

PLANNING COMMITTEE

AGENDA



Wednesday 20th August 2025

at 10:00 am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Bailey-Fleet, Boddy (C), Feeney, Hargreaves, Jorgeson, Little, Napper, Oliver, Roy, Thompson 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 23rd July 2025.

4. **ITEMS REQUIRING DECISION**

4.1 Planning Applications – *Assistant Director (Neighbourhood Services)*

1. H/2023/0368 – Land to the east of Hart Lane (Hart Reservoirs) (Page 1)
2. H/2025/0103 – 2 Farr Walk (page 95)

5. **ITEMS FOR INFORMATION**

- 5.1 Planning Appeal – Land at Worset Lane – Appeal Ref:
APP/H0724/D/25/3360570 – Erection of 4 no bedroom dormer bungalow and associated works – *Assistant Director (Neighbourhood Services)*
- 5.2 Planning Appeal – Plot 3, Manor Park, Hart – Appeal Ref:
APP/H0724/D/25/3360570 – Section 73 application to vary condition 1 (approved plans) of planning permission H/2022/0304 (in respect of residential development comprising erection of 15 dwellings with associated

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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.

infrastructure) to allow for amendments to Plot 3 house type – *Assistant Director, Neighbourhood Services*

- 5.3 Planning Appeal at Land at Whelley Hill Farm, Worset Lane – Appeal Ref: APP/H0724/W/25/3368455 – Erection of a solar electric forecourt with ancillary commercial uses and associated electrical infrastructure, a solar photo voltaic (PV) farm, energy storage, new access, car parking, landscaping and associated works (H/2022/0423) – *Assistant Director, Neighbourhood Services*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

7. FOR INFORMATION

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 the morning of the next scheduled meeting noted below.

FOR INFORMATION

Date of next meeting – 17th September 2025 at 10:00 am in the Civic Centre, Hartlepool.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

23 July 2025

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

Present:

Councillor Moss Boddy (In the Chair)

Councillors: Tom Feeney, Pam Hargreaves, Michael Jorgeson, Sue Little, Amanda Napper, Karen Oliver, Aaron Roy and Carole Thompson

Officers: Sylvia Pinkney, Assistant Director, Regulatory Services
Neil Wilson, Assistant Chief Solicitor
Zoe Craig, Environmental Health Manager (Environmental Protection)
Daniel James, Planning (DC) Team Leader
Helen Smith, Planning Policy Team Leader
Peter Frost, Highways, Traffic and Transport Team Leader
Richard Redford, Senior Planning Officer
Emily Palmer, Planning Officer
Umi Filby, Principal Property, Planning and Commercial Solicitor
Jo Stubbs, Principal Democratic Services and Legal Support Officer

15. Apologies for Absence

Apologies were submitted by Councillors Quewone Bailey-Fleet and Mike Young.

16. Declarations of interest by members

None

17 Planning Applications (*Assistant Director, Neighbourhood Services*)

Number: H/2022/0255

Applicant: DUCHY HOMES

Agent: LICHFIELDS JOSH WOLLARD THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE

Date received: 28/06/2022

Development: Full Planning permission for the erection of 97no. dwellinghouses (Class C3) with associated infrastructure, access and landscaping.

Location: LAND NORTH OF COUNTRYSIDE PROPERTIES WYNYARD PARK ESTATE WYNYARD WOODS WYNYARD BILLINGHAM

This application was recommended for approval. Two additional letters of objection relating to this item had been tabled for members consideration which did not raise any new concerns along with comments received from HBC Public Protection confirming that there was not considered to be any additional amenity impact from the proposed temporary access route beyond what would typically be expected. The Senior Planning Officer also tabled a list of updated recommended planning conditions (including the updated/taled conditions 1, 2, 3, 5, 9, 11, 17, 18 and 31 with condition 4 in the main committee report being deleted) and planning obligations/financial contributions (primarily in respect to the updated requirements for offsite highway mitigation measures and triggers at the A689/The Meadows roundabout) to be secured through a legal agreement. A summary of the updated changes to the conditions and obligations were provided by the Senior Planning Officer as part of their presentation.

Members queried whether the monies provided for affordable housing would be enough to build 18 properties (the amount which officers had calculated this development should contain). The Planning Policy Team Leader confirmed that it was not a straightforward swap for 18 properties being delivered on site as there would be associated costs to deliver houses anywhere in the Borough which may require plans for example to be drawn up. The Highways, Traffic and Transport Team Leader confirmed that the estate roads would be brought up to an adoptable standard as soon as possible following completion of the development. Officers were also satisfied that any flooding issues would be adequately addressed through the drainage strategy and all properties would have sufficient parking. Landscaping would be subject to conditions secured by legal obligations. Concerns were raised around the potential saturation of 4 and 5, bedroom houses. The Planning Policy Team Leader commented that while there was a need for affordable housing and bungalows in the Borough developers wanted to build houses that they were confident would sell and officers were happy if a variety of housing styles and sizes was offered.

Neil Westwick, Director of Lichfields, urged members to support the application. Wynyard Park had agreed to pay a significant sum to facilitate improvements to the Meadows Roundabout to speed up completion of the

development. They had pledged monies for affordable housing, 2 schools, play provision, health infrastructure, sports facilities, a cycleway and improved links to Castle Eden. In terms of off-site affordable housing this had been the choice of Duchy Homes which was a small developer.

In response to member queries Mr Westwick clarified the following:

- The monies pledged is what was being asked from the Officers in line with policy. Wynyard Park already levy a service charge to all residents to maintain landscaping and infrastructure. This would also apply to anyone purchasing a property in this development.
- The roads would be to adoptable standard and will deliver in line with the sales process.
- The density of housing in this development is in line with NPPF national standards
- The change in housing numbers from 84-97 had been due to a change in the original access arrangements following agreement to bring forward improvements to the Meadows Roundabout and the new spine road.

Paul Kirby, a resident and member of Wynyard Parish Council, spoke in objection to the application for reasons of levels of easement fencing, access concerns and a failure to confirm where bins would be located on current plans. He also raised strong objections to plans to allow access to construction vehicles for a 16 week period saying the proposed route already caused heavy delays. He asked that the access route be amended to utilise the Meadows Roundabout and that this be a condition before building commenced along with the initial fencing of the entire Southern boundary of the Duke of Wellington Gardens.

The Planning (DC) Team Leader confirmed that the final levels of the site would be secured by way of a pre-commencement condition which officers were satisfied with, that the proposed boundary enclosures were considered to be acceptable in principle although final details of boundary treatments had been conditioned as standard. Proposals to account for the positioning of the existing estate fencing (serving the properties along Duke of Wellington Gardens) was considered to be primarily a civil matter and not a planning matter. The Planning (DC) Team Leader clarified that the location of domestic bins and waste storage would be secured by a recommended planning condition. In respect to the proposed temporary construction access, the Planning (DC) Team Leader acknowledged the officer concerns within the published committee report however following receipt of the comments from the HBC Environmental Health Manager since the publication of the committee report and noting that no objections had been received from HBC Traffic and Transport, the proposed temporary access for construction traffic was now felt to be acceptable to allow the development to proceed and the developer was expected to comply with the 16 week deadline set out in the recommended planning condition. Thereafter it is expected that construction traffic will be taken from the section of the southern spine road and this was reflected in the updated, tabled planning condition.

Keith Malcolm, Vice-Chair of Wynyard Parish Council, had brought photographs which were circulated to all the members to view. He advised that he was not against the application per se but felt the development was too dense for the area. There would be insufficient parking for the number of properties proposed with a lack of open space and significant lack of amenities for children and teens. There were boundary issues and a lack of safe access and he urged members to consider a site visit.

The Planning (DC) Team Leader highlighted a number of open spaces included in the plans, some of which would link into other areas. The Highways, Traffic and Transport Team Leader had already indicated they were happy with the number of parking spaces made available for each property.

Members raised a number of concerns around the lack of parking and available provision for play and recreation. They felt there would be insufficient connectivity to other areas until all proposed link roads were provided. There were also comments on the developers' decision not to provide affordable homes on site which would result in exclusivity and a lack of mixed tenure. However it was generally felt that these concerns did not warrant a refusal of the application.

The Chair moved that the application be approved as per the officer recommendation and subject to any additional representations and the completion of a Legal Agreement. This was seconded by Councillor Carole Thompson. The application was approved by a majority with one against.

Decision:

Minded to APPROVE subject to the consideration by officers of any additional representations received as part of the outstanding consultation period (expiring 29/07/2025), subject to the completion of a Legal Agreement to secure the following financial contributions and obligations; the applicant/the Developers to pay the highways contribution of £431.67 x 97 (£41,901.09) towards the A689 Meadows Roundabout highway works one year from the grant of the planning permission/ date of the Section 106 Agreement; Wynyard Park / the Developers to pay the shortfall in the costs of the A689 Meadows Roundabout highway works. This is the cost of these off site highway works minus any sums that have actually been received by the Council from the other developments that are paying towards these works. This is to be paid one year from the grant of the planning permission/date of the Section 106 Agreement; a prohibition on the occupation of no more than 20 dwellings forming part of the development until the contributions above have been paid; Affordable Housing offsite contribution (£935,177.85); Primary education (£286,929.30) towards the new primary school at Wynyard Park; Secondary education (£187,415.58) towards secondary education provision; Health (£47,334) towards

the provision of future health care services in vicinity; East to West Footway/Cycleway (£96,224) towards the proposed cycleway running along the A689 between Wolviston services and the South West Extension; Green infrastructure (£24,250.00) towards provision/improvement of pedestrian and cycle links to the Castle Eden Walkway; Play (£24,250.00) towards the improvement and maintenance of existing / secured facilities in the vicinity; Built sports (£24,250) towards provision/improvement of built sport within the borough; Playing pitches, tennis courts and bowling greens (£28,642.16) toward outdoor sport provision/improvement; Recreational disturbance to European Sites mitigation (£19,400); Provision, long term maintenance and management of on site or off site areas to achieve/offset 0.49 biodiversity units; Provision, long term maintenance and management of all on site open space and landscaping (out with residential curtilages); Provision, long term maintenance and management of surface water drainage including an obligation to require the implementation of permission H/2024/0067 (offsite SuDS basin to serve the application site); Provision, long term maintenance and management of footpaths; Local Employment and Training Agreement; and subject to the following planning conditions (including the updated/tailed conditions 1, 2, 3, 5, 9, 11, 17, 18 and 31 with condition 4 in the agenda report deleted);

CONDITIONS AND REASONS

1. The development shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 calendar days of such commencement.
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004 (as amended).
2. The development hereby approved shall be carried out in accordance with the following approved drawings;

House Type Portfolio, Duchy Series 2.0 (Issue 08 30.01.25 containing all approved house types, floor plans and garages), date received by the Local Planning Authority 10.03.2025;

Drwg No. 240431-S104-0500-003 (Drainage Layout, Sheet 1 of 4) Rev A,

Drwg No. 240431-S104-0500-004 (Drainage Layout, Sheet 2 of 4) Rev A,

Drwg No. 240431-S104-0500-005 (Drainage Layout, Sheet 3 of 4) Rev A,

Drwg No. 240431-S104-0500-006 (Drainage Layout, Sheet 4 of 4) Rev A,

Drwg No. 240431-S38-0000-001 (General Arrangement, Sheet 1 of 2),

Drwg No. 240431-S38-0000-002 (General Arrangement, Sheet 2 of 2),

Drwg No. 240431-S38-0500-001 (Spine Road Drainage, Sheet 1 of 2),

Drwg No. 240431-S38-0500-002 (Section 38 Drainage Layout, Sheet 2 of 2)

All plans date received by the Local Planning Authority 04.06.2025;

Drwg No. 240431-DP-0500-001 (Duchy Pong Detailed Design),

Drwg No. 240431-DP-0500-002 (Duchy Pond Setting Out),

Drwg No. 240431-DP-0500-003 (Private Swale Detailed Design),

Drwg No. 2221.02.LP Rev E (Site Location Plan),

All plans date received by the Local Planning Authority 26.06.2025;

Drwg No. DH-WYN2-SDP-001 Rev D (Separation Distances Plan),

Drwg No. 2221.01 Rev BBB (Proposed Site Layout),

Drwg No. T-S2.1-4H1267-TB/01 Rev A (Claverley - Duchy 2.1 – Traditional)

All plans date received by the Local Planning Authority 04.07.2025.

For the avoidance of doubt.

3. Temporary site construction access shall take place in accordance with section 5.0 of the submitted Construction Management Plan Wynyard Park Phase 2, Wynyard (Reference WP2_CMP_Rev: B, date received 19/04/2024 by the Local Planning Authority) and as denoted by the orange coloured area on plan WP/002/SEP Rev A (SITE EXECUTION PLAN, date received by the Local Planning Authority 19/04/2024) for a maximum period of 16 weeks from the date of commencement of development (as calculated through condition 1 of this decision notice). Thereafter, the temporary access shall be permanently removed and no other construction or site works shall take place until the section of highway from the roundabout to the site access, as shown on approved plan Drwg No. 2221.01 Rev BBB (Proposed Site Layout, date received by the Local Planning Authority 04/07/2025) has been constructed to base course level to the satisfaction of the Highway Authority in consultation with the Local Planning Authority.
To ensure safe, satisfactory access to the site is capable in accordance with the approved drawings.
4. Notwithstanding the submitted information, no development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event.

The scheme shall include information to confirm the attenuation requirements for the site and how restricted discharge is to be provided. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

5. No development shall commence unless and until a timetable for the provision of the Stage 1 of the attenuation pond, approved under application H/2024/0067, and including provision for the connection of the drainage from the site has been agreed in writing by the Local Planning Authority. The drainage arrangements shall thereafter be in accordance with the timetable so agreed.
To ensure the attenuation pond necessary by the development hereby approved is implemented and available for use prior to occupation of the dwellings hereby approved.
6. Development shall not commence until a detailed scheme for the disposal of foul drainage from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood 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.
7. Prior to the commencement of development details of the existing and proposed levels (within and outwith the site) including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.
To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy QP4 and LS1 of the Hartlepool Local Plan.
8. Notwithstanding the requirements of condition 3, the development hereby approved shall be carried out in accordance with the document Construction Management Plan Wynyard Park Phase 2, Wynyard (Reference WP2_CMP_Rev: B, date received 19/04/2024 by the Local Planning Authority with the exception of the hours of construction/building/demolition works or deliveries referenced within this document) and on plan WP/002/SEP Rev A (SITE EXECUTION

PLAN, date received by the Local Planning Authority 19/04/2024) during the construction phase of the development hereby approved. In the interests of the amenity of the occupiers of adjacent and nearby premises, and highway safety.

9. No development shall commence until full details of the site compound, to include location within the site, temporary structures to be used, external lighting details (location, angle and direction of point, and level of luminance) has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details and removed from the site within one month of the development being completed. In the interests of amenity and the ecology of the area.
10. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of above Damp Proof Course (DPC), a detailed scheme for the provision, long term maintenance and management of all soft landscaping, tree, hedge and shrub planting within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a timetable and programme of the works to be undertaken, and be implemented in accordance with the approved details and timetable/programme of works. Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved. All soft landscaping including planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following completion or first occupation of individual dwellings (whichever is sooner). All planting, seeding or turfing comprised in the approved details of landscaping for all other areas (out with the residential curtilages) including open space within the site shall be carried out in the first planting season following the occupation of the dwellings or completion of the development, whichever is the sooner. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity, biodiversity enhancement and to ensure a satisfactory form of development.
11. No development shall commence unless and until a Biodiversity Plan scheme ("the scheme") to ensure that the approved development provides the delivery of a minimum of 0.49 Biodiversity Units to ensure 'no net loss' from the Development as set out in the submitted 'Biodiversity Net Gain Feasibility Report' (by OS Ecology, document dated May 2023, date received by the Local Planning Authority on 03.07.2023) consisting of the habitat creation and enhancement and the subsequent management of such habitats has been submitted to

and agreed in writing by the Local Planning Authority. The scheme shall include:

- a. details of habitat, creation and enhancement sufficient to provide the delivery of the requisite Biodiversity Units either on site, offsite or a mix of both;
- b. the provision of arrangements to secure the delivery of the Biodiversity Units proposed (including a timetable for their delivery);
- c. a management and monitoring plan (to include for the provision and maintenance of the Biodiversity Units proposed for a period of at least 30 years or the lifetime of the development (whichever is the longer)).

Thereafter, the scheme shall be implemented in full accordance with the requirements of the agreed scheme and timetable for delivery.

To provide biodiversity management and to ensure a minimum of no net loss to biodiversity in accordance with The Environment Act 2021, Section 15 of the NPPF (2024) and Policy NE1 of the Hartlepool Local Plan (2018).

12. Notwithstanding the submitted details, no development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include method statements for the avoidance, mitigation and compensation measures as detailed in submitted Ecological Impact Assessment by Naturally Wild (ref DH-21-01, document dated November 2021), date received 28.06.2022 by the Local Planning Authority. The CEMP (Biodiversity) shall also include the following: a) Risk assessment of potentially damaging construction activities; b) Identification of "biodiversity protection zones"; c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); d) The location and timing of sensitive works to avoid harm to biodiversity features; e) The times during construction when specialist ecologists need to be present on site to oversee works; f) Responsible persons and lines of communication; g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person; and h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented in accordance with the agreed details and timetable and throughout the construction period strictly in accordance with the approved details.

To ensure suitable provision of ecological mitigation measures.

13. Prior to the installation of any external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure lighting is positioned so as to avoid unnecessary spill onto adjacent woodland to the west and / or any habitat enhancement features to be incorporated into the development;

detail all angles of lighting so as to avoid direct lighting and light spill onto areas of habitat that are of importance as commuting pathways and / or foraging areas; provide details on the lighting including luminescence and where possible avoiding the use of white and blue light; and where possible reducing the height of lighting columns to avoid unnecessary light spill. Maintenance details shall also be provided. The development shall then be implemented in accordance with the approved details prior to the completion of the development. To minimise the impacts of lighting on protected species in accordance Local Plan policy NE1.

14. Prior to the any of the dwellings hereby approved being occupied, an information pack setting out the dwellings location close to Close Wood Complex Local Wildlife Site, Wynyard Woodland Park Local Nature Reserve and Thorpe Wood Local Nature Reserve shall be prepared and submitted to the Local Planning Authority for approval. The pack shall set out the biodiversity of these areas alongside what species and habitats the areas are designated for, to outline the importance of the area in a local context and encourage responsible usage. The approved pack shall then be provided to the occupiers of dwelling prior to their first occupation.

To make occupiers of the dwellings approved of the local environment and in accordance with the provisions of Local Plan Policy NE1.

15. Prior to the commencement of development above ground level, full details of a minimum of 97no. integral 'universal' nest bricks or 97no. bat roost bricks or 97no. bird nesting box bricks to be installed integral to each of the dwellings (97no. in total), including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bricks shall be installed strictly in accordance with the details so approved prior to the occupation or completion of the individual dwellings, whichever is sooner, and shall be maintained for the lifetime of the development. To provide an ecological enhancement for protected and priority species, in accordance with Policy NE1 of the Hartlepool Local Plan (2018) and Section 15 of the NPPF (2024).

16. No part of the residential development hereby approved shall be constructed above Damp Proof Course (DPC) until full details of solar panels to be installed to a minimum of 10% of the dwellings, including identifying the dwellings/location of the apparatus, has been submitted and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be installed in accordance with the agreed details and prior to the occupation or completion of the identified dwellings. To ensure a satisfactory form of development, In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy CC1.

17. No part of the residential development hereby approved shall be constructed above Damp Proof Course (DPC) until details of electric

vehicle charging apparatus (to all 97no. dwellings), including identifying the dwellings/location of the apparatus has been submitted and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of the individual dwellings, the agreed scheme shall be implemented on site.

In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.

18. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development, a detailed scheme of proposed hard landscaping and surface finishes (including the proposed access road, car parking areas, footpaths and any other areas of hard standing to be created) shall be submitted to and be agreed in writing with the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed in accordance with the agreed details prior to the occupation of the dwellings or completion of the development hereby approved, whichever is sooner. The parking hereby approved as part of the development shall retained thereafter in association with the dwelling it serves for parking purposes only.

To enable the Local Planning Authority to control details of the proposed development, in the interests of the visual amenity of the area and highway safety.

19. Prior to the commencement of the development above ground level, a scheme for obscure glazing and fixed or restricted opening (max. 30 degrees) of the following proposed side facing windows (plot numbers as identified on Drwg No. 2221.01 Rev BBB (Proposed Site Layout, date received by the Local Planning Authority 04.07.2025) shall first be first submitted to and approved in writing by the Local Planning Authority:

Alderley House Type (ground floor WC) on plots 37, 45, 62, 65, 67 and 74;

Buckingham Special House Type (first floor bathroom) on plots 1, 32, 39, 44, 54, 87, 94 and 97;

Cardington House Type (ground floor WC and first floor en-suite) on plots 17, 34, 46 and 61;

Claverley House Type (first floor bathroom) on plots 13, 14 and 63;

Cranbourne House Type (first floor ensuite and shower room) on plots 5, 7, 25, 27, 30, 43, 55, 56, 59, 60, 82, 89 and 92;

Dunsmore House Type (ground floor WC and first floor ensuite) on plots 18, 26, 41, 50, 70, 71 and 76;

Gainsborough Special House Type (ground floor WC and first floor WC and shower room) on plot 2;

Gainsborough Special House Type (ground floor WC and first floor WC and shower room) on plot 12;

Harewood House Type (first floor ensuite and landing) on plots 38, 54, 64, 66, 75, 84 and 85;

Hartwell Special House Type (first floor shower room) on plots 57, 90 and 91;
Marlborough House Type (ground floor WC) on plots 6, 19, 24, 28, 31, 42, 51 and 68;
Oakmere House Type (first floor shower room and en-suite) on plots 49, 53, 69 and 72;
Thronbury (semi-detached) House Type (ground floor WC and first floor en-suite) on plots 3, 4, 8, 9, 10, 11, 15, 16, 21, 22, 35, 36, 47, 48, 80 and 81;
Wavendon Special House Type (ground floor WC and first floor en-suite and bathroom) on plots 58 and 73;
Willington House Type (ground floor WC) on plots 33, 77, 83, 86, 88, 93, 95 and 96; and
Woodcroft House Type (first floor ensuite and landing) on plots 20, 23, 29, 40, 78 and 79.

The windows shall be glazed with obscure glass to a minimum level of 4 of the 'Pilkington' scale of obscuration or equivalent. Thereafter, the windows shall be installed in accordance with the approved details and prior to the occupation or completion (whichever is sooner) of each respective plot and shall remain for the lifetime of the development hereby approved. The application of translucent film to the windows would not satisfy the requirements of this condition.

To prevent overlooking in the interests of the privacy of future occupiers.

20. Notwithstanding the submitted information and prior to above ground construction of the development hereby approved, details of all walls, fences and other means of boundary enclosure shall be first submitted to and be agreed in writing with the Local Planning Authority. The scheme shall be in general conformity with the enclosures indicated on Drwg No. 2221.01 Rev BBB (Proposed Site Layout, date received by the Local Planning Authority 04.07.2025). The scheme shall also include details of the provision of hedgehog openings (and suitable associated signage) within the boundary enclosures where possible. Thereafter the agreed scheme shall be implemented prior to first occupation of the dwellings or completion of the development (whichever is the sooner).

To ensure a satisfactory form of development and to enhance biodiversity in accordance with paragraph 187 of the NPPF.

21. Prior to the first occupation or completion (whichever is sooner) of the dwellings hereby approved, full layout and elevational drawings of the 'Development Entrance / Name Feature Wall' shall be submitted along with materials details and a timetable for implementation to the Local Planning Authority for approval. The 'Development Entrance / Name Feature Wall' shall then be implemented in accordance with the approved details and timetable.

In the interests of the visual amenity of the development and wider area.

22. Prior to development above damp proof course level, plans showing the location and elevations of bin store locations for each dwelling along with details of the materials to be used in their construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details and bins stores provided prior to the first occupation or completion (whichever is sooner) of the dwellings they relate to and retained thereafter.
To ensure appropriate bin storage provision and in the interests of visual amenity.
23. Prior to the commencement of development of the electricity sub-station above damp proof course level as shown on drawing Drwg No. 2221.01 Rev BBB (Proposed Site Layout, date received by the Local Planning Authority 04.07.2025), drawings showing all external elevations, details of materials to be used and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with agreed details and timetable.
To ensure a satisfactory external appearance of the sub-station to be used in the development.
24. The development shall only be occupied in accordance with the approved Travel Plan (February 2025) which shall remain in perpetuity unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19).
In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework and paragraph 40 DfT Circular 01/2022.
25. None of the dwellings hereby permitted shall be occupied until all necessary and appropriate highway and footpath connections shown on the approved plan Drwg No. 2221.01 Rev BBB (Proposed Site Layout, date received by the Local Planning Authority 04.07.2025) have been constructed to a minimum base course level and until the Local Planning Authority has certified that the works have been completed to its satisfaction.
To ensure that all necessary and appropriate connects regarding travel are in place for occupiers to use.
26. The external finishing materials of the dwellings shall be completed in accordance with Dwg. No. 2221.01 Rev BBB (Proposed Site Layout, date received by the Local Planning Authority 04.07.2025. unless an alternative, similar scheme is submitted to and approved in writing with the Local Planning Authority.
For the avoidance of doubt and to ensure the development is constructed of the materials considered as part of the submission and found to be acceptable in accordance with Local Plan policy QP4.

27. The development hereby approved shall be implemented in accordance with the provisions of the Geoenvironmental Appraisal report ref C9056 dated December 2021 by Sirius. 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 the protection of current and future occupiers from contamination.
28. The dwellings hereby approved shall, prior to their first occupation, each be fitted with double glazing and trickle vents in accordance with the conclusions of the Noise Impact Assessment ref NIA/10047/21/10170/v3/Wynyard Phase 2 dated 7th March 2024 by ENS (date received 19.04.2024 by the Local Planning Authority). Thereafter the dwellings shall continue to be fitted with double glazing as a minimum.
To ensure occupiers of the dwellings hereby approved are protected from noise impacts in accordance with Local Plan policies QP5 and QP6.
29. The development shall proceed in accordance with the mitigation measures outlined in the Air Quality Statement Report ref AQ2076 dated November 2021 by GEM Air Quality at all times until the completion of the development.
To ensure that any impacts upon air quality during the construction of the development are appropriately monitored and mitigated in accordance with Local Plan Policy QP5.
30. Waste generated during the demolition, construction and operational phases of the development hereby approved shall be managed and disposed of in accordance with the details set out within the submitted document titled 'Waste Audit Report, Land at Wynyard Park, Phase 2' by Tetra Tech numbered 784-8032537 Rev 1 dated May 2022 (date received by the Local Planning Authority on 28.06.2022).

To ensure compliance with the requirement for a site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.

31. Notwithstanding the hours of construction/building/demolition works or deliveries as set out in the submitted Construction Management Plan Wynyard Park Phase 2, Wynyard (Reference WP2_CMP_Rev: B, date received 19/04/2024 by the Local Planning Authority), construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 9.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

32. Notwithstanding the provisions of Classes A to F of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwellinghouses hereby approved shall not be extended or altered in any manner (including the installation or re-configuration of windows or conversion of garages) or detached outbuildings or other buildings erected or additional areas of hard standing/surfacing created (other than those approved) within the curtilage without the written approval of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the visual amenities of the area and the amenities of future occupiers.

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority with the exception of those enclosures approved as part of this permission and shown on Drwg No. 2221.01 Rev BBB (Proposed Site Layout, date received by the Local Planning Authority 04.07.2025).
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and the appearance of the wider area.

34. The development hereby approved shall be used as C3 dwelling houses and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.

To allow the Local Planning Authority to retain control of the development.

Members considered representations on this matter.

Number:	H/2025/0113
Applicant:	C/O AGENT MERCURY HOUSE 117 WATERLOO ROAD LONDON
Agent:	SHWILKINSON ARCHITECTS LTD MR SCOTT WILKINSON 6 DALE LEE WESTHOUGHTON BOLTON
Date received:	17/04/2025
Development:	Change of use from residential dwelling (C3 Use Class) to supported living residential accommodation (C2 Use Class) for up to 5 children with learning difficulties and complex care needs, including garage conversion and single storey in-fill extension and canopy
Location:	14 ELM GROVE HARTLEPOOL
Decision:	Withdrawn Application

18. Confirmation of the minutes of the meeting held on 25 June 2025

Minutes confirmed with the addition of apologies received from Councillor Michael Jorgeson.

19. Update on Enforcement Actions *(Assistant Director (Neighbourhood Services))*

Members were notified of 3 enforcement actions which had taken place during the reporting period.

Decision

That the report be noted

20. Development Management Performance – Third and Fourth Quarter 2024-25 (*Assistant Director (Neighbourhood Services)*)

Members were updated on the performance of the Development Management Service for the third and fourth quarters of 2024-25. All major and non-major applications had been dealt with within the statutory periods or agreed time extensions. There had been no county matters. 4 enforcement appeals had been dismissed by the planning inspectorate and 2 were allowed.

Councillor Oliver commended the officers on the results of performance management and remarked how it was nice to see this from a service area.

Decision

That the report be noted

21. Planning Appeal at 21 Northgate (*Assistant Director (Neighbourhood Services)*)

An appeal had been submitted against the Council decision made under delegated powers to refuse the change of use of a former commercial ground floor unit to a residential property. A copy of the delegated report was appended.

Decision

That the report be noted

22. Any Other Items which the Chairman Considers are Urgent

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

With reference to planning application H/2023/0368 (Land to the East of Hart Lane, Hart Reservoirs) members were advised that there was a potential for this application to be brought to the next meeting for consideration. As this had previously been deferred for a site visit members agreed that should it be on the agenda a site visit would take place immediately before the meeting in order to avoid any further delays. Details would be confirmed when all the information was available.

The meeting concluded at 11:20am.

CHAIR

POLICY NOTE

The following details a precis of the overarching policy documents 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 2018

<https://www.hartlepool.gov.uk/localplan>

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN 2018

[https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031 -
made version - december 2018](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](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) 2024

[https://www.gov.uk/government/publications/national-planning-policy-
framework--2](https://www.gov.uk/government/publications/national-planning-policy-framework--2)

No: 1.
Number: H/2023/0368
Applicant: PERSIMMON HOMES RADCLIFFE CRESCENT
 THORNABY STOCKTON ON TEES TS17 6BS
Agent: PERSIMMON HOMES ALICE HALL RADCLIFFE
 CRESCENT THORNABY STOCKTON ON TEES TS17
 6BS
Date valid: 11/12/2023
Development: Proposed residential development of 70no. dwellings and
 associated infrastructure
Location: LAND TO THE EAST OF HART LANE (HART
 RESERVOIRS) 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 planning committee meeting of 12th March 2025 to allow members to undertake a site visit. In advance of the following committee meeting on 9th April 2025, the application was withdrawn from the published agenda at the written request of the applicant with the subsequent agreement of the Chair and Vice Chair of Planning Committee. A number of planning conditions have also been updated within this report to reflect those that were tabled before members at the previous planning committee meeting (of 12th March 2025). The Council's Planning Policy team have provided updated comments (since the publication of the March committee report but were captured in the published April committee report) in respect to the number of dwellings sited on land allocated as a 'green wedge' under HLP Policies NE2 and NE3, and consequently, the report has been updated at paragraphs 1.107 - 1.109, 1.121 and 1.122 to reflect this.

BACKGROUND

1.3 The following planning applications are considered relevant to the current proposals:

H/2015/0354 – Outline planning application with some matters reserved for residential development (up to 52 dwellings) with associated access and highway works and creation of wildlife ponds, park, footpaths, public car park, landscaping and open space areas, approved January 2021. This permission was not implemented and has since lapsed.

H/2020/0071 – Proposed discontinuance and infilling of Hart Reservoirs, was refused in March 2021.

H/2023/0028 – Engineering works to infill and level the disused and drained lower reservoir. ‘Minded to approve’ at the planning committee meeting of 13th March 2024, subject to the completion of a S106 legal agreement (which is still pending at the time of writing).

PROPOSAL

1.4 This planning application seeks permission for the proposed residential development of 70 detached dwellings and associated infrastructure. The proposed dwellings comprise detached properties of which 46 contain four bedrooms and 24 contain five bedrooms. The proposed dwellings include in-curtilage car parking and private rear gardens to serve each property.

1.5 Access is to be taken at the existing junction off Hart Lane and would necessitate the widening of the existing junction and the provision of a priority junction with a ghost island right turning facility along Hart Lane. A pedestrian-cycle link (via the installation of a kissing gate within the southern site boundary) would be provided to connect the site to the adjacent public footpath that runs along the southern boundary of the site, and an additional connection would be provided to the public footpath at the north east corner of the application site. The proposals also make provision for internal footpath routes.

1.6 The proposal includes a sustainable drainage system (SuDS) feature as well as a retained/enhanced watercourse and retained spillway feature, to serve the proposed development. A grasscrete path would extend around the SuDS feature.

1.7 The proposal includes the retention and enhancement of existing landscaping to the proposed open space areas, comprising the planting of native shrubs, wildflower seeding and native trees. The proposed development also includes the planting of tree lined streets, formal hedgerows and ornamental planting throughout the site. In the centre of the application site, the proposals include provision for a children’s play area.

1.8 An existing spillway feature and an existing tower, both former reservoir structures, are indicated to be retained to some extent within the site (within the central areas of open space) with the proposed infill works reducing the height of both structures to a certain height above (the infilled) proposed ground level. The retained valve tower (to be sited approximately 1.2m above proposed ground levels) would be positioned in a small area of open space within the site. Other former reservoir structures within the red line boundary would be retained underground (once the area is infilled). The submitted details indicate that another valve tower would be retained however this falls outside of the application site and therefore the responsibility of its management would rest with the land owner.

1.9 Following the access road which extends from Hart Lane towards the proposed development at its eastern extent, the layout of the proposed dwellings would feature a row along the southern and eastern boundaries of the application site, with an additional road extending to the north, from which proposed dwellings would be laid out along the northern and north east boundaries. Due to these two main sections of internal road layout, proposed dwellings would front on to the

retained watercourse feature and proposed play area which run through the centre of the site.

1.10 The materials of the proposed properties include properties with red coloured brick and grey roof tiles, albeit the front of 3 plots (plots 20, 30 and 63) would be finished in white render, and properties with buff coloured brick and terracotta roof tiles. Properties include fenestration, garage doors, canopies and arch features in a grey colour, and fascia boards and drainage pipes in black. The proposed boundary treatments comprise a knee post fences with an approximate height of 0.45m, railings with an approximate height of 1.05m, brick wall topped with timber fence boards with a total height of approximately 1.2m, and close boarded timber fences with an approximate height of 1.8m.

1.11 Internal roads and footpaths would be black bitmac, whilst the links to the public footpath running around the south and east of the application site would be constructed from an informal whinstone dust path. A small substation is proposed on the northern side of the main access road into the site.

1.12 The proposal has been amended during the course of consideration. These changes include: the siting of plots 32 and 33 have been altered to move them back from the main street line; the curtilages (to the east) of plots 64-70 (inclusive) have been revised to allow for additional landscaping between these plots and the existing residential property of Hart Reservoir House; walkways between plots 49 and 52 to their parking and bin storage areas have been amended; there have been the addition of some feature chimneys to some plots; fencing and landscaping has been amended throughout; the re-positioning of the southern access onto the PRow and the incorporation of a kissing gate; a landscape buffer in the form of a hedge to the southern boundary, additional window added to plot 1 facing the footpath, render incorporated to the façade of properties 20, 30 and 63; and the siting of plots 44, 46, 47, 48, 63, 67, 68 and 70 has been amended to achieve required separation distances. Updated drainage details have also been provided following comments received through the consultation with the Council's Engineering Consultancy.

1.13 The application is supported by a number of supporting documents to include a Heritage Statement, Flood Risk Assessment and Drainage Strategy, Biodiversity Net Gain Assessment, Archaeological Assessment and Building Recording, Noise Assessment, Ecological Appraisal and Arboricultural Impact Assessment.

1.14 The application has been referred to Planning Committee as more than three objections have been received, in line with the Council's scheme of delegation.

SITE CONTEXT

1.15 The application site relates to land at the former Hart Reservoirs, located off Hart Lane, Hartlepool. The total site area is approximately 4.1ha. The wider site primarily consists of the two former water bodies that formed the reservoirs, which are now in private ownership as well as an area of grassland to the north. The application site relates to the smaller disused reservoir, and the larger reservoir to

the north is not within the application site boundary. The surrounding land gently undulates, sloping from northwest to southeast.

1.16 The former reservoirs lie in a modest, steep-sided valley. The former reservoirs are separated by an internal road that extends up from the small, gated site access (taken from Hart Lane) which serves the site and a single dwelling, known as Hart Reservoirs House located to the north east of the site (which falls outside of the current application site boundary and in separate, private ownership to the current applicant). There are a number of features within the reservoirs including dams, sluices, overflow and valve structures.

1.17 Beyond the site boundaries to the south and to the east is a public access path (understood to be partially within HBC ownership) with residential properties located beyond; properties within Nightingale Close, Kestrel Close and Swallow Close are present beyond the southern boundary and mature tree planting to the south with properties in Kingfisher Close present beyond the eastern site boundary.

1.18 The site is accessed from Hart Lane which runs to the west of the site with High Throston Golf Club and Hart Quarry located beyond this highway. The nearest property to the north west (along Hart Lane) is 'Keepers Cottage'.

1.19 As noted above, planning permission for the engineering works to infill and level the disused and drained lower reservoir (H/2023/0028) is "minded to approve", following the planning committee meeting of 13th March 2024 and subject to the completion of a S106 legal agreement.

PUBLICITY

1.20 The application was advertised by way of nineteen neighbour letters, site notices and press notice. Further consultation was undertaken on three occasions on receipt of amended plans.

1.21 To date, nine neighbour objections have been received from members of the public (no further comments have been received since the previous March and April committee reports). The objections can be summarised as follows:

- More houses are not required,
- Loss of green space,
- Increased traffic on Hart Lane,
- Dangerous entry/exit point onto Hart Lane,
- Parking issues,
- Poor footpath links between the site and Hart village (overgrown landscaping, state of disrepair and poorly lit),
- Loss of wildlife since the reservoirs were drained and reservoirs should be reinstated,
- Pressure on existing schools,
- Lack of affordable housing proposed on site.

1.22 Background papers can be viewed via the 'click to view attachments' link on the following public access page:

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=159772>

1.23 The period for publicity has expired.

CONSULTATIONS

1.24 The following consultation replies have been received:

HBC Engineering Consultancy; Contaminated Land

Detailed planning application in relation to the proposed residential development consisting of 70 dwellings on land at Hart Reservoirs, Hartlepool.

Comments from JBA Consulting relating to contaminated land risk on behalf of Hartlepool Borough Council: The proposed change in land use is to Residential Housing. Desk studies, ground investigations and geoenvironmental risk assessments have been undertaken with low risk and no remedial measures required as noted. A standard condition concerning unexpected contamination is recommended.

We would note the EA response concerning protection of their groundwater monitoring borehole and would recommend a condition as per their letter.

A linked planning application (H/2023/0028) has been noted concerning the import and infilling of the land. Details of this are covered in the Cundall Design Statement (attached to both applications). This includes a Materials Management Plan for the import and testing of material. It is recommended that conditions be placed that works are undertaken as per this report, and that a Verification Report is produced on completion of the work (also a requirement of the Cundall report).

Surface water management

As identified in the Planning Statement, the reservoirs have been drained and there is currently no supply of water to the reservoirs.

We note that further consultation comments will be dependent on the outcome of modelling/assessment to demonstrate interactions, either to the development site or downstream. We cannot pre-empt how flood maps, including the published surface water map will vary following further appraisal.

1. Flood Risk – The site is shown to be within Flood Zone 1; however, this is because it is outside of the extents of the EA Flood Risk Map for Planning. The Environment Agency published surface water flood maps indicate inundation of the two reservoirs.

No assessment of the existing watercourse capacity has been undertaken to confirm suitability to convey flood flows without the storage provided by the reservoir.

Infilling of one or more reservoirs will have an impact on surface water flow routes and the published mapping. Therefore, flood modelling should be undertaken to understand the impacts of the proposals and to confirm the post development flood risk beyond the site boundary. Modelling should include any current interactions with the upper reservoir. Modelling should also include representation of the proposed features crossing the watercourse.

How have bridges or culverts been designed with suitable capacities for climate change, soft bed and freeboard? Is there a risk that exceedance flows could discharge to the proposed SuDs basin?

2. Whilst infiltration testing has not been undertaken, significant remediation works are being undertaken and there is a watercourse running through the site. Restricted discharge to watercourse is proposed which appears reasonable in this instance.

3. We understand from the Planning Statement that “the infrastructure from the previous reservoir is not proposed to be removed, rather it will be covered and preserved under the material proposed to level the land”. Who is responsible for the retained spillway feature to the west? This is outside of the current site boundary; however, infrastructure could pose a hazard. Has public safety been appropriately considered in this respect? We note the Planning Statement identifies that “the towers and reservoir infrastructure are particularly dangerous in their current form”. We also note the presence of the historic reservoir control structure within the proposed SuDs basin – is this to be retained and if so, what are the implications?

4. What are the gradients of the side slopes on the proposed SuDs basin? How has the basin been designed for safety given its proximity to the playground? What is the residual risk to the basin or playground based on modelling of the watercourse?

5. Based on the Causeway modelling there is only nominal freeboard with the SuDS basin. In the 100 year plus climate change event the maximum water level is 47.893mAOD and the given crest level of the feature is 47.900mAOD.

We would expect to see an appropriate freeboard allowance.

Please also confirm overflow arrangements for the proposed basin to ensure exceedance flows are managed without increasing flood risk elsewhere. Without modelling of the watercourse, the impacts of the proposed basin surcharging cannot be confirmed.

6. We note that storm durations have only been tested up to 360 mins (6 hours). What is the critical storm duration for the site? Do longer storm events need to be considered?

7. FSR rainfall has been used in the drainage calculations, the system should also be tested against FEH rainfall.

8. Provide details of maintenance of the SuDS features, including who will be responsible for the management and maintenance for the lifetime of development.

Updated Comments received 05/07/2024

In response to your consultation on the above amended application:

Contaminated land

The proposed change in land use is to Residential Housing. Desk studies, ground investigations and geoenvironmental risk assessments have been undertaken with low risk and no remedial measures required as noted. A standard condition concerning unexpected contamination is recommended.

We would note the EA response concerning protection of their groundwater monitoring borehole and would recommend a condition as per their letter.

A linked planning application (H/2023/0028) has been noted concerning the import and infilling of the land. Details of this are covered in the Cundall Design Statement (attached to both applications). This includes a Materials Management Plan for the import and testing of material. It is recommended that conditions be placed that works are undertaken as per this report, and that a Verification Report is produced on completion of the work (also a requirement of the Cundall report).

Update 15/01/2025 following amendments to the Drainage Strategy:

The revised drainage strategy is suitable for this stage of application, and we have no further comments to make. Whilst basin design has evidently been undertaken, it would be worth requesting the basin cross section detail as well as the management and maintenance plan for completeness so that it is clear what is being consented. This could be via planning condition. This is in line with the compliance summary with Tees Valley Developer's checklist.

HBC Ecology –

Summary

Holding objection.

The following should be secured:

- Garden fences, to include hedgehog holes.
- Approved plans to include details of habitat creation and retention of the watercourse.
- Various conditions and informatives (see below).
- The Biodiversity Offset Site (30-years).
- A Biodiversity Gain Plan (30-years).
- A HRA financial contribution of £17,500 to mitigate harm caused by Increased recreational disturbance.

The holding objection will be removed on confirmation that the required measures have been agreed and secured.

Ecology

I have assessed the submitted Ecology docs which have been prepared by OS Ecology and additional documents:

1. Ecological appraisal (October 2022).
2. Breeding bird survey (September 2023).
3. Bat survey (October 2023).
4. Great crested newt eDNA Survey (July 2023)*
5. Biodiversity Net Gain Assessment, Hart Reservoir Infill (April 2023).
6. Biodiversity Net Gain Assessment, Hart Reservoir (September 2023).
7. Design and Access Statement (December 2023).
8. H/2023/0028 planning application documents

*The great crested newt report refers to: 'OS Ecology (2023) 22221 eDNA v2', which has not been submitted. However, it was submitted for the planning application (decision pending) for the infilling of the reservoir basin – see H/2023/0028. I am satisfied that this information is fit for purpose and have assessed it for this application (below).

I have prepared a separate Habitats Regulations Assessment (HRA) stage 1 screening and stage 2 Appropriate Assessment (AA), which are submitted separately. The findings of these are given below.

For reference, the red line boundary, proposed site layout, aerial photograph and UK Habs Habitat Map are shown in Appendix 1.

For Information

The following extract from the Persimmon Cover letter (dated 30/11/2023) includes an HBC planning reference (H/2023/0354) which is incorrect and should read H/2023/0028.

A separate planning application was submitted by Persimmon earlier in 2023 for the infill and levelling of the land of the application site (ref. H/2023/0354). This was deemed necessary to facilitate any future development on the site. The application to which this Cover Letter relates intends to deliver high quality executive housing that is in line with current building regulations, meeting current and future housing need in Hartlepool.

Each of the reports are reviewed below:

1. Ecological Appraisal report.

I broadly support the findings and I support the proposed planning mitigation measures (avoidance, mitigation and compensatory) recommendations given in section 6.

For the avoidance of doubt, the required mitigation measures are shown below and should be the subject of conditions and/or informatives.

Avoidance Measures.

- Retention of boundary hedges (other than a length needing to be removed for traffic sight lines).
- External lighting that may affect the site's suitability for bats will be avoided. If required this will be limited to low level, avoiding use of high intensity security lighting. The stone tower should not be illuminated, and light spill should be

limited as far as practicable on retained habitats such as hedgerows and scrub.

- Works will not be undertaken during the nesting bird season (March to August inclusive) unless the site is checked by an appropriately experienced ecologist and nests are confirmed to be absent.
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
- Retained trees will be protected from damage in line with the recommendations in BS5837:2012.
- A pre-commencement badger checking survey should be undertaken with three months prior to the start of works.

Mitigation measures.

- Site clearance should be undertaken in accordance with working method statements for:
- common toad (safe removal off site).
- European hedgehog (safe removal from site).
- Himalayan balsam (prevention of spreading).

Working methods should also be adopted to prevent the killing or injuring of species during the vegetation clearance, demolition and construction phases. These Method Statements should include:

- Any piles of brash, rubble or debris (man-made or natural), either currently existing within the site or created during the construction phase, will be dismantled carefully by hand and checked for the presence of hedgehogs and toads prior to disposal.
- If any hedgehogs or toads are found on site at any time, gloves will be used to carefully move the individual(s) to a suitable area within the vicinity which is to remain unaffected by the development, such as scrub and woodland habitat beyond the site boundary.
- No insecticides will be used on site, and the use of herbicides will be minimised.

The Method statement for Himalayan balsam should adhere to current guidance.

Compensation measures.

- Landscape planting should include berry and fruit bearing species to provide foraging opportunities.
- Each property (house or garage) should include one integral bat roost brick or one integral bird nesting brick. This should total 70 'Universal swift bricks', or 35 bespoke bricks for bats and 35 bespoke bricks for birds.

The Impact Assessment (section 5) has identified likely adverse impact (through habitat loss) on European hedgehog, brown hare, common toad and Priority species butterflies (I have regularly found the following species on similar Hartlepool sites: wall

butterfly, dingy skipper butterfly and small heath butterfly). No compensatory mitigation measures have been offered; however, I am satisfied that the Biodiversity Net Gain (BNG) habitat creation will benefit these species. I require the following mitigation measure:

Hedgehog holes should be designed into perimeter and internal garden fences to allow the passage of hedgehogs through the housing site. Each should contain suitably sized 'Hedgehog highway' gaps (13cm x 13cm), to allow the continued movement of hedgehogs through the grounds and wider environment. A sign is placed above each gap to prevent accidental blocking up.



2. Breeding Bird Survey report.

The Breeding Bird Survey report notes 53 breeding territories of 21 species, of which 11 are Birds of Conservation Concern (BoCC) – six red-listed and five amber-listed. Five species are NERC Act S41 Priority species. These are a material consideration, and harm must be mitigated. Areas of the site are likely to be within the territories of several pairs of birds, overlapping with off-site areas. The relatively recent draining of the reservoirs has reduced the historic value of the site for birds.

Mitigation measures are largely covered in the Ecological Appraisal report and assessed above.

The measure of 'Trees, scrub and hedgerow will be retained where practicable and buffered to prevent disturbance' needs to be shown in the Landscape plan, which should be secured by condition.

The measure 'Areas of grassland within the habitat creation area will be managed to benefit breeding ground nesting species such as grey partridge and foraging raptors such as kestrel', must be secured via a Biodiversity Gain Plan (see below).

3. Bat Survey report.

The Bat Survey report notes four species of bat identified during surveys and 11,511 bat records obtained remotely over 46 nights. I support the assessment that 'The site is concluded to be of local value to bats, used for foraging and commuting by small numbers of a locally common range of species with activity dominated by common pipistrelle', and that 'The area of grassland, scrub and bare ground to the south of the site appears to be of the greatest value as a foraging resource'.

Planning mitigation measures are covered in the Ecological Appraisal report and assessed above.

4. Great Crested Newt eDNA Survey

The Ecological Appraisal report references a great crested newt (GCN) assessment via a footnote which refers to: 'OS Ecology (2023) 22221 eDNA v2'. This document was previously submitted to support planning application H/2023/0028 and is fit for purpose for this application. I am satisfied that harm to GCN is unlikely.

5. Biodiversity Net Gain Assessment – Hart reservoir Infill

6. Biodiversity Net Gain Assessment – Hart Reservoir

Two Biodiversity Net Gain Assessment reports have been submitted, one covering the Hart Reservoir Infill (April 2023) and one covering Hart Reservoir (September 2023). The former was also submitted for a planning application for the infilling of the eastern-most of the two reservoir basins.

I support the investigation by OS Ecology as to whether the site has been deliberately de-graded of biodiversity value (Biodiversity Net Gain Assessment, Hart Reservoir Infill, sections 1.3 and 1.4):

As detailed within Schedule 14 of the Environment Act, which sets out the biodiversity gain condition for development, measures are included that allow planning authorities to recognise any habitat degradation since 30th January 2020 and to take the earlier habitat state as the baseline for the purposes of biodiversity net gain. In order to ascertain the habitats present and their condition on 30th January 2020, a combination of aerial imagery and information from surveys conducted prior to site clearance have been used to calculate the value of reservoir basin. Practically, the change in recent years in terms of habitat classification comprises the reservoir basin containing bare ground as opposed to its current state of artificial unvegetated, unsealed surface.

And...

Aerial imagery suggested the reservoir last held water in 2018 and was drained sometime between 2018 and 2020. For this assessment it is assumed the reservoir was drained by the end of January 2020.

I can confirm that the reservoir was drained just prior to 02/07/2019.

A Biodiversity Net Gain Assessment was initially provided for an application to fill the on-site reservoir basin. OS Ecology has ensured that the Biodiversity Metric habitat type pre-infilling is retained post-infilling, to ensure that the biodiversity change is accurately assessed. This is explained in Biodiversity Net Gain Assessment Hart Reservoir section 3.2:

At present, the reservoir basin comprises sparsely vegetated land, however it is considered that following the infilling works this habitat will be classified as artificial, unvegetated unsealed surface with the loss of the biodiversity units of sparsely vegetated land already accounted for within the biodiversity net gain assessment for the infilling works⁸. This habitat should be maintained as such following the infilling works to ensure the BNG assessment reflects the current state of the habitats prior

to the commencement of the residential development.

Biodiversity Net Gain (BNG) results.

The Biodiversity Net Gain Assessment (using the Biodiversity Metric 4.0) reports No Net Loss of Biodiversity for this project. There will be biodiversity gains in habitats (0.34 Habitat Units), hedgerows (5.19 Units) and watercourse (6.28 Units), as shown by the BM 4.0 table.

Habitat results.

On-site baseline (4.3 Ha)

Habitats	17.08 Units (all to be lost)
Hedgerows	2.69 Units (all to be lost)
Watercourse	2.06 Units (all to be retained)

Section 3.10 of the Biodiversity Net Gain Assessment report states:

Given the nature of the existing site and the current development proposals, the existing habitats on site are anticipated to be lost and no habitat enhancement is proposed.

To account for this, the following is stated in section 3.11:

It is proposed to enhance the habitats within the off-site mitigation area, which comprises an area of bare ground, which will be split into enhancement to other neutral grassland and enhancement into native mixed scrub. The small area of woodland within the mitigation area will also be enhanced to improve its condition.

Off-site baseline (1.67 Ha)

Habitats	4.26 Units (all to be lost)
Hedgerows	7.75 Units (all to be retained)
Watercourse	1.35 Units (all to be retained)

On-site post development

New habitats	5.35 Units
New hedgerows	1.4 Units
Retained watercourse	2.06 Units.

Off-site post development

New habitats	15.96 Units
20 specimen trees	0.36 Units
New & retained hedgerows	14.23 Units.
New watercourse	7.63 Units

A Biodiversity Gain Plan must be secured, to ensure the stated habitats, hedges and watercourses (and their stated areas/lengths/quality) are delivered and then appropriately managed for a minimum 30-year period, with monitoring at 5, 10, 20 and 30 years.

The on-site habitats to be created include:

- Introduced scrub.
- Mixed scrub
- Modified grassland (amenity)

- Other neutral grassland (rough)
- Native species hedge
- Non-native/ ornamental hedge

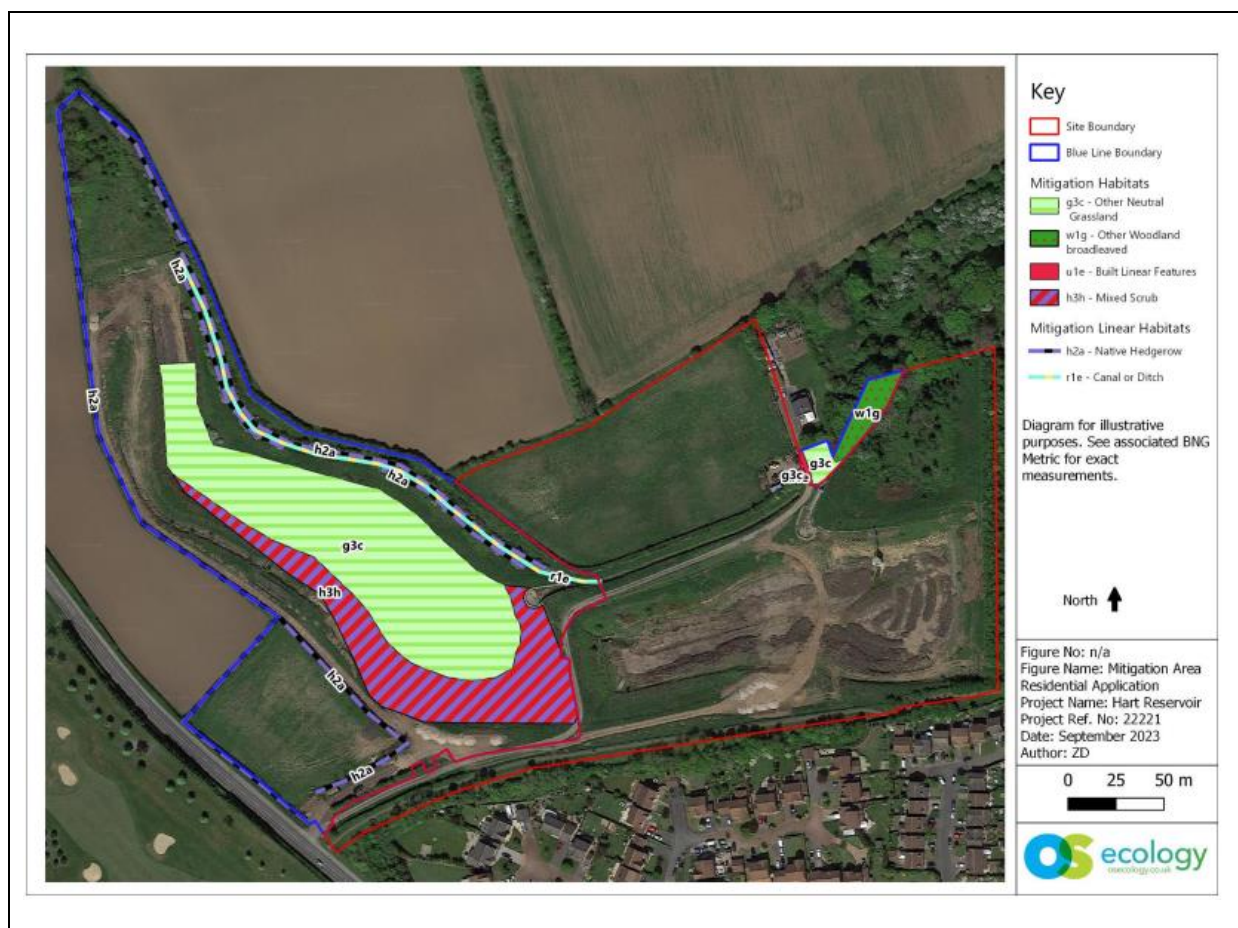
Areas for each are given in table 3.10 of the Biodiversity Net Gain Assessment – Hart Reservoir report. This habitat creation should be reflected in the conditioned Soft Landscape Plan as well as the Biodiversity Gain Plan.

The off-site habitats to be created include:

- Other neutral grassland
- Mixed woodland
- Mixed scrub
- 20 specimen trees

Areas for each are given in table 3.7 of the Biodiversity Net Gain Assessment – Hart Reservoir report. This habitat creation should be reflected in the Biodiversity Gain Plan.

The Biodiversity Offset Site (referred to above as ‘off-site’) is outside of the red line boundary and must be secured for a minimum 30-year period. The area is shown in the Biodiversity Net Gain Assessment – Hart Reservoir report in Appendix 2. A snip is included below:



7. Design and Access Statement

I support the retention of the on-site watercourse as described in the Design and

Access Statement (examples below). Retention of the watercourse is integral to the Biodiversity offer and must be secured.



8. H/2023/0028 planning application.

I note the HBC Ecology response for this pending application includes the following recommended conditions:

Condition 1 – CEMP. Prior to the start of engineering works to infill the reservoir a detailed Construction Environmental Management Plan (CEMP) shall be prepared and submitted to the LPA for approval, this shall include methods statements for a range of protected species and cover site clearance for Himalayan balsam to prevent its spread, reducing residual impacts on reptiles and amphibians as a consequence

of clearance and impacts on disturbance / loss of breeding bird habitat.

Condition 2 – Landscape and Ecology Restoration and Management Plan. Prior to the start of engineering works to infill the reservoir, a Landscape and Ecological Restoration and Management Plan (LERMP) shall be prepared and submitted to the LPA for approval. This plan shall illustrate the proposal described in the Biodiversity Net Gain Assessment report and demonstrate how the gains may be achieved. As a minimum, the plan shall show a gain of 1.18% in the habitat units, 2.53% in hedgerow units and 1.29% in watercourse units as presented in the Biodiversity Net Gain Assessment report (OS Ecology, July 2023).

Proposed Condition 1 would usefully apply to this application. Proposed Condition 2 can be replaced by the requirement (above) to condition a Biodiversity Gain Plan. As described above, the BNG for this application has carried forward the BNG scores for the H/2023/0028 scheme.

Proposed Condition 2 might be re-worded as follows:

Biodiversity Gain Plan. Prior to the start of works, a Biodiversity Gain Plan (BGP) shall be prepared and submitted to the LPA for approval. This plan shall illustrate the proposal described in the Biodiversity Net Gain Assessment report and demonstrate how the gains will be achieved. As a minimum, the Plan shall show a gain of 2.01% in Habitat units, 193.18% in Hedgerow units and 304.14% in Watercourse units, as presented in the Biodiversity Net Gain Assessment – Hart Reservoir report (OS Ecology, September 2023).

Habitats Regulations Assessment

The HRA screens out any harm linked to ‘Nutrient Neutrality’ and shows how Increased recreational disturbance can be mitigated by a financial contribution of £17,500 to be spent delivering the Hartlepool Coastal Management Scheme. NB: For viability assessment purposes, this financial contribution is linked to the Habitats Regulations and not to planning legislation. The HRA is submitted as a separate document.

Conclusion

This is an excellent example of a developer using land within their ownership to deliver BNG.

So long as the following measures are secured, the HBC Ecology Section will have no objection.

- Garden fences, to include ‘Hedgehog highway’ holes.
- Approved plans to include details of habitat creation and retention of the watercourse.
- Various conditions and informatives.
- Securing the Biodiversity Offset Site (30-years).
- An approved Biodiversity Gain Plan (30-years).
- An HRA financial contribution of £17,500 to mitigate harm caused by Increased recreational disturbance.

Update 21/02/2024 following discussions with applicant and amended ecological details:

Ecology responses (in *italics*) to consultee comments dated 11/02/2024.

The Ecologist has placed a holding objection until such a time that the below bullet points can be confirmed. We have provided a response to each of these points in red.

1. *Garden fences, to include hedgehog holes.*

We will be happy to incorporate hedgehog holes into the development as a part of the biodiversity enhancement. NB: Technically it is mitigation for potential harm to hedgehogs rather than NPPF biodiversity enhancement.

A plan detailing this alongside the inclusion of bat roosting and bird nesting can be conditioned.

These measures are supported. My concern is that they should be captured on a plan which is to be conditioned.

2. *Approved plans to include details of habitat creation and retention of the watercourse.*

The landscaping proposals plan illustrates the retention of the watercourse and indicative habitats created. Exact details of this will be provided as part of the detailed landscaping plans. Supported. My concern is that they should be captured on a plan which is to be conditioned. *A Biodiversity Plan is currently being pulled together to indicate the areas which will contribute to the biodiversity net gain, both on-site and off-site.* Supported – I will be happy to comment when submitted.

3. *Various conditions and informatives.*

4. *The Biodiversity Offset Site (30-years).*

The location of the off-site Biodiversity has been outlined within the BNG Assessment submitted as part of this application. I agree that the off-site Biodiversity has been outlined within the BNG Assessment. I raised the issue as it is outside of the red line boundary and therefore needs to be secured. *However, we are producing a separate plan which will outline the area and an indication of the proposed enhancements within the area.* Supported – this document can be secured.

5. *A Biodiversity Gain Plan (30-years).*

As stated above, an illustrative plan is being produced. Further detail about the plan for the 30 year period can be agreed via condition and/or as part of the Section 106.

Supported – this can be secured. Presumably it cannot be conditioned as it includes works outside the red line boundary.

6. *A HRA financial contribution of £17,500 to mitigate harm caused by Increased recreational disturbance.*

The above represents a request for £250 per plot financial contribution recommended for HRA mitigation by the Ecologist. This is £150 in excess of other contributions which have previously been agreed between developers and the Local Planning Authority. We are only aware of a policy requirement to contribute £100 per

plot which has been agreed for residential developments, examples of such vary in scale from the previous 52 dwelling scheme on this site up to 1260 units at South West Sector. In light of this, I am therefore asking what is the justification behind the £250 per dwelling contribution request rather than the £100 per dwelling which has been agreed elsewhere within the borough as well as previously on this development site.

Following contact with the Planning Policy Team Leader, to enquire about the standard contributions for residential developments, I was directed to the Hartlepool South West Extension application (ref. H/2014/0405) for reference on previously agreed HRA financial contributions (as this was agreed at EIP). It was agreed that £100 per dwelling would be paid as HRA financial contribution for the Hartlepool South West Extension, a 1260 dwelling scheme. Similarly, the previously approved extant planning application on this site (land to the east of Hart Lane) for 52 residential dwellings had an agreed Section 106 contribution of £100 per dwelling for HRA Mitigation.

Due to the fact that the previously approved application on this site had an agreed HRA financial contribution of £100 per dwelling it seems reasonable that the same proportionate contribution exists for this application.

If you can enquire as to the justification behind the increased sum rather than the £100 per dwelling, as agreed in previous applications, then that would be much appreciated.

The potential harm caused by Increased recreational disturbance can be mitigated either by a financial contribution to the Hartlepool Coastal Management Scheme or through the provision of Suitable Alternative Natural Green Space (SANGS).

The scheme(s) referred to provided a mix of SANGS and a financial contribution. This scheme does not provide any SANGS and the financial contribution has been calculated accordingly, using the table below.

Parameters	£/house	Notes
Accessibility of the coast		
Walking possible (0-1km)	200	Shortest route
Car required (1.1-6.9km driving route)	100	Actual route
Car required (7-11.9km driving route)	50	Actual route
Car required (12+km driving route)	0	Actual route

Update 07/04/2024 following re-consultation on amended details:

I have no Ecology concerns or requirements regarding 'what has changed'. My earlier response (dated 07/01/2024) remains valid.

Update 04/06/2024 following receipt of amended ecological information:

I support the submitted Ecology layout which includes the note:
I support the submitted amended site layout extract plan which includes areas of habitat creation and retention of the watercourse.
Other outstanding issues in my earlier response (dated 07/01/2024) remain valid.

Update 11/09/2024 on receipt of amended ecological information:

The Ecology Section has assessed the updated Biodiversity Net Gain Assessment (version 4) dated 05/09/2024 (following a request for clarification made in a response dated 02/09/2024 [Appendix 1]). BNG v4 now incorporates the landscaping masterplan to provide better understanding of how the future habitats will be incorporated into the development. This is provided in the snip below (Landscape Proposals Plan/ Landscape Strategy – prepared by Fairhurst), which is difficult to read in the BNG v4 report and appears not to be on the planning portal.


The Ecology Section supports the Landscape Strategy and recommends that it is submitted, placed on the planning portal and conditioned as appropriate.

Ecology

The Ecology Section has assessed the Biodiversity Net Gain Assessment (version 3).

The Ecology Section accepts the on-site post development habitat creation (paragraph 3.9, see snip below) and it must be secured by the LPA as referred to in paragraph 3.10 (detailed management plan - normally referred to as a Biodiversity Gain Plan).

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Post Development – Habitat Creation

3.9 The following table details the post development habitats proposed to be created on site and the metric category considered to match the proposed habitat types most closely.

Area Habitats		
Habitat Type	Metric Category	Area (Ha)¹
Native trees (25no.)/Street trees (63no.)	Urban tree	0.3583
Ornamental planting	Introduced shrub	0.028
Native shrub planting	Mixed scrub	0.0298
Amenity grassland	Modified grassland	0.5342
Wildflower grassland	Other neutral grassland	0.1722
Wet wildflower (SUDS)	Other neutral grassland	0.1493
Built development	Developed land; sealed surface	1.7607
Built development	Developed land; sealed surface	1.6247
		4.30 (exc. 0.36ha of urban tree)
Hedgerow Habitats		
Habitat Type	Metric Category	Length (Km)¹
Native hedge planting	Native hedgerow	0.19
Formal hedge planting	Non-native and ornamental hedgerow	0.791
		0.981

1. Area and length measurements provided by Persimmon.

3.10 For the purposes of the metric, it is assumed that a detailed management plan will be produced and adhered to, to ensure delivery of the target habitats and conditions.

3.11 A figure illustrating the location of habitat creation proposals is provided within the appendices. The following table details each element of the habitat creation proposed, including the target condition, other criteria assigned by the metric and the associated biodiversity units delivered by each element.

NB: I am unclear where these habitats are to be created. Paragraph 3.11 refers to a figure showing the location of this habitat creation, however, the only habitat figure in the appendix (snip below) is titled 'On-site habitats' and it is unclear whether this is baseline or post-development – clarification is sought.

Any on-site post development habitat creation will need to be detailed in a 30-year Biodiversity Gain Plan, to be conditioned by the LPA.

Following the on-site post development habitat creation there will be a BNG shortfall. It is intended to address this shortfall and provide the required BNG off-site. The report states that this will be delivered in the development area known as the South-west extension (section 5, see snip below). Paragraph 5.2 and table 5.1 detail the types and amounts of habitats to be provided.

The Ecology Section is satisfied that ecologically, this is sound, and recommends that the LPA secures its delivery, which should be guided by a 30-year Biodiversity Gain Plan.

5. Off-Site Proposals

- 5.1 To deliver a net gain for biodiversity in relation to the proposed residential development, off-site habitat creation is proposed at the Hartlepool South West Sector site (see appendices for location). This site lies within the same LPA boundary as the proposed residential development.
- 5.2 To satisfy the trading rules of the metric, the following units are required:
- Medium Distinctiveness Grassland (or a higher distinctiveness habitat): 13.39 units
 - Medium Distinctiveness Heathland and Shrub (or a higher distinctiveness habitat): 0.57 units
 - Hedgerow: 1.29 units
- 5.3 It is proposed to carry out the following habitat creation works within the Hartlepool SWS site, within an area (2.6ha) of arable land. The following table details each element of the habitat creation proposed, including the target condition, other criteria assigned by the metric and the associated biodiversity units delivered by each element.

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Table 5.1: Off-site Post Development Habitats – Biodiversity Units Delivered (Habitat Creation)

Area Habitats							
Habitat Type	Area (ha)	Distinctiveness	Condition	Strategic Significance	Time to target condition/years	Difficulty of Creation	Biodiversity Units Delivered
Habitat Creation							
Other Neutral Grassland	2.3	Medium	Moderate	Low	5	Low	15.40
Mixed Scrub	0.3	Medium	Moderate	Low	5	Low	2.01
Habitat Units:							17.41
Habitat Type	Length (km)	Distinctiveness	Condition	Strategic Significance	Time to target condition/years	Difficulty of Creation	Biodiversity Units Delivered
Hedgerow Creation							
Species Rich Native Hedgerow with Trees	0.2	High	Good	Low	20	Low	1.77
Hedgerow Units:							1.77

The final figure in the appendices illustrates the red line boundary of the area known as the South-west extension.

HBC Heritage & Open Spaces – The application site has previously been identified as a heritage asset. Information on rational behind this and how it meets the relevant criteria can be found in Appendix 1. Policy HE1 of the 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 a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 209, NPPF).

Policy HE5 of the Local Plan states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed. Where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

The proposal is the erection of 70 dwellings and associated infrastructure. Previous applications included the retention of both reservoirs and their associated features, albeit with some alterations, and latterly the infilling of the reservoirs. It is accepted that the circumstances have changed and much of the interest has been lost through the draining of the water bodies and the subsequent work on the site. Further to this the site has been assessed and recorded.

In light of the current condition of the sites it is considered that the proposed works are acceptable. It is suggested that where possible opportunities should be considered for interpretation on the site in order to provide information that would offer visitors an understanding of the area. This could include information in close proximity to retained infrastructure, the water way and public space/play area.

Updates received 29/04/2024, 31/05/2024, 12/02/2025 following re-consultation on amended plans (summarised)

No objections to the proposed amendments that have been made. The earlier response, dated 7/2/24 remains valid.

HBC Traffic & Transport – The proposed number of dwellings is below the threshold required for a Transport assessment and it is considered that the development would not have a severe impact on the surrounding highway network. The proposed priority junction with segregated right turn lane is acceptable. The 40 mph speed limit is to be extended to cover the proposed access. The legal and physical costs of the relocation should be borne by the developer.

Shared Surface Areas – These should have a minimum 6.0 metre running carriageway with a 0.5m hardened maintenance margin. The plans show that it is proposed to surface the carriageway in red tarmac. Unfortunately this material causes severe maintenance issues, when potholes / service reinstatements require

repair. It is not possible to get hold of small quantities of red tarmac and similar areas have had potholes filled with black tarmac. These areas should therefore be surfaced using a standard black tarmac.

The main carriageways should be a minimum 5.5 metres wide with 2 metre wide footways. The public footway immediately to the south of the site should be upgraded to a footway / cycleway between Hart Lane and Swallow Close. It would be possible to remove the proposed southern footway between Hart Lane and the already proposed footpath link if the PROW is upgraded. The PROW would then form the adopted footway to Hart Lane on the southern side of the site.

We would be looking for the developer to upgrade the existing footway on Hart Lane between the site entrance and the existing cycleway immediately south of Merlin Way to a 3.0m footway /cycleway.

There is a poor history of works vehicles exiting this site and transferring excessive mud on to the highway. In order to tackle this issue a construction management plan is required which details the wheel wash facilities that will be put in place to prevent this occurrence. These should be sited on hard standing. These facilities should be put in place prior to works commencing.

Update 26/04/2024 following receipt of amended plans:

The amended layout is acceptable.

Previous requirements for off-site PROW works remain.

Update 06/06/2024 following receipt of amended plans:

There are no further highway comments to add.

Update 27/02/2025 in respect to submitted Transport Statement and Travel Plan:

The applicant has submitted a Transport Statement in support of the application as the number of properties was below the Transport Assessment threshold. This means that the developer has not done any detailed junction modelling as it is generally accepted that the level of housing would have a minimal impact on the surrounding highway network. The Transport Statement outlines the scope of the development, site accessibility and trip generation. I can confirm that the TS is an accurate assessment.

I can also confirm that the Travel Plan is acceptable and appropriate for a development of this size.

Update 27/02/2025 in respect to 'triggers' for conditions relating to highway works (summary of discussion):

- Confirmed triggers for details of mitigation measures (extension to speed limit, street lighting and proposed access, to be provided prior to first occupation and implemented within same trigger.

- Reiterated importance of CMP condition.

HBC Countryside Access Officer – An existing public access path runs along the outside eastern and southern boundaries. The plans already suggest an access link from the proposed development to this access path, along the southern boundary.

I would like to see, as part of the application, another access route to link to this access path, from the north eastern corner of the development site. This new path would enable residents and visitors to access to and from the new development without having to walk south to the proposed access link, especially if they wish to exit and walk in an eastern or northerly direction.

I would also like to see a s106 contribution towards the surfacing improvement of the access path, along the eastern and southern sections of the access path (as mentioned above).

Additional comments received 15/05/2024

I am comfortable with these proposals.

Update 10/02/2025 following re-consultation on amended plans:

Further to my comments of 8th January 2024; after good discussions, an agreement has been reached, between Persimmon Homes and the Council, to create an access link path, from the proposed housing site to the existing public access path, located along the eastern boundary of the development site.

Also agreed was the decision for either Persimmon to carry out surface works to the relevant section of the public access path, as shown on their latest site layout plan - DWG NO.HAR-HRE-001 REV Q PROPOSED SITE LAYOUT (redacted), or to provide, via a s106 agreement, a developer contribution, to be used towards the said resurfacing of the above mentioned section of path.

My preference is for Persimmon Homes to carry out the works as, if their application is approved, they will have the relevant machinery and equipment, already on site, to carry out these works. I look forward to formal agreement to these works, as outlined above.

HBC Public Protection – 1. Object/Support/Neither

I have no objections subject to the conditions below.

2. Comments and background to any licensing position

None

3. Suggested Planning Conditions

- Prior to installation of the security lighting to be used during the construction period, details shall be submitted to and approved in writing by, the Local Planning Authority.
- The working hours for all construction activities and deliveries and collections on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays.
- There should be adequate dust suppression facilities on site.
- Provision of a wheel washing facility to the entrance/exit of the site shall be provided at all times.

4. Informative (advice to applicant re any other requirements such as licensing)

- No open burning at all on site.

Tees Archaeology – Thank you for the consultation on this application. The reservoirs have been subject to archaeological recording, and no further archaeological work is necessary in relation to the reservoirs themselves. The wider site has also previously been subject to archaeological evaluation (Event 1148) in 2015, which revealed remains thought to be Iron Age/Romano-British in date in the south-west corner of the field to the north of the eastern reservoir. The evaluation report recommended that a programme of archaeological work be undertaken in order to mitigate the impact of the development on the archaeological resource. We agree with the recommendation set out in the evaluation report.

The recommended archaeological work can be conditioned upon the development; I set out proposed wording for the archaeological condition below:

Recording of a heritage asset through a programme of archaeological works

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 until the site investigation has been carried out in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme

set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

Update 09/04/2024 following query from applicant:

I have no issues with the submitted WSI.

The requested condition can be amended along the lines of:

Recording of a heritage asset through a programme of archaeological works

A) No demolition/development shall take place until the site investigation has been carried out in accordance with the approved Written Scheme of Investigation (relevant details here i.e. doc #, when submitted etc).

B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

Update 11/06/2024 following re-consultation on amended plans:

Our comments of April 2024 remain unchanged.

Environment Agency – Environment Agency Position

The proposed development will be acceptable if the following condition is included on the planning permission's decision notice. Without this condition we would object to the proposal due to its potential adverse impact on the environment.

Condition

A scheme for managing the Environment Agency borehole located on site, installed for the investigation of groundwater, shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how this borehole that needs to be retained, post-development, for monitoring purposes will be secured and protected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development. Reason

To ensure that boreholes are safe and secure and do not cause groundwater pollution or loss of water supplies in line with paragraph 180 of the National Planning Policy Framework.

Amended comments received 08/04/2024, 04/06/2024, 09/07/2024, 12/02/2025 following re-consultation on amended plans:

We have reviewed the amended information provided and it does not change our previous advice to this application dated 25 January 2024, which still applies. This advice has been repeated below.

Environment Agency Position

The proposed development will be acceptable if the following condition is included on the planning permission's decision notice. Without this condition we would object to the proposal due to its potential adverse impact on the environment.

Condition

A scheme for managing the Environment Agency borehole located on site, installed for the investigation of groundwater, shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how this borehole that needs to be retained, post-development, for monitoring purposes will be secured and protected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason

To ensure that boreholes are safe and secure and do not cause groundwater pollution or loss of water supplies in line with paragraph 180 of the National Planning Policy Framework.

Hartlepool Rural Plan Group – Thank you for consulting the Rural Neighbourhood Plan Group regarding this application. The application is within the area covered by the Rural Neighbourhood Plan and therefore subject to the policies contained in the Neighbourhood Plan. The following policies are most relevant.

POLICY GEN1 – DEVELOPMENT LIMITS

Within the Development Limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan.

Development within the Green Gaps shown on the Proposals Map will be permitted only in exceptional circumstances where it does not compromise the openness of the countryside between the villages, Hartlepool and Billingham.

The site of this application is not a site designated by the Local Plan but is within the development limits of the Local Plan. The site is adjacent to the green gap but not within it. The location is one which is acceptable in terms of policy GEN1.

POLICY GEN 2 - DESIGN PRINCIPLES

The design of new development should demonstrate, where appropriate:

1. how relevant village design statements and conservation area appraisals have been taken into account;
2. how the design of new housing scores against the Hartlepool Rural Plan Working Group's Checklist as set out in appendix 4;
3. how the design helps to create a sense of place and reinforces the character of the village or rural area by

being individual, respecting the local vernacular building character, safeguarding and enhancing the heritage assets of the area, landscape and biodiversity features;

4. how the design helps to reinforce the existing streetscape or green public spaces by facing onto them
5. how the design preserves and enhances significant views and vistas;
6. how the design demonstrates that it can be accessed safely from the highway and incorporates sufficient parking spaces;
7. how the design uses sustainable surface water management solutions in new developments to reduce all water disposal in public sewers and manage the release of surface water into fluvial water and;
8. how the design ensures that homes are flexible to meet the changing needs of future generations.

It would appear from the Character Analysis the source of inspiration for the designs in this application are the adjacent new housing developments built by other major developers. Perhaps one can expect no less than developers insisting on repeating standard generic designs, but it is a new low for one developer to present the work of their competitors to justify their own lack of architectural imagination.

We would suggest this means the applicant's designs fail to address point 3 to create a sense of place and reinforce the character of the village or rural area by being individual and respecting the local vernacular building character ie. local character and distinctiveness.

POLICY H2 - AFFORDABLE HOUSING

1. Affordable housing will be required in applications for residential development that consist of a gross addition of six or more dwellings. For schemes of between 6 and 10 units, financial contributions in lieu of on-site provision can be made and any commuted sums received must be used for the provision of affordable housing within or adjacent to the villages in the plan area.
2. Developers will be required to deliver 18% affordable housing in a bid to contribute to the delivery of this. The affordable provision and tenure and mix will be negotiated on a site-by-site basis, having regard to the economic viability of the development and the most up-to-date evidence of housing need, aspiration and the local housing market. The affordable homes provided must be of a tenure, size and type to help meet identified local housing needs and contribute to the creation of mixed, balanced and inclusive communities where people can live independently for longer.
3. Market and affordable homes on sites should be indistinguishable and achieve the same high design quality.
4. It is expected that affordable housing will be delivered through on-site provision and where appropriate, be pepper-potted throughout the development. However, in certain circumstances it will be acceptable for provision to be made off-site, preferably within the same village, where:
 - applicants can provide sound, robust evidence why the affordable housing cannot be incorporated on-site; and/or
 - Hartlepool Borough Council and the Parish Council is satisfied that off site provision will benefit the delivery of affordable housing in the Rural Plan area.
5. Other than in exceptional circumstances all affordable units will be delivered in partnership with a Registered Provider by means of a Legal Agreement, and appropriate provision to secure long term availability.

6. Where the scheme's viability may be affected, such that an adequate amount of affordable housing cannot be provided, developers will be expected to provide viability assessments which will be submitted as an open book viability assessment. There may be a requirement for the provision of 'overage' payments to be made to reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future.

The reason for a planning requirement for affordable housing is the urgent need for such housing, not least in the Borough of Hartlepool, yet it seems all too easy for developers to avoid this provision. Does the Borough of Hartlepool really require above all else another 70 'executive' houses. What about bungalows, which with an ageing population, these have also been identified as being required.

It is shocking that the developer is unable to afford to provide any form of affordable housing. With the viability assessment being confidential we rely on the officers able to view it to check the developers claim. Does this qualify as an open book viability assessment as required in point 6? Overage payments should also be secured if justified.

POLICY H5 - HOUSING DEVELOPMENT ON THE EDGE OF HARTLEPOOL

New housing development on the edge of Hartlepool, where appropriate, should be designed to:

1. create distinct new communities designed to instill a sense of place, with an attractive community hub, located in the centre of the development, containing a community centre, shops and other local services on a scale that meets the needs of the new community;
2. incorporate a diverse housing mix with a variety of house types, sizes and tenures;
3. provide an open and attractively landscaped development with the gross density of the development of about 25 dwellings per hectare;
4. include a strong landscape buffer where the development adjoins the countryside to reduce the visual impact of the development and create a continuous habitat for wildlife linked into existing natural areas and wildlife habitats;
5. include landscaped open spaces, roads and footpaths, incorporating children's play areas, throughout the development linked to the peripheral landscape buffer to provide green routes through the housing areas that enhance the quality of the development and provide wildlife habitats;
6. link new footpath and cycleway routes through the development to routes in the countryside, to existing adjacent communities, to schools, community facilities and the town centre;
7. retain existing farmsteads, trees, hedgerows, ditches, watercourses, and heritage assets within the development;
8. not compromise the Green Gaps between the urban area and villages;
9. address any significant impacts arising from an increase in traffic on the road network between Hartlepool and the A19 as a result of the new development. This should include mitigation measures identified by Transport Assessments which may include improvements to the junctions from the villages to the A19, A179 and A689 as well measures to discourage traffic from the new development using minor roads through the villages in the Plan area and sympathetic traffic calming where necessary. Adequate measures should be discussed as part of the application and

not delegated to a condition and in some instances measures should be put in place prior to the occupation of the first dwelling in the relevant proposal.

10. avoid areas at risk of flooding and incorporate sustainable drainage measures to manage rain water runoff from the development.

11. assist in meeting Hartlepool Borough's housing need for 6000 additional homes within the next 15 years by supporting new developments on the edge of Hartlepool which take into consideration their rural fringe locations and which do not compromise the Green Gaps, subject to design, layout, environmental and traffic impact considerations.

Where a developer deems a scheme's viability may be affected they will be expected to submit an open book viability assessment. There may be a requirement for the provision of 'overage' payments to be made to reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future.

As the proposal is for only 70 houses one cannot reasonably expect shops and other local services from this development on its own. Such facilities may be found in the adjacent housing developments but as easily accessible are facilities in Hart village. The provision of a children's play area and adjacent open space is welcome and will provide a communal focus for families especially, this is welcomed. As is the landscaped area to the north east and the watercourse that traverses the development.

There is no diversity in the housing mix. All are large detached executive houses. The development therefore fails to address address point 2.

The northern boundary adjoins the countryside. A strong landscape buffer is required along this boundary to reduce the visual impact. No such provision is indicated, a six foot high solid wooden fence is an unacceptable intrusion into the rural landscape. This is unacceptable and contrary to point 4.

The indication of a 'future access link' on this northern boundary is not welcome as this would access into the protected green gap and strategic gap. Development in this area would be strongly opposed.

A pedestrian route should be provided from the vicinity of the children's play area via the north east corner of the site to the existing open space which continues to the green wedge south of the Bishop Cuthbert estate.

Traffic from this development will put extra pressure on Hart Lane and the A179. Contributions to improvements as indicated in the Rural Neighbourhood Plan Policy T1 should be secured (see following).

POLICY NE1 - NATURAL ENVIRONMENT

The rural plan will seek to protect, manage and enhance the areas natural environment.

1. Nature conservation sites of international and national importance, Local Wildlife Sites, Local

Geological Sites and Local Nature Reserves will be protected, managed and actively enhanced. Designated sites are identified on the Proposals Map.

2. Enhancement of wildlife corridors, watercourses (including improving water quality) other habitats and potential sites identified by the local biodiversity partnership or similar body must be created in order to develop an integrated network of natural habitats which may include wildlife compensatory habitats and/or wetland creation. Opportunities to de-culvert parts of Greatham Beck and its tributaries will be encouraged within the Neighbourhood Plan area.
3. Where possible, new development should conserve, create and enhance habitats to meet the objectives of the Tees Valley Biodiversity Action Plan. Any development should not result in, or contribute to, a deterioration in the ecological quality of the Greatham Beck waterbody.
4. Existing woodland of amenity and nature conservation value and in particular ancient semi natural woodland and veteran trees will be protected. The planting of woodland and trees, and the restoration of hedgerows, using appropriate species, will be encouraged, particularly in conjunction with new development, to enhance the landscape character of the plan area. New tree and hedgerow planting must where possible:
 - a. Aim to reduce the impact of any new buildings or structures in the landscape setting. In the area that forms the urban fringe of Hartlepool, areas of woodland and tree belts at least 10 metres wide designed to promote biodiversity and include public access routes must, where possible, be planted along the western edge of any areas to be developed, prior to any development commencing;
 - b. Provide screening around any non-agricultural uses;
 - c. Use a mix of local native species appropriate to the landscape character area;
 - d. Ensure that trees are planted at distances from buildings that provide sufficient space for the future growth of the tree to maturity.

Every effort should be made to improve the watercourse that runs through the proposed development for the benefit of biodiversity. New tree and hedgerow planting must be added to reduce the impact of the new buildings in the landscape as set out in Rural Neighbourhood Policy NE1 (4a & b). This is especially important along the Northern boundary of the proposed development where no planting is indicated in the application. If approved this development will become the new western urban fringe and a tree belt of 10 meters is expected.

The Rural Neighbourhood Plan Group is shocked by the extremely limited area covered by the community consultation process, restricted to a few neighbouring streets. The limited questions are limited, none deal with subjects such as local distinctiveness. Hartlepool Civic Society might have been a useful contact. As the location is within the Rural Neighbourhood Plan area one would have hoped the Neighbourhood Plan Group would have been involved and at least Hart Parish Council as the site is within the parish.

The Rural Plan Group accept this site as suitable for development and find some positives in the open spaces included in the application. Unfortunately, the proposal fails to address the design principles addressing local character and distinctiveness that is sought in policy GEN2. This cannot be addressed by taking inspiration from new developments adjacent but outside the Rural Neighbourhood Plan area that may also have failed to address local character – a persistent failure of major developers who seek to repeat generic designs. The lack of any affordable housing is also unacceptable (policy H2) as is the lack of housing mix (policy H5). The failure

to provide a landscape buffer where the development adjoins the countryside is contrary to policies H5 and NE1.

As this application has failed to address several Rural Neighbourhood Plan policies the Group object to this application as presented.

Update received 11/04/2024 following reconsultation on amended plans:

Hartlepool Rural Neighbourhood Plan Group welcome the improved pedestrian access to the existing paths/ St. Cuthbert Estate to the east of the proposed development. One questions the use of a kissing gate as this will restrict use by those with pram/pushchair and disabled.

All other comments on our earlier responses remain valid and therefore our objection.

Update 04/06/2024 following reconsultation on amended plans:

Thank you for consulting Hartlepool Rural Neighbourhood Plan Group. The Group's earlier comments remain valid.

Update 10/07/2024 following reconsultation on amended plans:

Thank you for consulting Hartlepool Rural Neighbourhood Plan Group. The amendments do not alter our initial response and objections which remain.

Natural England – No objection – subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would:

- Have an adverse effect on the integrity of Northumbria Coast Special Protection Area and Ramsar site and Durham Coast Special Area of Conservation and the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site <https://designatedsites.naturalengland.org.uk/>.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- Contribution to the Coastal Mitigation Scheme as set out in the appropriate assessment.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Further advice on mitigation

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions¹, providing that all mitigation measures are appropriately secured in any planning permission given.

Teesmouth and Cleveland Coast Site of Special Scientific Interest

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

Updated comments received 18/04/2024, 03/06/2024, 14/02/2025 following re-consultation on amended plans:

Natural England has previously commented on this proposal and made comments to the authority in our response dated 01 February 2024, our reference number 462578 (attached).

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

HBC Waste Management - Provision of Waste and Recycling Collection and Storage Facilities to new properties Developers are expected provide and ensure at the point of first occupancy that all new developments have the necessary waste bins/ receptacles to enable the occupier to comply with the waste presentation and collection requirements in operation at that time.

Developers can choose to enter an undertaking to pay the Council for delivery and associated administration costs for the provision of bins/ receptacles required for each new development. These charges are a one-off cost and the bins remain the

property of the Council. Alternatively, developers are required to source and provide containers which meet the specifications necessary for the required bins/ receptacles to be compatible with the Council's waste collection service and vehicle load handing equipment.

Please see our 'Developer Guidance Waste and Recycling for new properties' document which can be found at www.hartlepool.gov.uk/usingyourbins for further information.

HBC Landscape Architect - There is a previous outline approval for residential development on the site, so the principle of dwellings is established. An Arboricultural Impact Assessment has been provided and I would refer to Arb Officer Comments regarding this. It is noted however that Hedgerow 2 is to be removed at the site entrance. While a new highway access is required the loss of hedgerows will alter the exiting rural character of the lane and appropriate replacement planting should be provided.

There are a number of issues with the layout which need to be addressed should any development proceed.

1. The Northern edge of the development (plots 54-64) requires an appropriate buffer of structural landscaping to fully integrate and assimilate the development into the existing rural / agricultural landscape context and provide an appropriate settlement edge.

2. Street trees are located within gardens of dwellings. These will be difficult to control and maintain and the longer term contribution to the street scene cannot be guaranteed.

Subject to an agreed layout, full details of hard and soft landscape proposals shall be provided prior to any consent being given.

Hard landscape details should include all enclosing elements, street furniture and street lighting locations. Details of external finishing materials should include finished levels, and all construction details confirming materials, colours, finishes and fixings. Soft Landscaping details should include a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. Details of any rabbit protection should be provided. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. Details of proposed soft landscape management should be provided.

The soft landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, other than small privately owned domestic garden. Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years.

Update 11/04/2024 following receipt of amended plans:

Previous landscape comments remain.

Update 29/05/2024 following receipt of amended plans:

The fundamental issues regarding lack of appropriate structural planting to the northern boundary remain.

It is noted that a high proportion of trees are within private gardens and so will be difficult to control in the long term.

Detailed hard and soft landscape details should be provided in due course.

Update 14/02/2025 following re-consultation on amended layout, landscaping, materials and boundary treatments:

There are no landscape issues with the proposed amendment.

Cleveland Fire Brigade - Cleveland fire Brigade offers the following representations regarding the development as proposed.

From the plans it is not clear if the surface leading to houses 16,17,41,42,43,54,55 and 56 is adequate and would accommodate the specified weight as detailed below for access to reach all the premises within 45m.

However, Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 18 tonnes. This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1. Cleveland Fire Brigade also utilise Emergency Fire Appliances measuring 3.5m from wing mirror to wing mirror. This is greater than the minimum width of gateways specified in AD B Vol 1 Section B5 Table 13.1.

Hart Parish Council - This site is within the development limits of the Local Plan. The site is adjacent to the green gap but not within it.

Hart Parish Council are concerned that the landowner has been allowed to drain the reservoir and destroy a local nature reserve which form a part of this land holding.

The northern boundary adjoins the countryside. A strong landscape buffer is required along this boundary to reduce the visual impact. No such provision is indicated, a six foot high solid wooden fence is an unacceptable intrusion into the rural landscape. Landscaping must be included.

The indication of a 'future access link' on this northern boundary is not welcome as this would access into the protected green gap and strategic gap. Development in this area would be strongly opposed.

A pedestrian route should be provided from the vicinity of the children's play area via the north east corner of the site to the existing open space which continues to the green wedge south of the Bishop Cuthbert estate.

Traffic from this development will put extra pressure on Hart Lane and the A179.

Every effort should be made to improve the watercourse that runs through the proposed development for the benefit of biodiversity.

New tree and hedgerow planting must be added to reduce the impact of the new buildings in the landscape. This is especially important along the Northern boundary of the proposed development where no planting is indicated in the application. If approved this development will become the new western urban fringe and a tree belt of 10 meters is expected.

Finally, if approved HBC and the developer must adequately deal with vehicles moving on and off the site to ensure mud and other debris doesn't affect Hart Lane one of the town's arterial main roads. During the recent years this has been a major problem for the residents of Hart and Hartlepool and appropriate conditions and enforcement action must be taken by HBC to ensure this problem is rectified.

Cleveland Police - I've looked at the layout of the estate.

I would ask Persimmon to consider 1.8m gates flush to fronts of properties to deter unauthorised access to the rear.

I recommend a minimum 1.8m fencing at the rear boundary, and between properties at the rear.

I hope that Persimmon will work with us to achieve the Secured by Design 2023 Homes Award, which is available free of charge, and can be used to give confidence to prospective buyers, that security considerations have been addressed.

Here is a link to the guide [HOMES_GUIDE_2023_web.pdf](#)

Updated comments received 02/05/2024, 12/06/2024, 19/07/2024 following re-consultation on amended plans:

No further comments in relation to this development.

HBC Arboricultural Officer - The submitted Arboricultural Survey/ Arboricultural Impact Assessment/ Arboricultural Method Statement and Tree Protection Plan by Elliot Consultancy Ltd dated April 2023 provides all of the necessary information in relation to the current trees and the proposed impacts. There is a loss of 2 sections of native hedging throughout the site but this is minor in its scale and will be mitigated through proposed landscaping.

The development to the east of the site requires the pruning of the hedgerow. To put the fence where it is proposed would require extreme pruning of the hedge, almost back to the stem. This is not good for the long term retention of the hedge and by having fencing so close to it will mean that when the hedge grows back it is likely to

cause future issues and complaints for owners of them properties and hedges and damage to the fence as has happened with previous sites in within Hartlepool. To combat this the fence could be brought forward so it is not up tight against the stem of the hedgerow. Appendix 6, Tree Protection Plan shows the Hedgerow protection fencing to be put in place but nothing is shown in place for Hedgerow 3, I would think this has been accidentally missed but should be altered to include the protective fencing on the plan.

Proposed tree planting is proposed for the front gardens of a number of properties to ensure the streets are tree lined however I feel the rear gardens of plots 21 - 43 could benefit from some additional planting to break up the unobstructed view of people looking into a row of back gardens from the rear windows, columnar formed species could break up the space whilst not spreading too widely. The submission of the detailed planting plan and execution of the proposed planting would need to be done prior to the occupation of any development and should be secured by condition to ensure the planting can be carried out as planned rather than facing opposition after residents have already moved in.

Updated comments received 18/04/2024 following receipt of amended plans:

Previous comments have not been addressed and still remain.

Updated comments received 05/06/2024 following receipt of amended landscaping:

The fence to the east of the site appears to have been moved and fence type changed to accommodate the existing hedgerow to be retained. The submitted Arboricultural Survey/ Arboricultural Impact Assessment/Arboricultural Method Statement and Tree Protection Plan by Elliot Consultancy Ltd dated April 2023 needs to be updated to reflect the change especially Appendix 6, Tree Protection Plan. No protection is shown in place for Hedgerow 3, I would think this has been accidentally missed but should be altered to include the protective fencing on the plan.

Proposed tree planting is proposed for the front gardens of a number of properties to ensure the streets are tree lined however I feel the rear gardens of plots 21 - 43 could benefit from some additional planting to break up the unobstructed view of people looking into a row of back gardens from the rear windows, columnar formed species could break up the space whilst not spreading too widely. I echo the concerns of the landscape architect that control of the trees post development would be difficult to manage. The submission of the detailed planting plan and execution of the proposed planting would need to be done prior to the occupation of any development and should be secured by condition to ensure the planting can be carried out as planned rather than facing opposition after residents have already moved in.

Update 12/02/2025 following re-consultation on amended layout:

I note from the proposed conditions from the applicant that they have proposed the following condition in terms of landscaping: Notwithstanding the submitted details and prior to commencement of development, a detailed scheme for the provision,

long term maintenance and management of all soft landscaping (primarily in respect to the landscaping and surface finish to the infilled area) within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all areas, include a timetable and programme of the works to be undertaken, and be implemented in accordance with the approved details and timetable/programme of works. Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the development hereby approved being completed. Any landscaping/planting 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.

The plans once approved prior to the development should be implemented in my opinion, prior to the first occupation of the site/ or a dwelling and not after the development is completed. Not doing this may lead to a situation where the landscaping cannot be completed adequately and as per the approved plans due to people living in the properties and not wanting landscaping as has happened on previous sites in Hartlepool. Without this tree planting being implemented there would be very little tree cover on this site. If this cannot be agreed it may be expedient to apply a Tree Preservation Order to the trees prior to planting pursuant to The Town and Country Planning Act 1990, Part 8, Chapter 1, 198 to ensure that the planting of the trees are further safeguarded beyond a condition and so the trees remain protected once planted for their lifetime.

HBC Building Control - A Building Regulation application will be required for 'residential development of 70 dwellings'.

National Highways - Thank you for engaging with National Highways regarding the above planning application. We have reviewed the Transport Statement (TS) and Travel Plan (TP) in support of the application and would provide the following comments in response.

National Highways understand that this planning application seeks to bring forward development comprising of 70 dwellings on a site that had previously been granted planning permission for 52 dwellings (application reference H/2015/0354). For reference, we previously recommended no objection to application reference H/2015/0354.

Travel Plan

We support the proposed measures within the TP that provide high speed broadband and space for home working, in addition to internal footways connecting to active travel facilities adjacent to the Site.

Whilst we support the proposed baseline modal splits, we would have expected the modal share targets to have been fully disaggregated into individual modes of travel, so that the modal shift can be reviewed based on the measures that are proposed.

The proposed monitoring strategy is not compliant with the requirements of DfT Circular 01/2022 because the monitoring requirements of the TP should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives of the Travel Plan, in line with PPG (2014).

We would state that the funding strategy for the TP is appropriate and we support the firm financial commitments that are made regarding TP delivery.

Site sustainability

We support the consideration of the site's accessibility but would state the site does not have a high level of public transport accessibility. Ideally, the Applicant should, therefore, engage with HBC and local bus operators to see if there's a possibility of increasing the frequency and / or adding digital timetables and bus shelters at the stops on Merlin Way.

We would note that the TP and TS were not prepared in accordance with Circular 01/2022 or National Planning Policy Framework (2023) (NPPF).

Transport Statement

Upon review of the proposed person trip rates, we would state that these are appropriate and represent a robust baseline scenario.

We do not support the approach used to derive the vehicle trip generation of the proposed development as this does not take into consideration the targeted modal shift detailed within the TP. The TP must be considered in the trip generation methodology in order to be considered as 'residual', as per Circular 01/2022.

Despite this, National Highways would agree that the proposed development only generates a marginal number of trips onto the A19 / A179 Sheraton Junction and therefore, no further evidence is required.

National Highways would note that we are disappointed with the policy deficiencies highlighted above and would reiterate that we won't accept this approach for sites that do assign a potentially significant number of trips towards the SRN.

Notwithstanding the deficiencies that have been identified, on the basis of the above, I enclose National Highways' formal NHPR 22-12 response recommending no objection.

Update 11/04/2024 following receipt of amended plans:

The changes to this application do not affect our previous response of no objection. Please maintain this as National Highways position on this application.

Northern Gas Networks – We do not object to your planning application.

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to

contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

Update 11/02/2025 following re-consultation on amended plans:

We do not object to your planning application.

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

Northern Power Grid – No objections. Plan attached.

Update 11/02/2025 following re-consultation on amended plans:

No objections. Plan attached.

Northumbrian Water - Thank you for consulting Northumbrian Water on the above proposed development. In making our response to the local planning authority Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our 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/>

We do not have any issues to raise with the above application, provided it is approved and carried out within strict accordance with the submitted document / drawing entitled “Flood Risk Assessment and Drainage Strategy September 2023”. This document reflects our pre-planning enquiry advice.

We request that the following approval condition be attached to any planning consent granted, so that the development is implemented in accordance with the named document:

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Flood Risk Assessment and Drainage Strategy” dated “September 2023”. The drainage scheme shall ensure that foul flows discharge to the public foul sewer at manhole 5307 and ensure that surface water discharges to the existing watercourse.

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

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy.

For Information Only

Please note that the site lies within drainage area 11-D24. This drainage area discharges to Seaton Carew Sewerage Treatment Works, which is named on the Nutrient Neutrality Budget Calculator.

Hartlepool Water: This application amendments are not relevant to Anglian Water – we have no further comments to make since our last response. Please note Anglian Water will only comment on matters relating to drainage/surface water connections to our network.

HBC Community Safety: No comments received.

PLANNING POLICY

1.25 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)

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

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
CC2	Reducing and Mitigating Flood Risk
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
INF4	Community Facilities
QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
QP7	Energy Efficiency
HSG1	New Housing Provision
HSG2	Overall Housing Mix
HSG9	Affordable Housing
RUR1	Development in the Rural Area
RUR2	New Dwellings outside of development limits

NE1	Natural Environment
NE2	Green Infrastructure
NE3	Green Wedges
HE1	Heritage assets
HE5	Locally Listed Buildings and Structures

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN (2018)

1.27 The following policies in the adopted Hartlepool Rural Neighbourhood Plan 2018 are relevant to the determination of this application:

Policy	Subject
GEN1	Development Limits
GEN2	Design Principles
H1	Housing Development
H2	Affordable Housing
H5	Housing development on the edge of Hartlepool
T1	Improvements to the Highway Network
T2	Improvement and Extension of the Public and Permissive Rights of Way Network
NE1	Natural Environment
PO1	Planning Obligations – Contributions Towards Meeting Community Infrastructure Priorities
HA1	Protection and Enhancement of Heritage Assets Policy
HA4	Protection and Enhancement of Locally Important Buildings

ADOPTED TEES VALLEY MINERALS AND WASTE DPD (2011)

1.28 The Tees Valley Minerals DPDs (TVMW) form part of the Development Plan and includes policies that need to be considered for all major applications, not just those relating to minerals and/or waste developments.

1.29 The following policies in the TVMW are relevant to this application:

Policy	Subject
MWP1	Waste Audits

National Planning Policy Framework (NPPF)(2024)

1.30 In December 2024 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021, and the 2023 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 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 strong 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	Subject
1	NPPF sets out the governments planning policies
2	Determination in accordance with the development plan
3	The NPPF should be read as a whole
7	Achieving sustainable development
8	Achieving sustainable development (three overarching objectives – Economic, Social and Environmental)
9	Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
10	The presumption in favour of sustainable development
11	The presumption in favour of sustainable development
12	The presumption in favour of sustainable development (presumption does not change statutory status of the development plan as the starting point for decision making)
39	Decision making in a positive way
48	Determining applications in accordance with the development plan
56	Use of conditions or planning obligations
57	Planning conditions should be kept to a minimum
58	Planning obligation tests
59	Obligations in a plan should be viable
61	Significantly boost supply of homes
64	Delivering a sufficient supply of homes
65	Delivering a sufficient supply of homes (affordable homes)
67	Delivering a sufficient supply of homes
82	Rural housing
83	Rural housing
85	Building a strong, competitive economy
88	Supporting a prosperous rural economy
96	Promoting healthy and safe communities
97	Promoting healthy and safe communities
98	Promoting healthy and safe communities
99	Promoting healthy and safe communities
100	Promoting healthy and safe communities
103	Open space and recreation
105	Open space and recreation
109	Promoting sustainable transport
110	Promoting sustainable transport
112	Promoting sustainable transport
115	Considering development proposals
116	Considering development proposals
117	Considering development proposals
118	Considering development proposals

124	Making effective use of land
125	Making effective use of land
129	Achieving appropriate densities
131	Achieving well-designed places
135	Achieving well-designed places
136	Achieving well-designed places
137	Achieving well-designed places
139	Achieving well-designed places
161	Meeting the challenge of climate change, flooding and coastal change
163	Meeting the challenge of climate change, flooding and coastal change
167	Meeting the challenge of climate change, flooding and coastal change
181	Planning and flood risk
182	Planning and flood risk
187	Conserving and enhancing the natural environment
193	Habitats and biodiversity
195	Habitats and biodiversity
198	Development in appropriate locations
200	Integration of development
202	Heritage assets
207	Describing significance
208	Impact on a heritage asset
209	Neglect or damage to a heritage asset
210	Determining applications
212	Considering impact on heritage assets
213	Justifying harm or loss
216	Non designated heritage asset
217	Loss of a heritage asset
218	Recording and advancing understanding of heritage asset
231	Implementation
232	Implementation

HBC Planning Policy Comments:

HBC SUPPLEMENTARY PLANNING DOCUMENTS

1.31 The following SPDs should be considered prior to the submission of any planning application.

- Transport Assessments / Statements and Travel Plans SPD 2010

NB this SPD was prepared under the 2006 local plan and prior to the national planning policy framework but it still contains useful guidance for when assessments are likely to be required, content, structure etc.

- Residential Design Guide SPD 2019
- Trees and Development Guidelines SPD 2013
- Green infrastructure SPD and Action Plan 2020
- Public Rights of Way Standards and Guidance SPD 2020
- Planning Obligations SPD 2015

NB this SPD was prepared under the 2006 local plan and superseded national planning policy, however the information within it is still relevant and thresholds and contribution levels are applicable.

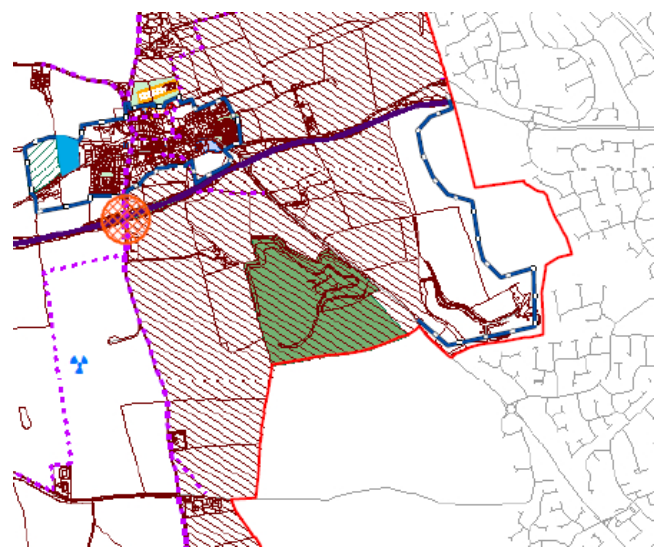
CONSIDERATION OF PROPOSAL

Principle of development

1.32 Planning Policy note that an application was approved in this location but the outline approved has since lapsed. Notwithstanding, any previous consents on this site, Planning Policy must consider the application submitted and apply the relevant policy applicable at this point in time.



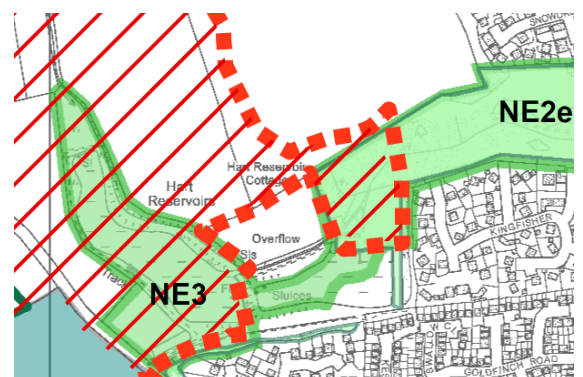
Source: Hartlepool policies map



Source: Hartlepool Rural Plan policies



Source: Persimmon Homes, site location plan



Source: Hartlepool Policies map

1.33 With regard to the Hartlepool Local Plan, Planning Policy note that the north eastern area of the site is beyond the limits to development, within the strategic gap and within the How Beck, Middle Warren Green Wedges (NE3 area).

1.34 With regard to the Hartlepool Rural Neighbourhood Plan the site is within the plan area, adjacent to the green gap but not within the green gap.

1.35 Planning Policy note that four units (plot 14, 15, 16 and 17) on the eastern side of the site appear to be beyond the limits to development, in the strategic gap and within the green wedge.

1.36 The principle of development for the area within the limits to development is acceptable.

1.37 A comprehensive assessment of policy RUR1 (Development in the Rural Area), LS1 (Locational Strategy) NE2 (Green Infrastructure) and NE3 (Green Wedge) is necessary to set out the acceptability of the area beyond the limits to development. The assessment and further consideration of the proposal should then be used to assist the decision maker when considering the balancing of the application.

Consideration with regard to policy RUR1 (Development in the Rural Area)

1.38 Local plan policy RUR1 sets out that development outside the development limits will be strictly controlled and that proposals in the rural area must be considered necessary for the efficient or the continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land based businesses.

1.39 Policy RUR 1 sets out criteria in which development within the rural area should adhere too, the relevant criteria with regard to this application are criteria 1, 4, 5, 6, 7, 8, 9 and 10 and are summarised below.

1) Development in the rural area should, where relevant be in accordance with the Hartlepool Rural Neighbourhood Plan

4) Not have a significant detrimental impact on neighbouring users or surrounding area by way of amenity, noise, access, light pollution or visual intrusion;

5) Through good design, enhance the quality, character and distinctiveness of the immediate area, villages and landscapes, taking into account relevant design guides and statements;

6) Be in keeping with other buildings in terms of siting, size, materials and colour;

7) Ensure access is appropriate and there is not a detrimental impact on the highway safety;

8) Where possible create and improve sustainable connectivity;

9) Not have a detrimental impact on the landscape character or heritage assets; and

10) Avoid areas of best and most versatile agricultural land, those areas classed as grades 1, 2 and 3a in the Agricultural Land Classification.

1.40 With regard to criterion 1 Planning Policy consider that the proposal does not fully accord with the Hartlepool Rural Plan. Rural plan policies are discussed further below along with suggestions as to how the proposal could better align with the rural plan.

1.41 With regard to criterion 4 Planning Policy do not wish to comment on this criterion but trust that the decision maker will be satisfied that the proposal does not have a significant detrimental impact on neighbouring users or surrounding area by way of amenity, noise, access, light pollution or visual intrusion.

1.42 With regard to criterion 5 Planning Policy are not convinced that the design proposed enhances the quality, character and distinctiveness of the immediate area and landscapes. This is a rural edge location yet the design is typical of a generic urban estate, with standard urban house types and boundary treatments. Of particular disappointment is the relationship between the edge of the site and the adjacent rural area to the west.

1.43 With regards to criterion 6 Planning Policy consider that the plot sizes of the proposal are broadly comparable to those dwellings to the south. However the proposed units and the neighbouring houses to the east and south are separated by a green corridor so it is not necessary to reflect those dwellings. The site is relatively self-contained and is separated from existing buildings by green buffers so the site is not likely to be seen in the context of other buildings and so Planning Policy consider that this criterion is not difficult to satisfy but equally it is not essential in this instance.

1.44 With regard to criterion 7 Planning Policy trust that the council's Highways engineers will ensure access is appropriate and there is no detrimental impact on the highway safety.

1.45 With regard to criterion 8 Planning Policy note that the site is linked directly to the Middle Warren Green Wedge and that the green wedge will allow access to a variety of services that exist within Middle Warren. There is currently a footway located to the east of the site, this footway is currently on the urban edge of the borough and provides a link from the Middle Warren Green Wedge to Hart Lane to the west or Swallow Close and Kestrel Close to the south. Consideration should be given to allowing a direct access from the site to the existing footway, potentially by punching through at plot 13 or 14 and chamfering off an access so that it is open onto the existing path and allows for wide visibility splays. Currently the site turns its back on the footway.

1.46 With regard to criterion 9 Planning Policy note that the council's landscape architect has raised concerns with regard to the relationship between the properties along the northern edge of the site and the adjacent rural area. The officer requested a softer approach to this boundary and Planning Policy echo this request. Planning Policy note that the landscape architect also requested that, due to the loss of a hedgerow and the relationship the site has with the adjacent rural area, replacement planting is provide on the site entrance, planning Policy echo this request. Without a softer norther edge and access Planning

Policy are of the view that the proposal will have a detrimental impact on the landscape character.

1.47 With regard to impact upon heritage impact, Planning Policy note that the non-designated asset has been lost and that the applicant seeks to provide interpretation boards, Planning Policy welcome and support the provision of interpretation boards.

1.48 With regard to criterion 10 the site is classed as being grade 3 Good to Moderate on the Natural England Agricultural Land Classification. Planning Policy are satisfied that the site is not located on the highest of land grading areas grade 1 (Excellent) and 2 (Very Good).

1.49 Policy RUR1 sets out that for new dwellings in the rural area, the development must meet the criteria set out in the New Dwellings Outside of Development Limits Supplementary Planning Document and be in accordance with policy RUR2. Planning Policy consider that as the three units beyond the limits to development form part of a wider site it is not necessary to apply the criteria within the SPD and have not considered the SPD when considering this proposal.

1.50 Policy RUR 1 sets out that where developments are likely to have an impact upon existing infrastructure or require new infrastructure, the applicant will be required to provide such infrastructure in accordance with policy QP1, the Planning obligations Supplementary Planning Document and the Local Infrastructure Plan. The infrastructure requirements deemed to be required as part of this application are set out further in these policy comments.

1.51 Overall Planning Policy consider that as a whole the proposal does not comply with policy RUR1 and the applicant should reconsider the number of units and western edge of the site and its relationship with the adjacent rural area.

Consideration with regards to policy LS1 (Locational Strategy)

1.52 Local plan policy LS1 sets out that protection will be given to the rural character of the borough avoiding coalescence between the urban areas of Hartlepool and surrounding villages. To maintain the separate character of directly neighbouring rural settlements, the generally open and undeveloped nature strategic gaps are identified on the policies map and these gaps will be expressly protected. The green gap relevant to this application is the Hartlepool and Hart strategic gap.

1.53 Local plan policy LS1 sets out that development within these strategic gaps will only be permitted where criteria a, b and c are adhered to criteria, b and c are set out below.

Development within these strategic gaps will only be permitted where:

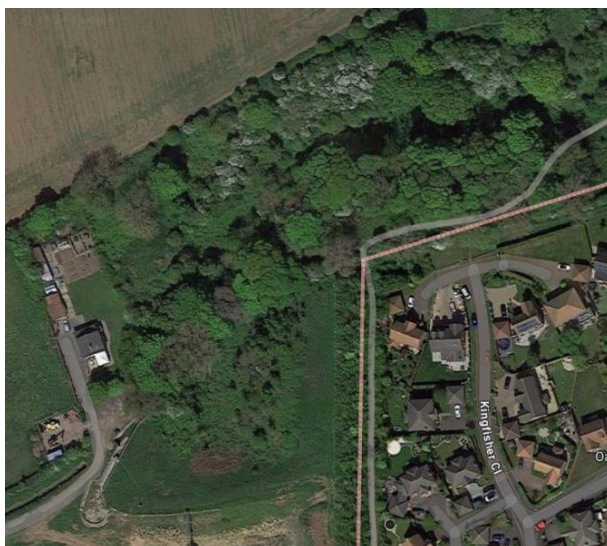
- a) It would not diminish the physical and/or visual separation; and
- b) It would not compromise the integrity of the gap either individually or cumulatively with other existing or proposed development; and
- c) The landscape setting of the settlements would not be harmed.

1.54 Planning Policy are satisfied that if the proposal is approved then there will still be a meaningful gap between Hart and the existing urban area and the integrity of the gap would be maintained. Planning Policy trust that the council's Landscape Architect will advise on if the landscape setting in this area is harmed.

1.55 Local plan policy LS1 sets out that a network of new and existing green wedges will be protected from development, managed and enhanced. The green wedge relevant to this application is the How Beck, Middle Warren Green Wedge.



Source: Google earth



Source: Google earth



Persimmon Homes

1.56 This proposal does seek to enhance some of the green wedge by incorporating a play space within it, however it appears that a substantial amount of trees will have to be felled to make way for four units and what appears to be a SUDS area. The SUDS area could be considered to be a positive element of the green wedge, however Planning Policy consider that the trees in this location override the need for drainage, the SUDS is only required as parts of the housing site and if the homes were not built then the green wedge could maintain its good cover of trees in this location.

1.57 Overall Planning Policy are of the view that the positive additions to the green wedge do not outweigh the harmful effects i.e. loss of trees and built form within the green wedge.

Consideration with regards to policy NE2 (Green Infrastructure)

1.58 Local plan policy NE2 sets out that the council will safeguard green infrastructure from inappropriate development and will work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure and recreation and leisure facilities. The policy sets out in criterion 2 (a) that green wedges are considered to be a type of green infrastructure.

1.59 Local plan policy NE2 sets out that the council will investigate the potential for improving access to open spaces and the countryside and will seek opportunities to expand and improve the Rights of Way network. Planning Policy are aware that surfacing improvements to the walking link to the south and east of the site, a link from the site into the green wedge in the north east corner and a formalised access from the site to the existing footway to the south of the site, have been sought by the Highways department (Countryside Access Officer). Planning Policy support this request and after liaising with the countryside access officer can advise that HBC expects the developer to fully fund the resurfacing of the path rather than HBC seeking a contribution of £250 per dwelling. Surfacing works would include a scrap of the current surface, infilling of the base material and then a dust covering. The eastern link would require some vegetation clearance before work could commence. The countryside access officer would expect a phase approach to delivery and will work with the applicant to achieve this. The eastern link would have to be closed while works are undertaken but the southern link could remain open as there is an embankment that would provide temporary access. The routes are not officially Public Rights of Ways or cycleway but potential users would have to be informed of closures and works, HBC can provide closure and works notices but the developer would be expected to display them and maintain them.

1.60 Policy NE2 sets out that the loss of green infrastructure components will generally be resisted and that proposals affecting the green wedges will be assessed against policy NE3.

1.61 Policy NE2 sets out that where an area of open space is lost to development, the council will impose planning conditions or a legal agreement as appropriate, to ensure compensatory provision of an alternative site or enhancement of adjoining open space. This requirement is not subject to viability, it is a measure needed to

ensure that the loss is weighed against a benefit, without a green infrastructure (GI) benefit the loss is not justified in policy terms.

1.62 Planning Policy note that an area of green wedge will be lost to 17 dwellings, in this instance the developer can either remove the dwellings from the green wedge or provide compensation. Planning Policy would not seek financial compensation for the loss of GI, but would look to see improvements brought forward by the developer. Compensation in the form of tree planting, improvements to the existing walking routes to the east and south and creation of a direct access from the site to the green wedge in the north east corner. Planning Policy is of the view that this is a minimum that is required to ensure Planning Policy are comfortable and can justify the loss of green wedge in this instance.

1.63 Policy NE2 sets out that the council will seek to ensure that the development of a high quality green infrastructure network complements high quality design in the built environment and that sufficient green space is provided as part of development. The overall level of GI across the site is acceptable however consideration should be given to providing a green link through the site and to the existing footway and green wedge to the north east of the site.

Consideration with regards to policy NE3 (Green Wedges)

1.64 Local plan policy NE3 sets out that the council will seek to protect, maintain, enhance and, where appropriate, increase the number of green wedges and that development within the green wedges, will be strictly controlled.

1.65 Policy NE3 sets out that approval within the green wedges will only be given for the development of buildings or structures which:

- 7) Comprise extensions to existing premises located within a green wedge, or
- 8) Provide facilities ancillary to existing or proposed recreation, leisure, sporting or other uses compatible with the open nature of the green wedge, or
- 9) Relate to the provision, enhancement or management of areas of biodiversity value, and
- 10) There is no significant adverse effect on the overall integrity of the green wedge.

1.66 With regard to criterion 7, Planning Policy are of the view that the proposal does not comprise of extensions to existing premises in the green wedge.

1.67 With regard to criterion 8, Planning Policy note that the proposal does not seek to provide facilities ancillary to existing or proposed recreation, leisure, sporting or other uses compatible with the open nature of the green wedge in the location where the 17 dwellings are proposed, however Planning Policy do note that that a play park is proposed which is considered to be a facility ancillary to the green wedge.

1.68 With regard to criterion 9, Planning Policy trust that the council's ecologist can better advise if the proposal is on the whole providing, enhancing or managing areas of biodiversity.

1.69 With regard to criterion 10, Planning Policy are not of the view that four units in the green wedge and the loss of trees/hedge does not have a significant adverse effect on the overall integrity of the green wedge, the green wedge is large and this proposal is only on one part of it.

1.70 Where appropriate, interpretation should be provided for natural and historic features within green wedges. Planning Policy note that this has been requested by the Heritage and Open Spaces Manager and Planning Policy and the applicant has set out in their submission that interpretation will be provided.

Summary with regards to the principle of development

1.71 Planning Policy do not object to the principle of residential development in this location, however Planning Policy have concerns that significant criteria in key policies have not been achieved (all started above) and that the applicant should do more to ensure the proposal better aligns with policy.

Consideration of the proposal with regards to house types including bungalows

1.72 Local plan policy HSG2 (Overall Housing Mix) seeks to ensure that all new housing contributes to achieving an overall balanced mix of housing stock. Rural plan policy H1 (Housing Development) sets out that new housing development should provide a mix of house types and tenures and that the mix should have regard to the latest evidence of housing need applicable at the time. Rural plan policy H5 (Housing Development on the Edge of Hartlepool) sets out in criterion 2 that development should be designed to incorporate a diverse housing mix with a variety of house types, sizes and tenures.

1.73 The 2014 Strategic Housing Market Assessment (SHMA) should be considered when deciding what dwellings to include in the application and attention should be paid to paragraph 63 of the recently updated¹ NPPF which places greater emphasis on having homes delivered that meet identified needs and thus shows the direction of the Government with regards to how it expects decisions to be made. Within the Hart ward table 5.9 on page 76 of the SHMA sets out that the need within the area is for smaller units i.e. 1 and 2 bed properties and a significant need for bungalows and flats. Of significance is that out of the 11 wards within the borough, the Hart ward ranks fourth with regards to the need for bungalows. Planning Policy area aware that the Hard Ward has had limited approvals for bungalows and thus this need is still particularly pressing.

1.74 The proposal seeks permission for 46 four bedroom units and 24 five bedroom units.

1.75 Given the size of the site Planning Policy expect a full range of house types to be provided including the provision of smaller units and bungalows. Based on what has been proposed Planning Policy are of the view that the proposal does not accord with local plan policy HSG2 and rural plan policies H1 and H5.

¹ December 2023

Consideration of the proposal with regards affordable housing

1.76 Local plan policy HSG9 (Affordable Housing) advises that the council will seek an affordable housing target of 18% on all sites above the 15 dwelling threshold. There is a significant affordable housing need within the borough therefore in a bid to have a positive impact upon meeting the council's overall affordable housing targets, the development should provide 18% of the 70 dwellings as affordable units. This would equate to 12 dwellings on site and a financial contribution of £32,136.70.

1.77 Local plan policy HSG9 along with rural policy H2 (affordable housing) sets out that the affordable provision and tenure and mix will be negotiated on a site-by-site basis, having regard to the most up-to-date evidence of housing need, aspiration and the local housing market. Table 5.19 of the 2015 Strategic Housing Market Assessment sets out that the greatest need within the borough is for social rented units and not intermediate units. This view is echoed by the council's strategic housing teams, in addition advice from the council Housing Strategy team is that there is a need for one and two bed affordable units and these should be provided on site. Planning Policy advise that that 70% of the affordable units should be for the rental market with 30% made available for the intermediate market.

Consideration with regards to layout and design

1.78 With respect to car parking standards, The Tees Valley Design Guide and Specification advises two spaces for one to three bedroom dwellings and three spaces for four bedroom dwellings and above. The design and location of car parking should be considered in line with the council's residential design SPD.

1.79 Planning Policy note that there are a high number of parking bays to the front of the properties and not the side which would be the most appropriate option. The number of front parking bays proposed are likely to dominate the street scene, this is particularly concerning given this rural edge location and the policies that this application should adhere. Consideration should be given to providing parking bays to the side and thus not more hidden from view in addition to that any long stretches of bays should be broken up by planting and/or different surface treatment i.e. sets to delineate bays. The applicant must show that 70 dwellings can fit on the site in an appropriate manner. If the above mentioned parking problems cannot be resolved then one solution may be to reduce the overall number of dwelling on the site.

1.80 Planning Policy note the concerns raised by the rural plan working group with regards to policy GEN 2 (Design Principles) and that the character analysis which is the source of inspiration for the design of in this application are the adjacent new housing areas. The group consider that the proposal seeks to provide standard generic designs with little architectural imagination and that overall the proposal does not create a sense of place and reinforce the character of the village or rural area. Planning Policy have previously stated that due to the landscape buffer between this site and the adjacent housing sites this site is relatively self-contained and thus it is not necessary to ensure this site reflects and respects those surrounding buildings. The site is within the rural area and although it should not mirror the villages, which

are unique in themselves, more thought could be given to taking positive design inspiration from elements of the design in the rural area and the layout, landscaping provision, boundary treatments and overall density of the site should better reflect the rural location.

Consideration with regards to green infrastructure

1.81 Planning Policy have stressed the importance of green infrastructure when assessing this application against policy LS1, RUR1, NE2 and NE5. In addition to local plan policies the Hartlepool Rural Plan also considers the importance of green infrastructure.

1.82 Rural plan policy H5 sets out, in criterion 4, that development should include a strong landscape buffer where the development adjoins the countryside to reduce the visual impact of the development and create a continuous habitat for wildlife linked into existing natural areas and wildlife habitats. Planning Policy note and echo the concerns raised by the Hartlepool Rural Plan Working Group that the northern boundary adjoins the countryside and that a strong landscape buffer should be provided to reduce the visual impact of the proposal upon the adjacent rural area.

1.83 In addition to a landscape buffer, the proposed 1.8 metre high close boarded fences should be amended for a more sympathetic design or if there must be a 1.8 metre high fence then it should be screened from view.

1.84 Planning Policy have already discussed many points covered by Rural plan policy NE1 (Natural Environment) and the comments raised by the rural plan working group are noted and have been reflected in comments above. Rural Plan policy NE1 sets out that in the area that forms the urban fringe of Hartlepool, areas of woodland and tree belts at least 10 metres wide designed to promote biodiversity and include public access routes must, where possible, be planted along the western edge of any areas to be developed, prior to any development commencing and (b) provide screening around any non-agricultural uses.

1.85 Planning Policy are not convinced that this requirement has not been adhered to and therefore request a bespoke plan of the western edge showing the depth of the landscape strip, which appears to be intermittent along the western edge. Although the rural plan policy specifies a 10 metre buffer on the western edge, the working plan group have submitted their desire for a 10 metre buffer to the northern boundary of the site. Planning Policy echo the need for a northern buffer.

Impact upon biodiversity and proximity to the Local Wildlife Site (LWS).

1.86 Planning Policy trust that the council's ecologist will provide advice regarding BNG, recreational disturbance and nutrient neutrality. The sum of money requested for ecological mitigation is not subject to negotiation.

Summary of matters to be addressed

- Loss of green wedge (compensation)
- Mix of house types

- Bungalows
- 12 on site affordable units and a financial contribution of £32, 136.70
- Landscape buffer to north and west
- Replacement planting at the access
- Softer boundary treatments
- Access through the site from east to west into the green wedge

Planning obligations/requirements

1.87 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, Local plan policy QP1 (Planning Obligations) sets out that the council will seek planning obligations where viable and deemed to be required to address the impacts arising from a development. The following requirements and developer contributions should be secured.

1.88 Clean energy provision - local plan policy CC1 (Minimising and Adapting to Climate Change) requires that for major developments, 10% of the energy supply should be from decentralised and renewable or low carbon sources. Where it can be demonstrated that this is not feasible, the provision of the equivalent energy saving should be made by improving the building fabric or a combination of energy provision and energy saving measures that equates to the equivalent of 10%. Planning Policy have been unable to identify how the applicant intends to achieve this requirement. Planning Policy would consider solar panels to be the most appropriate solution.

Green infrastructure - Commitment to deliver access and surface improvements to the existing track to the east and south.

Play - Commitment to deliver the play space on site

Built sports - A sum of £250 per dwelling should be sought and directed towards the replacement leisure centre at the Highlight.

Playing pitches - A contribution of £233.29 per dwelling is required and should be directed towards borough wide provision.

Tennis courts - A contribution of £57.02 per dwelling (£27,084.50) is required to be directed towards borough wide provision.

Bowling greens - A contribution of £4.97 per dwelling (£2,360.75) is required to be directed towards the bowling green facilities within the borough.

Primary education - A sum of £207,012.75 should be secured and directed towards primary education. This sum is subject to change if the number of dwellings changes.

Secondary education - A sum of £135,238.18 should be secured and directed towards secondary education. This sum is subject to change if the number of dwellings changes.

Training and employment - To assist in ensuring that Hartlepool's economy grows sustainably, Planning Policy would also seek to ensure that a training and

employment charter is signed; this will ensure that some employment is provided to local residents. Further advice can be sought from the Council's Economic Development team.

Affordable housing - 12 on site affordable units and a financial contribution of £32,136.70.

What the applicant is proposing.

- Heritage interpretation
- Play space on site
- Green space running through the site

1.89 Planning Policy note that the applicants considers that due to viability reasons they are unable to provide much of the necessary infrastructure. By not providing the infrastructure the proposal will place extra pressure on existing services which means that residents will either not be able to access facilities that enables them to live an active lifestyle or the council will have to fund the infrastructure gaps.

1.90 Planning Policy considers that the borough has a healthy housing market with a 5 year housing land supply and sufficient land allocated for beyond the plan period. There is no pressing need to approve additional applications in the borough above and beyond the local plan site especially where such proposals are not aligned with local evidence and where they will lead to a burden on existing infrastructure.

1.91 The decision maker must consider the positive elements of the scheme along with the negative elements of the scheme when coming to an overall view on if the application should be approved or refused.

1.92 Planning Policy would like to work with the applicant to address some of the fundamental issues relating to the scheme, addressing some matters is likely to have a knock on financial impact and so Planning Policy would anticipate that a new viability assessment will need to be submitted if amendments to the scheme are made.

Update 12/06/2024 following receipt of amended plans:

1.93 Planning Policy have reviewed the revised plans submitted and in the main the amendments have addressed concerns previously raised.

1.94 The amended boundary treatment plan addresses planning policy's previous comments regarding the impact on the footpath to the south. In regards to including a corner turning unit on plot 1, although it would be preferable to have a level of natural surveillance over the footpath the applicant has indicated that this is not possible from the units proposed on the site and Planning Policy are agreeable.

1.95 Planning policy welcome the amendments to the northern edge (plots 54-58) to move the hedgerow outwith the property gardens and widen the landscape buffer.

1.96 In terms of the introduction of an alternative material the units indicated in the materials plan submitted differ to those discussed in the meeting held on

22/04/24. Could we please clarify that those on the revised materials plan are correct?

1.97 The amendments to plot 17 also address planning policies previous comments.

Update 19/07/2024 following receipt of amended plans:

1.98 Planning Policy have reviewed the revised elevation plans submitted, they align with the amended material plan submitted and Planning Policy have no comments relating to this matter.

Update 19/09/2024 following receipt of viability assessment:

1.99 Planning Policy have communicated with Persimmon Homes and now have a final view on the viability assessment and the Planning Policy position.

1.100 The discussion is set out below but for the purposes of your report and deliberations it is advise that.

1.101 The scheme for 70 dwellings will be accompanied by:

- Solar panels will be provided on some dwellings.
- Homes will comply with new more efficient building regulations standards.
- Public open space will contain a play park.
- Improvements will be made to the walking links to the south and east of the site.
- £107, 012.75 towards primary education; and
- £35,238.18 towards secondary Education.

1.102 I am aware of the remediation costs associated with this proposal and that if those costs did not exist then more obligations could be achieved.

1.103 The profit margin is closer to 20% than 15% and discussions did take place with regard to reducing the profit level in a bid to achieve more planning obligations. The position regarding the level of profit is set out in the viability report and in this instance Persimmon Homes are unable to reduce the profit any further.

1.104 Planning Policy are aware that, despite not being factored into the viability assessment and thus the profit margin, education contributions have been offered, as Persimmon Homes understand the need to educate children, this is welcomed. I note that that sum has not been included in the EVA and I would consider that if it were, the profit would be lower.

1.105 Planning Policy are satisfied that the information provided is an accurate reflection of the scheme and in this instance; if HBC insisted upon the planning obligation sought it would likely render the scheme unviable.

1.106 In light of the above there is no outstanding objection with regard to viability.

Update 26/03/2025 following query from case officer:

1.107 Planning Policy set out that four units would be located on the green wedge, I can confirm that the number of units is actually approximately 17 units.

1.108 Notwithstanding the information originally provided to you, the information in the Planning Policy comments is still applicable.

1.109 It is noted that 17 units are to be built on the green wedge, however the area of green wedge is currently not accessible to the public, however should this scheme come forward it is also noted that access links to the green wedge will be upgraded and an area of public open space, including a play park will be located in the development site and on an area of green wedge. The open space and play park will be publicly accessible and provide betterment to that part of the green wedge and better access to the green wedge as a whole.

PLANNING CONSIDERATIONS

1.110 The main planning considerations with respect to this application are the principle of development (including viability and planning obligations, planning balance, energy efficiency and renewable energy and house types), design and impact on the visual amenity (including heritage assets), residential amenity, ecology (including biodiversity net gain, biodiversity mitigation measures, biodiversity enhancement, habitats regulation assessments (including recreational impact on designated sites and nutrient neutrality), trees and landscaping, highway safety and parking, flood risk and drainage and contamination. These and any other planning matters (including archaeology, crime, fear of crime and anti-social behaviour) and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

1.111 The application site is, for the most part, located within the development limits as defined by Policy LS1 of the Hartlepool Local Plan (HLP) albeit an area (consisting of 4 dwellings, an area of open space and a proposed footpath link) to the north east section of the application site is beyond the development limits of this Policy and is allocated under Policy NE2e (local green corridor), Policy NE3 (Green Wedge) and Policy LS1 (Strategic Gap) on the Hartlepool Local Plan Policies Map (HLPPM) (2018). The western part of the application site is also allocated under HLP Policy NE3 (Green Wedge) on the HLPPM (2018). The site is entirely within the development limits set out in the Hartlepool Rural Neighbourhood Plan (HRNP) (2018).

1.112 As part of the proposals, the application site would include 4 of the proposed dwellings as well as areas of open space being situated beyond the development limits (as identified under Policy LS1 of the HLP) and therefore Policy RUR1 (Development in the Rural Area) of the HLP applies (as well as the criteria of HLP Policies LS1, NE2 and NE3).

1.113 Policy RUR1 of the HLP sets out that development outside the development limits will be strictly controlled and that proposals in the rural area must be

considered necessary for the efficient or the continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land based businesses. This Policy sets out criteria in which proposed development in the rural area should adhere too, and the relevant criteria are included in the full comments of the Council's Planning Policy team (above).

1.114 In terms of the criteria of HLP Policy RUR1, the Council's Planning Policy team consider that the proposal does not fully accord with the requirements of the HRNP (criterion 1), that the design of the amended proposals is acceptable in respect of the quality, character and distinctiveness of the immediate area and landscaping (following initial concerns in this respect) (criterion 5), that the plot sizes are broadly comparable with nearby dwellings, and therefore acceptable in this respect (criterion 6), that the site would link to existing local services (criterion 8), that the landscaped boundaries are now acceptable following initial concerns and that interpretation boards would be required (criterion 9) and the site is not located on best and most versatile land (BMV) (criterion 10).

1.115 The initial comments from the Council's Planning Policy team advised that the proposals do not fully accord with the requirements of Policy RUR1 of the HLP. In view of this, the case officer requested the applicant reduce the scale of the proposals, amongst other amendments. Although the applicant confirmed they were unwilling to reduce the scale of the proposed development, the applicant agreed to provide improvements to the local vicinity by way of retained landscaping and improvements to the adjacent footpaths.

1.116 In respect to the proposals compliance with Policy NE2 (Green Infrastructure) of the Hartlepool Local Plan (2018), the Policy sets out that the council will safeguard green infrastructure from inappropriate development and will work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure. In addition Policy NE2 states that the loss of green infrastructure components will generally be resisted but in exceptional circumstances green infrastructure will only be considered for other uses where:

- it can be demonstrated to be surplus to needs, or
- it has no other recreational, nature conservation or amenity function, or
- it is in an area where the local need has already been met elsewhere, or
- it can be demonstrated that the area of open space is detrimental to the amenity of neighbours, or
- it is too small or difficult to maintain.

1.117 As noted above, the applicant has committed to making surfacing improvements to the walking link to the south and east of the site, a link from the site into the green wedge in the north east corner and a formalised access from the site to the existing footway to the south of the site, at the request of the Council's Countryside Access Officer. The eastern link would require some vegetation clearance before work could commence. The Council's Countryside Access Officer has confirmed that this would be provided by a phased approach. This would need to be secured through a S106 legal agreement, to which the applicant has agreed.

1.118 In view of the improvements to the local footpaths, it is considered that the proposal is acceptable in respect of Policy NE2 of the HLP.

1.119 Policy NE3 (Green Wedge) of the Hartlepool Local Plan (2018) sets out that the council will seek to protect, maintain, enhance and, where appropriate, increase the number of green wedges and that development within the green wedges, will be strictly controlled.

1.120 Policy NE3 sets out that approval within the green wedges will only be given for the development of buildings or structures which:

- 7) Comprise extensions to existing premises located within a green wedge, or
- 8) Provide facilities ancillary to existing or proposed recreation, leisure, sporting or other uses compatible with the open nature of the green wedge, or
- 9) Relate to the provision, enhancement or management of areas of biodiversity value, and
- 10) There is no significant adverse effect on the overall integrity of the green wedge.

1.121 With regard to criterion 7, it is considered that the proposal does not comprise of extensions to existing premises in the green wedge. With regard to criterion 8, it is considered that the proposal does not seek to provide facilities ancillary to existing or proposed recreation, leisure, sporting or other uses compatible with the open nature of the green wedge in the location where the 17 dwellings are proposed, albeit it is of consideration that that the proposal includes a children's play which the Council's Planning Policy team consider to be a facility ancillary to the Green Wedge. With regard to criterion 9, the Council's Ecologist has confirmed that the proposal would, on the whole, provide, enhance or manage areas of biodiversity value (discussed in further detail below in the Ecology section). With regard to criterion 10, the Council's Planning Policy team have confirmed (through updated comments) that 17 dwellings in the Green Wedge (as allocated by HLP Policy NE3) and the loss of trees/hedge would not result in a significant adverse effect on the overall integrity of the Green Wedge in this instance, as discussed below.

1.122 In the initial comments from the Council's Planning Policy team, consideration is given to the area of Green Wedge which would be lost (to approximately 17 dwellings). The Council's Planning Policy team initially confirmed that in order to meet the requirements of Policy NE3 of the HLP, they would expect the proposed development to be amended to omit these dwellings (from the Green Wedge) or provide compensation. The Council's Planning Policy team confirmed that compensation would take the form of tree planting, improvements to the existing walking routes to the east and south and creation of a direct access from the site to the green wedge in the north east corner rather than a financial contribution towards Green Infrastructure in the vicinity or the Borough. In response, the applicant submitted amended plans which indicate woodland planting in the north east corner of the application site, as well as links and improvements to the footpaths running adjacent to the south and east of the application site.

1.123 Where appropriate, interpretation should be provided for natural and historic features within green wedges. Such interpretation has been requested by the

Council's Head of Service for Heritage and Open Spaces and the Council's Planning Policy team (in respect to the non-designated heritage assets of the former reservoir structures), and the applicant has set out in their submitted Design and Access Statement that interpretation/information panels would be provided. Final details and implementation can be secured by an appropriate planning condition.

1.124 Policy RUR1 sets out that for new dwellings in the rural area, the development must meet the criteria set out in the New Dwellings Outside of Development Limits Supplementary Planning Document and be in accordance with policy RUR2. The Council's Planning Policy team have confirmed that as the four dwellings beyond the limits to development form part of a wider site, it is not necessary to apply the criteria within the SPD.

1.125 Given that the application site is not allocated for residential development, and taking into account that the Hartlepool Local Plan (2018) allocates sufficient land within the limits to development to achieve a five year housing land supply, the current scheme is considered to be a departure from the Local Plan and is therefore a 'windfall (housing) site'.

1.126 Policy LS1 (Locational Strategy) of the Hartlepool Local Plan (HLP) (2018) supports sustainable development based on a strategy of balanced urban growth with expansion being concentrated in areas adjoining the existing built-up area to ensure that growth occurs in a controlled way and is delivered alongside local and strategic infrastructure improvements.

1.127 Policy SUS1 of the Hartlepool Local Plan (2018) and paragraph 125 of the NPPF (2024) sets out that proposals for new development should be located on previously developed or brownfield land and should be designed in a sustainable way.

1.128 It is acknowledged that the proposal is adjacent to existing residential development to the south and east and is in reasonable proximity to shops and services and public transport links and therefore it is considered that the proposal is, in a locational sense, sustainable.

1.129 The Council's Planning Policy team acknowledges that the retention of an area of green space throughout the site, the inclusion of a play area, footpath links and heritage information panels would bring benefits to the borough's residents (as well as to future occupants of the proposed development).

1.130 Officers consider that significant weight can be attributed to the positive contributions of the scheme to enhancing the open space. Ultimately, the weight afforded to this, will need to be factored into the overall planning balance (which is detailed in full below).

Viability and Planning Obligations

1.131 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Policies RUR1 and QP1 (Planning Obligations) of the Hartlepool Local Plan (2018) and the Planning

Obligations SPD, the Council's Planning Policy section has confirmed that given the size of the proposed residential development and its intended purpose and in the interests of providing sustainable development, a commitment from the developer in terms of the provision of the following should be sought:

- Clean energy provision - local plan policy CC1 (Minimising and Adapting to Climate Change) requires that for major developments, 10% of the energy supply should be from decentralised and renewable or low carbon sources.
- Green infrastructure - Commitment to deliver access and surface improvements to the existing track to the east and south.
- Play - Commitment to deliver the play space on site
- Built sports - A sum of £250 per dwelling should be sought and directed towards the replacement leisure centre at the Highlight.
- Playing pitches - A contribution of £233.29 per dwelling is required and should be directed towards borough wide provision.
- Tennis courts - A contribution of £57.02 per dwelling (£27,084.50) is required to be directed towards borough wide provision.
- Bowling greens - A contribution of £4.97 per dwelling (£2,360.75) is required to be directed towards the bowling green facilities within the borough.
- Primary education - A sum of £207,012.75 should be secured and directed towards primary education. This sum is subject to change if the number of dwellings changes.
- Secondary education - A sum of £135,238.18 should be secured and directed towards secondary education. This sum is subject to change if the number of dwellings changes.
- Training and employment - To assist in ensuring that Hartlepool's economy grows sustainably, Planning Policy would also seek to ensure that a training and employment charter is signed; this will ensure that some employment is provided to local residents. Further advice can be sought from the Council's Economic Development team.
- Affordable housing - 12 on site affordable units and a financial contribution of £32,136.70.

1.132 Notwithstanding the above, in terms of the Habitat Regulations and preventing and Likely Significant Effects from recreational disturbance on the designated sites, and as considered in further detail in the Ecology section below, the applicant has confirmed their agreement to paying a contribution of £250 per dwelling (£17,500 in total) towards coastal wardening, which will need to be secured through a legal agreement.

1.133 Subsequently, the applicant submitted a Viability Assessment, which has been considered in detail by the Council's Planning Policy team who have confirmed that whilst the development is unable to deliver all of the contributions sought, there is sufficient viability within the scheme to provide solar panels to some dwellings, efficient building regulations standards, an area of public open space containing a play area, improvements to walking links to the south and east of the site, and financial contributions towards primary and secondary education.

1.134 Policy QP1 (Planning obligations) of the HLP has a caveat that “The Borough Council will seek planning obligations where viable”. In view of the submitted Viability Assessment, it is considered that insisting on further contributions would render the scheme unviable. In view of the policy context (primarily Policy NE2 which considers meaningful improvements to green open space), the Council’s Planning Policy team sought to prioritise meaningful improvements to the green open space above all other planning obligations. It should be noted that the scheme does not secure the 18% requirement for on-site affordable housing as a result of the viability assessment.

1.135 In full, the following financial contributions, obligations and planning conditions are to be secured:

- the proposal will provide solar panels to some dwellings,
- EV charging to all dwellings;
- improvements will be made to the walking links to the south and east of the site including connections and footpath upgrades;
- Public open space will contain a children’s play park;
- £107, 012.75 towards primary education;
- £35,238.18 towards secondary Education;
- £17,500 financial contribution towards coastal wardening;
- the provision, maintenance and long term management of landscaping, open space and play areas;
- the provision, maintenance and long term management of Biodiversity Net Gain (both on site and offsite);
- and maintenance and long term management of surface water drainage and SuDS;
- an employment and training charter.

1.136 The applicant has agreed to the above measures which would need to be secured by a s106 legal agreement as well as appropriate planning conditions where applicable.

1.137 In view of the submitted Viability Assessment and the comments from the Council’s Planning Policy section, the proposal is, on balance, considered to be acceptable in this respect.

Energy Efficiency and Renewable Energy

1.138 Policy QP7 (Energy Efficiency) of the Local Plan seeks to ensure high levels of energy efficiency in all development, and the development is therefore expected to be energy efficient. In line with this Policy, the development is required to ensure that the layout, building orientation, scale and form minimises energy consumption and makes the best use of solar gain, passive heating and cooling, natural light and natural ventilation alongside incorporating sustainable construction and drainage methods.

1.139 In addition to this, Policy CC1 (Minimising and Adapting to Climate Change) of the Local Plan requires that major developments include opportunities for charging

of electric and hybrid vehicles and, where feasible and viable, provide a minimum of 10% of their energy supply from decentralised and renewable or low carbon sources.

1.140 The submitted Sustainability Statement indicates that the proposed development would seek to utilise the most cost effective method of improving energy efficiency, reducing demand and as such reducing the long-term carbon emissions for the development. Predominantly this is proposed through utilising a “fabric first approach”, which ensures that thermal performance and sustainability are embedded within the fabric of dwellings for the lifetime of the development. It is noted that the submitted Sustainability Statement indicates that all dwellings would incorporate electric vehicle (EV) charging points.

1.141 Full details of the renewable energy infrastructure including solar panels (to a minimum of 10% of the dwellings) and EV charging points (to all 70 dwellings) can be secured by appropriate planning conditions.

1.142 In respect to energy efficiency, it is of note that Building Regulations have been updated as of 15th June 2022, and any forthcoming Building Regulation application will now be assessed under the new Regulations. In light of the above, given the implementation and requirements of the new Building Regulations, a planning condition is not required in respect of any energy efficiency improvement (previously required to be 10% improvement above the Regulations, prior to 15th June 2022) and such matters will need to be addressed through the new Building Regulations requirements.

1.143 The application is therefore considered on balance to be acceptable with respect to energy efficiency and renewable energy provision.

House Types

1.144 Policy HSG2 (Overall Housing Mix) of the HLP seeks to ensure that all new housing contributes to achieving an overall balanced mix of housing stock and that due regard should be given to the latest evidence of housing need. Policy H1 (Housing Development) of the HRNP sets out that new housing development should provide a mix of house types and tenures and that the mix should have regard to the latest evidence of housing need applicable at the time. Policy H5 (Housing Development on the Edge of Hartlepool) of the HRNP sets out in criterion 2 that development should be designed to incorporate a diverse housing mix with a variety of house types, sizes and tenures.

1.145 The proposal is for 70 detached four and five bedroom properties. The most up-to-date Strategic Housing Market Assessment 2015 (SMHA) notes that the greatest need is for bungalows and detached 1-3 bed properties.

1.146 Whilst it is acknowledged that the proposed scheme does not include bungalows, it is of consideration that a mixture of house types are included. Following concerns raised by officers regarding the design of some of the house types in respect to their generic design and nature, and a request to include more corner turning properties along the proposed footpath links, amended plans were received to incorporate the changes to the designs of some of the house types and

the layout of plots within the scheme, as detailed in full in the Proposal section of this report.

1.147 Whilst the design and layout is discussed in further detail below, overall, and on balance, it is considered that the range of house types is considered to be acceptable in this instance and the lack of bungalows would not warrant a refusal of the application.

Planning Balance

1.148 Notwithstanding the consideration of Viability (above), it is considered that Policies RUR1, NE2 and NE3 of the HLP must be given considerable importance and weight.

1.149 In weighing up the balance of policies in favour of against the main policies of constraint (Policies LS1, NE2 and NE3 of the Hartlepool Local Plan (2018) respectively), emphasis is placed on balancing any identified potential harms of a proposal against the prospective benefits of development.

1.150 The NPPF (2024) applies a presumption in favour of sustainable development and states that “achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways”. In this context and in weighing up the balance of the proposal, the main benefits and adverse impacts arising from the proposal (in the above context) are outlined below:

1.151 *Benefits*

- The main element of the application site is located within the development limits of both the HLP and HRNP and the site is considered to be a relatively sustainable location (social + environmental + economic)
- The proposed development would provide enhancements and improved connectivity to the public footpaths to the east and south of the proposed development, to the benefit of existing and future residents of the Borough (social + environmental)
- The proposed development would provide an area of open space including a children’s play area within the development site (social + environmental)
- The proposed development would provide heritage information panels (social)
- The proposal would deliver some biodiversity enhancement in the form of soft landscaping (environmental)
- The proposed development would re-use a site that the applicant indicates is currently a health and safety hazard and a focus for anti-social behaviour (economic + social)
- The proposal would provide a contribution towards the council’s 5 year housing supply including a mix of housing types (economic*)

**there will also be ‘social’ benefits delivered by private housing provision however this benefit is reduced by no affordable housing provision in this instance*

- The submitted information indicates the proposed development is intended to support/provide renewable energy in the form of solar panels and EV charging points (social + economic + environmental)

1.152 *Adverse impacts*

- The proposed development would have a potential detrimental impact on a parcel of land allocated for natural and semi-natural space and a green wedge, contrary to Local Planning Policies NE2 and NE3 (social + environmental)
- The development does not make any provision or contribution towards affordable housing provision and does not secure contributions to all of the planning obligations including play and built sports, tennis, playing pitches and bowling greens (economic + social)
- No bungalows and limited housing mix (economic + social)
- Loss of hedgerows and habitat (environment + social)

1.153 In conclusion, and when weighing up the balance of the benefits of the proposed residential development against the location of which a small element of the scheme is located within land allocated as natural and semi-natural green space (under Policy NE2) within a Green Wedge (under Policy NE3) and Strategic Gap (LS1), and that the proposal does not provide any affordable housing (in addition to a number of other planning obligations), it is considered that these impacts would, on balance, be outweighed by the identified economic, environmental and social benefits of the proposal in this instance for the reasons set out above.

Principle of Development Conclusion (and Planning Balance)

1.154 While the site presents some conflicts with a number of identified policies of the HLP due to a small element of it being within the designation under Policies NE2 and NE3, the majority of the land falls within the Limits to Development as identified under Policy LS1, where housing is generally supported. There are a number of identified impacts that have been weighed in the planning balance against the benefits of the development as set out above.

1.155 However, and in view of the above considerations including the benefits, it is considered that the proposed development would, overall, positively benefit each of the threads of economic, social and environmental sustainability. Despite the identified shortcomings of the application, Officers consider that there are material considerations that allow the proposals to be considered as a sustainable form of development and that the principle of development is therefore considered to be acceptable in this instance, subject to satisfying other material planning considerations as detailed below.

DESIGN & IMPACT ON VISUAL AMENITY OF SURROUNDING AREA

1.156 Policy QP4 (Layout and Design of Development) of the Local Plan seeks to ensure all developments are designed to a high quality and positively enhance their location and setting. Development should be of an appropriate layout, scale and form

that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area, and respects the surrounding buildings, structures and environment.

1.157 The NPPF (2024) sets out the Government's commitment to good design. Paragraph 131 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 135 of the NPPF (2024) stipulates that planning decisions should ensure development will add to the overall quality of the area for the lifetime of the development, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history (whilst not preventing or discouraging appropriate innovation or change), establish a strong sense of place and optimise the potential to accommodate and sustain an appropriate amount and mix of development.

1.158 The application site is bounded to the south and east by residential development, albeit the proposed development would be separated from each of these residential developments, with landscape buffers to the south and east and a difference in site levels, which would remain between the proposed development and the existing residential development at Nightingale Close, Kestrel Close and Swallow Close to the south and Kingfisher Close to the east. These residential streets predominantly comprise detached dwellings of a two-storey form with integrated or detached garages, albeit there are some examples of semi-detached and link terraced two-storey dwellings, in some instances two and a half storey with rooms in the roof space throughout the wider residential estates.

1.159 As noted above, Local Plan Policy HSG2 (Overall Housing Mix) seeks to ensure that all new housing contributes to achieving an overall balanced mix of housing stock.

1.160 Although it is acknowledged that the proposed scheme does not include bungalows, it is considered that the range of proposed house types is reflective of those within the surrounding residential streets (including Nightingale Close, Kestrel Close and Swallow Close to the south and Kingfisher Close to the east) and those within the wider area. On balance, the design of the properties (as amended during the course of the application) is considered to be acceptable in this instance and would not warrant a refusal of the application.

1.161 The palette of materials of surrounding residential developments is varied but generally consists of red, buff and brindle brick and red or grey rooftile with some examples of render. Roofs are pitched, comprising a mix of hipped and gabled designs and there are examples of projecting gable features to the front and canopies over front doors. Each of these features are replicated in the house types proposed as part of this development.

1.162 The design and materials to be used in the proposed houses are generally considered to be in keeping with the character and appearance of the wider area and therefore the development is considered acceptable in this respect subject to final details being secured by a planning condition.

1.163 When considering the existing residential developments to the south and east, in this context, the proposed dwellings would primarily be screened or read alongside the existing properties when viewed from the main highway of Hart Lane to the west or from other vantage points including from Worset Lane to the south west and from Throston golf course to the west. It is understood that existing planting would be protected and retained along part of the southern boundaries which would further assist in softening any adverse impacts on the character and appearance of the wider area. Overall and in the above context, the proposed development is considered not to result in a detrimental impact on the visual amenity, character and appearance of the surrounding areas.

1.164 In terms of layout and form of the proposed development itself, as noted above, amendments to the layout of the proposed development have been made following officer concerns in respect to the design and layout of some of the proposed dwellings. It is considered that the appearance of the site results in an acceptable density of plots with a range of house types including architectural detailing including heads and cills, contemporary fenestration and a mix of finishing brick colours and rooftiles.

1.165 It is considered that the provision of meaningful open space and a proposed children's play area within the application site contributes to the visual amenity and wellbeing of proposed occupants of properties within the site. It is considered that this results in a positive contribution to the overall layout and to the benefit of future occupiers of the estate.

1.166 The proposed development includes soft landscaping within front and side gardens that would assist in softening the appearance of the street scene within the development. There are some examples within the site where smaller units have limited soft landscaping to the front in order to accommodate hard surfacing for car parking, albeit it is acknowledged that a mixture of car parking provision is included, with some parking being to the side or rear rather than to the front.

1.167 Although it is welcomed that the properties have front gardens, it is the case that such areas can provide visual amenity provided they remain open plan. In this respect, it is considered necessary that the proposed landscaping would be retained in perpetuity, and additional planning conditions are recommended to ensure that the proposed development remains open plan to the front.

1.168 Overall, it is considered that the proposed development would result in an acceptable layout which would not result in any significant adverse impact on the visual amenity of the application site and surrounding area.

1.169 As noted above, the previous function of the application site is as reservoirs, and a separate planning application H/2023/0028 is 'minded to approve' for the infilling of these reservoirs. It is considered that whilst the ability to interpret the site as a former reservoir would be further diminished by the proposals, it is considered it would not have an appreciable impact on the character and appearance of the site in wider views. The lower reservoir is not visible from Hart Lane and only glimpses are possible from the public footpath to the south of the site. Notwithstanding this, the Council's Head of Service for Heritage and Open Spaces has commented that

opportunities for interpretation on the site to provide information to visitors regarding the retained infrastructure, the water way and the public open space. The submitted Design and Access Statement indicates that information boards would be positioned within key pedestrian routes and public space to provide readers with a brief local history of the local area. It is considered that these can be secured by planning condition, which is duly recommended in this respect.

1.170 Overall, it is considered that the proposals would not adversely affect the character and appearance of the site or wider area and are acceptable in this respect.

RESIDENTIAL AMENITY

1.171 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.

1.172 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:

- Provide and maintain separation distances of at least 20m from habitable room to habitable room.
- Provide and maintain separation distances of at least 10m from habitable room to non-habitable room and/or gable end.

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

1.174 Hart Reservoir House is the closest residential property to the application site, being situated approximately 8m from the application site boundary, within the north east extent, with the private access road serving this neighbouring property between. Detached single storey garage and shed buildings serving Hart Reservoir House are sited to the northern side of this neighbouring property, adjacent to the application site boundary. The rear of the plots 67 and 68 are situated at separation distances of approximately 20m to the windows in the front/west elevation of the single storey extension and main two storey front elevation of Hart Reservoir House. A separation distance of approximately 13.5m would remain between the rear of plots 65 and 66 and the garage serving Hart Reservoir House, and a separation distance of approximately 16.7m would remain between the rear of plots 64 and 65 and the shed serving this neighbour, with a boundary fence and a hedge in between. These distances are considered to be acceptable and satisfy the requirements of Policy QP4 and that of the aforementioned SPD.

1.175 As noted above, the proposed development is bounded by residential properties to the south and east, to include properties Nightingale Close, Kestrel Close and Swallow Close to the south and Kingfisher Close to the east. The proposed dwellings are in excess of 20m from existing properties and any detached garages throughout these street scenes.

1.176 In turn, the relationships between the properties proposed and the existing dwellings in the area are, on balance, considered sufficient to prevent a loss of light, outlook, overbearing appearance or overlooking for existing or future occupiers.

1.177 The proposed layout of the properties within the proposed scheme complies with the separation distances identified within Policy QP4 of the Hartlepool Local Plan (2018) and Residential Design Guide SPD (2019), to include distances in excess of 10m where primary elevations face side elevations and in excess of 20m where primary elevations face each other from the dwellings proposed, and therefore internal relationships between plots are considered to be acceptable and would not result in any adverse impact on the amenity or privacy of future occupiers of these plots in terms of loss of light, outlook, overbearing appearance or overlooking.

1.178 Details of boundary treatments accompanies the application, to include close boarded timber fences with a height of approximately 1.8m between rear gardens, low brick walls and pillars topped with close boarded timber fencing with a total height of approximately 1.8m to the sides of some corner turning properties, and railings with a height of approximately 1.05m to the sides and fronts of some properties that face onto public areas. Some properties feature kickboard fencing and where hedging is proposed, properties feature lower level close boarded timber fences (with a height of approximately 1.2m).

1.179 The land immediately to the north and along the west of the development site is open fields with substantial separation distances and an intervening landscaping buffer to the existing (and proposed) properties within the Upper Warren development. As such, it is considered that there are no neighbouring properties to the north (or west) that would be affected in terms of any impact on the amenity and privacy by the development proposed.

1.180 The proposed development includes some properties with very modest size gardens. Local Plan policies require adequate amenity space is provided to meet the day to day needs of occupants, though there are no minimum size standards. Although some of the gardens are relatively small, it is considered they would still offer the ability of future occupiers to enjoy private amenity space while also accommodating practical needs, such as bin storage, for example. Overall, the level of space afforded to the properties is considered sufficient to meet the needs of occupiers without unduly affecting amenity, however in order to protect this provision it is considered necessary to limit the permitted development rights of the properties to build extensions or outbuildings to avoid undue impacts on amenity space and the amenity of neighbours in terms of light, privacy or overbearing appearance. Such a condition is duly recommended.

1.181 Taking account of the above considerations regarding overlooking, light, outlook, overbearing appearance and private amenity space, it is considered the

proposed development is acceptable in terms of amenity and privacy for all existing and future occupants of nearby and neighbouring properties (including those within the proposed development site, the occupants of Hart Reservoir House and those in Nightingale Close, Kestrel Close and Swallow Close to the south and Kingfisher Close to the east).

1.182 The application has been supported by a Noise Assessment. The Council's Public Protection have assessed the proposals and have raised no objection to the development of the site for residential dwellings (subject to conditions which are detailed in full below). The proposed development is therefore considered to be acceptable with regards to noise impacts.

1.183 It is inevitable that the development of a site of this scale will cause some disruption, however, it is considered appropriate conditions will help to manage this. The Council's Public Protection section has requested a number of planning conditions to include dust control measures during construction, and to control hours of construction and delivery, to seek to minimise disruption. A Construction Management Plan (CMP) condition is recommended to address routing of vehicles and where necessary cleansing measures to address mud on the roads as well as securing details of any temporary security lighting. Such matters can be secured by separate conditions, which are recommended accordingly.

1.184 Subject to the identified planning conditions, it is considered the proposed development would not unduly impact upon the amenity and privacy of occupants of neighbouring properties and would meet the requirements of Policy QP4 of the HLP and the Residential Design Guide SPD (2019) and is therefore acceptable in this respect.

ECOLOGY

1.185 It is acknowledged that concerns have been raised from members of the public in respect to the impact of the proposals on local wildlife and ecology.

Biodiversity Net Gain

1.186 The Environment Act 2021 includes Biodiversity Net Gain (BNG), with a requirement for at least 10% BNG post-development. Although 10% BNG is not mandatory for this proposed development (as the application was made valid before mandatory BNG came into force) as a minimum, it has to achieve a requirement for 'no net loss'.

1.187 A Biodiversity Net Gain Assessment including a Biodiversity Metric version 4.0 spreadsheet has been prepared to measure biodiversity change between baseline and post-development scenarios, as measured in Habitat Units. The conclusions of the Biodiversity Metric indicate that the post-development biodiversity would result in a Net Loss on site within both the Habitat Units (-68.64%) and Hedgerow Units (-47.94%) of the metric. To deliver a net gain for biodiversity in relation to the proposed residential development, offsite habitat creation is proposed within 2.6ha of the arable land within the red line boundary at the Hartlepool South West Extension (SWE) development, approval ref; H/2014/0405. The applicant has

confirmed that there is BNG capacity within this development to avoid any ‘double counting’ of BNG. With the inclusion of the proposed off-site habitat creation works at the Hartlepool SWE site, the development would result in a measurable net gain for biodiversity with a gain of 0.48 habitat units (a gain of 2.48%) and a gain of 0.48 hedgerow units (a gain of 17.74%). The proposals would deliver a neutral (0%) change in terms of Watercourse Units (2.6 Wu).

1.188 This will need to be secured by way of a planning condition and a S106 legal agreement to ensure the stated habitats, hedges and watercourses are delivered (both on site and off site) and then appropriately managed for a minimum period of 30 years, with monitoring throughout the period.

1.189 In addition to the biodiversity contribution, a planning condition can ensure that details of a full soft landscaping scheme (along with biodiversity enhancement measures) is secured.

Biodiversity Compensation and Mitigation Measures

1.190 As noted above, the application is accompanied by an Ecological Appraisal which sets out a number of mitigation measures that are required namely;

- Clearance of hedges in accordance with Working Method Statements for common toad, hedgehog and avoiding the spread of Himalayan Balsam;
- Covering excavations overnight;
- A process for dealing with any hedgehogs found
- A sensitive lighting scheme
- Provision of a landscaping scheme to be wildlife friendly
- Opportunities for hedgehog holes in fences to allow for passage through gardens

1.191 The Council's Ecologist has recommended that these mitigation measures be secured and a planning condition is recommended accordingly (to require the implementation of the measures set out in the Ecological Appraisal), which would include a Construction Environmental Management Plan (CEMP).

1.192 The Council's Ecologist requested that garden fences include a ‘hedgehog highway’; the applicant has confirmed agreement to including hedgehog gaps in the boundary fences and final details are recommended by way of a planning condition.

Ecological Enhancement

1.193 Ecological enhancement (as per the NPPF) is additional to BNG and is aimed at providing opportunities for protected and priority species, which are not otherwise secured under the purely habitat based BNG approach.

1.194 The NPPF (2024) requires development to provide net gains for biodiversity. In particular, paragraph 187(d) states that 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.

Net gain should be appropriate to the scale of the development and should be conditioned.

1.195 Paragraph 193(a) of the NPPF (2024) states that when determining planning applications, local planning authorities should apply the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

1.196 The site is adjacent to open countryside which supports declining bat and bird populations, which could benefit from the provision of integral bat roost bricks and integral bird nest bricks. In the interests of biodiversity enhancement, the Council's Ecologist has confirmed that each new dwelling should include one integral bat roost brick (35 in total) or one integral bird nest brick (35 in total) or the provision of a universal nest brick to each of the dwellings (70 in total). This can be secured by appropriately worded planning condition, which is recommended in this respect.

Habitats Regulation Assessment

1) Recreational impacts on designated sites

1.197 As the site is 1.9km from the European Protected Site, Teesmouth and Cleveland Coast Special Protection Area (SPA) and suitable alternative natural green space (SANGS) is not provided on site, following the completion of a Stage 1 and Stage 2 Habitat Regulations Assessment by the Council's Ecologist (as the competent authority), a financial contribution of £17,500 (£250 per property) is necessary to mitigate the adverse recreational impacts on the SPA. The applicant has confirmed agreement to this. In turn, Natural England have confirmed they have no objection to the application subject a suitable legal agreement to secure the financial contribution. This will be secured in the s106 legal agreement.

2) Nutrient Neutrality

1.198 On 16 March 2022 Hartlepool Borough Council, along with neighbouring authorities in the catchment of the Tees, received formal notice from Natural England that the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is now considered to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the protected area.

1.199 Given this application would involve development comprising residential development, it is considered the proposals are 'in scope' for further assessment. The applicant submitted a Nutrient Statement which concludes that the application does not result in a net increase in nitrates as a result of foul and surface water discharging to the Seaton Carew Waste Water Treatment Works, which has been confirmed by Northumbrian Water. A HRA Stage 1 Screening Assessment was duly completed by the Council's Ecologist which confirms there would not be a Likely Significant Effect on the designated sites.

1.200 Natural England have been consulted on the HRA Stage 1 Screening Assessment and have confirmed no objections, and therefore the application is considered to be acceptable in this respect.

1.201 The application is considered to be acceptable in respect of any Likely Significant Effects on designated sites.

TREES + LANDSCAPING

1.202 It is acknowledged that objections from members of the public raise concerns regarding the impacts of the proposals on open space, trees and wildlife.

1.203 Paragraph 136 of the NPPF (2024) states that planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

1.204 The application is accompanied by an Arboricultural Impact Assessment (AIA) including an Arboricultural Survey, Tree Protection Plan and Method Statement that identify a loss of two sections of native hedging throughout the application site to facilitate the proposed development, and a number of trees/hedgerows that are to be retained and measures to do so. In response the Council's Arboricultural Officer has raised no objections to the proposals. Protection measures for existing/retained trees can be secured by a planning condition (compliance with the submitted, agreed details), which is recommended accordingly.

1.205 The application proposes a soft landscaping scheme, including tree-lined streets, formal hedgerows, ornamental planting and wildflower seeding to be planted within the site as well as the retention and enhancement of some hedges/trees along the boundaries of the site, particularly the south east corner, along the eastern boundary, the north east boundary with the adjacent neighbour at Hart Reservoir House, and along the northern boundary (as detailed above), which is considered to offer a measure of enhancement to the development proposed (as identified in the sections above and as per the requirements of the NPPF). Whilst a general indication of the proposed landscaping within the proposed development has been provided, to which the Council's Landscape Architect, Arboricultural Officer and Ecologist have confirmed no objections in principle, final landscaping details can be secured by a planning condition, which is recommended accordingly.

1.206 Notwithstanding the above, as detailed in the comments from the Council's Arboricultural Officer, it is considered that trees throughout the rear gardens of plots 21-43 (inclusive) would assist in breaking up the rear boundaries for occupants of these properties, as well as the occupants of plots 18 and 19. Notwithstanding this, the matter would not result in a refusal of the application and no objections are raised by the Council's Arboricultural Officer.

1.207 In view of the above, and on balance, the application is considered to be acceptable in respect of trees and landscaping and would not warrant a refusal of the application.

SURFACE WATER MANAGEMENT & CONTAMINATED LAND

1.208 As noted above, the former reservoirs at the application site have been drained and there is currently no supply of water to the reservoirs. The application site is identified as being in Flood Zone 1, however the Council's Engineering Consultancy indicate this is because it is outside the remit of the Environmental Agency's Flood Map For Planning. As such, the Council's Engineering Consultancy initially raised concerns regarding the application as initially submitted as an assessment of the existing watercourse capacity was not undertaken to confirm suitability to convey flood flows without the storage provided by the reservoir. The Council's Engineering Consultancy also requested details of infiltration testing and the design of bridges and culverts, allowing for predicted increases as a result of climate change.

1.209 Following the submission of updated details, it has subsequently been confirmed by the Council's Engineering Consultancy that there are now no objections to the proposals in terms of surface water management in principle, subject to a planning condition requiring a basin cross section detail. It is also considered prudent that maintenance and management plan for surface water drainage be required by way of a planning obligation, which would be secured via a S106 legal agreement. The applicant has confirmed their agreement to this planning condition and obligation being imposed and therefore subject to that condition and obligation, the proposals are considered to be acceptable in relation to surface water management.

1.210 In respect to contaminated land, the application is supported by desk studies, a ground investigation report and geoenvironmental risk assessment, which conclude that no remedial measures are required. The Council's Engineering Consultancy have since confirmed that the submitted details are satisfactory in relation to contaminated land subject to the inclusion of the standard planning condition in respect of unexpected contaminated land. Such a planning condition is recommended accordingly. The Council's Engineering Consultancy have also advised that planning conditions appended to the linked application H/2023/0028 in respect to the infill works of the reservoir (particularly in respect to approximate fill levels and materials) be secured on this application, and the inclusion of these conditions are recommended accordingly.

1.211 The Environment Agency have commented in respect to the protection of a groundwater monitoring borehole, and have requested a planning condition be included in this respect. This planning condition is recommended accordingly and the application is considered to be acceptable in respect of contamination.

HERITAGE

1.212 In assessing the application site during the course of the previous outline application for residential development (H/2015/0354), it was noted that the reservoirs and their features may have merited inclusion upon the Council's Local List of historically important buildings/structures and therefore warranted protection as a heritage asset in line with the requirements of the NPPF. Since that time, the

site has been decommissioned and drained and therefore no longer functions as a reservoir. As noted above, an application for the infilling of the reservoirs and removal of the infrastructure associated with its function is 'minded to approve' by virtue of planning application H/2023/0028.

1.213 The current application under consideration includes a Heritage Assessment and an Archaeological Assessment and Building Recording document. The Heritage Assessment considers that the site in its current form, the reservoirs now being drained basins, with landscaping and earth movements having changed the shape and size of the former reservoirs, the site has deteriorated and would not be appreciated and understood as a former reservoir servicing the requirements of Hartlepool's past industry, and therefore the site has lost much of its heritage value. In light of this, the reports conclude that it is unlikely the site would be suitable to be included on the Council's Local List.

1.214 The proposals include the retention of parts of the former infrastructure of the reservoirs as discussed in the Proposal.

1.215 The Council's Head of Service for Heritage and Open Spaces has reviewed this information and accepts that the circumstances have changed and that much of the historic interest in the site has been lost following draining of the water bodies and subsequent works. However, the site has now been assessed, recorded and details submitted for consideration. In light of this, the Council's Head of Service for Heritage and Open Spaces has commented that where possible, opportunities should be considered for interpretation on the site in order to provide information that would offer visitors an understanding of the area.

1.216 As noted above, the supporting Design and Access Statement indicates that information panels be would be positioned within key pedestrian routes and public space to provide readers with a brief local history of the local area. It is considered that further details of these can be secured by planning condition, which is duly recommended in this respect.

1.217 In summary, no objections have been raised by the Council's Head of Service for Heritage and Open Spaces on heritage grounds, who concludes that the proposed works are acceptable.

1.218 In respect of archaeological matters, Tees Archaeology note that the site has been previously assessed and recorded and whilst no further assessments are required in respect of the reservoirs themselves, the submitted Archaeological Assessment details remains found in the south-west corner of the field to the north of the eastern reservoir, and concludes that a programme of archaeological work is to be undertaken in order to mitigate the impact of the development on the archaeological resource. Tees Archaeology have requested that such works be secured by way of an amended planning condition which is recommended accordingly.

1.219 Overall and on balance, in view of the above, the proposals are considered to be acceptable in relation to heritage assets.

HIGHWAY SAFETY & PARKING

1.220 It is acknowledged that objections from members of the public have been received in respect of increased traffic on Hart Lane, dangerous entry/exit point onto Hart Lane, and in respect of parking issues.

1.221 Policy QP3 of the Hartlepool Local Plan (2018) seeks to ensure that development is safe and accessible along with being in a sustainable location or has the potential to be well connected with opportunities for sustainable travel.

1.222 Paragraph 115 of the NPPF (2024) states that it should be ensured that “safe and suitable access to the site can be achieved for all users”. Paragraph 116 goes on to state that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Local Road Network

1.223 The application is accompanied by a Transport Statement as well as detailed layout plans indicating that the proposed development would take access from Hart Lane, with a new access including a priority right turn lane and visibility splays of 2.4m by 120m in each direction. The submitted Transport Statement concludes that the proposed development would have appropriate access arrangements, internal highway layout and parking provision and would not result in any unacceptable impact on highway safety or severe impact on network capacity.

1.224 The Council's Traffic and Transport team have confirmed that the proposed access is acceptable, subject to the extension of the 40mph speed limit being required, at the applicant's expense. It is understood that the mechanism for undertaking such works to the highway would also need to be undertaken through a separate highway process.

Transport Statement and Travel Plan

1.225 National Highways have been consulted and have raised a number of queries regarding the applicant's submitted Transport Statement and Travel Plan submission. Notwithstanding the 'deficiencies' that they have identified, National Highways agree that the proposed development only generates a marginal number of trips onto the A19 / A179 Sheraton Junction and therefore, no further evidence is required and overall they have confirmed no objection to the proposals. HBC Traffic and Transport have advised the applicant has submitted a Transport Statement (TS) in support of the application as the number of properties was below the Transport Assessment threshold which means that that the developer has not done any detailed junction modelling as it is generally accepted that the level of housing would have a minimal impact on the surrounding highway network. The Transport Statement outlines the scope of the development, site accessibility and trip generation and HBC Traffic and Transport therefore confirm that the TS is an accurate assessment. They have also confirmed that the Travel Plan is acceptable and appropriate for a development of this size. A planning condition is recommended

in respect to the development being carried out in accordance with the measures set out in the Travel Plan.

Internal Roads & Car Parking

1.226 Each of the proposed dwellings is to be served by three car parking spaces and there are three visitor parking spaces for general use within the development. The Council's Traffic and Transport team commented that the initially proposed red tarmac was not suitable for a shared surface area, and that shared surface areas should have a minimum of 6m running carriageway with a 0.5m hardened maintenance margin. The applicant amended the layout to address these concerns, following which the Council's Traffic and Transport section have confirmed that the proposed layout and car parking provision is acceptable.

Construction Management

1.227 The Council's Traffic and Transport team have also confirmed the requirement for a Construction Management Plan to address highway related construction matters including wheel wash facilities, which is recommended accordingly.

Highway Impacts Conclusion

1.228 Overall and for the reasons identified above, including that the Council's Traffic and Transport section do not object to the application, the application is considered to be acceptable in respect of highway safety, access, and car and cycle parking.

PUBLIC RIGHTS OF WAY (+ FOOTPATH CONNECTIONS)

1.229 It is acknowledged that an objection from a member of the public has been received in respect of the condition of the local footpaths. As noted above, an existing public access path runs along the outside eastern and southern boundaries of the application site. The proposals include the provision of an access from within the proposed development to the southern extent of the existing footpath, and another access route to link to this access path from the north eastern corner of the development site. Both of these accesses from the proposed development to the public footpath would feature a kissing gate. The Council's Countryside Access Officer has confirmed that this new path would enable residents and visitors to access to and from the new development without having to walk south to the proposed access link, especially if they wish to exit and walk in an eastern or northerly direction. The links to the footpath can be secured by an appropriately worded planning condition, which is duly recommended.

1.230 It is noted that within the original comments from HBC Traffic and Transport that they had also requested that the applicant upgrade the existing footway on Hart Lane between the site entrance and the existing cycleway immediately south of Merlin Way to a 3.0m footway /cycleway. Given the agreed position for footpath connections and upgrade works to the existing footpaths immediately to the south and east of the site, it is considered that the proposals would result in a satisfactory

improvement to green infrastructure and therefore the suggested upgrade to the footpath on Hart Lane is considered not to be reasonable or necessary in planning terms. Furthermore, the proposals include highway and footpath works within the site that would connect up to the existing footpath along Hart Lane. The proposal is therefore considered to be acceptable in this respect.

1.231 The applicant has also agreed to undertake surfacing improvement of the access path, along the eastern and southern sections of the access path (as mentioned above). These works would require a planning obligation to be included in a S106 legal agreement, which is recommended accordingly.

1.232 Overall and for the reasons identified above, including the comments of the Council's Countryside Access Officer and Planning Policy team, and subject to planning conditions and an obligation to secure the improvements to the adjacent public footpath, the application is considered to be acceptable in respect of public rights of way.

OTHER PLANNING MATTERS

Crime, Fear of Crime and Anti-Social Behaviour

1.233 The Council's Community Safety team have been consulted on the proposals and have not offered any objections or comments. A consultation response from Cleveland Police has been received which details advice regarding Secured By Design measures including the height of fencing and gates to deter unauthorised access to rear gardens. This advice can be relayed to the applicant by way of an informative and the application is therefore considered acceptable in respect of crime, fear of crime and anti-social behaviour.

Safety + Security

1.234 The submitted Planning Statement notes that "the infrastructure from the previous reservoir is not proposed to be removed, rather it will be covered and preserved under the material proposed to level the land". It further notes that "the towers and reservoir infrastructure are particularly dangerous in their current form".

1.235 In response to the original comments received from HBC Engineering Consultancy in respect to health and safety considerations of the retained reservoir structures within the application site and beyond the site boundary, it is understood that a number of the former reservoir structures are to be retained but covered as part of the infill works.

1.236 The exceptions within the application site include a retained spillway and watercourse that will form part of the open space running through the site and a tower. It is understood that such retained structures will sit a modest height above the finished (infill) ground level. Final details of the treatment to such structures and the overall site levels are recommended by planning conditions. Furthermore, it is understood that such works are proposed to address the existing health and safety concerns that the applicant has set out within their supporting information. No objections have been received from a number of consultees in respect to such works

which are considered to be acceptable in this respect, subject to the identified planning conditions.

1.237 Lastly and in respect to a retained tower structure that would remain within the former upper reservoir (and outside of the application site), the responsibility for this would rest with the landowner.

Waste

1.238 The Tees Valley Joint Minerals and Waste Development Plan Document (2011) requires all major developments to produce a waste audit. The applicant has duly submitted this which demonstrates that waste would be managed and minimised or reused, in accordance with the statutory requirements. A planning condition is recommended in respect of this.

1.239 A consultation response has been received from the Council's Waste Management team regarding the provision of necessary waste receptacles and collection requirements throughout the proposed development. No objections have been received from the Council's Traffic and Transport team in respect of the provision of waste and the applicant has indicated areas within the site for bins to be presented to on collection day. It is also noted that individual properties feature rear garden areas and footpaths from the highway. The proposal is therefore, on balance, considered to be acceptable in this respect.

RESIDUAL MATTERS

1.240 The Environment Agency have drawn the applicant's attention to matters relating to ownership and maintenance responsibilities as well as other approvals and permits that would be required in addition to any planning permission to carry out the proposed development. These matters can be highlighted to the applicant via appropriate informative(s) on the decision notice.

1.241 Cleveland Fire Brigade has provided advice for the applicant with respect to fire safety and access. These matters are principally a consideration for the building regulations process, which the Council's Building Control section has confirmed the application is subject to. Notwithstanding this, an informative to make the applicant aware of this advice is recommended accordingly.

CONCLUSION

1.242 Overall, it is acknowledged that whilst the majority of the application site is situated on unallocated white land within the limits to development, part of the application site is beyond the limits to development in accordance with Policy LS1 of the HLP (2018), and would be sited in an area of green open space in a green wedge, contrary to the allocations of Policies NE2 and NE3 of the HLP (2018).

1.243 Notwithstanding this, in view of the consideration of the economic, environmental and social benefits of the scheme as identified by the Council's Planning Policy team, it is, on balance, considered that the development is acceptable for the reasons detailed above. It is further considered that the scheme

would not result in such an unacceptable layout or an adverse impact on the visual amenity as to warrant a refusal of the application in this instance. It is further considered that the that the proposal would not result in significant adverse impacts on the amenity or privacy of neighbouring land users, and the proposal is considered to be acceptable in respect of all other material considerations.

1.244 Subject to the identified conditions and the completion of a section 106 legal agreement to secure the financial contributions (as detailed above), as well long term maintenance and management of a number of identified elements, the proposal is considered to be acceptable and is recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.245 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.246 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.

1.247 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE, subject to completion of s106 Legal Agreement to secure financial contributions toward HRA financial mitigation (£17,500) for indirect adverse impacts on SPA feature birds through recreational disturbance, £107,012.75 toward primary education and £35,238.18 toward secondary education; the provision, maintenance and long term management of footpath links to the east and south (and the delivery of surfacing improvements to the existing footpaths to the south and east of the site); the provision, maintenance and long term management of landscaping, open space and play areas; the provision, maintenance and long term management of Biodiversity Net Gain (both on site and offsite); and maintenance and long term management of surface water drainage and SuDS; to secure an employment and training charter, and subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with then following plans:
Dwg. No. Ga2.2_MA_R21 001 Rev 01 (Twin Garage Plans, Elevations & Section),
Dwg. No. 22-139/001 Rev - (Proposed Site Access Arrangements),

Dwg. No. Ga1.1_MA_R21 001 Rev 01 (Single Garage Plans, Elevations & Section),
 Dwg. No. Ga1.1_MA_R21 101 Rev A (Single Garage Plans, Elevations & Section – Sub Structure Plan),
 Dwg. No. Ga1.1_MA_R21 102 Rev A (Single Garage Plans, Elevations & Section – Floor Plan),
 Dwg. No. Ga1.1_MA_R21 103 Rev A (Single Garage Plans, Elevations & Section - Elevations),
 Dwg. No. Ga1.1_MA_R21 104 Rev A (Single Garage Plans, Elevations & Section – Section Side Gable),
 Dwg. No. Ga1.2_MA_R21 001 Rev - (Garage & Store Plans, Elevations & Section),
 Dwg. No. Ga1.2_MA_R21 101 Rev - (Garage & Store Plans, Elevations & Section – Sub Structure Plan AS Handling),
 Dwg. No. Ga1.2_MA_R21 102 Rev - (Garage & Store Plans, Elevations & Section – Sub Structure Plan OP Handling),
 Dwg. No. Ga1.2_MA_R21 103 Rev - (Garage & Store Plans, Elevations & Section – Floor Plans),
 Dwg. No. Ga1.2_MA_R21 104 Rev - (Garage & Store Plans, Elevations & Section – Elevation Side Gable),
 Dwg. No. Ga1.2_MA_R21 105 Rev - (Garage & Store Plans, Elevations & Section – Section Side Gable),
 Dwg. No. Ga2.1_MA_R21 001 Rev 01 (Double Garage Plans, Elevations & Section),
 Dwg. No. Ga2.1_MA_R21 101 Rev A (Double Garage Plans, Elevations & Section – Sub Structure),
 Dwg. No. Ga2.1_MA_R21 102 Rev A (Double Garage Plans, Elevations & Section – Floor Plans),
 Dwg. No. Ga2.1_MA_R21 103 Rev A (Double Garage Plans, Elevations & Section – Elevations Side Gable),
 Dwg. No. Ga2.1_MA_R21 104 Rev A (Double Garage Plans, Elevations & Section – Section Side Gable),

 Dwg. No. Ga2.2_MA_R21 001 Rev 01 (Twin Garage Plans, Elevations & Section),
 Dwg. No. Ga2.2_MA_R21 101 Rev A (Twin Garage Plans, Elevations & Section – Sub Structure Plan),
 Dwg. No. Ga2.2_MA_R21 102 Rev A (Twin Garage Plans, Elevations & Section – Floor Plans),
 Dwg. No. Ga2.2_MA_R21 103 Rev A (Twin Garage Plans, Elevations & Section – Elevations Side Gable),
 Dwg. No. Ga2.2_MA_R21 104 Rev A (Twin Garage Plans, Elevations & Section – Section Side Gable),
 Dwg. No. Ga4.22_MA_R21 001 Rev - (Quad Garage Plans, Elevations & Section),
 Dwg. No. Ga4.22_MA_R21 101 Rev - (Quad Garage Plans, Elevations & Section – Sub Structure Plan),
 Dwg. No. Ga4.22_MA_R21 102 Rev - (Quad Garage Plans, Elevations & Section – Floor Plans),

Dwg. No. Ga4.22_MA_R21 103 Rev - (Quad Garage Plans, Elevations & Section - Elevations),

Dwg. No. Ga4.22_MA_R21 104 Rev - (Quad Garage Plans, Elevations & Section – Section A-A) received by the Local Planning Authority on 26th October 2023;

Dwg. No. HAR-HRE-000 Rev F (Location / Existing Layout Plan), received by the Local Planning Authority on 8th December 2023;

Dwg. No. BaM_MA-DET_R21G-201 Rev B (Bamburgh Ground Floor GA Plan),

Dwg. No. BaM_MA-DET_R21G-210 Rev C (Bamburgh First Floor GA Plan),

Dwg. No. BrH_MA-DET_R21G-201 Rev F (Broadhaven Ground Floor GA Plan), Dwg. No. BrH_MA-DET_R21G-210 Rev D (Broadhaven First Floor GA Plan),

Dwg. No. BrH_MA-DET_R21G-410 Rev C (Broadhaven Elevations),

Dwg. No. CsW_MA-DET_R21G-201 Rev D (Cresswell Ground Floor GA Plan),

Dwg. No. CsW_MA-DET_R21G-210 Rev C (Cresswell First Floor GA Plan),

Dwg. No. CsW_MA-DET_R21G-410 Rev C (Cresswell Elevations),

Dwg. No. CuL_MA-DET_R21G-201 Rev D (Cullen Ground Floor GA Plan),

Dwg. No. CuL_MA-DET_R21G-210 Rev C (Cullen First Floor GA Plan),

Dwg. No. CuL_MA-DET_R21G-410 Rev C (Cullen Elevations),

Dwg. No. HeY_MA-DET_R21G-201 Rev C (Heysham Ground Floor GA Plan),

Dwg. No. HeY_MA-DET_R21G-210 Rev C (Heysham First Floor GA Plan),

Dwg. No. HeY_MA-DET_R21G-410 Rev C (Heysham Elevations),

Dwg. No. HoC_MA-DET_R21G-201 Rev C (Hollicombe Ground Floor GA Plan),

Dwg. No. HoC_MA-DET_R21G-210 Rev C (Hollicombe First Floor GA Plan),

Dwg. No. HoC_MA-DET_R21G-410 Rev C (Hollicombe Elevations),

Dwg. No. KgS_MA-DET_R21G-201 Rev D (Kingsand Ground Floor GA Plan),

Dwg. No. KgS_MA-DET_R21G-210 Rev C (Kingsand First Floor GA Plan),

Dwg. No. KgS_MA-DET_R21G-220 Rev C (Kingsand Second Floor GA Plan),

Dwg. No. KgS_MA-DET_R21G-410 Rev C (Kingsand Elevations),

Dwg. No. LaN_MA-DET_R21G-201 Rev D (Lancombe Ground Floor GA Plan),

Dwg. No. LaN_MA-DET_R21G-210 Rev C (Lancombe First Floor GA Plan),

Dwg. No. LaN_MA-DET_R21G-410 Rev B (Lancombe Elevations),

Dwg. No. NeN_MA-DET_R21G-201 Rev C (Newhaven Ground Floor GA Plan),

Dwg. No. NeN_MA-DET_R21G-210 Rev C (Newhaven First Floor GA Plan),

Dwg. No. NeN_MA-DET_R21G-410 Rev C (Newhaven Elevations),

Dwg. No. SeA_MA-DET_R21G-201 Rev D (Seacombe Ground Floor GA Plan),

Dwg. No. SeA_MA-DET_R21G-210 Rev D (Seacombe First Floor GA Plan),

Dwg. No. SeA_MA-DET_R21G-410 Rev C (Seacombe Elevations),

Dwg. No. WiT_MA-DET_R21G-201 Rev D (Walcott Ground Floor GA Plan),

Dwg. No. WiT_MA-DET_R21G-210 Rev C (Walcott First Floor GA Plan),

Dwg. No. WiT_MA-DET_R21G-410 Rev C (Walcott Elevations), received by the Local Planning Authority on 20th June 2024;

Dwg. No. BaM_MA-DET_R21G-410 Rev C (Bamburgh Elevations Plot 48),
 Dwg. No. BaM_MA-DET_R21G-411 Rev C (Bamburgh Elevations Plot 20),
 Dwg. No. BaM_MA-DET_R21G-412 Rev C (Bamburgh Elevations Plot 30 & 63),
 Dwg. No. CsW_MA-DET_R21G-411 Rev C (Cresswell Elevations Plot 58),
 Dwg. No. KgS_MA-DET_R21G-411 Rev C (Kingsand Elevations Plot 54),
 Dwg. No. NeN_MA-DET_R21G-411 Rev C (Newhaven Elevations Plot 52),
 Dwg. No. WiT_MA-DET_R21G-202 Rev D (Walcott Ground Floor GA Plan Plot 17),
 Dwg. No. WiT_MA-DET_R21G-411 Rev C (Walcott Elevations Plot 17),
 received by the Local Planning Authority on 24th June 2024;

Dwg. No. 150587/8001 Rev H (Landscape Proposals Plan) received by the Local Planning Authority on 31st January 2025;

Dwg. No. HAR-HRE-001 Rev Q (Site Layout),
 Dwg. No. HAR-HRE-006 Rev K (Proposed Materials Layout),
 Dwg. No. HAR-HRE-007 Rev G (Proposed Boundary Treatment) received by the Local Planning Authority on 11th March 2025.
 For the avoidance of doubt.

3. Notwithstanding the submitted information and prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the dwellings and buildings to be erected and any proposed mounding and/or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general conformity with the proposed finished level details for the infill area as shown on plan Approximate Post Fill Reservoir Levels & Temporary Basin (received by the Local Planning Authority 04/02/2024) including the retained existing (former reservoir) features within the site (as required by condition 4 of this permission). The development thereafter shall be carried out in accordance with the approved details.
 To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with Policies QP4, QP5 and LS1 of the Hartlepool Local Plan.
4. Notwithstanding the submitted information and prior to the commencement of development, final treatment details to the existing (former reservoir) structures that are to be retained within the site (1no. spillway and 1no. tower as indicated on plan Approximate Post Fill Reservoir Levels & Temporary Basin (received by the Local Planning Authority 04/02/2024)) including above ground levels and any associated remedial works, shall be first submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.
 To ensure a satisfactory form of development, in the interests of visual amenity and public safety. and to take into account the position of the retained structures in relation to adjacent properties, in accordance with Policies QP4, QP5 and LS1 of the Hartlepool Local Plan.

5. Prior to the commencement of development, a Construction Management Plan (CMP) shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall 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. The scheme shall also include details of any security lighting to be used during the construction period. Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out solely in accordance with the approved CMP for during the construction phase of the development hereby approved. In the interests of the amenity of the occupiers of adjacent and nearby premises and highway safety.
6. Notwithstanding the submitted information, no development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document). The approved scheme shall be implemented (and thereafter maintained) in accordance with the approved detailed design prior to the completion of the development. To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.
7. Prior to the commencement of development, detailed cross sectional elevations of the “online attenuation basin” as detailed in the submitted document entitled "Flood Risk Assessment and Drainage Strategy" (document reference 21-016 Revision P5 dated 30.01.2025, received by the Local Planning Authority on 31st January 2025) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented (and thereafter maintained) in accordance with the approved detailed design prior to the completion of the development. To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

8. Notwithstanding the requirements of conditions 6 and 7, the drainage scheme shall ensure that foul flows discharge to the public foul sewer at manhole 5307 and ensure that surface water discharges to the existing watercourse. To prevent the increased risk of flooding from any sources in accordance with the NPPF.

9. A scheme for managing the Environment Agency borehole located on site, installed for the investigation of groundwater, shall be first submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall provide details of how this borehole that needs to be retained, post-development, for monitoring purposes will be secured and protected. The scheme as approved shall be implemented prior to the occupation of any part of the development hereby approved.
To ensure that boreholes are safe and secure and do not cause groundwater pollution or loss of water supplies in line with paragraph 187 of the NPPF (2024).

10. No development shall commence unless and until a Biodiversity Net Gain Plan scheme ("the scheme") to ensure that the approved development provides the delivery of the Biodiversity Net Gain (BNG) as stated in the submitted BNG Assessment (document reference 22221 V4, received by the Local Planning Authority on 05/09/2024) consisting of the habitat retention, creation and enhancement and the subsequent management of habitats in the condition stated in the BNG Assessment has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development, including the compensation, shall be measured in accordance with the Metric as stated in the submitted BNG Assessment (document reference 22221 V4, received by the Local Planning Authority on 05/09/2024). The scheme shall include:
 - details of habitat retention, creation and enhancement sufficient to provide the delivery of the net gain proposed in the metric;
 - the provision of arrangements to secure the delivery of the net gain proposed in the metric (including a timetable for their delivery);
 - a management and monitoring plan (to include for the provision and maintenance of the net gain proposed in the metric for a period of at least 30 years or the lifetime of the development (whichever is the longer).
 Thereafter, the scheme shall be implemented in full accordance with the requirements of the agreed scheme and timetable for delivery.
To provide biodiversity management and biodiversity net gain in accordance with The Environment Act 2021, Section 15 of the NPPF (2024) and Policy NE1 of the Hartlepool Local Plan (2018).

11. Notwithstanding the submitted details and prior to the above ground construction of the dwellings hereby approved, a scheme for the provision, long term maintenance and management (for a minimum of 30 years) of all landscaping and tree and shrub planting within the site shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of a buffer of structural landscaping to the northern boundary

and details of rabbit protection, and the planting mix shall include berry and fruit bearing species. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all areas, include a programme of the works to be undertaken, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures. The scheme shall be in general conformity with the plan Dwg. No. 150587/8001 Rev H (Landscape Proposals Plan) received by the Local Planning Authority on 31st January 2025. The scheme shall include details of the retained (and buffered) landscaping features as detailed within the 'Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan' document, reference ARB/AE/2933 dated February 2025, and shown on drawing number ARB/AE/2933/TpP (Tree Protection Plan), received by the Local Planning Authority on 3rd February 2025. Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved. All soft landscaping including planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following completion or first occupation of individual dwellings (whichever is sooner). All planting, seeding or turfing comprised in the approved details of landscaping for all other areas (out with the residential curtilages) including open space within the site shall be carried out in the first planting season following the occupation of the dwellings 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 and National Highways gives written consent to any variation. In the interests of visual amenity, biodiversity enhancement and to ensure a satisfactory form of development.

12. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the tree and hedge protection measures identified in the 'Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan' document, reference ARB/AE/2933 dated February 2025, and shown on drawing number ARB/AE/2933/TpP (Tree Protection Plan), received by the Local Planning Authority on 3rd February 2025 shall be in place and thereafter retained until completion of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees or hedges which are seriously damaged or die as a result of site works shall be replaced with trees or hedges of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of the health and appearance of the existing trees and the visual amenity of the area.
13. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan

(CEMP: Biodiversity) and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include method statements for the avoidance, mitigation and compensation measures as detailed in:

- section 6 (Recommendations), page 35 of the submitted Ecological Appraisal by OS Ecology, document dated October 2023 and received by the Local Planning Authority 26/10/2023;
- section 6 (Recommendations), page 24 of the Breeding Bird Survey by OS Ecology, document dated September 2023 and received by the Local Planning Authority 26/10/2023;
- section 6 (Recommendations), page 18 of the Watercourse Survey by OS Ecology, document dated October 2023 and received by the Local Planning Authority 26/10/2023.

The CEMP (Biodiversity) shall also include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented in accordance with the agreed details and timetable and throughout the construction period strictly in accordance with the approved details.

In the interests of avoiding or mitigating ecological harm.

14. Prior to the commencement of development above ground level, full details of a minimum of 70no. integral 'universal' nest bricks or 35no. bat roost bricks and 35no. bird nesting box bricks to be installed integral to each of the dwellings (70no. in total), including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the nest bricks shall be installed strictly in accordance with the details so approved prior to the occupation or completion of the individual dwellings, whichever is sooner, and shall be maintained for the lifetime of the development.

To provide an ecological enhancement for protected and priority species, in accordance with Policy NE1 of the Hartlepool Local Plan (2018) and Section 15 of the NPPF (2024).

15. Notwithstanding the agreed means of enclosure as per condition 27 of this decision notice, details of the provision of hedgehog openings (and suitable associated signage) with boundary enclosures (as indicatively shown on Dwg. No. HAR-HRE-010 Rev A, Ecology Layout, received by the Local Planning

Authority on 21st May 2024) shall be provided prior to the completion or occupation of the identified dwellings hereby approved (whichever is sooner). To provide appropriate ecological mitigation measures and to enhance biodiversity in accordance with paragraph 187 of the NPPF.

16. A) No demolition/development inside the area indicated 'proposed protection fence' on drawing Figure 2 (Proposed strip, map and record area and geophysical survey, WSI 24061, received by the Local Planning Authority on 10/03/2025) shall take place until protective fencing has been installed around the perimeter of the archaeological mitigation site (as annotated "proposed strip, map and record area" on the above referenced dwg) and notices prohibiting works within the fenced off area are attached to the fencing, to prevent accidental damage during the works, and the site investigation has been carried out in accordance with the approved Written Scheme of Investigation document (by Archaeological Services Durham University, received by the Local Planning Authority 25/03/2024).

B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. To ensure that archaeological assets are protected.

17. Prior to the commencement of development hereby approved, details of proposed interpretation panels/boards (providing information in respect to features of the former reservoir) including construction materials and finish shall be submitted to and agreed in writing by the Local Planning Authority. The interpretation panels/boards shall thereafter be provided in accordance with the approved details prior to the first occupation of any dwellings on the site.

In the interests of visual amenity and non-designated heritage assets.

18. Notwithstanding the submitted plans and submitted Transport Assessment (received by the Local Planning Authority on 30/10/2023) and prior to first occupation of the dwellings hereby approved, a detailed scheme for the extension of the street lighting system and a scheme to extend the 40mph speed limit along Hart Lane (in the vicinity of the proposed access) shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the highway mitigation measures have been implemented in accordance with the approved scheme. To enable the Local Planning Authority to control details and in the interests of highway safety.

19. The access (and associated visibility splays) to the development hereby approved shall be completed in accordance with Dwg. No. 22-139/001 (Proposed Site Access Arrangements, dated 06/09/2022, received by the Local Planning Authority on 26th October 2023) prior to the completion or first occupation (whichever is sooner) of the development hereby approved unless an alternative timescale is otherwise agreed in writing with the Local Planning Authority.

To ensure a satisfactory form of development and in the interests of highway safety.

20. 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.
21. Prior to the commencement of development above ground level, details of the proposed substation and 'PRI Station' (as identified on Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7th February 2025)) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so approved.
In the interests of visual amenity.
22. Prior to the commencement of development above damp proof course level of the 70no. residential dwellings hereby approved, full details of the children's play area (as identified on Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7th February 2025)) including the exact location, specification and design of all equipment within it, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the children's play area shall be installed strictly in accordance with the details so approved prior to the occupation or completion of the dwellings, whichever is the sooner.
To provide public infrastructure, in accordance with Policy NE2 of the Hartlepool Local Plan (2018).
23. Prior to the commencement of development above damp proof course level of the 70no. residential dwellings hereby approved, full details of the footpath links to be installed (as identified on Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7th February 2025)) including the exact location, specification and design of the 'kissing gate' structures as well as a timetable for the works and their implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the footpath links (and any associated gates) shall be installed strictly in accordance with the details so approved including the timetable for implementation.
To provide public infrastructure, in accordance with Policy NE2 of the Hartlepool Local Plan (2018).
24. Prior to the commencement of the development above damp proof course level of the 70no. residential dwellings hereby approved, a scheme for obscure glazing and restricted opening (max. 30 degrees) of the following proposed side facing windows (plot numbers as identified on plan Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7th February 2025)) shall first be first submitted to and approved in writing by the Local Planning Authority:

- The 2no. windows in the first floor eastern side elevation (serving a bathroom and secondary bedroom window) of plot 52 (Newhaven), facing plot 51;
- The 2no. windows in the first floor southern side elevation (serving a bathroom and secondary bedroom window) of plot 53 (Newhaven), facing plot 51;
- The 1no. windows in the first floor eastern side elevation (serving an en-suite) window) of plot 49 (Newhaven), facing plot 44;
- The 1no. windows in the first floor western side elevation (serving an en-suite) window) of plot 29 (Walcott), facing plot 31;
- The 1no. windows in the first floor eastern side elevation (serving an en-suite) window) of plot 43 (Walcott), facing plot 18.

The windows shall be glazed with obscure glass to a minimum level of 4 of the 'Pilkington' scale of obscuration or equivalent. Thereafter, the windows shall be installed in accordance with the approved details and prior to the occupation of each respective plot and shall remain for the lifetime of the development hereby approved. The application of translucent film to the windows would not satisfy the requirements of this condition.

To prevent overlooking in the interests of the privacy of future occupiers.

25. The external finishing materials of the dwellings shall be completed in accordance with Dwg. No. HAR-HRE-006 Rev J (Proposed Materials Layout, received by the Local Planning Authority on 7th February 2025) unless an alternative, similar scheme is submitted to and approved in writing with the Local Planning Authority.

To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity of the area.

26. The hard landscaping (including roads, car parking provision and footpaths within the site) shall be completed in accordance with Dwg. No. HAR-HRE-006 Rev J (Proposed Materials Layout, received by the Local Planning Authority on 7th February 2025) prior to the occupation of the dwellings and/or the site being open to the public or completion of the development hereby approved (whichever is sooner) unless an alternative, similar scheme is submitted to and approved in writing with the Local Planning Authority.

To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity of the area.

27. Notwithstanding the requirements of condition 15, the development shall be carried out in accordance with the boundary treatment details as shown Dwg. No. HAR-HRE-007 Rev G (Proposed Boundary Treatment, received by the Local Planning Authority on 7th February 2025) prior to first occupation of the dwellings or completion of the development (whichever is the sooner). No other fences or boundary enclosures shall be erected without the prior approval of the Local Planning Authority.

In the interests of visual amenity and to provide appropriate ecological mitigation measures and to enhance biodiversity in accordance with paragraph 187 of the NPPF (2024).

28. No part of the residential development hereby approved shall be occupied until full details of solar panels to be installed to a minimum of 10% of the dwellings, including identifying the dwellings/location of the apparatus, has been submitted and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be installed in accordance with the agreed details and prior to the occupation or completion of the identified dwellings, whichever is sooner.
To ensure a satisfactory form of development, In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy CC1.
29. No part of the residential development hereby approved shall be occupied until details of electric vehicle charging apparatus (to all 70no. dwellings), including identifying the dwellings/location of the apparatus has been submitted and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of the individual dwellings, the agreed scheme shall be implemented on site.
In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.
30. Prior to the installation of any permanent external lighting associated with development hereby approved, full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. Such external lighting shall, where achievable, be limited to low level lighting, avoiding use of high intensity security lighting. The retained former reservoir tower shall not be illuminated, and light spill shall be limited as far as practicable on retained habitats such as hedgerows and scrub. Thereafter, the agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.
To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining land users, ecology of the area and highway safety.
31. Soil imported to the site as part of the development hereby approved shall be carried out solely in accordance with section 6.0 (Verification of Scheme) of document 'Hart Reservoir Design Statement' (document reference HRT-CDL-XX-XX-T-60201 Rev P1 by Cundall, (document dated 19/10/2023), received by the Local Planning Authority 30/11/2023 and 'Approximate Post Fill Reservoir Levels & Temporary Basin' plan at scale of 1:200 at A0, received by the Local Planning Authority 04/02/2025 including section 6.0 (Verification of Scheme) of the aforementioned document. Upon completion of the approved infill works, a final Verification Report (as detailed in section 6.3 'Reporting' of the aforementioned document) shall be submitted to the Local Planning Authority.
To prevent the importing of contaminated soil.
32. The extent of the approved infill works shall be limited to the area defined by the magenta coloured line on plan 'Approximate Post Fill Reservoir Levels & Temporary Basin, received by the Local Planning Authority 04/02/2024.

To define the permission and for the avoidance of doubt.

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

34. Prior to the occupation of the dwellings hereby approved, provision shall be made for storage of refuse in accordance with the locations shown on Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7th February 2025).

To ensure a satisfactory form of development.

35. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 9.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

36. The development hereby approved shall be used as C3 dwelling houses and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.

To allow the Local Planning Authority to retain control of the development.

37. Notwithstanding the provisions of Classes A to F of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwellinghouses hereby approved shall not be extended or altered in any manner (including the installation or re-configuration of windows) or detached outbuildings or other buildings erected or additional areas of hard

standing/surfacing created (other than those approved) within the curtilage without the written approval of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the visual amenities of the area and the amenities of future occupiers.

38. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority with the exception of those enclosures approved as part of this permission and shown on Dwg. No. HAR-HRE-007 Rev G (Proposed Boundary Treatment) received by the Local Planning Authority on 7th February 2025.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and the appearance of the wider area.

39. Waste generated during the demolition, construction and operational phases of the development hereby approved shall be managed and disposed of in accordance with the details set out within the submitted Waste Audit – Infill App (document dated July 2023) and Waste Audit – Residential App (document dated November 2023), both date received by the Local Planning Authority on 30th November 2023.

To ensure compliance with the requirement for a site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.

40. The development hereby approved shall be carried out in accordance with the 'Travel Plan Measures' as set out in paragraph 5.27 of the Transport Statement and Travel Plan prepared on behalf of Persimmon Homes (Teesside) by Milestone Transport Planning (document reference 22-139-N, dated September 2023), date received 30/10/2023 by the Local Planning Authority.

In the interests of sustainable development and transport and to ensure a satisfactory form of development.

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=159772>

Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

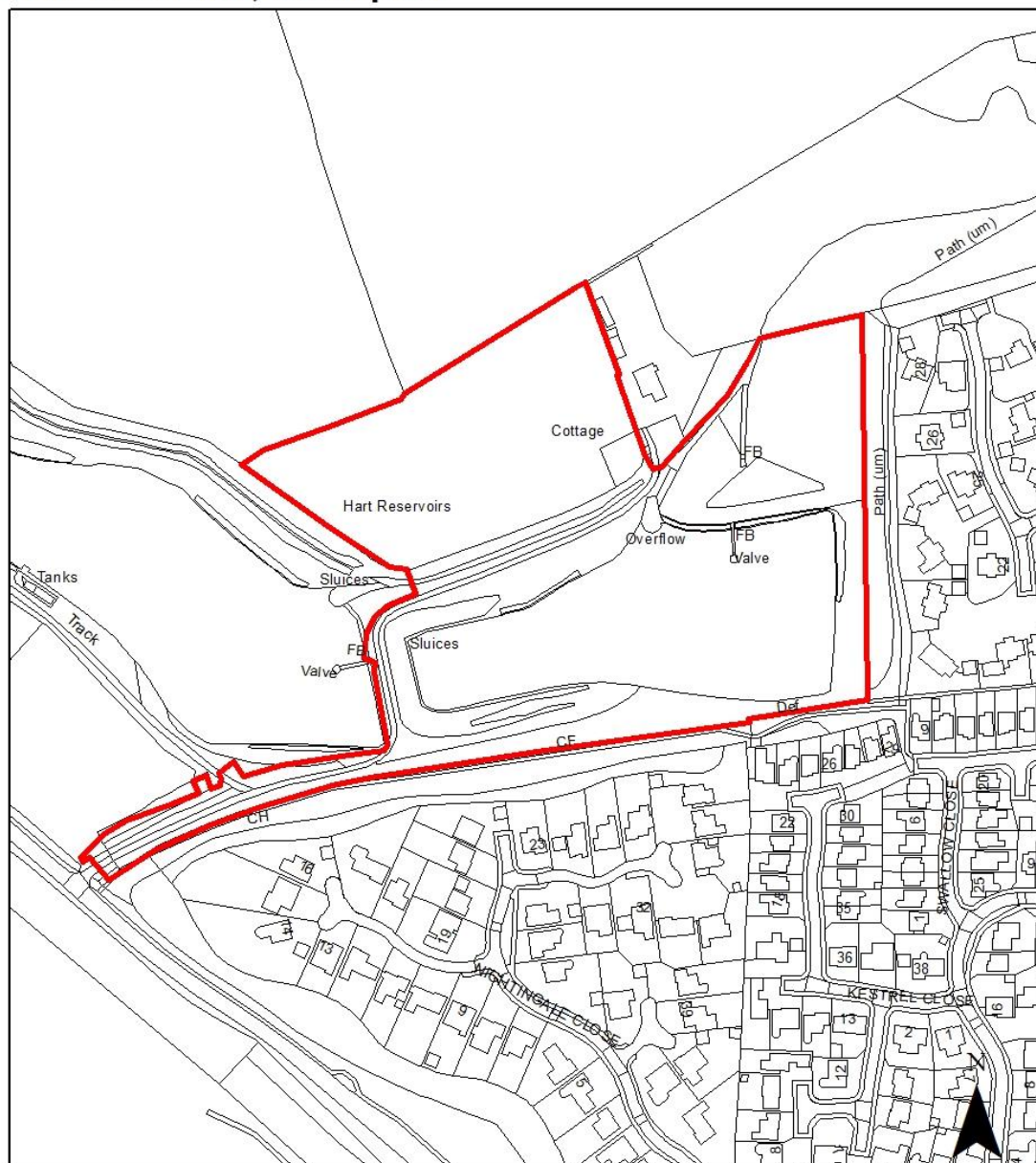
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Hart Reservoir, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN JB	DATE 24.02.2025
	SCALE 1:2,500	
	DRG.NO H/2023/0368	REV

No: 2.
Number: H/2025/0103
Applicant: MISS ALLISON BRUNT FARR WALK HARTLEPOOL TS25 4EP
Agent: DNS DESIGNS LTD MR DENIS NOBLE 29 QUEENSLAND ROAD HARTLEPOOL TS25 1LU
Date valid: 27/03/2025
Development: Erection of a 2m high boundary fence (retrospective)
Location: 2 FARR WALK 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 None.

PROPOSAL

2.3 The application seeks retrospective planning permission for the erection of a boundary fence with a height of approximately 1.9m and pillars with an overall height of approximately 2m around the side and rear boundaries, dropping to pillars with a height of approximately 1.05m and boundary fences with a height of approximately 1m towards the front of the site.

2.4 The boundary treatment (as erected) comprises sections of fencing topping the existing low boundary walls with one additional layer of brick, interspersed with seven brick pillars along the section of the rear garden area and two brick pillars along the driveway along the southern elevation adjacent to Wynyard Road; two sections of fencing between the southern side elevation and the southern boundary along Wynyard Road (to enclose the side garden of the host property); and two sections of fencing with three brick pillars along the rear (adjoining the existing brick wall which forms the rear boundary between the host property and the side of 100 Wynyard Road to the east).

2.5 The submitted plans indicate four sections of fencing on top of the existing walls which are interspersed with brick pillars along the front (west) boundary on Farr Walk, albeit at the time of the case officer's site visit (in August 2025) it was noted that two of these sections of fencing were not in place. The submitted plans also show a boundary fence with a height of approximately 1m between the front gardens of Nos. 2 and 4 Farr Walk, although again, at the time of the case officer's site visit, this section of the boundary treatment was not complete/not in place along the full boundary.

2.6 The fence panels are in untreated/softwood colour, whilst the brick pillars are in red brick (whilst the existing boundary walls are in a red/brown brick) topped with stone pier caps.

2.7 The application initially proposed a fence height of approximately 2m around the rear boundary, dropping to approximately 1.4m around the front garden and driveway (as has been erected on site), however this element of the scheme has been amended following the consultation comments from the Council's Traffic and Transport team who advised that the retrospective fence and pillars (with a height of approximately 1.4m) obstructs the visibility of vehicles leaving the driveway. The HBC Traffic and Transport team advised that it would be acceptable if the gate and fence line would be stepped back to allow a vehicle to exit.

2.8 The case officer subsequently requested that the entire boundary was reduced to a height of approximately 1.05m, given the nature of the street scene (as discussed in further detail in the sections below).

2.9 In response, the applicant confirmed that they are willing to reduce the scale of the erected boundary fence (and brick pillars) to the front (west/facing onto Farr Walk and to the south west adjacent to the driveway and Wynyard Road) of the property to approximately 1.05m for the pillars and approximately 1m for the fence, however they are unwilling to reduce the height of the remainder of the boundary fences along the main side/south and rear/east boundaries (as per the request of the case officer). The applicant submitted amended proposed plans to reflect this, as well as providing a 'Highways Statement' seeking to justify the proposals in terms of the impacts on highway safety.

2.10 The applicant indicates in their submitted Planning Statement, that the boundary fence has been erected in response to repeated incidents of anti-social behaviour, providing details of both Cleveland Police incident numbers (x2) and an anti-social behaviour case reference number.

2.11 The application has been referred to be determined in the planning committee due to the number of objections received (more than 2), in line with the Council's Scheme of Delegation.

SITE CONTEXT

2.12 The application site relates to the front, side and rear garden of 2 Farr Walk, which is a west facing end terraced property occupying a corner plot on Farr Walk/Wynyard Road, in Hartlepool. The host property adjoins No. 4 Farr Walk to the north, whilst No. 100 Wynyard Road is adjacent to the east/rear. Beyond the footpath of Farr Walk to the front/west, is No. 1 Farr Walk. To the south is the main highway of Wynyard Road, beyond which are further residential properties in the form of blocks of flats.

2.13 Prior to the enclosures being erected that form part of this application, the previous and established side and rear boundary consisted of low level brick walls with a height of approximately 0.7m, in common with other boundaries throughout the street scenes of Wynyard Road and Farr Walk. The main rear garden appears to

have been previously been enclosed by a higher boundary wall, running in line with the gable southern side elevation of the main dwelling and extending across part of the boundary with the adjacent neighbour to the east at 100 Wynyard Road.

PUBLICITY

2.14 The application has been advertised by way of a site notice and notification letters to 30 individual neighbouring properties (which include blocks of flats) as well as to local ward councillors. Following receipt of amended plans to reduce the height of the boundary fence to the front driveway area, a re-consultation was undertaken. A further re-consultation was undertaken when additional plans to include the rear (east) and northern side boundary treatments were added to the plans.

2.15 To date, there have been 19 objections from members of the public (including 2 instances where objections are from individuals from the same address).

2.16 The concerns and objections raised are summarised as follows:

- Retrospective nature of the proposals,
- Overbearing visual impact,
- Oppressive height,
- Blocking views,
- Loss of openness in the street scene,
- The works are an “eyesore”,
- Safety concerns with sight lines to footpaths being blocked,
- Risks of winds blowing the fence down,
- Fence gives the impression that occupants have something to hide,
- Loss of light for neighbouring properties,
- Devaluation of neighbouring properties.

2.17 In addition, there have been 19 representations indicating that they do ‘not object’ or support to the proposals (including one from the same address as the applicant). These include comments summarised as follows:

- There are higher fences and higher trees in the area,
- The erected fence looks smart, clean and tidy,
- There are no issues driving from the driveway,
- Fence is high quality,
- The fence does not cause any obstruction in the walk,
- Privacy for house and occupants,
- In keeping with the area,
- Application is a waste of Council’s time.

2.18 Background papers can be viewed via the ‘click to view attachments’ link on the following public access page:

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=164819>

2.19 The period for publicity has expired.

CONSULTATIONS

2.20 The following consultation replies have been received:

HBC Traffic and Transport: The fence height obstructs the visibility of vehicles leaving the driveway. This would be a road safety issue for pedestrians. Normally a boundary fence at the front of the property is restricted to a maximum 1.05 metres.

In highway terms it would be acceptable if the gate and fence line was stepped back to allow a vehicle to exit without an unobstructed view of the public footway.

Update 18/07/2025 following revisions to the front element of the proposed boundary treatment:

The proposed amendments are acceptable. There are no further highway objections.

HBC Landscape Architect: Low boundary walls are the typical detail locally. It is understood from Highway comments that the current layout is not acceptable.

Update 30/06/2025 following revisions to the front element:

Previous comments remain.

Cleveland Police: With regards to your recent planning application H/2025/0103 (part Retrospective) for Fencing at 2, Farr Walk. Hartlepool. Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED).

I would like to make you aware that Cleveland Police operate the “Secured by Design” initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments. Full information is available within the SBD Residential Guide 2025 Guide at www.securedbydesign.com.

In addition, I would have recommended the lower section of the close boarded fencing that is atop the walls to front elevation of the property were railings to maximise informal surveillance both into the front garden of the property and from the garden area.

HBC Public Protection: No comments received.

HBC Community Safety and Engagement: No comments received.

HBC Countryside Access Officer: No comments received.

PLANNING POLICY

2.21 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

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

SUS1: Presumption in Favour of Sustainable Development

LS1: The Locational Strategy

QP3: Location, accessibility, highway safety and parking

QP4: Layout and Design of Development

QP5: Safety and Security

SPDs

Residential Design Guide Supplementary Planning Document (SPD), 2019.

National Planning Policy Framework (NPPF)(2024)

2.23 In December 2024 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and 2023 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 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 strong 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 002: Permission determined in accordance with development plan

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 039: Decision-making

PARA 048: Determining applications

PARA 131: Achieving well-designed places

PARA 133: Achieving well-designed places

PARA 134: Achieving well-designed places

PARA 135: Achieving well-designed places

PARA 139: Refusing poor designed development

PLANNING CONSIDERATIONS

2.24 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 character and appearance of the application site and surrounding area, the impact on the amenity and privacy of neighbouring land users, impact on highway safety, and crime, safety and security. These and any other matters are discussed in the sections below.

IMPACT ON CHARACTER AND APPEARANCE OF APPLICATION SITE & SURROUNDING AREA

2.25 It is acknowledged that objections have been received that raise concerns that the retrospective fence and pillars results in an adverse visual impact, an overbearing development that is not characteristic of boundaries throughout the street scenes, and that the development results in a loss of openness in the street scene. Other responses in support, have been received commenting that the erected boundary treatments are of an acceptable design and scale.

2.26 Policy QP4 (Layout and Design of Development) of the Local Plan seeks to ensure all developments are designed to a high quality and positively enhance their location and setting. Development should be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area, and respects the surrounding buildings, structures and environment.

2.27 Furthermore, Section D of the Council's Residential Design SPD (2019) requires that "the type of boundary enclosure chosen should be reflective of the area and sympathetic to each dwelling and its position in the street scene". This section goes on to detail "appropriate boundary enclosures considerations", stating that boundary enclosures should be sensitive to their location, among other criteria. Section E 'Creating Safe Housing Areas' of the Residential Design Guide SPD (2019) states that "boundary treatments can have a degree of visual permeability and can create a distinctive, attractive environment". Consideration of safety and security matters is discussed in further detail below.

2.28 Paragraphs 135 and 139 of the NPPF (2024) state that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans and supplementary planning documents.

2.29 The host property is situated with its principal elevation facing west (onto Farr Walk) and its southern side elevation presenting onto Wynyard Road. The original boundary comprises low level brick walls along the side (Wynyard Road) and front (Farr Walk) boundaries, which is generally reflective of and replicated along the front and side garden boundaries of the properties along the northern side of Wynyard Road and Farr Walk. It is noted that in some instances these low level boundary walls are topped by hedges or a decorative screen wall bricks, and in some instances boundary fences are sited between properties. It is acknowledged that on

the southern side, the blocks of flats feature low level fence boundaries. It is nonetheless considered that a prevailing design and form is apparent within this section of the street scene.

2.30 By virtue of the layout of the plots within the estate, the host property and its side garden are sited adjacent to the highway of Wynyard Road and it is considered that the erected fencing and pillars are readily visible and are highly prominent from a number of vantage points along this section of Wynyard Road and Farr Walk.

2.31 It is considered that the erected fencing and pillars being positioned adjacent to the footpath of the main highway of Wynyard Road (to the south) and along the main footpath of Farr Walk (to the west) results in a highly prominent and incongruous feature in the street scenes of both Wynyard Road and Farr Walk, and a visual narrowing of the street scene at this section of Farr Walk.

2.32 It is further considered that the previous/original low level brick walls delineating the grassed area to the side (south) of the host property formed a visual continuation of garden areas, leading from the front (west) of the host property and to the east along front gardens of properties along Wynyard Road, and leading to the north along front gardens along Farr Walk, which is considered to contribute to the generally 'open' or low boundaries that are generally characteristic of the estate. It is considered that the design of boundary treatments throughout these street scenes (of Wynyard Road and Farr Walk) leads the eye around the sections of the street scenes and therefore makes an important contribution to the relatively green and open (defined by low boundaries) character of the estate. It is further considered that the 'new' appearance of the fence, in addition to its overall scale and prominent position, adds to its starkness and incongruous appearance within the street scene.

2.33 Whilst it is acknowledged that some properties along Wynyard Road and Farr Walk do feature sections of relatively low fencing and/or hedges to their boundaries in addition to the typical low level brick walls, it remains a key consideration that the predominant character of the street scene consists of the above noted low level boundary walls to front and side boundaries, with modest fences in place between the front gardens of properties. Furthermore, the provision of a hedge does not amount to 'development' or works that require planning permission (such hedges also add to the softening of the existing low boundary walls in the area).

2.34 It is considered that the relatively open and green gardens and amenity space areas along Wynyard Road and Farr Walk, are a characteristic of the area as originally intended on the design for the estate, which has been generally respected throughout these streets. Given the proposals to reduce the height of the front boundary treatments (to approximately 1.05m) are marginally (5cm) above what could be erected under permitted development and are considered to be acceptable in visual terms, it is considered that this element of the proposal is acceptable.

2.35 However, it is considered that the erected high boundary fencing and pillars (approximately 2m in height) along the southern and eastern sections adjacent to Wynyard Road at the host property result in a notable disruption and incursion of this intentional boundary style and form and does not reflect the local character of the

area (in the context of Policy QP4 and the aforementioned SPD). This view is supported by the Council's Landscape Architect.

2.36 It is for this reason that the case officer requested that the applicant amend the retrospective boundary treatments to reduce the height of the entire boundary to a maximum height of 1.05m (and recognising that the host property is/was served by an original enclosed rear garden). However the applicant was unwilling to amend the height of the boundary fencing and pillars to enclose the rear and side garden (along the south and east) nor have they proposed any alternative (or suitable) amendments.

2.37 As noted above, paragraph 135 of the NPPF (2024) states that planning decisions should ensure that developments a.) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and b.) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 139 of the NPPF (2024) states that development that is not well designed should be refused.

2.38 In view of the above, it is considered that whilst the element of the reduced height of boundary treatments to enclose the front driveway and front garden are acceptable, and whilst noting the applicant's reasons for erecting the high boundaries (discussed in further detail within the report), the element of the erected fence and enclosure of the parcel of side garden along the southern and eastern boundaries (with a height of approximately 2m), by virtue of its design, scale and prominent siting, would result in an unacceptable and demonstrable impact on the character and appearance of the application site and visual amenity of the surrounding area, contrary to Policy QP4 of the Hartlepool Local Plan (2018), the Council's Residential Design Guide SPD, and paragraphs 135 and 139 of the NPPF (2024). This would therefore warrant a reason to refuse the application in this instance.

IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

2.39 It is acknowledged that objections have been received in respect to the impact of the erected boundary treatment on the amenities and privacy of occupants of neighbouring properties, including that the fences result in an overbearing impression and overshadowing.

2.40 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires that proposals should not negatively impact upon the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overshadowing and visual intrusion particularly relating to poor outlook, or by way of overlooking and loss of privacy. These requirements are reiterated in the Council's adopted Residential Design SPD (2019). The following minimum separation distances must therefore be adhered to:

- Provide and maintain separation distances of at least 20m from habitable room to habitable room.
- Provide and maintain separation distances of at least 10m from habitable room to non-habitable room and/or gable end.

Impact on 100 Wynyard Road (east)

2.41 The retrospective boundary fence and pillars to the eastern (rear) boundary runs along the western side of 100 Wynyard Road, at a distance of approximately 1.4m to the western side elevation of this neighbour, which features its main access door on the western side, and a footpath to the front (leading onto Wynyard Road). It was noted by the case officer during the site visit that this property does not feature any further fenestration on the western side elevation, and features two large windows at ground floor and two large windows at first floor in the front (south) facing elevation, all understood to serve habitable rooms.

2.42 It is acknowledged that the erected fence and pillars to the eastern boundary result in a degree of impact on the amenity of the occupants of this neighbour, particularly for the closest ground floor window on the western extent of the front/south elevation of this neighbouring property, in terms of overbearing impression, reduced outlook and overshadowing. However, consideration is given to the oblique relationship between the identified window and the boundary treatment and that the windows in the front elevation would continue to benefit from a relatively open outlook to the front/south of the property given the relationship between the two properties.

2.43 Overall, in view of the above and taking into account the established relationship between the two neighbouring properties, it is considered that the erected boundary fences and pillars to the rear (east) of the host property do not result in such an unacceptable impact on the amenity and privacy of the occupants of No. 100 Wynyard Road in terms of loss of outlook, overbearing impression, overshadowing or overlooking, so significant as to warrant a reason to refuse the application in this instance.

2.44 It is considered that the remaining elements of the erected boundary fences and pillars (including the southern sections along Wynyard Road, the fence between the front of the host property and the southern section of boundary treatment, the sections to the front of the host property adjacent to Farr Walk, and the boundary fences between the host property and No. 4 Farr Walk) are primarily screened from No. 100 Wynyard Road by the host property and/or the aforementioned erected rear/eastern boundary treatment, and therefore do not result in any adverse impacts on the amenity or privacy of the occupants of No. 100 Wynyard Road in terms of overshadowing, overbearing impression, loss of outlook or overlooking.

Impact on 4 Farr Walk (north)

2.45 To the north, the side boundary to the front (on the northern side), runs along the common boundary between the host property and the adjoining neighbour at No. 4 Farr Walk. As noted above, the case officer observed during the site visit that the majority of the proposed section of the boundary treatment (identified on the proposed plans to be a 1m (approx.) high picket fence) had not been erected. Notwithstanding this, it is considered that a boundary fence with a height of 1m (as shown on the 'proposed' plans) between front garden boundaries could be erected without the requirement for planning permission by virtue of the parameters set out in

the relevant section of the GPDO and overall would not have an adverse impact on the amenity or privacy of the neighbouring property.

2.46 It is considered that the boundary fences and pillars to the front (west) of the host property are partially visible from the windows in the front (west) of No. 4 Farr Walk, and would retain the existing oblique relationship between the identified windows and this boundary treatment to the front of the host property. Taking this relationship into account as well the applicant's indication that these sections would be reduced to a maximum height of approximately 1.05m (as described in the Proposal section of the report), it is considered that the erected boundary fences and pillars to the front (west) of the host property would not result in any adverse impacts on the amenity or privacy of the occupants of No. 4 Farr Walk in terms of overshadowing, overbearing impression, loss of outlook or overlooking

2.47 Given the established oblique relationships between the remaining boundary fences and pillars to enclose the driveway and front garden (east and south, which are proposed to be amended/reduced in height) and to enclose the side and rear garden (west and south) of the host property, with the host property (and intervening rear boundary treatment) in between, it is considered that these elements do not result in any adverse impacts on the amenity or privacy of the occupants of No. 4 Farr Walk in terms of overshadowing, overbearing impression, loss of outlook or overlooking.

Impact on properties to the west (the closest being No. 1 Farr Walk)

2.48 The boundary fence to the front (west) retains a separation distance of approximately 10.3m to the closest neighbour to the west at No. 1 Farr Walk. Although it is acknowledged that the erected boundary fence and pillars to the front (west) are higher than the former low level brick walls around the host property and replicated throughout front gardens of nearby properties along Farr Walk and Wynyard Road, based on the submitted amended plans, the applicant intends to lower these sections to approximately 1.05m (from the existing height of approximately 1.4m). Such a height of boundary treatment would marginally exceed the height (1m) that could be erected without the requirement for planning permission by virtue of the GPDO.

2.49 In view of the above, it is considered that these elements would not result in such adverse impacts on the amenity or privacy of the occupants of No. 1 Farr Walk (or any other property to the west) in terms of overshadowing, overbearing impression, loss of outlook or overlooking, so significant as to warrant a reason to refuse the application in this instance.

2.50 In terms of the higher boundary treatments along Wynyard Road (south of the host property) and between the front of the host property and this side boundary along Wynyard Road, and between the host property and No. 100 Wynyard Road, a separation distance of approximately 20.5m is retained between these elements and the front (east) facing elevation of No. 1 Farr Walk. Taking into account the satisfactory separation distances and established relationships between the host property and No. 1 Farr Walk and other neighbours extending northwards along this side of Farr Walk and westwards along Wynyard Road, it is considered that these

elements do not result in any adverse impacts on the amenity or privacy of the occupants of No. 1 Farr Walk (or any other property to the west) in terms of overshadowing, overbearing impression, loss of outlook or overlooking.

Impact on properties to the south (the closest being the flats of 79-84 (inclusive) Wynyard Road)

2.51 To the south, a separation distance of approximately 19.4m is maintained between the erected boundary treatment to the southern side and rear (east) of the host property and to the front (west) and the flats at 79-84 (inclusive) Wynyard Road, with the main highway in between.

2.52 Given the aforementioned satisfactory separation distances that would remain with the presence of a busy road in between, it is considered that the erection of the boundary fences and pillars do not have a significant detrimental impact for any neighbouring property to the south (including Nos. 79-84 (inclusive) Wynyard Road) in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

IMPACT ON HIGHWAY SAFETY

2.53 The application has been considered by the Council's Traffic and Transport team who initially confirmed that the erected fence and pillars adversely impacts upon sight lines, and requested that the section to the front driveway (on the western side of the application site) be reduced to a height of approximately 1.05m. In response, the applicant submitted amended plans showing the proposed reduction of the boundary treatment in this area, to a height of approximately 1.05m. The Council's Traffic and Transport team have had regard to the amended plans and confirmed no objections, and therefore the proposal is considered acceptable in terms of highway and pedestrian safety.

2.54 Had the application been considered acceptable in all respects, a condition would have been required to ensure that this section of the boundary treatment was reduced to the agreed height within an appropriate timescale. Subject to this condition and such compliance by the applicant, the application is considered acceptable in this respect.

OTHER PLANNING MATTERS

Safety and Security (including Crime and Fear and Crime)

2.55 Policy QP5 of the Hartlepool Local Plan (2018) seeks to ensure that developments are designed to be safe and secure, and requires that developments are developed in a way which minimises crime and the fear of crime. Section E 'Creating Safe Housing Areas' of the Residential Design Guide SPD (2019) states that defensible space considerations can include boundary treatments which have a degree of visual permeability and that boundary enclosures should be secure, where possible and appropriate.

2.56 Paragraph 96 of the NPPF (2024) states that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that

crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

2.57 Section 17 of the Crime and Disorder Act 1998 requires Local Planning Authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

2.58 It is acknowledged that the applicant's supporting statement indicates that the proposals have been designed with regard to reducing of crime, fear of crime and anti-social behaviour, and the applicant has provided references of Cleveland Police incident numbers (x2) and an anti-social behaviour case reference number (albeit these have not been verified by/with Cleveland Police or the Council's Community Safety and Engagement team).

2.59 Whilst sympathising with the applicant and their desire to address crime, fear of crime and anti-social behaviour problems, the Local Planning Authority is obliged to consider a broad range of material planning considerations and to arrive at a decision based on the overall planning balance. In this instance, it is considered that other material considerations (namely the harmful impact of the proposal on the character and appearance of the application site and surrounding area) are sufficient to outweigh any potential positive impact of addressing crime, the fear of crime and anti-social behaviour.

2.60 It is further considered that there could be alternative and more sensitively designed solutions that may alleviate such concerns. Without prejudice to the considering of such alternative proposals (should planning permission be required), these could include the provision of an appropriate species of hedge atop the former/existing low level boundary walls, with a more suitable design of boundary treatment set behind it/further back. However, given that the application is retrospective and the fences and brick pillars are in situ, the application has been assessed on the basis of the submitted plans.

2.61 Cleveland Police have responded to consultation on the application to provide advice in respect of crime and anti-social behaviour matters. It is acknowledged that this advice includes a recommendation that the lower section of the close boarded fencing atop the walls to front elevation of the property are replaced with railings to maximise informal surveillance both into the front garden of the property and from the garden area. Notwithstanding these comments, the applicant has confirmed that the boundary fence and pillars to the front would be lowered to a height of approximately 1.05m which is likely to assist in providing greater surveillance and to reflect the Police's advice. No comments or objections have been received from HBC Community Safety and Engagement.

2.62 It is acknowledged that objections have also been received in respect of safety concerns with sight lines to footpaths being blocked by the erected fence. By virtue of the layout of the plots, the access to the neighbour at 100 Wynyard Road (east) is sited on the western side of its property, with a close proximity to the erected boundary treatment. It is noted from the objection received, that when leaving the property, views of pedestrians on the footpath to the west of this neighbour are restricted for the occupants of No. 100 Wynyard Road as a result of

the erected fence, posing potential safety and security issues. In the context of pedestrian safety and Secured by Design, no objections have been received from Cleveland Police (or HBC Traffic and Transport) in respect to such a relationship. Nonetheless, officers consider that the erected high boundary treatment adjacent to the side and front boundary of No 100 Wynyard Road generally results in a poor relationship and overall, adds to the view that the proposal is not a well-designed form of development and is contrary to the provisions of the identified Local Plan policies and those of the NPPF (2024).

2.63 In summary, whilst the applicant's and objectors' concerns are noted, such issues would not, in this instance, outweigh the identified visual impacts detailed in the section above. Overall, and on balance, it is considered that the application is acceptable in respect to such matters and would not warrant a further reason for the refusal of the application.

OTHER MATTERS

2.64 It is acknowledged that neighbour objections (detailed above) raise concerns regarding the loss of light and the loss of views. The 'right to light' and 'right to a view' operate separately from the planning system and are not material planning considerations. Consideration of an application for planning permission involves balancing the interests of a landowner or developer to develop on his land against the interests of the community as a whole and of other individuals, in particular neighbouring residents. In making that balance it may also be taken into account that the amenity and privacy of local residents can be adequately safeguarded. The impact on the amenity and privacy of neighbouring properties has been assessed within the material considerations above.

2.65 A number of objections received raised comments that would not amount to material planning considerations. Any matters concerning the risk of winds blowing the fences down are a civil matter and not a material planning consideration. Property devaluation is not a material planning consideration.

CONCLUSION

2.66 It is considered that the erected boundary fencing and pillars to the side and rear of the garden of the host property represents an unsympathetic and visually intrusive form of development, that results in a detrimental visual impact on the character and appearance of the area which is characterised by low level brick walls, by virtue of the design, scale and siting. It is therefore considered the development results in an adverse impact on the visual amenity of the host property and surrounding area, contrary to Policy QP4 of the Hartlepool Local Plan (2018), the Council's Residential Design Guide SPD and paragraphs 135 and 139 of the NPPF (2024).

EQUALITY AND DIVERSITY CONSIDERATIONS

2.67 The Local Planning Authority has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act 2010. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and

considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.68 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.

2.69 Matters of crime, fear of crime and anti-social behaviour are considered in detail in the relevant section of the report.

2.70 Overall and for the reasons set out in the report, the proposal is considered, on balance, to be acceptable when having regard to Section 17 of the Crime and Disorder Act 1998.

REASON FOR DECISION

2.71 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 erected boundary treatment (to enclose the side and rear garden of the application site adjacent to Wynyard Road) by virtue of its design, scale and siting, constitutes an unsympathetic and visually intrusive form of development, resulting in a detrimental visual impact on the character and appearance of the application site and surrounding area, contrary to Policy QP4 of the Hartlepool Local Plan (2018), the Council's Residential Design Guide SPD (2019) and paragraphs 134 and 139 of the NPPF (2024).

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=164819>

Copies of the applications are available on-line:

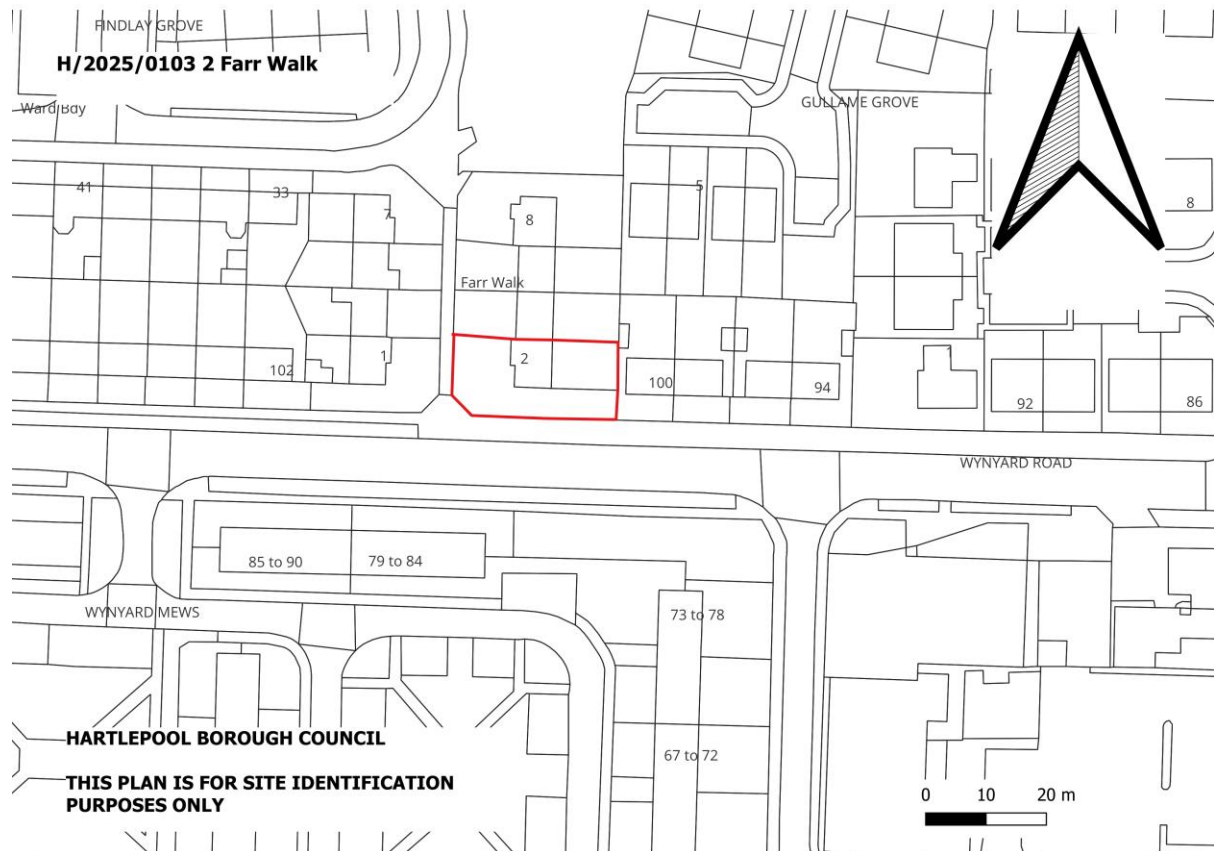
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

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PLANNING COMMITTEE

20th August 2025



Report of: Assistant Director – Neighbourhood Services

Subject: PLANNING APPEAL: LAND AT WORSET LANE,
HARTLEPOOL
APPEAL REF: APP/H0724/D/25/3360570
Erection of a 4no. bedroom dormer bungalow and
associated works.

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of the proposed erection of a 4no. bedroom dormer bungalow and associated works.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision (dated 21/07/2025) is attached (**Appendix 1**).
- 1.3 An associated appeal for costs against the LPA was also dismissed and is attached (**also at Appendix 1**).

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

3. CONTACT OFFICER

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4.0 AUTHOR

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Appendix 1.**Planning Inspectorate**

Appeal Decision

Site visit made on 27 June 2025

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2025

Appeal Ref: APP/H0724/W/25/3360570

Plot 0 Worset Lane, Hartlepool, TS26 0LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr G McKenzie against Hartlepool Borough Council.
 - The application Ref is H/2023/0331.
 - The development proposed is proposed new build 4 bedroom dormer bungalow with driveway, parking and front/rear gardens.
-

Decision

1. The appeal is dismissed and planning permission for new build 4 bedroom dormer bungalow with driveway, parking and front/rear gardens is refused.

Preliminary Matters

2. Although the Council failed to issue a decision within the prescribed period, it has provided evidence which indicates that it would have refused permission. The reasons given have therefore formed my main issues.

Main Issues

3. The main issues are the effect of the proposal:
 - upon the character and appearance of the area, including green infrastructure, and;
 - upon the living conditions of occupiers of nearby properties with particular regard to privacy.

Reasons*Character and appearance*

4. The appeal site is an open landscaped area forming a broadly triangular area between Worset Lane and Hart Lane. Hart Lane is a primary route into Hartlepool from the north. The appeal site forms part of a larger area of landscaping which wraps around the eastern side of a modern development, separating it from Hart Lane. The site effectively forms a raised bund, contains several small trees and provides a degree of screening in views from the north. A footway to the west of the appeal site provides access between the modern development and the roundabout on Hart Lane located to the north.

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5. Policy NE2 of the Hartlepool Local Plan ('HLP') identifies areas of Green Infrastructure, including parts of land adjoining Hart Lane. However, although the appeal site forms part of a larger area of landscaping that post-dates the HLP, as acknowledged by the Council, the appeal site is not allocated within the HLP for such purposes. Accordingly, it does not form part of the identified Green Infrastructure that HLP Policy NE2 seeks to specifically protect and this policy is not relevant to the proposal.
6. HLP Policy NE7 states that main road corridors are an integral part of the green infrastructure network and a particularly high standard of landscaping will be required from developments adjoining the main communication corridors, which include Hart Lane.
7. The Hart Lane/Merlin Way roundabout represents the first major urban feature in the approach to Hartlepool along Hart Lane from the north. Although modern housing extends northwards on the eastern side of the road, it is set back behind extensive grassland and wooded areas and is not widely perceptible. As a result, High Throston Golf Club on the western side of the roundabout is the first prominent building reached on the approach to the town.
8. The appeal site is located to the south of the roundabout, at a point where Hart Lane effectively runs through a green corridor. Development exists on both sides of the road, but is well screened, with the appeal site contributing to this. As a result, the Golf Club appears as an outlier, which given its association with the wide open grassland of the golf course, is not particularly urbanising in character.
9. Therefore, even accounting for the modern development on Worset Lane, the character of Hart Lane in the vicinity of the appeal site is that of a transition between countryside and the more overtly urban areas of the town to the south.
10. Although only a relatively small area, the appeal site, as the most northerly point of the Conroy Close development plays an important role in screening this development when approached from the north. The raised bund, although not wholly screening, nevertheless softens adjacent development, preserving the rural fringe character of the area, and therefore performs an important visual role. The presence of the Golf Club, for the reasons set out above, does not diminish this fact, nor does the proximity of development to Hart Lane further to the south, closer to the main urban conurbation.
11. A strip of landscaping would remain adjacent to Hart Lane following the construction of the proposed development. However, its depth would be much diminished, and therefore also its effectiveness. Although set behind the remaining area, the proposed bungalow would be perceptible and in close proximity to the road, with the effect of increasing the perception of urbanisation, particularly when approached from the north. Overall, the proposal would have the tandem effects of eroding an existing landscape buffer which has a positive function, and introducing additional development with limited screening. It would be harmful for these reasons.
12. HLP Policy NE6 seeks to protect incidental open spaces unless they are detrimental to the amenity of neighbours, or are difficult to maintain, or do not contribute significantly to visual or recreational amenity, and the function of the open space is met elsewhere.

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13. The appeal site is not currently fenced, and although comprising a steep bank, is nevertheless accessible by the public. Although its recreational value is clearly limited, it nevertheless, as set out above, represents an incidental area of open space that contributes significantly to the area in visual terms.
14. It is stated that the appeal site is difficult to maintain and has been subject to fly tipping in the past, and that the proposed development would address these issues. I saw that the current condition of the appeal site is not such that it would require extensive maintenance; it was primarily comprised of wildflowers at the time of my visit, with a small number of young trees. I saw that the wider area of landscaping is of similar character, and this benign wildness positively contributes to the character and effectiveness of the visual buffer. There is nothing before me to indicate, other than perhaps the topography of the appeal site, that it is especially difficult to manage or maintain, and its current appearance is not harmful.
15. With regard to fly-tipping, there is no substantive evidence before me which would indicate that this is a significant or persistent issue. While clearly undesirable, it can be managed by a variety of means using legislation outside of the planning system, and it has not been shown that other measures have been considered or proven to be unsuccessful. Moreover, it would remain the case that fly-tipping could potentially take place on areas of landscaping that would remain outside of the appeal site even following the construction of the proposed dwelling. Therefore, there is no certainty that the proposal would wholly alleviate the issue in any event.
16. It has not been shown, therefore, that the appeal is not of such detriment to the amenity of neighbours, or is so difficult to maintain, that its loss would be justified in this instance.
17. Therefore, in relation to this main issue, I conclude that although the proposal would not represent the loss of the designated green infrastructure, it would nevertheless lead to harm to the character and appearance of the area.
18. The proposal would therefore conflict with HLP Policies NE6 and NE7, the content of which I have set out above, and HLP Policy QP4 which states that development should respect the surrounding environment. It would not, however, conflict with HLP Policy NE2, the content of which I have also set out above.

Living conditions

19. The proposal would incorporate south-facing dormer windows, which would face towards an existing dwelling to the south, at a stated distance of around 18.5 metres. HLP Policy QP4 states that development should not negatively impact upon the amenity of occupiers of adjoining or nearby properties by way of overlooking or privacy, and that a minimum separation between principal elevations of 20 metres should be maintained.
20. In this instance, the required separation would not be achieved. However, I saw that the first-floor windows in the northern elevation of the neighbouring property were obscure glazed, and as a result, no direct views between these windows and those at the proposed dwelling would be available such that they would lead to an unacceptable loss of privacy. It is possible that some views of the garden associated with the neighbouring property would be achievable, however, these would be limited by the dormer bungalow height of the proposed dwelling and

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mitigated to an extent by the separation which would be achieved, and which also should be considered in the context of the existing relationship between 1 Conroy Close and windows within the much larger dwelling located to the west which already overlook the garden and from a greater height.

21. Bearing all of these factors in mind, I conclude that the proposal would not lead to unacceptable harm to the living conditions of neighbouring occupiers with particular reference to privacy. It would, therefore, accord with HLP Policy QP4, the requirements of which I have set out above.

Other Matters

22. The proposal is described as being a self-build dwelling. However, in the evidence before me, there is no means of securing it as such, and as a result this factor is not a benefit of the scheme which would weigh in favour of the proposal.
23. Even if I were to agree that the proposal would not lead to harm in relation to matters of design, parking and highway safety or the living conditions of future occupiers with reference to noise, these are neutral factors which would not weigh in favour of the proposal.
24. I note the appellant's apparent frustration with the conduct of the Council during the application and appeal process. However, I am required to consider the proposal on its merits alone.
25. I understand that the appeal site lies within the zone of influence associated with Teesmouth and Cleveland Coast Special Protection Area ('SPA') and Ramsar. The Council has also suggested that the proposal could lead to recreational disturbance at Northumberland Coast SPA and Ramsar, and Durham Coast Special Area of Conservation ('the protected sites').
26. The Conservation of Species and Habitats Regulations 2017 require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of the protected sites, either alone, or in combination with other plans and projects. This responsibility falls to me in the context of this appeal.
27. The Council considers that it is possible that the proposal could lead to adverse effects, either alone or in combination with other proposals, on the integrity of the protected sites as a result of recreational disturbance. There is some agreement that the proposal would not have an adverse effect in terms of nutrient neutrality.
28. If minded to allow the appeal, it would be necessary for me to carry out an appropriate assessment in order to establish whether or not any impacts would occur, or would be adequately mitigated. I address this matter further within the planning balance.

Planning Balance and Conclusion

29. I have found that the proposal would be unacceptable in respect of its effect upon the character and appearance of the area. It would conflict with the development plan when read as a whole, as well as advice within the National Planning Policy Framework ('the Framework'). I afford this conflict and harm significant weight.
30. There is no dispute that the Council can demonstrate an adequate supply of deliverable housing sites. While the appellant has suggested that the supply and

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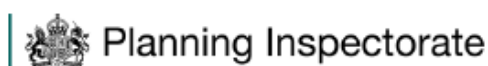
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delivery situation may become more challenging in the future, there is no substantive evidence before me to demonstrate that this would be the case.

31. Nevertheless, I am mindful of the government's ambition to boost the supply of housing, and also the important contribution that small sites can make to this supply. I have no reason to doubt that the proposal could be delivered quickly. Having regard to the modest scale of the proposal as a single dwelling, these factors are benefits of the proposal which would carry moderate weight.
32. I also afford weight to the contribution that the proposal would make to the local economy both during construction and upon occupation. These are further, albeit minor benefits of the proposal
33. Taken together, these benefits would not outweigh the harm that I have found. Therefore, having regard to all matters, there are no material considerations, including the Framework, which would indicate taking a decision other than in accordance with the development plan in this case.
34. If I had reached a different conclusion, I would have sought additional information in order to undertake the appropriate assessment, and be satisfied that the integrity of the protected sites would not be adversely affected. However, as I have found that the proposal would be otherwise unacceptable, this has not been necessary.
35. For the reasons given above, I conclude that the appeal should be dismissed and planning permission refused.

C Harding

INSPECTOR



Costs Decision

Site visit made on 25 February 2025

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 18 March 2025

Costs application in relation to Appeal Ref: APP/H0724/D/24/3352563

54 Grange Road, Hartlepool, Cleveland TS26 8JF

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Shaun Porritt for a full award of costs against Hartlepool Borough Council.
 - The appeal was against the refusal of planning permission for replacement of existing black UPVC casement windows with new black PVCU sliding sashes to front bay window and new footpath and paved garden to front.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour in the context of an application for an award of costs may be either procedural, relating to the process, or substantive, relating to the issues arising from the merits of the appeal.
 3. The applicant contends that the Council's reason for refusal is based on vague, generalised or inaccurate assertions that are contradictory and unsubstantiated.
 4. I have dismissed the appeal and found that the proposed new windows would fail to preserve or enhance the Grange Conservation Area (CA) and there would be no wider public benefits that would outweigh the harm that would be caused to the significance of the CA, which is a designated heritage asset.
 5. The Council's officer report discusses that the windows would be more energy efficient and has highlighted the relevant paragraph in the National Planning Policy Framework (the Framework). In fact, they agree that the design of the proposed windows, which would look like sliding sash, and includes features such as decorative horns, would be more sympathetic to the character and appearance of the host dwelling than the existing windows in the bay.
 6. However, a central sash window is not traditional to the area as detailed in the Grange Conservation Area Character Appraisal, 2009, (CACA). Moreover, the Council says that timber windows are a key feature of the CA and have referred to their previous assessment of this property when planning permission for sliding sash timber windows was applied for and approved.
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7. Whilst there are examples of uPVC windows in the CA, including on the host property, these windows, as set out in the CACA, have already eroded the appearance of the area. Although the proposal affects only one property, it is the cumulative effect of changing windows from wood to uPVC which can over time harm the character and appearance of an area and harm the significance of the CA.
8. I therefore find that unreasonable behaviour, resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

M J Francis

INSPECTOR

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PLANNING COMMITTEE

20th August 2025



Report of: Assistant Director – Neighbourhood Services

Subject: PLANNING APPEAL AT PLOT 3, MANOR PARK, HART
APPEAL REF: APP/H0724/D/25/3360570
Section 73 application to vary condition 1 (approved plans) of planning permission H/2022/0304 (in respect of residential development comprising the erection of 15 dwellings with associated infrastructure) to allow for amendments to Plot 3 house type.

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision to approve the proposed dwelling, in particular a planning condition (condition 1, approved plans) of the approval. During the course of the planning application, officers required changes to the proposed detached garage to reduce its scale and considered impact on the surroundings.
- 1.2 The application was approved on the basis of such changes to reduce the scale of the proposed garage, under delegated powers on 23rd January 2025.
- 1.3 The appellant is now seeking to vary the approved plans (contained within condition 1 of the decision notice) to amend the design and scale of the approved garage and in effect revert back to the design and scale of the proposed garage that was submitted with the planning application (that officers deemed to be unacceptable, hence the request for amended plans that were received and later approved).
- 1.4 A copy of the officer's delegated report is appended at **Appendix 1**.

2. RECOMMENDATIONS

- 2.1 That Members note this report.

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Appendix 1 – Officer Report

DELEGATED REPORT

DELEGATION ISSUES 1) Publicity Expiry	Neighbour letters: Site notice: Advert: Weekly list: Expiry date: Extended date:	02/06/2023 15/06/2023 15/06/2023 04/06/2023 13/07/2023 24/01/2025
2) Publicity/Consultations PUBLICITY The application has been advertised by way of 4 neighbour letters, a site notice and a press notice. To date, there has been a single letter of representations received stating no objections. Through the course of the application revised plans were received and a further consultation period was undertaken, where the same neighbouring consultee confirmed no objections to the proposed development. CONSULTS The following consultation responses were received; HBC Arboricultural Officer: - I have no comments or concerns to the variation of condition 1 to the planning permission H/2022/0304 from an arboricultural point of view. HBC Landscape Architect: - There are no landscape and visual issues with the proposed variation. <u>Further comments received 04/09/2024</u> There are no landscape and visual issue with the proposed variation. HBC Traffic & Transport: - There are no highway or traffic concerns. <u>Further comments received 24/09/2024</u> No highway concerns with the amended plans. HBC Engineering Consultancy: - In response to your consultation on the above application we have no objection to proposals in respect of surface water management or contaminated land.		

HBC Public Protection: - Not object. I have no objections to this application and no comment to make.

HBC Ecology: - The development discharges to Seaton Carew. There is no change to this information and the HRA comments remain valid.

Further comments received 17/01/2025

I have no further comments on this application. The information provided is sufficient to meet any requirements.

Natural England: - Thank you for your consultation. Natural England currently has no comment to make on the variation of condition 1. If any of the conditions relate to protected species, please note the following: We have not assessed this application and associated documents for impacts on protected species. Natural England has produced standing advice[1] to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Tees Archaeology: - Thank you for the consultation on this application. We have no objection to the proposed amendments.

Further comments received 19/09/2024

Thank you for the consultation on this application. The site has been subject to an archaeological investigation as part of outline application H/2015/0209; no further archaeological work is required for this proposal.

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.

Northern Gas Networks: - Northern Gas Networks acknowledges receipt of the planning application and proposals at the above location. Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable. We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks

in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue. If you have any further enquires please contact the number below.

Further comments received 03/09/2024

There are no new documents on the planning portal regarding the changes. Can you please advise whether there are any changes to the site boundary? We won't be objecting as long as there isn't and our no objection response from 16th May 2023 will still stand.

Further comments received 10/10/2024

We won't need to object as there are no intermediate or high pressure mains nearby.

Northern Powergrid: - Thank you for your safe-dig enquiry with Northern Powergrid. We are pleased to confirm that your plan is attached. If you are a returning customer, you will notice the enhancements to the format of the safe-dig plan. This has now been rolled out to Northern Powergrid employees, this has allowed a new Safedig2 web page to be developed and launched. Please see information below. As a user of our back office facility we would like to make you aware of the selfserv service which can provide you a PDF plan within a very short period of time. To gain access to the new service please follow the link below to register and access the service.

<https://myservices.northernpowergrid.com/selfserveaccount/login.cfm> If you have any questions following receipt of your plans, please do not hesitate to contact Northern Powergrid's safe-dig team.

Further comments received 04/09/2024 (summarised)

Under the provisions of the above Act, Northern Powergrid have no objections providing that our statutory rights are not affected and that we will continue to enjoy rights of access to the apparatus for any maintenance, replacement, or renewal works necessary.

National Grid: - Thank you for your email. Regarding planning application H/2023/0086, there are no National Gas Transmission assets affected in this area. If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry.

National Grid Electricity Transmission: - (summarised) Thank you for your email.

Regarding planning application H/2023/0086, there are no National Grid Electricity Transmission assets affected by the proposal.

HBC Building Control: - A Building Regulation application has been received for 3 Manor Park.

Cleveland Fire Brigade: - Cleveland fire Brigade offers no representations regarding the development as proposed. However, Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1. It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above.

The Rural Neighbourhood Plan Group: - Thank you for consulting the Rural Neighbourhood Plan Group. The Group have no comments regarding this application.

Clerk To The Parish Council Of Hart: - No comments received.

HBC Waste Management: - No comments received.

HBC Heritage And Countryside: - No comments received.

Northumbrian Water: - No comments received.

Civic Society: - No comments received.

3) Neighbour letters needed Y.

4) Parish letter needed N.

5) Policy

National Planning Policy Framework (NPPF)(2024)

In December 2024 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and 2023 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 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 strong 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:

PARA002: Determination of applications in accordance with Development Plan
 PARA003: Utilisation of NPPF
 PARA007: Achieving Sustainable Development
 PARA008: Achieving Sustainable Development
 PARA009: Achieving Sustainable Development
 PARA010: Achieving Sustainable Development
 PARA011: The presumption in favour of Sustainable Development
 PARA012: The presumption in favour of Sustainable Development
 PARA039: Decision making
 PARA048: Determining applications
 PARA057: Planning conditions and obligations
 PARA058: Planning conditions and obligations
 PARA061: Delivering a sufficient supply of homes
 PARA111: (Active Travel) Promoting sustainable transport
 PARA115: Considering development proposals
 PARA116: Considering development proposals
 PARA124: Making effective use of land
 PARA125: Give substantial weight to the value of using suitable brownfield land.
 PARA129: Achieving appropriate densities
 PARA131: Achieving well-designed places
 PARA135: Achieving well-designed places
 PARA161: Meeting the challenge of climate change, flooding and coastal change
 PARA164: Planning for climate change
 PARA170: Planning and flood risk
 PARA187: Conserving and enhancing the natural environment
 PARA192: Habitats and biodiversity
 PARA231: Implementation
 PARA232: Implementation
 PARA233: Implementation

Hartlepool Local Plan 2018

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
 SUS1: The Presumption in Favour of Sustainable Development

Hartlepool Rural Neighbourhood Plan

NE1: Natural Environment
 GEN2: Design Principles

Planning Policy Comments: Planning Policy have no objections to this proposal.

6) Planning Consideration

BACKGROUND

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

H/2015/0209 – Outline planning permission with some matters reserved (appearance, layout, scale and landscaping) was granted on 30th March 2017 for residential development comprising 15 dwellings.

H/2019/0047 – Reserved matters planning permission (appearance, layout, scale and landscaping) was granted on 13th November 2019 in respect of outline planning application H/2015/0209 for the erection of 15 dwellings with associated infrastructure.

It is understood that works have commenced on site to implement approval H/2019/0047 on various plots.

H/2020/0001 – Planning permission was granted on 23rd March 2020 for incorporation of land into curtilage and repositioning of approved dwelling at Plot 15, in respect of reserved matters planning permission H/2019/0047 and outline planning permission H/2015/0209 (for the erection of 15 dwellings with associated infrastructure).

APP/H0724/W/20/3252289 – An appeal was allowed on 10th September 2020, which had the effect of amending the wording of condition 4 (obscure glazing/restricted opening to windows) of planning permission H/2019/0047 to remove reference to windows in the east facing elevations of plots 11, 13 and 15 of the development (only).

H/2020/0073 - Section 73 application for amendments to reserved matters planning permission H/2019/0047 (in respect of outline planning application H/2015/0209 for the erection of 15 dwellings with associated infrastructure) to allow for alterations to plot 12 house type and repositioning of approved dwellings at plots 14 and 15, with associated changes to hard and soft landscaping and plot boundaries/boundary treatments, approved 10/11/2020.

H/2021/0331 - Section 73A application for the variation of planning permission H/2020/0073 (in respect of residential development comprising the erection of 15 dwellings with associated infrastructure) to allow for amendments to Plot 3 and 6 house types, approved 14/12/2021.

H/2022/0381 - Section 96a (Non-material amendment) application to vary wording of condition 20 (archaeological works) of outline planning permission H/2015/0209 (for residential development comprising 15 dwellings) (Plots 5 and 9) – approved 16/11/2022.

H/2022/0098 - Erection of two and a half storey dwelling with detached double garage (plot 11), approved 18/11/2022.

H/2022/0219 - Erection of two and a half storey 5 bedroom detached dwelling with an attached single garage and associated works (plot 12), approved 18/11/2022.

H/2022/0304 - Section 73A application to vary condition 1 (approved plans) of planning application H/2021/0331 (in respect of residential development comprising the erection of 15 dwellings with associated infrastructure) to allow for amendments to Plot 8 house type.

H/2023/0242 – This relates to a (full) application under consideration at the time of writing for the erection of a detached dwelling at Plot 14 Manor Farm.

Other related background

A report was presented to planning committee in February 2021 to seek Members authorisation to agree proposed amendments (in the form of a Deed of Variation) to the s106 legal agreement associated with the original planning approval H/2015/0209 following a written request by the developer(s).

The main changes were to remove the previous planning obligations and all developer contributions and obligations towards green infrastructure, play, education, and sports facilities as well the removal of the obligation towards the provision of 1 on site affordable dwelling and to remove the financial contribution towards off- site affordable housing. This request arose due to the costs of archaeological works on the site.

It was considered that the applicant had satisfactorily demonstrated through the submission of an economic viability assessment (EVA) that the previously agreed planning obligations and contributions (including affordable housing) would render the development unviable and would therefore jeopardise the viability, and ultimately the delivery of the site. As such, the submitted EVA was considered to satisfy the provisions of the NPPF and Local Plan Policy QP1. Members agreed to the requirements and a Deed of Variation to the original s106 legal agreement was signed on 02/11/2021.

SITE AND SURROUNDINGS

The site extends to approximately 0.85 hectares and was formerly an area of agricultural land. Archaeological work has been undertaken on site since outline planning permission was granted and a number of dwellings have been constructed and occupied.

To the west of the site is residential development on Milbank Close, to the east is Manor Farm smallholdings, with residential properties beyond, known as The Fens, to the north is open fields, to the south is a tree belt that encloses a parcel of land of the largely constructed dwelling on the former Kirkfields stable site (as approved under H/2020/0384 and H/2022/0040). Beyond the neighbouring site lies the A179 Hart Bypass. Southwest of the site there is a recently completed residential development at land adjacent to the Raby Arms public house. There are a number of mature and semi mature trees bounding the site. The site is within the limits to development of Hart village in the adopted Hartlepool Local Plan (2018).

The plot subject to consideration is plot 3, which is at the southern aspect of the site. A road runs to the front of the application site (south), in an east-west direction and an access road into the development also runs to the side of the application site (east) in a north-south direction. The immediate neighbouring properties include the fully constructed plot 2 to the side (west), the fully constructed plot 4 to the rear (north) and at the opposite side (east), across from the vehicular highway serving the street is the grassed plot 14, which is yet to be constructed although a planning application is under consideration at the time of writing. Beyond plot 14 is Plot 15, which has been constructed, although at the time of writing, an application is under consideration for the site.

PROPOSAL

This Section 73 application seeks planning permission for the variation of condition 1 (approved plans) of a Section 73 permission H/2022/0304 (in respect of residential development comprising the erection of 15 dwellings with associated infrastructure) to allow for amendments to Plot 3 house type.

The proposal was amended during the course of the application to address officer concerns regarding a number of windows (in terms of design and amenity concerns) as well the design and scale of the proposed detached garage. Amended plans were duly received and the proposal, as amended, is set out in detail below.

The proposed replacement housetype would cover a greater footprint than the approved house type for plot 3 (under H/2021/0331), particularly with respect to a projecting two storey rear outrigger along the eastern (side) boundary. The proposed outrigger would project approximately 8 metres from the main rear elevation of the proposed dwelling by a width of approximately 4.8 metres, with the main body of the property measuring approximately 11 metres in width by a depth of approximately 8 metres.

Although the proposed dwelling would cover a greater footprint, it would be lower in overall height than the approved dwelling at approximately 8.7 metres high compared to the approved height of approximately 9.9 metres. Consistent with the approval, the proposed dwelling would still feature a central front gable roof design, although the eaves detailing would be more ornate than the approved design and additional glazing would appear centrally within the front elevation at both ground floor and at first floor level. The central gable element proposed would not project further forward (to the front) than the main front elevation in contrast to the approved scheme for the plot and the proposed dwelling would notably be set further to the rear, approximately in line with the immediate neighbouring property at Plot 2.

A further notable change in the design of the proposal would be the introduction of dormer windows within the first floor/roof aspects of all elevations/roofslopes of the proposed dwelling. In addition, windows were a notable feature within the publicly facing side (east) elevation of the previously approved dwelling and the current proposal would also provide such notable features within this side aspect of the property, with two narrow floor to ceiling windows serving a lounge and dining area respectfully, and three windows serving a kitchen area and utility. At first floor, two

dormer windows would also feature within the east elevation. The proposed dwelling would provide 5 bedrooms with kitchen, utility bathroom and ensuite bathroom arrangements.

Consistent with the previously approved scheme, a detached garage (as amended during the course of the application) would be located within the rear (north-west) aspect of the proposed dwelling. The proposed garage would measure approximately 5.8 metres by 5.8 metres by an eaves height of approximately 2.9 metres and a hipped ridge height of approximately 4.8 metres.

MATERIAL PLANNING CONSIDERATIONS

The application relates to a Section 73 application for the variation of reserved matters approval H/2019/0047 and the most recent Section 73 approval H/2022/0304. It is therefore considered that the principle of the development has been established through outline planning permission H/2015/0209 and is still considered to be compliant with the adopted Hartlepool Local Plan (which identifies the site as 'white land') and the provisions of the NPPF (2024).

As such, the main issues for consideration when assessing this application are the impact on the character and appearance of the surrounding area, the amenity 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 APPLICATION SITE AND CHARACTER AND APPEARANCE OF SURROUNDING AREA

Policies QP4 (Layout and Design of Development) and HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) require, amongst other provisions, that proposals should respect surrounding buildings, structures and environment and be of an appropriate size, design and appearance in keeping with/sympathetic to the character of the surrounding area. In addition, paragraphs 131 and 135 of the NPPF (2024) requires well designed places.

As set out within the above proposals section, whilst there are a number of changes proposed when compared to the previously approved dwelling design, the proposed amendments would still provide a large detached dwelling that would be similar in character to those previously approved within the wider development and the proposals are considered not to be out of keeping with the immediate surrounding area.

A condition of the approved outline planning permission was that the proposed dwellings would not exceed a height of 10 metres, which the current proposal would fall within. Although the proposed dwelling would cover a greater footprint, it would be lower in overall height than the approved dwelling at approximately 8.7 metres high compared to the approved height of approximately 9.9 metres. It is considered that the lower height of the proposal would not have a significant impact within the existing development site or the wider area given the nature of the change, and given the variety of house types and designs within the approved street scene, which feature similar roof heights.

It is also noted that the property would project further back (north) when compared to the previously approved scheme by approximately 2 metres, which would be approximately in line with the immediate neighbouring property to the side of Plot 2 and Plot 1 beyond that (west). The approved reserved matters layout for plot 14 on the opposite side (east) is set further to the rear, although there is greater distance between this property and the application site, where an entrance road between the respective properties acts as a break on the building line. The positioning of the proposed dwelling is considered to be in keeping and it is considered that it would provide a degree of improvement to the layout at the southern entrance of the development site.

The proposed replacement housetype would cover a greater footprint than the approved house type for plot 3 (under H/2021/0331), particularly with respect to a projecting two storey rear outrigger along the eastern (side) boundary. The proposed outrigger would project approximately 8 metres from the main rear elevation of the proposed dwelling by a width of approximately 4.8 metres. This eastern elevation would be particularly notable given that it would run parallel to the entrance road into the cul de sac development (north/south). Notwithstanding the increase on the previously approved scheme, amendments were sought and achieved to reduce the scale (the height and level of fenestration) of the proposed outrigger. Whilst this aspect of the proposal would be a notable feature of the proposal, including the associated fenestration contained within it, the scale and design is considered not to be out of keeping with the large detached nature of the wider development site. The break provided at the northern end, where the drive would form is considered to temper its sense of bulk and appearance together with the limited width that does not stretch across the whole back of the rear elevation, which is publicly viewable from within the street.

A detached garage is also proposed in the same approximate location as previously approved. Again, through the course of the planning application, changes were sought and achieved to ensure that the scale of the garage would be of a proportionate scale to the host property and subject to the final amendments, the proposed garage is considered of appropriate scale and appearance.

The proposed dwelling would introduce changes to the fenestration, when compared to the approved scheme, with the introduction of increased glazed elements, particularly to the front gable feature and along the publicly facing (east) side elevation, which are notable. In addition, the proposal would introduce dormer windows to the design of the dwelling, which did not feature as part of the previously approved design for Plot 3. Whilst noting the outlined changes, high levels of glazing and the feature of dormer windows are a characteristic of the wider development. Consequently, these aspects of the proposals are considered to be in keeping with the overall design of scheme, and the fenestration changes to the proposal is considered not to have a negative or appreciable impact upon the character and appearance of the development or immediate surrounding area.

Through the consultation process both the Council's Landscape Architect and the Council's Arboricultural Officer were consulted and have raised no concerns or objections.

In view of the above considerations, the proposals as amended are considered, on balance, to be acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the immediate surrounding area, and in accordance with the relevant policies of the Hartlepool Local Plan (2018), Hartlepool Rural Neighbourhood Plan (2018) and relevant paragraphs of the NPPF.

IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING PROPERTIES

QP4 (Layout and Design of Development) of the HLP requires, amongst other provisions, 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.

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 and sets out minimum separation distances. These requirements are reiterated in the Council's adopted Residential Design SPD (2019). The following minimum separation distances must therefore be adhered to:

- Provide and maintain separation distances of at least 20m from habitable room to habitable room.
- Provide and maintain separation distances of at least 10m from habitable room to non-habitable room and/or gable end.

The plot subject to consideration is plot 3, which is at the southern aspect of the application site. A road runs to the front of the application site (south), in an east-west direction and an access road into the cul-de-sac development also runs to the side of the application site (east) in a north-south direction. The immediate neighbouring properties include the fully constructed Plot 2 to the side (west), the fully constructed Plot 4 to the rear (north) and at the opposite side (east), across from the vehicular highway serving the street is the grassed area where Plot 14 would be built, which is yet to be constructed although a planning application is under consideration at the time of writing.

Plot 2 (2 Manor Park Gardens, West)

To the west of the application site is the large two storey detached residential property of *2 Manor Park Gardens* (thereafter referred to as Plot 2), which would have a side to side relationship with the proposed dwelling. The proposed dwelling would be set further back from the front by approximately 2 metres when compared to the previously approved dwelling for Plot 3, where as a result, the respective properties would be situated along a similar building line. The neighbouring property does not feature any windows within the respective side elevation (east) facing towards the application site and consequently, the revised design of Plot 3 proposed

is considered not to impact on the amenity and privacy of the front and side elevations (and any windows) of the neighbouring dwelling of Plot 2.

The main body of the proposed dwelling would not project beyond the rear elevation of Plot 2 to the west, although a two storey outrigger forms part of the revised design that would project beyond the rear of the neighbouring dwelling at the rear (north-east). This part of the proposed dwelling would be situated on the opposite side of the plot from the neighbouring dwelling of Plot 2 to the west with a separation distance from the two storey outrigger to the shared boundary of approximately 7.2 metres and an indirect separation between nearest aspects of the respective proposal and rear/side elevations of the neighbouring dwelling of approximately 9 metres.

In addition, to the rear of the application plot along the shared boundary with Plot 2 (north-west), a detached garage is proposed. Through the course of the planning application, the scale of the garage was reduced to a more modest single storey scale with a hipped roof design to temper its impact with an eaves height of approximately 2.9 metres and a hipped ridge height of approximately 4.8 metres. Furthermore, the proposed garage would be positioned on a similar footprint to the previously approved (and accepted) position of a detached garage as part of the original reserved matters approval for plot 3.

With respect to considerations of overbearing, loss of light and loss outlook from the proposed works towards the rear, whilst it is acknowledged that the proposed rear aspects proposed would be noticeable, particularly from views from the neighbouring rear garden area, owing to the remaining distances across the host garden area and given the relationship, which would be an indirect one from the main residential property, it is considered that the proposed projecting rear outrigger and the single storey garage would not lead to any significant adverse loss of amenity in respect to being overbearing, result in any significant loss of light or significantly impact on the neighbouring outlook to warrant the refusal of the planning application on such grounds.

With respect to consideration of the impact on privacy, the proposed west (side) elevation of the proposed dwelling would feature a first floor en-suite window and a first floor dormer bedroom window within the outrigger element primarily facing towards the side of the neighbouring property of Plot 2. Whilst both first floor windows primarily face towards a blank side elevation (east), oblique views towards the neighbouring rear garden area would be possible from the proposed first floor windows within the outrigger element. Both first floor side elevation windows are illustrated as being obscurely glazed, which would be conditioned accordingly in the interests of the protection of privacy. Within the outrigger, at ground floor, a set of bi-fold doors serving a kitchen and an access door serving a utility room would face towards the side of the neighbouring property and garden area. Given the distance and ground floor relationship, including the presence of boundary enclosure along the shared boundary, where there would be no direct views towards the rear elevation of Plot 2, the proposed ground floor windows are considered not to lead to any significant loss of privacy for the respective neighbouring resident.

With respect to windows and doors in the main ground and first floor rear elevation (north) of the proposed dwelling, in view of the aforementioned side by side relationship with plot 2 and existing boundary treatments, it is considered that no direct views would be achievable from such windows towards those in the main rear elevation of plot 2 and therefore the proposal would not result in an adverse loss of privacy in this respect.

A garage door is proposed within the side (southern) elevation of the proposed garage, close to the shared boundary with Plot 2. Whilst acknowledging the proposed door, given the nature of the building (non-habitable) and the relationship with the boundary enclosure in close proximity, it is considered that there would be no significant loss of privacy to the neighbouring property as a result.

Having regard to the above considerations, taking account of the distances and relationships, the proposal is considered not to lead to any significant overbearing, loss of light, loss of privacy and loss of outlook for the neighbouring plot (2) to the west. Consequently, it is considered that the nature of the proposals are satisfactory and that the proposed amendments to the scheme would not have any appreciable impact on the amenity or privacy of the neighbouring plot/property as a result of the proposed development.

Plot 14 (East) (Approved Layout)

The neighbouring plot to the east, across from the vehicular access road into the cul-de-sac development is Plot 14. Notably, Plot 14 has not yet been constructed and is subject to a separate planning application currently under consideration to change the proposed dwelling to be located on the plot. Given the pending status of the application under consideration at the neighbouring site is secondary to the consideration of the current planning application at Plot 3 (owing to chronological submission), an assessment is made based upon the already approved dwelling (for plot 14) where the most significant weight is attributed.

The relationship between the application site 'Plot 3' and the neighbouring plot to the east is a 'side to side' relationship, with an access road between. Whilst the respective approved layouts are 'side to side' Plot 3 was approved set further forward and Plot 14 further to the rear, which staggered the side to side relationship. Given the changes proposed to the application site of Plot 3, the relationship with the approved dwelling at Plot 14 would be more in line, where the two storey outrigger would be directly across from the side elevation of the neighbouring property. There would be a separation distance of approximately 11.6 metres between respective side elevations. Whilst acknowledging the iterative changes in the relationships, given the nature of the relationships and the scale of the proposed dwelling and associated outrigger, the proposed changes to Plot 3 are considered not to lead to any significant impacts in terms of being overbearing, overshadowing or significant loss of outlook for the future occupiers at Plot 14.

With respect to privacy related matters, Plot 3 proposes a number of windows within the side elevation facing towards Plot 14 (east). At ground floor, two narrow floor to ceiling windows serving a lounge and dining area are proposed (secondary), and three windows serving a kitchen area and utility (secondary and non-habitable) are

also proposed. At first floor, two dormer windows would also feature within the east elevation facing towards Plot 14 serving a bedroom, although other windows also would serve this room. Within this upper floor side towards the front, two windows would also be provided serving a bedroom (secondary) and an en-suite (none habitable).

The approved side elevation of the neighbouring dwelling (plot 14) facing the application site would feature a secondary lounge window at ground floor and a secondary bedroom window at first floor. Neither window is required to be obscurely glazed by virtue of a planning condition on the original reserved matters approval. These relationships between the respective plots would include habitable room to habitable room relationships, where the separation distances would not strictly comply with those outlined within the adopted local plan requirement and the Residential Design SPD.

It is acknowledged that the approved layout of the application site of Plot 3 contained a number of windows within the side elevation facing east towards the neighbouring plot of Plot 14, although owing to the introduction of the extended two storey outrigger design along this side/rear elevation, along with the fenestration proposed, the revised design is considered to impact the neighbouring property to the east more greatly and therefore it is considered that in this instance, all such windows within the proposed side (east) elevation at ground and at first floor should be obscurely glazed and restricted in its potential for opening. Subject to the recommended planning condition, such privacy concerns would be suitably mitigated and the proposed development is considered acceptable in respect to impact on overlooking and privacy related matters.

Plot 15 (15 Manor Park Gardens, East)

Beyond Plot 14 is Plot 15. Whilst no property currently separates the respective application site and this neighbouring property, it is reasonable to expect that the above mentioned Plot 14 would eventually feature between the dwellings. Notwithstanding this, there is an approximately 23 metre separation distance between the respective dwellings in a side to side relationship and the proposed development is considered not to lead to any adverse impacts on this respective neighbouring residential occupier of Plot 15 in terms of loss of privacy and amenity and the proposed development is considered acceptable in this respect.

Plot 4 (4 Manor Park Gardens, North-west)

As detailed above, the rear of the application site would be made up from the main rear elevation aspect and also a two storey outrigger projecting towards the rear (north). To the rear of the application site (North-west), is the side elevation of the large detached two and a half storey property of Plot 4. The main rear elevation of the proposed dwelling at the application site would be approximately 18 metres from the side elevation of the neighbouring property. There are a number of windows contained within the neighbouring side elevation and based upon the approved plans for the neighbouring property (H/2019/0047), the window at ground floor serves a 'snug' (secondary window); the window at first floor serves an en-suite (none-habitable); and the window at second floor serves a bedroom (secondary

window). The upper floor windows are obscurely glazed, as required by planning condition.

With respect to the application site, the main part of the rear elevation at both ground and first floor would serve bedrooms. It is considered that having regard to distances and the nature of the neighbouring relationships, the proposed dwelling would not lead to any significant adverse loss of amenity in respect to being overbearing, result in any significant loss of light, would not result in any significant impact on the neighbouring outlook or result in any significant overlooking/loss of privacy towards the neighbouring property to the north-west.

With respect to the neighbouring relationship with the proposed two storey rear outrigger, this aspect of the proposal would face towards the front drive area of the neighbouring dwelling to the north-west. There would be an approximate 10 metres distance between the rear outrigger and the front of Plot 4. Within the proposed rear (north) elevation of the outrigger, a ground floor window serving a utility room and a first floor bedroom window is proposed. The relationship between the proposed rear outrigger to the front of Plot 4 to the north-west would be oblique, where any views between this part of the application site and the front of the neighbouring property would be limited. There are no windows within the side of the outrigger that are considered to have any significant impact upon the privacy of the neighbouring property to the north-west given the aforementioned relationship and separation distances.

Having regard to above considerations, taking account of the distances and the nature of the neighbouring relationships, the proposed outrigger would not lead to any significant adverse loss of amenity in respect to being overbearing, result in any significant loss of light, would not result in any significant impact on the neighbouring outlook or result in any significant overlooking/loss of privacy towards the neighbouring property to the north-west.

A detached garage is also proposed within the north-west corner of the application site, which would be adjacent to the side elevation of Plot 4. The neighbouring secondary 'Snug' window is located within this area. Whilst acknowledging the presence of the neighbouring window, this is a secondary window serving the room and given the single storey scale of the proposed garage, partially enclosed by the shared boundary to the rear of the application site and given the drive width between the neighbouring dwelling, whilst it is acknowledged that there would be a degree of impact on this window in terms of mass and light impacts, the proposed garage is considered not to lead to any significant loss of amenity in terms of being overbearing, result in any significant loss of light, would not result in any significant impact on the neighbouring outlook or result in any significant overlooking/loss of privacy.

Plot 13 (North-east)

To the rear/side of the application site, further into the development site, Plot 13 is situated approximately 18.6 metres away, orientated side on with an oblique relationship with the application site. It is considered that taking account of the distance and relationship, the proposed development would not lead to any

significant loss of privacy and amenity for the respective neighbouring property to the north-east.

'Kirkfields' (south)

As detailed within the above site and surroundings section, the largely completed dwelling of Kirkfields is located to the south, beyond the tree lined boundary. The neighbouring dwelling was approved since the original outline and reserved matters decision for the application (and wider development) site. There are satisfactory oblique separation distances between the application site and the neighbouring dwelling to the south (in excess of approximately 30m) and the proposed dwelling would be set approximately 2 metres further away (north) and the proposed dwelling would be lower than the already approved scheme for the application site of Plot 3. Having regard to the above considerations, the proposed changes to Plot 3 would not lead to any significant issues in terms of loss of amenity and privacy for the neighbouring property of Kirkfields to the south.

Other Amenity Considerations

Residential properties and any undeveloped plots at the time of writing at greater distances than those mentioned above are considered to not be significantly impacted by the changes to the layout and design of the proposed dwelling.

With respect to other amenity considerations, the Council's Public Protection section have been consulted and have raised no objections or concerns. Matters relating to the construction phase are controlled through the respective Outline planning approval.

Impact on Future Occupiers

The proposed dwelling would provide a large house with five bedrooms and an acceptable level of associated external amenity space. No impacts from surrounding neighbouring residential properties are considered to result in any significant detrimental impacts on the future occupiers of the application site that would warrant the refusal of the planning application on such grounds. With respect to the neighbouring plot to the east (Plot 14), as detailed above, considerations of impact on the application site will be considered when determining the respective planning application.

Amenity Conclusion

The proposed changes to Plot 3 are considered not to adversely affect other plots and the relationship between the neighbouring properties remains substantially the same, where consideration of previous section 73 applications apply. Consequently, the proposed development raises no significant concerns and the proposed development is considered acceptable in this respect.

HIGHWAY & PEDESTRIAN SAFETY RELATED MATTERS

The associated vehicular site access and parking, including the garage location are unchanged from the previously approved scheme. The Council's Traffic & Transport section have considered the proposals and raise no objections or concerns in this respect. The Council's Countryside Access Officer has confirmed that there is no conflict with the site and any public rights of way and no issues or concerns are raised in this respect. Having regard to these considerations, the proposed development is considered acceptable in respect to highway safety and vehicular parking related matters.

OTHER PLANNING MATTERS

Ecology and Nature Conservation

The Council's Ecologist has been consulted and has confirmed that there are no concerns with respect to ecological considerations, where the main issues addressed through the respective condition of the outline planning consent.

With respect to considerations of nutrient neutrality, the Council's Ecologist notes that the site discharges to the Seaton Carew WWTW. Consequently, the Council's Ecologist raises no issues in respect to matters of nutrient neutrality or the impact on recreational disturbance (as this was previously considered as part of the original outline permission). Natural England have also confirmed this position. Having regard to the above considerations, the proposed development is considered to be acceptable with respect to ecological related matters.

Archaeology and Heritage

The wider development site has extensive archaeological interest, with site investigations carried out as per the requirements of a planning condition of the outline planning permission revealing archaeological evidence of former settlements, and the conditions on the outline approval (and previous reserved matters) continue to apply. Tees Archaeology have therefore been consulted on the amendments to this plot and have confirmed that they have no objections to the application and no issues are raised in this respect.

Hart Village is not a conservation area. There are however a number of listed buildings within the village, although these are some distance from the site. The Council's Head of Service for Heritage and Open Spaces provided no comments although has previously been consulted on planning applications in this area and has confirmed no objections to such proposals. Having regard to these considerations, the application is considered to be acceptable in respect of the impact on heritage assets and archaeology and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

Flood Risk And Land Contamination

The Council's Engineers have been consulted on the application and have confirmed that they have no comments to make in respect of contaminated land or surface water management. Northumbrian Water were also consulted, although no comments were received. In view of the above, the application is considered to be

acceptable in this respect and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

Energy Efficiency Requirements

Recent changes in Building Regulations legislation (post June 15th 2022) have upgraded the energy efficiency requirements of new buildings and in some instances this would supersede the requirements of local planning policy. It is noteworthy that the Council's Building Control section have confirmed that a Building Regulation application has been submitted for this respective plot. With respect to the current application and the wider development site, the associated energy efficiency condition of the previous Section 73 application may or may not be required for each individual plot, depending on the stage of each of the respective developments. The associated energy efficiency condition has therefore been updated to reflect and capture both scenarios where the condition would and may not need to apply to ensure that the proposed dwellings would provide a level of energy efficiency that would at least be in line with planning policy requirements.

Utilities

Northern Gas Networks, Northern Powergrid and National Grid were all consulted and raise no issues or concerns with respect to any infrastructure located within the immediate area of the application site, although a number of informatives are recommended to provide the applicant with the appropriate details/information with respect to each utility operator and any associated nearby infrastructure to make the applicant aware of their responsibilities in this respect.

Building Regulations

It is noteworthy that the Council's Building Control section have confirmed that a Building Regulation application has been submitted for this respective plot.

Cleveland Fire Brigade have offered no objections to the proposals with advice on the requirement for access and water supplies access. Such matters would need to be considered and addressed through the separate legislation of Building Regulations and is not a material planning consideration. Nevertheless, Cleveland Fire Brigade's comments have been forwarded to the applicant for their consideration and a suitable informative note if recommended to reiterate this advice.

CONCLUSION

The application is considered to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in accordance with the relevant policies of the adopted Hartlepool Local Plan 2018, Hartlepool Rural Neighbour Plan 2018 and relevant paragraphs of the NPPF 2024. The application is recommended for approval subject to the planning conditions set out below.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

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

There are no Section 17 implications.

9) Alternative Options Considered

Yes (as per report).

10) Any Declared Register of Interest

No.

11) Chair's Consultation Necessary

Yes.

12) Recommendation

APPROVE subject to the following conditions;

CONDITIONS/REASONS

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

14_019_001 (OS Plan)

received 25th February 2019 by the Local Planning Authority;

14_019_01_P_005 REV. B (Plot 1 - Elevations, Layouts and Site Plan Draft 6),

14_019_04_P_005 REV. B (Plot 4 - Elevations, Layouts and Site Plan),

14_019_05_P_005 REV. B (Plot 5 - Elevations, Layouts and Site Plan),

14_019_07_P_005 REV. A (Plot 7 - Elevations, Layouts and Site Plan),

14_019_09_P_005 REV. A (Plot 9 - Elevations, Layouts and Site Plan),

14_019_10_P_005 REV. A (Plot 10 - Elevations, Layouts and Site Plan),

14_019_11_P_005 REV. A (Plot 11 - Elevations, Layouts and Site Plan),

14_019_15_P_005 REV. A (Plot 15 - Elevations, Layouts and Site Plan),

14_019_C_1200 (EXISTING BLOCKING PLAN)

received 8th July 2019 by the Local Planning Authority;

14_019_02_P_005 REV. B (Plot 2 - Elevations, Layouts and Site Plan),

14_019_14_P_005 REV. B (Plot 14 - Elevations, Layouts and Site Plan),

14_019_C_1213 (Plot 7 and Plot 8 Land Sections)

received 29th July 2019 by the Local Planning Authority;

14_019_13_P_005 1 of 2 REV. J (Layouts and Site Plan - plot 13),

14_019_13_P_005 2 of 2 REV. J (Layouts and Site Plan - plot 13)

received 30th August 2019 by the Local Planning Authority;

14_019_C_1209 REV. A (BOUNDARY TREATMENTS)

received 4th September 2019 by the Local Planning Authority.

14_019_12_P_005 REV. A (Plot 12 - Planning - Draft 4 Elevations, Layouts and Site Plan), received 17th February 2020 by the Local Planning Authority;

14_019_06_P_005 REV. B (Plot 6 - Elevations, Layouts and Site Plan), Received 6th September 2021 by the Local Planning Authority;

14_019_08_SK_01 (Planning Draft 1(proposed elevations and floor plans for Plot 8)) Received 15th August 2022 by the Local Planning Authority.

14_019_C_1212 REV. E (Road & Site Levels Layout) received 20/03/2023

14_019_C_1201 REV. G (RMA PROPOSED BLOCKING PLAN)

14_019_C_1203 REV. H (RESERVED MATTERS EXIST/PROP LEVELS PLAN)

14_019_C_1208 REV. H (RESERVED MATTERS MATERIALS LAYOUT)

14_019_C_1204 REV. H (RMA Proposed Street Scene/Land Section A-A)

14_019_C_1207 REV. E (RMA Proposed Street Scene/Land Section D-D, all received 20th March 2023 by the Local Planning Authority;

14_019_03_P_005 REV. F (Plot 3 - Elevations, Layouts and Site Plan), received 22nd July 2024 by the Local Planning Authority

14_019_C_1202 REV. J (Reserved Matters Planning Layout)

14_019_C_1211 REV. N (Reserved Matters Landscape Layout)

14_019_C_1205 REV. G (RMA Proposed Street Scene/Land Section B-B) received 20th January 2025 by the Local Planning Authority and;

14_019_C_1206 REV. D (RMA Proposed Street Scene/Land Section C-C Land Sections 1-1, 2-2 & 3-3) received 21st January 2025 by the Local Planning Authority.

To define Planning Permission and for the avoidance of doubt.

2. This approval relates solely to this application for amendments to H/2022/0304 (Section 73A application for the variation of planning permission H/2021/0331 (in respect of residential development comprising the erection of 15 dwellings with associated infrastructure) to allow for amendments to plot 3 house type. Where not addressed through the other conditions of this approval, the conditions attached to the original reserved matters planning permission H/2019/0047 shall continue to apply to this consent and shall be complied with. For the avoidance of doubt.
3. Prior to the commencement of development above ground level on any given plot where a Building Regulations application was received prior to the 15th June 2022, a scheme shall be submitted to and agreed in writing by the Local Planning Authority that shows how the energy demand of the development and its CO2 emissions (measured by the Dwellings Emission Rate (DER)) will be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulations, Part L (Building Regulations legislation pre-15th June 2022). The agreed final scheme shall be implemented thereafter.

In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy QP7 and CC1.

4. Prior to the commencement of development above ground level on any given plot, a scheme for the obscure glazing and, where considered necessary, restricted openings (max. 30 degrees) of the following proposed windows with respect to that plot (plot numbers as identified on 14_019_C_1202 REV. J (Reserved Matters Planning Layout) received 20th January 2025 by the Local Planning Authority and as per individual plot details set out in condition 01) shall be first submitted to and approved in writing by the Local Planning Authority:

Plot 1: 1no. first floor en-suite window in east facing side elevation.

Plot 2: 1no. first floor en-suite window in west facing side elevation.

Plot 3: 1no. ground floor living room window in east facing side elevation, 1 no. ground floor utility window in east facing side elevation, 3 no. ground floor kitchen/dining room windows in east facing side elevation, 1no. first floor 'bedroom 2' window in east facing side elevation, 1no. first floor bedroom 2 robes window in east facing side elevation, 1no. first floor 'bedroom 2' robes window in west elevation, 1no. first floor bathroom window in east elevation, 1no. first floor bedroom 3 window in east elevation and 1no. first floor ensuite window in west elevation.

Plot 4: 1no. first floor en-suite window in south facing side elevation, 1no. second floor bedroom window in south facing side elevation, 1no. first floor bathroom window and 1no. en-suite window in north facing side elevation, 1no. second floor bedroom window in north facing side elevation.

Plot 5: 1no. first floor en-suite window in south facing side elevation, 1no. second floor dressing room window and 2no. en-suite roof lights in south facing side elevation.

Plot 6: 1no. first floor en-suite window in south facing side elevation.

Plot 7: 1no. first floor bathroom window in south facing side elevation, 2no. first floor en-suite windows in north facing side elevation, 1no. second floor bedroom window in north facing side elevation.

Plot 8: 1no. first floor en-suite window in east facing side elevation, 1no. first floor glazing/window in the east facing side elevation of projecting two storey rear element (serving a master bedroom).

Plot 9: 1no. first floor en-suite window in west facing side elevation, 1no. first floor bathroom window in east facing side elevation.

Plot 10: 1no. first floor bathroom window in west facing side elevation, 1no. first floor en-suite window in east facing side elevation.

Plot 11: 1no. first floor bathroom window in west facing side elevation, 1no.

first floor en-suite window in east facing side elevation, 1no. second floor bedroom window in west facing side elevation.

Plot 12: 1no. first floor bathroom window in north facing side elevation, 1no. second floor 'Ensuite' window in north facing side elevation.

Plot 13: 1no. first floor bathroom window in south facing side elevation, 1no. second floor bedroom window in south facing side elevation.

Plot 14: 1no. first floor bathroom window in east facing side elevation.

Plot 15: 1no. first floor bedroom window in west facing side elevation, 1no. first floor en- suite window and 1no. first floor bathroom window in east facing side elevation. 1no. second floor bedroom window in west facing side elevation.

The windows shall be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent. Thereafter the windows shall be installed in accordance with the approved details and prior to the occupation of each respective plot and shall remain for the lifetime of the development hereby approved. The application of translucent film to the windows would not satisfy the requirements of this condition.
To prevent overlooking.

5. Prior to the occupation or completion of any individual plot/dwelling (whichever is the sooner) hereby approved, the proposed boundary enclosures with respect to that plot shall be installed in accordance with the followings plans and details; 14_019_C_1209 REV. A (BOUNDARY TREATMENTS) received 4th September 2019 by the Local Planning Authority; 14_019_C_1212 REV. E (Road & Site Levels Layout) and 14_019_C_1208 REV. H (RESERVED MATTERS MATERIALS LAYOUT, received 20th March 2023 by the Local Planning Authority. For the avoidance of doubt and in the interests of visual amenity.
6. No development shall take place except in accordance with the document 'A Proposal for the In-Situ Preservation of Archaeological Deposits on Land to the East of Millbank Close, Hart' by North East Archaeological Research Ltd, document dated March 2019 (received 6th March 2019 by the Local Planning Authority), which details the design and methodology to be employed to secure the preservation of surviving archaeological remains at a known depth of 740mm below finished floor level, which are to remain in situ.
The site is of archaeological interest.
7. The development hereby approved shall be carried out in accordance with the details and measures set out in the Arboricultural Impact Assessment (For Trees On Land Adjacent to Milbank Close, Hart, Hartlepool) by All About Trees, received by the Local Planning Authority on 3rd April 2019, and the Biodiversity Strategy (Manor Park) by E3 Ecology dated July 2019, received by the Local Planning Authority on 8th July 2019.
In the interests of visual amenity, biodiversity and to protect those trees that are considered to be of amenity value.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended or externally altered (including garage conversions) in any way without the prior written consent of the Local Planning Authority. With respect to plot 8, there shall be no alterations (externally or internally) to the first and second floor windows in the front/south elevation or the 'vault' areas at first and second floor level that the windows serve (as shown on plan 14_019_08_SK_01 (Planning Draft 1 (proposed elevations and floor plans for Plot 8), received 15th August 2022 by the Local Planning Authority).

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties, visual amenity and highway and pedestrian safety.

9. The first floor home office above the attached double garage to the north of plot 13 shown on plan 14_019_13_P_005 1 of 2 REV. J (Layouts and Site Plan - Plot 13), received 30th August 2019 by the Local Planning Authority, shall be ancillary to the C3 use of the main dwellinghouse at Plot 13, and shall not be subdivided from the main dwellinghouse or used for the purposes of operating a separate commercial business or office space beyond that which could be considered ancillary to the C3 use of the main dwellinghouse, for the lifetime of the development hereby approved.

In the interests of the amenities of the occupants of the adjacent residential properties and highway and pedestrian safety.

INFORMATIVE

INFORMATIVE 01: Statement of Proactive Engagement

The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

INFORMATIVE 02: Discharge of Outline Approval Conditions

Please note, notwithstanding the approval of the reserved matters as described in the Proposal granted by this decision, you are still required to discharge any planning conditions attached to the outline planning permission for the development (reference no. H/2015/0209) through the formal discharge of planning conditions process, including any pre-commencement planning conditions. You should review the outline planning permission decision notice and discharge any relevant conditions before commencing with the development. Should you require further advice, please contact the Local Planning Authority.

Informative 03: Access & Water Supplies - Advice to Applicant

Access and Water Supplies should meet the requirements as set out in: Approved Document B Volume 2: 2019, Section B5, for buildings other than Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2. It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above. Further comments may be made through the building regulation consultation process as required.

Informative 04: Northern Gas - Advice to Applicant

Northern Gas Networks has advised that there may be apparatus in the area that may be at risk during construction works and therefore they require that the promoter of these works MUST contact Northern Gas Networks directly to discuss their requirements in detail. Should diversionary works be required these will be fully chargeable. For further advice, please contact Northern Gas Networks on 0800 040 7766 (option 5).

Informative 05: National Grid - Advice to Applicant

There are no National Gas Transmission assets affected in this area. If you would like to view if there are any other affected assets in this area, please raise an enquiry with

<https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.lsbud.co.uk%2F&data=05%7C02%7C%7C3fe5fe3a6e1e402a00e408dc5acd689d%7Ce0f159385b7b4e50ae9acf275ba81d0d%7C0%7C0%7C638485085475927903%7CUnknown%7CTWFpbGZsb3d8eyJWIjoicMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=vPY%2BmYd7XyzZJpNsVYIy66NCFkzsshuseuBGOzq4cxI%3D&reserved=0>. Additionally, if the location or works type changes, please raise an enquiry.

Informative 06: Northern Powergrid - Advice to Applicant

Northern Powergrid has advised they have no objections to this application providing that their rights are not affected and that they will continue to enjoy rights of access to the apparatus for any maintenance, replacement or renewal works necessary. Northern Powergrid has also provided the following advice; Northern Powergrid would refer you to the Health & Safety Executive's publication HS(G)47 "Avoiding Danger From Underground Services" which emphasises that:- Plans must only be used as a guide in the location of underground cables. The use of a suitable cable-tracing device is essential and careful hand digging of trial holes must be carried out to positively identify and mark the exact route of the cable. You should also bear in mind that a cable is unmistakably located only when it has been safely exposed.- Cable depths are not generally indicated on our records and can vary considerably even when shown.- Great caution must be exercised at all times when using mechanical plant. Careful trail digging should always be carried out on the whole route of

the planned excavation to ascertain no cables exist. The Health & Safety Executive have another publication, GS6 "Avoidance of Danger from Overhead Electric Lines" that you should be aware of if your work is near overhead power lines. Both of these documents provide comprehensive guidance for observance of statutory duties under the Electricity at Work Regulations 1989 and the Health & Safety at Work Act 1974. Northern Powergrid's provision of records is based upon the assumption that people using them will have sufficient competence to interpret the information given. Any damage or injury caused will be the responsibility of the organisation concerned who will be charged for any repairs. Please note ground cover must not be altered either above our cables or below overhead lines, in addition no trees should be planted within 3 metres of existing underground cables or 10 metres of overhead lines. All our apparatus is legally covered by a wayleaves agreement, lease or deed or alternatively protected under the Electricity Act 1989. Should any alteration / diversion of Northern Powergrid apparatus be necessary to allow your work to be carried out, budget costs can be provided by writing to Network Connections, Alix House, Falcon Court, Stockton On Tees TS18 3TU. Tel 0800 0113433 All future works that Northern Powergrid may have will be included on the quarterly NRSWA coordination return for discussions at the quarterly meeting of authorities / utilities in order to minimise disruption to the public. For further information, please contact Northern Powergrid directly.

Author of Report: Kieran Campbell

Signed: K. Campbell

Dated: 23/01/2025

Signed: DJAMES

Dated: 24/01/2025

Planning Team Leader DC

Signed: Tom Feeney

Dated: 23/01/2025

Chair of the Planning Committee

PLANNING COMMITTEE

20th August 2025



Report of: Assistant Director – Neighbourhood Services

Subject: PLANNING APPEAL AT LAND AT WHELLY HILL FARM WORSET LANE HARTLEPOOL TS27 3BH
 APPEAL REF: APP/H0724/W/25/3368455.
 Erection of a Solar Electric Forecourt with ancillary commercial uses, and associated electrical infrastructure, a solar photo voltaic (PV) farm. energy storage, new access, car parking, landscaping and associated works. (H/2022/0423)

1. PURPOSE OF REPORT

1.1 To advise members of a planning appeal that has been submitted against the Council's decision to refuse the erection of a Solar Electric Forecourt with ancillary commercial uses, and associated electrical infrastructure, a solar photo voltaic (PV) farm. energy storage, new access, car parking, landscaping and associated works.

1.2 The application was refused by Members at the planning committee meeting of 13th March 2025 for the following reason:

In the opinion of the Local Planning Authority, the proposed development would, by reason of the increased traffic utilising the solar electric forecourt, result in a potential adverse impact on highway safety and congestion on the A179, contrary to Policy QP3 of the Hartlepool Local Plan 2018 and paragraph 116 of the NPPF (2024).

1.3 The Start Letter for the appeal indicates that the appeal is currently expected to follow the Hearing procedure. At the present time the date and time of the Hearing has not been published.

2. RECOMMENDATIONS

2.1 That Members note this report.

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