT ON HERITAGE ASSETS (INCL. THE CHARACTER OF THE CONSERVATION AREA AND SETTING OF THE LISTED BUILDING)

1.24 The application site is within the setting of Meadowcroft/Meadowside, a grade II listed building that is located in the Park Conservation Area, both of which are recognised as designated heritage assets.

1.25 Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy HE1 (Heritage Assets) of the Hartlepool Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, *'great weight'* to the asset's conservation (para 193, NPPF). Further to this Policy HE4 (Listed Buildings and Structures) of the Local Plan states, *'to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting'*.

1.26 When considering any application for planning permission that affects a conservation area, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. At a local level, Local Plan policy HE3 (Conservation Areas) states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.' The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192).

1.27 The Hartlepool Local Plan 2018 advises that development should be designed to a high quality and positively enhance their location and setting, be of a scale and character which is in keeping with its surroundings, and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Policy QP4 states that development should take into account issues such as, the external appearance of the development, relationships with the surrounding area, visual intrusion and loss of privacy. All new development should be designed to take into account a density that is reflective of the surrounding area.

1.28 The National Planning Policy Framework 2019 (NPPF) sets out the Government's commitment to good design. Paragraph 124 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF stipulates that planning decision should ensure development will function well and add to the overall quality of the area and be sympathetic to local character and history. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

1.29 The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings. Meadowcroft/Meadowside is typical of the larger properties found in the conservation area. The listed building was constructed in 1895. It comprises the main house, a lodge house on Elwick Road and, a block of

stables / out buildings also to the north of the site. The house was subdivided in the 1950s with land and associated buildings subsequently sold off. This began the gradual disposal of plots of land on this estate for the construction of housing.

1.30 A particular concern in this conservation area is the loss of gardens and open spaces, as dwellings which once sat within generous grounds are being subsumed by development. The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of listed buildings. Policy HE7 (Heritage at Risk) of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as ‘at risk’ is a priority for the Borough Council.

1.31 The Park Conservation Area Appraisal describes this area stating, *‘The Arcadian origins of the neighbourhood were grounded in a strong visual, landscape and ‘wellbeing’ link between the houses and the countryside they were built in, those with the capacity to do so escaping the dirt of the town to live a privileged life in their simulated country estates.’* It notes that Meadowcroft, *‘fed off the dene and Summerhill, firstly by being laid out with long, controlled views to ‘borrow’ the scene beyond by placing the house to the north of the plot, and secondly by landscaping with a country estate feel (large open fields with tree clumps and belts) to blur the boundary between estate and setting.’*

1.32 The Council’s Heritage and Countryside Manager has commented that the new development at Meadowcroft Mews has interrupted those views to the countryside, however efforts were made to minimise the impact of this when considering the finer details of the development at the time. The subdivision of the land using estate fencing to demarcate plots provided a nod to the rural character and ensured an openness around with site, and in particular to the rear of the properties. It is also noted that the development was presented as a single intervention and therefore any further alterations which would continue to incrementally erode this part of the conservation area require careful consideration.

1.33 The Council’s Heritage and Countryside Manager has advised that the introduction of privacy panels would reduce the openness of this part of the conservation area, commenting that it is difficult to see how these could be integrated into the current infrastructure and not impact on the wider site by blocking views across the site to the rear of the properties and therefore reducing views into the adjacent woodland.

1.34 Similarly, the introduction of further buildings in the form of sheds would provide further built development in this area, and contribute to the gradual erosion of open space within the conservation area. Prior to the development within this area the site provided a green rural edge to the southern side of the conservation area which Meadowcroft/Meadowside was orientated towards. Although some aspects of this has been lost with the introduction of this development, and that on the adjacent site at Shu-Lin, the fringe of trees to the south and west of the site still provide a transitional area to the countryside. It is considered that the proposals would bring the feel of a suburban estate and be out of character with the rural edge of this conservation area, with the continued suburbanisation of this area somewhat

contradictory to the original proposal of buildings which were touted to complement Meadowcroft/Meadowside.

1.35 Notwithstanding this, it is acknowledged that some degree of external storage space may be required and could reasonably be expected in a residential development of this nature. In view of this and taking into account the above concerns, the case officer discussed the matter further with the Council's Heritage and Countryside Manager, and it was considered that the introduction of very modest sized sheds (i.e. sentry style units) within the gardens of the properties (given the modest size of each plot) could potentially be accommodated. Alternatively a small store for tools and pots may have sufficed in some cases. It was ultimately considered that if such development could be located up against the rear or side of the dwellings, rather than significantly detached/isolated structures, this would reduce the impact and retain the openness on the site.

1.36 The case officer approached the applicant to suggest amendments to the application to reduce the impact of the proposed sheds across the site through their repositioning/reduction in size and request the omission of the proposed privacy panels, which may have allowed the application to be supported by Officers. The applicant has refused to amend the application however, maintaining that the proposed sheds are required for the storage of gardening equipment, tools, furniture and bikes, and smaller sheds would be inadequate for this purpose, and that the proposed fencing is required for privacy.

1.37 It is disappointing that the applicant has chosen not to engage with Officers in seeking to mitigate the harm to the designated heritage assets, and the Council's Heritage and Countryside Manager has therefore ultimately concluded that the provision of sheds and privacy panels, as proposed, will cause (less than substantial) harm to the designated heritage asset, namely the Park Conservation Area. This is due to reduced openness around the site and the introduction of further buildings. Such works will also contribute to the wider difficulties experienced in this conservation area, namely the loss of open space in and around properties. No information has been provided to demonstrate that this harm will be outweighed by any public benefits of the proposal.

1.38 This position is reflective of a similar decision by the Planning Inspectorate in their dismissal of an appeal against the refusal by the Council of application H/2019/0496 for a rear extension to 12 Meadowcroft Mews (which falls within the current application site) on the grounds of the impact on the conservation area, in which the appointed Inspector noted; *"Whilst the projection of the proposed extension would be modest at around 2.8 metres I saw during my site visit that the rear garden is relatively shallow and consequently the proposed extension would occupy a relatively large proportion of it. Consequently, I consider that by virtue of its scale and bulk it would dominate the open area to the rear of the appeal property and the neighbouring properties by infilling part of the open space that exists between the existing development and the woodland beyond. In the context of the character of the CA this disproportionate addition would compound the incremental loss of the parkland to development thus resulting in less than substantial harm to the character and appearance of the CA."*

1.39 In relation to the other elements of the proposal, namely the provision of 1.8m high and 1.05m high brick walls to side boundaries of plots 1 & 14, omission of landscaping 'Pod A' and replacement with 2no. additional car parking bays adjacent to plot 1, and provision of footpath to rear of plots 5 – 9, the Council's Heritage and Countryside Manager has advised that they would have no objection to these works as it is considered that they do not impact on the significance of the conservation area.

1.40 The Council's Heritage and Countryside Manager has advised the proposals would not cause harm to the setting of the listed building.

1.41 In view of the above, it is considered that the proposals would have an unacceptable impact on the identified heritage assets, and in particular would cause (less than substantial) harm to the significance of the Park Conservation Area. The application is therefore considered to be contrary to policies QP4, HE1, HE3 and HE7 of the Local Plan and paragraphs 124, 127, 130, 184, 189, 192, 193, 194, 196 and 200 of the NPPF.

LANDSCAPING AND LANDSCAPE FEATURES

1.42 The application proposes amendments to the previously approved hard and soft landscaping across the site, including omission of landscaping 'Pod A' and replacement with 2no. additional car parking bays adjacent to plot 1, and provision of a footpath to rear of plots 5 – 9. Both the Council's Arboricultural Officer and Landscape Architect have been consulted and have confirmed that they have no objections to the application. The Arboricultural Officer has advised that there should be no or little impact on any trees covered by the TPO on this site.

1.43 In view of the above, and notwithstanding the unacceptable impacts of the proposal on the identified heritage assets, the application is considered to be acceptable in respect of the impact on landscaping and landscape features, and in accordance with the relevant policies of the Local Plan and relevant paragraphs of the NPPF.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

1.44 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) stipulates that the Borough Council will seek to ensure all developments are designed to a high quality and that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook. Proposals should also ensure that the provision of private amenity space is commensurate to the size of the development.

1.45 Paragraph 127 of the NPPF stipulates that planning decisions should ensure developments create places that have a high standard of amenity for existing and future users.

1.46 It is considered that the location, scale and nature of the proposals in this instance are such that they would not have any significant detrimental impact on the amenity or privacy of neighbouring land users / occupiers of the existing dwellings, subject to a planning condition to secure final details of the proposed sheds, which would have been recommended accordingly had the application been considered to be acceptable in all other respects.

1.47 It is noted that the Council's Public Protection has confirmed that they would have no objections to the proposal.

1.48 In view of the above, and notwithstanding the unacceptable impacts of the proposal on the identified heritage assets, the application is considered to be acceptable in respect of the impact on the amenity and privacy of neighbouring land users (subject to conditions), and in accordance with the relevant policies of the Local Plan and relevant paragraphs of the NPPF.

HIGHWAY AND PEDESTRIAN SAFETY

1.49 The application includes the provision of additional parking spaces, as well as the provision of boundary walls adjacent to the existing parking spaces at plot 14. The Council's Highways, Traffic & Transport section has been consulted and has advised that there are no highway or traffic concerns.

1.50 In view of the above, and notwithstanding the unacceptable impacts of the proposal on the identified heritage assets, the application is considered to be acceptable in respect of the impact on highway and pedestrian safety, and in accordance with the relevant policies of the Local Plan and relevant paragraphs of the NPPF.

OTHER PLANNING MATTERS

Archaeology

1.51 Tees Archaeology has confirmed that they have no objection to the application. Notwithstanding the unacceptable impacts of the proposal on the identified heritage assets, the application is considered to be acceptable in respect of the impact on archaeology, and in accordance with the relevant policies of the Local Plan and relevant paragraphs of the NPPF.

Public Rights of Way

1.52 The Council's Countryside Access Officer has advised that there is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site. Notwithstanding the unacceptable impacts of the proposal on the identified heritage assets, the application is considered to be acceptable in respect of the impact on public rights of way, and in accordance with the relevant policies of the Local Plan and relevant paragraphs of the NPPF.

Ecology and Nature Conservation

1.53 The Council's Ecologist has confirmed that they have no objections to the application. Notwithstanding the unacceptable impacts of the proposal on the identified heritage assets, the application is considered to be acceptable in respect of the impact on ecology and nature conservation, and in accordance with the relevant policies of the Local Plan and relevant paragraphs of the NPPF.

Safety and Security

1.54 Cleveland Police has confirmed that they have no objections to the proposals, however have offered advice with respect to physical security measures for sheds, and this would have been passed on to the applicant as an informative note in the decision notice, had the application been considered acceptable in all other respects. Notwithstanding the unacceptable impacts of the proposal on the identified heritage assets, the application is considered to be acceptable in respect of the impact on safety and security (subject to the identified informative), and in accordance with the relevant policies of the Local Plan and relevant paragraphs of the NPPF.

CONCLUSION

1.55 In view of the above, it is considered on balance that the proposals are unacceptable due to the adverse impact on the identified heritage assets, and in particular would cause (less than substantial) harm to the significance of the Park Conservation Area. The applicant has provided no evidence to demonstrate public benefit that would outweigh this harm. The application is therefore considered to be contrary to policies HE1, HE3 and HE7 of the Local Plan and paragraphs 124, 127, 130, 184, 189, 192, 193, 194, 196 and 200 of the NPPF.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.56 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

1.58 There are no Section 17 implications.

REASON FOR DECISION

1.59 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION – REFUSE for the following reason(s);

1. In the opinion of the Local Planning Authority, the proposed sheds and privacy screen/fencing would cause less than substantial harm to the designated heritage asset of Park Conservation Area by virtue of the siting, size and design of the proposed development that would detract from the character and appearance of the identified heritage asset. It is further considered that the applicant has failed to demonstrate that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to policies HE1, HE3 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 130, 184, 189, 192, 193, 194, 196 and 200 of the NPPF (2019).

BACKGROUND PAPERS

1.60 Background papers can be viewed by the ‘attachments’ on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=134698>

1.61 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet>
except for such documents that contain exempt or confidential information.

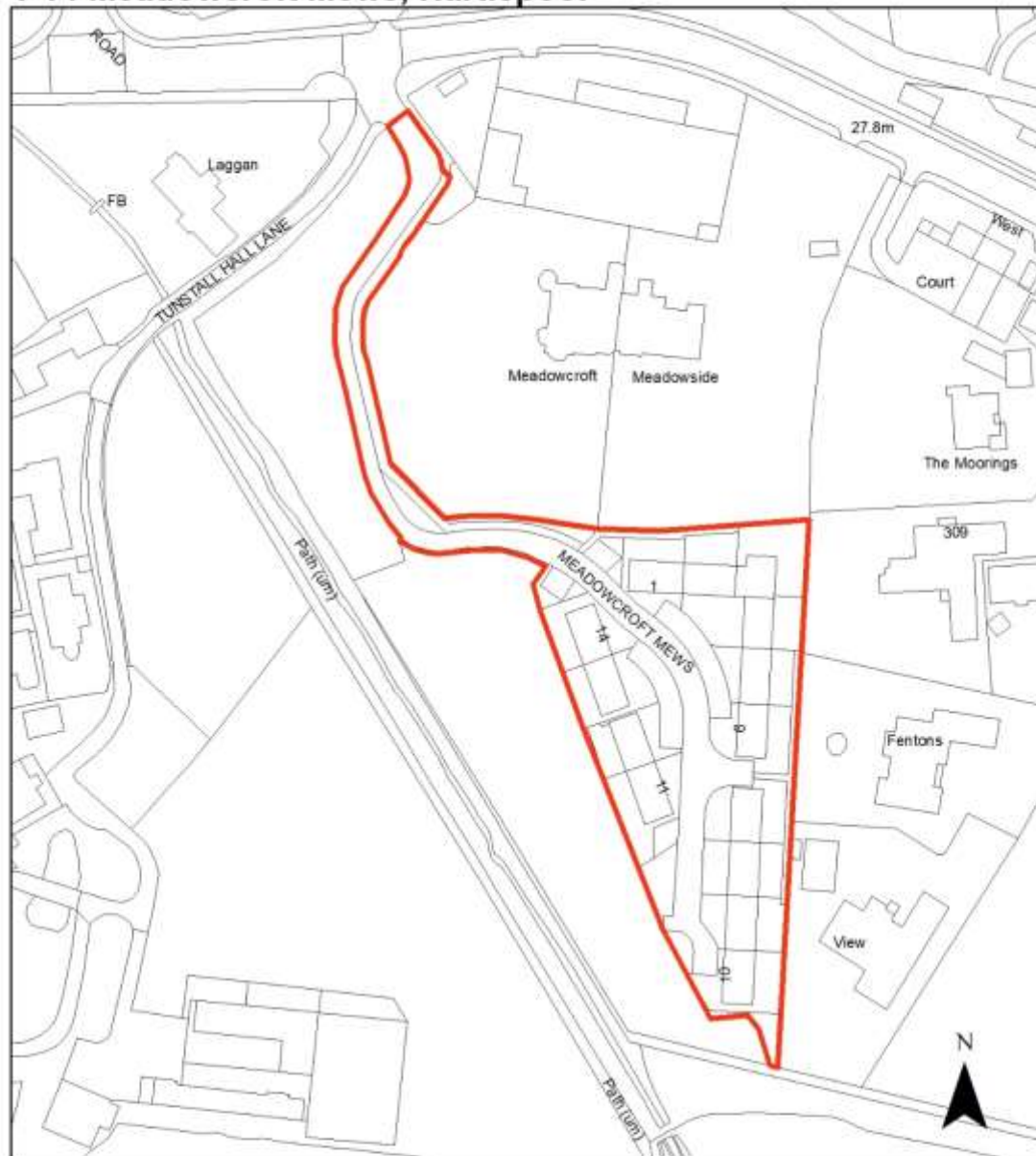
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HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 14.8.2020
	SCALE 1:1250	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0457	REV

No: 2.
Number: H/2020/0096
Applicant: MR T SANGER CROPSTON CLOSE HARTLEPOOL
TS26 0ZS
Agent: MR T SANGER 19 CROPSTON CLOSE HARTLEPOOL
TS26 0ZS
Date valid: 19/03/2020
Development: Provision of hardstanding to front of property
Location: 19 CROPSTON CLOSE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 The following planning history is considered relevant to the application site:

H/2015/0351 - Reserved matters application in relation to planning permission H/2014/0215 for means of pedestrian access and internal highway layout, appearance, landscaping, layout and scale of residential development. Approved 3rd November 2015.

2.3 The application was deferred at the previous meeting of 02/09/2020 to allow Members to undertake a site visit as part of the assessment of the application. Subsequently at the committee meeting of 04/11/2020 and in light of the Covid-19 situation, it was agreed that site visits would take place by digital (virtual) means (by utilising photographs, video and google earth or similar applications) for the next 6 months at least (with a view to reviewing the matter at that point). The main body of the report remains unaltered since its previous circulation to Members prior to the deferred committee meeting of 02/09/20.

PROPOSAL

2.4 Retrospective planning permission is sought through this application for the retrospective installation of a block paved hardstanding to the front garden of 19 Cropston Close.

2.5 The installation of hardstanding on the former front garden on the western side of the site, to the front of the projecting element of the property and measures approximately 4.9 metres in length x approximately 5.9 metres in width at its widest point, although it is noted that the area has a chamfered corner on the north western

section. The installed hardstanding includes 3no. drains that were in situ when the paved area was a front garden. The purpose of the installation is understood to provide an additional driveway for the occupiers of the property (the property is already served by a driveway on the eastern side of the property along with a detached garage). The area of hardstanding adjoins the area of hardstanding that serves an adjacent property of No 20 (west).

2.6 The applicant has provided information regarding the type of materials (Marshalls block paving) and were of the understanding this this would amount to permeable/porous materials. Notwithstanding this, no details of the actual construction have been provided or to address comments from the Council's Flood Risk Officer, as considered further below.

2.7 The application has been referred to the planning committee due to the retrospective nature of the works, in line with the Council's Scheme of Delegation.

SITE CONTEXT

2.8 The application site relates to a north facing detached bungalow with detached garage on a cul-de-sac within Cropston Close, off Elwick Grove in Hartlepool. The host bungalow is bounded by No. 18 to the east, whilst the garage and driveway of No. 20 adjoins the installed driveway at the host property to the east with the main dwelling of this neighbour further to the west. Beyond the main highway of Cropston Close to the north lies No. 16, with No. 17 to the north east. To the rear, the application site is bounded by Nos. 12 and 14 Woodhouse Lane, whilst No. 18 Woodhouse Lane is sited to the south west.

2.9 The nature of the street scene is such that properties are open plan at the front, with small gardens, driveways and garages. A further driveway and garage are present on the other side (eastern) of the host bungalow. The site levels are such that the road slopes down from the west (where the main road of Cropston Close abuts this cul-de-sac section) with a swale/grassland bund abounding the cul-de-sac at the bottom (eastern side).

PUBLICITY

2.10 The application has been advertised by way of neighbour letters (8). To date, there have been 2 objections to the application.

2.11 The concerns raised can be summarised as:

- The flow route is not as described in the Planning Statement submitted by the applicant;
- The paving materials are different to those stated;
- The proposal is in breach of Policy CC1 of the Hartlepool Local Plan (2018);
- A large area of natural soakaway has been removed through the works;
- The surface is not porous and is constructed from Type 1 substrate;
- There is "visible ponding" of surface run off water and excess water runs into gardens of neighbouring land users;
- The applicant uses private land for access/egress and parking;

- Impact on amenity through nuisance as the applicant uses the driveway which is directly across the road from the neighbour;
- Parking issues

2.12 There has also been an additional response offering no objections to the proposal and a further letter of support received.

2.13 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=137099>

2.14 The period for publicity has expired.

CONSULTATIONS

2.15 The following consultation replies have been received:

HBC Flood Risk Officer: In response to your consultation on the above application;

Contaminated land

I have no objection to proposals in this respect.

Surface water management

Your attention is drawn to Local Plan policy CC1 that requires the use of porous materials (permeable paving) in development. The current driveway for which approval is sought has not been demonstrated to be permeable. By way of background, the Floods Review by Sir Michael Pitt after the summer floods of 2007 recommended inter alia that householders should no longer be able to lay impermeable surfaces as of right on front gardens in order that water that had previously soaked into the ground would not increase flood risk by overloading sewers. This recommendation was implemented by government in the Town and Country (General Permitted Development) (England) Order 2015 by means of permitted development rights being removed for impermeable surfacing of area greater than 5 square metres in the front gardens of dwellings.

Whilst one garden being paved over with impermeable paving in one housing estate does not have a significant effect, if this type of development is carried out by a number of residents there can be a cumulative and significant flood risk impact. As such it is important that precedent is not set that this form of development is acceptable and I recommend that the application is refused. As previously identified to the planning authority development will be appropriate if:

1. The hard surface is made of porous materials (with provision for exceedence flow to conventional drainage). Or
2. Provision is made to direct runoff to a permeable or porous area (with provision for exceedence flow to conventional drainage).

HBC Traffic and Transport: There are no highway or traffic concerns.

PLANNING POLICY

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

Local Policy

2.17 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

CC1: Minimising and Adapting to Climate Change;
CC2: Reducing and Mitigating Flood Risk;
SUS1: The Presumption in Favour of Sustainable Development;
LS1: Locational Strategy;
QP4: Layout and Design of Development; and
HSG11: Extensions and Alterations to Existing Dwellings.

National Policy

2.18 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 007: Purpose of the planning system;
PARA 011: Presumption in favour of sustainable development;
PARA 038: Decision-making;
PARA 047: Determining applications in accordance with the development plan;
PARA 80a: Impacts from noise;
PARA 092: Promoting healthy and safe communities;
PARA 124: High quality buildings and places;
PARA 127: Design principles;
PARA 150: Planning for climate change;
PARA 153: Planning for climate change; and
PARA 182: Ground conditions and pollution.

PLANNING CONSIDERATIONS

2.19 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular flood risk and surface water drainage, the impact on the character and appearance of the existing dwelling and street scene, the impact on the amenity and privacy of neighbouring land users, and highway safety and parking. These and any other planning and non-planning matters are detailed in full below.

IMPACT ON FLOOD RISK + SURFACE WATER DRAINAGE

2.20 Policy CC1 of the Hartlepool Local Plan requires the use of porous materials (permeable paving) in development. Policy CC2 states that all new development proposals will be required to demonstrate how they will minimise flood risk to people, property and infrastructure.

2.21 The Council's Flood Risk Officer has been consulted in respect of the application, including the information submitted by the applicant and has undertaken a site visit himself to assess the impacts of the installed hard standing.

2.22 The Flood Risk Officer considers that whilst one garden being paved over with impermeable paving in one housing estate would not necessarily result in a significant adverse impact, if this type of development were to be undertaken by a number of occupiers of neighbouring properties, it could have the potential to result in a cumulative and significant flood risk impact. It is considered by the Council's Flood Risk Officer that the installation of hard standing would be acceptable if: a.) the hard surface is made of porous materials (with provision for exceedence flow to conventional drainage); or b.) provision is made to direct runoff to a permeable or porous area (with provision for exceedence flow to conventional drainage).

2.23 This advice has been relayed to the applicant, however they have confirmed their intention to proceed with the planning application without any changes or additional supporting evidence to overcome these concerns or requirements.

2.24 The Council's Flood Risk Officer considers that without this information or evidence has been provided to demonstrate that the installed block paving/hard standing is truly porous or that there is a satisfactory run off from the installed hard standing to a permeable or porous area. In light of this, the Council's Flood Risk Officer objects to the application due to the increased risk of surface water flooding that may result from the development.

2.25 It is considered that the installed hardstanding on the front garden of the host bungalow has not been sufficiently demonstrated to be of a satisfactory design or use of material to prevent an increase in surface water flooding. The development is therefore contrary to the provisions of the NPPF and Policies CC1 and CC2 of the Local Plan and would warrant a refusal of the application in this instance.

IMPACT ON CHARACTER AND APPEARANCE OF THE EXISTING DWELLING + SURROUNDING AREA

2.26 Whilst it is acknowledged that the retrospective installation of hard standing is at the front of the host bungalow (being on its western side), and is visible from this section of the cul-de-sac of Cropston Close, it is considered that the design and scale of the development is generally in keeping with the existing, adjacent hard standing on the estate (in visual terms) and as such that it does not adversely affect the character and appearance of the host plot or the visual amenity of the wider area as to warrant a further reason for refusal of the application.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

Impact on 20 Cropston Close, to the west

2.27 The relationship between the host property and the neighbour abounding to the west is such that the garage and driveway of No. 20 is adjacent to the installed hard standing at the host property, with the main dwelling of No. 20 approximately 21m to the west (with the provision of a close boarded boundary fence between). It was noted by the case officer that the rear garden of this neighbour (No. 20) slopes downward in a similar vein to that of the host property.

2.28 As stated above, it is noted that the installed hardstanding on the front garden projects along the boundary with the driveway of the neighbour to the west at No. 20, and therefore extends up to the garage of No. 20. By virtue of the above described relationship and separation distance, along with the provision of the boundary fence, it is considered that the installed hardstanding does not result in any significant adverse impacts on the amenity and privacy for occupiers of No. 20 in terms of loss of outlook, overbearing impression, overbearing or overlooking or significant increase in noise disturbance.

Impact on 18 Cropston Close, to the east

2.29 As noted above, the adjacent neighbour at 18 Cropston Close is situated to the east, with the installed hardstanding being sited approximately 12m from the boundary with this neighbour. The relationship between these two neighbouring bungalows is such that the installed hardstanding is on the opposite side in relation to this neighbour, whilst the existing driveway serving the host bungalow shares a boundary with the driveway serving No. 18. It is considered that the above separation distances and relationship between the two neighbouring bungalows, along with the modest scale and design of the hardstanding are such that it does not result in any significant adverse impact in terms of amenity in terms of overshadowing, overbearing and loss of outlook, or privacy in terms of overlooking, or significant increase in noise disturbance for occupiers of No. 18.

Impact on 16 and 17 Cropston Close, to the north (front)

2.30 No's 16 and 17 Cropston Close are situated to the front of the application site, with a distance of approximately 6.5 metres to the boundary with these properties (with the main public highway in between), and a distance of approximately 12

metres to the front elevation of No. 16. It is acknowledged that a neighbour objection has been received that raises concerns regarding the increased comings and goings of the occupiers of the host bungalow causing a nuisance. Given that the dwelling is in established normal residential use, it is not considered that the installation of hardstanding results in an adverse impact to neighbouring occupiers (including No. 16) in terms of increased noise or disturbance. Furthermore, it is considered to be a characteristic of the area that driveways are sited at the front of the property (albeit not the provision of a second driveway).

2.31 Given the modest scale and design of the installed hardstanding, (which does not extend further than the edge of the garden at the host bungalow) it is considered that it does not result in any adverse impacts on the amenity or privacy of these neighbours (at 16 and 17 Cropston Close) in terms of overshadowing, overbearing, loss of outlook or overlooking, or significant increase in noise disturbance.

Impact 12 and 14 Woodhouse Lane, to the south and 18 Woodhouse Lane to the south west (rear)

2.32 No's 12 and 14 Woodhouse Lane are situated to the rear of the application site, with a distance of approximately 35 metres remaining to the rear elevation of No. 14 (directly to the south) with the orientation of the host bungalow and boundary treatment comprising a fence with a height of approximately 1.8 metres in between. The neighbouring property at 18 Woodhouse Lane abounds the host bungalow to the south west (its rear boundary forming part of the side of the rear garden of the host bungalow). Given the modest scale and design of the installed hardstanding, (which does not extend further than the edge of the garden at the host bungalow) it is considered that it does not result in any adverse impacts on the amenity or privacy of these neighbours (12, 14 and 18 Woodhouse Lane) in terms of overshadowing, overbearing, loss of outlook or overlooking or increase in noise disturbance.

HIGHWAY + PEDESTRIAN SAFETY

2.33 The Council's Traffic and Transport section have been consulted in respect of the application and have advised that there are no issues with the application in terms of the provision of off-road parking and highway and pedestrian safety. The application is therefore considered acceptable in these regards.

NON PLANNING MATTERS

2.34 It is acknowledged that objections from neighbouring residents have been received raising concerns with regard to boundary disputes and the access and egress of parked vehicles on private land, which are not material planning considerations. As such no weight can be given in respect of these matters.

CONCLUSION

2.35 Whilst the installed hardstanding at the front is acceptable in terms of visual and neighbour amenity and highway safety, it has the potential to result in a significant adverse impact on the flood risk of the area, particularly when considering any potential cumulative impact that may result from similar developments in the future. It is therefore considered the installed hardstanding would not meet the requirements

of policies CC1 and CC2 of the Hartlepool Local Plan (2018) or paragraphs 150 and 153 of the NPPF (2019). It is therefore recommended that the application be refused.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.36 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.38 There are no Section 17 implications.

REASON FOR DECISION

2.39 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION – REFUSE for the following reason:

1. It is considered that the retrospectively installed hardstanding has the potential to result in a significant adverse impact on the flood risk of the area, particularly when considering any potential cumulative impact that may result from similar developments. It is therefore considered the installed hardstanding would not meet the requirements of policies CC1 and CC2 of the Hartlepool Local Plan (2018) or paragraphs 150 and 153 of the NPPF (2019).

BACKGROUND PAPERS

2.40 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=137099>

2.41 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet>
except for such documents that contain exempt or confidential information.

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19 Cropston Close, Hartlepool

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HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 14.8.2020
	SCALE 1:1000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0096	REV

No: 3.
Number: H/2020/0051
Applicant: Mr & Mrs S Cockrill
Agent: GAP DESIGN MR GRAEME PEARSON EDENSOR
COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK
ROAD HARTLEPOOL TS26 0QE
Date valid: 12/06/2020
Development: Demolition of existing stables, part-demolition of and
amendments to existing garage block, creation of new
access and erection of detached bungalow (including
retention and incorporation of existing wall) with
associated hard and soft landscaping and works to
existing boundary treatments.
Location: MEADOWCROFT ELWICK ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 The following planning history is considered to be relevant to the current application;

H/OUT/0283/96 – Outline planning permission was refused in November 1996 for 9 detached dwellings together with access improvements and landscaping, on the grounds of adverse impact upon the character and appearance of the listed buildings and conservation area and character of the woodland.

H/OUT/0553/97 - Outline planning permission was refused in February 1998 for the erection of 3 detached dwellings, associated access and related tree works in the field area to the south of Meadowcroft, on the grounds of highway safety, impact upon the setting and character of the listed buildings, and conservation area. This refusal was upheld at appeal.

H/2005/5697 - Outline planning permission was refused in December 2005, for the erection of four detached dwellings consisting of 3no. within the field area to the south of Meadowcroft and 1no. with a frontage on to Elwick Road, on the grounds of the adverse impact upon the character and appearance of the listed buildings, conservation area and relationship with the adjacent development. An appeal was submitted and later withdrawn.

H/2005/6033 – Planning permission was refused in September 2005 for the erection of a gatehouse, on the grounds that it would be unduly large and would be out of

keeping with the character of the listed buildings at Meadowcroft and Meadowside and with the Park Conservation Area. This refusal was upheld at appeal.

H/2014/0163 – Planning permission was granted on 24th November 2015 by the Planning Committee, against officer recommendation, for the erection of a fourteen unit retirement village, access road, entrance and enclosure details.

H/2019/0048 – Planning permission was refused on 3rd October 2019 for the erection of a single storey extension at the rear of 12 Meadowcroft Mews, on the grounds of the harm to the Park Conservation Area, by virtue of the size and siting of the proposed development that would detract from the character and appearance of the identified heritage asset.

H/2019/0496 – Planning permission was refused on 13th March 2020 for the erection of a single storey extension at the rear of 12 Meadowcroft Mews, on the grounds of the harm to the Park Conservation Area, by virtue of the size and siting of the proposed development that would detract from the character and appearance of the identified heritage asset. An appeal (ref: APP/H0724/D/20/3252388) against the decision of the Local Planning Authority to refuse planning permission in respect of application H/2019/0496 was dismissed by the Planning Inspectorate on 22nd July 2020. In dismissing the appeal, the Inspectorate noted *“this disproportionate addition would compound the incremental loss of the parkland to development”*.

H/2020/0052 – A valid Listed Building Consent (LBC) application was received on 12th June 2020 for the current proposal, as described above. This application is still under consideration, and is included in the agenda for this planning committee meeting (2nd December 2020).

H/2020/0060 – A valid planning application was received on 4th June 2020 for the erection of 2 storey detached dwellinghouse with associated hard and soft landscaping and works to existing boundary treatments, on land to the west of the current application site, also within the grounds of Meadowcroft. This application is still under consideration, and is included in the agenda for this planning committee meeting (2nd December 2020).

H/2020/0061 – A valid Listed Building Consent (LBC) application was received on 4th June 2020 for the development described in application H/2020/0060 (above). This application is still under consideration, and is included in the agenda for this planning committee meeting (2nd December 2020).

PROPOSAL

3.3 Planning permission is sought for the demolition of existing stables, part-demolition of and amendments to existing garage block, creation of new access and erection of detached bungalow (including retention and incorporation of existing wall) with associated hard and soft landscaping and works to existing boundary treatments.

3.4 In detail the proposal comprises the following elements;

- Demolition of existing stable building (measuring approximately 25.5m x 4.6m in area, with a floor area of approx. 117m²) located to the north of the host dwelling at Meadowcroft. The stables feature a shallow mono-pitch / lean-to roof, with an eaves height of approx. 2.6m and a ridge height of approx. 2.85m, and are adjoined to an existing 4.8m high wall to the south, which formerly formed part of a large glasshouse / conservatory (since demolished). The high wall is to be retained.
- Part-demolition of and amendments to the existing garage block located to the north west of the host dwelling at Meadowcroft. The existing garage can store up to 5 cars. The structure is primarily open sided (to front) albeit with one enclosed bay to the south (to be demolished). The existing garage is 'L' shaped, measuring approx. 9.2m x 14.8m at its greatest extent, with a floor area of approx. 104m², and features a hipped roof with an eaves height of approx. 2.5m and a max. ridge height of approx. 3.7m. The proposal comprises part-demolition of the southern portion of the garage, reducing the garage to a rectangular shape for storage of up to 4 cars measuring approx. 11.7m x 6.3m (floor area of approx. 73.7m²). The height of the garage is to remain unchanged. The building is finished in brick with timber support columns and a tiled roof.
- A new access to the west of the site to be formed across the area of the existing garage to be part-demolished. The access will be served from the existing adopted highway to the west, leading to Meadowcroft Mews to the south and Elwick Road to the north. The access will require the creation of a new opening in the existing (approx. 2m) high boundary wall, and the proposals include the provision of tall (approx. 1.8m high) driveway gates within this opening.
- Erection of a detached bungalow (part of which sits on site of demolished stables) to the north of the host dwelling. The proposed bungalow straddles the existing high wall (to be retained) and measures approx. 35m at its longest (northern side of wall) and 26m at its shortest (southern side of wall). The bungalow has a depth (from front to back) of approx. 13 metres and covers an area of approx. 400m². The bungalow features a dual pitched tiled roof with side (east-west) facing gables. The bungalow is proposed to be finished in white and grey smooth render, albeit the southern elevation is predominantly floor-to-ceiling glazing. Large expanses of glazing can also be found on the west and north facing elevations, with a mixture of small and medium sized windows and bi-folding glazed doors to the north. The central section of the roof is entirely glazed on both the north and south facing roof slopes, whilst the eastern side elevation features no fenestration. Living and kitchen accommodation is predominantly on the southern side of the bungalow, with bedroom accommodation within the northern side.
- Associated hard and soft landscaping and works to existing boundary treatments. The site is already landscaped with areas of hard and soft landscaping to the immediate south of the proposed dwelling, and the area to

the north largely consisting of hard surfaces / gravel. The wider site is enclosed by high boundary walls (as described above). Alterations to existing landscaping and boundary treatments will be required to accommodate the proposed dwelling and have been indicatively shown on the proposed plans, however only limited details of these have been provided at this stage.

3.5 The application has been referred to the planning committee at the request of a local ward councillor (and the Chair of planning committee), in line with the Council's scheme of delegation.

SITE CONTEXT

3.6 The application site comprises an approx. 0.2ha parcel of land forming part of the formal gardens to the front of an existing Victorian villa at Meadowcroft, Elwick Road, and extending up to the northern boundary of the site with Elwick Road. The application site is bounded to the north by Elwick Road; to the east by land belonging to the adjoining subdivision of the villa (Meadowside); to the south by the rest of the Meadowcroft / Meadowside estate (including the Victorian villa); and to the west by a further part of the front garden area (subject to application H/2020/0060 above) and the highway leading to Meadowcroft Mews.

3.7 The host dwelling (Meadowcroft), together with its adjoining neighbour (Meadowside), is a grade II listed building, located in the Park Conservation Area. Opposite the application site, to the north, is the Ward Jackson Park, a (grade II listed) registered park and garden.

PUBLICITY

3.8 The application has been advertised by way of neighbour letters (35), site notice and a press notice. To date, there have been no representations received.

3.9 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=136621>

3.10 The period for publicity has expired.

CONSULTATIONS

3.11 The following consultation replies have been received:

HBC Traffic & Transport – I can confirm that I have no objections to this application.

HBC Public Protection – Do not object.

HBC Heritage and Countryside Manager - The application site is within the setting of Meadowcroft/Meadowside a grade II listed building that is located in the Park Conservation Area, both of which are recognised as designated heritage assets.

Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193, NPPF). Further to this Policy HE4 of the local plan states, 'to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting'.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192).

At a local level, Local Plan Policy HE3 states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.'

The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings.

A particular concern in this conservation area is the loss of gardens and open spaces as dwellings which once sat within generous grounds are being subsumed by development. The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of buildings. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

Meadowcroft/Meadowside is typical of the larger properties found in the conservation area. The listed building was constructed in 1895. It comprises the main house, a lodge house on Elwick Road and, a block of stables / out buildings also to the north of the site. The house was subdivided in the 1950s with land and associated buildings subsequently sold off. This began the gradual disposal of plots of land on this estate for the construction of housing.

The significance of the listed building lies in the aesthetic value of the architectural details of the property and the setting that is provided by the generous grounds. Whilst the house was orientated to view the open countryside to the rear, the Elwick Road side had more formal gardens with an informal woodland to the west. There has been considerable alterations to the estate itself however in plan form the hierarchy of buildings is still discernible notably, the original entrance to Elwick Road,

flanked by the lodge, the estate building to the rear of this and the main house itself and the gardens to the north and woodland to the west. In addition the high boundary wall to Elwick Road remains intact with few openings new opening other than those to facilitate the division of the estate.

The estate contributes to the significance of the conservation area in that it has some of the key characteristics found in this area, namely an estate in generous grounds with multiple buildings of varying purposes which are bound on the 'public elevation' by a high wall.

The proposal is the erection of a single storey dwelling within the garden of Meadowcroft. In order to facilitate the works an existing garage will be reduced in size, existing stable blocks demolished and an opening made within the boundary of the walled garden.

The Park Conservation Area Character Appraisal summarises the significance of the conservation area. It notes that, 'The conservation areas development is characterised by a distinct hierarchy of buildings. The hierarchy is apparent in the form, height and scale of each building, and in the detailing of its architecture.' And goes on to state that 'The traditional hierarchy of the major historic houses and their lodges and outbuildings should be protected.'

Further to this it acknowledges the contribution that gardens make to the area, stating, 'Domestic gardens cover the largest acreage in the conservation area and define its low density layout. They help define its thick, green character and are fundamental to its leafy, mature appeal as a residential neighbourhood. Many are very private, hidden behind brick boundary walls, later timber fences or dense trees and foliage, but they are just as important to the areas low density, high amenity character and special interest as the public open spaces' Care should be taken not to weaken their intrinsic interest by infill development'

With regard to the boundary wall to the site it notes that, 'The enclosure provided by Meadowcrofts long northern boundary is one of the most distinctive features of the conservation area'. Behind and physically connected to the Elwick Road boundary wall is a walled garden which survives intact. This is the only one left in the conservation area and is as important to Meadowcrofts special historic interest as the lodges and outbuildings.

The introduction of a house within this estate would dilute the hierarchy of buildings. Whilst it is acknowledged that this has already occurred, first with the subdivision of the estate and more recently the introduction of a small estate of buildings to the rear of the property, in plan form the property, and particularly the garden to the north of the house, remains recognisable as the original design of the estate. The introduction of a house within the garden on this scale would impact on the significance of the listed building and particularly it's setting as part of a planned estate. The original structure behind this wall would have been very much subservient to the property and clearly more of ancillary building. Furthermore the greenhouse would have been constructed in order to serve the house and be part of the estate, rather than as separate building as in this instance, further subdividing the property.

The loss of part of the garden boundary wall and the introduction of glazed elements within the garden area would harm the setting of the listed building. Whilst it is acknowledged that there was a building in this location previously, the proposed glazed structure with a solid roof does not reflect the light, greenhouse building, which was located within this area.

The design and materials of the proposed property would harm the significance of the setting of the listed building. The palette of materials used on this estate is predominantly brick with a clay tile. The proposal would be a prominent structure with the roof and glazed elements visible over the wall bounding Elwick Road. Furthermore the use of grey and white render, in an estate which is predominantly brick would be out of keeping.

For the reasons outlined above the proposal would also harm the significance of the Park Conservation Area. This is because it would further dilute the estate form which is one of the key characteristics of the conservation area. In addition it would contribute to the at risk status of the conservation area as such works would result in further erosion of established garden spaces within the conservation area. The prominence of the roof over the high wall on Elwick Road brings forward the buildings within the site. As noted in the appraisal above private gardens are often hidden behind high walls but are just as important in contributing to the low density of the area. The visible roof would create views within the conservation area of property close to the boundary wall, rather than set back, as is predominantly found within the area.

UPDATE 03/08/2020: It is not considered that changes to the materials used would mitigate against the impact on the significance that the proposal would cause.

If the purpose of the application is to support the future of Meadowcroft this should be demonstrated through a clear plan following Historic England Good Practice Advice in Planning Note 4, Enabling Development. The document notes that,

"The sums of money generated through enabling development are provided to directly solve the conservation needs of the place, not to solve the financial needs of the present owner, to support/finance a business or to compensate for the purchase price paid for the site. The amount of enabling development that can be justified will be the minimum amount necessary in order to address the conservation deficit and to secure the long-term future of the assets."

Information should be brought forward to demonstrate the need for investment in Meadowcroft, i.e. what work is required to support the future of the building, what is the cost of this work, why can this only be achieved through development on the site? Information on the current market value to the property and its value after the investment is provided should be produced to show that there is a clear conservation deficit that can only be addressed in this way. Currently no evidence of this has been produced therefore this is not considered a reasonable justification which would overcome the harm caused by these applications.

UPDATE 13/11/2020: [In respect of the impact on Ward Jackson Park], both buildings will be seen over the wall and therefore alter the setting of the park, however the road in-between the two breaks some of that strong connection and provides a more immediate setting.

I would consider in both cases the harm to the conservation area and listed building is 'less than substantial' with the caveat that substantial harm is a high test. Cumulatively I would consider that if the applications were considered together they will have a major impact on both the listed building and conservation area, in irrevocably introducing built development into areas which were previously well established open grounds and ancillary buildings which complemented the setting of Meadowcroft/Meadowside and provided one of the few original remaining garden areas.

It should however be stressed that, paragraph 193 of the NPPF states,

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

Therefore in concluding that the harm is less than substantial this should in no way down play it as 'great weight' should be given to the conservation of these assets.

Historic England – Thank you for your letter of 30 June 2020 regarding the above application for listed building consent. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Tees Archaeology - Thank you for the consultation. The same advice as H/2020/0060 should be applied to this application:

The applicant has supplied a thorough and interesting desk-based assessment for the site and I agree with their recommendation for a watching brief during groundworks on the site. This can be secured as a planning condition under the following wording:

A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording

4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be open for use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured as well as provision made for the publication of an information leaflet on the history of the site in consultation with the relevant museums, archives and HER.

Hartlepool Civic Society – Hartlepool Civic Society object to the above application as it is detrimental to the setting of a listed building, listed Park and the character of the conservation area.

We would also like to draw attention to a number of statements and inaccuracies made within the Heritage, Design and Access Statement, submitted with the application, and have made comments in italics beneath each one which also form part of our objection.

Within the Header and address section of the Heritage , Design and Access Statement submitted by the applicant it states

Proposed Reinstatement of previous glazed structure

This application is for a completely different style of property and is not a reinstatement of the original glasshouse.

4.0 Planning Policy Context

Policy HE1 sets out that development in a conservation area should preserve or enhance the area and that in determining applications, regard will have to have the need for;

- 1) Preserve and /or enhance its special character, distinctiveness, setting and townscape or landscape value in a manner which is appropriate to its significance;
- 2) Be of high quality design which has a positive impact on the heritage asset.
- 3) Ensure the sensitive and viable use of the heritage asset.

The scale and nature of the development is appropriate to the character of the Park Conservation Area. The proposed dwelling is substantially smaller in scale and the proposed use of quality materials we aim to provide a gatehouse/ Lodge feel to compliment Meadowcroft

We fail to see how a white rendered, grey aluminium windowed bungalow with grey

slate roof can in anyway compliment the ornate brickwork of Meadowcroft and its red tiled roof. The design presented, rather than compliment, would appear to go to every length to clash. It states that the aim is to provide a gatehouse / lodge feel to compliment Meadowcroft...surely this is for the application H/2020/0061 as this application is supposed to reinstate the Glasshouse?

It has been considered appropriate that the design should be contemporary using high quality materials.

We are unable to see any rationale as to why it has been considered appropriate and also by whom?

We consider that the proposal will have little effect on the heritage asset due to the plot being almost detached from the grounds

As you can see from the photographs submitted by the applicant and also by walking/driving past the proposed site the plot is visible in the foreground and is in no way detached from the grounds. The estate, whilst already somewhat fractured from the original design, is still very much intact in this area and as such is an important part of the listed building and would dilute the hierarchy of the building. The proposed new access fragments the surrounding wall and creates yet another gateway detracting from the significance and setting of the original listed property.

5.0 Other Material Considerations

National Guidance on conservation areas PPS 5 was published in March 2010 We do not consider that there is anything within PPS 5 that outweighs Policy HE1 of the adopted plan. Consideration of the application proposal and its impact on the Conservation Area remains relevant and acknowledging that none of the buildings surrounding or within close proximity of the site are listed, PPS 5 would not indicate any reason for Planning Consent to be refused.

This paragraph is totally incorrect; Meadowcroft and Meadowside are both listed as is Ward Jackson Park across the road.

PPS 5 policy HE6 sets out those applicants should provide a description of the significance of Heritage Assets affected by the application and the contribution of their setting to that significance. The site sits at the shared entrance to Meadowcroft and Meadowcroft Mews with Tunstall Farm (190m) and Tunstall Garth (135m) to the south west of the site entrance.

The proposed dwelling is screened behind existing high brick walls to reduce any visual impact on nearby properties.

This does not address the significance of the listed buildings or Conservation area nor does it explain how the new build would contribute to the setting.

Policy HE7 of PPS 5 sets out the decision making process for development affecting a heritage asset. In this case we have submitted detailed assessment of the proposals against relevant policy in the local plan and have justified that the proposed dwellings would not materially affect Meadowcroft, Meadowside, Tunstall Garth or Tunstall Farm

We are unable to find any detailed assessment within the application, we believe that this statement is lifted from the previous application for Meadowcroft Mews and bears no relevance to this application

The use of the application site is appropriate in the context of Local Plan Policy. It is submitted that the design, overall scale, massing, alignment and materials used will preserve the character of the conservation area and make a positive contribution to its character and local distinctiveness. The proposed dwelling both respecting the local architecture but also contemporary dwellings of their time.

We would like to see detailed evidence of the assumptions made in the above paragraph as within the current documentation there is none.

6.0. Access Principles Reasons behind the access principles Vehicular Links Elwick Road enjoys a primary link into Hartlepool Town Centre and easy access to major roads ie A19 etc Transport Links Elwick Road is approx. 250m from the top of Park Road, 500m from the top of Grange Road and is close to existing bus routes providing fast and convenient access throughout the town and to Rail & Bus links throughout the country Inclusive Access Access into the new dwelling will be via a secure door with level access. All new entrance and internal circulation doors in accordance with Part M of the latest Building Regulations [access for ambulant disabled] and any other requirements as required for dwellings as specifically designed for the retired. Further vertical movement throughout the dwellings will be via a staircase which will also comply with Part M of the Building Regulations [access for ambulant disabled]

We are unable to make any sense of this paragraph as there are will be no vertical movement or staircase as it is a bungalow...is this yet again simply lifted from a previous application for Meadowcroft Mews? Surely this cannot be the case if the applicant is serious in his commitment to providing detailed and correct information to support this application to reinstate a previous glazed structure

7.0 Conclusions

This report is in support of the application for a single detached dwelling formed around existing 5m high brick wall. The proposals will safeguard the wall for the future

The principle of the dwelling on the site is acceptable, having developed a site of fourteen retirement dwellings to the paddock at South of Meadowcroft

The current proposal preserves the character and appearance of the conservation area within which they are located through the scale, height, design, materials and massing of the dwellings and its positioning on the site. By retaining boundary treatments and also utilising an existing site access, we consider that the proposals to be acceptable both Policy HE1 of the Development Plan and with PPS 5.

We therefore conclude that the new application proposal is acceptable in Heritage terms as they will preserve the Conservation Area and in accordance with Local Plan Policy and material considerations including PPS 5 and the Development Brief

The development of fourteen retirement dwellings to the south of the property is not a reason to believe that this development site, to the north of the property, is acceptable.

The original glasshouse would have very clearly been an ancillary building with a glazed roof. This proposed structure has a virtually solid roof which will be visible above the boundary wall onto Elwick road and directly opposite the Grade II listed park.

In conclusion and for all of the reasons outlined in italics above this application will not only harm the significance of the listed building but also undermine the whole principles of the Park Conservation Area. The application is considered contrary to Local Plan policies HE1, HE3 & HE4. Further, as demonstrated, the Heritage Statement, as required by policy HE1, totally fails to detail the degree to which proposed changes enhance or detract from the significance of the heritage assets and the ability to appreciate them and demonstrate understanding of the potential impact of the proposal on the assets significance and setting.

The Hartlepool HER should be referred to along with the Hartlepool Strategy for the Historic Environment.

HBC Countryside Access Officer – Public Footpath No.8, Hartlepool lies to the west of the proposed development and outside the development boundary.

Whilst it is in close proximity to this proposal, it does not look to be affected by this proposal.

HBC Landscape Architect – The proposed development site is located within the grounds of Meadowcroft. The grounds of the existing property and boundary wall contribute to the setting of Ward Jackson Park (Grade 2 listed) and this is recognised in the Hartlepool Borough Council Park Conservation Area Character Appraisal, (2008). The proposed development consists of the demolition of existing stable block, construction of a modern single storey dwelling, and alterations to an existing garage.

The proposed development will introduce a new roof and a modern glazing element above the boundary wall when viewed from Elwick Road. The new roof will be visually prominent from Elwick Road. The development as a whole will result in the loss of some of the historic landscape context of Meadowcroft.

It is considered that the proposed development will have a negative landscape and visual impact on the setting of Ward Jackson park.

HBC Arboricultural Officer – Although there are no trees on this site and as the name implies, it was a kitchen garden for the “big house”. There had been many self-sown trees growing here that both the applicant and previous owners removed over time as they were damaging what was left of the old potting shed/greenhouse complex/boundary wall. As there has been a gradual erosion of trees in this area I would ask that if approval is given, some appropriate tree planting is incorporated

within the scheme and that foundation depths are constructed to accommodate these trees at maturity as part of building regulations.

HBC Ecology – Ecology requirements

- Possible harm to birds to be mitigated via a condition requiring two bird nest bricks and two swallow cups
- Nesting bird condition required
- Bat informative to be issued for demolition and clearing of ivy
- NPPF biodiversity enhancement required – four built in bat box bricks

The location of the site close to a stream and to a lake (in Ward Jackson Park) triggers the Local Planning Authority requirement to assess the potential for bats. The information supplied also triggers the need to assess for nesting birds.

Bat and bird potential

Based on the submitted plans and photographs below (Figures 1-5), bats could be present in the:

- Ivy
- Wall brickwork

Bat assessment

Due to the plentiful availability of bat roost sites in the Ward Jackson area, it is unlikely that bats will be utilising either the ivy or the wall for roosting and the likelihood of bats being adversely affected is assessed as negligible and survey is not required. The Council bat informative should be issued (Appendix 1).

Based on the submitted plans and photographs below (Figures 1-5), birds could be present in the:

- Ivy
- Derelict structure

Bird assessment

Birds are likely to nest in the ivy, particularly species such as song thrush, blackbird, house sparrow, dunnock and wren. No survey is required as long as the precautionary measure of including two integral bird nest bricks into the new build is agreed. Further, it is likely that swallows are nesting in the derelict structure, but a survey is not required as long as the precautionary measure of including two swallow nest cups in the new build is agreed.

The standard Council bird nesting season condition is required. It is recommended that the ivy is stripped from the walls in the period September to February inclusive.

Biodiversity enhancement

Biodiversity enhancement - NPPF (2018) paragraph 170 d) includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The site is close to open Ward Jackson Park and open countryside which are known to be well used by bats. These can be

helped through the provision of roost bricks and four integral bat box bricks should be conditioned.

Suggested condition wording

Timing of works - Vegetation clearance/ tree felling will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests.

Integral bat and bird brick boxes - A total of four integral bat box bricks to allow bats safe roosting to be built into the dwelling and/or garage block. The bat box bricks should be installed at a minimum height of 3m (or as high as possible). The bat box bricks can be built into the wall as a brick or into the ridge of the roof as a bat tile. A total of two integral bird nest box bricks to be built into the dwelling and/or garage block. The bird nest box bricks to be >3m above ground level and preferably on an east elevation.

A total of two swallow nest cups to be fitted as prescribed onto the dwelling and/or garage block. The swallow nest cups to be >3m above ground level and covered. Information on suitable products is given in Appendix 2.

Appendix 1

Bats are highly mobile species and individual bats can turn up in any building or any tree which has suitable holes or crevices. All species of bat in the UK are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection, whether bats are present or not. Should bats or signs of bats (such as droppings, dead bats etc) be discovered in any buildings and/or trees to be demolished or altered, work should stop immediately and advice sought from Natural England. Failure to do this may result in the law being broken. The Natural the Bat Conservation Trust or Natural England. Failure to do this may result in the law being broken. The National Bat Helpline number is: 0345 1300228.

Appendix 2

The following are examples of the type of bat box brick that would be suitable:

NB: Bat box bricks and tiles are sold via a number of UK websites such as:

<http://www.habibat.co.uk/category/bird-boxes>

<https://www.ibstockbrick.co.uk/wp-content/uploads/2015/01/AA6606-Portfolio-Ecoproducts.pdf>

<http://www.schwegler-natur.de/fledermaus/?lang=en>

<http://www.wildlifeservices.co.uk/batboxes.html>

<https://www.nhbs.com/1fe-schwegler-bat-access-panel>

<http://www.schwegler-natur.de/fledermaus/?lang=en>

Product - 1FE Schwegler Bat Access Panel: http://www.schwegler-natur.de/portfolio_1395072079/fledermaus-einlaufblende-1fe/?lang=en

Product - Bat Winter Roost 1WI: http://www.schwegler-natur.de/portfolio_1395072079/fledermaus-ganzjahres-einbauquartier-1wi-d-b-p/?lang=en

https://www.dreadnought-tiles.co.uk/Bat_access_tile.html

HBC Engineering – Contaminated land: I have no objection to proposals in this respect and ask that you include our unexpected contamination condition on any permission given for proposals.

Surface water management: I have no objection to proposals in this respect in principle. I note that the applicant has indicated on the application form that surface water will be disposed of by means of sustainable drainage systems however no information has been provided to show how this will be implemented. As such please can you include our basic surface water drainage condition on any permission given for proposals.

The applicant is advised that due to the geology of the borough it is likely that surface water disposal to sewer will be the primary route for surface water management however it is expected that permeable paving is used for areas of hardstanding unless demonstrated to be impractical.

The applicant is further advised that with regard to any demolition of existing buildings, notice to and approval from Hartlepool Borough Council will be required as detailed in the Building Act 1984 section 80 unless the demolition is exempt from the requirement as specified in that Act.

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

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/>

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:

Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration)
- Discharge to a surface water body
- Discharge to a surface water sewer, highway drain, or another drainage system
- As a last resort, discharge to a combined sewer

Hartlepool Water – No representation received.

HBC Waste Management – No representation received.

HBC Property Services – No representation received.

HBC Building Control – I can confirm that a Building Regulation application will be required for the works as described.

Cleveland Police – Police do not have any objections to this application.

PLANNING POLICY

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

Local Policy

3.13 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

CC1: Minimising and adapting to climate change
HE1: Heritage Assets
HE3: Conservation Areas
HE4: Listed Buildings and Structures
HE7: Heritage at Risk
HSG1: New Housing Provision
HSG2: Overall Housing Mix
LS1: Locational Strategy
QP3: Location, Accessibility, Highway Safety and Parking
QP5: Safety and Security
QP6: Technical Matters
QP7: Energy Efficiency
SUS1: The Presumption in Favour of Sustainable Development

National Policy

3.14 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 001 : Introduction
 PARA 002: Permission determined in accordance with development plan
 PARA003: Introduction
 PARA 007 : Achieving sustainable development
 PARA 008 :Achieving sustainable development
 PARA 010 : Achieving sustainable development
 PARA 011 :The presumption in favour of sustainable development
 PARA 012 ::The presumption in favour of sustainable development
 PARA038:Decision-Making
 PARA047: Determining Applications
 PARA058:Enforcement
 PARA124: Achieving well-designed places
 PARA127: Achieving well-designed places
 PARA 130 :Achieving well-designed places
 PARA 150 : Planning for Climate Change
 PARA184: Conserving and enhancing the historic environment
 PARA189: Proposals affecting heritage assets
 PARA190: Proposals affecting heritage assets
 PARA195: Considering Potential Impacts
 PARA 196 :Considering potential impacts
 PARA199: Considering potential impacts
 PARA200: Considering potential impacts
 PARA212: Implementation

3.15 HBC Planning Policy comments - I have looked at the Meadowcroft applications and read [HBC Heritage and Countryside Manager's] comments.

Meadowcroft is a listed building, within the Park Conservation Area which is deemed to be 'at risk'. Meadowcroft is opposite and adds to the setting of Ward Jackson Park.

The proposal seeks to reduce the size of the garage, erect a bungalow on the location of the former greenhouse and create an opening in the historic wall. The Park Conservation Area Appraisal, in brief, states that the importance of Meadowcroft lies, in part, within the setting that is provided by the generous grounds. The conservation area as a whole is characterised by a hierarchy of buildings, set in generous gardens bounded by high walls and/or railings.

Policies HE1, HE3, HE4 and HE7 are paramount to the determination of this application. The aforementioned policies seek to preserve, protect and enhance heritage assets and avoid inappropriate development especially where an asset is deemed to be 'at risk'.

Planning Policy note the comments of the Heritage and Countryside Manager and support the belief that the proposal will cause harm to the listed building and the significance of the conservation area.

Policy HE1 considers harm and weighs it against public benefit. Planning Policy do not believe that any substantial public benefit will occur from the proposal and thus consider that the proposal does not comply with policy HE1.

Policy HE3 seeks to ensure that the distinctive features of a conservation area are conserved and/or enhanced. Planning Policy are of the opinion that the distinctive features i.e. the hierarchy of buildings, the boundary enclosures and the generous gardens will be eroded and thus the proposal does not comply with policy HE3.

Policy HE4 seeks to conserve and enhance the borough's listed buildings and to ensure that harm is not caused through inappropriate development within their setting. Planning Policy are of the opinion that the proposal does not conserve or enhance the listed building and will cause harm to the setting of the listed building and thus the proposal does not comply with policy HE4.

Policy HE7 sets out that retention, protection and enhancement of heritage assets at risk is a priority for the council. Given that the proposal is likely to harm the listed building, its setting and the conservation area then it is likely that the proposal would exacerbate the 'at risk' classification further and thus Planning Policy considers that the proposal does not comply with policy HE7.

PLANNING CONSIDERATIONS

3.16 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the visual amenity of the application site and character and appearance of the surrounding area (including the conservation area and listed building), archaeology, landscaping and tree protection, the amenity and privacy of neighbouring land users and future occupiers, highways and pedestrian safety, ecology and nature conservation and flood risk and drainage. These and all other planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

3.17 The Hartlepool Local Plan (2018) sets development limits, beyond which there is a presumption against development. The application site is located within the development limits of Hartlepool, sitting within the curtilage of an existing residential property. The application site is located within the Park Conservation Area (protected by Local Plan policies HE1 and HE3) and within the immediate setting of a grade II listed building (protected by Local Plan policies HE1 and HE4). Consequently, whilst residential development in this location is acceptable in principle, this is subject to the consideration of the proposal in the context of all other relevant Local Plan policies, and in this instance the relevant historic environment policies in particular, as well as all other relevant material planning considerations.

3.18 In this instance, the Council's Planning Policy section has raised significant concerns with respect to the impact of the proposals on designated heritage assets, contrary to the relevant Local Plan policies. The impact of the proposal on designated heritage assets, and the consideration of all other relevant material

planning considerations in the context of the relevant Local Plan policies, is set out in detail below.

VISUAL AMENITY OF APPLICATION SITE (INCLUDING THE SETTING OF THE LISTED BUILDING) AND CHARACTER AND APPEARANCE OF SURROUNDING AREA (INCLUDING CHARACTER OF THE CONSERVATION AREA)

3.19 The application site is within the setting of Meadowcroft/Meadowside, a grade II listed building that is located in the Park Conservation Area, both of which are recognised as designated heritage assets. The site also sits opposite Ward Jackson Park, a (grade II listed) registered park and garden.

Legislative and Policy Context

3.20 The National Planning Policy Framework 2019 (NPPF) sets out the Government's commitment to good design. Paragraph 124 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

3.21 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan 2018 advises that all developments should be designed to a high quality and positively enhance their location and setting. The policy stipulates that development should; be of an appropriate layout, scale and form that enhances the distinctive features, character and history of the local area; respect the surrounding buildings, structures and environment; and sustains and/or enhances the historic environment and heritage assets and their settings, amongst other requirements.

3.22 Policy HE1 (Heritage Assets) of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

3.23 Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193, NPPF). Further to this Policy HE4 (Listed Buildings and Structures) of the Local Plan states, 'to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting'.

3.24 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192).

3.25 At a local level, Local Plan Policy HE3 (Conservation Areas) states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive

conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.'

Significance of the Conservation Area

3.26 The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings.

3.27 A particular concern in this conservation area is the loss of gardens and open spaces as dwellings which once sat within generous grounds are being subsumed by development. The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of buildings. Policy HE7 (Heritage at Risk) of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

3.28 The Meadowcroft / Meadowsides estate contributes to the significance of the conservation area in that it has some of the key characteristics found in this area, namely an estate in generous grounds with multiple buildings of varying purposes which are bound on the 'public elevation' by a high wall.

3.29 The Park Conservation Area Character Appraisal summarises the significance of the conservation area. It notes that, 'The conservation areas development is characterised by a distinct hierarchy of buildings. The hierarchy is apparent in the form, height and scale of each building, and in the detailing of its architecture.' And goes on to state that 'The traditional hierarchy of the major historic houses and their lodges and outbuildings should be protected.'

3.30 Further to this it acknowledges the contribution that gardens make to the area, stating, 'Domestic gardens cover the largest acreage in the conservation area and define its low density layout. They help define its thick, green character and are fundamental to its leafy, mature appeal as a residential neighbourhood. Many are very private, hidden behind brick boundary walls, later timber fences or dense trees and foliage, but they are just as important to the areas low density, high amenity character and special interest as the public open spaces' Care should be taken not to weaken their intrinsic interest by infill development'

3.31 With regard to the boundary wall to the site it notes that, 'The enclosure provided by Meadowcrofts long northern boundary is one of the most distinctive features of the conservation area'. Behind and physically connected to the Elwick Road boundary wall is a walled garden which survives intact. This is the only one left in the conservation area and is as important to Meadowcrofts special historic interest as the lodges and outbuildings.

Significance of the Listed Building

3.32 Meadowcroft/Meadowside is typical of the larger properties found in the conservation area. The listed building was constructed in 1895. It comprises the main house, a lodge house on Elwick Road and, a block of stables / out buildings also to the north of the site. The house was subdivided in the 1950s with land and associated buildings subsequently sold off. This began the gradual disposal of plots of land on this estate for the construction of housing.

3.33 The significance of the listed building lies in the aesthetic value of the architectural details of the property and the setting that is provided by the generous grounds. Whilst the house was orientated to view the open countryside to the rear, the Elwick Road side had more formal gardens with an informal woodland to the west. There has been considerable alterations to the estate itself however in plan form the hierarchy of buildings is still discernible notably, the original entrance to Elwick Road, flanked by the lodge, the estate building to the rear of this and the main house itself and the gardens to the north and woodland to the west. In addition the high boundary wall to Elwick Road remains intact with few openings new opening other than those to facilitate the division of the estate.

Impact of the Proposals on Designated Heritage Assets

3.34 Historic England has been consulted on the application and has confirmed that they do not wish to offer any comment, however have advised that the views of the Council's specialist conservation adviser should be sought.

3.35 The Council's Heritage and Countryside Manager has reviewed the application and has raised a number of significant concerns with respect to the impact of the proposals on the identified heritage assets as follows;

3.36 The introduction of a house within this estate would dilute the hierarchy of buildings. Whilst it is acknowledged that this has already occurred, first with the subdivision of the estate and more recently the introduction of a small estate of buildings to the rear of the property, in plan form the property, and particularly the garden to the north of the house, remains recognisable as the original design of the estate. The introduction of a house within the garden on this scale would impact on the significance of the listed building and particularly it's setting as part of a planned estate. The original structure behind this wall would have been very much subservient to the property and clearly more of ancillary building. Furthermore the greenhouse would have been constructed in order to serve the house and be part of the estate, rather than as separate building as in this instance, further subdividing the property.

3.37 The loss of part of the garden boundary wall and the introduction of glazed elements within the garden area would harm the setting of the listed building. Whilst it is acknowledged that there was a building in this location previously, the proposed glazed structure with a solid roof does not reflect the light, greenhouse building, which was located within this area.

3.38 The design and materials of the proposed property would harm the significance of the setting of the listed building. The palette of materials used on this estate is predominantly brick with a clay tile. The proposal would be a prominent structure

with the roof and glazed elements visible over the wall bounding Elwick Road. Furthermore the use of grey and white render, in an estate which is predominantly brick would be out of keeping.

3.39 For the reasons outlined above, it is considered that the proposal would also harm the significance of the Park Conservation Area. This is because it would further dilute the estate form which is one of the key characteristics of the conservation area. In addition it would contribute to the at risk status of the conservation area as such works would result in further erosion of established garden spaces within the conservation area. The prominence of the roof over the high wall on Elwick Road brings forward the buildings within the site. As noted in the appraisal above private gardens are often hidden behind high walls but are just as important in contributing to the low density of the area. The visible roof would create views within the conservation area of property close to the boundary wall, rather than set back, as is predominantly found within the area.

3.40 In view of the above concerns, the applicant informally proposed amendments to the finishing materials as a means of negating the impacts on the identified heritage assets. The Council's Heritage and Countryside Manager has since advised however that it is not considered that changes to the materials used would mitigate against the impact on the significance of the heritage assets that the proposal would cause.

3.41 The concerns of the Council's Heritage and Countryside Manager have also been echoed in objections received from the Council's Planning Policy section and Landscape Architect, as well as Hartlepool Civic Society.

3.42 The Council's Planning Policy section consider that the proposals are contrary to policies HE1, HE3, HE4 and HE7 of the Local Plan and that, if approved, the proposal would exacerbate the 'at risk' classification of the conservation area further.

3.43 Furthermore, the Council's Landscape Architect has also raised concerns that the proposals will have a negative landscape and visual impact on the setting of Ward Jackson Park, opposite the site.

Enabling Development Justification

3.44 Following the above concerns, the applicant subsequently advised that the application(s) have been submitted in order to *"preserve Meadowcroft for future generations, and prevent its decline, as has happened to other large late nineteenth century houses with extensive grounds in Hartlepool."*

3.45 In response, the Council's Heritage and Countryside Manager has advised that, if the purpose of the application is to support the future of Meadowcroft, this should be demonstrated through a clear plan following Historic England Good Practice Advice in Planning Note 4, Enabling Development. The document notes that:

"The sums of money generated through enabling development are provided to directly solve the conservation needs of the place, not to solve the financial needs of

the present owner, to support/finance a business or to compensate for the purchase price paid for the site. The amount of enabling development that can be justified will be the minimum amount necessary in order to address the conservation deficit and to secure the long-term future of the assets."

3.46 In view of this, the Council's Heritage and Countryside Manager has advised that information should have been brought forward to demonstrate the need for investment in Meadowcroft (i.e. what work is required to support the future of the building, what is the cost of this works, why can this only be achieved through development on the site?). Information on the current market value to the property and its value after the investment is provided should also be produced to show that there is a clear conservation deficit that can only be addressed in this way.

3.47 To date, no evidence of this has been provided by the applicant and therefore this is not considered a reasonable justification which would overcome the harm caused by these applications.

Conclusions

3.48 In view of the above, it is considered that the proposal would result in harm to the significance of the identified heritage assets, namely the Park Conservation Area and Meadowcroft / Meadowside.

3.49 Whilst the Council's Heritage and Countryside Manager considers that in both cases the harm to the conservation area and listed building is 'less than substantial', for the purposes of assessing the level of harm in line with the NPPF, it should be noted that 'substantial harm' is a high test, and paragraph 193 of the NPPF states,

*'When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight should be given to the asset's conservation** (and the more important the asset, the greater the weight should be). **This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.**'*

3.50 In this instance, it is considered that the cumulative impact of these proposals and those for the adjacent land (pending applications H/2020/0060 & H/2020/0061) would have a major impact on both the listed building and conservation area, in irrevocably introducing built development into areas which were previously well established open grounds and ancillary buildings which complemented the setting of Meadowcroft / Meadowside and provided one of the few original remaining garden areas.

3.51 No evidence of any public benefits of the proposal, including securing the optimum viable use of the heritage assets, has been provided to outweigh the identified harm.

3.52 It is therefore considered that the proposals would have a unacceptable detrimental impact on the identified heritage assets. It is also considered that this, in turn, will result in a detrimental impact on the visual amenity of the application site and the character and appearance of the surrounding area. The application is

therefore considered to be unacceptable in this respect and contrary to Local Plan policies QP4, HE1, HE3, HE4 and HE7, and paragraphs 124, 127, 193, 194, 196, 200 and 202 of the NPPF.

ARCHAEOLOGY

3.53 The application is accompanied by an Archaeological Desk Based Assessment. Tees Archaeology has been consulted and has confirmed they agree with the report's recommendation for a watching brief during groundworks on the site, should the application be approved. A planning condition to secure this would have been recommended accordingly, had the application been considered acceptable in all other respects.

3.54 Notwithstanding the abovementioned concerns with respect to the impact of the proposals on designated heritage assets, the visual amenity of the application site and the character and appearance of the surrounding area, the application is considered to be acceptable with respect to the impact on archaeology and in accordance with the relevant development plan policies, subject to the identified condition(s).

LANDSCAPING AND TREE PROTECTION

3.55 As above, the site is already landscaped with areas of hard and soft landscaping to the immediate south of the proposed dwelling, and the area to the north largely consisting of hard surfaces / gravel. Limited details of hard and soft landscaping and any new boundary enclosures have been provided at this stage.

3.56 The Council's Arboricultural Officer has been consulted and has advised that although there are no trees on this site, there had been many self - sown trees growing here that both the applicant and previous owners removed over time. As there has been a gradual erosion of trees in this area, the Council's Arboricultural Officer has request that, if approval is given, some appropriate tree planting is incorporated within the scheme and that foundation depths are constructed to accommodate these trees at maturity as part of building regulations.

3.57 A planning condition(s) to secure final details of all hard and soft landscaping and boundary enclosures would have been recommended accordingly, had the application been considered acceptable in all other respects.

3.58 Notwithstanding the abovementioned concerns with respect to the impact of the proposals on designated heritage assets, the visual amenity of the application site and the character and appearance of the surrounding area, the application is considered to be acceptable with respect to the impact on landscaping and tree protection and in accordance with the relevant development plan policies, subject to the identified condition(s).

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS AND FUTURE OCCUPIERS

3.59 Paragraph 127 of the NPPF stipulates that planning decisions should ensure developments create places that have a high standard of amenity for existing and future users.

3.60 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) stipulates that the Borough Council will seek to ensure all developments are designed to a high quality and that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook. Proposals should also ensure that the provision of private amenity space is commensurate to the size of the development.

3.61 As above, policy QP4 also stipulates that, to ensure the privacy of residents and visitors is not significantly negatively impacted in new housing development, the Borough Council seeks to ensure adequate space is provided between houses. The following minimum separation distances must therefore be adhered to:

- Principal elevation (habitable room window) to principal elevation (habitable room window) - 20 metres.
- Gable (blank or non-habitable room window) to principal elevation (habitable room window) - 10 metres.

3.62 The above requirements are reiterated in the Council's recently adopted Residential Design SPD (2019).

3.63 To the north, the application site is partially screened by the existing high boundary wall. There are no residential properties to the immediate north of the site, with Ward Jackson Park on the opposite side of Elwick Road. It is therefore considered that the proposals would have no appreciable impact on the amenity or privacy of neighbouring land users to the north.

3.64 To the east, the proposed dwelling is set off the shared boundary with the front garden area of the adjacent neighbouring property at Meadowside by approximately 8 metres. The other elements of the proposal (demolition of garage / creation of new access) are located in excess of 40m from the eastern boundary of the site. This boundary is also screened by a high wall. Furthermore, the proposed dwelling does not feature any windows or doors in the east facing side elevation. The closest residential dwelling in this direction (east/south-east) is located approx. 50m from the site at Dunelm / West Lodge.

3.65 In view of the above, it is considered the proposals would have no appreciable impact on the amenity or privacy of neighbouring land users to the east.

3.66 To the south, whilst it is noted the proposed bungalow features significant amounts of glazing to the southern elevation serving kitchen and living accommodation, satisfactory separation distances in excess of 30 metres are

maintained to the north facing elevations of the dwellings to the south at Meadowcroft and Meadowsides. Furthermore, the shared boundary to Meadowsides is partially screened by a high boundary wall and existing landscaping. Whilst there is currently no boundary screening between the application site and the host property at Meadowcroft, the indicative landscape proposals show shrub planting along this southern boundary, and it is considered this could be addressed through the use of appropriate planting and boundary treatments (subject to the consideration of the impacts of this on the identified heritage assets), final details of which could be secured by condition. A planning condition to secure final details of soft landscaping and boundary treatments would therefore have been recommended accordingly, had the application been considered acceptable in all other respects.

3.67 It is considered that the other elements of the proposal (demolition of garage / creation of new access) would not have any significant detrimental impact on the amenity or privacy of neighbouring land users to the south / south-east, due to their nature and scale, and separation distance to the nearest residential properties)

3.68 In view of the above, it is considered that the proposals would not have a significant detrimental impact on the amenity or privacy of neighbouring land users to the south / south-east, in terms of overshadowing, any overbearing effect, poor outlook or overlooking, subject to the identified condition(s).

3.69 To the west, the closest residential property to the site at Laggan, Elwick Road is located at a distance of approx. 50 metres from the site boundary. It is therefore considered that the proposals would have no appreciable impact on the amenity or privacy of neighbouring land users to the west.

3.70 Notwithstanding this, it is noted that the land to the immediate west of the site, which currently forms part of the formal front garden area of the host property (Meadowcroft) is currently subject to pending planning and listed building consent applications (refs H/2020/0060 and H/2020/0061, respectively) for the erection of a two storey detached dwellinghouse. Whilst these applications are still under consideration, it is noted that the proposed bungalow is situated approximately 7.7 metres from the boundary with this adjacent site and a large boundary wall currently separates the application site from this neighbouring parcel of land (albeit there is currently a wrought iron double gate providing access between the two sites).

3.71 Given the single storey nature of the proposed dwelling, the existing boundary screening and set back from this western boundary, it is considered that the proposed dwelling would have no significant detrimental impact on the amenity or privacy of future occupiers of this adjacent site, should permission be granted for applications H/2020/0060 and H/2020/0061. Similarly, given the existing relationship between the existing garage and this adjacent site, including the existing boundary screening, it is considered that the other elements of the proposal (demolition of garage / creation of new access) would likewise not have a significant detrimental impact on the amenity or privacy of future occupiers.

3.72 Notwithstanding this, it is noted that the proposed dwelling for the adjacent site features a first floor bedroom window in its east facing side elevation facing directly towards the west facing ground floor kitchen/dining room windows of the proposed

bungalow, with a separation distance of approximately 19 metres. These are both considered to be habitable room windows and this separation distance is short of the 20 metres required by policy QP4 of the Local Plan. However, whilst the window serving the bedroom of the adjacent proposed dwelling is a primary window, the window serving the ground floor kitchen/dining room of the proposed bungalow is a secondary window (there are also windows on the south facing elevation serving the same room). It is therefore considered that any privacy issues between the two dwellings could be addressed through the obscure glazing of the west (side) facing window of the proposed bungalow, and a condition to secure this would have been recommended accordingly had the application(s) been considered acceptable in all other respects.

3.73 Whilst it is noted there is also a first floor bathroom window in the east facing elevation of the adjacent proposed dwelling facing the proposed bungalow, this is a non-habitable room window and therefore any issues in respect of loss of privacy for future occupiers of the application site could be overcome through the obscure glazing and restricted opening of the bathroom window. A condition to secure this accordingly on the planning application for the adjacent site would have been recommended had the application(s) been considered acceptable in all other respects, as set out in the committee report for application H/2020/0060.

3.74 In respect of the amenity and privacy of future occupiers of the proposed dwelling, given the relationships, separation distances and screening as described above, it is considered that there would be no significant detrimental impact on the amenity or privacy of future occupiers, subject to the identified condition(s).

3.75 In respect of undue noise and disturbance, the Council's Public Protection section has been consulted and has confirmed that they do not object to the application.

3.76 In view of the above, notwithstanding the abovementioned concerns with respect to the impact of the proposals on designated heritage assets, the visual amenity of the application site and the character and appearance of the surrounding area, the application is considered to be acceptable with respect to the impact on the amenity and privacy of neighbouring land users and future occupiers, and in accordance with the relevant development plan policies, subject to the identified condition(s).

HIGHWAY AND PEDESTRIAN SAFETY

3.77 The application proposes a new access into the site from the west to be formed across the area of the existing garage to be part-demolished. The access will be served from the existing adopted highway to the west, leading to Meadowcroft Mews to the south and Elwick Road to the north. The access will require the creation of a new opening in the existing (approx. 2m) high boundary wall, and the proposals include the provision of tall (approx. 1.8m high) driveway gates within this opening.

3.78 The Council's Traffic & Transport section has been consulted and has confirmed that they have no objections to the application. In view of this, notwithstanding the abovementioned concerns with respect to the impact of the

proposals on designated heritage assets, the visual amenity of the application site and the character and appearance of the surrounding area, the application is considered to be acceptable with respect to the impact on highway and pedestrian safety, and in accordance with the relevant development plan policies.

ECOLOGY AND NATURE CONSERVATION

3.79 The location of the site is close to a stream and to a lake (in Ward Jackson Park), and the Council's Ecologist has advised that this triggers the Local Planning Authority requirement to assess the potential for bats. The information supplied also triggers the need to assess for nesting birds.

3.80 The Council's Ecologist has considered the proposals and have advised that a number of conditions and an informative note would be required in order for the proposals to be acceptable in respect of ecology and nature conservation. Namely, planning conditions would be required to mitigate against possible harm to birds from demolition/construction by requiring two bird nest bricks and two swallow cups to be built into the proposed bungalow. Furthermore, a condition would be required to ensure vegetation clearance / tree felling will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests. Finally, a condition to secure biodiversity enhancement, in line with the provisions of paragraph 170 of the NPPF, in the form of four integral bat box bricks to be built into the proposed dwelling would also be required.

3.81 In addition to the above, an informative note would be required to make the applicant aware that should bats or signs of bats be discovered in any buildings and/or trees to be demolished or altered, work should stop immediately and advice be sought from Natural England, and that failure to do this may result in the law being broken.

3.82 The above conditions and informative would have been recommended accordingly had the application been considered acceptable in all other respects.

3.83 In view of the above, notwithstanding the abovementioned concerns with respect to the impact of the proposals on designated heritage assets, the visual amenity of the application site and the character and appearance of the surrounding area, the application is considered to be acceptable with respect to the impact on ecology and nature conservation, and in accordance with the relevant development plan policies, subject to the identified condition(s) and informative.

FLOOD RISK AND DRAINAGE

3.84 The Council's Flood Risk Officer has advised that they have no objection to the proposals in respect of surface water management, however further information would be required in respect of this. A planning condition to secure details of surface water drainage would therefore have been recommended had the application been considered acceptable in all other respects.

3.85 In addition, the Council's Flood Risk Officer has advised that it is expected that permeable paving is used for areas of hardstanding unless demonstrated to be impractical. As above, final details of hard landscaping would also have been secured by virtue of a planning condition, had the application been considered acceptable in all other respects.

3.86 Northumbrian Water has also been consulted and has not raised any concerns with the application however had provided advice for the applicant in respect of the presence of unrecorded drains and sewers on site and sustainable approaches to surface water management. An informative note to make the applicant aware of this would have been recommended accordingly had the application been considered acceptable in all other respects. No comments or objections have been received from Hartlepool Water.

3.87 Notwithstanding the abovementioned concerns with respect to the impact of the proposals on designated heritage assets, the visual amenity of the application site and the character and appearance of the surrounding area, the application is therefore considered to be acceptable in respect of flood risk and drainage, and in accordance with the relevant development plan policies, subject to the identified condition(s) and informative(s).

OTHER PLANNING MATTERS

Public Rights of Way

3.88 The Council's Countryside Access Officer has advised that Public Footpath No.8, Hartlepool lies to the west of the proposed development and outside the development boundary, however it does not look to be affected by this proposal. The application is therefore considered to be acceptable in this respect.

Contaminated Land

3.89 The Council's Engineering section has advised that they have no objections in respect of contaminated land however have requested a standard condition be applied to address any unexpected contamination found on site. Had the application been considered acceptable in all other respects, this would have been recommended accordingly. The application is therefore considered to be acceptable in this respect subject to the identified condition.

Waste Management

3.90 The application site includes ample space for bin storage and access to the adopted highway to the west. No comments or concerns have been received from the Council's Waste Management section. The application is therefore considered to be acceptable in this respect.

Safety and Security

3.91 Cleveland Police has advised that they have no objections to the application. The application is therefore considered to be acceptable in respect of safety and security matters.

RESIDUAL MATTERS

Demolition Notice

3.92 The Council's Engineering section has advised that, with regard to any demolition of existing buildings, notice to and approval from Hartlepool Borough Council will be required as detailed in the Building Act 1984 section 80 unless the demolition is exempt from the requirement as specified in that Act. Had the application been considered acceptable in all other respects, a suitable informative note to make the applicant aware of this would have been recommended accordingly.

Building Regulations

3.93 The Council's Building Control section has confirmed that a Building Regulation application will be required for the works as described. Had the application been considered acceptable in all other respects, a suitable informative note to make the applicant aware of this would have been recommended accordingly.

CONCLUSION

3.94 In view of the above material planning considerations and the relevant policies of the Hartlepool Local Plan 2018 and relevant paragraphs of the NPPF 2019, it is considered that the proposal would result in less than substantial harm to the significance of the identified heritage assets, namely the Park Conservation Area and Meadowcroft / Meadowside. No evidence of any public benefits of the proposal has been provided to outweigh the identified harm.

3.95 It is therefore considered that the proposals would have an unacceptable detrimental impact on the identified heritage assets. It is also considered that this, in turn, will result in a detrimental impact on the visual amenity of the application site and the character and appearance of the surrounding area. The application is therefore considered to be unacceptable in this respect and contrary to Local Plan policies QP4, HE1, HE3, HE4 and HE7, and paragraphs 124, 127, 193, 194, 196, 200 and 202 of the NPPF.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.96 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.98 There are no Section 17 implications.

REASON FOR DECISION

3.99 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION – REFUSE for the following reason;

1. In the opinion of the Local Planning Authority, it is considered that the proposed development, by virtue of its size, siting and design, would appear unduly large and out of keeping and would result in the irrevocable loss of the previously well-established open grounds and ancillary buildings serving the (grade II) listed building at Meadowcroft / Meadowside, which contributes to the significance of the Park Conservation Area. It is therefore considered that the proposals would cause less than substantial harm to the identified heritage assets, namely Meadowcroft / Meadowside and the Park Conservation Area, and no information has been provided to demonstrate that this harm would be outweighed by the public benefits of the proposal. For the same reasons, it is also considered that the proposals would have a detrimental impact on the visual amenity of the application site and the character and appearance of the surrounding area. The application is therefore considered to be contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of the National Planning Policy Framework and National Planning Practice Guidance, and policies QP4, HE1, HE3, HE4 and HE7 of the Hartlepool Local Plan (2018).

BACKGROUND PAPERS

3.100 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=136621>

3.101 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet>
except for such documents that contain exempt or confidential information.

CONTACT OFFICER

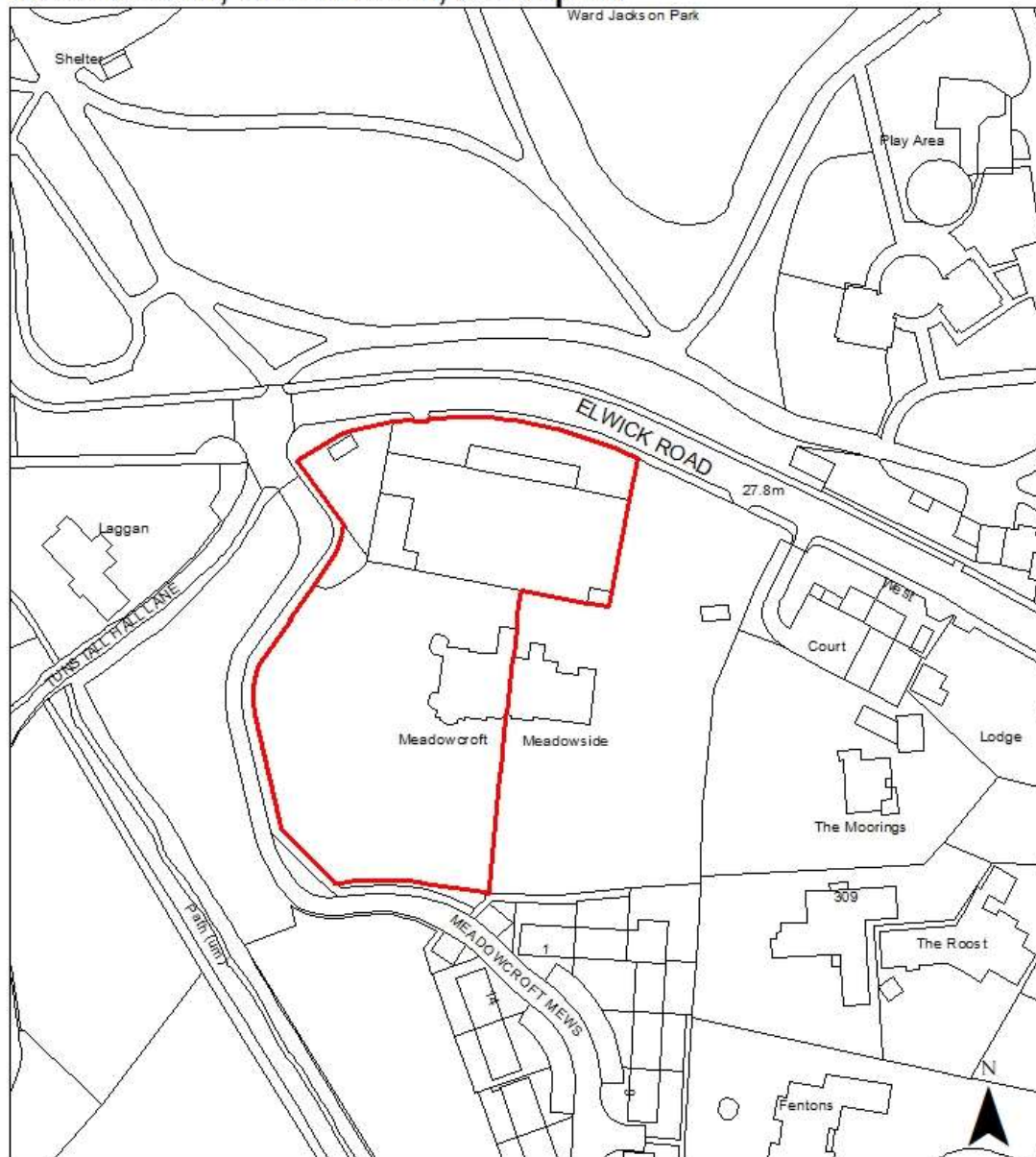
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Meadowcroft, Elwick Road, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 10.11.2020
	SCALE 1:1250	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0051-52 H/2020/0060-62	REV

No: 4.
Number: H/2020/0052
Applicant: Mr/Mrs S Cockrill ELWICK ROAD HARTLEPOOL TS26 0BQ
Agent: GAP DESIGN MR GRAEME PEARSON EDENSOR COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK ROAD HARTLEPOOL TS26 0QE
Date valid: 12/06/2020
Development: Listed Building Consent for demolition of existing stables, part-demolition of and amendments to existing garage block, creation of new access and erection of detached bungalow (including retention and incorporation of existing wall) with associated hard and soft landscaping and works to existing boundary treatments.
Location: MEADOWCROFT ELWICK ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

4.2 The following planning history is considered to be relevant to the current application;

H/OUT/0283/96 – Outline planning permission was refused in November 1996 for 9 detached dwellings together with access improvements and landscaping, on the grounds of adverse impact upon the character and appearance of the listed buildings and conservation area and character of the woodland.

H/OUT/0553/97 - Outline planning permission was refused in February 1998 for the erection of 3 detached dwellings, associated access and related tree works in the field area to the south of Meadowcroft, on the grounds of highway safety, impact upon the setting and character of the listed buildings, and conservation area. This refusal was upheld at appeal.

H/2005/5697 – Outline planning permission was refused in December 2005, for the erection of four detached dwellings consisting of 3no. within the field area to the south of Meadowcroft and 1no. with a frontage on to Elwick Road, on the grounds of the adverse impact upon the character and appearance of the listed buildings, conservation area and relationship with the adjacent development. An appeal was submitted and later withdrawn.

H/2005/6033 – Planning permission was refused in September 2005 for the erection of a gatehouse, on the grounds that it would be unduly large and would be out of

keeping with the character of the listed buildings at Meadowcroft and Meadowside and with the Park Conservation Area. This refusal was upheld at appeal.

H/2014/0163 – Planning permission was granted on 24th November 2015 by the Planning Committee, against officer recommendation, for the erection of a fourteen unit retirement village, access road, entrance and enclosure details.

H/2019/0048 – Planning permission was refused on 3rd October 2019 for the erection of a single storey extension at the rear of 12 Meadowcroft Mews, on the grounds of the harm to the Park Conservation Area, by virtue of the size and siting of the proposed development that would detract from the character and appearance of the identified heritage asset.

H/2019/0496 – Planning permission was refused on 13th March 2020 for the erection of a single storey extension at the rear of 12 Meadowcroft Mews, on the grounds of the harm to the Park Conservation Area, by virtue of the size and siting of the proposed development that would detract from the character and appearance of the identified heritage asset. An appeal (ref: APP/H0724/D/20/3252388) against the decision of the Local Planning Authority to refuse planning permission in respect of application H/2019/0496 was dismissed by the Planning Inspectorate on 22nd July 2020. In dismissing the appeal, the Inspectorate noted “this disproportionate addition would compound the incremental loss of the parkland to development”.

H/2020/0051 – A valid planning application was received on 12th June 2020 for the current proposal, as described above. This application is still under consideration, and is included in the agenda for this planning committee meeting (2nd December 2020).

H/2020/0060 – A valid planning application was received on 4th June 2020 for the erection of 2 storey detached dwellinghouse with associated hard and soft landscaping and works to existing boundary treatments, on land to the west of the current application site, also within the grounds of Meadowcroft. This application is still under consideration, and is included in the agenda for this planning committee meeting (2nd December 2020).

H/2020/0061 – A valid Listed Building Consent (LBC) application was received on 4th June 2020 for the development described in application H/2020/0060 (above). This application is still under consideration, and is included in the agenda for this planning committee meeting (2nd December 2020).

PROPOSAL

4.3 Listed Building Consent is sought for the demolition of existing stables, part-demolition of and amendments to existing garage block, creation of new access and erection of detached bungalow (including retention and incorporation of existing wall) with associated hard and soft landscaping and works to existing boundary treatments.

4.4 In detail the proposal comprises the following elements;

- Demolition of existing stable building (measuring approximately 25.5m x 4.6m in area, with a floor area of approx. 117m²) located to the north of the host dwelling at Meadowcroft. The stables feature a shallow mono-pitch / lean-to roof, with an eaves height of approx. 2.6m and a ridge height of approx. 2.85m, and are adjoined to an existing 4.8m high wall to the south, which formerly formed part of a large glasshouse / conservatory (since demolished). The high wall is to be retained.
- Part-demolition of and amendments to the existing garage block located to the north west of the host dwelling at Meadowcroft. The existing garage can store up to 5 cars. The structure is primarily open sided (to front) albeit with one enclosed bay to the south (to be demolished). The existing garage is 'L' shaped, measuring approx. 9.2m x 14.8m at its greatest extent, with a floor area of approx. 104m², and features a hipped roof with an eaves height of approx. 2.5m and a max. ridge height of approx. 3.7m. The proposal comprises part-demolition of the southern portion of the garage, reducing the garage to a rectangular shape for storage of up to 4 cars measuring approx. 11.7m x 6.3m (floor area of approx. 73.7m²). The height of the garage is to remain unchanged. The building is finished in brick with timber support columns and a tiled roof.
- A new access to the west of the site to be formed across the area of the existing garage to be part-demolished. The access will be served from the existing adopted highway to the west, leading to Meadowcroft Mews to the south and Elwick Road to the north. The access will require the creation of a new opening in the existing (approx. 2m) high boundary wall, and the proposals include the provision of tall (approx. 1.8m high) driveway gates within this opening.
- Erection of a detached bungalow (part of which sits on site of demolished stables) to the north of the host dwelling. The proposed bungalow straddles the existing high wall (to be retained) and measures approx. 35m at its longest (northern side of wall) and 26m at its shortest (southern side of wall). The bungalow has a depth (from front to back) of approx. 13 metres and covers an area of approx. 400m². The bungalow features a dual pitched tiled roof with side (east-west) facing gables. The bungalow is proposed to be finished in white and grey smooth render, albeit the southern elevation is predominantly floor-to-ceiling glazing. Large expanses of glazing can also be found on the west and north facing elevations, with a mixture of small and medium sized windows and bi-folding glazed doors to the north. The central section of the roof is entirely glazed on both the north and south facing roof slopes, whilst the eastern side elevation features no fenestration. Living and kitchen accommodation is predominantly on the southern side of the bungalow, with bedroom accommodation within the northern side.
- Associated hard and soft landscaping and works to existing boundary treatments. The site is already landscaped with areas of hard and soft landscaping to the immediate south of the proposed dwelling, and the area to the north largely consisting of hard surfaces / gravel. The wider site is enclosed by high boundary walls (as described above). Alterations to existing

landscaping and boundary treatments will be required to accommodate the proposed dwelling and have been indicatively shown on the proposed plans. Final details of the proposed hard and soft landscaping and any new boundary enclosures can be secured by planning condition.

4.5 The application has been referred to the planning committee at the request of a local ward councillor (and the Chair of planning committee), in line with the Council's scheme of delegation.

SITE CONTEXT

4.6 The application site comprises an approx. 0.2ha parcel of land forming part of the formal gardens to the front of an existing Victorian villa at Meadowcroft, Elwick Road, and extending up to the northern boundary of the site with Elwick Road. The application site is bounded to the north by Elwick Road; to the east by land belonging to the adjoining subdivision of the villa (Meadowside); to the south by the rest of the Meadowcroft / Meadowside estate (including the Victorian villa); and to the west by a further part of the front garden area (subject to application H/2020/0060 above) and the adopted highway leading to Meadowcroft Mews.

4.7 The host dwelling (Meadowcroft), together with its adjoining neighbour (Meadowside), is a grade II listed building, located in the Park Conservation Area. Opposite the application site, to the north, is the Ward Jackson Park, a registered park and garden.

PUBLICITY

4.8 The application has been advertised by way of neighbour letters (35), site notice and a press notice. To date, there have been no representations received.

4.9 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=136638>

4.10 The period for publicity has expired.

CONSULTATIONS

4.11 The following consultation replies have been received:

HBC Traffic & Transport – No representation received.

HBC Public Protection – Do not object.

HBC Heritage and Countryside Manager – The application site is within the setting of Meadowcroft/Meadowside a grade II listed building that is located in the Park Conservation Area, both of which are recognised as designated heritage assets. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193, NPPF). Further to this Policy HE4 of the local plan states, 'to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting'.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192).

At a local level, Local Plan Policy HE3 states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.'

The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings.

A particular concern in this conservation area is the loss of gardens and open spaces as dwellings which once sat within generous grounds are being subsumed by development. The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of buildings. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

Meadowcroft/Meadowside is typical of the larger properties found in the conservation area. The listed building was constructed in 1895. It comprises the main house, a lodge house on Elwick Road and, a block of stables / out buildings also to the north of the site. The house was subdivided in the 1950s with land and associated buildings subsequently sold off. This began the gradual disposal of plots of land on this estate for the construction of housing.

The significance of the listed building lies in the aesthetic value of the architectural details of the property and the setting that is provided by the generous grounds. Whilst the house was orientated to view the open countryside to the rear, the Elwick Road side had more formal gardens with an informal woodland to the west. There has been considerable alterations to the estate itself however in plan form the hierarchy of buildings is still discernible notably, the original entrance to Elwick Road, flanked by the lodge, the estate building to the rear of this and the main house itself

and the gardens to the north and woodland to the west. In addition the high boundary wall to Elwick Road remains intact with few openings new opening other than those to facilitate the division of the estate.

The estate contributes to the significance of the conservation area in that it has some of the key characteristics found in this area, namely an estate in generous grounds with multiple buildings of varying purposes which are bound on the 'public elevation' by a high wall.

The proposal is the erection of a single storey dwelling within the garden of Meadowcroft. In order to facilitate the works an existing garage will be reduced in size, existing stable blocks demolished and an opening made within the boundary of the walled garden.

The Park Conservation Area Character Appraisal summarises the significance of the conservation area. It notes that, 'The conservation areas development is characterised by a distinct hierarchy of buildings. The hierarchy is apparent in the form, height and scale of each building, and in the detailing of its architecture.' And goes on to state that 'The traditional hierarchy of the major historic houses and their lodges and outbuildings should be protected.'

Further to this it acknowledges the contribution that gardens make to the area, stating, 'Domestic gardens cover the largest acreage in the conservation area and define its low density layout. They help define its thick, green character and are fundamental to its leafy, mature appeal as a residential neighbourhood. Many are very private, hidden behind brick boundary walls, later timber fences or dense trees and foliage, but they are just as important to the areas low density, high amenity character and special interest as the public open spaces' Care should be taken not to weaken their intrinsic interest by infill development'

With regard to the boundary wall to the site it notes that, 'The enclosure provided by Meadowcrofts long northern boundary is one of the most distinctive features of the conservation area'. Behind and physically connected to the Elwick Road boundary wall is a walled garden which survives intact. This is the only one left in the conservation area and is as important to Meadowcrofts special historic interest as the lodges and outbuildings.

The introduction of a house within this estate would dilute the hierarchy of buildings. Whilst it is acknowledged that this has already occurred, first with the subdivision of the estate and more recently the introduction of a small estate of buildings to the rear of the property, in plan form the property, and particularly the garden to the north of the house, remains recognisable as the original design of the estate. The introduction of a house within the garden on this scale would impact on the significance of the listed building and particularly it's setting as part of a planned estate. The original structure behind this wall would have been very much subservient to the property and clearly more of ancillary building. Furthermore the greenhouse would have been constructed in order to serve the house and be part of the estate, rather than as separate building as in this instance, further subdividing the property.

The loss of part of the garden boundary wall and the introduction of glazed elements within the garden area would harm the setting of the listed building. Whilst it is acknowledged that there was a building in this location previously, the proposed glazed structure with a solid roof does not reflect the light, greenhouse building, which was located within this area.

The design and materials of the proposed property would harm the significance of the setting of the listed building. The palette of materials used on this estate is predominantly brick with a clay tile. The proposal would be a prominent structure with the roof and glazed elements visible over the wall bounding Elwick Road. Furthermore the use of grey and white render, in an estate which is predominantly brick would be out of keeping.

For the reasons outlined above the proposal would also harm the significance of the Park Conservation Area. This is because it would further dilute the estate form which is one of the key characteristics of the conservation area. In addition it would contribute to the at risk status of the conservation area as such works would result in further erosion of established garden spaces within the conservation area. The prominence of the roof over the high wall on Elwick Road brings forward the buildings within the site. As noted in the appraisal above private gardens are often hidden behind high walls but are just as important in contributing to the low density of the area. The visible roof would create views within the conservation area of property close to the boundary wall, rather than set back, as is predominantly found within the area.

UPDATE 03/08/2020: It is not considered that changes to the materials used would mitigate against the impact on the significance that the proposal would cause.

If the purpose of the application is to support the future of Meadowcroft this should be demonstrated through a clear plan following Historic England Good Practice Advice in Planning Note 4, Enabling Development. The document notes that,

"The sums of money generated through enabling development are provided to directly solve the conservation needs of the place, not to solve the financial needs of the present owner, to support/finance a business or to compensate for the purchase price paid for the site. The amount of enabling development that can be justified will be the minimum amount necessary in order to address the conservation deficit and to secure the long-term future of the assets."

Information should be brought forward to demonstrate the need for investment in Meadowcroft, i.e. what work is required to support the future of the building, what is the cost of this work, why can this only be achieved through development on the site? Information on the current market value to the property and its value after the investment is provided should be produced to show that there is a clear conservation deficit that can only be addressed in this way. Currently no evidence of this has been produced therefore this is not considered a reasonable justification which would overcome the harm caused by these applications.

UPDATE 13/11/2020: [In respect of the impact on Ward Jackson Park], both buildings will be seen over the wall and therefore alter the setting of the park,

however the road in-between the two breaks some of that strong connection and provides a more immediate setting.

I would consider in both cases the harm to the conservation area and listed building is 'less than substantial' with the caveat that substantial harm is a high test. Cumulatively I would consider that if the applications were considered together they will have a major impact on both the listed building and conservation area, in irrevocably introducing built development into areas which were previously well established open grounds and ancillary buildings which complemented the setting of Meadowcroft/Meadowside and provided one of the few original remaining garden areas.

It should however be stressed that, paragraph 193 of the NPPF states,

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

Therefore in concluding that the harm is less than substantial this should in no way down play it as 'great weight' should be given to the conservation of these assets.

Historic England – Thank you for your letter of 30 June 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Tees Archaeology - Thank you for the consultation. Although the stableblock is considered locally listed, I have no objection to the proposed alterations.

Hartlepool Civic Society – Hartlepool Civic Society object to the above application as it is detrimental to the setting of a listed building, listed Park and the character of the conservation area.

We would also like to draw attention to a number of statements and inaccuracies made within the Heritage, Design and Access Statement, submitted with the application, and have made comments in italics beneath each one which also form part of our objection.

Within the Header and address section of the Heritage , Design and Access Statement submitted by the applicant it states

Proposed Reinstatement of previous glazed structure

This application is for a completely different style of property and is not a reinstatement of the original glasshouse.

4.0 Planning Policy Context

Policy HE1 sets out that development in a conservation area should preserve or enhance the area and that in determining applications, regard will have to have the need for;

- 1) Preserve and /or enhance its special character, distinctiveness, setting and townscape or landscape value in a manner which is appropriate to its significance;
- 2) Be of high quality design which has a positive impact on the heritage asset.
- 3) Ensure the sensitive and viable use of the heritage asset.

the scale and nature of the development is appropriate to the character of the Park Conservation Area. The proposed dwelling is substantially smaller in scale and the proposed use of quality materials we aim to provide a gatehouse/ Lodge feel to compliment Meadowcroft

We fail to see how a white rendered, grey aluminium windowed bungalow with grey slate roof can in anyway compliment the ornate brickwork of Meadowcroft and its red tiled roof. The design presented, rather than compliment, would appear to go to every length to clash. It states that the aim is to provide a gatehouse / lodge feel to compliment Meadowcroft...surely this is for the application H/2020/0061 as this application is supposed to reinstate the Glasshouse?

It has been considered appropriate that the design should be contemporary using high quality materials.

We are unable to see any rationale as to why it has been considered appropriate and also by whom?

We consider that the proposal will have little effect on the heritage asset due to the plot being almost detached from the grounds

As you can see from the photographs submitted by the applicant and also by walking/driving past the proposed site the plot is visible in the foreground and is in no way detached from the grounds. The estate, whilst already somewhat fractured from the original design, is still very much intact in this area and as such is an important part of the listed building and would dilute the hierarchy of the building. The proposed new access fragments the surrounding wall and creates yet another gateway detracting from the significance and setting of the original listed property.

5.0 Other Material Considerations

National Guidance on conservation areas PPS 5 was published in March 2010 We do not consider that there is anything within PPS 5 that outweighs Policy HE1 of the adopted plan. Consideration of the application proposal and its impact on the Conservation Area remains relevant and acknowledging that none of the buildings surrounding or within close proximity of the site are listed, PPS 5 would not indicate any reason for Planning Consent to be refused.

This paragraph is totally incorrect; Meadowcroft and Meadowside are both listed as is Ward Jackson Park across the road.

PPS 5 policy HE6 sets out those applicants should provide a description of the significance of Heritage Assets affected by the application and the contribution of their setting to that significance. The site sits at the shared entrance to Meadowcroft and Meadowcroft Mews with Tunstall Farm (190m) and Tunstall Garth (135m) to the south west of the site entrance.

The proposed dwelling is screened behind existing high brick walls to reduce any visual impact on nearby properties.

This does not address the significance of the listed buildings or Conservation area nor does it explain how the new build would contribute to the setting.

Policy HE7 of PPS 5 sets out the decision making process for development affecting a heritage asset. In this case we have submitted detailed assessment of the proposals against relevant policy in the local plan and have justified that the proposed dwellings would not materially affect Meadowcroft, Meadowside, Tunstall Garth or Tunstall Farm

We are unable to find any detailed assessment within the application, we believe that this statement is lifted from the previous application for Meadowcroft Mews and bears no relevance to this application

The use of the application site is appropriate in the context of Local Plan Policy. It is submitted that the design, overall scale, massing, alignment and materials used will preserve the character of the conservation area and make a positive contribution to its character and local distinctiveness. The proposed dwelling both respecting the local architecture but also contemporary dwellings of their time.

We would like to see detailed evidence of the assumptions made in the above paragraph as within the current documentation there is none.

6.0. Access Principles Reasons behind the access principles Vehicular Links Elwick Road enjoys a primary link into Hartlepool Town Centre and easy access to major roads ie A19 etc Transport Links Elwick Road is approx. 250m from the top of Park Road, 500m from the top of Grange Road and is close to existing bus routes providing fast and convenient access throughout the town and to Rail & Bus links throughout the country Inclusive Access Access into the new dwelling will be via a secure door with level access. All new entrance and internal circulation doors in accordance with Part M of the latest Building Regulations [access for ambulant disabled] and any other requirements as required for dwellings as specifically designed for the retired. Further vertical movement throughout the dwellings will be via a staircase which will also comply with Part M of the Building Regulations [access for ambulant disabled]

We are unable to make any sense of this paragraph as there are will be no vertical movement or staircase as it is a bungalow...is this yet again simply lifted from a

previous application for Meadowcroft Mews? Surely this cannot be the case if the applicant is serious in his commitment to providing detailed and correct information to support this application to reinstate a previous glazed structure

7.0 Conclusions

This report is in support of the application for a single detached dwelling formed around existing 5m high brick wall. The proposals will safeguard the wall for the future

The principle of the dwelling on the site is acceptable, having developed a site of fourteen retirement dwellings to the paddock at South of Meadowcroft

The current proposal preserves the character and appearance of the conservation area within which they are located through the scale, height, design, materials and massing of the dwellings and its positioning on the site. By retaining boundary treatments and also utilising an existing site access, we consider that the proposals to be acceptable both Policy HE1 of the Development Plan and with PPS 5.

We therefore conclude that the new application proposal is acceptable in Heritage terms as they will preserve the Conservation Area and in accordance with Local Plan Policy and material considerations including PPS 5 and the Development Brief. The development of fourteen retirement dwellings to the south of the property is not a reason to believe that this development site, to the north of the property, is acceptable.

The original glasshouse would have very clearly been an ancillary building with a glazed roof. This proposed structure has a virtually solid roof which will be visible above the boundary wall onto Elwick road and directly opposite the Grade II listed park.

In conclusion and for all of the reasons outlined in italics above this application will not only harm the significance of the listed building but also undermine the whole principles of the Park Conservation Area. The application is considered contrary to Local Plan policies HE1, HE3 & HE4. Further, as demonstrated, the Heritage Statement, as required by policy HE1, totally fails to detail the degree to which proposed changes enhance or detract from the significance of the heritage assets and the ability to appreciate them and demonstrate understanding of the potential impact of the proposal on the assets significance and setting.

The Hartlepool HER should be referred to along with the Hartlepool Strategy for the Historic Environment.

HBC Countryside Access Officer – Please refer to my comments in H/2020/0051.

HBC Landscape Architect – No representation received.

HBC Arboricultural Officer – No representation received.

HBC Ecology – No issues.

HBC Engineering – I have no comments to make as regards surface water management or contaminated land in respect of this Listed Building Consent application.

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

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

Hartlepool Water – No representation received.

HBC Waste Management – No representation received.

HBC Property Services – No representation received.

HBC Building Control – No representation received.

Cleveland Police – Police have no objections

PLANNING POLICY

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

Local Policy

4.13 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

HE1: Heritage Assets
HE3: Conservation Areas
HE4: Listed Buildings and Structures
HE7: Heritage at Risk

National Policy

4.14 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For

decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA184: Conserving and enhancing the historic environment

PARA189: Proposals affecting heritage assets

PARA190: Proposals affecting heritage assets

PARA195: Considering Potential Impacts

PARA 196 :Considering potential impacts

PARA199: Considering potential impacts

PARA200: Considering potential impacts

4.15 HBC Planning Policy comments - I have looked at the Meadowcroft applications and read [HBC Heritage and Countryside Manager's] comments.

Meadowcroft is a listed building, within the Park Conservation Area which is deemed to be `at risk`. Meadowcroft is opposite and adds to the setting of Ward Jackson Park.

The proposal seeks to reduce the size of the garage, erect a bungalow on the location of the former greenhouse and create an opening in the historic wall. The Park Conservation Area Appraisal, in brief, states that the importance of Meadowcroft lies, in part, within the setting that is provided by the generous grounds. The conservation area as a whole is characterised by a hierarchy of buildings, set in generous gardens bounded by high walls and/or railings.

Policies HE1, HE3, HE5 and He7 are paramount to the determination of this application. The aforementioned policies seek to preserve, protect and enhance heritage assets and avoid inappropriate development especially where an asset is deemed to be `at risk`.

Planning Policy note the comments of the Heritage and Countryside Manager and support the belief that the proposal will cause harm to the listed building and the significance of the conservation area.

Policy HE1 considers harm and weighs it against public benefit. Planning Policy do not believe that any substantial public benefit will occur from the proposal and thus consider that the proposal does not comply with policy HE1.

Policy HE3 seeks to ensure that the distinctive features of a conservation area are conserved and/or enhanced. Planning Policy are of the opinion that the distinctive features i.e. the hierarchy of buildings, the boundary enclosures and the generous gardens will be eroded and thus the proposal does not comply with policy HE3.

Policy HE4 seeks to conserve and enhance the borough's listed buildings and to ensure that harm is not caused through inappropriate development within their

setting. Planning Policy are of the opinion that the proposal does not conserve or enhance the listed building and will cause harm to the setting of the listed building and thus the proposal does not comply with policy HE4.

Policy HE7 sets out that retention, protection and enhancement of heritage assets at risk is a priority for the council. Given that the proposal is likely to harm the listed building, its setting and the conservation area then it is likely that the proposal would exacerbate the 'at risk' classification further and thus Planning Policy considers that the proposal does not comply with policy HE7.

PLANNING CONSIDERATIONS

4.16 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and the impact of the proposal on the character and setting of the listed building. This and any other residual matters are considered in detail below.

IMPACT ON THE CHARACTER AND SETTING OF THE LISTED BUILDING

4.17 The application site is within the setting of Meadowcroft/Meadowside, a grade II listed building that is located in the Park Conservation Area, both of which are recognised as designated heritage assets. The site also sits opposite Ward Jackson Park, a (grade II listed) registered park and garden.

Legislative and Policy Context

4.18 The National Planning Policy Framework 2019 (NPPF) sets out the Government's commitment to good design. Paragraph 124 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

4.19 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan 2018 advises that all developments should be designed to a high quality and positively enhance their location and setting. The policy stipulates that development should; be of an appropriate layout, scale and form that enhances the distinctive features, character and history of the local area; respect the surrounding buildings, structures and environment; and sustains and/or enhances the historic environment and heritage assets and their settings, amongst other requirements.

4.20 Policy HE1 (Heritage Assets) of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

4.21 Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193, NPPF). Further to this Policy HE4 (Listed Buildings and Structures) of the Local Plan states, 'to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting'.

Significance of the Listed Building

4.22 Meadowcroft/Meadowside is typical of the larger properties found in the Park Conservation Area. The listed building was constructed in 1895. It comprises the main house, a lodge house on Elwick Road and, a block of stables / out buildings also to the north of the site. The house was subdivided in the 1950s with land and associated buildings subsequently sold off. This began the gradual disposal of plots of land on this estate for the construction of housing.

4.23 The significance of the listed building lies in the aesthetic value of the architectural details of the property and the setting that is provided by the generous grounds. Whilst the house was orientated to view the open countryside to the rear, the Elwick Road side had more formal gardens with an informal woodland to the west. There has been considerable alterations to the estate itself however in plan form the hierarchy of buildings is still discernible notably, the original entrance to Elwick Road, flanked by the lodge, the estate building to the rear of this and the main house itself and the gardens to the north and woodland to the west. In addition the high boundary wall to Elwick Road remains intact with few openings new opening other than those to facilitate the division of the estate.

4.24 The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings.

4.25 A particular concern in this conservation area is the loss of gardens and open spaces as dwellings which once sat within generous grounds are being subsumed by development. The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of buildings. Policy HE7 (Heritage at Risk) of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

4.26 The Meadowcroft / Meadowside estate contributes to the significance of the conservation area in that it has some of the key characteristics found in this area, namely an estate in generous grounds with multiple buildings of varying purposes which are bound on the 'public elevation' by a high wall.

4.27 The Park Conservation Area Character Appraisal summarises the significance of the conservation area. It notes that, 'The conservation areas development is characterised by a distinct hierarchy of buildings. The hierarchy is apparent in the form, height and scale of each building, and in the detailing of its architecture.' And goes on to state that 'The traditional hierarchy of the major historic houses and their lodges and outbuildings should be protected.'

4.28 Further to this it acknowledges the contribution that gardens make to the area, stating, 'Domestic gardens cover the largest acreage in the conservation area and define its low density layout. They help define its thick, green character and are fundamental to its leafy, mature appeal as a residential neighbourhood. Many are very private, hidden behind brick boundary walls, later timber fences or dense trees

and foliage, but they are just as important to the areas low density, high amenity character and special interest as the public open spaces' Care should be taken not to weaken their intrinsic interest by infill development'

4.29 With regard to the boundary wall to the site it notes that, 'The enclosure provided by Meadowcroft's long northern boundary is one of the most distinctive features of the conservation area'. Behind and physically connected to the Elwick Road boundary wall is a walled garden which survives intact. This is the only one left in the conservation area and is as important to Meadowcroft's special historic interest as the lodges and outbuildings.

Impact of the Proposals on the Listed Building

4.30 Historic England has been consulted on the application and has confirmed that they do not wish to offer any comment, however have advised that the views of the Council's specialist conservation adviser should be sought.

4.31 The Council's Heritage and Countryside Manager has reviewed the application and has raised a number of significant concerns with respect to the impact of the proposals on the identified heritage assets as follows;

4.32 The introduction of a house within this estate would dilute the hierarchy of buildings. Whilst it is acknowledged that this has already occurred, first with the subdivision of the estate and more recently the introduction of a small estate of buildings to the rear of the property, in plan form the property, and particularly the garden to the north of the house, remains recognisable as the original design of the estate. The introduction of a house within the garden on this scale would impact on the significance of the listed building and particularly it's setting as part of a planned estate. The original structure behind this wall would have been very much subservient to the property and clearly more of ancillary building. Furthermore the greenhouse would have been constructed in order to serve the house and be part of the estate, rather than as separate building as in this instance, further subdividing the property.

4.33 The loss of part of the garden boundary wall and the introduction of glazed elements within the garden area would harm the setting of the listed building. Whilst it is acknowledged that there was a building in this location previously, the proposed glazed structure with a solid roof does not reflect the light, greenhouse building, which was located within this area.

4.34 The design and materials of the proposed property would harm the significance of the setting of the listed building. The palette of materials used on this estate is predominantly brick with a clay tile. The proposal would be a prominent structure with the roof and glazed elements visible over the wall bounding Elwick Road. Furthermore the use of grey and white render, in an estate which is predominantly brick would be out of keeping.

4.35 For the reasons outlined above the proposal would also harm the significance of the Park Conservation Area. This is because it would further dilute the estate form which is one of the key characteristics of the conservation area. In addition it would

contribute to the at risk status of the conservation area as such works would result in further erosion of established garden spaces within the conservation area. The prominence of the roof over the high wall on Elwick Road brings forward the buildings within the site. As noted in the appraisal above private gardens are often hidden behind high walls but are just as important in contributing to the low density of the area. The visible roof would create views within the conservation area of property close to the boundary wall, rather than set back, as is predominantly found within the area.

4.36 In view of the above concerns, the applicant informally proposed amendments to the finishing materials as a means of negating the impacts on the identified heritage assets. The Council's Heritage and Countryside Manager has since advised however that it is not considered that changes to the materials used would mitigate against the impact on the significance of the listed building and heritage assets that the proposal would cause.

4.37 The concerns of the Council's Heritage and Countryside Manager have also been echoed in objections received from the Council's Planning Policy section and Landscape Architect, as well as Hartlepool Civic Society.

4.38 The Council's Planning Policy section consider that the proposals are contrary to policies HE1, HE3, HE4 and HE7 of the Local Plan and that, if approved, the proposal would exacerbate the 'at risk' classification of the conservation area further. Furthermore, the Council's Landscape Architect has also raised concerns that the proposals will have a negative landscape and visual impact on the setting of Ward Jackson Park, opposite the site.

Enabling Development Justification

4.39 Following the above concerns, the applicant subsequently advised that the application(s) have been submitted in order to *"preserve Meadowcroft for future generations, and prevent its decline, as has happened to other large late nineteenth century houses with extensive grounds in Hartlepool."*

4.40 In response, the Council's Heritage and Countryside Manager has advised that, if the purpose of the application is to support the future of Meadowcroft, this should be demonstrated through a clear plan following Historic England Good Practice Advice in Planning Note 4, Enabling Development. The document notes that:

"The sums of money generated through enabling development are provided to directly solve the conservation needs of the place, not to solve the financial needs of the present owner, to support/finance a business or to compensate for the purchase price paid for the site. The amount of enabling development that can be justified will be the minimum amount necessary in order to address the conservation deficit and to secure the long-term future of the assets."

4.41 In view of this, the Council's Heritage and Countryside Manager has advised that information should have been brought forward to demonstrate the need for investment in Meadowcroft (i.e. what work is required to support the future of the building, what is the cost of this works, why can this only be achieved through

development on the site?). Information on the current market value to the property and its value after the investment is provided should also be produced to show that there is a clear conservation deficit that can only be addressed in this way.

4.42 To date, no evidence of this has been provided by the applicant and therefore this is not considered a reasonable justification which would overcome the harm caused by these applications.

Conclusions

4.43 In view of the above, it is considered that the proposal would result in harm to the significance of the identified heritage assets, namely the listed building of Meadowcroft / Meadowside and the Park Conservation Area.

4.44 Whilst the Council's Heritage and Countryside Manager considers that in both cases the harm to the conservation area and listed building is 'less than substantial', for the purposes of assessing the level of harm in line with the NPPF, it should be noted that 'substantial harm' is a high test, and paragraph 193 of the NPPF states,

*'When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight should be given to the asset's conservation** (and the more important the asset, the greater the weight should be). **This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.***

4.45 In this instance, it is considered that the cumulative impact of these proposals and those for the adjacent land (applications H/2020/0060 & H/2020/0061) would have a major impact on both the listed building and conservation area, in irrevocably introducing built development into areas which were previously well established open grounds and ancillary buildings which complemented the setting of Meadowcroft / Meadowside and provided one of the few original remaining garden areas.

4.46 No evidence of any public benefits of the proposal, including securing the optimum viable use of the heritage assets, has been provided to outweigh the identified harm.

4.47 It is therefore considered that the proposals would have an unacceptable detrimental impact on the identified heritage assets. It is also considered that this, in turn, will result in a detrimental impact on the visual amenity of the application site and the character and appearance of the surrounding area. The application is therefore considered to be unacceptable in this respect and contrary to Local Plan policies QP4, HE1, HE3, HE4 and HE7, and paragraphs 124, 127, 193, 194, 196, 200 and 202 of the NPPF.

RESIDUAL MATTERS

4.48 Further comments received from neighbours and consultees with respect to the principle of development and/or any material planning considerations that are beyond the scope of this application for Listed Building Consent have been

considered in full as part of the associated full application for planning permission (ref: H/2020/0051) received at the same time as this application.

4.49 Where limited information has been provided in respect of associated works that would affect the setting of the listed building (e.g. boundary enclosures, hard and soft landscaping, ecological mitigation/enhancement etc.), as set out in the consideration of application H/2020/0051, these would have been secured by virtue of planning / listed building consent conditions, had the application(s) been considered acceptable in all other respects.

CONCLUSION

4.50 In view of the above considerations and the relevant policies of the Hartlepool Local Plan 2018 and relevant paragraphs of the NPPF 2019, it is considered that the proposal would result in less than substantial harm to the significance of the identified heritage assets, namely the Park Conservation Area and Meadowcroft / Meadowside. No evidence of any public benefits of the proposal has been provided to outweigh the identified harm.

4.51 It is therefore considered that the proposals would have an unacceptable detrimental impact on the identified heritage assets. It is also considered that this, in turn, will result in a detrimental impact on the visual amenity of the application site and the character and appearance of the surrounding area. The application is therefore considered to be unacceptable in this respect and contrary to Local Plan policies QP4, HE1, HE3, HE4 and HE7, and paragraphs 124, 127, 193, 194, 196, 200 and 202 of the NPPF.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.52 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

4.54 There are no Section 17 implications.

REASON FOR DECISION

4.55 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION – REFUSE for the following reason;

2. In the opinion of the Local Planning Authority, it is considered that the proposed development, by virtue of its size, siting and design, would appear unduly large and out of keeping and would result in the irrevocable loss of the

previously well-established open grounds and ancillary buildings serving the (grade II) listed building at Meadowcroft / Meadowside, which contributes to the significance of the Park Conservation Area. It is therefore considered that the proposals would cause less than substantial harm to the identified heritage assets, namely Meadowcroft / Meadowside and the Park Conservation Area, and no information has been provided to demonstrate that this harm would be outweighed by the public benefits of the proposal. For the same reasons, it is also considered that the proposals would have a detrimental impact on the visual amenity of the application site and the character and appearance of the surrounding area. The application is therefore considered to be contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of the National Planning Policy Framework and National Planning Practice Guidance, and policies QP4, HE1, HE3, HE4 and HE7 of the Hartlepool Local Plan (2018).

BACKGROUND PAPERS

4.56 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=136638>

4.57 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet>
except for such documents that contain exempt or confidential information.

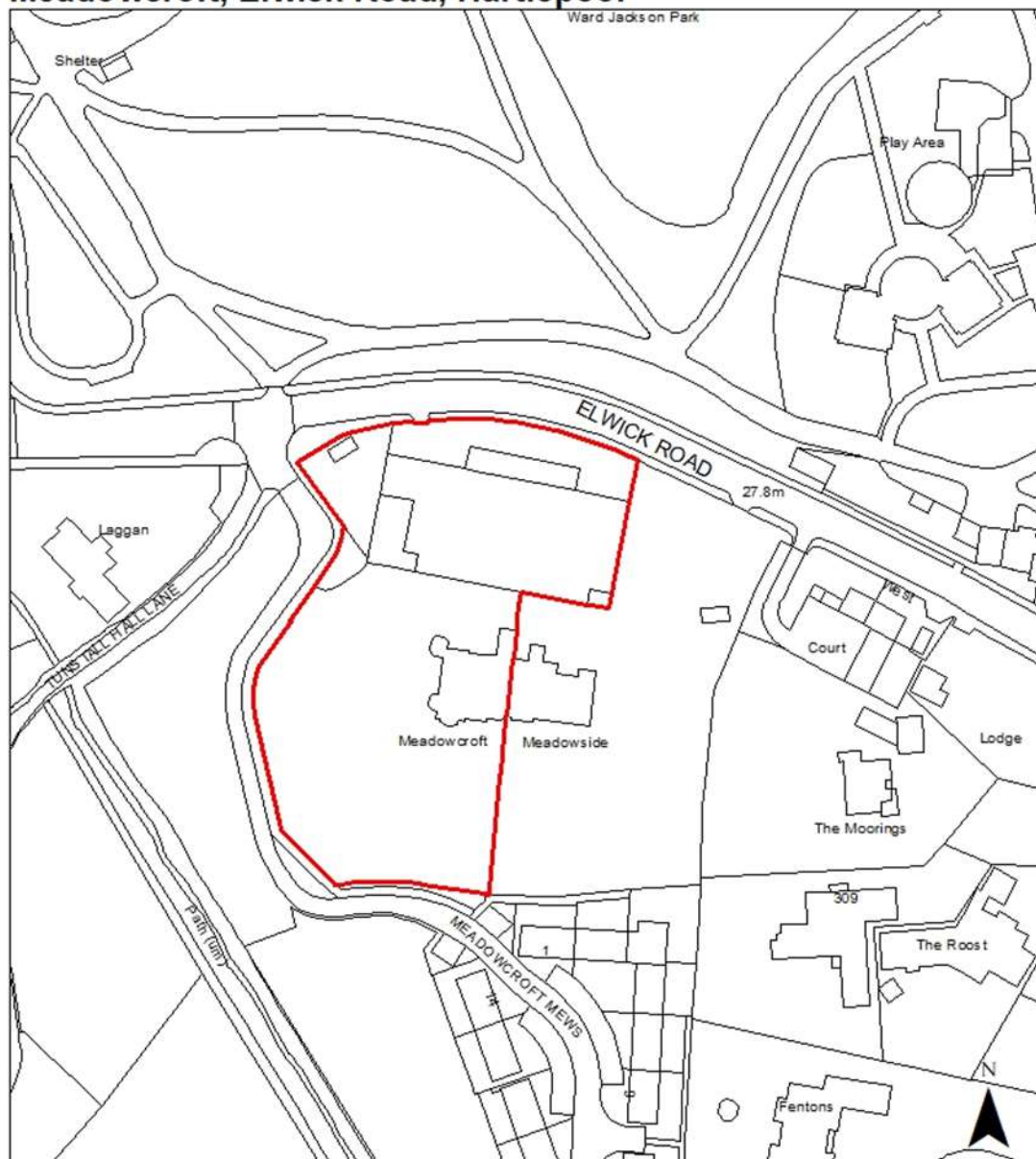
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Meadowcroft, Elwick Road, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 10.11.2020
	SCALE 1:1250	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0051-52 H/2020/0060-62	REV

No: 5.
Number: H/2020/0060
Applicant: MR MRS L GATE ROSEDALE AVENUE HARTLEPOOL
TS26 9QL
Agent: GAP DESIGN MR GRAEME PEARSON EDENSOR
COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK
ROAD HARTLEPOOL TS26 0QE
Date valid: 04/06/2020
Development: Erection of 2 storey detached dwellinghouse with
associated hard and soft landscaping and works to
existing boundary treatments.
Location: MEADOWCROFT ELWICK ROAD HARTLEPOOL
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

5.2 The following planning history is considered to be relevant to the current application;

H/OUT/0283/96 – Outline planning permission was refused in November 1996 for 9 detached dwellings together with access improvements and landscaping, on the grounds of adverse impact upon the character and appearance of the listed buildings and conservation area and character of the woodland.

H/OUT/0553/97 - Outline planning permission was refused in February 1998 for the erection of 3 detached dwellings, associated access and related tree works in the field area to the south of Meadowcroft, on the grounds of highway safety, impact upon the setting and character of the listed buildings, and conservation area. This refusal was upheld at appeal.

H/2005/5697 - Outline planning permission was refused in December 2005, for the erection of four detached dwellings consisting of 3no. within the field area to the south of Meadowcroft and 1no. with a frontage on to Elwick Road, on the grounds of the adverse impact upon the character and appearance of the listed buildings, conservation area and relationship with the adjacent development. An appeal was submitted and later withdrawn.

H/2005/6033 – Planning permission was refused in September 2005 for the erection of a gatehouse, on the grounds that it would be unduly large and would be out of keeping with the character of the listed buildings at Meadowcroft and Meadowside and with the Park Conservation Area. This refusal was upheld at appeal.

H/2014/0163 – Planning permission was granted on 24th November 2015 by the Planning Committee, against officer recommendation, for the erection of a fourteen unit retirement village, access road, entrance and enclosure details.

H/2019/0048 – Planning permission was refused on 3rd October 2019 for the erection of a single storey extension at the rear of 12 Meadowcroft Mews, on the grounds of the harm to the Park Conservation Area, by virtue of the size and siting of the proposed development that would detract from the character and appearance of the identified heritage asset.

H/2019/0496 – Planning permission was refused on 13th March 2020 for the erection of a single storey extension at the rear of 12 Meadowcroft Mews, on the grounds of the harm to the Park Conservation Area, by virtue of the size and siting of the proposed development that would detract from the character and appearance of the identified heritage asset. An appeal (ref: APP/H0724/D/20/3252388) against the decision of the Local Planning Authority to refuse planning permission in respect of application H/2019/0496 was dismissed by the Planning Inspectorate on 22nd July 2020. In dismissing the appeal, the Inspectorate noted *“this disproportionate addition would compound the incremental loss of the parkland to development”*.

H/2020/0061 – A valid Listed Building Consent (LBC) application was received on 4th June 2020 for the current proposal, as described above. This application is still under consideration, and is included in the agenda for this planning committee meeting (2nd December 2020).

H/2020/0051 – A valid planning application was received on 12th June 2020 for demolition of existing stables, part-demolition of and amendments to existing garage block, creation of new access and erection of detached bungalow (including retention and incorporation of existing wall) with associated hard and soft landscaping and works to existing boundary treatments.. This application is still under consideration, and is included in the agenda for this planning committee meeting (2nd December 2020).

H/2020/0052 – A valid Listed Building Consent (LBC) application was received on 12th June 2020 for the development described in application H/2020/0051 (above). This application is still under consideration, and is included in the agenda for this planning committee meeting (2nd December 2020).

PROPOSAL

5.3 Planning permission is sought for the erection of a 2 storey detached dwellinghouse with associated hard and soft landscaping and works to existing boundary treatments.

5.4 In detail the proposal comprises the following elements;

- Erection of a two storey detached dwellinghouse finished in a smooth white render with the principal roof featuring a dual pitch (north and south facing gables) with a shorter west facing projecting gable and a ground floor offshoot on the north elevation. The proposed dwelling has a maximum eaves height

of approx. 5.2 metre and a maximum ridge height of approx. 8.6 metres and the roof is finished in a smooth grey roof tile. The dwelling is largely contemporary in design with significant amounts of (floor-to-ceiling) glazing on the south facing 'front' and north facing 'rear' elevations. The side elevations of the dwelling feature a number of patio/glazed doors at ground floor and a variety of other single-pane windows in various sizes. A small canopy is proposed above the ground floor lobby door. The main dwelling measures approx. 8.3m x 10.4m, albeit the two aforementioned offshoots result in the dwelling occupying approx. 107sqm of the site, with a total floor area (ground and first floor) of approx. 200sqm. At ground floor, the dwelling features an open plan kitchen, dining and living area, an additional lounge, a lobby, hallway, w/c, cloakroom and utility. At first floor the dwelling features 4 double bedrooms, one with ensuite, and a family bathroom.

- Associated hard and soft landscaping and works to existing boundary treatments. The site is currently cleared with most areas comprising dirt / gravel at the time of the case officers site visit. The site is also substantially enclosed by the existing high boundary wall (approx. 3m high to north and east; 2m high to west / south). The proposals include use of an existing gated vehicular access into the site to the south-west that will serve a short private driveway. Other external areas of the site are proposed to be landscaped with grass, whilst paved patio areas are proposed to the north / east and west of the dwelling. Additional boundary walls will be built to the eastern boundary of the site (where there is currently a double gate into the wider estate). The majority of existing boundary enclosures will be maintained, except for 2 small openings in the eastern wall which, combined with the new proposed walls, will form a small private courtyard to the east of the dwelling. These elements of the application have been indicatively shown on the proposed plans, however only limited details of these have been provided at this stage.

5.5 The application has been referred to the planning committee at the request of a local ward councillor (and the Chair of planning committee), in line with the Council's scheme of delegation.

SITE CONTEXT

5.6 The application site comprises an approx. 400sqm parcel of land to the immediate west of the formal gardens and within the estate grounds to the front of an existing Victorian villa at Meadowcroft, Elwick Road. The site is bound by adopted highway to the north (Elwick Road) and to the west (leading to Meadowcroft Mews). To the south and east, the site is bound by the rest of the Meadowcroft / Meadowsides estate (including the Victorian villa). To the immediate east of the site lies the part of the front garden area of Meadowcroft that is subject to pending planning & listed building consent applications H/2020/0060 & H/2020/0061 (above) for the erection of a detached bungalow.

5.7 The host dwelling (Meadowcroft), together with its adjoining neighbour (Meadowsides), is a grade II listed building, located in the Park Conservation Area. Opposite the application site, to the north, is the Ward Jackson Park, a (grade II listed) registered park and garden.

PUBLICITY

5.8 The application has been advertised by way of neighbour letters (35), site notice and a press notice. To date, there have been 2 representations received.

1 objection has been received with the following comments;

“I object to the proposed planning applications. The proposals do not preserve and/or enhance the special character, distinctiveness, setting of the heritage assets at the shared entrance to Meadowcroft and Meadowcroft Mews. The proposed finish in white rendering is not compatible with the surrounding properties. The erection of a 2 -storey property on the corner with the Mews / Elwick Road will further restrict visibility at a road junction that is already dangerous at times due to the speed of oncoming vehicles.”

5.9 2 letters of ‘support’ have been received with no comments.

5.10 Background papers can be viewed by the ‘attachments’ on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=136659>

5.11 The period for publicity has expired.

CONSULTATIONS

5.12 The following consultation replies have been received:

HBC Traffic & Transport – There are no highway or traffic concerns.

HBC Public Protection – Do not object.

HBC Heritage and Countryside Manager – The application site is within the setting of Meadowcroft/Meadowside a grade II listed building that is located in the Park Conservation Area, both of which are recognised as designated heritage assets. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, ‘great weight’ to the asset’s conservation (para 193, NPPF). Further to this Policy HE4 of the local plan states, ‘to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting’.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The

NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192).

At a local level, Local Plan Policy HE3 states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.'

The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings.

A particular concern in this conservation area is the loss of gardens and open spaces as dwellings which once sat within generous grounds are being subsumed by development. The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of buildings. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

Meadowcroft/Meadowside is typical of the larger properties found in the conservation area. The listed building was constructed in 1895. It comprises the main house, a lodge house on Elwick Road and, a block of stables / out buildings also to the north of the site. The house was subdivided in the 1950s with land and associated buildings subsequently sold off. This began the gradual disposal of plots of land on this estate for the construction of housing.

The significance of the listed building lies in the aesthetic value of the architectural details of the property and the setting that is provided by the generous grounds. Whilst the house was orientated to view the open countryside to the rear, the Elwick Road side had more formal gardens with an informal woodland to the west. There has been considerable alterations to the estate itself however in plan form the hierarchy of buildings is still discernible notably, the original entrance to Elwick Road, flanked by the lodge, the estate building to the rear of this and the main house itself and the gardens to the north and woodland to the west. In addition the high boundary wall to Elwick Road remains intact with few new openings other than those to facilitate the division of the estate.

The estate contributes to the significance of the conservation area in that it has some of the key characteristics found in this area, namely an estate in generous grounds with multiple buildings of varying purposes which are bound on the 'public elevation' by a high wall.

The proposal is the erection of a two storey dwelling to the entrance of Meadowcroft.

The Park Conservation Area Character Appraisal summarises the significance of the conservation area. It notes that, 'The conservation areas development is

characterised by a distinct hierarchy of buildings. The hierarchy is apparent in the form, height and scale of each building, and in the detailing of its architecture.’ It goes on to state that ‘The traditional hierarchy of the major historic houses and their lodges and outbuildings should be protected.’

Further to this it acknowledges the contribution that gardens make to the area, stating, ‘Domestic gardens cover the largest acreage in the conservation area and define its low density layout. They help define its thick, green character and are fundamental to its leafy, mature appeal as a residential neighbourhood. Many are very private, hidden behind brick boundary walls, later timber fences or dense trees and foliage, but they are just as important to the areas low density, high amenity character and special interest as the public open spaces’ Care should be taken not to weaken their intrinsic interest by infill development.

The introduction of a lodge house within this estate would dilute the hierarchy of buildings. Whilst it is acknowledged that this has already occurred, first with the subdivision of the estate and more recently the introduction of a small estate of buildings to the rear of the property, in plan form the property, and particularly the garden to the north of the house, remains recognisable as the original design of the estate. The introduction of a second lodge house would impact on the significance of the listed building and particularly its setting as part of a planned estate.

The introduction of further built form would also reduce the garden to the property which, contributed to the setting of the listed building, in particular the loss of this element would reduce the formal garden which is present to the north of the property, which contrasts with the more informal setting found to the south.

The design and materials of the proposed property would harm the significance of the setting of the listed building. The palette of materials used on this estate is predominantly brick with a clay tile. Windows are generally timber and properties also feature intricate timber work, be that on feature bays, or porches. The proposal would be a prominent building on the site, filling the plot with little surrounding garden. It would be visually prominent at the entrance to the property on an estate where structures are generally just glimpsed over the wall or not seen at all, in particular the smooth white render and grey tiled roof would be a stark contrast to the red brick boundaries.

For the reasons outlined above the proposal would also harm the significance of the Park Conservation Area. This is because it would further dilute the estate form which is one of the key characteristics of the conservation area. In addition it would contribute to the at risk status of the conservation area as such works would result in further erosion to established garden spaces within the conservation area.

UPDATE 03/08/2020: The proposal to amend the materials is noted however it is considered that this would not address the main concern regarding the application which is the dilution of the hierarchy of the estate and the loss of the garden area which impact on the significance of the conservation area and the setting of the listed building.

With regard to the description of the land as unused, whilst it may currently be in this state historic plans indicate that the area was previously part of the garden to the main dwelling house.

UPDATE 13/11/2020: [In respect of the impact on Ward Jackson Park], both buildings will be seen over the wall and therefore alter the setting of the park, however the road in-between the two breaks some of that strong connection and provides a more immediate setting.

I would consider in both cases the harm to the conservation area and listed building is 'less than substantial' with the caveat that substantial harm is a high test. Cumulatively I would consider that if the applications were considered together they will have a major impact on both the listed building and conservation area, in irrevocably introducing built development into areas which were previously well established open grounds and ancillary buildings which complemented the setting of Meadowcroft/Meadowside and provided one of the few original remaining garden areas.

It should however be stressed that, paragraph 193 of the NPPF states,

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

Therefore in concluding that the harm is less than substantial this should in no way down play it as 'great weight' should be given to the conservation of these assets.

Historic England – Thank you for your letter of 12th June regarding the above application. On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions, details of which are enclosed.

If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request.

Tees Archaeology - The applicant has supplied a thorough and interesting desk-based assessment for the site and I agree with their recommendation for a watching brief during groundworks on the site. This can be secured as a planning condition under the following wording:

A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment

3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be open for use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured as well as provision made for the publication of an information leaflet on the history of the site in consultation with the relevant museums, archives and HER.

Hartlepool Civic Society – Hartlepool Civic Society object to the above application as it is detrimental to the setting of a listed building, listed Park and the character of the conservation area.

We would also like to draw attention to a number of statements and inaccuracies made within the Heritage Statement, submitted with the application, and have made comments in italics beneath each one which also form part of our objection.

1.0 Introduction

The subject site is located at the north west corner of Meadowcroft and since the development of the Mews has become stranded outside of the Meadowcroft Estate since the entrance has moved into the curtilage to allow road access to the Mews. This is incorrect as the Estate is bounded by the walls to the North and West and the aforementioned site is well within this curtilage.

3.0 Application Proposals

The application, this statement accompanies is for a single detached dwelling in a Contemporary style, with aluminium double glazed windows anthracite colour including feature styled windows finished with white through coloured render and dark grey smooth roof tiles.

The application provides no justification for this contemporary style of building, which is totally out of character to the Main listed building and also the conservation Area. In addition there is no explanation as to how it will relate to the listed buildings and conservation area.

4.0 Planning Policy Context

The most relevant policy is contained within the Hartlepool Borough Council Local Plan adopted on 22 May 2018.

The application site is located within the Park Conservation Area for which a character appraisal was adopted in September 2008.

The most relevant policy consideration is HE1, which refers to the protection and enhancement of Conservation Areas.

Policy HE1 sets out that development in a conservation area should preserve or enhance the area and that in determining applications, regard will have to have the need for;

- 1) Preserve and /or enhance its special character, distinctiveness, setting and townscape or landscape value in a manner which is appropriate to its significance;
- 2) Be of high quality design which has a positive impact on the heritage asset.
- 3) Ensure the sensitive and viable use of the heritage asset.

We respond to each point in turn as follows:

The scale and nature of the development is appropriate to the character of the Park Conservation Area. The proposed dwelling is substantially smaller in scale and the proposed use of quality materials we aim to provide a gatehouse/ Lodge feel to compliment Meadowcroft,

We fail to see how a white rendered, grey windowed house with slate roof can in anyway compliment the ornate brickwork of Meadowcroft and its tiled roof. It also appears that this is a relatively large detached property and not the scale of a lodge any lodge would be expected to be a similar style and material as the main house especially when it is so visible in relation to the listed main house. There are a number of former Lodge houses with this area which provide excellent examples. We would suggest this design clashes and competes rather than complements.

It has been considered appropriate that the design should be contemporary using high quality materials

We are unable to see any rationale as to why it has been considered appropriate and also by whom?

We consider that the proposal will have little effect on the heritage asset due to the plot being almost detached from the grounds

As you can see from the photographs submitted and also by walking /driving past the proposed site the plot is highly visible in the foreground and will obstruct the current view of the main listed house from Elwick Road and the listed Ward Jackson Park. It will totally undermine the whole concept of the Conservation area.

4 National Guidance on conservation areas PPS 5 was published in March 2010

We do not consider that there is anything within PPS 5 that outweighs Policy HE1 of the adopted plan. Consideration of the application proposal and its impact on the Conservation Area remains relevant and acknowledging that none of the buildings surrounding or within close proximity of the site are listed, PPS 5 would not indicate any reason for Planning Consent to be refused.

This paragraph is totally incorrect, Meadowcroft and Meadowside are both listed as is Ward Jackson Park across the road PPS 5 policy HE6 sets out that applicants should provide a description of the significance of Heritage Assets affected by the application and the contribution of their setting to that significance.

The site sits at the shared entrance to Meadowcroft and Meadowcroft Mews with Tunstall Farm (190m) and Tunstall Garth (135m) to the south west of the site entrance.

The proposed dwelling is screened behind existing high brick walls to reduce any visual impact on nearby properties.

This does not address the significance of the listed buildings or Conservation area nor does it explain how the new build would contribute to the setting.

Policy HE7 of PPS 5 sets out the decision making process for development affecting a heritage asset. In this case we have submitted detailed assessment of the proposals against relevant policy in the local plan and have justified that the proposed dwellings would not materially affect Meadowcroft, Meadowside, Tunstall Garth or Tunstall Farm

We are unable to find any detailed assessment within the application, we believe that this statement is lifted from the previous application for Meadowcroft Mews and bears no relevance to this application.

The use of the application site is appropriate in the context of Local Plan Policy. It is submitted that the design, overall scale, massing, alignment and materials used will preserve the character of the conservation area and make a positive contribution to its character and local distinctiveness. The proposed dwelling both respecting the local architecture but also contemporary dwellings of their time.

We would like to see detailed evidence of the assumptions made in the above paragraph as within the current documentation there is none.

HBC Countryside Access Officer – Public Footpath No.8, Hartlepool junctions at the access road junction with Elwick Road and so is in close proximity to the proposed development. At no time should this public footpath be obstructed by materials, equipment, machinery or vehicles before, during or after the development as proposed in this application.

HBC Landscape Architect – The proposed development site is located within the grounds of Meadowcroft. The grounds of the existing property and boundary wall contribute to the setting of Ward Jackson Park (Grade 2 listed) and this is recognised in the Hartlepool Borough Council Park Conservation Area Character Appraisal, (2008). An important aspect of this is the view of Meadowcroft and the associated former horticultural buildings, within the context of its extensive grounds from Elwick Road. The visible roofline of Meadowcroft contributes to the character of the setting of the Park.

The proposed development is for a new modern two storey, smooth white rendered

residential building in the north west corner of the site. The development will be visually prominent from Elwick Road, partly obscure the existing view of the roofline of Meadowcroft, and result in the loss of some of the historic landscape context of Meadowcroft

It is considered that the proposed development will have a negative landscape and visual impact on the setting of Ward Jackson park.

HBC Arboricultural Officer – Although there are no trees on this site and as the name implies, it was a kitchen garden for the “big house”. There had been many self-sown trees growing here that both the applicant and previous owners removed over time as they were damaging what was left of the old potting shed/greenhouse complex/boundary wall. As there has been a gradual erosion of trees in this area I would ask that if approval is given, some appropriate tree planting is incorporated within the scheme and that foundation depths are constructed to accommodate these trees at maturity as part of building regulations.

HBC Ecology – Ecology:

No Ecology survey required

NPPF biodiversity enhancement required – 2 built in bat bricks

Biodiversity enhancement - NPPF (2018) paragraph 170 d) includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

The site is opposite Ward Jackson Park which is known to be well used by bats. These can be helped through the provision of integral bat box bricks.

The following should be conditioned: The dwelling should be built with two integral bat box bricks to allow bats safe roosting. The bat brick should be installed at a minimum height of 4m (or as high as possible), preferably in the gable end. The box can be built into the wall as a brick (rendered if required) or into the ridge of the roof.

Information on suitable bat bricks is given in Appendix 1.

Appendix 1

The following are examples of the type of box that would be suitable:

NB: Bat boxes are sold via a number of UK websites such as:

<http://www.habibat.co.uk/category/bird-boxes>

<https://www.ibstockbrick.co.uk/wp-content/uploads/2015/01/AA6606-Portfolio-Ecoproducts.pdf>

<http://www.schwegler-natur.de/fledermaus/?lang=en>

<http://www.wildlifeservices.co.uk/batboxes.html>

<https://www.nhbs.com/1fe-schwegler-bat-access-panel>

<http://www.schwegler-natur.de/fledermaus/?lang=en>

Product - 1FE Schwegler Bat Access Panel: http://www.schwegler-natur.de/portfolio_1395072079/fledermaus-einlaufblende-1fe/?lang=en

Product - Bat Winter Roost 1WI: http://www.schwegler-natur.de/portfolio_1395072079/fledermaus-ganzjahres-einbauquartier-1wi-d-b-p/?lang=en
https://www.dreadnought-tiles.co.uk/Bat_access_tile.html

HBC Engineering – Contaminated land

I have no objection to proposals in this respect and ask that you include our unexpected contamination condition on any permission given for proposals.

Surface water management

I have no objection to proposals in this respect in principle. I note that the applicant has indicated on the application form that surface water will be disposed of by means of sustainable drainage systems however no information has been provided to show how this will be implemented. As such please can you include our basic surface water drainage condition on any permission given for proposals.

The applicant is advised that due to the geology of the borough it is likely that surface water disposal to sewer will be the primary route for surface water management however it is expected that permeable paving is used for areas of hardstanding unless demonstrated to be impractical.

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

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/>

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:

Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration)
- Discharge to a surface water body
- Discharge to a surface water sewer, highway drain, or another drainage system
- As a last resort, discharge to a combined sewer

Hartlepool Water – The Pre-Development Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or

commercial development, more than 0.5 ha. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

HBC Waste Management – No representation received.

HBC Property Services – No representation received.

HBC Building Control – I can confirm that a Building Regulation application is required for the works as described.

Cleveland Police – Police have no objections

PLANNING POLICY

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

Local Policy

5.14 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

CC1: Minimising and adapting to climate change

HE1: Heritage Assets

HE3: Conservation Areas

HE4: Listed Buildings and Structures

HE7: Heritage at Risk

HSG1: New Housing Provision

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency

SUS1: The Presumption in Favour of Sustainable Development

National Policy

5.15 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 001 : Introduction

PARA 002: Permission determined in accordance with development plan

PARA003: Introduction

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA038: Decision-Making

PARA047: Determining Applications

PARA124: Achieving well-designed places

PARA127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 150: Planning for Climate Change

PARA184: Conserving and enhancing the historic environment

PARA189: Proposals affecting heritage assets

PARA190: Proposals affecting heritage assets

PARA195: Considering Potential Impacts

PARA 196: Considering potential impacts

PARA199: Considering potential impacts

PARA200: Considering potential impacts

PARA212: Implementation

5.16 HBC Planning Policy comments - Planning has concerns regarding this application. The two storey dwelling house is likely to be prominent along Elwick Road (part of the Park Conservation Area) and is likely to detract from the host dwelling (Meadowcroft) and the setting of Ward Jackson Park.

PLANNING CONSIDERATIONS

5.17 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the visual amenity of the application site and character and appearance of the surrounding area (including the conservation area and listed building), archaeology, landscaping and tree protection, the amenity and privacy of neighbouring land users and future occupiers, highways and pedestrian safety, ecology and nature conservation and flood risk and drainage. These and all other planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

5.18 The Hartlepool Local Plan (2018) sets development limits, beyond which there is a presumption against development. The application site is located within the development limits of Hartlepool, sitting within the curtilage of an existing residential property. The application site is located within the Park Conservation Area (protected by Local Plan policies HE1 and HE3) and within the immediate setting of a grade II listed building (protected by Local Plan policies HE1 and HE4). Consequently, whilst residential development in this location is acceptable in principle, this is subject to the consideration of the proposal in the context of all other relevant Local Plan policies, and in this instance the relevant historic environment policies in particular, as well as all other relevant material planning considerations.

5.19 In this instance, the Council's Planning Policy section has raised significant concerns with respect to the impact of the proposals on designated heritage assets, contrary to the relevant Local Plan policies. The impact of the proposal on designated heritage assets, and the consideration of all other relevant material planning considerations in the context of the relevant Local Plan policies, is set out in detail below.

IMPACT ON VISUAL AMENITY OF APPLICATION SITE AND CHARACTER AND APPEARANCE OF SURROUNDING AREA (INCLUDING CONSERVATION AREA AND LISTED BUILDING)

5.20 The application site is within the setting of Meadowcroft/Meadowside, a grade II listed building that is located in the Park Conservation Area, both of which are recognised as designated heritage assets. The site also sits opposite Ward Jackson Park, a (grade II listed) registered park and garden.

Legislative and Policy Context

5.21 The National Planning Policy Framework 2019 (NPPF) sets out the Government's commitment to good design. Paragraph 124 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

5.22 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan 2018 advises that all developments should be designed to a high quality and positively enhance their location and setting. The policy stipulates that development

should; be of an appropriate layout, scale and form that enhances the distinctive features, character and history of the local area; respect the surrounding buildings, structures and environment; and sustains and/or enhances the historic environment and heritage assets and their settings, amongst other requirements.

5.23 Policy HE1 (Heritage Assets) of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

5.24 Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193, NPPF). Further to this Policy HE4 (Listed Buildings and Structures) of the Local Plan states, 'to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting'.

5.25 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192).

5.26 At a local level, Local Plan Policy HE3 (Conservation Areas) states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.'

Significance of the Conservation Area

5.27 The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings.

5.28 A particular concern in this conservation area is the loss of gardens and open spaces as dwellings which once sat within generous grounds are being subsumed by development. The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of buildings. Policy HE7 (Heritage at Risk) of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

5.29 The Meadowcroft / Meadowside estate contributes to the significance of the conservation area in that it has some of the key characteristics found in this area,

namely an estate in generous grounds with multiple buildings of varying purposes which are bound on the 'public elevation' by a high wall.

5.30 The Park Conservation Area Character Appraisal summarises the significance of the conservation area. It notes that, 'The conservation areas development is characterised by a distinct hierarchy of buildings. The hierarchy is apparent in the form, height and scale of each building, and in the detailing of its architecture.' And goes on to state that 'The traditional hierarchy of the major historic houses and their lodges and outbuildings should be protected.'

5.31 Further to this it acknowledges the contribution that gardens make to the area, stating, 'Domestic gardens cover the largest acreage in the conservation area and define its low density layout. They help define its thick, green character and are fundamental to its leafy, mature appeal as a residential neighbourhood. Many are very private, hidden behind brick boundary walls, later timber fences or dense trees and foliage, but they are just as important to the areas low density, high amenity character and special interest as the public open spaces' Care should be taken not to weaken their intrinsic interest by infill development'.

5.32 Whilst it is noted that this area of enclosed land to the front of the estate may currently appear to be cleared/unused, historic plans indicate that the area was previously part of the garden to the main dwelling house.

5.33 With regard to the boundary wall to the site it notes that, 'The enclosure provided by Meadowcrofts long northern boundary is one of the most distinctive features of the conservation area'. Behind and physically connected to the Elwick Road boundary wall is a walled garden which survives intact. This is the only one left in the conservation area and is as important to Meadowcrofts special historic interest as the lodges and outbuildings.

Significance of the Listed Building

5.34 Meadowcroft/Meadowside is typical of the larger properties found in the conservation area. The listed building was constructed in 1895. It comprises the main house, a lodge house on Elwick Road and, a block of stables / out buildings also to the north of the site. The house was subdivided in the 1950s with land and associated buildings subsequently sold off. This began the gradual disposal of plots of land on this estate for the construction of housing.

5.35 The significance of the listed building lies in the aesthetic value of the architectural details of the property and the setting that is provided by the generous grounds. Whilst the house was orientated to view the open countryside to the rear, the Elwick Road side had more formal gardens with an informal woodland to the west. There has been considerable alterations to the estate itself however in plan form the hierarchy of buildings is still discernible notably, the original entrance to Elwick Road, flanked by the lodge, the estate building to the rear of this and the main house itself and the gardens to the north and woodland to the west. In addition the high boundary wall to Elwick Road remains intact with few openings new opening other than those to facilitate the division of the estate.

Impact of the Proposals on Designated Heritage Assets

5.36 Historic England has been consulted on the application and has confirmed that they do not wish to offer any comment.

5.37 The Council's Heritage and Countryside Manager has reviewed the application and has raised a number of significant concerns with respect to the impact of the proposals on the identified heritage assets as follows;

5.38 The introduction of a lodge house within this estate would dilute the hierarchy of buildings. Whilst it is acknowledged that this has already occurred, first with the subdivision of the estate and more recently the introduction of a small estate of buildings to the rear of the property, in plan form the property, and particularly the garden to the north of the house, remains recognisable as the original design of the estate. The introduction of a second lodge house would impact on the significance of the listed building and particularly it's setting as part of a planned estate.

5.39 The introduction of further built form would also reduce the garden to the property which, contributed to the setting of the listed building, in particular the loss of this element would reduce the formal garden which is present to the north of the property, which contrasts with the more informal setting found to the south.

5.40 The design and materials of the proposed property would harm the significance of the setting of the listed building. The palette of materials used on this estate is predominantly brick with a clay tile. Windows are generally timber and properties also feature intricate timber work, be that on feature bays, or porches.

5.41 The proposal would be a prominent building on the site, filling the plot with little surrounding garden. It would be visually prominent at the entrance to the property on an estate where structures are generally just glimpsed over the wall or not seen at all, in particular the smooth white render and grey tiled roof would be a stark contrast to the red brick boundaries.

5.42 For the reasons outlined above the proposal would also harm the significance of the Park Conservation Area. This is because it would further dilute the estate form, which is one of the key characteristics of the conservation area. In addition it would contribute to the at risk status of the conservation area as such works would result in further erosion to established garden spaces within the conservation area.

5.43 In view of the above concerns, the applicant informally proposed amendments to the finishing materials as a means of negating the impacts on the identified heritage assets. The Council's Heritage and Countryside Manager has since advised however that it is not considered that changes to the materials used would mitigate against the impact on the significance of the heritage assets that the proposal would cause.

5.44 The concerns of the Council's Heritage and Countryside Manager have also been echoed in objections received from the Council's Planning Policy section and Landscape Architect, as well as Hartlepool Civic Society.

5.45 It is considered therefore that the proposals are contrary to policies HE1, HE3, HE4 and HE7 of the Local Plan and that, if approved, the proposals would exacerbate the 'at risk' classification of the conservation area further.

5.46 Furthermore, the Council's Landscape Architect and Planning Policy section have also raised concerns that the proposals will have a negative landscape and visual impact on the setting of Ward Jackson Park, opposite the site.

5.47 1 objection has also been received from a neighbour, with similar concerns to those set out above with respect to the impact of the proposal on the heritage assets and the character of the area.

Enabling Development Justification

5.48 Following the above concerns, the applicant subsequently advised that the application(s) have been submitted in order to *"preserve Meadowcroft for future generations, and prevent its decline, as has happened to other large late nineteenth century houses with extensive grounds in Hartlepool."*

5.49 In response, the Council's Heritage and Countryside Manager has advised that, if the purpose of the application is to support the future of Meadowcroft, this should be demonstrated through a clear plan following Historic England Good Practice Advice in Planning Note 4, Enabling Development. The document notes that:

"The sums of money generated through enabling development are provided to directly solve the conservation needs of the place, not to solve the financial needs of the present owner, to support/finance a business or to compensate for the purchase price paid for the site. The amount of enabling development that can be justified will be the minimum amount necessary in order to address the conservation deficit and to secure the long-term future of the assets."

5.50 In view of this, the Council's Heritage and Countryside Manager has advised that information should have been brought forward to demonstrate the need for investment in Meadowcroft (i.e. what work is required to support the future of the building, what is the cost of this works, why can this only be achieved through development on the site?). Information on the current market value to the property and its value after the investment is provided should also be produced to show that there is a clear conservation deficit that can only be addressed in this way.

5.51 To date, no evidence of this has been provided by the applicant and therefore this is not considered a reasonable justification which would overcome the harm caused by these applications.

Conclusions

5.52 In view of the above, it is considered that the proposal would result in harm to the significance of the identified heritage assets, namely the Park Conservation Area and Meadowcroft / Meadowside.

5.53 Whilst the Council's Heritage and Countryside Manager considers that in both cases the harm to the conservation area and listed building is 'less than substantial', for the purposes of assessing the level of harm in line with the NPPF, it should be noted that 'substantial harm' is a high test, and paragraph 193 of the NPPF states,

*'When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight should be given to the asset's conservation** (and the more important the asset, the greater the weight should be). **This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.**'*

5.54 In this instance, it is considered that the cumulative impact of these proposals and those for the adjacent land (applications H/2020/0051 & H/2020/0052) would have a major impact on both the listed building and conservation area, in irrevocably introducing built development into areas which were previously well established open grounds and ancillary buildings which complemented the setting of Meadowcroft / Meadowside and provided one of the few original remaining garden areas.

5.55 No evidence of any public benefits of the proposal, including securing the optimum viable use of the heritage assets, has been provided to outweigh the identified harm.

5.56 It is therefore considered that the proposals would have a unacceptable detrimental impact on the identified heritage assets. It is also considered that this, in turn, will result in a detrimental impact on the visual amenity of the application site and the character and appearance of the surrounding area. The application is therefore considered to be unacceptable in this respect and contrary to Local Plan policies QP4, HE1, HE3, HE4 and HE7, and paragraphs 124, 127, 193, 194, 196, 200 and 202 of the NPPF.

ARCHAEOLOGY

5.57 The application is accompanied by an Archaeological Desk Based Assessment. Tees Archaeology has been consulted and has confirmed they agree with the report's recommendation for a watching brief during groundworks on the site, should the application be approved. A planning condition to secure this would have been recommended accordingly, had the application been considered acceptable in all other respects.

5.58 Notwithstanding the abovementioned concerns with respect to the impact of the proposals on designated heritage assets, the visual amenity of the application site and the character and appearance of the surrounding area, the application is considered to be acceptable with respect to the impact on archaeology and in accordance with the relevant development plan policies, subject to the identified condition(s).

LANDSCAPING AND TREE PROTECTION

5.59 As above, the site is currently cleared with most areas comprising dirt / gravel at the time of the case officers site visit. Limited details of hard and soft landscaping and any new boundary enclosures have been provided at this stage.

5.60 The Council's Arboricultural Officer has been consulted and has advised that although there are no trees on this site, there had been many self - sown trees growing here that both the applicant and previous owners removed over time. As there has been a gradual erosion of trees in this area, the Council's Arboricultural Officer has request that, if approval is given, some appropriate tree planting is incorporated within the scheme and that foundation depths are constructed to accommodate these trees at maturity as part of building regulations.

5.61 A planning condition(s) to secure final details of all hard and soft landscaping and boundary enclosures would have been recommended accordingly, had the application been considered acceptable in all other respects.

5.62 Notwithstanding the abovementioned concerns with respect to the impact of the proposals on designated heritage assets, the visual amenity of the application site and the character and appearance of the surrounding area, the application is considered to be acceptable with respect to the impact on landscaping and tree protection and in accordance with the relevant development plan policies, subject to the identified condition(s).

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS AND FUTURE OCCUPIERS

5.63 Paragraph 127 of the NPPF stipulates that planning decisions should ensure developments create places that have a high standard of amenity for existing and future users.

5.64 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) stipulates that the Borough Council will seek to ensure all developments are designed to a high quality and that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook. Proposals should also ensure that the provision of private amenity space is commensurate to the size of the development.

5.65 As above, policy QP4 also stipulates that, to ensure the privacy of residents and visitors is not significantly negatively impacted in new housing development, the Borough Council seeks to ensure adequate space is provided between houses. The following minimum separation distances must therefore be adhered to:

- Principal elevation (habitable room window) to principal elevation (habitable room window) - 20 metres.
- Gable (blank or non-habitable room window) to principal elevation (habitable room window) - 10 metres.

5.66 The above requirements are reiterated in the Council's recently adopted Residential Design SPD (2019).

5.67 To the north, the application site is partially screened by the existing high boundary wall. There are no residential properties to the immediate north of the site, with Ward Jackson Park on the opposite side of Elwick Road. It is therefore considered that the proposals would have no appreciable impact on the amenity or privacy of neighbouring land users to the north.

5.68 To the east, the closest residential property to the site at Laggan, Elwick Road is located at a distance of approx. 100 metres from the site boundary. It is therefore considered that the proposals would have no appreciable impact on the amenity or privacy of neighbouring land users to the east.

5.69 Notwithstanding this, it is noted that the land to the immediate east of the site, which currently forms part of the formal front garden area of the host property (Meadowcroft) is currently subject to pending planning and listed building consent applications (refs H/2020/0051 and H/2020/0052, respectively) for the erection of a detached bungalow (and associated works). Whilst these applications are still under consideration, it is noted that a separation distance of approximately 14-19 metres would be maintained between the two dwellings, and a large boundary wall currently separates the application site from this neighbouring parcel of land (albeit there is currently a wrought iron double gate providing access between the two sites).

5.70 It is noted that the proposed first floor 'bed 2' window in the east facing side elevation of the proposed dwelling faces directly towards the west facing ground floor kitchen/dining room windows of the adjacent bungalow, with a separation distance of approximately 19 metres. These are both considered to be habitable room windows and this separation distance is short of the 20 metres required by policy QP4 of the Local Plan. However, whilst the window serving 'bed 2' is a primary window, the window serving the ground floor kitchen/dining room of the adjacent proposed bungalow is a secondary window (there are also windows on the south facing elevation serving the same room). It is therefore considered that any privacy issues between the two dwellings could be addressed through the obscure glazing of the west (side) facing window of the adjacent proposed bungalow, and a condition to secure this accordingly on the planning application for the adjacent site would have been recommended had the application(s) been considered acceptable in all other respects, as set out in the committee report for application H/2020/0051.

5.71 Whilst it is noted there is also a first floor bathroom window in the east facing elevation of the proposed dwelling facing the adjacent proposed bungalow, this is a non-habitable room window and therefore any issues in respect of loss of privacy for potential future occupiers of the adjacent site (should that application be approved) could be overcome through the obscure glazing and restricted opening of this bathroom window. A condition to secure this would have been recommended accordingly had the application been considered acceptable in all other respects.

5.72 Similarly, given the existing relationship between the application site and the existing garage on this adjacent site, including the existing boundary screening, it is considered that the other associated works at the adjacent site (part demolition of

garage / creation of new access) would likewise not have a significant detrimental impact on the amenity or privacy of future occupiers.

5.73 It is considered that the other elements of the proposal (associated hard and soft landscaping and boundary treatments) would not have any significant detrimental impact on the amenity or privacy of neighbouring land users to the east, due to their nature and scale, existing screening and separation distance to the nearest residential properties.

5.74 In view of the above and subject to the identified conditions, it is considered that the proposals would have no significant detrimental impact on the amenity or privacy of future occupiers of this adjacent site, subject to the identified conditions, should permission be granted for applications H/2020/0051 and H/2020/0052.

5.75 To the south, satisfactory oblique separation distances in excess of 30 metres are maintained to the north facing elevations of the dwellings to the south at Meadowcroft and Meadowside. Furthermore, the shared boundary to Meadowside is partially screened by a high boundary wall and existing landscaping. Whilst there is currently no boundary screening between the application site and the host property at Meadowcroft, the indicative landscape proposals show shrub planting along this southern boundary, and it is considered this could be addressed through the use of appropriate planting and boundary treatments (subject to the consideration of the impacts of this on the identified heritage assets), final details of which could be secured by condition. A planning condition to secure final details of soft landscaping and boundary treatments would therefore have been recommended accordingly, had the application been considered acceptable in all other respects.

5.76 It is considered that the other elements of the proposal (associated hard and soft landscaping and boundary treatments) would not have any significant detrimental impact on the amenity or privacy of neighbouring land users to the south / south-east, due to their nature and scale, existing screening and separation distance to the nearest residential properties.

5.77 To the west, the application site is again partially screened by the existing high boundary walls. A satisfactory oblique separation distance of approx. 50 metres is maintained to the closest dwelling to the west (on the opposite side of the adopted highway) at Laggan, Elwick Road. It is therefore considered that the proposals would have no appreciable impact on the amenity or privacy of neighbouring land users to the west.

5.78 In respect of the amenity and privacy of future occupiers of the proposed dwelling, given the relationships, separation distances and screening as described above, it is considered that there would be no significant detrimental impact on the amenity or privacy of future occupiers, subject to the identified condition(s).

5.79 In respect of undue noise and disturbance, the Council's Public Protection section has been consulted and has confirmed that they do not object to the application.

5.80 In view of the above, notwithstanding the abovementioned concerns with respect to the impact of the proposals on designated heritage assets, the visual amenity of the application site and the character and appearance of the surrounding area, the application is considered to be acceptable with respect to the impact on the amenity and privacy of neighbouring land users and future occupiers, and in accordance with the relevant development plan policies, subject to the identified condition(s).

HIGHWAY AND PEDESTRIAN SAFETY

5.81 The application proposes to use an existing access into the site from the west. The access is served from the existing adopted highway to the west, leading to Meadowcroft Mews to the south and Elwick Road to the north.

5.82 1 objection has been received from a neighbour citing concerns that the proposal will further restrict visibility at the existing road junction with Elwick Road.

5.83 The Council's Traffic & Transport section has been consulted and has confirmed that they have no objections to the application. In view of this, notwithstanding the abovementioned concerns with respect to the impact of the proposals on designated heritage assets, the visual amenity of the application site and the character and appearance of the surrounding area, the application is considered to be acceptable with respect to the impact on highway and pedestrian safety, and in accordance with the relevant development plan policies.

ECOLOGY AND NATURE CONSERVATION

5.84 The site is opposite Ward Jackson Park which is known to be well used by bats. The Council's Ecologist has advised that bats can be helped through the provision of integral bat box bricks.

5.85 In view of this, the Council's Ecologist has requested a condition to secure biodiversity enhancement, in line with the provisions of paragraph 170 of the NPPF, in the form of two integral bat box bricks to be built into the proposed dwelling would also be required. This condition would have been recommended accordingly had the application been considered acceptable in all other respects.

5.86 In view of the above, notwithstanding the abovementioned concerns with respect to the impact of the proposals on designated heritage assets, the visual amenity of the application site and the character and appearance of the surrounding area, the application is considered to be acceptable with respect to the impact on ecology and nature conservation, and in accordance with the relevant development plan policies, subject to the identified condition.

FLOOD RISK AND DRAINAGE

5.87 The Council's Flood Risk Officer has advised that they have no objection to the proposals in respect of surface water management, however further information would be required in respect of this. A planning condition to secure details of surface

water drainage would therefore have been recommended had the application been considered acceptable in all other respects.

5.88 In addition, the Council's Flood Risk Officer has advised that it is expected that permeable paving is used for areas of hardstanding unless demonstrated to be impractical. As above, final details of hard landscaping would also have been secured by virtue of a planning condition, had the application been considered acceptable in all other respects.

5.89 Northumbrian Water has also been consulted and has not raised any concerns with the application however had provided advice for the applicant in respect of the presence of unrecorded drains and sewers on site and sustainable approaches to surface water management. An informative note to make the applicant aware of this would have been recommended accordingly had the application been considered acceptable in all other respects.

5.90 Hartlepool water has advised that the applicant should check for any Anglian Water assets which cross or are within close proximity to the site and if diverting or crossing over any of Hartlepool Water assets, Hartlepool Water's permission will be required. An informative note to advise the applicant of this would have been recommended had the application been considered acceptable in all other respects.

5.91 Notwithstanding the abovementioned concerns with respect to the impact of the proposals on designated heritage assets, the visual amenity of the application site and the character and appearance of the surrounding area, the application is therefore considered to be acceptable in respect of flood risk and drainage, and in accordance with the relevant development plan policies, subject to the identified condition(s) and informative(s).

OTHER PLANNING MATTERS

Public Rights of Way

5.92 The Council's Countryside Access Officer has advised that Public Footpath No.8, Hartlepool junctions at the access road junction with Elwick Road and so is in close proximity to the proposed development. At no time can this public footpath be obstructed by materials, equipment, machinery or vehicles before, during or after the development as proposed in this application. An informative note to advise the applicant of this would have been recommended had the application been considered acceptable in all other respects. Subject to the identified informative, the application is considered to be acceptable in this respect.

Contaminated Land

5.93 The Council's Engineering section has advised that they have no objections in respect of contaminated land however have requested a standard condition be applied to address any unexpected contamination found on site. Had the application been considered acceptable in all other respects, this would have been recommended accordingly. The application is therefore considered to be acceptable in this respect subject to the identified condition.

Waste Management

5.94 The application site includes sufficient space for bin storage and access to the adopted highway to the west. No comments or concerns have been received from the Council's Waste Management section. The application is therefore considered to be acceptable in this respect.

Safety and Security

5.95 Cleveland Police has advised that they have no objections to the application. The application is therefore considered to be acceptable in respect of safety and security matters.

RESIDUAL MATTERS

Building Regulations

5.96 The Council's Building Control section has confirmed that a Building Regulation application will be required for the works as described. Had the application been considered acceptable in all other respects, a suitable informative note to make the applicant aware of this would have been recommended accordingly.

CONCLUSION

5.97 In view of the above material planning considerations and the relevant policies of the Hartlepool Local Plan 2018 and relevant paragraphs of the NPPF 2019, it is considered that the proposal would result in less than substantial harm to the significance of the identified heritage assets, namely the Park Conservation Area and Meadowcroft / Meadowside. No evidence of any public benefits of the proposal has been provided to outweigh the identified harm.

5.98 It is therefore considered that the proposals would have an unacceptable detrimental impact on the identified heritage assets. It is also considered that this, in turn, will result in a detrimental impact on the visual amenity of the application site and the character and appearance of the surrounding area. The application is therefore considered to be unacceptable in this respect and contrary to Local Plan policies QP4, HE1, HE3, HE4 and HE7, and paragraphs 124, 127, 193, 194, 196, 200 and 202 of the NPPF.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.99 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

5.101 There are no Section 17 implications.

REASON FOR DECISION

5.102 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION – REFUSE for the following reasons;

1. In the opinion of the Local Planning Authority, it is considered that the proposed development, by virtue of its size, siting and design, would appear unduly large and out of keeping and would result in the irrevocable loss of the previously well-established open grounds and ancillary buildings serving the (grade II) listed building at Meadowcroft / Meadowside, which contributes to the significance of the Park Conservation Area. It is therefore considered that the proposals would cause less than substantial harm to the identified heritage assets, namely Meadowcroft / Meadowside and the Park Conservation Area, and no information has been provided to demonstrate that this harm would be outweighed by the public benefits of the proposal. For the same reasons, it is also considered that the proposals would have a detrimental impact on the visual amenity of the application site and the character and appearance of the surrounding area. The application is therefore considered to be contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of the National Planning Policy Framework and National Planning Practice Guidance, and policies QP4, HE1, HE3, HE4 and HE7 of the Hartlepool Local Plan (2018).

BACKGROUND PAPERS

5.103 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=136659>

5.104 Copies of the applications are available on-line:

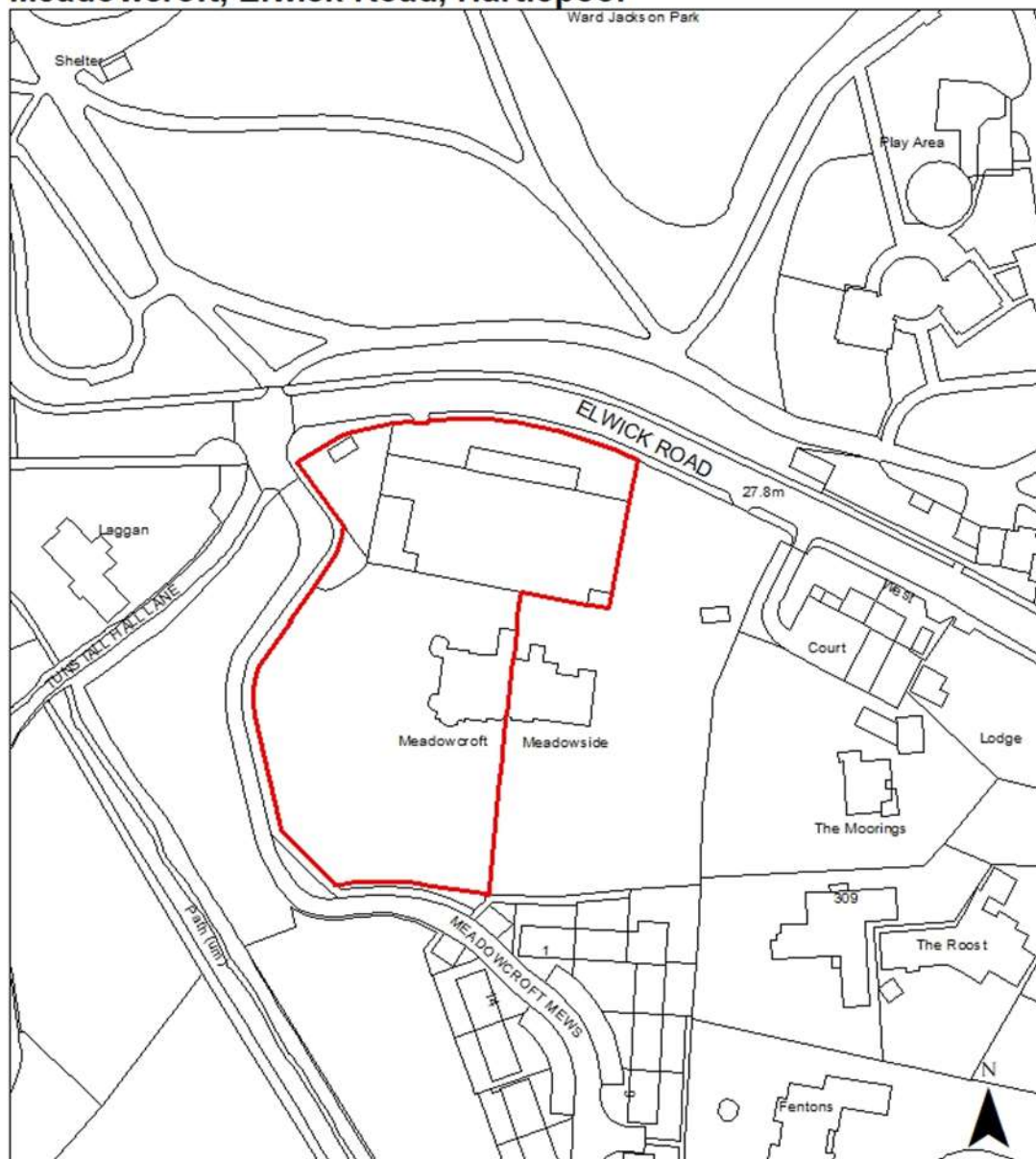
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information.

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Meadowcroft, Elwick Road, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 10.11.2020
	SCALE 1:1250	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0051-52 H/2020/0060-62	REV

No: 6.
Number: H/2020/0061
Applicant: MR MRS L GATE ELWICK ROAD HARTLEPOOL TS26 0BQ
Agent: GAP DESIGN MR GRAEME PEARSON EDENSOR COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK ROAD HARTLEPOOL TS26 0QE
Date valid: 04/06/2020
Development: Listed building consent for the erection of 2 storey detached dwellinghouse with associated hard and soft landscaping and works to existing boundary treatments
Location: MEADOWCROFT ELWICK ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

6.2 The following planning history is considered to be relevant to the current application;

H/OUT/0283/96 – Outline planning permission was refused in November 1996 for 9 detached dwellings together with access improvements and landscaping, on the grounds of adverse impact upon the character and appearance of the listed buildings and conservation area and character of the woodland.

H/OUT/0553/97 - Outline planning permission was refused in February 1998 for the erection of 3 detached dwellings, associated access and related tree works in the field area to the south of Meadowcroft, on the grounds of highway safety, impact upon the setting and character of the listed buildings, and conservation area. This refusal was upheld at appeal.

H/2005/5697 - Outline planning permission was refused in December 2005, for the erection of four detached dwellings consisting of 3no. within the field area to the south of Meadowcroft and 1no. with a frontage on to Elwick Road, on the grounds of the adverse impact upon the character and appearance of the listed buildings, conservation area and relationship with the adjacent development. An appeal was submitted and later withdrawn.

H/2005/6033 – Planning permission was refused in September 2005 for the erection of a gatehouse, on the grounds that it would be unduly large and would be out of keeping with the character of the listed buildings at Meadowcroft and Meadowside and with the Park Conservation Area. This refusal was upheld at appeal.

H/2014/0163 – Planning permission was granted on 24th November 2015 by the Planning Committee, against officer recommendation, for the erection of a fourteen unit retirement village, access road, entrance and enclosure details.

H/2019/0048 – Planning permission was refused on 3rd October 2019 for the erection of a single storey extension at the rear of 12 Meadowcroft Mews, on the grounds of the harm to the Park Conservation Area, by virtue of the size and siting of the proposed development that would detract from the character and appearance of the identified heritage asset.

H/2019/0496 – Planning permission was refused on 13th March 2020 for the erection of a single storey extension at the rear of 12 Meadowcroft Mews, on the grounds of the harm to the Park Conservation Area, by virtue of the size and siting of the proposed development that would detract from the character and appearance of the identified heritage asset. An appeal (ref: APP/H0724/D/20/3252388) against the decision of the Local Planning Authority to refuse planning permission in respect of application H/2019/0496 was dismissed by the Planning Inspectorate on 22nd July 2020. In dismissing the appeal, the Inspectorate noted *“this disproportionate addition would compound the incremental loss of the parkland to development”*.

H/2020/0061 – A valid Listed Building Consent (LBC) application was received on 4th June 2020 for the current proposal, as described above. This application is still under consideration, and is included in the agenda for this planning committee meeting (2nd December 2020).

H/2020/0051 – A valid planning application was received on 12th June 2020 for demolition of existing stables, part-demolition of and amendments to existing garage block, creation of new access and erection of detached bungalow (including retention and incorporation of existing wall) with associated hard and soft landscaping and works to existing boundary treatments.. This application is still under consideration, and is included in the agenda for this planning committee meeting (2nd December 2020).

H/2020/0052 – A valid Listed Building Consent (LBC) application was received on 12th June 2020 for the development described in application H/2020/0051 (above). This application is still under consideration, and is included in the agenda for this planning committee meeting (2nd December 2020).

PROPOSAL

6.3 Listed Building Consent is sought for the erection of a 2 storey detached dwellinghouse with associated hard and soft landscaping and works to existing boundary treatments.

6.4 In detail the proposal comprises the following elements;

- Erection of a two storey detached dwellinghouse finished in a smooth white render with the principal roof featuring a dual pitch (north and south facing gables) with a shorter west facing projecting gable and a ground floor offshoot on the north elevation. The proposed dwelling has a maximum eaves height

of approx. 5.2 metre and a maximum ridge height of approx. 8.6 metres and the roof is finished in a smooth grey roof tile. The dwelling is largely contemporary in design with significant amounts of (floor-to-ceiling) glazing on the south facing 'front' and north facing 'rear' elevations. The side elevations of the dwelling feature a number of patio/glazed doors at ground floor and a variety of other single-pane windows in various sizes. A small canopy is proposed above the ground floor lobby door. The main dwelling measures approx. 8.3m x 10.4m, albeit the two aforementioned offshoots result in the dwelling occupying approx. 107sqm of the site, with a total floor area (ground and first floor) of approx. 200sqm. At ground floor, the dwelling features an open plan kitchen, dining and living area, an additional lounge, a lobby, hallway, w/c, cloakroom and utility. At first floor the dwelling features 4 double bedrooms, one with ensuite, and a family bathroom.

- Associated hard and soft landscaping and works to existing boundary treatments. The site is currently cleared with most areas comprising dirt / gravel at the time of the case officers site visit. The site is also substantially enclosed by the existing high boundary wall (approx. 3m high to north and east; 2m high to west / south). The proposals include use of an existing gated vehicular access into the site to the south-west that will serve a short private driveway. Other external areas of the site are proposed to be landscaped with grass, whilst paved patio areas are proposed to the north / east and west of the dwelling. Additional boundary walls will be built to the eastern boundary of the site (where there is currently a double gate into the wider estate). The majority of existing boundary enclosures will be maintained, except for 2 small openings in the eastern wall which, combined with the new proposed walls, will form a small private courtyard to the east of the dwelling. These elements of the application have been indicatively shown on the proposed plans, however only limited details of these have been provided at this stage.

6.5 The application has been referred to the planning committee at the request of a local ward councillor (and the Chair of planning committee), in line with the Council's scheme of delegation.

SITE CONTEXT

6.6 The application site comprises an approx. 400sqm parcel of land to the immediate west of the formal gardens and within the estate grounds to the front of an existing Victorian villa at Meadowcroft, Elwick Road. The site is bound by adopted highway to the north (Elwick Road) and to the west (leading to Meadowcroft Mews). To the south and east, the site is bound by the rest of the Meadowcroft / Meadowsides estate (including the Victorian villa). To the immediate east of the site lies the part of the front garden area of Meadowcroft that is subject to pending planning & listed building consent applications H/2020/0060 & H/2020/0061 (above) for the erection of a detached bungalow.

6.7 The host dwelling (Meadowcroft), together with its adjoining neighbour (Meadowsides), is a grade II listed building, located in the Park Conservation Area. Opposite the application site, to the north, is the Ward Jackson Park, a (grade II listed) registered park and garden.

PUBLICITY

6.8 The application has been advertised by way of neighbour letters (35), site notice and a press notice. To date, there has been 1 objection received with the following comments;

“See comments under H/2020/0060”.

6.9 Background papers can be viewed by the ‘attachments’ on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=136660>

6.10 The period for publicity has expired.

CONSULTATIONS

6.11 The following consultation replies have been received:

HBC Traffic & Transport – There are no highway or traffic concerns.

HBC Public Protection – Do not object.

HBC Heritage and Countryside Manager – The application site is within the setting of Meadowcroft/Meadowside a grade II listed building that is located in the Park Conservation Area, both of which are recognised as designated heritage assets. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, ‘great weight’ to the asset’s conservation (para 193, NPPF). Further to this Policy HE4 of the local plan states, ‘to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting’.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192).

At a local level, Local Plan Policy HE3 states that the Borough Council will, ‘seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals

for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.’

The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings.

A particular concern in this conservation area is the loss of gardens and open spaces as dwellings which once sat within generous grounds are being subsumed by development. The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of buildings. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as ‘at risk’ is a priority for the Borough Council.

Meadowcroft/Meadowside is typical of the larger properties found in the conservation area. The listed building was constructed in 1895. It comprises the main house, a lodge house on Elwick Road and, a block of stables / out buildings also to the north of the site. The house was subdivided in the 1950s with land and associated buildings subsequently sold off. This began the gradual disposal of plots of land on this estate for the construction of housing.

The significance of the listed building lies in the aesthetic value of the architectural details of the property and the setting that is provided by the generous grounds. Whilst the house was orientated to view the open countryside to the rear, the Elwick Road side had more formal gardens with an informal woodland to the west. There has been considerable alterations to the estate itself however in plan form the hierarchy of buildings is still discernible notably, the original entrance to Elwick Road, flanked by the lodge, the estate building to the rear of this and the main house itself and the gardens to the north and woodland to the west. In addition the high boundary wall to Elwick Road remains intact with few new openings other than those to facilitate the division of the estate.

The estate contributes to the significance of the conservation area in that it has some of the key characteristics found in this area, namely an estate in generous grounds with multiple buildings of varying purposes which are bound on the ‘public elevation’ by a high wall.

The proposal is the erection of a two storey dwelling to the entrance of Meadowcroft.

The Park Conservation Area Character Appraisal summarises the significance of the conservation area. It notes that, ‘The conservation areas development is characterised by a distinct hierarchy of buildings. The hierarchy is apparent in the form, height and scale of each building, and in the detailing of its architecture.’ It goes on to state that ‘The traditional hierarchy of the major historic houses and their lodges and outbuildings should be protected.’

Further to this it acknowledges the contribution that gardens make to the area, stating, ‘Domestic gardens cover the largest acreage in the conservation area and define its low density layout. They help define its thick, green character and are

fundamental to its leafy, mature appeal as a residential neighbourhood. Many are very private, hidden behind brick boundary walls, later timber fences or dense trees and foliage, but they are just as important to the areas low density, high amenity character and special interest as the public open spaces' Care should be taken not to weaken their intrinsic interest by infill development.

The introduction of a lodge house within this estate would dilute the hierarchy of buildings. Whilst it is acknowledged that this has already occurred, first with the subdivision of the estate and more recently the introduction of a small estate of buildings to the rear of the property, in plan form the property, and particularly the garden to the north of the house, remains recognisable as the original design of the estate. The introduction of a second lodge house would impact on the significance of the listed building and particularly its setting as part of a planned estate.

The introduction of further built form would also reduce the garden to the property which, contributed to the setting of the listed building, in particular the loss of this element would reduce the formal garden which is present to the north of the property, which contrasts with the more informal setting found to the south.

The design and materials of the proposed property would harm the significance of the setting of the listed building. The palette of materials used on this estate is predominantly brick with a clay tile. Windows are generally timber and properties also feature intricate timber work, be that on feature bays, or porches. The proposal would be a prominent building on the site, filling the plot with little surrounding garden. It would be visually prominent at the entrance to the property on an estate where structures are generally just glimpsed over the wall or not seen at all, in particular the smooth white render and grey tiled roof would be a stark contrast to the red brick boundaries.

For the reasons outlined above the proposal would also harm the significance of the Park Conservation Area. This is because it would further dilute the estate form which is one of the key characteristics of the conservation area. In addition it would contribute to the at risk status of the conservation area as such works would result in further erosion to established garden spaces within the conservation area.

UPDATE 03/08/2020: The proposal to amend the materials is noted however it is considered that this would not address the main concern regarding the application which is the dilution of the hierarchy of the estate and the loss of the garden area which impact on the significance of the conservation area and the setting of the listed building.

With regard to the description of the land as unused, whilst it may currently be in this state historic plans indicate that the area was previously part of the garden to the main dwelling house.

UPDATE 13/11/2020: [In respect of the impact on Ward Jackson Park], both buildings will be seen over the wall and therefore alter the setting of the park, however the road in-between the two breaks some of that strong connection and provides a more immediate setting.

I would consider in both cases the harm to the conservation area and listed building is 'less than substantial' with the caveat that substantial harm is a high test. Cumulatively I would consider that if the applications were considered together they will have a major impact on both the listed building and conservation area, in irrevocably introducing built development into areas which were previously well established open grounds and ancillary buildings which complemented the setting of Meadowcroft/Meadowside and provided one of the few original remaining garden areas.

It should however be stressed that, paragraph 193 of the NPPF states,

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

Therefore in concluding that the harm is less than substantial this should in no way down play it as 'great weight' should be given to the conservation of these assets.

Historic England – Thank you for your letter of 15 June 2020 regarding the information for the above application. On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions, details of which are enclosed.

If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request.

Tees Archaeology - Thank you for the consultation. I have no objection to listed building consent for this development.

Hartlepool Civic Society – Hartlepool Civic Society object to the above application as it is detrimental to the setting of a listed building, listed Park and the character of the conservation area.

We would also like to draw attention to a number of statements and inaccuracies made within the Heritage Statement, submitted with the application, and have made comments in italics beneath each one which also form part of our objection.

1.0 Introduction

The subject site is located at the north west corner of Meadowcroft and since the development of the Mews has become stranded outside of the Meadowcroft Estate since the entrance has moved into the curtilage to allow road access to the Mews. This is incorrect as the Estate is bounded by the walls to the North and West and the aforementioned site is well within this curtilage.

3.0 Application Proposals

The application, this statement accompanies is for a single detached dwelling in a

Contemporary style, with aluminium double glazed windows anthracite colour including feature styled windows finished with white through coloured render and dark grey smooth rooftiles.

The application provides no justification for this contemporary style of building, which is totally out of character to the Main listed building and also the conservation Area. In addition there is no explanation as to how it will relate to the listed buildings and conservation area.

4.0 Planning Policy Context

The most relevant policy is contained within the Hartlepool Borough Council Local Plan adopted on 22 May 2018.

The application site is located within the Park Conservation Area for which a character appraisal was adopted in September 2008.

The most relevant policy consideration is HE1, which refers to the protection and enhancement of Conservation Areas.

Policy HE1 sets out that development in a conservation area should preserve or enhance the area and that in determining applications, regard will have to have the need for;

- 1) Preserve and /or enhance its special character, distinctiveness, setting and townscape or landscape value in a manner which is appropriate to its significance;
- 2) Be of high quality design which has a positive impact on the heritage asset.
- 3) Ensure the sensitive and viable use of the heritage asset.

We respond to each point in turn as follows:

The scale and nature of the development is appropriate to the character of the Park Conservation Area. The proposed dwelling is substantially smaller in scale and the proposed use of quality materials we aim to provide a gatehouse/ Lodge feel to compliment Meadowcroft,

We fail to see how a white rendered, grey windowed house with slate roof can in anyway compliment the ornate brickwork of Meadowcroft and its tiled roof. It also appears that this is a relatively large detached property and not the scale of a lodge any lodge would be expected to be a similar style and material as the main house especially when it is so visible in relation to the listed main house. There are a number of former Lodge houses with this area which provide excellent examples. We would suggest this design clashes and competes rather than complements.

It has been considered appropriate that the design should be contemporary using high quality materials

We are unable to see any rationale as to why it has been considered appropriate and also by whom?

We consider that the proposal will have little effect on the heritage asset due to the plot being almost detached from the grounds

As you can see from the photographs submitted and also by walking /driving past the proposed site the plot is highly visible in the foreground and will obstruct the current view of the main listed house from Elwick Road and the listed Ward Jackson Park. It will totally undermine the whole concept of the Conservation area.

4 National Guidance on conservation areas PPS 5 was published in March 2010

We do not consider that there is anything within PPS 5 that outweighs Policy HE1 of the adopted plan. Consideration of the application proposal and its impact on the Conservation Area remains relevant and acknowledging that none of the buildings surrounding or within close proximity of the site are listed, PPS 5 would not indicate any reason for Planning Consent to be refused.

This paragraph is totally incorrect, Meadowcroft and Meadowside are both listed as is Ward Jackson Park across the road PPS 5 policy HE6 sets out that applicants should provide a description of the significance of Heritage Assets affected by the application and the contribution of their setting to that significance.

The site sits at the shared entrance to Meadowcroft and Meadowcroft Mews with Tunstall Farm (190m) and Tunstall Garth (135m) to the south west of the site entrance.

The proposed dwelling is screened behind existing high brick walls to reduce any visual impact on nearby properties.

This does not address the significance of the listed buildings or Conservation area nor does it explain how the new build would contribute to the setting.

Policy HE7 of PPS 5 sets out the decision making process for development affecting a heritage asset. In this case we have submitted detailed assessment of the proposals against relevant policy in the local plan and have justified that the proposed dwellings would not materially affect Meadowcroft, Meadowside, Tunstall Garth or Tunstall Farm

We are unable to find any detailed assessment within the application, we believe that this statement is lifted from the previous application for Meadowcroft Mews and bears no relevance to this application.

The use of the application site is appropriate in the context of Local Plan Policy. It is submitted that the design, overall scale, massing, alignment and materials used will preserve the character of the conservation area and make a positive contribution to its character and local distinctiveness. The proposed dwelling both respecting the local architecture but also contemporary dwellings of their time.

We would like to see detailed evidence of the assumptions made in the above paragraph as within the current documentation there is none.

HBC Countryside Access Officer – Please refer to my comments made within H/2020/0060.

HBC Landscape Architect – No representation received.

HBC Arboricultural Officer – No representation received.

HBC Ecology – No representation received.

HBC Engineering – I have no comments to make as regards surface water management or contaminated land in respect of this Listed Building Consent application.

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

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/>

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:

Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration)
- Discharge to a surface water body
- Discharge to a surface water sewer, highway drain, or another drainage system
- As a last resort, discharge to a combined sewer

Hartlepool Water – No representation received.

HBC Waste Management – No representation received.

HBC Property Services – No representation received.

HBC Building Control – No representation received.

Cleveland Police – Police have no objections.

PLANNING POLICY

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

Local Policy

6.13 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

HE1: Heritage Assets
HE3: Conservation Areas
HE4: Listed Buildings and Structures
HE7: Heritage at Risk

National Policy

6.14 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA184: Conserving and enhancing the historic environment
PARA189: Proposals affecting heritage assets
PARA190: Proposals affecting heritage assets
PARA195: Considering Potential Impacts
PARA 196: Considering potential impacts
PARA199: Considering potential impacts
PARA200: Considering potential impacts

6.15 **HBC Planning Policy comments** - Planning has concerns regarding this application. The two storey dwelling house is likely to be prominent along Elwick Road (part of the Park Conservation Area) and is likely to detract from the host dwelling (Meadowcroft) and the setting of Ward Jackson Park.

PLANNING CONSIDERATIONS

6.16 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and the impact of the proposal on the character and setting of the listed building. This and any other residual matters are considered in detail below.

IMPACT ON THE CHARACTER AND SETTING OF THE LISTED BUILDING

6.17 The application site is within the setting of Meadowcroft/Meadowside, a grade II listed building that is located in the Park Conservation Area, both of which are recognised as designated heritage assets. The site also sits opposite Ward Jackson Park, a (grade II listed) registered park and garden.

Legislative and Policy Context

6.18 The National Planning Policy Framework 2019 (NPPF) sets out the Government's commitment to good design. Paragraph 124 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

6.19 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan 2018 advises that all developments should be designed to a high quality and positively enhance their location and setting. The policy stipulates that development should; be of an appropriate layout, scale and form that enhances the distinctive features, character and history of the local area; respect the surrounding buildings, structures and environment; and sustains and/or enhances the historic environment and heritage assets and their settings, amongst other requirements.

6.20 Policy HE1 (Heritage Assets) of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

6.21 Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193, NPPF). Further to this Policy HE4 (Listed Buildings and Structures) of the Local Plan states, 'to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting'.

Significance of the Listed Building

6.22 Meadowcroft/Meadowside is typical of the larger properties found in the Park Conservation Area. The listed building was constructed in 1895. It comprises the main house, a lodge house on Elwick Road and, a block of stables / out buildings also to the north of the site. The house was subdivided in the 1950s with land and associated buildings subsequently sold off. This began the gradual disposal of plots of land on this estate for the construction of housing.

6.23 The significance of the listed building lies in the aesthetic value of the architectural details of the property and the setting that is provided by the generous grounds. Whilst the house was orientated to view the open countryside to the rear, the Elwick Road side had more formal gardens with an informal woodland to the west. There has been considerable alterations to the estate itself however in plan form the hierarchy of buildings is still discernible notably, the original entrance to Elwick Road, flanked by the lodge, the estate building to the rear of this and the main

house itself and the gardens to the north and woodland to the west. In addition the high boundary wall to Elwick Road remains intact with few openings new opening other than those to facilitate the division of the estate.

6.24 The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings.

6.25 A particular concern in this conservation area is the loss of gardens and open spaces as dwellings which once sat within generous grounds are being subsumed by development. The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of buildings. Policy HE7 (Heritage at Risk) of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

6.26 The Meadowcroft / Meadowside estate contributes to the significance of the conservation area in that it has some of the key characteristics found in this area, namely an estate in generous grounds with multiple buildings of varying purposes which are bound on the 'public elevation' by a high wall.

6.27 The Park Conservation Area Character Appraisal summarises the significance of the conservation area. It notes that, 'The conservation areas development is characterised by a distinct hierarchy of buildings. The hierarchy is apparent in the form, height and scale of each building, and in the detailing of its architecture.' And goes on to state that 'The traditional hierarchy of the major historic houses and their lodges and outbuildings should be protected.'

6.28 Further to this it acknowledges the contribution that gardens make to the area, stating, 'Domestic gardens cover the largest acreage in the conservation area and define its low density layout. They help define its thick, green character and are fundamental to its leafy, mature appeal as a residential neighbourhood. Many are very private, hidden behind brick boundary walls, later timber fences or dense trees and foliage, but they are just as important to the areas low density, high amenity character and special interest as the public open spaces' Care should be taken not to weaken their intrinsic interest by infill development'.

6.29 Whilst it is noted that this area of enclosed land to the front of the estate may currently appear to be cleared/unused, historic plans indicate that the area was previously part of the garden to the main dwelling house.

6.30 With regard to the boundary wall to the site it notes that, 'The enclosure provided by Meadowcroft's long northern boundary is one of the most distinctive features of the conservation area'. Behind and physically connected to the Elwick Road boundary wall is a walled garden which survives intact. This is the only one left in the conservation area and is as important to Meadowcroft's special historic interest as the lodges and outbuildings.

Impact of the Proposals on Designated Heritage Assets

6.31 Historic England has been consulted on the application and has confirmed that they do not wish to offer any comment.

6.32 The Council's Heritage and Countryside Manager has reviewed the application and has raised a number of significant concerns with respect to the impact of the proposals on the identified heritage assets as follows;

6.33 The introduction of a lodge house within this estate would dilute the hierarchy of buildings. Whilst it is acknowledged that this has already occurred, first with the subdivision of the estate and more recently the introduction of a small estate of buildings to the rear of the property, in plan form the property, and particularly the garden to the north of the house, remains recognisable as the original design of the estate. It is considered that the introduction of a second lodge house would impact on the significance of the listed building and particularly its setting as part of a planned estate.

6.34 The introduction of further built form would also reduce the garden to the property which, contributed to the setting of the listed building, in particular the loss of this element would reduce the formal garden which is present to the north of the property, which contrasts with the more informal setting found to the south.

6.35 The design and materials of the proposed property would harm the significance of the setting of the listed building. The palette of materials used on this estate is predominantly brick with a clay tile. Windows are generally timber and properties also feature intricate timber work, be that on feature bays, or porches. The proposal would be a prominent building on the site, filling the plot with little surrounding garden. It would be visually prominent at the entrance to the property on an estate where structures are generally just glimpsed over the wall or not seen at all, in particular the smooth white render and grey tiled roof would be a stark contrast to the red brick boundaries.

6.36 For the reasons outlined above the proposal would also harm the significance of the Park Conservation Area. This is because it would further dilute the estate form, which is one of the key characteristics of the conservation area. In addition it would contribute to the at risk status of the conservation area as such works would result in further erosion to established garden spaces within the conservation area.

6.37 In view of the above concerns, the applicant informally proposed amendments to the finishing materials as a means of negating the impacts on the identified heritage assets. The Council's Heritage and Countryside Manager has since advised however that it is not considered that changes to the materials used would mitigate against the impact on the significance of the heritage assets that the proposal would cause.

6.38 The concerns of the Council's Heritage and Countryside Manager have also been echoed in objections received from the Council's Planning Policy section and Landscape Architect, as well as Hartlepool Civic Society.

6.39 It is considered therefore that the proposals are contrary to policies HE1, HE3, HE4 and HE7 of the Local Plan and that, if approved, the proposals would exacerbate the 'at risk' classification of the conservation area further.

6.40 Furthermore, the Council's Landscape Architect and Planning Policy section have also raised concerns that the proposals will have a negative landscape and visual impact on the setting of Ward Jackson Park, opposite the site.

6.41 An objection has also been received from a neighbour, with similar concerns to those set out above with respect to the impact of the proposal on the heritage assets and the character of the area.

Enabling Development Justification

6.42 Following the above concerns, the applicant subsequently advised that the application(s) have been submitted in order to *"preserve Meadowcroft for future generations, and prevent its decline, as has happened to other large late nineteenth century houses with extensive grounds in Hartlepool."*

6.43 In response, the Council's Heritage and Countryside Manager has advised that, if the purpose of the application is to support the future of Meadowcroft, this should be demonstrated through a clear plan following Historic England Good Practice Advice in Planning Note 4, Enabling Development. The document notes that:

"The sums of money generated through enabling development are provided to directly solve the conservation needs of the place, not to solve the financial needs of the present owner, to support/finance a business or to compensate for the purchase price paid for the site. The amount of enabling development that can be justified will be the minimum amount necessary in order to address the conservation deficit and to secure the long-term future of the assets."

6.44 In view of this, the Council's Heritage and Countryside Manager has advised that information should have been brought forward to demonstrate the need for investment in Meadowcroft (i.e. what work is required to support the future of the building, what is the cost of this works, why can this only be achieved through development on the site?). Information on the current market value to the property and its value after the investment is provided should also be produced to show that there is a clear conservation deficit that can only be addressed in this way.

6.45 To date, no evidence of this has been provided by the applicant and therefore this is not considered a reasonable justification which would overcome the harm caused by these applications.

Conclusions

6.46 In view of the above, it is considered that the proposal would result in harm to the significance of the identified heritage assets, namely the Park Conservation Area and Meadowcroft / Meadowside.

6.47 Whilst the Council's Heritage and Countryside Manager considers that in both cases the harm to the conservation area and listed building is 'less than substantial', for the purposes of assessing the level of harm in line with the NPPF, it should be noted that 'substantial harm' is a high test, and paragraph 193 of the NPPF states,

*'When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight should be given to the asset's conservation** (and the more important the asset, the greater the weight should be). **This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.**'*

6.48 In this instance, it is considered that the cumulative impact of these proposals and those for the adjacent land (applications H/2020/0051 & H/2020/0052) would have a major impact on both the listed building and conservation area, in irrevocably introducing built development into areas which were previously well established open grounds and ancillary buildings which complemented the setting of Meadowcroft / Meadowside and provided one of the few original remaining garden areas.

6.49 No evidence of any public benefits of the proposal, including securing the optimum viable use of the heritage assets, has been provided to outweigh the identified harm.

6.50 It is therefore considered that the proposals would have an unacceptable detrimental impact on the identified heritage assets. It is also considered that this, in turn, will result in a detrimental impact on the visual amenity of the application site and the character and appearance of the surrounding area. The application is therefore considered to be unacceptable in this respect and contrary to Local Plan policies QP4, HE1, HE3, HE4 and HE7, and paragraphs 124, 127, 193, 194, 196, 200 and 202 of the NPPF.

RESIDUAL MATTERS

6.51 Further comments received from neighbours and consultees with respect to the principle of development and/or any material planning considerations that are beyond the scope of this application for Listed Building Consent have been considered in full as part of the associated full application for planning permission (ref: H/2020/0060) received at the same time as this application.

6.52 Where limited information has been provided in respect of associated works that would affect the setting of the listed building (e.g. boundary enclosures, hard and soft landscaping, ecological mitigation/enhancement etc.), as set out in the consideration of application H/2020/0060, these would have been secured by virtue of planning / listed building consent conditions, had the application(s) been considered acceptable in all other respects.

CONCLUSION

6.53 In view of the above material planning considerations and the relevant policies of the Hartlepool Local Plan 2018 and relevant paragraphs of the NPPF 2019, it is considered that the proposal would result in less than substantial harm to the

significance of the identified heritage assets, namely the Park Conservation Area and Meadowcroft / Meadowsides. No evidence of any public benefits of the proposal has been provided to outweigh the identified harm.

6.54 It is therefore considered that the proposals would have an unacceptable detrimental impact on the identified heritage assets. It is also considered that this, in turn, will result in a detrimental impact on the visual amenity of the application site and the character and appearance of the surrounding area. The application is therefore considered to be unacceptable in this respect and contrary to Local Plan policies QP4, HE1, HE3, HE4 and HE7, and paragraphs 124, 127, 193, 194, 196, 200 and 202 of the NPPF.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.55 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

6.57 There are no Section 17 implications.

REASON FOR DECISION

6.58 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION – REFUSE for the following reason;

1. In the opinion of the Local Planning Authority, it is considered that the proposed development, by virtue of its size, siting and design, would appear unduly large and out of keeping and would result in the irrevocable loss of the previously well-established open grounds and ancillary buildings serving the (grade II) listed building at Meadowcroft / Meadowsides, which contributes to the significance of the Park Conservation Area. It is therefore considered that the proposals would cause less than substantial harm to the identified heritage assets, namely Meadowcroft / Meadowsides and the Park Conservation Area, and no information has been provided to demonstrate that this harm would be outweighed by the public benefits of the proposal. For the same reasons, it is also considered that the proposals would have a detrimental impact on the visual amenity of the application site and the character and appearance of the surrounding area. The application is therefore considered to be contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of the National Planning Policy Framework and National Planning Practice Guidance, and policies QP4, HE1, HE3, HE4 and HE7 of the Hartlepool Local Plan (2018).

BACKGROUND PAPERS

6.59 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=136660>

6.60 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet>
except for such documents that contain exempt or confidential information.

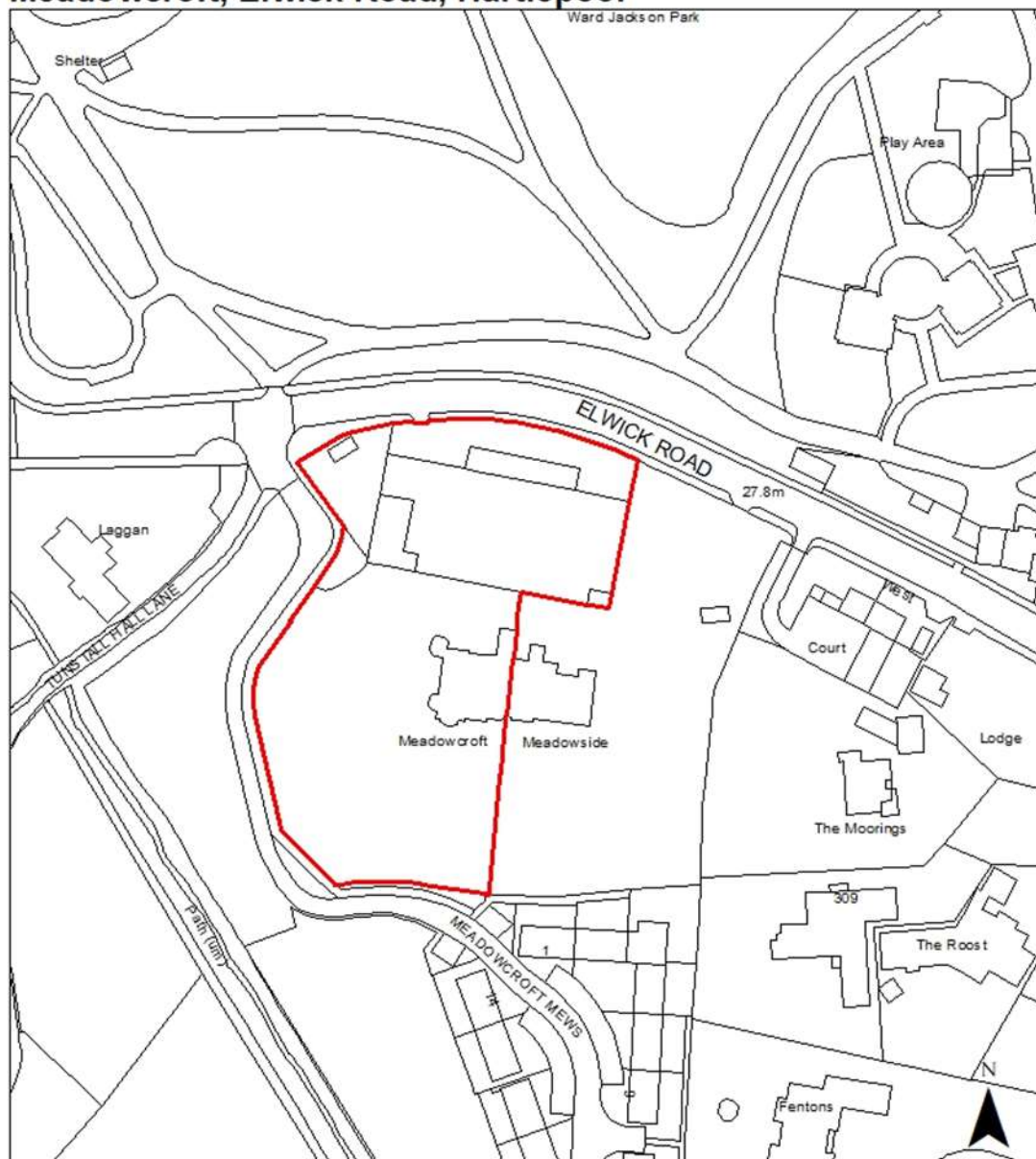
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Meadowcroft, Elwick Road, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 10.11.2020
	SCALE 1:1250	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0051-52 H/2020/0060-62	REV

No: 7.
Number: H/2020/0312
Applicant: MR PAUL BARTLEY MOORHEN ROAD HARTLEPOOL
TS26 0SY
Agent: MR PAUL BARTLEY 39 MOORHEN ROAD
HARTLEPOOL TS26 0SY
Date valid: 06/10/2020
Development: Incorporation of land into curtilage and retrospective
erection of boundary fences
Location: 39 MOORHEN ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

7.2 There are no relevant previous planning applications associated with the current application site, however approval HRES/1998/0319 (approval of reserved matters for the erection of 136 detached houses with garages, decision date 01/09/1998) was the original reserved matters permission for the estate that properties, including Moorhen Road and the application site, relate to.

7.3 This planning application is retrospective and has been submitted following receipt of a complaint and subsequent investigation by the Council's Planning Enforcement Officer. It is of note that a parcel of land immediately to the east of the current application site (to the south of No. 37 Moorhen Road) has also been subject to an investigation in respect of the land being enclosed by fencing (and understood to be with a view to incorporating the land into the residential curtilage of No 37). To date, a retrospective planning application has yet to be submitted by the owner/occupier of No 37.

PROPOSAL

7.4 This application seeks retrospective permission for the change of use and enclosure of an area of incidental open space with a view to incorporating the land into the private garden amenity space to serve No 39 Moorhen Road. The area of land is to the south east of the existing private garden and is triangular in shape, measuring approximately 13.5m in width x approximately 10.5m in length. The application also includes the erection of close boarded timber boundary fences with an approximate height of 1.8m to enclose the land for which the incorporation of the land into the residential curtilage is sought. At present, the original rear garden boundary of the host property is in place with the unauthorised enclosed land beyond this. It is understood that there currently is no direct or gated access from the rear

garden of No 39 into the enclosed parcel of land beyond but it is the applicant's intention to provide gated access should planning permission be granted.

7.5 It is understood that the area formerly comprised of a landscaped area in the form of shrubs and tree planting which have since been removed and the land has been not been landscaped (it appears to be primarily soil with self-seeding weeds/grass). Beyond the southernmost erected unauthorised fence is remaining part of the original landscape buffer, which has clearly been reduced. The land in question is understood to be currently within the ownership of the original developer. It is further understood that the areas of land (and landscaping) around the estate (and the current application site in question) is, at some point, intended to be adopted by the Council.

7.6 The application has been referred to the Planning Committee due to the retrospective nature of the works and the Officer recommendation, in line with the Council's Scheme of Delegation.

SITE CONTEXT

7.7 The application site relates to a parcel of land to the south east/rear of No. 39 Moorhen Road, in a modern residential estate in the northern extent of the borough of Hartlepool. As such, the parcel of land is sited to the north of Throston Grange Lane, and formed part of an existing landscape buffer between the highway and rear gardens of the dwellings along Moorhen Road to the north. The area of land adjoins the private rear garden of No. 39 Moorhen Road to the north east, whilst a similar parcel of land is sited to the east which adjoins 37 Moorhen Road to the north. As discussed in the background, this is also an unauthorised change of use (and enclosure of land) to the rear of No 37, to which a retrospective planning application has not been received to date.

7.8 Moorhen Road is predominantly residential in character and soft landscaping is present along much of the southern boundary. In planning policy terms, the land is classed as incidental open space (Policy NE6) and is currently within the ownership of the original developer (Leebell).

PUBLICITY

7.9 The application has been advertised by way of eight neighbour letters, notification to ward members and the displaying of a site notice. To date, there have been no objections.

7.10 One letter of 'do not object' has been received from the occupier of No. 37 Moorhen Road.

7.11 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140082>

7.12 The period for publicity has expired.

CONSULTATIONS

7.13 The following consultation replies have been received:

HBC Landscape Architect: The proposed development has resulted in the loss of structural planting associated with the footpath and cycleway links and Throston Grange Lane. The loss of such structural landscape to private garden space should be resisted.

HBC Ecology: I understand that this proposal is a retrospective application for the erection of a fence to bring an area of neighbouring land into the curtilage of the dwelling, and that pursuant to this the applicant has cleared the land of vegetation. I also understand that a similar development has been undertaken in association with the adjacent property, but no application has been submitted. My comments below are relevant to both developments.

Based on the information available to me it appears that the development has included the clearance of scrub vegetation from within the fenced area. The cleared vegetation appears to have been landscape planting established as part of the original residential permission. Although likely to have been of limited botanical importance, this area of habitat would have contributed towards the function of a wider ecological network; being directly connected to a wildlife corridor that runs to the east of the site. It is also reasonably likely that the cleared area supported breeding birds during the appropriate season, including amber and red listed species (dunnock, song thrush and mistle thrush).

In my view the proposals conflict with the requirements of local plan policy NE1, and section 15 of the National Planning Policy Framework. Specifically, ecological networks and green infrastructure have been harmed (policy NE1 para. 5) and the proposals fail to demonstrate that significant ecological harm will be, or has been, avoided (policy NE1 para. 6 and NPPF para. 175(a)).

HBC Traffic and Transport: There are no highway or traffic concerns.

HBC Countryside Access Officer: There is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site.

HBC Public Protection: No objection.

Tees Archaeology: I have no comment to make and no objection.

HBC Parks and Recreation: No comments received.

HBC Estates: No comments received.

Cleveland Police: No comments received.

HBC Community Safety and Engagement: No comments received.

HBC Flood Risk Officer: No comments received.

HBC Economic Regeneration: No comments received.

HBC Arboricultural Officer: No comments received.

PLANNING POLICY

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

Hartlepool Local Plan (2018)

7.15 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

CC1: Minimising and Adapting To Climate Change

LS1: Locational Strategy

NE1: Natural Environment

NE2: Green Infrastructure

NE6: Protection of Incidental Open Space

QP4: Layout and Design of Development

QP6: Technical Matters

SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy (NPPF, 2019)

7.16 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually interdependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 001: Introduction

PARA 002: Permission determined in accordance with development plan

PARA 003: Introduction

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development
 PARA 010: Achieving sustainable development
 PARA 011: The presumption in favour of sustainable development
 PARA 012: The presumption in favour of sustainable development
 PARA 038: Decision-making
 PARA 047: Determining applications
 PARA 091: Promoting healthy and safe communities
 PARA 124: Achieving well-designed places
 PARA 127: Achieving well-designed places
 PARA 130: Achieving well-designed places
 PARA 150: Planning for climate change
 PARA 175: Environmental impact
 PARA 212: Implementation

7.17 HBC Planning Policy comments: Planning Policy has concerns regarding this application. Planning Policy NE6 seeks to resist the loss of incidental open space. The application is retrospective and has led to the loss of shrubs and planting that form part of the green link along Moorhen Road to Throston Grange Lane and along the cycle/foot path to Middle Warren Green Wedge. This area of tree planting contributes to the overall quality of the green link, provides an area for wildlife, a carbon sink and assists in flood mitigation. The green areas and links within the borough assist in making the borough a desirable place to live, work and play, the loss of these spaces can be to the detriment of residents, visitors and investors. If the application is approved then Planning Policy would request that a condition is attached to the application stating that the land must remain porous and not built upon and turned it to impermeable land.

PLANNING CONSIDERATIONS

7.18 The main issues for consideration in this instance are the principle of development, the impact on the character and appearance of the area, ecology, the impact on the amenity of existing residents and neighbouring land users, impacts on highway safety, and impacts on flooding and drainage matters. These and any other planning and non-planning matters are considered below.

PRINCIPLE OF DEVELOPMENT & IMPACT ON VISUAL AMENITY OF SURROUNDING AREA

7.19 The proposed development is located on an area of incidental open space in the High Throston area of Hartlepool, which is protected by Policy NE6 within the Local Plan. This policy seeks to resist the loss of incidental open space unless it can be demonstrated that the area is detrimental to the amenity of neighbours or too small/difficult to maintain; or it does not contribute to the visual or recreational amenity and where the need and function of the open space is met elsewhere in the locality. The preamble to Policy NE6 states that areas of incidental open space “*are an important element of the Borough’s green infrastructure network...such areas can provide visual amenity or separate different buildings/land uses for environmental, visual or, sometimes, safety reasons...such areas can also have value as wildlife habitats*”.

7.20 In this instance the area of land subject to the current application is directly adjacent to and is to be enclosed into the existing curtilage of 39 Moorhen Road. As detailed above, it also adjoins a similar parcel of land to the east which is directly adjacent to the existing curtilage of the neighbouring property, No 37 Moorhen Road. The area of land enclosed previously formed part of a dense landscaping buffer between rear gardens on Moorhen Road and the public footpath and cycleways along Throston Grange Road. These networks form part of the green linkages to the Middle Warren Green Wedge. It is noted that other streets within the surrounding estate such as Kittiwake Close and Guillemot Close feature similar soft landscaping, which follows a relatively 'organic' fence line of the residential properties beyond and therefore provides a softening and 'green' function. There are several potential benefits of such landscaping areas, including deterring access to the rear of properties from a more frequented road (such as Throston Grange Lane), softening the appearance of the fencing along the rear gardens, as well as providing a potential habitat for wildlife (as discussed in the ecology section below), a carbon sink and assisting in flood mitigation. It is considered that the incorporation of this land and loss of soft landscaping into the curtilage of a private garden should therefore be resisted due to the loss of these benefits and ultimately the adverse impact on the visual amenity of the area. Both the Council's Planning Policy team and the Council's Landscape Architect has confirmed they object to the proposal for this reason.

7.21 It is noted that the applicant, in their accompanying supporting Planning Statement, indicates that they have felt it necessary to maintain the land themselves, commenting that the shrub planting was overgrown and that it is for this reason that the applicant has cleared the majority of the landscaping with the intention of incorporating it within the rear garden of their property. The fence that has been installed by the applicant is of a similar design to original garden fences to other properties in the street however, due to the location and size of the open space proposed to be incorporated within the host dwelling (approx. 71.8m² in respect of the application site and a similarly sized additional area to the rear of No. 37), the Council's Planning Policy section have commented that this would amount to a significant loss of the overall open space in the area and therefore the principle of development is not acceptable.

7.22 It is acknowledged that the area of land in question is not readily visible from the main street of Moorhen Road, being sited to the south of this area. A narrow strip of planting has been retained between the new boundary fence and the public footpath and cycleways along Throston Grange Lane to the south but is a clear reduction of the previous and original planting scheme. Notwithstanding this, it is considered that the loss of the landscaping and intended enclosure of land into residential curtilage has the potential to significantly and adversely impact upon the character and visual amenity of the surrounding area as well as detracting from the original intended design and layout of the wider estate (which ties into green infrastructure). As such, it is considered that this would warrant a reason for the refusal of the application in this instance.

7.23 Furthermore, although each application is judged on its own merits, as noted in the background above, a similar parcel of land immediately to the east has been cleared by the occupant of adjacent property at No. 37, with similar fences erected

around that parcel of land. It is considered that this incremental encroachment results in a cumulative impact to the detriment of the visual amenity of the surrounding area.

7.24 For the reasons set out in the paragraphs above, the incidental open space is considered to contribute to the visual amenity and function of the area, and therefore the enclosure of the land to incorporate it into private garden amenity space would not meet the tests of Local Plan Policy NE6. As such the principle of development is not acceptable and the proposal would not be in compliance with paragraph 127 of the NPPF (2019), or the requirements of policies QP4 and NE6 of the Hartlepool Local Plan (2018).

IMPACT ON ECOLOGY

7.25 The Council's Ecologist has had regard to the proposal and in doing so has considered the cumulative impact resulting from the current proposal in addition to the unauthorised enclosure of the adjacent parcel of land (to the rear of No 37 Moorhen Road) as it is considered that ecological networks and green infrastructure have been harmed and that the proposals fail to demonstrate that significant ecological harm will be, or has been, avoided. The comments of the Council's Ecologist are detailed in full above, to which he considers that the cleared vegetation would have contributed towards the function of a wider ecological network, being directly connected to a wildlife corridor that runs to the east of the site. The Council's Ecologist considers that it is likely that the cleared area supported breeding birds during the appropriate season, including amber and red listed species (dunnock, song thrush and mistle thrush). Overall, it is considered that the proposal would not comply with Policies NE1 or paragraph 175a of the NPPF (2019) and this harm to the ecological networks would warrant a reason for the refusal of the application.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

7.26 It is considered that the fence installed as part of the development is considered to be of a scale that would not adversely affect the amenity of neighbouring occupiers in terms of loss of light or overbearing appearance owing the satisfactory remaining separation distances and relationships to surrounding properties. Furthermore, the relationship between the host property and the adjacent neighbouring property at 41 Moorhen Road is such that it is screened from the development by the original boundary fence of the application site and by virtue of the layout of the plots. Similarly, the layout of the closest neighbour to the north/east is such that the proposed land to be incorporated is beyond the siting of the main garden areas of both the application property and No. 37 with the presence of the fencing in between. Furthermore, no objections or comments were received from HBC Public Protection. In view of the above considerations, it is considered that the development would not result in an unacceptable loss of amenity and privacy for neighbouring properties.

HIGHWAY + PEDESTRIAN SAFETY

7.27 It is considered that the proposed development does not affect parking arrangements or vehicular access to the applicant property or any other properties in

the area and therefore there are no objections from HBC Traffic and Transport or the Council's Public Rights of Way Officer. The application is considered to be acceptable in this respect.

OTHER PLANNING MATTERS

7.28 Notwithstanding the above consideration of the parcel of land in respect of flood risk mitigation, the application site is in an area identified by the Environment Agency as being a low risk of flooding (Flood Zone 1). The Council's Flood Risk Officer has been consulted in respect of the proposal and has confirmed there are no objections in respect of surface water flooding (or in respect of contaminated land).

7.29 Notwithstanding the above consideration of the parcel of land in respect of deterring access to the rear of Moorhen Road, the Council's Community Safety section and Cleveland Police have been consulted in respect of the proposal and have not raised any concerns or provided comment in respect of matters of safety and security.

PLANNING BALANCE AND OVERALL CONCLUSION

7.30 The proposed change of use results in the loss of incidental open space to the detriment of the visual amenity of the area. The principle of development is not considered to be acceptable and there are no material considerations that would warrant a departure from the provisions of NE1, NE6 or QP4 of the Hartlepool Local Plan (2018).

EQUALITY AND DIVERSITY CONSIDERATIONS

7.31 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

7.33 There are no Section 17 implications.

REASON FOR DECISION

7.34 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION – REFUSE, for the reason below:

1. In the opinion of the Local Planning Authority, the change of use (and enclosure) of land to form residential curtilage would result in the loss of designated Incidental Open Space to the detriment of the visual amenity, function and loss of ecological habitat of the surrounding area. The

development is therefore contrary to the provisions of Policies NE1, NE6 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 170, 174 and 175a of the NPPF (2019) and there are no material considerations that would outweigh the harm to the protected green infrastructure and associated adverse ecological impacts.

BACKGROUND PAPERS

7.35 Background papers can be viewed by the ‘attachments’ on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140082>

7.36 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet>
except for such documents that contain exempt or confidential information.

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Moorhen Location, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 11.11.2020
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0312	REV

No: 8.
Number: H/2020/0373
Applicant: MR P SOUTHGATE CHAUCER AVENUE
HARTLEPOOL TS25 5PX
Agent: MR P SOUTHGATE 32 CHAUCER AVENUE
HARTLEPOOL TS25 5PX
Date valid: 02/11/2020
Development: Erection of a single storey extension at the side
(retrospective application)
Location: 32 CHAUCER AVENUE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

8.2 This planning application is retrospective and has been submitted following receipt of a complaint (LPA ref CMP/2018/00214) in November 2018 and a subsequent investigation by the Local Planning Authority into the erection of an unauthorised single storey extension to the side of 32 Chaucer Avenue. A planning application was not forthcoming from the owner/occupier at that time and therefore planning enforcement action was sought and authorised by Members at the Planning Committee meeting on 4th September 2019 to seek the removal of the unauthorised structure.

8.3 As detailed in the comments section of the Building Control Manager below, the development is also considered to contravene Building Regulations legislation, however it was decided that enforcement action (to address the Building Regulations breach) was not necessary at the time on the basis that authorisation had been granted to enforce the removal of the unauthorised structure through planning enforcement legislation.

8.4 Subsequently, the planning Enforcement Notice was served on 12th September 2019, with a compliance date of 18th January 2020 (requiring that the unauthorised structure be removed). Following the expiry of the compliance date, the structure remained in place and the matter was referred to the Council's legal section to progress legal proceedings for non-compliance with the Enforcement Notice. Due to the Covid-19 pandemic and resultant restrictions, the court date for this matter was deferred until 6th November 2020. In the interim period, the current planning application was received by the Local Planning Authority, consideration of which forms part of today's committee agenda. It is understood that the court case has been adjourned until 02.03.2021 to allow the current planning application to be considered and determined by the Local Planning Authority.

PROPOSAL

8.5 Retrospective planning permission is sought through this application for the erection of a single storey extension to the western side of 32 Chaucer Avenue. The extension measures approximately 2m in projection x approximately 3m in width, and features a lean to roof with a total height of approximately 2.5m, dropping to approximately 2.3m at eaves level. The extension adjoins the existing off-shoot of the host property on its northern side, and as such runs along the boundary with the neighbour at No. 30 (west). The extension features a door in the front (south) and is constructed from materials including a timber frame clad in roofing felt (to all elevations), being dark grey in colour with a black painted door. It is understood that the structure is used for storage. It is noted that the applicant has indicated in his acknowledgement of the valid application that he considers the structure to be classed as a 'lean to shed'. Whilst these comments are noted, the proposal is still classed as an extension and the description is considered to be acceptable in this instance.

8.6 The application has been called in to be determined in the Planning Committee by a local ward Councillor, in line with the Council's Scheme of Delegation.

SITE CONTEXT

8.7 The application site relates to a two storey semi-detached property on the northern side of Chaucer Avenue, in Hartlepool. The host property is adjoined to 30 Chaucer Avenue to the east, whilst 34 Chaucer Avenue is adjacent to the west (although the host property and No. 34 are joined by single storey off-shoots on the side). No's 43 and 45 Browning Avenue are sited to the rear (north). To the front (south), beyond a grass verge and the main highway of Chaucer Avenue, is a recreational park area. The host property is served by a front garden enclosed by a low level brick wall, and a large rear garden.

PUBLICITY

8.8 The application has been advertised by way of five neighbour letters and notification to ward councillors. To date and at the time of writing (19.11.2020), there have been no responses received.

8.9 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140799>

8.10 The period for publicity expires on 24.11.2020 to which Members will be verbally updated on any additional representations received at the committee meeting.

CONSULTATIONS

8.11 The following consultation replies have been received:

HBC Building Regulations: I refer to the above planning application reference H/2020/0373 and wish to make comments regarding building regulation contraventions.

It was decided that Building Regulation enforcement action was not to be undertaken due to the planning enforcement decision for removal of the extension.

So we now find ourselves in the position that the work still contravenes the Building Regulations but due to timescales in The Building Act we as a Council cannot take any legal action under the Building Regulations.

For clarity the extension does not appear to meet the following:

Part A - structure,
Part B - Fire Safety,
Part F - Ventilation.

Parts A and B are the most important non-compliance issues and in particular Part B with it being in relation to the fire resistance between the extension and dwelling house and its effect on any means of escape. Also the lack of sufficient fire resistance to the neighbouring dwelling house too is an issue under Part B.

From a letter sent to the owner on the 22 August, 2019, the applicant was given 3 options

- 1) Remove the extension by taking down the walls and roof;
- 2) Detach the building from the dwelling by at least 50mm to all sides;
- 3) Submit a Building Control Regularisation application and re-build the extension to comply with the requirements set out in the Building Regulations.

As already mentioned this was not followed up legally as the Planning enforcement decision had been agreed for the removal of the extension and hence it was not deemed necessary to follow up with the Building Regulation enforcement action, being an unnecessary cost to the Council.

HBC Traffic and Transport: There are no highway or traffic concerns.

HBC Property Services: No comments received at the time of writing.

HBC Parks & Recreation: No comments received at the time of writing.

HBC Countryside Access Officer: There is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site.

HBC Landscape Architect: No comments received at the time of writing.

PLANNING POLICY

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

Local Policy – Hartlepool Local Plan (2018)

8.13 The following policies in the Hartlepool Local Plan (2018) are relevant to the determination of this application:

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

HSG11: Extensions

SUS1: The Presumption in Favour of Sustainable Development

National Policy – NPPF (2019)

8.14 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 001: Introduction

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision-making

PARA 047: Determining applications

PARA 095: Promoting public safety

PARA 117: Effective use of the land

PARA 122: Efficient use of the land

PARA 124: Achieving well-designed places

PARA 127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 150: Planning for climate change

PARA 170: Protecting the natural and local environment

PLANNING CONSIDERATIONS

8.15 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan (2018) and in particular the impact on the existing dwelling and surrounding area, the impact on neighbour amenity, safety and security of the structure, and highway safety. These and any other planning matters are considered in detail below.

IMPACT ON CHARACTER + APPEARANCE OF EXISTING DWELLING AND SURROUNDING AREA

8.16 Policy QP4 of the Hartlepool Local Plan (2018) requires development is designed to a high quality that positively enhances its location and setting. In order to achieve the provisions of this policy, development should utilise a design that respects the surrounding buildings, structures and environment. Furthermore, Policy HSG11 of the Hartlepool Local Plan (2018) specifically relates to extensions/alterations to existing dwellings, and requires that proposed extensions are of a size, design and material that are sympathetic to the existing dwelling, in order to not adversely affect the character of the surrounding residential area.

8.17 Chaucer Street is a residential street comprising primarily red brick properties of a similar size, set within plots with low level boundary red brick walls to the fronts. As such the appearance of the host property (prior to the erection of the extension) is considered to form a cohesive layout and appearance be a characteristic of the area. The proposed extension, being to the front of the side elevation, is considered to be readily visible within the street scene. Although it is acknowledged that the size of the extension is generally modest and commensurate with the main dwelling and the application site as a whole, the materials used (grey roof felt/covering) is not considered to be sympathetic to the existing dwelling nor the neighbouring dwellings within the streetscene, being grey in colour and not being of a matching brick and colour, and this ultimately results in an incongruous feature in the street scene.

8.18 In view of this, it is considered that the extension results in an adverse impact on the character and appearance of the host dwelling and the visual amenity of the area. Therefore the extension is not considered to meet the requirements of Policies QP4 and HSG11 of the Hartlepool Local Plan (2018) or paragraphs 124, 127 and 130 of the NPPF (2019) which states that “*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...*”.

IMPACT ON NEIGHBOUR AMENITY & PRIVACY

Impact on 34 Chaucer Avenue, to the west

8.19 The retrospective extension to the side of the host property runs along the boundary with this neighbour, being a distance of approximately 2m from the side

elevation of No. 34 (which contains two single pane windows at ground level, which the occupant of this property confirmed as serving a hallway (towards the front) and kitchen (towards the rear), and two single pane windows at first floor, which the occupant of No. 34 confirmed to serve a landing and bedroom). A fence with a height of approximately 2m forms part of the boundary between the host property and No. 34. The proposal does not project beyond the front or rear elevations of the host property or that of No. 34 (with the off-shoot of No. 34 between the proposal and rear elevation of No. 34, which features a door into the kitchen of this neighbour).

8.20 In view of the above relationship and the relatively modest scale of the proposal, it is considered that the development would not result in a significant adverse impact on the amenity of this neighbour in terms of loss of outlook, overbearing impression or overshadowing to habitable room windows serving this property.

8.21 The retrospective extension to the side of the host property does not feature windows in any elevation with a solid access door in the front/south elevation. As a result, it is considered that that the proposal would not adversely impact upon the privacy of this neighbour.

Impact on 30 Chaucer Avenue, to the east

8.22 The extension at the host property is on the western side of the host property and as such a separation distance of approximately 9m remains between the development and the neighbour at No. 30 to the east. The layout of the plots is such that the retrospective extension is primarily screened from this neighbour by the orientation of the host dwelling. Given that the proposal does not project forward of the principal elevation of the host property (or beyond the rear elevation of the host property), it is considered that the proposal would not result in any adverse impacts on the amenity or privacy of No. 30, in terms of outlook, overshadowing, overbearing or overlooking.

Impact on land and No. 41 Chaucer Avenue to the front (south east)

8.23 The application site primarily looks onto the highway with open space (including a recreational playground) beyond. The nearest neighbouring property to the south east, No. 41, is located approximately 33m away with the main highway between. Given the modest scale of the proposal and the oblique relationship between the two neighbours, it is considered that the proposal does not result in significant adverse impacts on the amenity of No. 41 in terms of outlook, overshadowing or overbearing. Given the separation distance which exceeds the requirements of the Hartlepool Local Plan (2018), it is considered that the proposal does not result in any adverse impacts on the privacy of this neighbour in terms of overlooking.

Impact on 43 & 45 Browning Avenue, to the rear (north)

8.24 The extension at the host property is on the southern side of the existing off-shoot extension to the western side of the host property and as such a separation distance of approximately 14.4m to the rear boundary and approximately 23m to the rear elevation of No. 43, and a separation distance of approximately 14.4m to the

rear boundary and approximately 21.4m to the main rear elevation of No. 45 remains from the development at the host property. The layout of the plots is such that the retrospective extension is primarily screened from these neighbours (Nos. 43 and 45) by the orientation of the host dwelling and the existing off-shoot/side extension. Given this relationship, it is considered that it does not result in any adverse impacts on the amenity or privacy of Nos. 43 and 45 Browning Avenue, in terms of outlook, overshadowing, overbearing or overlooking.

SAFETY AND SECURITY

8.25 As stated above, applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The precise scope of what can be considered a material planning consideration is not strictly defined in the NPPF (2019), however it can be deduced from case law (*R v Westminster CC ex-parte Monahan* 1989) that material considerations must be genuine planning considerations; they must be related to the development and use of land in the public interest. Material planning considerations must also fairly and reasonably relate to the specific application under consideration.

8.26 In exercising its function, the Local Planning Authority needs to have regard to the general requirements of other legislation, and controls that may be set out through other regimes. To avoid duplicity and conflict between two competing mechanisms, planning legislation would not normally be used to secure objectives achievable under other regimes such as Building Regulations, Environmental Health or Highways. Notwithstanding this, the Local Planning Authority should consider if a development is appropriate for a particular location, taking all factors into account.

8.27 Policy QP5 of the Hartlepool Local Plan (2018) requires that development is designed to be safe and secure by “*adhering to national safety and security standards as set out by local and national government*”. Paragraph 117 of the NPPF (2019) states that “*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.*” In addition, paragraph 95a of the NPPF (2019) requires that planning decisions should promote public safety. Paragraph 170(e-f) of the NPPF (2019) requires that development does not contribute to or put unacceptable risk upon unstable land, remediating and mitigating this factor where possible.

8.28 In terms of the structural stability of the retrospective extension at the host property, the Council’s Building Regulations section have commented that the proposal is not compliant with the Approved Documents under the Building Regulations 2010, in particular by contravening the requirements of a structure in terms of Part A (structure), Part B (fire safety) and Part F (ventilation). As detailed above, this matter is usually considered under a compulsory Building Regulations mechanism and would therefore not be (or need to be) within the remit of planning consideration or control. However, in this specific instance, and as per the comments of HBC Building Control Manager detailed above, enforcement of this matter through Building Regulations is no longer possible due to the period of time the structure has been in situ at the host property (as it was intended to seek the removal of the structure through related planning legislation and serving of a Planning Enforcement

Notice). In view of this, it is considered that the construction and design of the extension (in terms of safety and security) is a valid material planning consideration in this specific instance.

8.29 With regard to matters of fire safety, the Council's Building Control Manager has commented that the retrospective extension would not be compliant with the Building Regulations 2010 Approved Document B, due to the lack of fire resistance between the extension and dwellinghouse and its effect on any means of escape that are considered to be unacceptable in this instance. The Council's Building Control Manager also considers the lack of sufficient fire resistance between the extension and the adjoining neighbour to the west (No. 34 Chaucer Avenue) to be unacceptable in respect of the Building Regulations legislation (Part B). As such, the development in its current form is not considered to be acceptable in this regard.

8.30 In view of the above, it is concluded that although matters of the structural stability and fire safety of the retrospective extension would usually be considered under the Building Regulations regime (and would therefore be beyond the remit of planning control). However, as this cannot be achieved through the Building Regulations process in this specific instance, the safety and security of the development is not deemed to be acceptable and this would warrant a further reason for refusal of the planning application.

HIGHWAY SAFETY AND CAR PARKING

8.31 The views of the Council's Traffic and Transport section have been sought as part of the determination of the application, to which they have confirmed they have no objections. The proposal is therefore considered acceptable in this regard.

OTHER PLANNING MATTERS

8.32 The application site faces an area of public open space to the front (south). The Council's Countryside Access Officer has confirmed they have no objections to the proposal in terms of public rights of way. The Council's Parks and Countryside section have been consulted on the proposal and have not offered any comments. The proposal is therefore considered acceptable in this regard.

CONCLUSION

8.33 In view of the above, it is considered overall that the proposed extension to the side of the host property is not acceptable with regard to the safety and security of the structure in terms of its overall stability and that it amounts to an unacceptable fire risk, or with regard to the visual appearance and its impact on the character and appearance of the host dwelling and the visual amenity of the surrounding area. Therefore the proposed extension is not considered acceptable in accordance with Policies QP4, QP5 and HSG11 of the Hartlepool Local Plan (2018) or paragraphs 95a, 117, 124, 130 and 170 of the NPPF (2019) and it is recommended the application is refused.

EQUALITY AND DIVERSITY CONSIDERATIONS

8.34 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

8.36 There are no Section 17 implications.

REASON FOR DECISION

8.37 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION – REFUSE subject to the consideration of any additional comments received before the expiry of the publicity (Members to be verbally updated at the meeting), and for the reasons below;

1. In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that the development by virtue of its design, construction and use of materials, would result in a safe and secure form of development, contrary to Policy QP5 of the Hartlepool Local Plan (2018) and paragraphs 95a, 117 and 170 of the National Planning Policy Framework (2019).
2. In the opinion of the Local Planning Authority, the development by virtue of its use of materials, design and siting, results in a detrimental visual impact on the character and appearance of the host dwelling and the surrounding area, by introducing an incongruous feature into the street scene, contrary to Policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraph 124, 127 and 130 of the NPPF (2019) which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

BACKGROUND PAPERS

8.38 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140799>

8.39 Copies of the applications are available on-line:

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32 CHAUCER AVENUE



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 Department of Regeneration and Planning

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CMP/2018/00214
Scale: 1:500
Date : 31/05/2019

POLICY NOTE

The following details a precis of the overarching policy documents (including relevant policies) referred to in the main agenda. For the full policies please refer to the relevant document, which can be viewed on the web links below;

HARTLEPOOL LOCAL PLAN POLICIES

<https://www.hartlepool.gov.uk/localplan>

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN

https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031_-_made_version_-_december_2018

MINERALS & WASTE DPD 2011

https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2019

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

ILLUSTRATIVE EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

Material Planning Considerations	Non Material Considerations
<i>Can be taken into account in making a planning decision</i>	<i>To be ignored when making a decision on a planning application.</i>
<ul style="list-style-type: none"> Local and National planning policy 	<ul style="list-style-type: none"> Political opinion or moral issues
<ul style="list-style-type: none"> Visual impact 	<ul style="list-style-type: none"> Impact on property value
<ul style="list-style-type: none"> Loss of privacy 	<ul style="list-style-type: none"> Hypothetical alternative proposals/sites
<ul style="list-style-type: none"> Loss of daylight / sunlight 	<ul style="list-style-type: none"> Building Regs (fire safety, etc.)
<ul style="list-style-type: none"> Noise, dust, smells, vibrations 	<ul style="list-style-type: none"> Land ownership / restrictive covenants
<ul style="list-style-type: none"> Pollution and contaminated land 	<ul style="list-style-type: none"> Private access disputes
<ul style="list-style-type: none"> Highway safety, access, traffic and parking 	<ul style="list-style-type: none"> Land ownership / restrictive covenants
<ul style="list-style-type: none"> Flood risk (coastal and fluvial) 	<ul style="list-style-type: none"> Private issues between neighbours
<ul style="list-style-type: none"> Health and Safety 	<ul style="list-style-type: none"> Applicants personal circumstances (unless exceptional case)
<ul style="list-style-type: none"> Heritage and Archaeology 	<ul style="list-style-type: none"> Loss of trade / business competition (unless exceptional case)
<ul style="list-style-type: none"> Biodiversity and Geodiversity 	<ul style="list-style-type: none"> Applicants personal circumstances (unless exceptional case)
<ul style="list-style-type: none"> Crime and the fear of crime 	
<ul style="list-style-type: none"> Planning history or previous decisions made 	

(NB: These lists are not exhaustive and there may be cases where exceptional circumstances require a different approach)

PLANNING COMMITTEE

02 December 2020



Report of: Assistant Director (Place Management)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 To update members with regard to complaints that have been received and investigations that have been completed. Investigations have commenced in response to the following complaints:

1. Non-compliance with the approved plans (relates to the front elevation) at a former licensed premises in Catcote Road.
2. Non-compliance with a condition (relates to the installation of obscure glazing) at a residential development in Newton Bewley.
3. Non-compliance with conditions (relating to the commencement of the development and submission of a scheme for the relocation of external air conditioning units) at a commercial premises in Cornwall Street.
4. Failure to discharge conditions (relating to surface water, levels, external materials, and obscure windows) at a residential development site at land off Elwick Road.
5. The erection of a high fence at the front of a residential property in Argyll Road.
6. Non-compliance with approved details (relates to surface water drainage) and non-compliance with construction management plan (relates to wheel wash facilities) at a residential development site in Merlin Way.
7. Running a construction business at a residential property in Lawson Road.
8. Non-compliance with a condition (relates to working hours) at a residential development site at land off Elwick Road.
9. The raising of the roof on an outbuilding in the rear garden of a residential property in Kingsley Avenue.

10. Non-compliance with a condition (relates to the removal of a hedge) at a residential development site at land at the rear of Milbank Close.
11. The erection of an extension at the rear of a commercial premises on Northgate.

1.2 Investigations have been completed as a result of the following complaints:

1. The installation of uPVC windows to roof dormers and side elevation of a commercial premises on Church Square. The uPVC windows have now been removed and replaced with timber windows.
2. The erection of a timber outbuilding in the rear garden of a residential property in Merlin Way. Permitted development rights apply in this case.
3. The erection of timber fencing on the side boundary of a residential property in Flint Walk. Permitted development rights apply in this case.
4. Running a dog breeding business and rescue centre at a residential property in Hart Lane. No evidence of a commercial dog breeding business and rescue centre at the property was established.
5. Car repairs and sales at a residential property in Sandringham Road. No evidence of car repairs or sales at the property was established.
6. Car repairs at a residential property in Moffat Road. The car repair activity has since ceased.
7. The unauthorised commencement of redevelopment works at a residential development in Station Lane. A planning application seeking to regularise the development has since been approved.
8. Nuisance involving road congestion and noise as a result of building activity at a householder development in Caistor Drive. There is no breach of planning control in this case. The complaint has been redirected to the Council's Public Protection and Highways sections.
9. Noise and vibration resulting from the use of site machinery at a residential development site at land off Elwick Road. There is no breach of planning control in this case.
10. The erection of fencing and incorporation of land at the rear of a residential property in Forester Close. As the land that has been incorporated is Council owned, the matter has been redirected to the Council's Property Services section.
11. The erection of timber fencing to the side of a residential property in Goshawk Road. The fencing has since been removed.
12. Non-compliance with conditions (relating to surface water drainage, soft landscaping, finished floor levels, boundary treatment, energy reduction,

external finish materials, doors and mortar mix, and archaeology) at a former licensed premises at High Street, Greatham. The conditions have since been complied with.

2. RECOMMENDATION

- 2.1 Members note this report.

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