



Hartlepool  
Borough Council

# Planning Committee

## Agenda

Wednesday 21 January 2026

**Time:** 10:00 am

**Location:** Council Chamber

**Members:** Planning Committee

Councillors Bailey-Fleet, Boddy (C), Dunbar, Dodds, Feeney, Jorgeson, Little, Napper, Oliver, Roy (VC), Thompson

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### 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 10<sup>th</sup> December 2025

### 4. Items Requiring Decision

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

1. H/2025/0200 Land North of A689, Wynyard Park Estate, Wynyard Woods, Wynyard (page 1)

2. H/2023/0370 Former Britmag Ltd, Old Cemetery Road (page 33)

3. H/2024/0174 Seaton Meadows Landfill Site, Brenda Road (page 53)

#### CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has been evacuated, please proceed to the Assembly Point so that you can be safely accounted for.



4. H/2025/0363 Land in the vicinity of Elwick Village and the A19 comprising multiple parcels of land, Elwick (page 99)

## **5. Items for Information**

- 5.1 Update on Enforcement Actions – *Director of Neighbourhood and Regulatory Services*
- 5.2 Planning appeal at Gladstone House, 46 Victoria Road – *Director of Neighbourhoods and Regulatory Services*
- 5.3 Costs award in respect of Planning Appeal at land at Whelly Hill Farm, Worset Lane – *Director of Neighbourhood and Regulatory Services*
- 5.4 Planning Appeal at 14 Albion Terrace – *Director of Neighbourhood and Regulatory 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 on 18 February 2026

Date of next meeting – Wednesday 18 February 2026 at 10.00am in the Civic Centre, Hartlepool.

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **10<sup>th</sup> December 2025**

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

**Present:**

Councillor Moss Boddy (In the Chair)

Councillors: Martin Dunbar, Tom Feeney, Michael Jorgeson, Sue Little, Amanda Napper, Karen Oliver, Aaron Roy (VC), Carole Thompson.

Officers: Stephanie Bell, Senior Planning Officer  
Kieran Bostock, Director of Neighbourhoods and Regulatory Services  
Ami Capper Senior Planning Officer  
Zoe Craig, Environmental Health Manager (Environmental Protection)  
Jim Ferguson, Planning and Development Manager  
Umi Filby, Principal Property, Planning, Commercial Solicitor  
Peter Frost, Highway Infrastructure Manager  
Daniel James, Planning (DM) Team Leader  
Scott Parkes, Consultancy Manager  
Richard Redford, Senior Planning Officer (Development Management)  
Helen Smith, Planning Policy Team Leader  
Claire Mcpartlin, Democratic Services Officer

#### **45. Apologies for Absence**

Councillors Quewone Bailey-Fleet and Matthew Dodds.

#### **46. Declarations of interest by members**

Councillor Sue Little declared a disclosable pecuniary interest in Planning Application H/2024/0388.

#### **47. Confirmation of the minutes of the meeting held on 12<sup>th</sup> November 2025**

Confirmed.

## 48. **Planning Applications** (*Director, Neighbourhoods and Regulatory Services*)

<b>Number:</b>	H/2025/0200
<b>Applicant:</b>	C/O LICHFIELDS
<b>Agent:</b>	LICHFIELD MR JOSH WOOLLARD THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE
<b>Date received:</b>	09/06/2025
<b>Development:</b>	Section 73 application vary the wording of condition 30 (highway works) pursuant to planning permission H/2022/0181 (Outline planning application for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access) to amend the trigger for implementation of highway works to the A689 / Hanzard Drive / The Wynyard Junction to the 601st dwelling.
<b>Location:</b>	LAND NORTH OF A689 WYNYARD PARK ESTATE WYNYARD WOODS WYNYARD

Committee Members and officers were provided with a printed statement from a Wynyard Parish Council representative in relation to this planning application and a further consultation response from Stockton Borough Council which was dated 9<sup>th</sup> December 2025.

The Senior Planning Officer (Development Management) outlined the application and provided updated wording for condition 30 which was tabled before Members. The updated wording would not include the requirement for a Section 278 Agreement as it was explained that it does not meet the six tests for condition. Stockton Borough Council are objecting to the application, as set out in their tabled further representation. It was the officer recommendation to approve the application subject to the conditions, as updated.

In response to Member questions, officers advised Stockton Borough Council had requested a condition to limit dwellings to 400 on the site until the developer provided works to the A689/TheWynd/Hanzard Drive junction. Officers felt this was unreasonable and therefore did not meet the planning condition test of being necessary. The Section 278 Agreement would limit one developer to undertake the work and officers did not feel this was necessary as there may be other schemes or developers that will bring forward the works. The Director of Neighbourhoods and

Regulatory Services also advised that there was potential for the works to be grant funded.

An error had been made within the original modelling which showed a much-increased journey time. The revised modelling showed a minimal increase.

Mr Neil Westwick was in attendance at the meeting on behalf of the applicant and addressed the Committee. The applicant had a good reputation for delivering new housing ahead of schedule. Infrastructure was starting to be delivered on site and Stockton Borough Council had requested the S278 which could potentially have financial implications in regards to the Tees Valley Combined Authority (TVCA) funding to assist with the cost of works.

An objector, Mr Keith Malcolm, was in attendance at the meeting and addressed the committee on behalf of the Wynyard Parish Council. He raised concerns regarding the lack of the modelling of other junctions. He raised the concerns that setting aside conditions damages confidence in the planning process. Mr Malcolm raised concerns around safety issues on the A689 corridor and access in and out of the Wynyard site. He called for the delivery of the internal spine road. Mr Malcolm advised that allowing extra dwelling to be occupied would increase congestion and could result in greater emergency services response time and potentially greater accident risks. He asked members to visit the site.

In response to a query from a Member, Mr Malcolm advised the peak traffic times were between 07:55 am and 09:00 am with traffic standing for approximately 15-20 minutes due to the signal of lights. There was only one access road to get in and out of the site.

In general discussion it was discussed that a site visit would be beneficial during peak and term time to allow Members to witness the congestion issues reported by the objector.

Councillor Oliver moved that a site visit take place prior to the next Planning Committee. This was seconded by Councillor Feeney. The reason for this was for Members to gain clarity of the issues raised in relation to highways.

A site visit was approved by majority.

**Decision:           Deferred for a site visit.**

Members considered representations in respect of this matter.

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**Number:** H/2025/0233

**Applicant:** C/O LICHFIELDS

**Agent:** LICHFIELD MR JOSH WOOLLARD THE ST  
NICHOLAS BUILDING ST NICHOLAS STREET  
NEWCASTLE UPON TYNE

**Date received:** 14/08/2025

**Development:** Approval of outstanding reserved matters (layout, scale, appearance and landscaping) for the erection of 335no. dwellings with associated infrastructure pursuant to planning permission H/2022/0181 dated 26 February 2025 (Outline planning application for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access).

**Location:** LAND EAST OF COUNTRYSIDE PROPERTIES WYNYARD  
PARK WYNYARD

The Senior Planning Officer (Development Management) outlined the application. The officer recommendation was to approve subject to planning conditions.

In response to Member queries, it was noted that this application related to the North Side of the A689 junction which was discussed in planning application H/2025/0233. This application would provide the spine road to connect the roundabouts at the Wynyard site together to provide resilience.

The Highway Infrastructure Manager confirmed that only 25% of the dwellings within the development could be occupied prior to the spine road works being completed.

Mr Neil Westwick was in attendance at the meeting on behalf of the applicant and addressed the Committee. This delivery of this site would accelerate of infrastructure site would include a sporting hub, commercial space, a primary school network and woodland walks. The development would include a mix of homes including three and four bedroomed homes, 16 bungalows as well as 60 two and three bedroomed affordable homes. A large central play area was included within the plans to improve recreational opportunities for young people.

An objector, Mr Keith Malcolm, was in attendance at the meeting and addressed the committee on behalf of the Wynyard Parish Council. Mr Malcolm whilst appreciating this was a reserved matters application raised concerns in relation to the delivery of infrastructure

and safety concerns around the A689 corridor unless occupations were restricted.

In general discussion a Member commented that it was difficult to make individual decisions when the connectivity of the site and timescales are not understood. The Director of Neighbourhood and Regulatory Services suggested the wider aspirations of Wynyard be included on a future Members Seminar which would provide insight into the plans.

A Member queried when doctors surgeries would need to be included within developments. The Planning Policy Team Leader advised the NHS had been consulted with; however, the development would need to be much larger to require additional doctor's surgeries as there were available local facilities which were not at capacity.

Councillor Thompson moved that this application be approved as per the officer recommendation. This was seconded by Councillor Jorgeson.

Councillor Little left the meeting during part of the consideration of this item and therefore did not participate in the vote.

The application was unanimously approved.

**Decision: Reserved Matters Approved**

### **CONDITIONS AND REASONS**

1. The development hereby approved shall be implemented in accordance with the following plans;

1347.01 (Location Plan),  
 EMA22/2021/PL3 Rev F (PROPOSED PLANNING ELEVATIONS (BRICK) - BEAFORD)  
 EMA22/2021/PL2 Rev G (PROPOSED FLOOR PLANS - BEAFORD)  
 EMA33/2021/PL2 Rev G (PROPOSED FLOOR PLANS - EYNSFORD)  
 EMA33/2021/PL3 Rev F (PROPOSED PLANNING ELEVATIONS (BRICK) - EYNSFORD)  
 EMA43/2021/PL3 Rev F (PROPOSED PLANNING ELEVATIONS (BRICK)- COLFORD)  
 EMA43/2021/PL2 Rev F (PROPOSED FLOOR PLANS - COLFORD)  
 EMA46/2021/PL3 Rev F (PROPOSED ELEVATIONS (BRICK) - RIGHTFORD)  
 EMA46/2021/PL3 Rev F (PROPOSED ELEVATIONS (RENDER) - RIGHTFORD)  
 EMA46/2021/PL2 Rev F (PROPOSED FLOOR PLANS - RIGHTFORD)  
 EMA49/2021/PL3 Rev F (PROPOSED PLANNING ELEVATIONS (BRICK) - RAYNFORD)

EMA49/2021/PL2 Rev F (PROPOSED FLOOR PLANS - RAYNFORD)  
 EMA51/2021/PL3 Rev F (PROPOSED PLANNING ELEVATIONS  
 (BRICK) - THIRLFORD)  
 EMA51/2021/PL2 Rev D (PROPOSED FLOOR PLANS - THIRLFORD)  
 EMB31/2021/PL3 Rev J (PROPOSED PLANNING ELEVATIONS  
 (BRICK) - HARRTON)  
 EMB31/2021/PL2 Rev J (PROPOSED FLOOR PLANS - HARRTON)  
 EMG31/2021/PL3 Rev F (PROPOSED PLANNING ELEVATIONS  
 (BRICK) - BYRNEHAM)  
 EMG31/2021/PL2 Rev F (PROPOSED FLOOR PLANS - BYRNEHAM)  
 EMG43/2021/PL3 Rev G (PROPOSED PLANNING ELEVATIONS  
 (BRICK) - HUBHAM)  
 EMG43/2021/PL3 Rev G (PROPOSED PLANNING ELEVATIONS  
 (RENDER) - HUBHAM)  
 EMG43/2021/PL2 Rev G (PROPOSED FLOOR PLANS (RENDER) -  
 HUBHAM)  
 EMG44/2021/PL3 Rev F (PROPOSED PLANNING ELEVATIONS  
 (BRICK) - KITHAM)  
 EMG44/2021/PL2 Rev G (PROPOSED FLOOR PLANS - KITHAM)  
 EMG45/2021/PL3 Rev F (PROPOSED PLANNING ELVEVATIONS  
 (BRICK)- ELTERHAM)  
 EMG45/2021/PL3 Rev F (PROPOSED PLANNING ELVEVATIONS  
 (RENDER)- ELTERHAM)  
 EMG45/2021/PL2 Rev F (PROPOSED FLOOR PLAN - ELTERHAM)  
 EMT31/2021/PL3 Rev F (PROPOSED PLANNING ELEVATIONS  
 (BRICK) - AYNESDALE)  
 EMT31/2021/PL3 Rev F (PROPOSED PLANNING ELEVATIONS  
 (RENDER) - AYNESDALE)  
 EMT31/2021/PL2 Rev G (PROPOSED FLOOR PLANS - AYNESDALE)  
 EMT41/2021/PL3 Rev F (PROPOSED PLANNING ELEVATIONS  
 (RENDER) - PLUMDALE)  
 EMT41/2021/PL2 Rev F (PROPOSED FLOOR PLANS - PLUMDALE)  
 EMT41/2021/PL3 Rev F (PROPOSED PLANNING ELEVATIONS -  
 PLUMDALE)

All received by the Local Planning Authority 16th July 2025;  
 EMG51/2021/PL3 Rev F (PATTERHAM ELEVATIONS) and  
 EMG51/2021/PL2 Rev G (PATTERHAM FLOOR PLANS)  
 All received by the Local Planning Authority 19th August 2025;  
 1347.07 Revision A (Materials Layout), received by the Local Planning  
 Authority 17th October 2025;

1347.05 Revision J (Proposed Site Layout),  
 BUNGV2/2021/PL2 (Bungalow V1-PL2 Planning Elevations)  
 BUNGV2/2021/PL1 (Bungalow V1-PL2 Floor Plans)  
 BUNGV1/2021/PL2 (Bungalow V2-PL2 Planning Elevations)  
 BUNGV1/2021/PL1 (Bungalow V2-PL2 Floor Plans)

All received by the Local Planning Authority 24th October 2025.  
 To ensure the development is implemented in accordance with the  
 drawings submitted, assessed and found to be acceptable and for the  
 avoidance of doubt.

2. Notwithstanding the submitted details and the requirements of condition 12 of the outline planning permission (H/2022/0181) and prior to commencement of the development hereby approved, a scheme for the provision, long term maintenance and management 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 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.

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 areas of 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. 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. 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.
3. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved (including for any demolition), the submitted scheme for the protection and retention of the trees and hedges, as identified in Arboricultural Method Statement report ref ARB/CP/3442 dated October 2025 by Elliott Consultancy Ltd received by the Local Planning Authority 31/10/2025, shall be implemented on site and an on-site meeting shall be undertaken with the Local Planning Authority to confirm that all protection measures have been installed in accordance with the approved Tree Protection Plan contained in the aforementioned report and prior to commencement of works on site. Thereafter such protection measures shall be retained until the 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. Should any trees be found to be dead, dying, severely damaged or diseased as a result of site works, it shall be replaced with a tree 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 hedges to be retained and the visual amenity of the area and surrounding area.

4. Notwithstanding the requirements of condition 10 of the associated outline planning permission (H/2022/0181), and prior to the commencement of development, full details of any temporary construction access/egress and temporary construction compound(s), shall be first submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all temporary buildings (including elevations), areas of temporary hardstanding, any temporary enclosures to be erected, and a timetable for the installation and thereafter removal of the temporary construction access/egress, hardstanding and compound (including any installed/erected structures). Such works (including removal) shall be in accordance with the approved timetable and not later than 1 month after the completing of the development.  
In the interests of visual amenity and neighbour amenity.
  
5. 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 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;
  - e. Responsible persons and lines of communication;
  - f. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
  - g. 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.
  
6. Notwithstanding the requirements of condition 17 (street lighting) of the outline planning permission (H/2022/0181), and 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 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.

7. Notwithstanding the submitted details (or any requirements of condition 6 of the outline permission H/2022/0181) and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours and finishes. Thereafter and following the written approval of the Local Planning Authority, the agreed scheme shall be implemented 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 (and timetable) is submitted to and approved in writing with the Local Planning Authority.

In the interests of visual amenity and to accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management.

8. 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.

9. Prior to any works above Damp Proof Course (DPC), full drawings and details of all play equipment to be installed in the development (as identified on plan 1347.05 Revision J (Proposed Site Layout)) alongside a scheme for their subsequent long term management and maintenance, and timetable for implementation shall be first submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the agreed details and timetable and thereafter maintained in accordance with agreed scheme for the lifetime of the development hereby approved unless otherwise agreed in writing with the Local Planning Authority.

To ensure details of the play equipment, timetable for implementation, and the long term management and maintenance are considered by the Local Planning Authority to ensure they are acceptable.

10. Notwithstanding the requirements of condition 6 of the outline planning permission (H/2022/0181), the external finishing materials of the dwellings and shall be completed in accordance with drawing numbered 1347.07 Rev A (Materials Layout, received by the Local Planning Authority on 17<sup>th</sup> October 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.
11. All tree works as detailed in the 'Arboricultural Method Statement' report ref ARB/CP/3442, dated October 2025, received by the Local Planning Authority on 16<sup>th</sup> October 2025 shall be undertaken and comply with BS 3998:2010 'Tree work - Recommendations', paying particular regard to section 7 'Pruning and related work'.  
In the interests of the health and appearance of the existing site trees.
12. Notwithstanding the requirements of condition 27 (noise insulation measures) of the outline permission (H/2022/0181), the development hereby approved shall ensure that the identified noise mitigation measures (to be applied to the identified plots of the development) as set out in Noise Assessment report dated October 2025 by NJD Environmental Associates (received by the Local Planning Authority on 16<sup>th</sup> October 2025) are implemented to the identified plots and prior to the occupation or completion (whichever is sooner) of the identified plots.  
To ensure an acceptable residential living conditions for future occupiers.
13. Notwithstanding the provisions of Classes AA and B 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 in any manner 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.
14. 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 principal wall/elevation of that dwellinghouse or that which fronts onto a road or

footpath, without the prior written consent of the Local Planning Authority with the exception of those enclosures approved as part the partial discharge of condition 18 of the outline planning permission (H/2022/0181).

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.

Members considered representations in respect to this matter.

Councillor Little left the meeting for the consideration of this item due to her disclosable pecuniary declaration of interest.

**Number:** H/2025/0388

**Applicant:** LOVELL HOMES 1 MANDARIN ROAD RAINTON BRIDGE  
BUSINESS PARK HOUGHTON LE SPRING

**Agent:** ORIGIN PLANNING SERVICES STEPHEN LITHERLAND  
UNIT 408, HUB 2 HARTLEPOOL INNOVATION CENTRE  
QUEENS MEADOW BUSINESS PARK HARTLEPOOL

**Date received:** 15/01/2025

**Development:** Erection of 43no. dwellings and associated landscaping and infrastructure

**Location:** LAND AT NORTH FARM THE GREEN ELWICK  
HARTLEPOOL

The Senior Planning Officer outlined the application. An update was provided in relation to the planning obligations; play areas are no longer included as the scheme does not include such facilities. It was the officer recommendation to approve the application subject to the completion of the s106 Legal Agreement to secure appropriate financial contributions and planning obligations, and the recommended planning conditions.

In response to Member questions the following points were noted:

- The s106 Legal Agreement will include biodiversity net gain with a monitoring fee and financial compensation towards ecological mitigation for the designated sites including coastal wardening.
- ecological mitigation was secured for all major applications of 10 or more dwellings.
- biodiversity was incorporated into the landscaping for the development and conditions and planning obligations secure

long term management, maintenance and monitoring of such areas of the site.

- It is the intention of the Local Authority to adopt the road.
- The applicant had amended the standard house type to ensure the properties better reflected the of the area with a simplified form, in particular the 2 proposed dwellings at the front the site (plots 1 and 43).
- The Local Authority had worked with the applicant to address a number of design and layout issues including around finishing materials, landscaping and parking.

Mr Phil Jones was in attendance at the meeting as the applicant and addressed the committee seeking approval of the application. There were 43 dwellings included in the application of mixed size including bungalows. The scheme was sustainable and socially inclusive. Affordable housing was included within the plans in line with Hartlepool Borough Council’s housing plan. Affordable housing would be delivered by North Star housing provider.

In response to a Member query, Mr Jones advised all properties would be installed with solar panels and EV charging points. In addition, the properties would be orientated to ensure maximum solar utilisation.

In general discussion it was noted that a Member understood the compromises made by the applicant, however, advised the site was on higher ground and would be visual when coming into the town which would not be a preference.

Councillor Thompson moved that the application be approved as per the officer recommendation. This was seconded by Councillor Dunbar.

The application was approved by majority vote.

**Decision:                   Minded to APPROVE subject to the completion of a s106 legal agreement to secure the following contributions and obligations;**

- 1. Financial contribution towards the Grade Separated Junction at the A19 (£12,000 per dwelling, total £516,000);**
- 2. HRA financial mitigation (£200 per dwelling, total of £8,500) for indirect adverse impacts on SPA feature birds through recreational disturbance;**
- 3. £15,000 towards subsidised bus service provision (including infrastructure and street furniture) and pedestrian and cycle linkages to address sustainability in accordance with Local Plan policy HSG7;**
- 4. the provision of 5 on site affordable dwellings;**

5. the provision, maintenance and long term management of the Public Footpath through and adjacent to the site (including any required signage);
6. the provision, maintenance and long term management of landscaping and open space;
7. the provision, maintenance, monitoring and long term management (30 years) of Biodiversity Net Gain (on site);
8. maintenance and long term management of surface water drainage and SuDS;
9. to secure an employment and training charter;
10. to secure the appropriate monitoring fees (per obligation including monitoring of on-site BNG), and subject to the following planning conditions:

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with then following plans:

Dwg. No. 969 - Drayton Heritage - 0701A (Front/Rear and Side Elevation),

Dwg. No. 936 - Lansdown Heritage - 0701A (Front/Side and Rear Elevation),

Dwg. No. 765 - Kingfisher Heritage - 0701A (Front/Side and Rear Elevation),

Dwg. No. 1529 - Sunningdale Heritage - 0702A (Front/Side and Rear Elevation),

Dwg. No. 1529 - Sunningdale Heritage - 0701A (Ground and First Floor),

Dwg. No. 1345 - Tilsworth Heritage - 0701A (Front/Side and Rear), received by the Local Planning Authority on 10th December 2024;

Dwg No. 829 - Kendleshire Heritage - 0701A Rev P02 (Plans and Elevations),

Dwg. No. 981 - Milford Heritage - 0701D Rev P01 (Plans and Elevations),

Dwg. No. 1013 - Newbury Heritage - 0701D Rev P03 (Plans and Elevations) received by the Local Planning Authority on the 2nd April 2025;

Dwg. No. Res1018-Bha-St-Xx-Dr-A-1220 Rev P16 (Proposed Site Layout, With Retained Farm Buildings), received by the Local Planning Authority On 21st October 2025;

Dwg. No. 1013 - Newbury Heritage - 0701E S4 Rev P01 (Newbury Heritage Plans and Elevations, Plots 1 & 43 Only), and

Dwg. No. Res1018-Bha-St-Xx-Dr-A-1410 Rev P14 (Proposed Boundary Treatments Plan), received by the Local Planning Authority on the 26th November 2025; and

Dwg. No. RES1018-BHA-ST-XX-DR-A-500-S4 Rev P06 (Site Location Plan, scale 1:1250), received by the Local Planning Authority on 27th November 2024.

For the avoidance of doubt.

3. Notwithstanding the submitted information and prior to the commencement of development (including demolition), details of the existing and proposed levels of the site (within and outwith 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 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 (2018) and Policy GEN2 of the Hartlepool Rural Neighbourhood Plan (2018).
4. 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 in consultation with National Highways. The scheme shall agree the routing of all HGVs movements associated with the construction phases to adequately address impacts on the A19 Trunk Road and the local road network; 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, 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 site construction office, compound, hard standing areas and ancillary facility buildings 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.  
To ensure that the A19 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of highway safety, residential amenity and to accord with the provisions of Policies HSG7 and INF2 of the Hartlepool Local Plan 2018.
5. Notwithstanding the submitted information, no development (including demolition) 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.

6. No development (including demolition) shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - a. human health,
  - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - c. adjoining land,
  - d. groundwaters and surface waters,
  - e. ecological systems,
  - f. archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Land Contamination Risk Management procedures.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health,

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

### 3. Implementation of Approved Remediation Scheme

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

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

### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

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

### 5. Long Term Monitoring and Maintenance

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's Land Contamination Risk Management procedures.

#### 6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s), shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

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

7. Notwithstanding the submitted details and prior to the commencement of the development hereby approved, a scheme for the provision, long term maintenance and management 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 be in general conformity with the plan Dwg. No. 1486\_100 Rev I (Landscape Strategy) and the planting schedule as detailed on Dwg. No. 1486\_402 (Detailed Softworks Sheet 3), both received by the Local Planning Authority on 13th October 2025, and the Landscape Management Plan (document reference 1486\_R01, dated 29/08/2025 and received by the Local Planning Authority on the 11th September 2025). The scheme shall include details of the retained (and buffered) landscaping features as detailed within the Arboricultural Method Statement inc. Impact Assessment, reference ARB/CP/3284, dated August 2025, received by the Local Planning Authority on 11th September 2025. 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 also include details of a buffer of structural landscaping to the northern boundary and planting methods including construction techniques for pits in hard surfacing and root barriers. The scheme shall also include details of rabbit protection, and the planting mix shall include berry and fruit bearing species. 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 areas of 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. 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. 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.

8. 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 Dwg. No. ARB/CP/3284/TPP (Tree Protection Plan, Appendix 4 of the submitted Arboricultural Method Statement inc. Impact Assessment (reference ARB/CP/3284, dated August 2025, received by the Local Planning Authority on 11th September 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.
  
9. 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 42 of the submitted Ecological Impact Assessment by OS Ecology (reference 23401 V4), document dated October 2025 and received by the Local Planning Authority 05/11/2025. The CEMP (Biodiversity) shall also include the following:
  - a) Details of any temporary external lighting that avoids or reduces impacts to bats during construction;
  - b) The location and timing of sensitive works to avoid harm to biodiversity features;
  - c) The times during construction when specialist ecologists need to be present on site to oversee works;
  - d) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - e) Details of means escape to excavations left uncovered overnight, for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°;
  - f) Use of protective fences, exclusion barriers and warning signs;

g) Method Statements to avoid risk of harm to bats, badger, common toad and hedgehog.  
 Thereafter 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.

10. 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.
  7. The timetable for completion of all site investigation and post-investigation works.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under part A of this condition (unless an alternative timetable is otherwise first agreed in writing with the Local Planning Authority).

C) The development shall not be occupied until;

- 1) the post-investigation assessment has been completed in accordance with the Written Scheme of Investigation (and timetable) approved under part A of this condition and;
- 2) the provision made for analysis, publication and dissemination of results, and archive deposition secured, has been confirmed in writing to, and approved by, the Local Planning Authority.

In order to ensure that the archaeology of the site is adequately investigated.

11. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours and finishes. The scheme shall also include details of any resurfacing to the existing access (to be retained) to serve the 'existing farmhouse retained' as annotated on plan Dwg. No. Res1018-Bha-St-Xx-Dr-A-1220 Rev P16 (Proposed Site Layout, With Retained Farm Buildings), received by the Local Planning Authority on 21st October

2025, and all enclosing elements, street furniture and street lighting locations. Thereafter and following the written approval of the Local Planning Authority, the agreed scheme shall be implemented 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 (and timetable) is submitted to and approved in writing with the Local Planning Authority. In the interests of visual amenity and to accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management, and to ensure appropriate access/surfacing is provided to the retained existing farmhouse building.

12. The access (and associated visibility splays) to the development hereby approved shall be completed in accordance with Dwg. No. Res1018-Bha-St-Xx-Dr-A-1220 Rev P16 (Proposed Site Layout, With Retained Farm Buildings, received by the Local Planning Authority on 21st October 2025) 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.
13. Notwithstanding the submitted details and prior to above ground construction of the development hereby approved, final details of the external materials (and finishing colours) to the dwellings hereby approved shall be submitted to and approved by the Local Planning Authority, colour treatments and samples (or high quality photographs) of the desired materials being provided for this purpose. Thereafter the approved scheme shall be implemented and retained thereafter. In the interests of visual amenity, character and appearance of the adjacent conservation area, and to ensure a satisfactory form of development.
14. Prior to the commencement of development above ground level, full details of a minimum of 43no. bat roost bricks and 43no. bird nesting box bricks to be installed integral to each of the dwellings (43no. in total), including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed enhancement measures 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. Prior to the commencement of development hereby approved, full details of the permanent and temporary Public Footpath diversion as shown on Dwg. No. Res1018-Bha-St-Xx-Dr-A-1220 Rev P16

(Proposed Site Layout, With Retained Farm Buildings, received by the Local Planning Authority on 21st October 2025) including the exact location, specification and design, as well as a timetable for the works and their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme (and timetable) shall ensure that the closure of the temporary public footpath through the rear gardens of plots 41, 42 and 43 (as shown on Dwg. No. Res1018-Bha-St-Xx-Dr-A-1220 Rev P16, Proposed Site Layout, With Retained Farm Buildings, received by the Local Planning Authority on 21st October 2025) is completed prior to the occupation of these plots or the completion of the development (whichever is sooner) and in line with the details to be agreed as part of condition 16. Thereafter, the permanent footpath diversion (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 Policies HSG7 and NE2 of the Hartlepool Local Plan (2018).

16. Notwithstanding the submitted details and prior to above ground construction of the development hereby approved, full details of all walls, fences and other means of boundary enclosure, including size, siting and finishing materials, shall be submitted to and approved by the Local Planning Authority. The scheme for boundary treatments shall be in general conformity with the details shown on plan number Dwg. No. Res1018-Bha-St-Xx-Dr-A-1410 Rev P14 (Proposed Boundary Treatments Plan, received by the Local Planning Authority on 26th November 2025, thereafter referred to as 'the Plan'), including the creation of migration corridors between boundary enclosures to enable hedgehog migration, and the provision of the agreed enclosure to the tree identified as 'T1' of the Plan. The scheme shall also provide details of the proposed boundary treatments (including any hedge planting, to be agreed as part of condition 7 of this decision notice) between the rear of plots 41 and 43 (and the adjacent property of 'Carlton') as identified on the Plan. Thereafter the development shall be carried out in accordance with the approved details prior to first occupation of the individual dwellings or completion of the development (whichever is the sooner).

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

17. 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.

18. Prior to the above ground construction of the development hereby approved, details the proposed solar/photovoltaic panels to meet the minimum of a 10% energy supply from decentralised and renewable or low carbon sources to be installed on the roofs of the units, shall be submitted in writing to the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the agreed scheme shall be installed in accordance with approved details prior to the first occupation or completion of the development (whichever is the 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.
19. No part of the residential development hereby approved shall be occupied until details of electric vehicle charging apparatus to serve all 43no. dwellings, including identifying the 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.
20. Prior to the installation of any temporary security lighting or 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, as detailed in the submitted Ecological Impact Assessment by OS Ecology (reference 23401 V4, document dated October 2025 and received by the Local Planning Authority 05/11/2025). 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.
21. Prior to the occupation of the dwellings hereby approved, details of the provision for in curtilage refuse storage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, provision shall be made for the storage of refuse in accordance with the agreed details prior to the occupation or completion (whichever is sooner) of the identified dwellings, for the lifetime of the development hereby approved.  
To ensure a satisfactory form of development.
22. 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.

23. 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.

24. Notwithstanding the provisions of Classes A, AA, B, C and D 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 at plots 1 and 43 (as identified on plan Dwg. No. Res1018-Bha-St-Xx-Dr-A-1220 Rev P16 (Proposed Site Layout, With Retained Farm Buildings, received by the Local Planning Authority on 21st October 2025) hereby approved shall not be extended or altered in any way 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 (including the character and appearance of the Elwick Conservation Area).

25. Notwithstanding the provisions of Classes A and AA 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 at plots 24, 28, 36, 39 and 40 (as identified on plan Dwg. No. Res1018-Bha-St-Xx-Dr-A-1220 Rev P16 (Proposed Site Layout, With Retained Farm Buildings, received by the Local Planning Authority on 21st October 2025) hereby approved shall not be extended 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 (including the character and appearance of the Elwick Conservation Area) and in the interests of neighbour amenity.

26. 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 principal wall/elevation of that dwellinghouse or that which fronts onto a road or footpath, 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. Res1018-Bha-St-Xx-Dr-A-1410 Rev P14 (Proposed Boundary Treatments Plan, received by the Local Planning Authority on 26th November 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.

27. 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 submitted Waste Audit In Relation To Land At North Farm, Elwick (document dated 09/12/2024), date received by the Local Planning Authority on 10th December 2024.

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.

Members considered representations in respect to this matter.

Councillor Little rejoined the meeting to participate in this planning application.

**Number:** H/2025/0249

**Applicant:** LIFESTYLE NORTHEAST CHASEWATER WAY  
HARTLEPOOL

**Agent:** ASP SERVICES LTD JONATHAN LOUGHREY OFFICE 5  
33 CHURCH STREET HARTLEPOOL

**Date received:** 09/09/2025

**Development:** Change of use from offices (E (c)(ii) into a learning and educational centre (F1) for individuals with learning and physical disability requirements.

**Location:** PARK LODGE WARD JACKSON PARK PARK AVENUE  
HARTLEPOOL

The Senior Planning Officer (Development Management) outlined the application. It was the officer recommendation to approve the application subject to planning conditions.

In response to a Member question, the Highway Infrastructure Manager advised there were four parking spaces at the location with three members of staff expected to be on site at any one time. The car park was for staff only and visitors would be expected to park in another location.

There were no representations from the applicant.

Councillor Feeney moved that this application be approved as per the officer recommendation. This was seconded by Councillor Thompson.

The application was approved by majority vote with one abstention.

**Decision: Planning Permission Approved**

### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the plans and details: Dwg. No. 1287-SLP (Site Location Plan, scale 1:1250), Dwg. No. 1287/P/6 (Proposed Elevations), Dwg. No. 1287/P/5 (Proposed Floor Plans) received by the Local Planning Authority on 10th September 2025; Dwg. No. 1287/P/7 (Proposed Site Plan) and Dwg. No. 1287/P/8 (Proposed Block Plan) received by the Local Planning Authority on 19th November 2025.  
To define the permission.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that Order, the development hereby permitted shall be used for a learning and educational institution (F1 Use Class) only and for no other purpose in the Town and Country Planning (Use Classes) Order 1987 and its subsequent amendments.  
To which the planning permission is based and in accordance with Policies HE3, HE4 and INF4 of the Hartlepool Local Plan (2018).
4. The learning and educational institution hereby approved shall only be open to the public between the hours of 08.30 and 21.30 Mondays to Sundays inclusive of Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties and the character and appearance of the listed building, registered park and garden and conservation area.

### **49. Planning Appeal – 21 Northgate** *(Director of Neighbourhoods and Regulatory Services)*

A planning appeal in respect of change of use (C3 use class) had been dismissed. A copy of the decision was appended to the report.

**Decision**

That the outcome of the appeal be noted.

**50. Planning Appeal – Land at Whelley Hill Farm, Worset Lane** (*Director of Neighbourhood and Regulatory Services*)

A planning appeal in respect of the proposed erection of a Solar Electric Forecourt had been allowed. A copy of the decision was appended to the report.

A Member noted their disappointment with the outcome of the appeal.

**Decision**

That the outcome of the appeal be noted.

The meeting concluded at 11:30 am.

CHAIR

**No:** 1.  
**Number:** H/2025/0200  
**Applicant:** C/O LICHFIELDS  
**Agent:** LICHFIELDS MR JOSH WOOLLARD THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE NE1 1RF  
**Date valid:** 09/06/2025  
**Development:** Section 73 application to vary the wording of condition 30 (highway works) pursuant to planning permission H/2025/0333 (permission H/2022/0181 as amended) (Outline planning application for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access)) to amend the trigger for implementation of the highway works to the A689 / Hanzard Drive / The Wynd junction to the 601st dwelling.  
**Location:** LAND NORTH OF A689 WYNYARD PARK ESTATE WYNYARD WOODS WYNYARD

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## 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 is presented to the Committee due to the number of objections received exceeding 3.

1.3 The application was presented to the Committee at its meeting on 10<sup>th</sup> December 2025 where it was deferred for a site visit.

## BACKGROUND

1.4 The application seeks to vary condition 30 (highway works) pursuant to planning approval H/2025/0333. The latter application was in itself a variation of the original approval H/2022/0181 as below;

H/2022/0181 - Outline planning application for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access. Approved 26.02.2022

1.5 This original approval was subsequently varied by the permission below.

H/2025/0333 - Section 73 application to amend the wording of condition 31 (highway improvements) of planning permission H/2022/0181 (Outline planning application for the erection of up to 1200no. dwellings with associated parking, landscaping and

infrastructure with all matters reserved except access) to allow for occupation following the commencement of highway works at the A19 / A689 Wolviston junction. Approved 16.12.2025.

1.6 Following the approval of H/2025/0333 consequent to the December Planning Committee the original description of H/2025/0200 has been consequentially amended to reflect the new permission.

1.7 Condition 30 was previously amended through the following application, conditions 22 and 29 were also removed

H/2025/0070 Non-Material Amendment to planning permission H/2022/0181 (Outline planning application for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access) to change the working of condition 30 and remove conditions 22 and 29.

1.8 The following applications, again relating to the site, have been submitted as reserved matters to the outline permission and approved where indicated;

H/2025/0073 – Reserved matters approval for the appearance, landscaping, layout and scale for the erection of a Southern Spine Road in relation to outline permission H/2022/0181 for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access.  
Pending consideration

H/2025/0110 – Approval of all reserved matters for Area 5 except access for planning permission H/2022/0181 (Outline planning application for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access) comprising layout, scale, appearance and landscaping for 170 dwellings with associated infrastructure.  
Approved 05.12.2025

H/2025/0233 – Approval of outstanding reserved matters (layout, scale, appearance and landscaping) for the erection of 335no. dwellings with associated infrastructure pursuant to planning permission H/2022/0181 dated 26 February 2025 (Outline planning application for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access).  
Approved 10.12.2025

1.9 The following applications are adjacent to the application site or in the immediate vicinity and therefore relevant to the setting of the application site;

H/2019/0473 - Residential development comprising erection of 186 dwellings and associated works including access and landscaping.  
Approved 03.02.2021

H/2022/0255 - Full Planning permission for the erection of 97no. dwellinghouses (Class C3) with associated infrastructure, access and landscaping.  
Approved 19.11.2025

H/2025/0384 - Non material amendment to amend wording of conditions 3, 4, 9, 11 and 32 of planning permission H/2022/0255 (Full Planning permission for the erection of 97no. dwellinghouses (Class C3) with associated infrastructure, access and landscaping)  
 Approved 20.11.2025

H/2024/0067 - Engineering works associated with the construction of attenuation pond and drainage infrastructure to serve wider residential development.  
 Approved 15.05.2025

## PROPOSAL

1.10 The planning application is a Section 73 application that seeks to vary the wording of condition 30 (highway works) pursuant to planning permission H/2025/0333 (permission H/2022/0181 as amended) (Outline planning application for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access)) to amend the trigger for implementation of the highway works to the A689 / Hanzard Drive / The Wynd junction to the 601st dwelling.

1.11 Application H/2022/0181 was approved subject to conditions and a section 106 legal agreement on 26<sup>th</sup> February 2025 with condition 30 originally requiring ;

*Prior to the first occupation of any dwelling hereby approved, the works to the A689 / Hanzard Drive / The Wynd junction as shown in principle of Stockton-on-Tees Borough Council drawing reference A10958-03-04, are implemented to the satisfaction of the Local Highway Authority and are open to traffic.  
 In the interests of highway safety.*

1.10 Condition 30 was subsequently amended through application H/2025/0070 to require;

*Prior to the occupation of the 401st dwelling hereby approved, the works to the A689 / Hanzard Drive / The Wynd Junction as shown in principle of Stockton-on-Tees Borough Council drawing reference A10958-03-04, are implemented to the satisfaction of the Local Highway Authority and are open to traffic.  
 In the interests of highway safety.*

1.11 This re-worded condition was then carried forward into the approval issued under reference H/2025/0333.

1.12 Submitted as part of the current application alongside the application forms and site location plan, a Technical Note has been provided that sets out the applicant's technical assessment and justification for the variation of condition 30 to extend the restriction on occupation (prior to the required highway works) from prior to the occupation of the 401<sup>st</sup> dwelling to prior to the occupation of the 601<sup>st</sup> dwelling. Subsequent to the receipt of consultee comments based on the details submitted initially as part of the application, a document providing a sensitivity assessment of the highway works, including up-dated / corrected data, was submitted that superseded the technical note.

## SITE CONTEXT

1.13 The application site is a large, irregularly shaped parcel of land on which an outline planning approval exists whereby the approval includes both conditions and a Section 106 legal agreement. The approval granted permission for up to 1200 dwellings including associated infrastructure. At present the majority of the land within the red edge is vacant having previously been used for agricultural purposes. It should be noted that some of the conditions associated with the approval relate to highway works outside of the application site such as condition 30 to which this application relates.

1.14 Ground levels fall generally from north to south and with developments existing in varying states of implementation around the application site. By way of context for the site, there is one current on-going reserved matters applications being considered within the red edged area of the application site which is the southern spine road (H/2025/0073). There has also been two reserved matters approval for Taylor Wimpey (H/2025/0233) toward the south of the site and Bellway (H/2025/0110) situated toward the north of the site.

1.15 Adjacent to the western side of the northern most section of the site approval has been granted (H/2025/0106) for the provision of a section of a SuD's basin alongside engineering works and an electrical sub-station building in association with the approved Bellway application H/2025/0110. Also on the western side of the application site are a number of residential developments comprising H/2015/0373 outline approval for the development of up to 30 No. residential dwellings (Use Class C3) and its subsequent reserved matters application which was also approved with this development being Duke of Wellington Gardens which has been implemented. Other developments along the sites western boundary are H/2022/0255 for 97 dwellings and the western most section of the southern spine road, and H/2019/0473 by Countryside Properties for a residential development comprising erection of 186 dwellings and associated works including access and landscaping.

1.16 To the south of the site is an earth bund with trees on large portions of it beyond which is the A689 Hartlepool dual carriageway.

1.17 On the eastern side of the application site, is a development approved under reference H/2019/0226 for a residential development comprising 243 houses including associated access, link road connection, infrastructure and open space. Work has commenced on this development. Also to the eastern side of the site but to the south of the above detailed residential development, an application has been approved under reference H/2024/0067 for engineering works associated with the construction of attenuation pond and drainage infrastructure to serve wider residential development. At the time of writing, no works had commenced on this development.

## PUBLICITY

1.18 The application has been advertised by way of site notice, press notice and neighbour letters. Wynyard Parish Council were also notified. The application was

consulted (neighbours and technical) on 12<sup>th</sup> June 2025 with a further consultation undertaken on 15<sup>th</sup> August 2025 with Stockton Borough Council and a 14-day re-consultation 17<sup>th</sup> October 2025. A further re-consultation took place on 17<sup>th</sup> December 2025 that expired on 7<sup>th</sup> January 2025. To date, there have been three letters of objection.

1.19 The concerns raised by objector's are:

- It would significantly undermine the original purpose of the condition to ensure essential highway improvements are delivered at the appropriate stage of the development to protect local infrastructure, road safety, and community wellbeing.
- The use of a 600-dwelling model to assess network capacity is fundamentally flawed when the wider Wynyard Park development is intended to deliver up to 1,200+ homes (units).
- By artificially capping modelling at 600 units, the application underrepresents the full cumulative impact on the A689, A19 and associated junctions creating a misleading picture of road resilience and risks permitting large-scale occupation without adequate mitigation in place.
- The number of units (600) used in the model does not necessarily represent the number of additional vehicles; it is likely to significantly underestimate this.
- Premature occupation without infrastructure completion
- The original intent of the condition 30 is to ensure critical off-site highway Improvements are delivered while varying it would allow hundreds of new residents to move in before crucial safety measures are in place, creating risks for both new and existing road users.
- Pedestrian and cycle safety is ignored
- The traffic modelling appears vehicle-centric, with no credible scenario testing for pedestrian and cyclist movements that is particularly concerning given the lack of safe, signalised crossings for future residents accessing schools, services, and green space.
- Without tested and funded pedestrian infrastructure, the scheme fails to comply with national and local active travel policies.
- Model omits cumulative development impact
- Recent and pending applications in the Wynyard area mean the true cumulative load on the highway network is significantly higher than modelled.
- A piecemeal, phase-based model is not fit for determining long-term infrastructure delivery or road safety.
- Inconsistency with Local Plan and NPPF policy
- The Hartlepool and Stockton Local Plans, and paragraph 110 of the NPPF, require that development: 1)Provides safe and suitable access for all users; 2)Does not result in an unacceptable impact on highway safety and 3)Delivers infrastructure in step with growth
- The current proposal fails all three criteria when based on incomplete modelling and a weakened Condition 30.
- The A689 and A19, including the Wolviston Roundabout, are already major traffic bottlenecks
- junctions connecting these key routes are frequently congested, particularly during rush hours when vehicles from surrounding developments, including the Wynyard Park Estate, add to the traffic load.

- Recent traffic data indicates that the A689 and A19 often exceed capacity during peak periods, causing significant delays, particularly at key junctions leading to and from the Wolviston Roundabout.
- Allowing up to 1,200 homes to be built and of those, 600 to be occupied before the required highway improvements are completed will further exacerbate the congestion, leading to longer travel times, increased accidents, and worsened air quality in the area.
- added strain on these critical road links, which serve both the Wynyard Park Estate and the surrounding communities, is not something that can be safely accommodated without timely upgrades.
- proposal would exacerbate congestion, increase the risk of collisions, and compromise emergency vehicle response times.
- The cumulative impact of development without timely infrastructure mitigation would be severe.
- The local education infrastructure is already under pressure where nearby primary and secondary schools are insufficient and those that are available are operating at or near capacity.
- Increased congestion caused by delayed highway improvements will affect school access and safety, particularly for children walking or cycling to school.
- Local schools already face issues with traffic congestion during school hours.
- The additional vehicle traffic generated by up to 1,200 new homes—before roads are improved—risks making school commutes more hazardous and increasing reliance on cars due to unsafe or poorly managed routes;
- school travel plans encouraging more sustainable modes of transport will be impacted by delays in the planned roadworks undermining these efforts by making it more difficult for families to consider alternatives to driving. The situation would not only worsen during school drop-offs but could also lead to dangerous crossing points near these schools.
- The area around the A689 and A19 is poorly served by public transport, with infrequent bus services and limited cycling infrastructure. Improvements to bus lanes, cycling paths, and pedestrian crossings are critical to ensuring that future residents of the development have viable alternatives to car use.
- Delaying highway improvements discourages modal shift. The necessary road upgrades often include improvements to bus prioritisation, pedestrian crossings, and cycle infrastructure.
- Delaying these elements will disproportionately affect residents without access to private vehicles and limit access to public services, employment, and education.
- A well-sequenced infrastructure plan is essential to support sustainable transport modes from the outset—not retrofitted after car dependency is already embedded.
- A key purpose of Condition 30 was to manage and reduce environmental harm by ensuring infrastructure was upgraded to accommodate traffic flow efficiently. -
- Delaying the A19 works will lead to:
  - Increased vehicle idling and emissions from congestion, contributing to poor local air quality; of concerns given the proximity of protected green spaces and wildlife corridors along these routes. The failure to implement highway improvements in line with development will worsen the overall environmental impact of the scheme, including negative effects on local ecosystems and biodiversity.
  - Negative impacts on local wildlife and green corridors from unmanaged traffic growth and piecemeal infrastructure delivery;

- Undermining of climate targets and sustainability principles embedded in both national and local planning policy.
- The environmental assessment underpinning the original permission is predicated on timely delivery of infrastructure. Altering this now weakens the environmental safeguards originally deemed necessary.
- Condition 30 relates to improvement works at the A689 / Hanzard Drive / The Wynyard Junction and is clearly imposed to ensure that the development only proceeds in tandem with critical infrastructure delivery. Changing the trigger for these works now risks undermining the integrity of the planning process. It would set a dangerous precedent, suggesting that critical infrastructure improvements can be deferred indefinitely after outline planning permission is granted.
- There is no compelling technical or financial justification provided in support of the variation request. Nor has there been sufficient resident/community consultation on the impacts of such a change.
- The 2022 base line data used to assess the traffic modelling is now outdated and requires to be recalculated using more up to date data.
- Post 2022, increase in traffic volume during is experienced due to several factors e.g. more residential dwellings have been occupied within the last 3 years, bringing additional vehicles to the vicinity, a number of additional vehicles will be expected in 2025 when multiple commercial dwellings within Wynyard are to be open e.g. Wynyard retail park due to open Q3/Q4 2025. And also a lot more people have returned to the office work working since 2022. All baseline data needs to be revisited.
- As a community entirely reliant on the A689 for entry and exit, it is paramount that anything that puts the already stretched arterial road network under further strain is given an extremely high level of scrutiny.
- The traffic study included feels like insufficient evidence to overturn the conditions on such a large-scale outline approval and the high threshold of 600 occupied dwellings.
- the proposal should be rejected, with HBC and SBC placing additional pressure on the contractors handling the road network improvements to find a way to minimize the delays, so that the condition can be met as soon as possible, to unblock the applicants development.
- As a resident, have no issue with the outline application and building of the 1200 homes, but I don't want to see another 600 occupied homes, with no road improvements implemented, which is a possibility if this permission is granted as the applicant has no control over highways improvements.

1.20 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=165567>

1.21 The period for publicity has expired.

## **CONSULTATIONS**

1.22 The following consultation replies have been received:

**Wynyard Parish Council;**

26<sup>th</sup> June 2025 - Objection

Wynyard Parish Council (Hartlepool) empathises with the applicant and shares their disappointment at the delay in implementing the necessary improvements to the road network required to facilitate further growth in occupied dwellings on Wynyard.

As a community entirely reliant on the A689 for entry and exit, especially on Wynyard Park, where the applicant is yet to implement spine roads, it is paramount that anything that puts the already stretched arterial road network under further strain is given an extremely high level of scrutiny.

Whilst not experts WPC(H) believes that a microsimulation traffic study that includes assumptions about the A19/A689 improvements, which are currently delayed, provides insufficient evidence to overturn the conditions on such a large-scale outline approval and the high threshold of 600 occupied dwellings.

We believe this request for changing of wording on Condition 30 should be rejected, and that HMC and SBC place additional pressure on the contractors handling the road network improvements to find a way to minimize the delays, so that Condition 30 of the outline application can be met as soon as possible to unblock the applicants development.

Further objection received 3<sup>rd</sup> July 2025;

As you'll be aware, Lichfields on behalf of Wynyard Park are seeking a condition change to the 1200 homes outline under H/2025/0200.

Their traffic model assumes that the interchange improvements have been completed. It is my understanding that the funding is secured for this, but timelines are entirely unknown.

In their attached technical report, on page pages 13, 15 and 18 you will find diagrams that have roads that do not exist as part of the model such as the Southern Spine Road of Wynyard Park, which is connected to Duchy 2 (H/2022/0255) and 80% Spine Road Application (H/2025/0073).

If I've misinterpreted the report, I apologize; however, I hope that by highlighting these points, they won't slip through without scrutiny, even if everything turns out to be above board.

### **National Highways**

25<sup>th</sup> June 2025;

Thank you for consulting National Highways on the above application.

We understand that the Applicant is seeking to change the wording for Condition 30 of planning permission H/2022/0181.

### **Condition 30**

Condition 30 relates to an improvement scheme at the A689 / Hanzard Drive / The Wynd junction and prevents any occupations until the works are complete.

The Applicant is seeking to amend the wording of the condition as follows:

- Current condition wording: Prior to the first occupation of any dwelling hereby approved, the works to the A689 / Hanzard Drive / The Wynd Junction as shown in principle of Stockton-on-Tees Borough Council drawing reference A10958-03-04, are implemented to the satisfaction of the Local Highway authority and are open to traffic.
- Proposed condition wording: Prior to the occupation of the 601st dwelling hereby approved, the works to the A689 / Hanzard Drive / The Wynd Junction as shown in principle of Stockton-on-Tees Borough Council drawing reference A10958-03-04, are implemented to the satisfaction of the Local Highway authority and are open to traffic.

Your justification for the proposed change in wording is as follows:

*Additional modelling work has been carried out which builds upon previous modelling work carried out by SCP in order to demonstrate that the trigger of condition 30 could be amended to allow 400 dwellings to come forward. The Technical Note supporting this application demonstrates that 600 dwellings can come forward before highway improvements to the A689 / Hanzard Drive / The Wynd Junction are required.*

We have reviewed the modelling report submitted in support of the application. It is noted that the assessed modelling scenario includes delivery of the scheme at the A19 / A689 Junction but does not include the schemes on the Local Road Network at the A689 / Wynyard Avenue and A689 / Hanzard Drive junctions.

The modelling report includes summary results presented in queue lengths, journey times and average congestion.

The modelling report demonstrates some worsening of the maximum queuing on the A19 slip roads (A19 Northbound in the Morning Peak and A19 Southbound in the Evening Peak), however the queues remain within three quarters of the length of slip road. In addition, the journey times remain unchanged on the slip roads.

However the amendments proposed by the condition result in a considerable worsening of the operation of the Local Road Network in the morning peak with the worst case increase reported on the A689 Eastbound corridor where the journey time increases from 12.2 minutes in the TA Scenario to 30.6 minutes in the A26\_600dw scenario. The A689 Westbound corridor sees a journey time increase from 16.6 minutes in the TA Scenario to 23.2 minutes in the A26\_600dw scenario. In the evening peak the reported results for A689 Eastbound corridor are increases in journey time from 7.5 minutes in the TA Scenario to 18.5 minutes in the A26\_600dw scenario. The A689 Westbound corridor sees a journey time increase from 9.7 minutes in the TA Scenario to 14 minutes in the A26\_600dw scenario.

It is noted that the modelling report states that:

*Traffic signal timings at the A19/A689 interchange have been optimised within the model to maintain operation of the Strategic Road Network and control queuing on the A19 slip roads.*

National Highways confirm that we would recommend approval of the S.73 application to vary Condition 30 on the basis that the optimisation of the signals as identified in the model and the resultant operation of the network is acceptable to both Local Highway Authorities (Hartlepool Borough Council and Stockton Borough Council).

We reserve the right to alter our recommendation if the optimisation of the signals as identified in the model is not acceptable to both Local Highway Authorities (Hartlepool Borough Council and Stockton Borough Council).

We consider that it may be beneficial to agree this with all parties via a Memorandum of Understanding.

On the basis of the above, please see the attached NHPR recommending no objection.

I trust this response is helpful, but should you require any further information please do not hesitate to contact me.

Further Comments Received 18<sup>th</sup> August 2025:

Thank you for consulting with National Highways regarding the comments provided by the Chair of Wynyard Parish Council with regards to the above application.

We understand that the comments provided relate specifically to the planned improvements to the A19(T)/A689 Junction and a section of the local road network within Wynyard Park.

A19(T)/A689 Junction

It is stated that *“Their traffic model assumes that the interchange improvements have been completed. It is my understanding that the funding is secured for this, but timelines are entirely unknown”*.

We agree that the technical note referenced by Wynyard Parish Council states that the A19(T)/A689 Junction improvements have been included in all assessment scenarios.

National Highways previously considered this when we recommended a condition that stated:

*“Prior to first occupation of any dwelling hereby approved, the highway improvement scheme at the A19/A689 Wolviston junction, shown in principle on Drawing number 276864-ARP-ZZ-XX DR-CH - 0101 & Drawing Number 276864- ARP-ZZ-XX-DR-CH- 0102,) shall be completed and implemented to the satisfaction of the Local Highway authority and shall be open to traffic, unless otherwise agreed in writing by the Local Planning Authority and National Highways.”*

By previously recommending the above planning condition, National Highways is satisfied that the proposed development could not be occupied in advance of the A19 interchange improvements (and that this is consistent with the evidence that has been provided to accompany the planning application). If the Applicant were to

propose to vary the above planning condition, National Highways would require further evidence to be provided and agreed with us.

For avoidance of doubt, our recommendation of no objection to the proposed variation of Condition 30 does not relate to the A19 interchange; it only relates to the Local Road Network improvement scheme at the A689 / Hanzard Drive / The Wynd junction.

#### Wynyard local road network

It is stated that: “In their attached technical report, on page pages 13, 15 and 18 you will find diagrams that have roads that do not exist as part of the model such as the Southern Spine Road of Wynyard Park, which is connected to Duchy 2 (H/2022/0255) and 80% Spine Road Application (H/2025/0073). The word "robust" is used five times in their report, yet it fails to mention that it includes assumptions of a critical spine road connected to two unapproved applications.”

National Highways understands that the local roads being referred to are linked to developments that the Local Planning Authority previously stated were committed developments; and that these roads effectively provide local access between areas of Wynyard and the A689.

These roads are not likely to materially alter the assignment of traffic at the Strategic Road Network (SRN) and their inclusion within the referenced highways modelling is considered to be a matter for the Local Highway Authority.

Once the Local Highway Authority has decided on whether the modelled local road network is appropriate, we would request a meeting to discuss the outcome and any implications on future SRN assessments.

I trust this response is helpful, but should you require any further information please do not hesitate to contact me.

*19<sup>th</sup> November 2025;*

Given Hartlepool BC's confirmation below to JSJV that the recently uploaded evidence does not warrant a change to your previous position (it appears to have been provided to satisfy LHA comments), National Highways response dated 18 August 2025 should be withstanding. For reference, this stated that we offer no objection to this application, on the basis that Condition 30 does not relate to the A19(T) interchange; it only relates to the Local Road Network improvement scheme at the A689 / Hanzard Drive / The Wynd junction.

#### **HBC Ecology**

No Objection.

This s73 does not change the nature of the approved development, red line, layout, drainage strategy, open space/green infrastructure, or any previously secured ecology/HRA mitigation. Under HBC's HRA approach for s73s, where the varied condition does not alter ecological impact pathways, the original HRA can be endorsed as still fit for purpose, no new screening/AA is triggered.

**HBC Traffic and Transport***19<sup>th</sup> August 2025*

National Highways have confirmed that the Local Network Connections within Wynyard Park that have not yet been completed but the traffic model assumes that they are in operation do not materially impact the assignment of traffic onto the Strategic Road Network (SRN).

In terms of whether 600 properties could be occupied prior to the implementation of the section 106 works at the A19 / A689 roundabout. We would generally take a lead from National Highways and they have confirmed that they require further evidence from the developer to determine whether this would be acceptable.

*Further Comments Received 8<sup>th</sup> October 2025:*

Further to my previous comments, I can confirm that after further consideration and analysis of the transport assessment the Highway Authority would like to object to this section 73 application to vary condition 30 to amend the trigger for highway works to the A19 to the 601st dwelling.

Amending the condition in this way would result in Average journey times of 30 minutes on the A689 (west) eastbound and 23 minutes on the A689(east) westbound in the morning peak. This is a significant increase in journey times on the local highway network compared to the scenario with the A19 highway mitigation in place. It is considered that the residual cumulative impact on the road network is severe and that the proposed section 73 application should be refused on highway grounds.

*Further Comments Received 31<sup>st</sup> October 2025*

Having looked at the revised modelling information submitted, which is based on the correct A19/ A689 improvement plan, I can confirm that there are no issues and that the proposal is therefore acceptable from a HBC Highways perspective.

*Further Comments Received 24<sup>th</sup> November 2025*

I can confirm that the latest Stockton Borough Council comments provided don't change the most recent HBC comments.

The up to date modelling demonstrates that the impact on the A689 corridor is acceptable, which SBC also confirm in their comments. They are of course entitled to request further information in relation to their own individual junctions, but it is not for Hartlepool Borough Council to comment on these and as stated the overall impact is acceptable.

**Stockton Borough Council;***2<sup>nd</sup> September 2025;*

I have reviewed the details of the application and have consulted with the Highways, Transport and Design Manager and can offer the following comments: -

**General Summary**

As set out below the Highways, Transport and Design Manger objects to the proposed variation of the wording of condition 30 (highway works) pursuant to planning permission H/2022/0181 as the residual cumulative impacts of the

proposals on the road network, taking into account all reasonable future scenarios, would be severe.

### Highways Comments

The Highways, Transport and Design Manager has reviewed the information provided in the Systra Report ‘Wynyard Development Modelling – 600 Residence Test (ref GB01T25C26)’ which considers the impact on the local and strategic highways network as a result of an additional 200 dwellings being allowed prior to the highways improvement that the development is reliant on being provided at the Hanzard Drive / A689 junction.

The report compares modelled journey times for the following scenarios:

- TA Scenario 3 – full development of 1200 dwellings **with** mitigation.
- S26\_400dw – up to 400 dwellings **without** mitigation.
- S26\_600dw – up to 600 dwellings **without** mitigation.

It can be seen from the increase in journey times between scenario ‘S26\_400dw’ and ‘S26\_600dw’, as shown in Table 9 and Table 10 of the Systra report which are included below, that the proposed variation of condition 30 would have a severe impact on the local highway network.

This is clearly demonstrated by:

- The average journey time in the morning peak period for the A689 (West) Eastbound journey going from 12.2 minutes to 30.60 minutes which is an increase of 250%.
- The average journey time in the evening peak period for the A689 (West) Eastbound journey going from 5.9 minutes to 18.5 minutes which is an increase of over 300%.

Table 9. Journey times and queue length results, morning period

Scenario	Morning period							
	Max queue length (m)		Average journey time (mins)					
	A19 Northbound Off-Slip (285m-3/4)	A19 Southbound Off-Slip (270m-3/4)	A19 Southbound	A19 Northbound	A689 (West) Eastbound	A689 (West) Westbound	A689 (East) Eastbound	A689 (East) Westbound
	TA Scenario 3	232	170	4.3	4.1	12.2	5.3	2.9
S26_400dw	179	146	4.3	4.1	12.2	4.5	2.9	15.3
S26_600dw	171	218	4.3	4.1	30.6	4.7	2.9	23.2

Table 10. Journey times and queue length results, evening period

Scenario	Evening period							
	Max queue length (m)		Average journey time (mins)					
	A19 Northbound Off-Slip (285m-3/4)	A19 Southbound Off-Slip (270m-3/4)	A19 Southbound	A19 Northbound	A689 (West) Eastbound	A689 (West) Westbound	A689 (East) Eastbound	A689 (East) Westbound
	TA Scenario 3	188	66	4.1	4.2	7.5	5.9	3.1
S26_400dw	172	52	4.1	4.2	5.9	5.2	3.1	7.5
S26_600dw	154	165	4.1	4.2	18.5	6.7	3.1	14.0

It is therefore considered that the proposal to vary the wording of condition 30 (highway works) to allow 600 dwellings to be constructed prior to highways improvement at the A689 / Hanzard Drive junction being delivered is unacceptable due to the impact it would have on the local highway network.

The Highways, Transport and Design Manger therefore objects to the proposed variation of the wording of condition 30 (highway works) pursuant to planning permission H/2022/0181 as the residual cumulative impacts of the proposals on the road network, taking into account all reasonable future scenarios, would be severe.

*17<sup>th</sup> November 2025*

Thank you for providing the list of committed development included within the Systra assessment however, this only addresses one of the issues raised.

The local junction assessments at the Hanzard Drive/A689/The Wynd and the Wynyard Avenue/A689 junctions are still required before we can review our comments.

*Further Comments Received 18<sup>th</sup> November 2025:*

I still haven't had the opportunity to check the information provided yesterday and this should ideally be agreed before any local junction assessments are undertaken.

However, if the developer chooses to do this work before the base scenario has been agreed we will need the following scenarios modelling at the Hanzard Drive/A689/The Wynd and the Wynyard Avenue/A689 junctions:

- Base + committed
- Base + committed + 400 dwellings and
- Base + committed + 600 dwellings.

*Further Comments Received 21<sup>st</sup> November 2025:*

General Summary

As set out below the Highways, Transport and Design Manger objects to the proposed variation of the wording of condition 30 (highway works) pursuant to planning permission H/2022/0181 as the residual cumulative impacts of the proposals on the local road network, taking into account all reasonable future scenarios, have not been demonstrated to be acceptable.

Highways Comments

The Highways, Transport and Design Manager has reviewed the information provided in the Systra Reports (ref GB01T25C26, GB01T25H77/TN01 and GB01T25H77)' which considers the impact on the local and strategic highways network as a result of an additional 200 dwellings being allowed prior to the highways improvement that the development is reliant on being provided at the Hanzard Drive / A689 junction.

The report compares modelled journey times for the following scenarios:

- TA Scenario 3 – full development of 1200 dwellings **with** mitigation.
- S26\_400dw – up to 400 dwellings **without** mitigation.

- S26\_600dw – up to 600 dwellings **without** mitigation.

Following the correction of an error within the model used by Systra it is now accepted that the journey times for the A689 corridor are acceptable.

However, no information has been provided that would allow Stockton Borough Council, as the Local Highway authority, to:

- determine if the impact on the capacity of the Hanzard Drive/A689/The Wynd and the Wynyard Avenue/A689 junction associated with allowing 600 houses to be occupied before the mitigation at the junctions has been provided is acceptable or not or
- determine if the queues, particularly those on the side roads, associated with allowing 600 houses to be occupied before the mitigation at the junctions has been provided are acceptable or not.

Stockton Borough Council, as the Local Highway authority, therefore objects to the proposed variation of the wording of condition 30 (highway works) pursuant to planning permission H/2022/0181 as the residual cumulative impacts of the proposals on the local road network, taking into account all reasonable future scenarios, have not been demonstrated to be acceptable.

It is also noted, having reviewed the decision notice and the s106 Agreement for planning approval H/2022/0181, that the mitigation identified in Condition 30 which the development is reliant upon has not been secured against the extant planning approval.

Therefore, should the application be recommended for approval, it is requested that the wording of condition 30 is further amended to include a requirement for the applicant to enter a s278 Agreement to provide the required mitigation prior to the occupation of the 601<sup>st</sup> dwelling.

Suggested wording is included below.

*Prior to the occupation of the 401st dwelling hereby approved, the developer shall enter into a s278 Agreement to provide the works to the A689 / Hanzard Drive / The Wynd Junction, as shown in principle of Stockton-on-Tees Borough Council drawing reference A10958-03-04, and prior to the occupation of the 601<sup>st</sup> dwelling the works shall be implemented to the satisfaction of the Local Highway authority.*

Further comments received 12<sup>th</sup> December 2025:

General Summary

As set out below the Highways, Transport and Design Manger objects to the proposed variation of the wording of condition 30 (highway works) pursuant to planning permission H/2022/0181 as the residual cumulative impacts of the proposals on the local road network, taking into account all reasonable future scenarios, have not been demonstrated to be acceptable.

Highways Comments

The Highways, Transport and Design Manager has reviewed the information provided in the Systra Reports (ref GB01T25C26, GB01T25H77/TN01 and GB01T25H77) which considers the impact on the local and strategic highways network as a result of an additional 200 dwellings being allowed prior to the highways improvement that the development is reliant on being provided at the Hanzard Drive / A689 junction.

The report compares modelled journey times for the following scenarios:

- TA Scenario 3 – full development of 1200 dwellings **with** mitigation.
- S26\_400dw – up to 400 dwellings **without** mitigation.
- S26\_600dw – up to 600 dwellings **without** mitigation.

Following the correction of an error within the model used by Systra it is now accepted that the journey times for the A689 corridor are now within acceptable tolerances however, following a recent discussion with National Highways, it has come to light that the model used to determine these journey times is no longer considered to be reliable.

As a result of this, the reported journey times may also not be reliable.

However, setting this aside, no information has been provided that would allow Stockton Borough Council, as the Local Highway authority, to:

- determine if the impact on the capacity, associated with allowing 600 houses to be occupied before the mitigation at the junctions has been provided, at the Hanzard Drive / A689 / The Wynd and the Wynyard Avenue / A689 junctions is acceptable or not or
- determine if the queues, particularly those on the side roads, associated with allowing 600 houses to be occupied before the mitigation at the junctions has been provided are acceptable or not.

Stockton Borough Council, as the Local Highway authority, therefore objects to the proposed variation of the wording of condition 30 (highway works) pursuant to planning permission H/2022/0181 as the residual cumulative impacts of the proposals on the local road network, taking into account all reasonable future scenarios, have not been demonstrated to be acceptable.

Stockton Borough Council, as the local highway authority, therefore requests that the application is either:

- refused due to the unknown impact of the proposals on the local highway network or
- deferred until the information needed to determine if the impact on the local highway network is acceptable or not has been provided.

It is also noted, having reviewed the decision notice and the s106 Agreement for planning approval H/2022/0181, that the mitigation identified in Condition 30 which

the development is reliant upon has not been secured against the extant planning approval.

It is therefore imperative that, should the application be approved, the mitigation at the Hanzard Drive / A689 / The Wynd junction (as shown in principle of Stockton-on-Tees Borough Council drawing reference A10958-03-04) is secured through a Deed of Variation to the existing s106 Agreement.

**PLANNING POLICY**

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

Local Policy

Hartlepool Local Plan

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

- Policy LS1 - Locational Strategy
- Policy SUS1 - Presumption in Favour of Sustainable Development
- Policy ING1 - Sustainable Transport Network
- Policy QP3 - Location, Accessibility, Highway Safety and Parking
- Policy QP6 - Technical Matters
- Policy HSG1 - New Housing Provision
- Policy HSG6 - Wynyard Housing Development

National Planning Policy Framework (NPPF)(2024)

1.25 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	Subject
002	Determination in accordance with the development plan
003	Status of NPPF

007	Meaning of sustainable development
008	Achieving sustainable development (three overarching objectives – Economic, Social and Environmental)
009	Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
010	The presumption in favour of sustainable development
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development (presumption does not change statutory status of the development plan as the starting point for decision making)
039	Decision making
048	Determining applications
056	Use of conditions or planning obligations
057	Planning conditions should be kept to a minimum
061	Significantly boost the supply of homes
066	Major development and affordable housing
074	Planning for larger scale development
078	Five year supply of deliverable housing sites
096	Promoting healthy and safe communities
109	Considering transport issues from an early stage
115	Promoting sustainable transport
116	Highway safety
117	New developments and movement
118	Travel Plans and Transport Assessments
130	Efficient use of land
131	Achieving well-designed and beautiful places
135	Achieving well-designed and beautiful places
136	Tree-lined streets
137	Design quality through evolution of proposals
139	Permission should be refused for development of poor design
164	New development addressing climate change
166	New development and energy efficiency
173	Ensuring flood risk does not occur elsewhere
182	Major development should incorporate SUDS
187	Contribute to and enhance the natural environment
193	Determining applications and biodiversity
196	Ground conditions
198	Pollution

**HBC Land Use/Planning Policy;**

1.26 The application is for the amendment to conditions for the delivery of the associated highway works for application H/2022/0181. Should the proposal be considered appropriate by HBC Highways, Planning Policy have no comments.

**PLANNING CONSIDERATIONS**

1.27 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, highway and pedestrian safety and amenity.

#### PRINCIPLE OF DEVELOPMENT

1.28 The application site is classified as ‘white land’ within the development limits set by the Local Plan Policies Map where the principle of residential development is acceptable. As such, the provisions of the adopted Hartlepool Local Plan Policies SUS1 and LS1 are considered to be relevant alongside the NPPF.

1.29 Collectively, the relevant paragraphs of the NPPF seek to ensure that development is sited in appropriate locations that support sustainable development through the three overarching objectives – Economic, Social and Environmental. Local Plan Policy SUS1 sets out that when considering development proposals the Borough Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Further, and amongst other things, it will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

1.30 The provisions of Policy LS1 set out the strategic locational provisions for new development, making specific reference to new housing and employment areas within the Wynyard area to help ensure that identified housing needs are met through well considered and appropriately located sites. Such an approach contributes to the strategic delivery of housing in a manner that contribute towards sustainable development within across the Council area.

1.31 The condition to which this submission relates by way of the variation of the approved wording sought was attached to the outline approval considered and determined under reference H/2022/0181 (Subsequently amended by H/2025/0333). This permission, issued on 26<sup>th</sup> February 2025, granted permission, subject to conditions and a Section 106 legal agreement for Outline planning application for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access.

1.32 Condition 1 of the approval sets out the remaining reserved matters to be the subject of further “reserved matter” submissions while condition 2 sets out a time period for submissions to take place. Three reserved matters submissions have been made submitted under references H/2025/0073 (southern spine road), and the other two - H/2025/0110 (170 dwellings by Bellway) and H/2025/0233 (335 dwellings by Taylor Wimpey) - having been approved. As a result of the granting of the outline approval and subsequent submission of 3 reserved matters applications in connection with the outline approval, it can clearly be seen that the principle of development has been established and that the submission of the reserved matters indicates intent to implement the outline approval.

1.33 The proposed variation of condition 30 as proposed in this current submission, to enable the occupation of 600 dwellings does not impact on the principle of the development of the site for residential dwellings with associated infrastructure which has been accepted.

#### HIGHWAY AND PEDESTRIAN SAFETY

1.34 The condition sought to be varied is a highway related condition attached to the outline approval. As such the key to the acceptability or otherwise of the variation of the wording sought is based on the highway consideration by the relevant technical consultees.

1.35 Policy QP3 of the Local Plan as well as paragraphs 109, 115 116, 117 and 118 of the NPPF are relevant to the consideration of highways and parking elements of the application. The provisions of Policy QP3 relate to the location, accessibility, highway safety and parking in association with developments requiring that they, amongst other things, ensure residents and visitors can move with ease and safety, servicing arrangements and highway safety provisions are in line with local guidance, parking standards are met and that parking areas are laid using permeable surfaces.

1.36 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 onto 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.”

1.37 As part of the submission a highways based technical note was submitted showing the average journey time in the morning peak period for the A689 (West) Eastbound journey going from 12.2 minutes to 30.60 minutes while the average journey time in the evening peak period for the A689 (West) Eastbound journey going from 5.9 minutes to 18.5 minutes.

1.38 The initial consultation carried out with National Highways, HBC Traffic and Transport and Stockton Borough Council based on the submitted documents resulted in objections being raised by both HBC Traffic and Transport alongside Stockton Borough Council. Highways England noted that while there would be, based on the submitted documents, impacts upon the local highway network they were satisfied the proposal would not impact upon the A19.

1.39 In light of the concerns raised that the submitted note showed the proposal would result in a significant increase in waiting times on the local road network, the agent liaised with their highway consultants and a sensitivity test report was provided which superseded the originally submitted documents. (It seems that the original analysis was not based on the correct A19/A689 improvement plan). A re-consultation was undertaken based on this newly received document which indicated that the increase in travel times on the A689 would be from 12.5 to 12.9 minutes eastbound and from 11.8 to 12.2minutes west bound substantially less than in the original analysis.

1.40 HBC Traffic and Transport have responded commenting that having looked at the revised modelling information submitted, which is based on the correct A19/A689 improvement plan, I can confirm that there are no issues and that the proposal is therefore acceptable from a HBC Highways perspective. Similarly Highways England have no objections. Following the original objection from Stockton Borough Council they were re-consulted on the up-dated information. Their last response indicated that whilst they were content the impacts on the A689 were acceptable the applicant has failed to demonstrate that the impacts on the wider local road network were acceptable they therefore maintained their objection to the proposal. They also requested that in the event that the application is approved the applicant be required to enter into a deed of variation (to the original S106) to secure the mitigation required at the junction (post occupation of the 600<sup>th</sup> dwelling)

1.41 The re-consultation comments from Stockton Borough Council are acknowledged however the applicant has declined to provide the further information requested by them. While the officer understands their position, it is important to note that National Highways have commented no objections based on the original and up-dated details alongside Hartlepool Borough Council Traffic and Transport having no objections to the proposal based on the up-dated details provided.

1.42 HBC Traffic & Transportation were asked to comment on the Stockton Borough Council Objection and have advised “I can confirm that the latest Stockton Borough Council comments provided don't change the most recent HBC comments. The up-to-date modelling demonstrates that the impact on the A689 corridor is acceptable, which SBC also confirm in their comments. They are of course entitled to request further information in relation to their own individual junctions, but it is not for Hartlepool Borough Council to comment on these and as stated the overall impact is acceptable”. In light of this on balance officers are satisfied that the highway impacts of the proposed change to the wording of condition 30 is acceptable in principle. It is noted that Stockton Borough Council have requested the applicant be required to enter into a deed of variation to deliver the mitigation required after the occupation of the 600<sup>th</sup> dwelling however it is understood that there is potentially for the works to be grant funded whilst it is understood that other implemented developments in Stockton are already bound by obligations to deliver mitigation here. In the meantime the condition will restrict occupancy of this development until the matter is resolved.

## AMENITY

1.43 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.

1.44 It is important to note that the changes to the condition relate to dwelling occupancy levels and that there are no changes to the design, appearance and

layout of the development. Further, the condition to be changed relates to highway works at a junction where the impact upon adjacent and nearby dwellings will not be affected beyond what has already been approved. With the exception of the condition and occupancy levels before the works are done (as sought by the application and assuming a favourable recommendation), all other aspects of the outline remain unaffected. From there, reserved matters submissions will address the detail of the development sites as they come forward to ensure no impact upon amenity. It is therefore considered that the proposed change to condition 30 would not result in any adverse or detrimental impacts upon amenity and that the development therefore complies with the provisions of HLP policy QP4.

## OTHER PLANNING MATTERS

### *Nutrient Neutrality and HRA;*

1.45 As a result of the date when the outline application was submitted, 4<sup>th</sup> May 2022, and the date of its determination, 26<sup>th</sup> February 2025, there was a query relating to whether there needed to be an up-dated nutrient neutrality and HRA assessment. HBC Ecologist was consulted. Their response sets out that they have no objections to the scheme as this s73 does not change the nature of the approved development, red line, layout, drainage strategy, open space/green infrastructure, or any previously secured ecology/HRA mitigation. Under HBC's HRA approach for s73s, where the varied condition does not alter ecological impact pathways, the original HRA can be endorsed as still fit for purpose, no new screening/AA is triggered. On this basis officers are satisfied the proposal raises no unacceptable impacts on nutrient neutrality or HRA.

## PLANNING OBLIGATIONS

1.46 The originally outline planning permission was subject to the completion of a S106 agreement which secured various planning obligations including (18%) on site affordable housing of which 70% shall be for affordable rent and 70% intermediate tenure, additional land for a three form entry primary school if the need arises. If the need does not arise then the additional land will be safeguarded as open space, a financial contribution of (£2,014.67 per dwelling) towards primary education if the two form primary school is not delivered, a financial contribution of (£1337.93 per dwelling) towards secondary education, financial contribution (£125 per dwelling) towards school transport, 500 metres squared of commercial floor space for a local centre, with parking and servicing to the east of the pub and hotel site used for a variety of uses, Public open space opposite Musgrave Garden Lane (MGL) - Additional walking links in and around the POS opposite MGL along with dropped kerbs, tree planting, and seating and interpretation material, Play equipment on site D, Land to accommodate a Sports Hub (3G pitch, adult size grass pitch, changing facilities, parking and storage). a Kick around pitch - A fenced of grass area to be located in the southern element of the green wedge north and to be used for informal play and maintained by Wynyard Park, a financial contribution of (£992 per dwelling) towards east to west footway/cycleway, a financial contribution of (£250 per dwelling) towards Castle Eden Walkway, Woodland Footpath Connections – to Deliver and maintain the on-site footpaths which are set out within the Woodland Footpath Strategy, Five promotional events for Tees Flex over a two year period, a financial

contribution of (£250 per dwelling) towards built sports facilities, a financial contribution of (£57.03 per dwelling) towards tennis provision within the borough, a financial contribution of (£4.97 per dwelling) towards bowling facilities in the borough, a financial contribution of (£250 per dwelling) towards SPA Coastal Mitigation, a financial contribution of (£100 per dwelling) to provide mitigation for farmland birds, a financial contribution of (£431.67 per dwelling) for highway infrastructure/highway works and a financial contribution (£482.50 per dwelling) for NHS provision.

1.47 A clause in the legal agreement clarifies that in the event S73 application if the council consider that the Planning Obligations are both sufficient and necessary to make the S73 application acceptable in planning terms then the Deed shall apply to the new (S73) permission. This is considered to be the case and the new permission will be bound by the S106 (as varied).

## CONCLUSION

1.48 The principle of development has already been established through the outline planning approval under reference H2022/0181 and a number of reserved matters applications have come forward to develop parcels within the larger site (albeit they are all still pending consideration at the time of writing).

1.49 The proposals impact on the highway network is considered on balance to me acceptable. There will also be no adverse or detrimental impacts upon amenity.

1.50 The proposal therefore complies with the requirements of the relevant HLP policies as well as the provisions of the NPPF.

1.51 On this basis, the application is recommended for approval.

## EQUALITY DUTY

1.52 There is no evidence of equality or diversity implications.

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

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

1.54 There are no Section 17 implications.

## REASON FOR DECISION

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

**RECOMMENDATION – APPROVE** subject to the following conditions:

1. Details of the appearance, landscaping, layout and scale (hereafter called the reserved matters) for each phase of the development shall be submitted to and approved in writing by the local planning authority before the development of that phase, and the development shall be carried out as approved.  
That your application is made in outline only.

2. Application for the approval of the reserved matters (referred to below) and the commencement of development, shall be as follows. The first reserved matters application shall be made to the Local Planning Authority not later than 3 years from the 26<sup>th</sup> February 2025 and the development so approved shall be begun not later than 2 years from the date of approval of the last reserved matters of that phase. Thereafter, all subsequent phased reserved matters applications shall be made to the Local Planning Authority not later than 10 years from the 26<sup>th</sup> February 2025 and the development so approved shall be begun not later than the expiration of 2 years from the final approval of the last reserved matters relating to each phase.  
In accordance with Section 92 of the Town and Country Planning Act 1990.

3. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in general conformity with the following approved plans.

Drawing No. SD-00.00C (OS Location Plan)

Drawing No. 1595-WYN-SD-10.01 REVF Illustrative Masterplan(A)

1595-WYN-SD-10.02 REVF Illustrative Masterplan SCHEDULE(A)

1595-WYN-SD-20.01C Land Use

Drawing No 1595-WYN-SD-20.02C Building Heights

Drawing No 1595-WYN-SD-20.03C Connectivity

Drawing No. 1595-WYN-SD-20.04C Green Infrastructure

To ensure that the development as carried out does not vary from the approved plans.

4. The permission hereby granted shall permit the phased development of the site and unless otherwise indicated all other conditions shall be construed accordingly. Prior to or alongside the submission of the first ""reserved matters"" application, a Phasing Plan/Programme shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan/Programme shall identify the phasing of all development, infrastructure, landscaping, the means of access/pathways/cycleways, enclosures and gates, and public and amenity open space of the development hereby approved. Thereafter the development shall be undertaken in accordance with the Phasing Plan/Programme so approved unless some variation is otherwise agreed in writing by the Local Planning Authority.  
To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure and services to each individual phase.

5. The development permitted shall include no more than 1,200 dwellings. More dwellings would result in a denser form of development which would adversely affect the character and appearance of the surrounding area.

6. Prior to above ground works of that phase, a schedule and/or samples of all surfacing materials and finishes for that phase shall be submitted to and approved in

writing by the Local Planning Authority. Thereafter the development of that phase shall not be carried out other than in accordance with the approved details. To ensure a satisfactory appearance of the development in the interest of the visual amenity of the area.

7. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00am and 18.00 Mondays to Fridays and between 9.00am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

To ensure that the development does not adversely affect neighbours living conditions.

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

In order to ensure satisfactory drainage.

9. Prior to works pertaining to foul water drainage in any phase, a detailed scheme for the disposal of foul water for that phase of the development shall be 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.

In order to ensure satisfactory drainage.

10. Prior to the commencement of each phase of development, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The CEMP shall include the routing of all HGVs movements associated with the construction phase, effective dust emission controls from the site remediation and construction works which includes earth moving activities, the control and treatment of stock piles, details and location of parking for use during construction, measures to protect any existing footpaths and verges from vehicle movements, and wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. The CEMP shall also set out a minimum site specific measures to control and monitor impacts in relation to construction traffic, noise, vibration, dust and air

pollution, land contamination, disturbance to ecology and ground water. Thereafter, the development of each phase shall be carried out in accordance with the approved CEMP.

To ensure that the agreed measures are in place in the interests of the amenities of the area.

11. The development of each phase hereby permitted shall be landscaped in accordance with a fully detailed scheme which shall be submitted as part of the details of the proposed development as required Condition No. 1 above.

In the interests of amenity and to ensure a satisfactory standard of landscaping.

12. All planting, seeding or turfing comprises in the approved details of any landscaping of that phase shall be carried out in accordance with the approved programme of works for implementation. Any trees, plants or shrubs within a phase which within a period of 5 years from the date of the completion of that phase 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 and biodiversity enhancement.

13. No part of the residential development of any phase shall be first occupied until a vehicular and pedestrian access to that phase of development 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.

14. In the event that contamination is found at any time when carrying out the approved development of any phase works must be halted on that phase affected by the unexpected contamination and must be reported immediately to the Local Planning Authority. An investigation and risk assessment 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 on that phase until a remediation scheme to deal with the contamination of that phase has been carried out in accordance with the details first submitted to and approved in writing by the Local Planning Authority. This scheme shall evaluate options for the remedial treatment based on risk management objectives. Works shall not resume on that phase until the measures approved in the remediation have been carried out in full.

To ensure any contamination is appropriately dealt with.

15. No development of the phase or phases shall take place until plans of that phase of development showing the existing and proposed ground levels and levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter, that phase shall not be carried out other than in accordance with the approved details.

To ensure that the work is carried out at suitable levels in relation to adjoining properties and highways having regard to amenity, access, highway and drainage requirements.

16. Clearance and removal of trees and vegetation in any phase shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. An exception to this timing restriction could be made if the site within that phase is first checked within 48 hours prior to the relevant works taking place by a suitable qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.  
In the interests of breeding birds.

17. Notwithstanding the submitted details, prior to occupation of each phase of development, details of the proposed street lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the street lighting of that phase shall be provided in accordance with the approved details, prior to first occupation of any dwellings in that phase.  
In the interest of biodiversity.

18. Notwithstanding the submitted information, prior to first occupation of that phase of the development hereby approved, details of the boundary means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development of that phase shall be implemented in accordance with the approved details prior to the first occupation of each dwelling of that phase.  
In the interests of a satisfactory form of development and in the interests of the amenities of future occupiers.

19. Notwithstanding the submitted details, none of the dwellings hereby permitted within that phase shall be first occupied until a scheme to ensure that 10% of the energy requirement for each dwelling in that phase is provided from renewable sources has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development of that phase shall be carried out in accordance with the approved details.  
In the interests of sustainability.

20. Notwithstanding the submitted details none of the dwellings hereby permitted in that phase shall be first occupied until details of a vehicle charging point for each dwelling has been submitted to and approved in writing by the Local Planning Authority. The vehicle charging points shall be installed and available to use prior to first occupation of the dwelling.  
In the interests of sustainability.

21. No dwelling hereby permitted shall be first occupied until details of refuse and recycling bins to be provided at each property of that phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be provided to each dwelling prior to first occupation.  
To ensure satisfactory refuse and recycling bins are provided for residents.

23. No apartments shall be occupied except by a person or persons over the age of 55 years.  
That the apartments are not suitable for occupation by families with children.

24. When submitting the details pursuant to condition 1, this shall include an Arboricultural Impact Assessment, Arboricultural Method Statement and a Tree Protection Plan.

To ensure the protection of retained trees on the site.

25. 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 and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

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).

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.

26. Prior to the commencement of development on any phase of the development a scheme to provide bat mitigation features to provide long term roost sites for the local bat population within that phase including details of the features and a timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. These shall include bat nesting bricks to be built into 10% of buildings with the selection of buildings facing onto the larger open spaces to be prioritised. The bat mitigation features shall thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.

In the interest of bats.

27. Prior to the commencement of each phase of the development a detailed scheme of noise insulation measures for the residential properties shall be submitted to and approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 "Guidance on Sound Insulation and Noise Reduction for Buildings". The approved scheme shall be implemented, and verification that the measures identified in the scheme have been implemented shall be provided by a suitably qualified engineer, prior to the occupation of any of the dwellings identified in the scheme and shall be permanently retained thereafter unless some variation is otherwise agreed in writing by the Local Planning Authority.

To ensure an acceptable residential living conditions for future occupiers

28. No part of the development hereby approved shall be occupied unless and until a detailed Travel Plan has been submitted to and approved in writing by the

Local Planning Authority (in consultation with National Highways or its successors). The Travel Plan shall be developed to accord with the principles set out in the Framework Travel Plan [Land North of A689, Wynyard Park Estate, Wynyard Woods, Wynyard, Hartlepool - AMA, June 2023]. The Detailed Travel Plan shall thereafter be implemented coincidentally with the phased occupation of the development.

In the interests of sustainable travel.

30. No more than 600 dwellings shall be occupied until a scheme of highway mitigation works to the A689 / Hanzard Drive / The Wynd junction based upon the Stockton-on-Tees Borough Council drawing reference A10958-03-04 has been implemented to the satisfaction of the Local Planning Authority (Hartlepool Borough Council) and is open to traffic.

In the interests of highway safety.

31. Prior to first occupation of any dwelling hereby approved, the highway improvement scheme at the A19/A689 Wolviston junction, shown in principle on Drawing number 276864-ARP-ZZ-XX DR-CH - 0101 & Drawing Number 276864-ARP-ZZ-XX-DR-CH- 0102,) shall be commenced.

In the interests of highway safety.

32. Construction of no part of the development hereby approved shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways or its successors). Construction of the development shall thereafter be carried out in accordance with the agreed Construction Traffic Management Plan.

To ensure that the A19 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, and in the interests of road safety.

33. Prior to first occupation of any of the dwellings within a particular phase a site waste audit shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the site waste audit and maintained thereafter.

In the interests of ensuring waste is appropriately dealt with.

34. Alongside the reserved matters application for each phase of development hereby approved, a noise assessment for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Noise Assessment will identify a scheme of mitigation for that phase. Prior to occupation of the phase of development, the scheme of mitigation shall be completed in accordance with the approved details and retained for the lifetime of the development.

To ensure a satisfactory living environment for future occupiers.

## **BACKGROUND PAPERS**

1.55 Background papers can be viewed by the ‘attachments’ on the following public access page: <https://hbc->

[edrms.necswscloud.com/PublicAccess\\_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1\\_REF=H/2025/0200](http://edrms.necswscloud.com/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2025/0200)

1.56 Copies of the applications are available on-line:  
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

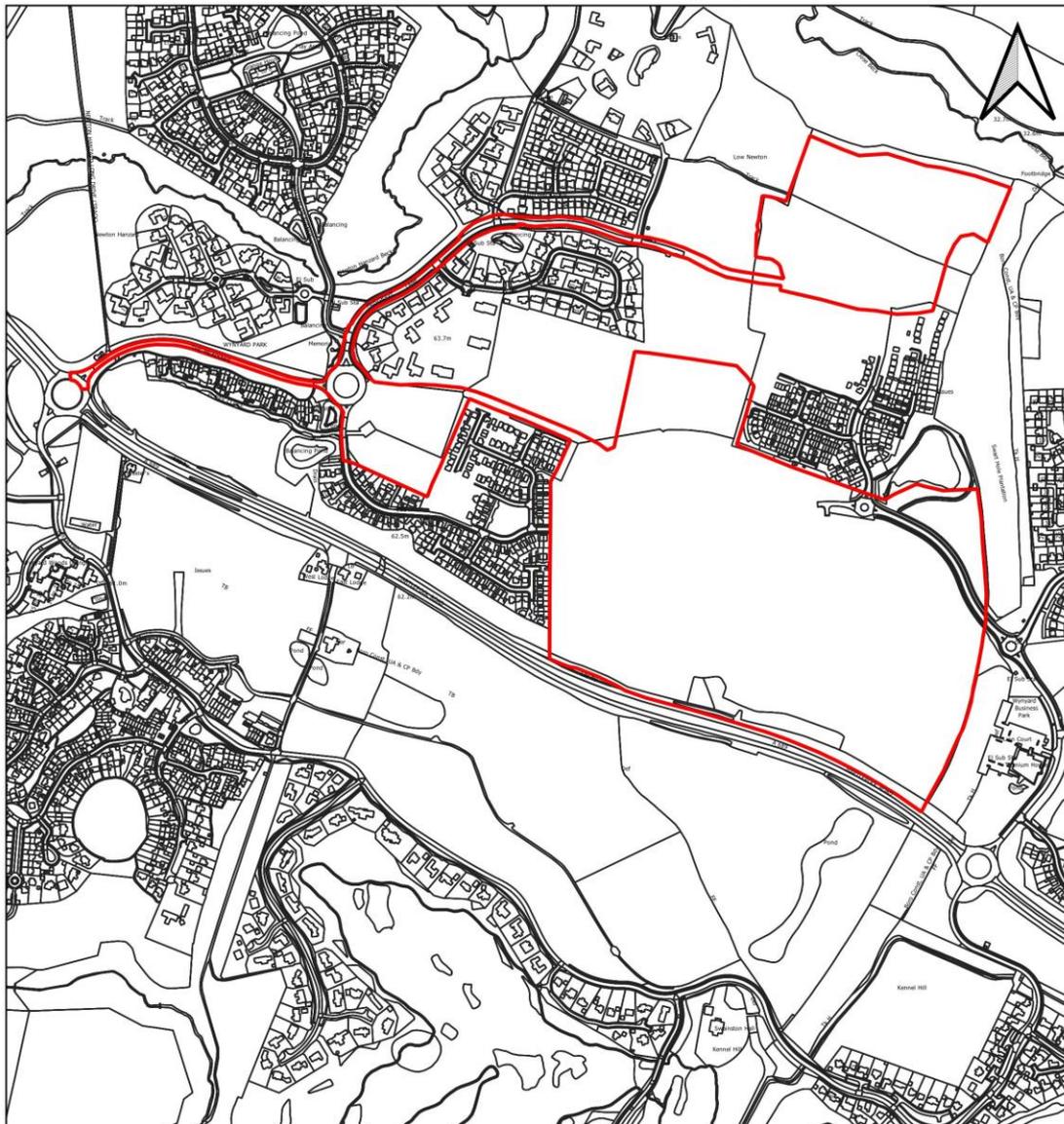
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**Land North Of A689, Wynyard Woods, Wynyard, Hartlepool**



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<p><b>HARTLEPOOL BOROUGH COUNCIL</b></p>	<p><b>DRAWN</b> LH</p>	<p><b>DATE</b> 07/10/2025</p>
	<p>Scale 1:9000</p>	
<p>Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY</p>	<p><b>DWG.NO</b> H/2025/0200</p>	<p><b>REV</b></p>



**No:** 2.  
**Number:** H/2023/0370  
**Applicant:** PERSIMMON HOMES TEESSIDE RADCLIFFE  
 CRESCENT THORNABY STOCKON ON TEES TS17  
 6BS  
**Agent:** PERSIMMON HOMES TEESSIDE MR JAKE  
 ANDERSON RADCLIFFE CRESCENT THORNABY  
 STOCKON ON TEES TS17 6BS  
**Date valid:** 07/11/2023  
**Development:** Section 73a application for amendments to  
 H/2020/0261 (Section 73 application for amendments  
 to planning permission H/2018/0493 (reserved  
 matters) for the erection of 373 No. dwellings pursuant  
 to H/2013/0573 (sites A and B)) to vary condition 1  
 (approved plans) in respect of an amendment to  
 detailed landscape proposals to reflect the  
 implemented soft landscaping on site.  
**Location:** FORMER BRITMAG LTD OLD CEMETERY ROAD  
 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.

2.2 The application was deferred at the planning committee meeting of 28th May 2025 to allow members to undertake a site visit. The application was then deferred at the committee meeting of 25th June 2025 to provide an opportunity to the developer to consider increasing the amount of proposed landscaping across the site, with a meeting to be held between the applicant, officers and the Chair of the Planning Committee. Subsequently, amended landscaping plans have been received (as detailed in the Proposal section below), the aforementioned meeting has taken place (in early January 2026), and the committee report has been updated accordingly.

## BACKGROUND

2.3 The application site has a detailed site history. The following applications are considered to be most relevant to the current application:

H/2005/5254 - An outline application for residential development open space and associated means of access was refused. The applicant appealed the decision, and a public local inquiry took place in November and December 2009. Prior to this in November 2008, it was directed that the application be called in for the Secretary of State's (SoS) own determination (because of an outstanding objection from Natural England). The SoS disagreed with the Planning Inspector's recommendation for

refusal, and the appeal was allowed, subject to conditions (decision dated 25/03/2010).

H/2011/0005 - Variation of conditions on approval H/2005/5254, application approved 14/10/2011.

H/2013/0573 - Variation of conditions and legal agreement on planning application H/2011/0005 to allow for the removal of the requirements for a buried long stop, the delivery of properties to level 3 of the code for sustainable homes, the requirements to deliver 10% renewable energy on site and 10% of affordable housing within each phase of the development, approved 09/10/2014. This application in effect formed a new outline planning approval to which the subsequent reserved applications are pursuant. A S106 Agreement was completed securing a number of financial contributions and obligations towards improvements to the Brus Tunnel, coastal footpath/cycleway, ecological mitigation, off site recreational areas and maintenance of public open space areas, sand dunes works and towards the Spion Kop Cemetery wall scheme.

H/2014/0470 - Reserved matters (appearance, landscaping, layout and scale) for the erection of 373 No. dwellings within Phase 1 pursuant to H/2013/0573 (Sites A and B), approved 18.12.2014. The permission has been implemented and the site is now completed (by Persimmon Homes) and dwellings occupied, approved 18/12/2014.

H/2016/0399 - Reserved matters application (appearance, landscaping, layout and scale) for the erection of 110 No. dwellings within Sites C and D, pursuant to outline planning permission H/2013/0573, approved 22/12/2016.

H/2018/0493 - Variation of condition No. 1 of planning application H/2014/0470 for reserved matters (appearance, landscaping, layout and scale) for the erection of 373 No. dwellings within Phase 1 pursuant to H/2013/0573 dated 9 October 2014 (Sites A and B) in respect of the substitution of housetypes, minor amendments to the layout, and incorporation of 2 no. electrical substations, approved 26/06/2020.

H/2020/0068 - Section 73 application for variation of condition 1 of reserved matters approval H/2016/0399 (relating to appearance, landscaping, layout and scale for the erection of 110 No. dwellings within Sites C and D, pursuant to outline planning permission H/2013/0573) to allow for the substitution of house types on plots 62, 74, 78 and 83, erection of electricity substation between plot 53 and 54 with associated changes to parking layout for plots 54 and 55, approved 10/07/2020.

H/2020/0261 - Section 73 application for amendments to planning permission H/2018/0493 (for variation of condition No.1 of planning approval H/2014/0470 reserved matters for appearance, landscaping, layout and scale) for the erection of 373 No. dwellings within phase 1 pursuant to H/2013/0573 (sites A and B) substitution of house types, minor amendments to the layout and incorporation of 2 No. electrical substations) comprising amendment to site layout and substitution of house types on phase 3. Approved 30/04/2021.

H/2020/0362 - Section 73 application for variation of condition Nos. 1, 3 and 4 of planning approval H/2020/0068 (relating to the substitution of house types on plots

62, 74, 78 and 83, erection of electricity substation between plot 53 and 54 with associated changes to parking layout for plots 54 and 55) to allow for substitution of house types on plots (59, 60, 63, 64, 65, 74, 78, 79, 80, 83, 84, 85, 87 and 88 (Site C) and 16, 21, 22, 23, 24, 26 and 27 (Site D), amendment to parking arrangement for plot 54 and parking provision for plot 56, approved 21/01/2021.

## PROPOSAL

2.4 The application seeks planning permission under Section 73a of the Town and Country Planning Act 1990 for amendments to H/2020/0261 (which was a Section 73 application for amendments to planning permission H/2018/0493 (reserved matters) for the erection of 373 No. dwellings pursuant to H/2013/0573 (sites A and B)) to vary condition 1 (approved plans) in respect of an amendment to detailed landscape proposals to reflect both the implemented soft landscaping on site and the additional proposed landscaping following the deferral of the application at the committee meeting of 25th June 2025 and subsequent submission of amended/updated landscaping proposals in December 2025.

2.5 The proposed amendments (as of the updated plans received in December 2025) to the approved landscaping now include:

- A total of approximately 129 trees on Phase 1 & 2 which is less than the original scheme that included (approx.) 163 trees (a loss/deficit of approximately 21% on the original approved landscaping by virtue of H/2020/0261);
- A total of approximately 83 trees on Phase 3 and a significant increase from the original 18 (approx.) trees, representing a 361% increase of the original approved landscaping by virtue of H/2020/0261; and
- A total of approximately 212 trees across the whole application (Phase 1, 2 & 3) which is an increase on the original approved landscaping scheme of approximately 181 trees and represents an overall increase of 17%.

2.6 The updated landscaping scheme represents an overall increase in planting following the consideration of the application at the planning committee meeting of 25<sup>th</sup> June 2025, whereby the application was deferred by Members to allow the applicant to reconsider the proposed landscaping.

2.7 When the application was referred to planning committee in both May and June 2025, the proposed planting had been improved from the initial submission to comprise:

- The planting of trees and landscaping within the front garden areas of approximately 34 dwellings (compared to the planting of approximately 149 trees within the front garden areas of the approved landscaping plans);
- The planting of trees and landscaping within the front gardens of an additional 4 (approx.) properties;
- The planting of approximately 19 additional trees within the public open space within Phase 3 of the development.

2.8 Following the deferral at planning committee in June 2025, as noted in paragraph 2.5, the proposed planting has been improved further to comprise:

- The planting of trees and landscaping within the front gardens of approximately 36 dwellings (compared to the original approved planting of approximately 149 trees to the front gardens on the approved plans);
- The planting of approximately 127 trees to the front areas in Phase 1 and 2 (compared to the approved planting of approximately 85 trees in this area);
- The planting of approximately 83 trees within the open space areas of Phase 3 (compared with the approved planting of approximately 18 trees).
- It is also of note that the species mix for planting has been improved through 'more robust species' that those previously approved.

2.9 In respect to the shortfalls of planting within Phases 1 and 2 and the original concerns raised by officers, the applicant submitted a supporting Cover Letter which indicates that in respect of the planting within the front gardens of properties, some homeowners have objected to the planting of soft landscaping at the front of their properties, whilst in other cases it is not possible to implement soft landscaping. After being made aware that there were issues with the soft landscaping on site, the applicant has indicated that they have entered into correspondence with occupants of the purchased dwellings and queried if any amendments could be made to rectify discrepancies with the approved plans on such plots. In response, many occupants of affected properties declined the option to have landscaping implemented within the boundaries of these plots.

2.10 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**

2.11 The application site constitutes a largely complete residential development on the site of the former Britmag works off Old Cemetery Road. This application site relates to Sites A and B of the originally approved outline application, H/2013/0573.

2.12 The application site lies immediately adjacent to the Tees and Hartlepool Foreshore and Wetlands Site of Special Scientific Interest (SSSI), which is also a component part of Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site. The application site also lies in close proximity to the Durham Coast SSSI.

2.13 The site is accessed from Old Cemetery Road and construction of the residential development is largely complete with the majority of the dwellings understood to be occupied.

## **PUBLICITY**

2.14 The application has been advertised by way of notification letters to 18 residential properties and local ward councillors, site notice and press advert. Re-consultation letters have been issued twice on receipt of amended landscaping plans and supporting information including the most recent updates to the proposed landscaping scheme. To date, there have been five objections (including more than one from the same address).

2.15 The objections and concerns raised can be summarised as follows:

- The original planting died within a few months.
- Plants unsuitable for coastal site.
- Poor planting has a detriment on the visual amenity of the site.
- Management fee for open spaces and sand dunes should be reduced.
- Landscaping is not in keeping with approved plans.

2.16 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=159810>

2.17 The period for publicity has expired.

## CONSULTATIONS

2.18 The following consultation replies have been received:

**HBC Arboricultural Officer:** The proposed amendment to the detailed landscape proposals means a significant reduction in the number of trees that were originally proposed for the site. Originally 115 trees of mixed species were to be planted on the site providing a good range of biodiversity, biosecurity and visual amenity to the site. Now under the amended plans it is proposed to only plant 46 trees, 40% of the original figure. No extra trees have been proposed on open spaces in mitigation for this. The vast majority of the street trees that were designated to be in the front gardens have been excluded from these new plans after a failure of implementation of the original scheme. These amended plans do not conform to Para 131 of the NPPF which states all new streets should be tree lined.

### Update 20/12/2023 following discussions with the applicant:

I appreciate the acknowledgment of the historical context related to previous iterations of the NPPF during the original application. It's essential to highlight that the original application proposed its "new streets" to be tree-lined as evidenced by the previous approved plans even though not required by the NPPF of the time. It's concerning that in 2023, when it is a requirement for new streets that the plans are being varied to no longer provide this feature. The interpretation of what constitutes a "new street" appears to hinge on context and opinion. During my visit to the site in January 2023, the road wasn't complete, although I agree it was in use and had been for a while, as stated by the agent. This nuanced understanding of the term "new street" is crucial in assessing the compliance of the plans with the NPPF requirements.

Understanding that residents may not favour tree planting in their gardens at this stage, it's worth emphasizing that such considerations should ideally have been established when the developer had control of the plots. I'm keen to learn which residents are open to having trees in their front gardens and whether the possibility of relocating proposed street trees to the front gardens of willing residents, including

a choice of species, has been explored. Given the nature of the variation application, this seems like a plausible avenue for compromise.

Expressing concern over the significant reduction in the number of trees, I find it perplexing that a mitigation strategy wasn't pursued, such as an increase in planting on open space instead of the current reduction in open space planting. The removal of at least 9 trees from the original approved plans for open spaces lacks justification, and I urge the provision of reasoning for this adjustment.

Having visited the site three times in 2023, including once with the council's enforcement officer and representatives from Persimmon, I'm sceptical about the potential progress from a further site visit.

However, I don't decline the request for a site visit and will attend if requested.

In conclusion, I firmly believe that, at the very minimum, the trees initially intended for open spaces should be included within this variation application. Additionally, I propose that the option of a tree in the garden of each plot be offered to all residents as an opt-in service. While this may not fully restore the original tree count, a 40% reduction is, in my opinion, unacceptable.

Update 03/03/2025 following amended landscaping and further justification from the applicant:

The Section 73 application has reached an impasse due to ongoing discrepancies regarding tree planting.

Throughout the application process, there has been significant confusion over which trees were to be included, and areas originally designated for planting have been prematurely transferred to a management company without the required planting being in place. Retrospectively enforcing these planting requirements would now result in additional costs for residents.

The shortfall in tree planting is a direct consequence of poor implementation by the applicant. However, given the current situation, a pragmatic approach is necessary to reach a workable resolution. The applicant has taken steps to amend the plans by increasing planting in other areas of the development, though the overall number of trees remains lower than originally approved. The initial application proposed 115 mixed-species trees across the site, whereas the current phase now includes only 56.

The development will not comply with the National Planning Policy Framework (NPPF) requirement for tree-lined streets. Changes made by homeowners to their frontages have rendered certain areas unsuitable for retrospective tree planting, as the trees were not established before residents moved in.

While this outcome is far from ideal, we have worked with the applicant to secure the best possible compromise under the circumstances.

Update 24/12/2025 following amendments to landscaping scheme:

I'm satisfied with the proposed species mix and the locations of the new trees. Significant collaboration between the council, the applicant, and their landscape architect has brought the plans to this stage. '

When comparing the original application to the current proposal, the numbers show a positive outcome:

Phase 1 & 2: 129 trees (originally 163) - 79% of the original total

Phase 3: 83 trees (originally 18) - 461% increase

Overall (Phases 1, 2 & 3): 212 trees (originally 181) - 117% increase

Overall, this represents a strong improvement across the entire site. The next priority will be ensuring that all trees are planted correctly to maximize their chances of successful establishment. I understand Persimmon has implemented internal changes to support this, which is encouraging.

Update 07/01/2026 following query regarding proposed planning conditions:

Happy with them.

**HBC Ecology:** No objection

I have assessed the four submitted drawings (Revisions G) which will replace the originally conditioned ones and, as they do not impact upon the site's wider biodiverse habitat creation, I have no objection.

Update 04/06/2024 following amended justification:

No objection.

I have read the letter dated 22/05/2024 submitted by Persimmon and I have no issues with the proposed soft landscaping amendments.

Update 17/03/2025 following amended Nutrient Neutrality details (HRA attached, summarised):

The NBC result shows no excess nutrients to mitigate. Seaton Carew WwTW is used for foul water. Surface water run-off was dealt with when the application received planning approval. The current and post-approval land use is the same (residential).

The project is compliant with the Habitats Regulations.

**HBC Landscape Architect:** There are no landscape and visual issues with the proposed amendments.

Update 29/05/2024 following justification from applicant:

The key issue was the reduction in tree planting within the amended planting as outlined in previous comments of Arb. officer. Some additional tree planting has now been provided.

Update 13/09//2024 following amended landscaping:

There are no landscape and visual issues with the proposed variation.

Update 14/02/2025 following amended landscaping and justification:

A statement of planting has been provided outlining the site history with regard to landscape establishment.

Defer to Arb. Officer comments with regard to revisions to tree planting.

Update 19/12/2025 following re-consultation on amended landscaping:

Concur with Arb. Officer comments.

**HBC Traffic and Transport** (including updated comments received 05/06/2024 and 04/20/2024): There are no highway or traffic concerns.

**HBC Engineering Consultancy:** In response to your consultation on the above application we have no comments to make in respect of contaminated land or surface water management.

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

**HBC Public Protection:** No comments to make.

**Tees Archaeology:** We have no objection to the proposed variation.

**Cleveland Police:** I've had a look through the planting list for the proposed landscape amendments. There is a good use of defensive planting types. I don't have any other comments to pass with regard to the development.

Update 12/09/2024 following amended justification:

In relation to this application, my colleague Steve Davies initially commented on this application from a police position as subsequently did Gerry McBride.

In addition to their comments I would add the below and offer applicant the opportunity to contact me for any additional assistance/input I can offer.

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.

I recommend applicant actively seek Secured By Design accreditation, full information is available within the SBD Homes 2024 Guide at [www.securedbydesign.com](http://www.securedbydesign.com)

I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour.

Once a development has been completed the main opportunity to design out crime has gone. The local Designing Out Crime Officer should be contacted at the earliest opportunity, prior to submission and preferably at the design stage.

The National Planning Policy Framework 2023 paragraph 92(b), which states that Planning policies and 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

The National Planning Policy Framework 2023, paragraph 130(f) which states that “Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.

Local Plan section Q5: Relating to Safety & Security states, The Borough Council will seek to ensure that all developments are designed to be safe and secure. Developers will be expected to have regard to the following matters, where appropriate:

Adhering to national safety and security standards as set out by central government. Be developed in a way that minimises crime and the fear of crime, amongst other things, incorporating Secured by Design principles as appropriate. Proposals relating to residential development should be in accordance with the Residential Design SPD.

Another material consideration is Section 17 of The Crime and Disorder Act 1998. Further information on the Secured By design initiative can be found on [www.securedbydesign.com](http://www.securedbydesign.com)

Although not an SBD requirement, Hartlepool along with many other areas nationwide suffers from offences of metal theft. These include copper piping, boilers, cables and lead flashing. Buildings under construction are particularly vulnerable. I recommend that alternative products be utilized where possible. Many new builds are now using plastic piping where building regulations allow and alternative lead products.

Strong consideration should also be given in relation to the provision of On- Site Security throughout the lifespan of the development. There is information contained

within the Construction Site Security Guide 2021 also on the SBD website that may assist.

**Cleveland Fire Brigade:** Our records have been updated accordingly. Please contact us if you have any queries.

**Northern Powergrid:** No objection, records attached.

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

## PLANNING POLICY

2.19 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

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

- CC1: Minimising and adapting to climate change
- LS1: Locational Strategy
- QP3: Location, Accessibility, Highway Safety and Parking
- QP4: Layout and Design of Development
- QP5: Safety and Security
- QP6: Technical Matters
- QP7: Energy Efficiency
- SUS1: The Presumption in Favour of Sustainable Development

### National Planning Policy Framework (NPPF)(2024)

2.21 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 001: Introduction  
 PARA 002: Permission determined in accordance with development plan  
 PARA 003: Introduction  
 PARA 007: Achieving sustainable development  
 PARA 008: Achieving sustainable development  
 PARA 009: Achieving sustainable development  
 PARA 010: Achieving sustainable development  
 PARA 011: The presumption in favour of sustainable development  
 PARA 012: The presumption in favour of sustainable development  
 PARA 039: Decision-Making  
 PARA 048: Determining Applications  
 PARA 060: Enforcement  
 PARA 091: Promoting healthy and safe communities  
 PARA 125: Achieving well-designed places  
 PARA 128: Achieving well-designed places  
 PARA 131: Achieving well-designed places  
 PARA 161: Planning for Climate Change  
 PARA 231: Implementation

2.22 **HBC Land Use Policy comments:** Comparing the approved Revision E plans to the implemented/existing Revision G plans, the soft landscaping is significantly reduced (widespread reduction/removal of tree and shrub planting) and the development is of a poorer quality as a result. The lost landscaping means that the degree of multifaceted benefits that should've been associated with this planting is much reduced.

2.23 I disagree with HBC Landscape Architect's comment that there 'are no landscape and visual issues with the proposed amendments' - this comment is hard to understand and should be queried.

2.24 I do not consider that the amended landscaping scheme meets the requirements of Local Plan policy NE1, the Residential Design SPD (Section D) or NPPF paras 130 or 131. The amendments would materially diminish the quality of the approved development, contrary to NPPF para 135.

Update 11/02/2025 following amended landscaping:

2.25 No extra comments on this one for us, amendments appear to relate to landscape and not the principle of development.

## **PLANNING CONSIDERATIONS**

2.26 The application relates to a Section 73 application for the variation of condition 1 of planning permission H/2020/0261 in respect of an amendment to detailed landscape proposals to reflect the implemented soft landscaping on site. It is considered that the principle of the development has been established through implemented planning permission H/2014/0573 and subsequent variations. The Council's Land Use Policy section have confirmed that the amendments do not relate to the principle of development. As such the principle of development is considered to be acceptable.

2.27 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the visual amenity of the application site and character and appearance of the area (including landscaping), amenity and privacy of neighbouring land users, highway and pedestrian safety and access and flooding and drainage. These and all other planning and residual matters are set out in detail below.

#### VISUAL AMENITY OF THE APPLICATION SITE AND THE CHARACTER AND APPEARANCE OF THE AREA (INCLUDING LANDSCAPING)

2.28 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.

2.29 Policy NE1 (Natural Environment) of the Local Plan requires all development ensures that the character, distinctiveness and quality of the Borough's landscape is protected and, where appropriate, enhanced. Policy NE3 (Green Wedges) of the Local Plan requires mitigation measures to be provided and enhancement of the green infrastructure network.

2.30 Para 131 of the NPPF seeks to ensure that all new streets should be tree lined. Paragraph 135 of the NPPF (2024) stipulates that planning decisions should ensure that developments, amongst other requirements, will function well and add to the overall quality of the area, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

2.31 It is acknowledged that the proposed amendments to the approved landscaping is a reduction in the number of trees that were originally proposed for the site for Phases 1 and 2 with 129 total trees proposed from the original approved 163 trees (representing a 21% loss on the quantum of trees approved by H/2020/0261), however it is of consideration that 83 trees are proposed to be planted on Phase 3, representing a significant increase on the 18 originally approved. Originally a total of 181 trees of mixed species were to be planted across all phases on the site providing a good range of biodiversity, biosecurity and visual amenity to the site. It is understood that the majority of the street trees that were designated to be in the front gardens have been excluded from the plans through this amendment application after a failure of implementation of the original scheme. Whilst it is acknowledged that occupants of the dwellings may not favour tree planting in their gardens at this stage, it is worth emphasising that the trees should ideally have been established when the developer had control of the plots.

2.32 The Council's Arboricultural Officer was consulted on the application and initially confirmed that the lack of tree planting and justification for such omission was unacceptable. In addition, the Council's Arboricultural Officer noted that the removal of at least 9 trees from the original approved plans for open spaces lacked justification, and requested the provision of reasoning for this adjustment. In

response, and as detailed above, the applicant sought to justify the proposals by way of submitting a supporting note that explained the rationale for excluding some trees from both the front gardens of properties and from the public open space areas through Phases 1 and 2, indicating that the management of landscaping in these areas was/is now within a management company and the additional planting would result in additional costs for occupants of the dwellings within the residential development.

2.33 As noted above, the application was considered at the planning committee meeting of 25<sup>th</sup> June 2025 where Members agreed with Officers that the shortfall in tree planting in Phases 1 and 2 is a direct consequence of poor implementation by the applicant. However, given the current situation, a pragmatic approach is considered necessary to reach a workable resolution. Following the deferral of the application at the meeting of 25/06/2025, the applicant has sought to increase planting in other areas of the development, and it is acknowledged that a significant increase in trees on Phase 3 are now proposed, bringing the total proposed planting of trees to more than those originally approved.

2.34 The Council's Arboricultural Officer has confirmed that the proposed tree planting is now acceptable, and further acknowledges that changes made by homeowners to their frontages have rendered certain areas unsuitable for retrospective tree planting, as the trees were not established before residents moved in. It is considered that the applicant has endeavoured to secure the best possible landscaping scheme under the circumstances. In view of this, the Council's Arboricultural Officer and the Council's Landscape Architect have confirmed no objections to the proposed amendments.

2.35 Given the nature of the application and the relatively complete residential development (with high levels of occupancy across the site), it is considered necessary to ensure that the agreed landscaping is implemented within an appropriate timescale. Taking into account the advice from the Council's Arboricultural Officer as well as the recommendation to undertake such landscaping work within the planting season (taken to be October-March), it is considered reasonable to require all of the agreed landscaping to be implemented by no later than the end of next planting season (taken to be 31/03/2027) albeit that does not preclude the applicant from implementing the planting sooner.

2.36 A further planning condition is recommended to ensure that an appropriate management and maintenance plan (to accompany the agreed landscaping scheme) is submitted and agreed and such a scheme will need to be submitted to the LPA within 1 month of the decision notice for its approval to ensure the appropriate expediency is given to this. Finally it is understood that a planning obligation within the original s106 legal agreement (that governs the reserved matters approvals including this current application) binds the management of all areas of public open space within the development and this would remain unaffected by the current application.

2.37 Notwithstanding the amendments to the landscaping, there have been no amendments to the design of individual house types or plots and the overall layout remains the same as that approved through H/2020/0261. The relationship between

the neighbouring properties remains similar and achieves the requisite minimum separation distances as set out in Policy QP4 and the Council's Residential Design Guide SPD

2.38 Overall, when compared to the approved landscaping plans through the parent approval H/2020/0261, it is considered that the amendments to the proposed landscaping are such that the resultant proposed landscaping would generally comply with Policies NE1 and QP4 of the Hartlepool Local Plan (2018) and paragraph 131 of the NPPF (2024) and the application is therefore considered to be acceptable in this instance.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

2.39 It is considered due to the modest nature of the proposals and satisfactory separation distances are maintained, in line with the requirements of Policy QP4 of the Hartlepool Local Plan (2018) and the Residential Design Guide SPD (2019), that the proposed amendments to the landscaping scheme would not have any appreciable impact on the amenity or privacy of neighbouring properties and/or future occupiers. No objections have been received from the Council's Public Protection team. Hours of construction/deliveries and a construction management plan were secured through separate planning conditions on the approved outline application and remain applicable to the current application.

2.40 In view of the above it is considered that the proposed amendments are acceptable with respect to the impact on the amenity and privacy of neighbouring land users, and is in accordance with policy QP4 of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2024).

#### HIGHWAY AND PEDESTRIAN SAFETY AND ACCESS

2.41 The proposed amendments to the scheme do not increase the number of dwellings to be provided on site and the access to the development remains unchanged. The Council's Traffic and Transport section have been consulted on the application and have raised no objection to the proposed amendments in terms of highway safety, access or parking. The proposal is therefore acceptable in this respect.

2.42 The Council's Countryside Access Officer has been consulted and raises no concerns or objection to the proposed amended landscaping. It is not considered that the changes will affect any present or future pedestrian walkways. The new coastal walkway/cycleway will not be affected by the proposed changes to the development. The proposal is therefore acceptable in this respect.

#### FLOODING AND DRAINAGE

2.43 The Council Food Risk Officer and Northumbrian Water have been consulted and raised no concerns or objection to the proposal. The proposal is therefore acceptable in these respects.

#### OTHER PLANNING MATTERS

2.44 With respect to matters relating to contaminated land, archaeology and ecology, no concerns or objections have been received from technical consultees as these matters have been addressed through previous planning conditions and legal obligations that remain applicable. The application is therefore considered to be acceptable with respect to these matters.

2.45 The proposal relates to amendments to the landscaping for a previously approved housing scheme it is considered that it will not in itself have any significant effect on the adjacent Special Protection Area/SSSI in terms of any additional nitrate pollution or recreational disturbance. No objections have been received from HBC Ecology in this respect as set out in their comments in which they conclude that the proposal is considered to be compliant with the 'Habitats Regulations'.

2.46 Cleveland Police have responded to consultation on the application to confirm that the proposed landscaping is acceptable from a security and safety perspective, and have provided advice in respect to Secured by Design initiatives, which can be relayed to the applicant by way of an informative.

2.47 The parent applications had a number of planning conditions, some of which being pre-commencement, details of which have been submitted and agreed to discharge those conditions through the appropriate application. Details to support the current S73 application reflect the amendments (and agreed conditions) to ensure continued compliance with the conditions of H/2014/0470 and H/2020/0261. A planning condition is to be secured on this approval to ensure that the other conditions attached to the original permission (H/2014/0470) and subsequent S73 (H/2020/0261) shall continue to apply to this permission.

## PLANNING OBLIGATIONS

2.48 The original approval (H/2013/0365) was subject to a Section 106 Agreement which secured a number of planning obligations (including in respect to the owner's obligation to manage areas of public open space within the sites) and financial contributions. A subsequent Deed of Variation to the S106 legal agreement was signed in 2020 and included a replacement of a number of existing clauses including the allowance for s73 variations. As such, it is considered that the S106 (as varied) on the original outline approval (H/2013/0365) captures reserved matters applications (including the current application which is a S73A application), and therefore a further legal agreement is not required for this application.

## CONCLUSION

2.49 It is considered that on balance the proposal is acceptable and is therefore recommended for approval subject to the conditions set out below.

## EQUALITY DUTY

2.50 The Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. 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.

## **CRIME AND DISORDER ACT IMPLICATIONS**

2.51 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. Matters of crime, fear of crime and anti-social behaviour are considered in detail in the relevant section of this report. 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. There are no Section 17 implications.

## **REASON FOR DECISION**

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

**RECOMMENDATION – APPROVE**, subject to the conditions below:

1. The development hereby permitted shall be carried out in accordance with the plans and details:

Dwg. No. BM-HF-01, Highway Features,  
Drainage Strategy at Britmag Hartlepool September 2014, prepared by  
Persimmon Homes (Teesside) Limited, received by the Local Planning  
Authority on 7<sup>th</sup> October 2014;

Dwg. No. SGD-01 Plans & Elevations (Single/Double Garage),  
Dwg. No. SGD-02 Plans & Elevations (Triple Garage),  
Dwg. No. SGD-03 Plans & Elevations (Quad Garage),  
Dwg. No. SGD-03 Plans & Elevations (Garages 6 Block), received by the  
Local Planning Authority on 28<sup>th</sup> November 2014;

Dwg. No. C969407-Y001S12 Rev A,  
Dwg. No. MPT-GF-WD01 Rev C Plans & Elevations (Greyfriars),  
Dwg. No. MPT-MS-WD01 Rev E Plans & Elevations (Moseley),  
Dwg. No. MPT-MD-WD01 Rev D Plans & Elevations (Morden),  
Dwg. No. MPT-HB-WD01 Rev B Plans & Elevations (Hanbury),  
Dwg. No. MPT-AN-WD01 Rev B Plans & Elevations (Alnwick),  
Dwg. No. MPT-CCA-WD01 Rev B Plans & Elevations (Clayton Corner),  
Dwg. No. MPT-CD-WD01 Rev B Plans & Elevations (Chedworth),  
Dwg. No. MPT-CDF-WD01 Rev B Plans & Elevations (Chedworth Front  
Balcony),  
Dwg. No. MPT-CDR-WD01 Rev D Plans & Elevations (Chedworth Rear  
Balcony),  
Dwg. No. MPT-HT-WD01 Rev B Plans & Elevations (Hatfield),

Dwg. No. MPT-RF-WD01 Rev B Plans & Elevations (Rufford),  
 Dwg. No. MPT-RFF-WD01 Rev B Plans & Elevations (Rufford Front Balcony),  
 Dwg. No. MPT-RFR-WD01 Rev D Plans & Elevations (Rufford Rear Balcony),  
 Dwg. No. MPT-WS-WD01 Rev C Plans & Elevations (Winster),  
 Dwg. No. MPT-WSR-WD01 Rev D Plans & Elevations (Winster Rear Balcony),  
 Dwg. No. MPT-RS-WD01 Rev B Plans & Elevations (Roseberry),  
 Dwg. No. MPT-RSF-WD01 Rev B Plans & Elevations (Roseberry Front Balcony),  
 Dwg. No. MPT-RSR-WD01 Rev D Plans & Elevations (Roseberry Rear Balcony),  
 Dwg. No. MPT-SU-WD01 Rev D Balcony) Rev D Plans & Elevations (Souter),  
 received by the Local Planning Authority on the 5<sup>th</sup> December 2018;

Dwg. No. AD-WD-01 Plans & Elevations (Ashdown),  
 Dwg. No. AM-WD-01 Rev B Plans & Elevations (Alnmouth),  
 Dwg. No. BH-WD-01 Rev D Plans & Elevations (Burnham),  
 Dwg. No. CWC-WD-01 Rev D Plans & Elevations (Charnwood Corner),  
 Dwg. No. CW-WD-01 Rev D Plans & Elevations (Charnwood),  
 Dwg. No. DM-WD-01 Rev D Plans & Elevations (Delamare),  
 Dwg. No. DY-WD-01 Rev D Plans & Elevations (Danbury),  
 Dwg. No. GW-WD-01 Rev E Plans & Elevations (Greenwood),  
 Dwg. No. MS-WD-01 Rev C Plans & Elevations (Marston),  
 Dwg. No. SN-WD-01 Rev G Plans & Elevations (Saunton),  
 Dwg. No. SW-WD-01 Rev C Plans & Elevations (Sherwood),  
 Dwg. No. WF-WD-01 Rev C Plans & Elevations (Whinfell),  
 Dwg. No. WL-WD-01 Rev E Plans & Elevations (Whiteleaf), received by the Local Planning Authority on 2<sup>nd</sup> October 2020;

Dwg. No. HPL-MPT-MAS-000 Rev Y-STP (Phase Master Plan),  
 Dwg. No. HPL-MPT-001 Rev Y-STP Phase 1 (Master Plan Overrides),  
 Dwg. No. HPL-MPT-002 Rev Y-STP Phase 2 (Master Plan Overrides),  
 Dwg. No. HPL-MPT-003 Rev Y-STP Phase 3 (Master Plan Overrides),  
 Dwg. No. HPL-MPT-000 Rev Y STP Location Plan,  
 Dwg. No. SR1732/FE03-1 Rev E Drainage Feasibility (1 of 2),  
 Dwg. No. SR1732/FE03-2 Rev E Drainage Feasibility (2 of 2), received by the Local Planning Authority on 5<sup>th</sup> March 2021;

Dwg. No. HPL-MPT-LOC-001 Rev A (Location Plan Phase 1  
 Dwg. No. HPL-MPT-LOC-002 Rev A (Location Plan Phase 2),  
 received by the Local Planning Authority on 4<sup>th</sup> September 2024;

Dwg. No. HPL-MPT-LOC-003 Rev B (Location Plan Phase 3), received by the Local Planning Authority on 2<sup>nd</sup> December 2024.

Dwg. No. 169250/8010 Rev C (Phase 3 – Landscape Softworks Sheet 1 of 3),

Dwg. No. 169250/8011 Rev C (Phase 3 – Landscape Softworks Sheet 2 of 3),  
 Dwg. No. 169250/8012 Rev C (Phase 3 – Landscape Softworks Sheet 3 of 3),  
 Dwg. No. 169250/8001 Rev D (Phase 1 and 2 – Landscape Softworks Sheet 1 of 3),  
 Dwg. No. 169250/8002 Rev D (Phase 1 and 2 – Landscape Softworks Sheet 2 of 3),  
 Dwg. No. 169250/8003 Rev D (Phase 1 and 2 – Landscape Softworks Sheet 3 of 3),  
 received by the Local Planning Authority on 3<sup>rd</sup> December 2025.  
 For the avoidance of doubt.

2. This approval relates solely to this Section 73A application for the variation of condition 1 (approved plans) of planning permission H/2020/0261 (decision dated 30<sup>th</sup> April 2020) to allow for amendments to the approved landscaping (as described in the application forms and approved plans). The other conditions attached to the original permission (H/2014/0470) and conditions attached to (H/2020/0261) shall continue to apply to this permission and shall be complied with.  
 For the avoidance of doubt.
  
3. All planting, seeding or turfing comprising the approved details of landscaping (thereafter referred to as the Approved Landscaping Scheme and as contained within the approved landscaping plans and details date received by the Local Planning Authority 3<sup>rd</sup> December 2025 and as set out within condition 1 of this decision notice) shall be carried out for all phases of the site (including areas of open space and the planting within the identified residential plots) before the end of the next planting season (taken to be 01/10/2026 – 31/03/2027). Any trees, plants or shrubs which within a period of 5 years of being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
 In the interests of the amenities of the area and to ensure a satisfactory form of development.
  
4. Notwithstanding the submitted details and within one month from the date of this decision notice, a detailed scheme for the maintenance and management of the Approved Landscaping Scheme (as referred to in condition 3 of this decision notice) shall be submitted in writing to the Local Planning Authority for its approval. Thereafter, and following the written approval of the Local Planning Authority, the Approved Landscaping Scheme (once implemented as per the required timescale of condition 3) shall be maintained and managed in accordance with the approved maintenance and management plan for the lifetime of the development hereby approved.  
 In the interests of the amenities of the area and to ensure a satisfactory form of development.

## BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=159810>

2.55 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

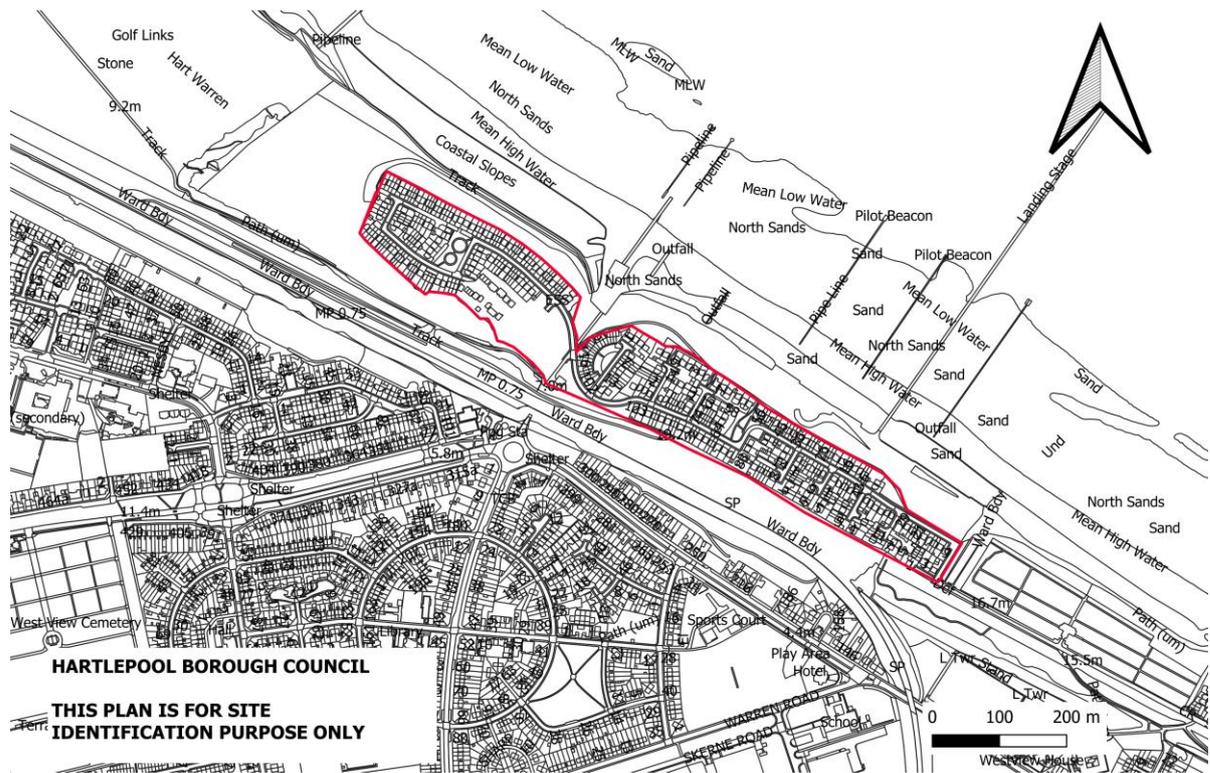
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**H/2023/0370 Former Britmag Ltd  
Old Cemetery Road**



**No:** 3.  
**Number:** H/2024/0174  
**Applicant:** MR RICK BRIGHT PEAR TREE COTTAGE DOVASTON OSWESTRY SY10 8DP  
**Agent:** MR RICK BRIGHT BRIGHT & ASSOCIATES PEAR TREE COTTAGE DOVASTON OSWESTRY SY10 8DP  
**Date valid:** 23/07/2024  
**Development:** Proposed change of access site (part retrospective) and incorporation of temporary access road, site infrastructure and integrated mitigation measures to allow for completion of the consented landfill operations  
**Location:** SEATON MEADOWS LANDFILL SITE BRENDA ROAD HARTLEPOOL

## PURPOSE OF REPORT

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

## BACKGROUND

3.2 The application site benefits from the following relevant planning history. The Seaton Meadows landfill site originated in the 1980s, having the benefit of consents for the disposal of wastes as well as non-hazardous materials. These planning permissions were consolidated in CM/H/14/93, and extended by H/FUL/0683/97 and H/2010/0496;

CM/H/14/93 – Proposal to extend landfill by land raising, extraction of clay and formation of nature reserve. Cleveland County Council application, approved September 1994.

H/FUL/0683/97 - Clay extraction, backfilling with waste materials and phased restoration to create a nature reserve, approved June 1998.

H/FUL/0338/01 – Clay extraction, infill with recycled waste and provision of waste recycling facility. This was minded to be approved in a Planning & Licensing committee meeting of 13/02/2002 but the requisite S106 legal agreement was never completed.

H/2010/0496 - Proposed vertical extension and revised restoration of Seaton Meadows landfill (Amended Environmental Impact Assessment received). Refused 24/08/2012, but subsequently allowed at appeal (APP/H0724/A/13/2193420, decision date 20/11/2014).

## PROPOSAL

3.3 The application seeks retrospective planning permission for the change of site access and incorporation of a temporary access road, site infrastructure and integrated mitigation measures to allow for completion of the consented landfill operations (which must be completed by 31/12/2027 in accordance with planning permission H/2010/0496). As such, the proposals are required for a temporary period of approximately 3 years (from the date the application was submitted in May 2024, the application being made valid in July 2024). The submitted Planning Statement indicates that the access road and associated site infrastructure will be removed in 2028.

3.4 The temporary access road connects the site entrance to the waste transfer site located in the northern part of the Seaton Meadows Landfill Site and comprises a one way system with vehicles entering from Tofts Road East (via Brenda Road to the west) and exiting onto Tees Road (A178) from the same Tofts Road East. The road is approximately 670m in length by approximately 8m in width and runs southwards from the Seaton Meadows Landfill Site through the former Halls Landfill Site, and is constructed from a concrete surface which the applicant indicates is to limit the transfer of dust and mud onto nearby roads. The main section of the access road is level but does rise in level to where it meets the waste transfer area.

3.5 At the southern extent of the access road (adjacent to the landfill site), the development includes the siting of portacabin style buildings (site office building, toilet building, staff canteen building, drying room building, site storage building for diesel), 2 weighbridges and visitor parking comprising 9 car parking spaces and 1 disabled space. The proposals include the siting of 2 security light columns.

3.6 The submitted Site Layout Plan indicates the provision of a 'litter catchment' fence with a height of approximately 6m in the south west corner of the site, albeit during a more recent site visit undertaken by the case officer in January 2026, it was noted that this 'litter catchment' fencing is also present along the entire southern section of the access road, including adjacent to the area where the site infrastructure is located. A palisade fence with a height of approximately 2m is sited along the northern boundary of the site, and a close boarded timber fence with a height of approximately 1m (approximately 120m in total length) is sited to the southern extent of the eastern boundary on a permanent 2m (approx. high) bund which measures approximately 420m in total length.

3.7 The applicant has indicated in their supporting Planning Statement that if permitted, the proposals will enable the completion of landfilling activities and restoration processes to take place and allow the current permission to be fully implemented to a high standard.

3.8 The retrospective works include the removal of one section of existing hedgerow (approximately 10m in length) which is to be replaced with a proposed 60m length of hedgerow located adjacent to the palisade fence on the northern access point of the site, as well as scrub and intermittent broadleaved tree planting on the (approx.) 2m high bund (with a length of approximately 420m adjacent to the

access road). Following deconstruction of the access road and removal of the site infrastructure, the implemented landscaping would remain.

3.9 In addition to the permanent bund along the eastern boundary, the proposal includes two additional temporary bunds, one of which (approx. 85m in total length) is sited to the south east corner of the site (the upper part of the access road where it passes through the northern part of the landfill site), and one L-shaped bund (approx. 185m in total length) is sited to the northern and western section of the access road (adjacent to the waste transfer area), between the road and the main landfill area.

3.10 The proposal includes sustainable drainage measures in the form of a surface water ditch and two containment ponds with discharge points into existing ditches. The proposals also include a watercourse as part of biodiversity net gain (BNG) proposals.

3.11 The submitted Planning Statement indicates that the hours of operation are between 0730 and 1730 Mondays to Fridays and between 0730 and 1330 on Saturdays, Sundays and bank holidays, in line with the permitted hours of the landfill site.

3.12 In terms of deconstruction, the submitted Shadow Habitat Regulations Assessment (HRA) indicates that the deconstruction of the road and removal of the associated infrastructure would take approximately four months to complete, and would include the removal of the onsite temporary portacabin buildings and weighbridges, the removal of the close boarded fencing on top of the access road screen bund, the removal of the 2 temporary screen bunds for use in site restoration, and the removal of the concrete access road, which would be broken up and disposed of off-site.

3.13 The application is supported by technical documents including a Flood Risk Assessment and Drainage Strategy, Ecological Impact and Biodiversity Assessment, Arboricultural Impact Assessment, Landscape and Visual Appraisal, and a Construction and Environmental Management Plan and Dust Management Plan, some of which have been updated during the course of the application at the request of technical consultees.

3.14 The application has been called in to be determined in the planning committee by a local ward councillor, and because more than 2 objections have been received in line with the council's scheme of delegation.

## **SITE CONTEXT**

3.15 The site is an area of land largely adjacent to a former landfill site (Mayfair) and a current landfill site (Seaton Meadows) located south of Seaton Carew and located to the west of the application site. The site is bounded to the east by the former Mayfair Landfill site, and to the south by the Seaton Meadows Landfill site, and incorporates the former Halls Landfill Site and the northern part of the Seaton Meadows Landfill Site. The works also extend into the existing Seaton Meadows Landfill site. The application site extends to approximately 6.56 hectares (Ha) in size.

3.16 The closest residential properties are approximately 300m to the north adjacent to De Havilland Way in Seaton Carew. Mayfair Lodge (which has a 'minded to approve' decision subject to the completion of a S106 agreement for visitor accommodation) is approximately 75m to the north. Immediately to the north there are industrial premises with Tofts Farm East Industrial Estate and the former Sports Domes (now removed and no longer in operation) and the former Mayfair Centre Leisure complex beyond. To the east, on the opposite side of Tees Road, is an area of grassland which forms part of Seaton Dunes and Common SSSI (Site of Special Scientific Interest) which itself forms part of the wider Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site. To the south and east, also on the opposite side of Tees Road, is an area of grassland and then Hartlepool Nuclear Power Station.

## **PUBLICITY**

3.17 The application has been advertised by way of press advert, site notice and notification letter to 13 neighbours as well as to local ward councillors. Re-consultations have been undertaken on receipt of amended technical documents. To date, there have been 46 objections.

3.18 The objections and concerns raised can be summarised as:

- Air pollution
- Impacts on wellbeing of neighbours from odour, debris, flies and gulls
- Impact on hedge and detriment to SSSI and nature reserve
- Toad crossing point and impacts to toads, hedgehogs, hares and grey partridge
- Ecological Impact Assessment is incorrect
- Increased and speeding HGV traffic putting pedestrians at risk
- Dangerous entry point and one way traffic system
- Dust and dirt on the road
- Watercourse pollution
- Dangerous condition of footpath – overgrown shrubbery, fencing and paving in a poor condition
- Increase in fly tipping since new road has been constructed
- Increase in fires and toxic smoke
- Health risks from asbestos
- Off-putting to tourists
- Too close to residential properties
- Police not able to enforce
- Site has passed height restrictions
- Retrospective application
- Property devaluation

3.19 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=162115>

3.20 The period for publicity has expired.

## CONSULTATIONS

3.21 The following consultation replies have been received:

### **HBC Engineering Consultancy:**

Update 29/07/2025 following further clarification from applicant:

#### Summary

Proposed change of access site (part retrospective) and incorporation of temporary access road, site infrastructure and integrated mitigation measures to allow for completion of the consented landfill operations.

#### Conclusions/Observations

This application was discussed with the applicant at a meeting on 01/07/2025 and followed up by a subsequent response dated 14/07/2025.

We would note that we are not talking about silt, rather about debris blockage which is likely in the context of the development proposals.

Proposals are non-compliant with Tees Valley design requirements (minimum orifice size). However, following numerous consultations with the applicant and planning authority, we understand that the attenuation volumes within the basins can withstand blockage scenarios.

Whilst the applicant's response identifies that rodding and clearance can readily take place even during a flood event, depths and access to clear internal blockages remains has not been fully clarified. This is a potential health and safety issue that needs to be resolved by the applicant. However, this is an observation only and is outside of our response.

We understand that the development is until 2027 only and any condition should be limited to that timescale.

Despite non-compliance with Hartlepool's requirements, a smaller orifice is required in this instance to restrict discharge downstream. Assuming the Council is in agreement with this approach, in order to mitigate the risk of blockages owing to debris, we would recommend a condition that orifices should be inspected on a weekly basis or after a significant flood event, and records of maintenance should be recorded. This consent should apply until the proposed 2027 site closure only.

HBC Consultancy Manager Update 29/09/2025 following query from case officer:

No issue with the H&S point as although they are correct to point it out, it is solely the responsibility of the applicant to manage their own H&S.

On the orifice plate, I am in agreement with this departure as long as the proposed inspection regime is adhered to (as referenced later in the para).

**HBC Engineering Consultancy (Contaminated Land):** Comments from JBA Consulting relating to contaminated land risk on behalf of Hartlepool Borough Council: It is recommended that, other than the unexpected contamination condition no further Contaminated Land conditions are attached to this application. This is on the basis that potential for, and control of, any pollution is already covered under the operator's existing permits and licences relating to the landfill and that new drainage systems incorporate appropriate controls prior to discharge.

**HBC Ecology:** Objection

No compensation for Priority species.

No NPPF biodiversity gain (additional to legally required BNG).

No shadow HRA.

Ecology

Several Ecology documents have been submitted, prepared by A1 Ecology. This application is part-retrospective, concerning an already constructed concrete haul road, concrete platform and length of ditch culverting. The consultant Ecologist has correctly assessed the habitats and species for the pre-construction condition rather than existing. An Ecological Impact Assessment and Biodiversity Metric Assessment report, Statutory Biodiversity Metric, Biodiversity Gain Plan and a Habitat Management and Monitoring report have been prepared.

I support the following statement, which is the correct approach.

*As the construction of the access road has already taken place, evaluation of the ecological significance of the site requires extrapolation from the remaining undisturbed habitats on and adjacent to the site, in conjunction with reference to satellite imagery taken prior to construction, to determine the nature of the overtaken habitat and its potential to support protected and priority species.*

Biodiversity Net Gain

I support the BNG recommendations.

Priority and other habitats

I am satisfied that the habitat works described in the Biodiversity Metric Assessment report (version 4, May 2024) redress any harm to on-site habitats.

Priority species

The Ecology Section has a holding objection due to the lack of compensation measures for Priority species which will be harmed, as reported in the Ecological Impact Assessment report (version 4, May 2024). Several aspects of harm have been identified, including:

*Several species of ground-nesting birds were observed on the site, and it is likely that resumption of works on the road without mitigation during the bird breeding season would result in disruption of nesting sites.*

*It seems likely that prior to the road construction the site was frequented by Hedgehog*

*and Brown Hare...*

*...there may be some amphibian presence in the form of Common Toad...*

*It also seems likely that significant numbers of ground nesting birds were present on the site, and that some remain in the retained grassland and scrub, including Skylark, Meadow Pipit, Pheasant and Grey Partridge.*

Several Priority species are identified as present and likely to be harmed. The only mitigation offered for these is an informative to avoid the bird nesting season. This measure prevents unlawful action, but still means those breeding birds will be lost from the site. The applicant must provide measures which will address harm to these species. The species requiring compensation are curlew, grey partridge, skylark, meadow pipit, brown hare and common toad.

Curlew is an unreported species (in the EclA report) which has been/ could be harmed - one that would not necessarily have been picked up for a retrospective application. I have recorded curlews foraging on the grassland (now destroyed) during the autumn to spring period and this area may be functionally linked to the Teesmouth and Cleveland Coast SPA (Seaton Common is in the Teesmouth and Cleveland Coast (T&CC) SPA and Ramsar, is immediately across the road and is important for foraging curlew).

In section 4 (Results) of the EclA report, designated sites are covered under 4.1 Ecological context. The importance of these sites in context with the application has not been evaluated. In particular, the T&CC SPA, SSSI and Ramsar Site, which list habitats that could be impacted, and several qualifying bird species which are likely to use the grassland on the application site (notably curlew). Impacts on the qualifying features of designated sites have not been evaluated in section 5 of the EclA report. The applicant should assess likely adverse impacts on designated sites – see Habitats Regulations Assessment below.

#### NPPF

NPPF (December 2023) paragraph 180 d) includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

This is additional to BNG as it is enhancement particular to the NPPF. No NPPF biodiversity enhancement has been offered and the applicant must address this (if offered as a habitat enhancement the parcel should not be included within the Biodiversity Metric).

#### Habitats Regulations Assessment

The following statement is included in section 7 Recommendations:

*Since the development includes drainage arrangements that involve discharge onto the adjacent SSSI/SPA, a thorough assessment should be made of the risk of transfer of contaminants, such as silt or toxic residues.*

This assessment should be in the form of a submitted shadow Habitats Regulations

Assessment (HRA). The shadow HRA should include assessment of likely significant effect (LSE) of airborne and waterborne pollution and dust, and LSE on qualifying bird species. If the HRA includes a stage 2 Appropriate Assessment Natural England will need to be consulted.

Update received 07/10/2024 following HRA:

Ecology summary

No objection.

The Species Compensation and Enhancement Plan should be conditioned.

The shadow HRA stage 1 screening is adopted by Hartlepool LPA.

NE should be re-consulted on the additional submitted information.

Further Ecology information has been submitted and has been reviewed by the Ecology Section:

Species Compensation and Enhancement Plan (A1 Ecology Ltd, Sept 2024).

Shadow HRA screening report (SMLF Ltd, Sept 2024).

The Species Compensation and Enhancement Plan is suitable and removes the earlier objection. Its delivery should be conditioned.

The shadow HRA is adopted as the Hartlepool LPA HRA assessment. The HRA concludes that *'Based on the above information, Likely Significant Effects on functionally linked habitats relevant to the qualifying bird species can be discounted'*. The HRA ends after the stage 1 screening stage and does not need to go to stage 2 Appropriate Assessment. Natural England need only assess HRA stage 2 Appropriate Assessment, however, as NE (in their response dated 18/09/2024) NE asked for further information it is recommended that they are re-consulted on this HRA.

Update 20/11/2024 following supporting information from applicant:

Ecology summary

The submitted 'further details' single document appears not to include any additional ecological information. The Ecology Section has not asked for any further information and assumes that this is a quirk in the document's title.

Update received 26/12/2024 following amended ecological details:

Ecology summary

A shadow Habitats Regulations Assessment (sHRA) (12/12/2024) and a Construction and Environmental Management Plan incorporating the Dust Management Plan (12/12/2024) have been submitted. The updated sHRA follows a Natural England objection. My comments dated 28/11/2024 are included in the sHRA and form Appendix 1 (below). The Ecology Service has assessed both submitted documents. The decommissioning phase (referred to as demolition, and including the lifting of the concrete road) is included in the CEMP/DMP and is HRA appropriately assessed. The CEMP/DMP should be conditioned.

HBC accepts and adopts the HRA stage 1 screening and stage 2 Appropriate Assessment. NE should be consulted.

Update 10/12/2025 following query from the case officer regarding BNG:

Yes, I'm happy with Graham's 26/12/2024 comments, they remain appropriate and I agree with his conclusions.

On BNG, with the access works now effectively complete and the proposal being determined on a retrospective basis, I wouldn't seek to apply the general BNG condition or require a formal BNG monitoring contribution.

What I'd suggest is to treat their BNG package as a voluntary scheme delivering NPPF net gains for biodiversity and secure the habitats and long-term management they've offered (alongside the CEMP and dust management plan) by condition.

In principle the same measures, and monitoring fee, could be wrapped into a 106, but I don't think a separate BNG-specific s106 is necessary to make this application acceptable in ecological terms.

**Natural England:**

Updated comments received 25/11/2024 following reconsultation:

Thank you for your consultation on the above dated 27 September 2024 which was received by Natural England on the same date. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Summary Of Natural England's Advice Further Information Required To Determine Impacts On Designated Sites

As submitted, the application could have potential significant effects on the Teesmouth and Cleveland Coast Special Protection Area, Ramsar site, Site of Special Scientific Interest and Teesmouth National Nature Reserve. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

Updated Habitats Regulations Assessment – proceeding to Appropriate Assessment Construction Environmental Management Plan for the remaining construction phase works and the expected demolition of the temporary road in three years.

Additional bird surveys to be carried out before the decommissioning of the access track commences.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained. Natural England's further advice on designated sites/landscapes and advice on other issues is set out below

Additional Information required – Updated Habitats Regulations Assessment

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts.

On the basis of information provided, Natural England's advice is that this proposed development may contain (or require) measures intended to avoid or reduce the likely harmful effects on a European site(s) which cannot be taken into account when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment (following the People Over Wind ruling by the Court of Justice of the European Union). These measures include a bespoke dust management plan as outlined in the Air Quality Impact Assessment, and a bespoke Construction Environmental Management Plan (CEMP), including, but not limited to, silt management for the surface water runoff as outline in the Ecological Impact Assessment.

For this reason, we advise that on the basis of the information supplied that the application may have a likely significant effect on the site(s). These measures therefore need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). These measures, and any additional measures that can avoid or reduce any likely harmful effects, can be considered as part of the appropriate assessment, to determine whether a plan or project will have an adverse effect on the integrity of the European site.

Additionally, Natural England advises that the assessment currently does not provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage. Where there is a likelihood of significant effects (excluding any measures intended to avoid or reduce harmful effects on the European site), or there are uncertainties, a competent authority should undertake an appropriate assessment in order to fully assess the implications of the proposal in view of the conservation objectives for the European site(s) in question.

Natural England therefore advises that an appropriate assessment should now be undertaken, and the following information is provided to assist you with that assessment:

Construction Environmental Management Plan for the remaining construction phase works and the expected demolition of the temporary road in three years. The

Additional Information Report (September 2024) accompanying the HRA states that a Construction Environmental Management Plan is not required. However, due to the proximity of the construction site to the designated sites, the sensitivity of the designated sites to air quality impacts from dust, the direct hydrological connection through culverts under the road on the North and South ends of the field, and several elements of the proposal still need to be executed, Natural England does not concur with this conclusion. Additionally, the planning application is for a temporary access track that will be decommissioned after 3 years. However, no consideration has been given to the demolition phase of the access track in the Habitats Regulations Assessment. Natural England Advises that a Construction Environmental, including, but not limited to, a bespoke dust management plan should be secured before the granting of any planning permission.

Additional bird surveys to be carried out before the decommissioning of the access track commences. During the site survey, carried out in April 2024 as part of the Ecological Impact Assessment, no qualifying bird species have been recorded. However, the surveys have been carried out over a limited time frame and after the field had already been disturbed and building works started. Additionally, the Additional Information Report (Sept 2024) states that due to the Seaton Meadows Landfill Site being an active working area, it is inappropriate as a suitable habitat for breeding birds. This does not give sufficient consideration to the use of the land as roosting and foraging area for wintering birds associated with the SPA. Over the upcoming three year period, during which the site along the access track recovers to grassland, the use of this field by SPA qualifying bird species could change.

Therefore Natural England advises that further bird surveys should be carried out before the start of the demolition phase to inform and update the CEMP. Please re-consult Natural England when this information has been obtained and your Habitats Regulations Assessment - appropriate assessment has been carried out.

Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI) The SSSI is subject to similar pressures and threats as the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site. Therefore, the results of the Habitats Regulation Assessment and the proposed mitigation measures should similarly apply to and sufficiently protect the SSSI. Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28(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 the protected species and other natural environment issues is provided at Annex A.

*Update received 18/09/2024 following HRA from applicant:*

Thank you for your consultation on the above dated 12 August 2024 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

## Summary Of Natural England's Advice Further Information Required To Determine Impacts On Designated Sites

As submitted, the application could have potential significant effects on: Teesmouth and Cleveland Coast Special Protection Area, Ramsar site and Site of Special Scientific Interest.

Teesmouth National Nature Reserve

England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Habitats Regulations Assessment
- Construction Environmental Management Plan to address, amongst others, Air- and Water Quality impacts on the designated sites.
  - Further assessment if this land had been functionally linked land to designated sites, if there will be Likely Significant Effect on the qualifying bird species and how this can be prevented.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained. Natural England's further advice on designated sites and advice on other issues is set out below.

### Additional Information required - Habitats Regulations Assessment

Despite the proximity of the application to European Sites, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make.

Natural England advises that there is currently not enough information provided in the application to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the following information to help you undertake a Habitats Regulations Assessment:

Construction Environmental Management Plan (CEMP) to address, amongst others, Air- and Water Quality impacts on the designated sites. The development site is directly adjacent to the designated sites, only separated by a road. The Air Quality Impact Assessment stated the designated sites are of high sensitivity to air quality impacts and medium risk of dust impacts occurring during the earthworks. However, no mitigation measures have been proposed to address this risk. Natural England advises to include a bespoke dust management plan as part of the CEMP.

Additionally, there is a direct hydrological connection to the SPA, Ramsar and SSSI through a culvert. The submitted drainage proposal includes an attenuation pond to

minimise silt accessing the site, but it is not clear if this had already been put in place before the building works started. Natural England advises to carry out further assessment of the potential impacts from polluted water accessing the designated sites and secure appropriate mitigation measures in the CEMP.

Further assessment if this land had been functionally linked land to designated sites, if there will be Likely Significant Effect on the qualifying bird species and how this can be prevented. During the site survey no qualifying bird species have been recorded, however, the surveys have been limited and were carried out after the field had already been disturbed and building works started. Further assessment should be carried out to the potential of the field having been functionally linked land to the adjacent SPA, Ramsar site, National Nature Reserve and SSSI and potential Likely Significant Effects on the qualifying birds species of the designated sites. We advise that appropriate mitigation measures should be secured e.g. as part of the CEMP.

Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI) The SSSI is subject to similar pressures and threats as the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site. Therefore, the results of the Habitats Regulation Assessment and the proposed mitigation measures should similarly apply to and sufficiently protect the SSSI. Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28(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

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

Update received 23/01/2025 following amended HRA:

No Objection - Subject To Appropriate Mitigation Being Secured

Natural England considers that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Teesmouth and Cleveland Coast Special Protection Area and Ramsar site.
- damage or destroy the interest features for which Teesmouth and Cleveland Coast Site of Special Scientific Interest has been notified.
- have a significant impact on the purposes of designation of Teesmouth National Nature Reserve

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

Construction Environmental Management Plan, as outlined in the HRA, including, but not limited to:

- Bespoke Dust Management Plan
- Silt and Oil interceptors downstream from the attenuation ponds with regular checks of silt levels
- Bird surveys to be carried out by a qualified ecologist before commencement of demolition

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

**Tees Archaeology:** We have no comments to make on this application.

**HBC Head of Service (Heritage & Open Spaces):** This site is not in close proximity to a conservation area, nor is there any listed buildings or locally listed buildings within the vicinity that would be impacted. No objections.

**Environment Agency:** Thank you for consulting us on the above application, which we received on 12 August 2024. Environment Agency position We have no objection to the above application as submitted and have no further comments to make.

Update 13/11/2024 following re-consultation:

Thank you for re-consulting us on the above application, which we received on 13 November 2024. The additional information submitted for this application does not change our previous response, which has been repeated below. Environment Agency position We have no objection to the above application as submitted and have no further comments to make.

Update 19/12/2024 following amended details from applicant:

Thank you for re-consulting us on the above application following the submission of additional information, which we received on 17 December 2024. The additional information submitted for this application does not change our previous response, which has been repeated below. Environment Agency position We have no objection to the above application as submitted and have no further comments to make.

**HBC Landscape Architect:** A Landscape and Visual Appraisal has been provided which is informative, and the landscape Section would agree with conclusions of the report. The short term and reversible nature of the effects is noted.

Updates 14/11/2024 following amended details from applicant:

No further landscape issues/No further landscape & visual issues.

Update 19/12/2024 following amended details from applicant:

There are no further Landscape & Visual Issues with the revised information.

**HBC Arboricultural Officer:** Following a revision to the Arboricultural Impact Assessment (AIA) originally dated April 2024, I have reviewed the updated AIA, dated June 2024. The revised document now includes the addition of a 2-meter high bund to the west of the hedgerows. However, section 5.4 of the assessment, titled "Potential Conflict 2: Alterations to Ground Levels Close to Trees," fails to address this change and incorrectly states that no level changes are expected. This section of the AIA should be amended to accurately reflect the current site conditions and the potential impact of the bund on the existing hedgerow.

Given the proximity of the 2-meter high bund to the retained hedgerow, it is crucial that a Tree Protection Plan (TPP) be provided to ensure the protection of both the hedgerow and its Root Protection Area (RPA) during the bund's installation. The TPP should also outline measures to prevent damage from any machinery used in the construction process. This plan should be submitted as part of the current application to ensure adequate protection of the hedgerow.

Additionally, it is acknowledged that a small section of hedgerow, approximately 10 meters in length, is proposed for removal in the north to facilitate the construction of an attenuation pond. There are no objections to this removal, as it will be compensated by new hedgerow and tree planting. However, further details regarding the proposed tree and hedgerow planting are required and should be secured by condition to ensure appropriate mitigation is in place.

Update 3/10/2024 following amended Arboricultural Impact Assessment:

All previously raised concerns have been addressed. The revised Arboricultural Method Statement, including the Arboricultural Impact Assessment (AIA) prepared by Elliotts Consultancy Ltd, dated September 2024, should be conditioned to ensure compliance throughout the project. The removal of 10 meters of hedgerow has been mitigated by the proposed replacement planting of a 60-meter hedge, as outlined in the Planning Statement and illustrated in the Site Layout Plan (Figure P3).

Update 22/11/2024 following supporting document from the applicant:

In a similar position to HBC Ecology, the submitted 'Additional Information Report: relating to drainage and SuDs, arboricultural, ecological, nature conservation sites and public comments (planning application ref. H/2024/0174)' appears not to include any additional arboricultural information. HBC Arboriculture has not asked for any further information and assumes that this is a quirk in the document's title. No further comments to make.

**HBC Public Protection:** No objections subject to the conditions below.

2. Comments and background to any licensing position  
None

3. Suggested Planning Conditions

The dust mitigation measures outlined in Appendix C of the Air Quality Report accompanying the application must be implemented and maintained at all times.

The site shall only operate between the current hours previously agreed.

The proposed external lighting shall be installed on site at a suitable height and position, with the lowest possible illumination levels to prevent light spillage or glare towards any neighbouring properties. The lighting approved shall be installed and maintained in accordance with the approved details.

**HBC Traffic & Transportation:** The new access is located at the eastern end of a one way road, this road is narrow and in poor condition. It is proposed to resurface

the road this year, however I have concerns that the road will be significantly damaged by the increased usage by HGVs, this will lead to a significant cost to the Council to repair the road at the end of the sites life. A condition survey should be carried out after the resurfacing works and then again following the completion of the site or at any other time that the highway authority considers that the carriageway is in a dangerous condition. The developer should pay any remedial works required.

Vehicles coming out of the new access should turn right due to the one way road, appropriate signage which conforms to the department of Transports TSRGD should be installed at the access

The applications supporting statement states that all HGVs will not be permitted to go through Seaton Carew and will turn southward on the Tees Road. This can be readily controlled as the incoming waste is by appointed hauliers and recycling centres. Can this assurance be conditioned? It should be noted that there are existing plans to implement a weight restriction through Seaton Carew. The proposed restriction will be enforceable between station lane and the land fill egress.

Wheel wash facilities should be provided at the proposed egress to prevent mud being transferred onto the highway. This should be conditioned and details supplied.

Update 20/03/2025 following query from case officer:

My previous comments are still applicable, however since then it has come to my attention that at times HGVs are queueing on the highway with Tofts Farm and on Brenda Road waiting to enter the site. The applicant should introduce measures and procedures which allow access to the site immediately.

Update 03/06/2025 following query from case officer regarding the retrospective proposals:

There are no highway or traffic concerns with the proposed access.

We would require a condition requiring HGV traffic to turn right onto Tees Road and avoid travelling through Seaton Carew.

**National Highways:** The application consists of the creation of a new site access to allow for the completion of the consented landfill operations. We understand that the development does not generate any additional vehicle trips and that the works covered by this application will result in a local redistribution of the trips that will not impact upon the Strategic Road Network. National Highways therefore can offer a no objection to this application (our formal response attached).

Referring to the consultation on a planning application received 12 August 2024 referenced above, in the vicinity of the A19 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:  
offer no objection

**HBC Countryside Access Officer:** There is no information to imply that there is any

data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site.

**HBC Commercial Services Team:** The Commercial Services Team do not have any comments to make regarding this application as we have no enforcement responsibility at this site.

**HBC Waste Management:** No comments from waste management.

**National Grid Electricity Transmission:** 27/12/2024, 17/10/2024 & 02/09/24  
Regarding planning application H/2024/0174, there are no National Grid Electricity Transmission assets affected by the proposal.

Please note this response is only in reference to National Grid Electricity Transmission assets only. National Gas Transmission (formerly National Grid Gas) should be consulted separately where required.

**Cleveland Emergency Planning Officer:** From an emergency planning perspective the amendments to the planning app have no further impact. As I presume has been mentioned in the past the site is within the DEPZ of the Power Station and within the PIZ of a chemical works and appropriate mitigation should be in place if a incident occurs at either establishment. However, it should be stressed this application has no impact on this as measures should already be in place.

Updates received 19/12/2024 & 21/11/2024:

No objection.

**Anglian Water:** Thank you for your email for the application above. This falls outside of the remit for comments by Anglian Water. The Pre-Development Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, more than 0.5 ha. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details. The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/> Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

If you have any further queries please contact the Pre-Development team on the number below.

Updates 18/12/2024, 14/11/2024 & 30/09/2024 following re-consultation:

This application is outside of Anglian Water's sewerage boundary - we have no

comments to make thereon. Please note Anglian Water will only comment on drainage/surface water within our boundaries.

**Northern Power Grid:** Thank you for your recent enquiry regarding the above location. The enclosed Mains Records only give the approximate location of known Northern Powergrid apparatus in the area. Great care is therefore needed, and all cables and overhead lines must be assumed to be live.

#### New Roads and Street Works Act 1991

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. Please note that while all efforts are made to ensure the accuracy of the data provided, no guarantee can be given. We would refer you to the Health Safety Executive's publication HS(G) 47 "Avoiding Danger From Underground Services" which emphasises that:

The position of any services in or near the proposed work area should be pinpointed as accurately as possible using a detecting device in conjunction with up-to-date service plans and other information which provides a guide to the possible location of services and help interpret the signal.

Excavation work should follow safe digging practices. Once a detecting device has been used to determine position and route, excavation may proceed, with trial holes dug as necessary, to confirm the position of any detected services. A cable is positively 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 trial digging should always be carried out on the whole route of the planned excavation to ascertain no cables exist.

The Health Safety Executive publication GS6 "Avoidance of Danger from Overhead Electric Lines" must be consulted 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. Our provision of these records is based upon the assumption that people using them will have sufficient competence to interpret the information provided. Any damage or injury caused will be the responsibility of the organisation or individual concerned who will be charged for any repairs.

Please note ground cover must not be altered either above or below 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 wayleave agreement, lease or deed or alternatively provided under the Electricity Act 1989. Should any alteration / diversion of Northern Powergrid's 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 we may have

will be included on the quarterly NRSWA coordination return for discussion at the quarterly meeting of authorities / utilities in order to minimise disruption to the public.

Updates received 14/11/2024 & 30/09/2024 following amendments to the documents submitted by the applicant:

We invite you to use the 24hr self-service option that will email you a PDF plan within 30 minutes. For access to this service please follow the link below to register and start requesting plans. If you have any questions following receipt of your plans, please do not hesitate to contact Northern Powergrid's safe-dig team on 0191 229 4294 between the hours of 08:30 and 16:45, Monday to Friday, or provide an e-mail enquiry to [safediggingplans@northernpowergrid.com](mailto:safediggingplans@northernpowergrid.com).

**National Gas Transmission:** (received 18/12/2024, 13/11/2024, 30/09/2024 & 13/08/2024): Regarding planning application at site location H/2024/0174 there are no National Gas assets affected in this area.

**Marine Management Organisation:** (received 18/12/2024, 14/11/2024, 30/09/2024 & 06/09/2024):

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

#### Response to your consultation

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

#### Marine Licensing

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. Applicants should be directed to the MMO's online portal to register for an application for marine licence

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application: local planning authority name, planning officer name and contact details, planning application reference. Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

### Environmental Impact Assessment

With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations

<http://www.legislation.gov.uk/ukxi/2017/571/contents/made> may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link <https://www.gov.uk/guidance/make-a-marine-licence-application>

### Marine Planning

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

A map showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our Explore Marine Plans service.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist. If you wish to contact your local marine planning officer you can find their details on our gov.uk page.

#### Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below; The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry. The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply. The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply. The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play particularly where land based resources are becoming increasingly constrained.

If you require further guidance on the Marine Licencing process, please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>

**Cleveland Police:** No comments.

Updates 30/12/2024, 14/11/2024 & 30/09/2024:

Previous Police DOCO (Designing Out Crime Officer) comments are still valid.

**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 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 18 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2. 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 2 Section B5 Table 15.2.

**Recommendations**

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system. Further comments may be made through the building regulation consultation process as required.

**HBC Building Control:** There are buildings proposed for the site, they appear under 30m2 and thus would be exempt (as long as 1m from site boundaries) but one drawing (SM1268-D10 (SHEET 4) PLANS AND ELEVATIONS DRYING ROOM (redacted)) has redacted the building dimensions... so I can't tell exactly.

**Teesmouth Bird Club:** Objects to this application.

The documents contain no references to mechanisms and processes to monitor, contain and remedy events associated with the site's leachate and / or excessive water run-off, at present, and post 2027 site's closure. There is only one formal conduit for off site discharge of liquids. This is via a pipe, at the NE corner of the site running under the A178 to join the surface water system of Seaton Common - a SSSI which regularly hosts bird species which are functionally linked to the nearby SPA.

Further, much of the additional site drainage ditches installed to count towards habitat enhancements within their ecologist's Biological Net Gain (BNG) calculations, are themselves vulnerable to leachate ingress.

**PLANNING POLICY**

3.22 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

3.23 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
QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
INF1	Sustainable Transport Network
NE1	Natural Environment
NE2	Green Infrastructure
NE4	Ecological Networks
NE7	Landscaping along main transport corridors

Tees Valley Minerals and Waste DPD

3.24 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.

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

Policy	Subject
MWP1	Waste Audits
MWP10	Construction and Demolition Waste Recycling

National Planning Policy Framework (NPPF)(2024)

3.26 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	Subject
001	Govt’s planning policies for England
002	Status of NPPF

007	Meaning of sustainable development
008	Achieving sustainable development (three overarching objectives – Economic, Social and Environmental)
009	Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
010	Achieving sustainable development (presumption in favour of sustainable development)
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development does not change statutory status of the development plan as the starting point for decision making
039	Positive and creative decision approach to decision making
048	Applications to be determined in accordance with the development plan, unless material considerations indicate otherwise
056	Use of conditions or planning obligations
058	Planning obligations tests
103	Open space and recreation
104	Development on existing open space
109	Promoting sustainable transport
115	Development proposals and transport
116	Refusal on highway grounds
117	Priority of movement
118	Transport statements/assessments
196	Ground conditions and pollution
197	Ground conditions and pollution
198	Ground conditions and pollution

Transport Assessments / Statements and Travel Plans SPD 2010

- Trees and Development Guidelines SPD 2013
- Green infrastructure SPD and Action Plan 2020

**3.27 HBC Planning Policy comments:** The site is located on an area of land that is delineated on the Local Plan policies map as green infrastructure and is considered to be a local green corridor, Local Plan Policy NE2(e).

3.28 Planning 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 throughout the borough.

3.29 Local Plan policy NE2 also sets out that the loss of green infrastructure components will generally be resisted and that in exceptional circumstances green infrastructure will only be considered for other uses providing the following criteria applies:

6. it can be demonstrated to be surplus to needs, or
7. it has no other recreational, nature conservation or amenity function, or
8. it is in an area where the local need has already been met elsewhere, or

- 9. it can be demonstrated that the area of open space is detrimental to the amenity of neighbours, or
- 10. it is too small or difficult to maintain.

3.30 Furthermore, 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.

3.31 Local Plan policy NE7 (Landscaping Along Main Transport Corridors) sets out that the main road and rail corridors are considered to be an integral part of the green infrastructure network, and a particularly high standard of landscaping, tree planting and design will be required from developments adjoining the main communication corridors. The A178 along Tees Road from Greatham Creek through Seaton Carew to the town centre has been identified as a main transport corridor.

3.32 With regard to Local Plan policy NE2 and NE7, Planning Policy consider that this site is an attractive area of open space that adds to the visual amenity of the borough along this key route into Seaton Carew and other parts of Hartlepool beyond that. This site is complemented by the areas of green open space to the east (NE1a: Natural Environment (Internationally designated sites)) and that together the areas east and west of the Tees Road provide an attractive route through the borough.

3.33 Planning Policy consider that criteria 6 to 10 of NE2 cannot be met. The land is not considered surplus to need, it is an essential area that creates a green corridor along Tees Road, it has a nature conservation function and the local need for this green corridor has not been met elsewhere. The area is required to provide green infrastructure either side of Tees Road and it is not considered detrimental to the amenity of neighbours nor is the area too small or difficult to maintain.

3.34 It is noted that the haul road is to be a temporary road to enable the operations of the waste facility and the restoration of the land. It is, however, still necessary to consider the impact that the road will have upon the existing green infrastructure and its visual appearance, no matter the length of time the road is in place. From the initial information submitted, Planning Policy could not see any proposals for betterment to the area of green infrastructure, either in terms of quantitative and/or qualitative terms improvement, nor had public access been enhanced. Planning Policy considered that without compensation for the loss of GI and mitigation for the negative impact upon the landscape (i.e. this green corridor) then the proposal would be contrary to NE2 of the Local Plan.

3.35 Following the initial comments from Planning Policy, the applicant set out within their letter dated 12/12/24 that 'given the temporary nature of the development, there is no net loss of Green infrastructure' and 'as a Local Green Corridor, this area seeks to protect openness rather than access or other recreational value. Thus, the temporary access road could reasonably be considered an exceptional circumstance given that openness is not affected'. Planning Policy consider that there is a loss of green infrastructure albeit temporary and sought qualitative improvements to the green corridor within the red line or blue line of the

site which would address the temporary loss of green infrastructure in accordance with Policy NE2.

3.36 The applicant sets out in their letter that improvements to land within the blue line, adjacent to the site would not be possible. Within the red line 10% BNG in terms of grassland, scrub and trees will be achieved on site, along with the introduction of a bund with hedge row and tree planting.

3.37 The introduction of a planted bund was welcomed by Planning Policy and will serve to screen the development which detracts from the visual amenity of the green route through the borough. The bund also contributes to improvements to the green corridor (Policy NE2) and would address the requirements of policy NE7.

3.38 The applicant has stated that the planting on the bund could be retained beyond the temporary period of the proposal, and this would be welcomed by Planning Policy.

3.39 Taking into consideration the improvements to the green infrastructure to meet BNG requirements, the additional planting introduced through the proposal, it is considered that qualitative improvements proposed will address the temporary loss of green infrastructure in accordance with policy NE2.

3.40 Local Plan policy QP3 (Location, Accessibility, Highway Safety and Parking) sets out that to maintain traffic flows and safety on the primary road network no additional access points or intensification of use of existing access points, other than new accesses associated with development allocated within this Local Plan, will be permitted on the following roads – A19(T), A689, A179. And A178 (south of Seaton Carew to Brenda Road/Tees Road roundabout).

3.41 Planning Policy are of the view that there will be an intensification of an access on Tees Road. It is noted that the site access is not on Tees Road, but it is close to it and the vehicles will leave the site and then have to access Tees Road. An intensification of this access could be problematic if appropriate highways measures are not in place; it is considered that the council's Highways team will provide advice on this matter.

3.42 The Minerals and Waster DPD policy MWP1 requires all major new developments to submit a waste audit. A waste audit should be submitted or conditioned if the application is approved.

## **PLANNING CONSIDERATIONS**

3.43 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 principle of development, visual amenity and landscaping, neighbour amenity, flood risk, surface water drainage and contaminated land, highway and pedestrian safety, trees, ecology and other planning and residual matters. These are discussed in detail in the sections below.

## **PRINCIPLE OF DEVELOPMENT**

3.44 The application site is located on an area of land that is delineated on the Hartlepool Local Plan Policies Map (2018) as green infrastructure under Policy NE2(e), and is considered to be a local green corridor.

3.45 Policy NE2 of the Hartlepool Local Plan (HLP) (2018) sets out that the Borough Council will safeguard green infrastructure from inappropriate development and the loss of green infrastructure components will generally be resisted. The Policy states that in exceptional circumstances green infrastructure will only be considered for other uses providing the following criteria applies:

- 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.

3.46 Furthermore, Policy NE2 of the HLP (2018) 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.

3.47 Policy NE7 (Landscaping Along Main Transport Corridors) of the HLP (2018) sets out that the main road and rail corridors are considered to be an integral part of the green infrastructure network, and a particularly high standard of landscaping, tree planting and design will be required from developments adjoining the main communication corridors. The A178 along Tees Road from Greatham Creek through Seaton Carew to the town centre has been identified as a main transport corridor.

3.48 Paragraph 128 of the NPPF (2024) states that planning policies and decisions should promote an effective use of land, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.

3.49 With regard to these requirements of Policies NE2 and NE7 of the HLP (2018), it is considered that this site is an attractive area of open space that adds to the visual amenity of the borough along this key route into Seaton Carew and other parts of Hartlepool. It is further considered that this site is complemented by the areas of green open space to the east, as identified under Policy NE1a (Natural Environment (Internationally designated sites)) of the HLP (2018) and that together, the areas east and west of the Tees Road provide a relatively attractive route through the borough.

3.50 In respect to the criteria of Policy NE2 of the HLP (2018) set out above, the Council's Land Use Policy team have advised that that the land is not considered to be surplus to need, as it is an essential area that creates a green corridor along Tees Road and has a nature conservation function and the local need for this green corridor has not been met elsewhere. The area is required to provide green infrastructure either side of Tees Road and it is considered not to be detrimental to the amenity of neighbours nor is the area too small or difficult to maintain. In this regard, it is considered that criteria 6 to 10 of Policy NE2 are not met in this instance.

Notwithstanding this, it is acknowledged that the proposed road is a temporary development to enable the operations of the waste facility and the restoration of the land.

3.51 It is, however, still necessary to consider the impact that the road will have upon the existing green infrastructure and its visual appearance, regardless of the temporary nature of the road. In their initial comments, the Council's Land Use Policy team consider that without compensation for the loss of GI and mitigation for the negative impact upon the landscape (i.e. this green corridor), the proposal would be contrary to Policy NE2 of the Local Plan.

3.52 In response to the initial comments from the Council's Land Use Policy team and as requested by the case officer, the applicant submitted a supporting letter which states "given the temporary nature of the development, there is no net loss of Green Infrastructure" and "as a Local Green Corridor, this area seeks to protect openness rather than access or other recreational value. Thus, the temporary access road could reasonably be considered an exceptional circumstance given that openness is not affected".

3.53 It is acknowledged that there is a loss of green infrastructure as a result of the retrospective construction of the access road, albeit this is temporary and the application includes details of qualitative improvements to the green corridor to include approximately 10% biodiversity net gain (BNG) in terms of grassland, scrub and trees to be planted on site, including the introduction of a permanent bund with shrub and tree planting for a length of approximately 420m, and the planting of a 60m (approx.) length of hedge adjacent to the northern access point, details of which are to be secured by way of a recommended planning condition (including timescale for planting).

3.54 It is acknowledged that as a result of gaps in the existing hedge (as part of the highway verge) that are located beyond the application site (and access road) and the adjacent Tees Road (to the east) that intermittent views of the access road and associated infrastructure, including the portacabins, and litter catchment fencing are achievable when travelling along Tees Road in either direction. It is considered that the introduction of the bund (with associated proposed planting) would serve to soften the visual impacts of the development when viewed along this green transport corridor/route. Whilst views to the proposal including the litter catchment fencing will remain visible from Tees Road and other nearby roads/areas, given the temporary nature of the development, that it is associated with a long established land fill site where such paraphernalia and structures are not deemed to be uncommon (notably the temporary litter catch fencing is an associated piece of infrastructure required for the containment of litter), it is considered that, on balance, that such works would not warrant a reason to refuse the application in this instance.

3.55 The hedgerow adjacent to the access point and bund (with planting) along the eastern boundary are also considered to contribute to improvements to the green corridor (as required by Policy NE2 of the HLP) and would, on balance, address the requirements of Policy NE7 of the HLP (2018). Furthermore, the hedgerow planting as well as the bund with landscaping would be retained beyond the temporary period of the proposal.

3.56 Taking into consideration the additional planting introduced through the proposal and therefore the improvements to the green infrastructure, the Council's Land Use Policy team have confirmed that it is considered that qualitative improvements proposed would address the temporary loss of green infrastructure in accordance with Policy NE2 of the HLP (2018). It is therefore considered that the principle of the development is, on balance, acceptable in this instance subject to the scheme satisfying other material planning considerations in the sections below.

#### VISUAL AMENITY (INCLUDING LANDSCAPING)

3.57 Policy QP4 of the HLP (2018) seeks to ensure all developments are designed to a high quality and positively enhance their location and setting. This policy requires that developments:

- 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,
- Respect the surrounding buildings, structures and environment,
- Be aesthetically pleasing, using a variety of design elements relevant to the location and type of development.

3.58 Paragraph 135 of the NPPF (2024) stipulates that planning policies and decisions should ensure that developments:

- Will function well and add to the overall quality of the area,
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping,
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, amongst other requirements.

3.59 It is noted that the retrospective access road is adjacent to a main road (Tees Road) which links Seaton Carew (and Hartlepool beyond) with the industrial area comprising Hartlepool Power Station and other businesses, to the north of the Seaton on Tees Channel (and south of the current application site). The associated infrastructure (which primarily comprise portacabin style buildings) are situated further up the access road. The development is therefore visible from a number of vantage points, including, when travelling along Tees Road in either direction and when travelling along Tofts Farm East.

3.60 As detailed above, the area is a green route, as identified by Policy NE2e of the HLP Policies Map (2018).

3.61 The application is supported by a Landscape and Visual Appraisal (LVA) which highlights the short term and reversible nature of the access road and associated buildings and infrastructure. The development includes the removal of a 10m stretch of hedgerow and the replacement planting of an approximately 60m length of hedgerow at the northern extent of the site (adjacent to a palisade fence at the access from Tofts Road East). The submitted Layout Plan also indicates a permanent bund measuring approximately 420m in total length, with hawthorn scrub and intermittent tree planting along the stretch along Tees Road (save for a section

of approximately 120m in length which contains a timber fence). The submitted Layout Plan also indicates a bund at the northern end of the landfill site, and a bund at the south east corner of the application site, which would both be temporary and removed as part of the decommissioning of the access road and associated infrastructure.

3.62 The Council's Landscape Architect has confirmed that the submitted LVA is informative, and raises no objections overall in landscape and visual terms.

3.63 The access road is of a notable length, however consideration is given to the form and function of the road, and that within the context of its setting, it generally sits comfortably in an area formally used as wasteland in the immediate vicinity of the landfill site. It is considered that the access road is not out of keeping with the type and scale of roads found within the wider site which comprises Tofts Farm. It is further considered that the proposed landscaping in the form of the replacement hedge (at a length of approximately 60m adjacent to the site entrance) and on the permanent bund to the east (with associated planting) for a length of approximately 420m will assist in softening any direct views towards the access road itself from surrounding vantage points. Finally, it is noted that the access road is temporary, and will be deconstructed in 2028, which can be secured by way of a planning condition.

3.64 The portacabin style buildings situated in the southern extent of the access road are located approximately 320m from the access point on Tofts Farm Road East, and approximately 30m from Tees Road (to the east). Given the temporary nature of the buildings and the partial screening afforded by the fencing, hedge and bund with landscaping, it is considered that these buildings would not result in such an incongruous set of features in the established context of the landfill site and surrounding industrial development at Tofts Farm as to warrant a reason to refuse the application.

3.65 As noted above, the case officer noted during the site visit that large sections of 'litter catchment fencing' has been installed throughout the southern parts of the site (which is approximately 6m in height based on the submitted information). Whilst this is visible owing to its notable scale (along with a section of the road and bund with the approximately 1m high fencing above), consideration is given to its typical design that would not be uncommon throughout a landfill site. It is of further consideration that the purpose of the fencing is to contain litter thereby containing any associated visual impacts with litter dispersion in the wider areas. Whilst the litter catchment fencing remains visible from Tees Road and other nearby roads/areas, given that this is an associated piece of infrastructure required for the containment of litter, and its temporary nature, it is considered that, on balance, it would not warrant a reason to refuse the application in this instance.

3.66 The development includes the siting of two security lighting columns (which are approximately 6m in height based on the submitted information). Whilst these are visible owing to their notable scale consideration is given to their typical design and it would not be uncommon to see security lighting along access roads and in areas where there are on-site infrastructure such as portacabin buildings. Given the satisfactory separation distance from the roads of Tees Road and Tofts Road East, it

is considered that the lighting does not result in any unacceptable impacts on the character and appearance of the area, whilst the

3.67 In view of the above and subject to the identified recommended planning condition to secure full details of the proposed planting, it is considered that by its nature and context of the surrounding area, the development would not lead to any significant impacts upon the character and appearance of the landfill site, Tees Road, Tofts Farm or the wider area such as to warrant a refusal of the application.

#### NEIGHBOUR AMENITY

3.68 Policy QP4 (Layout and Design of Development) of the HLP (2018) 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.

3.69 There are no residential properties within the vicinity of the application site, however Mayfair Lodge is situated approximately 80m to the north of the entry to the access road, at its closest point, with the access serving this property located approximately 24m to the north of the access road. Given the scale and design of the development and satisfactory separation distances, and other roads and boundary treatments between, it is considered that the development would not result in any adverse impacts on the amenity and privacy of Mayfair Lodge or any other neighbouring property in terms of overshadowing, overbearing impression, loss of outlook, overlooking or perception of overlooking.

*Other neighbour amenity considerations;*

#### *Noise and disturbance*

3.70 A Noise Assessment has been submitted in support of the application, concluding “The calculations and assessment demonstrate that the use of the new access would generate low levels of noise at the neighbouring properties, with a negligible change in road traffic noise levels at the properties.” The Council’s Public Protection team have confirmed no objections in this respect, and it is considered that the proposals would not result in an unacceptable impact in this respect.

#### *Odour*

3.71 It is acknowledged that objections have been received raising concerns regarding odours. Whilst it is understood that the objections primarily relate to activities within the landfill site itself, rather than the development proposed through the current application, the Council’s Public Protection team have confirmed no objections in this respect. It is considered that other regulatory bodies can control any odour nuisance, should this become a problem.

### *Air Quality and Dust Management*

3.72 It is acknowledged that objections have been received raising concerns in respect to air quality and dust. A supporting Air Quality Report as well as a Dust Management Plan (DMP) (as part of a combined CEMP and DMP) has been submitted to support the application. As detailed in the Ecology section of this report, it is recommended that the CEMP/DMP is adhered to, which can be controlled by a recommended planning condition. The Council's Public Protection team have had regard to the submitted details and requested that the dust mitigation measures outlined in Appendix C of the Air Quality Assessment be implemented, however given that the CEMP/DMP is recommended to be secured by planning condition, it is considered that such a request would be unnecessary and would not meet the 'tests' of a planning condition. It is of further note that in the event of such issues arising, that these matters could be controlled by appropriate and separate environmental legislation

### *Litter*

3.73 It is acknowledged that objections have been received in respect of litter. As noted above, the development includes litter catchment fencing with a height of approximately 6m across a large section of the site. No objections have been raised from the Council's Public Protection team, the Environment Agency or any other consultee in respect of litter, and it is therefore considered that the proposals would not result in an unacceptable impact in this respect. It is of further note that in the event of such issues arising, that this could be controlled by appropriate environmental legislation.

### *Light*

3.74 The proposals include the installation of two security lighting columns (approximately 6m in height based on the submitted details), which are situated approximately 40m along the access road. The Council's Public Protection team have advised that the proposed external lighting shall be installed on site at a suitable height and position, with the lowest possible illumination levels to prevent light spillage or glare towards any neighbouring properties. Given that the lighting columns are of a typical design and have already been installed, and elevations drawings are provided as part of this application, it is considered not to be necessary to request any further details. Nonetheless, a planning condition is recommended to ensure that any additional lighting is first agreed in writing with the Local Planning Authority to ensure that it remains suitable.

## FLOOD RISK & SURFACE WATER DRAINAGE

3.75 The application site is designated by the government Flood Map for Planning as being in Flood Zone 1 and at low risk of flooding. However, given the scale of the proposed development, a Flood Risk Assessment and Drainage Strategy with accompanying drainage plans have been submitted to support the application. The drainage includes a southern containment pond for surface water as well as a ditch, with silt and oil interceptors.

3.76 The Council’s Engineering Consultancy has been consulted on the application and has had regard to the submitted Flood Risk Assessment and Drainage Strategy and initially raised concerns regarding the design levels, in particular the proposed ground levels along the haul road and the top and invert levels of the ponds. At the request of the Council’s Engineering Consultancy, the applicant provided a cross section drawing showing the proposed ditch and containment ponds, and hydraulic modelling calculations. This shows that the ponds are a minimum of 3.2m (approx.) in depth and a rationale for the surface water design strategy.

3.77 Following a query from the Council’s Engineering Consultancy regarding maintenance of the ditches, the applicant advised that the slopes of the ditches and the distance to the centre (of less than 10m) means that an excavator can be used for maintenance. The Council’s Engineering Consultancy advised that whilst this is not typical and raised potential health and safety implications for the applicant to be aware of, in this instance the maintenance strategy is acceptable.

3.78 A planning condition can ensure that the agreed drainage is implemented, which is recommended accordingly. Subject to this, the proposal is considered to be acceptable in this respect.

3.79 The Environment Agency, Northumbrian Water and Hartlepool Water have also been consulted on the application and neither have provided any objections on drainage/flood grounds. The Marine Management Organisation have confirmed no objections, however have provided advice in respect to licensing which can be relayed to the applicant by way of an informative.

3.80 In view of the above, the application is considered to be acceptable with respect to matters of flood risk and drainage.

#### HIGHWAY AND PEDESTRIAN SAFETY

3.81 It is acknowledged that objections from members of the public have been received in respect of highway safety related matters, including access and traffic congestion.

3.82 Policy QP3 (Location, Accessibility, Highway Safety and Parking) of the HLP (2018) sets out that to maintain traffic flows and safety on the primary road network no additional access points or intensification of use of existing access points, other than new accesses associated with development allocated within this Local Plan, will be permitted on the following roads – A19(T), A689, A17, and the A178 (south of Seaton Carew to Brenda Road/Tees Road roundabout).

3.83 Policy MWP10 (Construction and Demolition Waste Recycling) of the Minerals and Wastes Development Planning Document (DPD) (2011) states that (f) traffic associated with new development should not result in unacceptable impacts on the local highway network.

3.84 Paragraph 116 of the NPPF (2024) states that “development should only be prevented or refused on highway grounds if there would be an unacceptable impact

on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”

3.85 The new access is located at the eastern end of Tofts Road East, a one-way road which has a 30mph speed limit, adjacent to Tees Road and within the vicinity of Tofts Farm. The applicant has submitted a Transport Statement to support the application, which concludes that the application site is a sustainable location, well connected to the local and regional highway network, and that based on personal injury collusion (PIC) data, the proposals are acceptable in highway safety terms.

3.86 It is acknowledged that the proposal results in an intensification of an access on Tees Road, given that vehicles leave the site and then access Tees Road. The Council’s Traffic and Transport team initially raised concerns regarding the queueing of HGVs on this highway, particularly that the road surfacing may become damaged as a result of many HGVs accessing the stretch of road providing access to the new road through this application as well as the access to Tofts Farm. The Council’s Traffic and Transport team initially requested a condition survey to be undertaken in this respect, which would assess the condition of the road over a period of time to understand the impact that would result on Tofts Road East, however following further discussions, the Council’s Traffic and Transport team have confirmed that this would be achieved through appropriate highways regulatory powers.

3.87 The Council’s Traffic and Transport team have confirmed that, as per the submitted Transport Statement, HGVs will not be permitted to travel through Seaton Carew and on exiting the site (via the access road that forms part of this application) should turn southward on Tees Road (such a requirement would need to be controlled and enforced through separate highway legislation). Nonetheless, they have requested that appropriate signage is displayed. In response, it is considered reasonable to ensure the provision of a sign which directs vehicles exiting the site to turn right (only) at the point where the access road (subject of this application) meets the section of Tofts Road East (which then connects to Tees Road). This can be controlled by way of a planning condition, which is recommended in this instance.

3.88 In view of the above considerations, and subject to the recommended planning condition, the Council’s Traffic and Transport team has confirmed no objections to the proposal. National Highways have also confirmed no objections to the proposal, commenting that the development does not generate any additional vehicle trips that would impact upon the Strategic Road Network.

3.89 The access road includes a car park associated with the ancillary infrastructure, with spaces for car parking (9 spaces and 1 disabled parking space). The Council’s Traffic and Transport team have not offered any comments or objections in this respect.

3.90 In respect to public rights of way, the Council’s Countryside Access Officer has confirmed that there are no recorded or unrecorded public rights of way or any permissive paths that would be affected by the development, and therefore it is considered that the proposal is acceptable in this respect.

3.91 Overall, it is considered that the development is acceptable in respect of highway safety, traffic and congestion, parking and pedestrian safety.

## TREES

3.92 An Arboricultural Impact Assessment has been submitted to support the application, which details that a small section of an existing hedgerow was required to be removed for the purposes of constructing the access road (which is retrospective). The submitted AIA includes the deconstruction of the access road, and the Council's Arboricultural Officer has confirmed that works should be undertaken in compliance with this document, and that an updated Tree Protection Plan should be submitted.

3.93 A planning condition is therefore recommended to ensure that deconstruction works are undertaken in respect to the submitted Arboricultural Method Statement and an updated Tree Protection Plan.

## ECOLOGY

3.94 Policy NE1 (Natural Environment) of the HLP (2018) emphasises the importance of careful, sensitive management and design of development in order to safeguard that the character, distinctiveness and quality of the Borough's landscape is protected and where appropriate, enhanced.

3.95 It is acknowledged that objections have been received from members of the public and the Teesmouth Bird Club raising concerns regarding the impact of the proposals on toads, hedgehogs, hares and birds.

3.96 The application is supported by an Ecological Impact and Biodiversity Metric Assessment, Statutory Biodiversity Metric, Biodiversity Gain Plan and a Habitat Management and Monitoring report. As the construction of the access road has already taken place, evaluation of the ecological significance of the site requires extrapolation from the remaining undisturbed habitats on and adjacent to the site, in conjunction with reference to satellite imagery taken prior to construction, to determine the nature of the overtaken habitat and its potential to support protected and priority species. In this regard, a combined Construction Environmental Management Plan and Dust Management Plan (CEMP/DMP) has been submitted.

### *Biodiversity Net Gain*

3.97 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 and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs. Net gain should be appropriate to the scale of the development and should be conditioned.

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

1. 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.

3.99 The Environment Act 2021 includes Biodiversity Net Gain (BNG) which came into force on 12th February 2024, with a mandatory requirement for at least 10% BNG post-development. Although 10% BNG is not mandatory for this proposed development as it is retrospective, as a minimum, it has to achieve a requirement for 'no net loss' in line with HLP Policy NE1.

3.100 Long term benefits will be gained through a new native species hedgerow as well as scrub and intermittent broadleaved tree planting on the screen bund (2m high and grass seeded) adjacent to the access road.

3.101 The Council's Ecologist has had regard to the supporting Biodiversity Metric Assessment, Statutory Biodiversity Metric and Habitat Management and Monitoring Plan and has confirmed that the intended increase of 1.07 habitat (area) units (which equates to an approximate 10.1% net gain), increase of 0.42 hedgerow (linear) units (representing an approximate 24.63% net gain) and increase of 0.24 watercourse units (representing an approximate 20.14% net gain) is acceptable.

3.102 The Council's Ecologist has confirmed that the BNG measures are supported, and that the proposed habitat works described in the Biodiversity Metric Assessment report addresses any harm to on-site habitats. This can be secured by planning condition (as part of the requirement for full landscaping/hedge details), which is recommended accordingly, and the application is considered to be acceptable in this respect.

#### *Habitat Regulations Assessment*

3.103 To the east of the site, on the opposite side of Tees Road, is an area of grassland which forms part of the Seaton Dunes & Common SSSI (Site of Special Scientific Interest) which forms part of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site. In their initial consultation responses, the Council's Ecologist and Natural England considered that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Teesmouth and Cleveland Coast Special Protection Area and Ramsar site,
- damage or destroy the interest features for which Teesmouth and Cleveland Coast Site of Special Scientific Interest has been notified, and
- have a significant impact on the purposes of designation of Teesmouth National Nature Reserve.

3.104 Natural England requested that a Habitats Regulations Assessment (HRA), Construction Environmental Management Plan (CEMP) to address air and water quality impacts on the designated sites, and further assessment to ascertain if there

will be Likely Significant Effect on the qualifying bird species and how this can be prevented.

3.105 In response, the applicant has submitted a Shadow HRA Stage 1 Screening and Stage 2 Appropriate Assessment and a CEMP and Dust Management Plan (DMP). The HRA concludes that '*Based on the above information, Likely Significant Effects on functionally linked habitats relevant to the qualifying bird species can be discounted*'.

3.106 Natural England have been consulted on the submitted HRA and CEMP/DMP and have confirmed no objections subject to appropriate mitigation being secured, to include the bespoke Dust Management Plan, Silt and Oil interceptors downstream from the attenuation ponds with regular checks of silt levels, and bird surveys to be carried out by a qualified ecologist before commencement of demolition of the concrete access road. A planning condition is recommended to secure the works (including demolition) in compliance with the submitted CEMP/DMP. Subject to this planning condition, it is considered that the proposal would not result in any Likely Significant Effect to designated sites and the proposal is considered to be acceptable in this respect.

#### *Ecological Mitigation*

3.107 Paragraph 193 of the NPPF (2024) requires that planning permission be refused if significant harm to biodiversity resulting from development cannot be avoided, mitigated or compensated for, whilst development on land near a SSSI should only be permitted where the benefits outweigh its likely impact.

3.108 It is acknowledged that objections have been received from members of the public in respect of ecological impacts. As detailed above, the application has been supported by an Ecological Impact and Biodiversity Metric Assessment, CEMP/DMP, HMMP and BNG Metric Calculations. The conclusions of these reports include measures to minimise disturbance to onsite breeding birds, avoid the spread of invasive plant species (Cotoneaster), walkover surveys to assess the grassland, and the timing of management of ecological matters.

3.109 The Council's Ecologist has had regard to the submitted documents and confirmed no objections, subject to the measures contained in the aforementioned CEMP/DMP being secured. A planning condition is therefore recommended accordingly, subject to which it is considered that the proposal would not result in significant adverse impacts on statutorily protected nature conservation sites or landscapes.

3.110 The Council's Arboricultural Officer has had regard to the submitted plans and has confirmed that although there is a proposed section of hedgerow to be removed to facilitate access, the replacement planting scheme sufficiently compensates the loss of hedgerows. As noted above, the planning of landscaping can be secured by a planning condition which is considered necessary in this instance and is recommended accordingly.

#### *Ecological Compensation and Enhancement*

3.111 Paragraph 180(d) of the NPPF (2024) states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

3.112 As noted above, the applicant has submitted a Shadow Habitat Regulations Assessment (HRA) including a Species Compensation and Enhancement Plan, which has also been updated to include the decommissioning of the access road.

3.113 The Shadow HRA Stage 1 Screening concludes that Likely Significant Effects (LSE) can be discounted, and therefore a Stage 2 Appropriate Assessment is not required, to which the Council's Ecologist and Natural England have confirmed their agreement.

3.114 In respect to compensation and enhancement measures, the Council's Ecologist has confirmed that the proposals would result in harm to species of curlew, grey partridge, skylark, meadow pipit, brown hare and common toad. The Species Compensation and Enhancement Plan include measures including dividing the site into management units and applying an annual mowing treatment to provide a more diverse grassland which would benefit these species of birds and mammals. The Council's Ecologist has confirmed that this is an acceptable approach, and requested that the compensation measures in the submitted Species Compensation and Enhancement Plan are secured, and a planning condition is recommended accordingly.

## OTHER PLANNING MATTERS

### *Contamination*

3.115 The Council's Engineering Consultancy has confirmed no objections in respect of contaminated land, subject to a planning condition in respect to unexpected contamination. A planning condition is duly recommended, and the application is considered to be acceptable in this respect.

### *Heritage Assets*

3.116 The Council's Head of Service for Heritage and Open Spaces has confirmed that the application site is not in close proximity to a conservation area or listed building, and therefore has no objections. Tees Archaeology have confirmed they have no comments to make in respect of the application. The development is considered to be acceptable in respect of heritage assets.

### *Crime and Fear and Crime*

3.117 Cleveland Police have been consulted on the application and have provided comments in respect of crime, fear of crime and anti-social behaviour. These can be relayed to the applicant via an informative and the proposal is considered to be acceptable in this respect.

### *Hazardous Development / Emergency Planning*

3.118 Given the proximity to industrial development in the south of the borough, the application is supported by details of Control of Major Accident Hazard (COMAH) measures, as well as details of measures regarding the nearby power station and the pipeline. The Cleveland Emergency Planning Officer has been consulted on the development, confirming no objections but providing advice to the application, which can be relayed via an informative.

3.119 Northern Gas Networks, Northern Powergrid have confirmed no objections with the proposals.

### *Statement of Community Involvement*

3.120 The application includes a Statement of Community Involvement (SCI), indicating that the applicant sought contact with local groups and charities including the Seaton Carew Community and Sports Club and is committed to taking on board the opinions of these groups.

### *Fire Safety*

3.121 It is acknowledged that neighbour objections have been received citing concerns regarding fires in the locality, however it is understood that these are outside the boundary of the current application. Cleveland Fire Brigade have been consulted on the proposal and have confirmed no objections, however have provided advice in respect to access and water supplies and automatic fire suppression systems (AFSS) such as sprinklers, which can be relayed to the applicant via an informative.

### *Waste Audit*

3.122 Policy MWP1 of the Minerals and Waste DPD (2011) requires all major new developments to submit a waste audit. A waste audit is included within the submitted Planning Statement, which indicates that the site infrastructure is modular portacabin style buildings which results in less/zero waste. It is of further note that the construction of the access road and associated infrastructure is retrospective, and that during the decommissioning, the submitted Waste Audit indicates that the concrete access road will be crushed and used as a recycled aggregate. No objections have been received from the Council's Waste Management team or Land Use Policy team in this respect.

## OTHER MATTERS

### *Permit*

3.123 It is acknowledged that the Council's Public Protection team have requested a planning condition in respect to the hours of operation. Whilst the Planning Statement does detail proposed hours of use, imposing a planning condition on the access road would not meet the required 'tests' of a planning condition. In any event,

it is understood that the operation of the landfill, and by extension the access road, would be controlled by the environmental permit, principally managed by the Environment Agency.

### *Other Matters*

3.124 A number of objections seem to relate to the operation of the landfill site itself. This is outside the remit of the current planning application for the access road and associated infrastructure. The landfill can continue to operate regardless of the current application's determination, and these issues will continue to be managed principally by the Environment Agency through the permit procedure. The Environment Agency have confirmed no objections to the application.

3.125 A number of other objections have been received relating to non-material planning considerations such as property devaluation that cannot be afforded any weight in the consideration of this application.

### CONCLUSION

3.126 It is considered that the principle of development in this location is, on balance, acceptable in relation to Policies NE2 and NE7 of the Hartlepool Local Plan (2018). It is further considered that the proposal would not result in significant adverse impacts on the amenity or privacy of neighbouring land users or adverse visual impacts, and the proposal is considered to be acceptable in respect of all other material considerations. Notwithstanding this, for the reasons detailed above, it is considered necessary to limit the lifetime of the permission for the access road in addition to a number of other identified recommended planning conditions.

3.127 Subject to the identified conditions, the proposal is considered to generally accord with policies NE1, NE2, NE7, QP3, QP4, QP5 and QP6 of the Hartlepool Local Plan (2018) and relevant provisions of the NPPF (2024).

### EQUALITY DUTY

3.128 The Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. 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.

### CRIME AND DISORDER ACT IMPLICATIONS

3.129 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. Matters of crime, fear of crime and anti-social behaviour are considered in detail in the relevant section of this report. 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. There are no Section 17 implications.

## REASON FOR DECISION

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

## RECOMMENDATION – APPROVE, subject to the conditions below:

1. This permission solely relates to the provision of the access road and associated infrastructure and it does not authorise any deviation in respect to the use of part of the site/adjacent site as a landfill and its subsequent restoration as governed by planning permission H/2010/0496.  
To be consistent with the related planning permission for the landfill H/2010/0496.
  
2. The use of the access road hereby approved for the purposes to facilitate landfilling of waste shall cease on 31.12.2027 and it shall only be used thereafter for the restoration of the site/adjacent site in accordance with planning permission H/2010/0496. The access road and associated infrastructure shall be removed from the site in its entirety, in accordance with a scheme of work (and timetable) to be first submitted in writing to the Local Planning Authority by 30.06.2027 for its approval. Thereafter, and following the written approval of the Local Planning Authority, the development hereby approved shall be carried out in accordance with the agreed scheme of work and timetable.  
The use hereby approved is not considered suitable as a permanent form of development, having regard to Policies NE2, NE7 and QP4 of the Hartlepool Local Plan (2018), and to be consistent with the related planning permission for the landfill H/2010/0496.
  
3. The development hereby approved shall be carried out in accordance with the plans and details:
 

Dwg. No. SM1268-D8v2 Rev 2 ('Figure P1' Site Location Plan, scale 1:10,000),  
Dwg. No. SM1268-D7-v2 Rev 2 ('Figure P4' Site Infrastructure Plan, scale 1:250) received by the Local Planning Authority on 31<sup>st</sup> May 2024;

Dwg. No. Sm1268-D10 Sheet 1 (Plans and Elevations – Site Office),  
Dwg. No. Sm1268-D10 Sheet 2 (Plans and Elevations – Staff Canteen),  
FirstFence 'Palisade Fencing' (Details, Elevations and Specification, 14 pages),  
received by the Local Planning Authority on 18<sup>th</sup> June 2024;

Dwg. No. Sm1268-D10 Sheet 3 (Plans and Elevations – Toilets),  
Dwg. No. Sm1268-D10 Sheet 4 (Plans and Elevations – Drying Room),  
Dwg. No. Sm1268-D10 Sheet 6 (Plans and Elevations – Oil/Diesel Storage Tank),

Dwg. No. 49654-0 (6 Metre Tubular Mid Hinge Raise and Lower Column) and associated Lighting Column Details (4 pages),  
Dwg. No. SM1268-D10 Sheet 5 (Plans and Elevations – Example Photographs and Illustrations) and Dwg. No. SM1268-D5v5 Rev B ('Figure P3' Site Layout Plan, scale 1:2000) received by the Local Planning Authority on 10th July 2024. For the avoidance of doubt.

4. Notwithstanding the submitted details and within a period of 2 months from the date of this decision, a scheme for the provision, long term maintenance and management (including habitat management) of all soft landscaping including the proposed 60m long hedgerow adjacent to the side entrance and planting of the eastern bund shall be submitted in writing to the Local Planning Authority. 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. All soft landscaping including planting, seeding or turfing comprised in the approved details of landscaping shall be carried out by 01/12/2026. Thereafter the development hereby approved shall be carried out, managed and maintained in accordance with the agreed scheme. Any trees or part of the hedgerow 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/gain and to ensure a satisfactory form of development.
5. Within a period of 2 months from the date of this decision, a scheme for signage to direct traffic to turn right on egress from the access road hereby approved shall be first submitted to the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the agreed details within a period of 1 month from the date of the written approval of the Local Planning Authority. To enable the Local Planning Authority to control details and in the interests of highway safety.
6. The development hereby approved, including the deconstruction of the access road, shall be carried out in accordance with the submitted Construction and Environmental Management Plan Incorporating the Dust Management Plan (by Bright & Associates, dated 12 December 2024) received by the Local Planning Authority on 12<sup>th</sup> December 2024. This shall include (but shall not be limited to) the following:
  - Adherence with the measures contained in the bespoke Dust Management Plan (Section 4.2);
  - Silt and Oil interceptors shall be installed downstream from the attenuation ponds with regular inspections of silt levels and signs of siltration;
  - Bird surveys shall be carried out by a qualified ecologist prior to the commencement of the deconstruction of the access road hereby approved and the findings of such surveys shall be submitted in writing

to the Local Planning Authority within 1 month of such surveys being carried out.

In the interests of avoiding or mitigating ecological harm.

7. The development hereby approved, including the deconstruction of the access road, shall be carried out and maintained in accordance with the submitted Species Compensation and Enhancement Plan (by A1 Ecology Limited, dated September 2024) received by the Local Planning Authority on 24<sup>th</sup> September 2024.  
In the interests of avoiding or mitigating ecological harm.
  
8. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the deconstruction of the access road hereby approved, a Tree Protection Plan as identified in the 'Arboricultural Method Statement including Impact Assessment', (document reference ARB/CP/3365, dated September 2024, received by the Local Planning Authority on 24/09/2024) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, any agreed tree and hedge protection measures shall be in place and thereafter retained until completion of the deconstruction of the access road (and associated infrastructure) hereby approved. 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, hedges or plants which are seriously damaged or die as a result of site works shall be replaced with planting 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 (and proposed) landscaping on site and the visual amenity of the area.
  
9. The agreed surface water drainage scheme for the development hereby approved as set out within document entitled "Flood Risk Assessment and Outline Surface Water Drainage Strategy" (document reference 3703/FRA Version F1 dated May 2024, received by the Local Planning Authority on 31/05/2024), Dwg. No. SM1268-D13 (Drainage Long and Cross Sections, received by the Local Planning Authority on 10<sup>th</sup> March 2025) and letter 'Response to Drainage Matters Raised at Meeting held on 1 July 2025' from the Agent dated 14<sup>th</sup> July 2025 (received by the Local Planning Authority on 14/07/2025) shall be maintained in strict accordance with the approved details for the lifetime of the development hereby approved.  
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.
  
10. 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 the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

11. Notwithstanding the submitted details, no additional fixed or permanent external lighting (other than the 2no. lighting columns hereby approved) shall be installed unless first agreed in accordance with a scheme to be first submitted to and approved in writing with the Local Planning Authority.  
In the interests of visual amenity, neighbour amenity, and to ensure a satisfactory form of development.

## **BACKGROUND PAPERS**

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=162115>

3.132 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

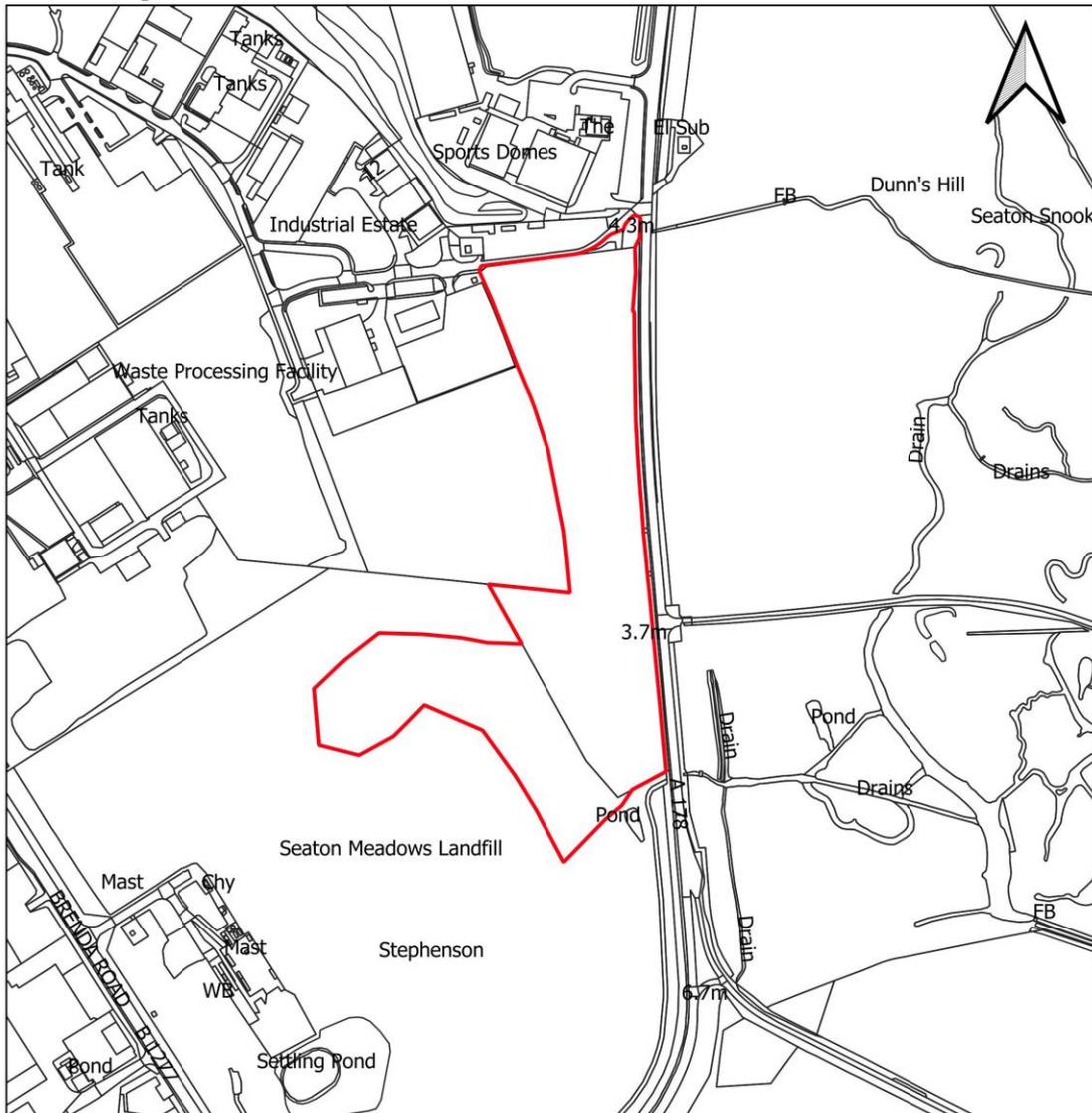
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# Seaton Meadows Landfill Site, Brenda Road, Hartlepool



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<h2>HARTLEPOOL BOROUGH COUNCIL</h2>	DRAWN LH	DATE 01/10/2025
	Scale 1:5000	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DWG.NO H/2024/0174	REV



**No:** 4.  
**Number:** H/2025/0363  
**Applicant:** HARTLEPOOL BOROUGH COUNCIL VICTORIA ROAD  
HARTLEPOOL TS24 8AY  
**Agent:** HARTLEPOOL BOROUGH COUNCIL SCOTT PARKES  
CIVIC CENTRE VICTORIA ROAD HARTLEPOOL TS24  
8AY  
**Date valid:** 12/11/2025  
**Development:** Section 73 application to vary conditions 2, 8, 9, 11, 12,  
14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 of  
planning permission H/2023/0057 (Construction of new  
grade separated junction comprising erection of bridge  
structure and of new highway North of Elwick Village  
linking to the existing highway, with associated hard and  
soft landscaping, drainage features and ancillary works) to  
amend approved access tracks, and make provision for  
additional access tracks to facilitate landowner access, a  
new field bridge, field bridge details, a new underpass and  
watercourse alignment and connection clarifications  
**Location:** LAND IN THE VICINITY OF ELWICK VILLAGE AND THE  
A19 COMPRISING MULTIPLE PARCELS OF LAND  
ELWICK HARTLEPOOL

## PURPOSE OF REPORT

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

## BACKGROUND

4.2 On 10 January 2024, planning permission was granted for the construction of a new grade separated junction, that would link the existing highway network from the A19, connecting to Elwick Road to the north and north-east of Elwick village.

4.3 The delivery of the grade separated junction is a key requirement of the current adopted Hartlepool Local Plan (2018), where the strategic infrastructure is relied upon for a number of allocated housing commitments that are linked to and are contributing towards the funding of the Grade Separated Junction and road network to date. Of note, the delivery of HSG5 (High Tunstall), is reliant upon the highway infrastructure being delivered. The associated outline planning application was for the erection of 1,200 houses (H/2014/0428, approved 14 March 2019), and of the 1,200 approved dwellings, the site is restricted (by way of planning condition no 8) at allowing 208 dwellings to be constructed and occupied, meaning that the remaining 992 dwellings cannot be realised until the proposed road network improvement is completed and ‘fully open to traffic’.

4.4 With respect to other associated planning history, a previous “outline planning application for all matters reserved for construction of new grade separated junction was submitted to the Local Planning Authority, although this application was later withdrawn on 24/03/2023 (H/2021/0191).

## PROPOSAL

4.5 The application seeks planning permission to vary planning conditions 2, 8, 9, 11, 12, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 of planning approval H/2023/0057 for the construction of a new grade separated junction comprising erection of bridge structure and of new highway North of Elwick Village. The main aspects of the approved scheme would be largely unchanged, where the proposed changes represent modifications to approved access tracks as well as additional access tracks to facilitate landowner access, a new field bridge and a new underpass. Greater detail is also provided in respect to the alignment of the watercourse, including a change to allow connection with the existing watercourse and details of two approved field bridges have also been provided for consideration. Across the application site, the proposed changes would relate to nine separate locations. The submitted documentation has set these out alphabetically and are as follows:

4.6 Area A: A modified farm access track at Middleton House Farm for landowner access;

4.7 Area B: A new 4.5m-wide stone access track for a length of approximately 500 m along western edge of the application site, in order to provide private access for the landowner adjacent to access fields and to also allow for the Local Authority to manage the new watercourse and landscaped areas;

4.8 Area C: A new field access onto North Lane with 5m wide access for a length of approximately 25m and associated gate and stock holding/handling areas to provide landowner access;

4.9 Area D: A formalised field access onto North Lane with a width of approximately 6m for a length of approximately 10m to provide landowner access;

4.10 Area E: The re-routing of a formal stone track through the approved underpass with an approximate 5m wide access for an expanse of around 50m across, in order to provide landowner access;

4.11 Area F: The re-routing of a formal stone track through the approved underpass with an approximate 7m wide access for a length of approximately 84m in order to provide landowner access;

4.12 Area G: A new proposed stone access track at a width of approximately 5m by a length of approximately 36m from the approved roundabout exit onto the neighbouring field (north), in order to provide landowner access;

4.13 Area H: A proposed stone access track at a width of approximately 5m by a length of approximately 85m from approved roundabout exit to the approved field

bridge. The application is also accompanied by further details of the 5-m-wide field bridge;

4.14 Area I: An additional proposed precast concrete underpass at approximately 6m high by a width of approximately 8m and a new stone access track at a width of approximately 6m by a length of approximately 64m;

4.15 Area J: Watercourse realignment to connect to existing watercourse.

4.16 Area K: Additional updated details provided of approved field bridge;

4.17 Area L: An additional field bridge to be provided over watercourse.

4.18 The application seeks to vary a planning permission that was subject to an Environmental Impact Assessment (EIA) and the application under consideration also represents an EIA planning application and has therefore been accompanied by an addendum the original Environmental Statement, which updates relevant parts of the original document.

4.19 The application has been referred to the Planning Committee as more than 2 objections have been received, in line with the Council's scheme of delegation.

## **SITE CONTEXT**

4.20 The application site relates to land at the western edge of the borough of Hartlepool, which includes an area to the west of, over and to the east of the A19 trunk road. Beyond the A19 (east), the application site includes a large arced corridor of land located approximately 380 metres (at its nearest point) to the north of Elwick Village, which extends in an east/west direction for a distance of approximately 1.4 kilometres, where it would connect to the existing highway network to the north of the '*Devil's Elbow*' area of Elwick Road.

4.21 The redline boundary of the application site includes a length of the existing north/south A19 trunk road of approximately 1.7 kilometres that stretches beyond the northern and southern limits of Elwick village, which is located to the east of the road network. Elwick village includes a designated Conservation Area, where a number of listed and locally listed buildings are situated. The character of Elwick village is predominantly residential, focused around a central village green. To the west of village of Elwick, on the opposite side of the A19 (south-west) are a cluster of residential properties that benefit from direct access onto the A19 and include Sunrise Cottage, The Hawthorns, Woodland House, Mill House and Benknowle.

4.22 The red line boundary includes the Church Bank and Coal Lane access/egresses to the east and west of the A19. The redline boundary also includes new private access points to and from Middleton House Farm on the western part of the A19 and Martindale Farm, to the east of the A19.

## **PUBLICITY**

4.23 The application has been advertised by way of neighbour letters (296), five site notice and a press advert. To date, two letters of objection and a comment of support have been received.

4.24 The concerns/objections raised relate to highway safety related matters.

4.25 The comment of support encourages the work to commence and be implemented.

4.26 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=167027>

4.27 The period for publicity has expired.

## CONSULTATIONS

4.28 The following consultation replies have been received:

**National Highways:-** Thank you for engaging with National Highways regarding the above planning application. A summary of our comments is provided in this response, and detailed comments are provided in the attached Technical Memorandum, prepared by the JSJV on our behalf.

A new access track is proposed to provide access for the adjacent landowner to access fields and for Hartlepool Borough Council to manage the new watercourse and landscaped areas to the west of the A19 northbound connector road. This appears to be in close proximity to the highway embankment. Consequently, we request that the Applicant prepares and submits a detailed cross-section with dimensions to ensure that the proximity of the access track does not impact upon the stability and integrity of the embankment of the northbound connector road. This is in accordance with DfT Circular 01/2022:

Paragraph 54. *“Due consideration must be given to the geotechnical integrity of land within the SRN where development would increase the load of, or otherwise alter, an embankment. In such cases, supporting plans and reports must identify the extent of the proposed works and how any risk would be managed in accordance with the DMRB.”*

Given the need for further evidence, we do not support the proposed variations of conditions at this stage.

I trust this response is helpful, but should you require any further information please do not hesitate to contact me.

### Further comments received 10/12/2025

Thank you for engaging with National Highways regarding the above planning application.

We have undertaken a review of the information provided to support the variation of conditions application; including the additional cross-section drawing we requested in our previous response dated 4 December 2025.

On review of all the information, we do not consider that the proposed variations materially affect our previous position of support for the application and the principle that the detailed matters for each condition topic would be dealt with through the submission of technical evidence with a discharge of conditions planning applications.

On this basis, we can agree to the variations of conditions application. I trust this response is helpful, but should you require any further information please do not hesitate to contact me.

Accompanying Proforma Response

Referring to the consultation on a planning application received 13 November 2025 referenced above, in the vicinity of the A19 that forms part of the Strategic Road Network, notice is hereby given that National Highways’ formal recommendation is that we:

offer no objection (see reasons at Annex A);

Highways Act 1980 Section 175B is/is not relevant to this application.<sup>1</sup>

This represents National Highways’ formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority propose not to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to [Planningyne@nationalhighways.co.uk](mailto:Planningyne@nationalhighways.co.uk).

This response and all comments outlined herein are made in respect of planning matters only in National Highways’ position as a statutory planning consultee, and does not confer any proprietary rights nor amount to the giving or refusal of consent, assent, approval, or awareness of or by National Highways in or of any other aspects or matters (including, but not limited to, the use of property belonging to National Highways). If anyone wishes for National Highways to consider any aspects which do not relate to planning submissions, they should call our contact centre on 0300 123 5000.

Annex A National Highways’ assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current

activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

#### Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 77 and 110 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 109 and 115 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up as part of a vision-led approach.

Moreover, the carbon reduction hierarchy (avoid-switch-improve) as set out in clause 4.3 of PAS2080:2023 promotes approaches and measures to minimise resource consumption and thereby reduce carbon emissions.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

**HBC Traffic & Transport:-** I can confirm that from a Highways perspective the proposed amendments are fully supported.

**Active Travel England:-** Thank you for your email. In relation to the above planning consultation and based on the information available, Active Travel England does not wish to make any comments at this time. The views of the local highway authority should be appropriately considered prior to determining this application.

**HBC Countryside Access Officer:-** See previous comments, no issues.

**British Horse Society:** - I refer to the above application and would like to formally object on behalf of the British Horse Society. Our grounds are that the application is premature as the Council has not carried out the mandatory Walking, Cycling and Horse-Riding Review (WCHR) of the trunk road element of the scheme. The requirements of National Highways for the trunk road element as set out in GG142 of the Design Manual for Roads and Bridges include the need for a WCHR initially, at the completion of the preliminary design and for the final design. A WCHR was carried out in 2021 for the initial proposals, but at that stage these did not include the Coal Lane junction. Given the application for the scheme determined in January 2024, it seems very clear that at least the preliminary design stage has been reached, but almost two years later no start has been made on the WCHR. The whole point of the WCHR is that any problems, such as safety issues, can be identified and changes made to the design to address these. It is no use carrying out the WCHR when the design has effectively been fixed. Our view is that the WCHR should be carried out at once so that any issues identified can be addressed in further fine-tuning of the design and that this should be done before any further rounds of planning applications.

**HBC Landscape Architect:** - There are no landscape issues with the proposed variation to conditions.

**HBC Arboricultural Officer:** - There is a minor variation to the approved scheme, requiring the removal of additional trees and hedgerows beyond those previously consented:

A small section at the southern end of Group G7 will need to be removed to accommodate the proposed access track.

A short section of hedgerow H9 will be removed for the access track.

A short section of hedgerow H18 will be removed for the proposed access track.

A short section of hedgerow H15 will be removed for the new underpass. Tree T34 will also require removal, as the underpass is likely to encroach significantly into its Root Protection Area (RPA), making retention unviable.

Given that these additional works are minor in scale and the proposed landscaping will provide an overall enhancement to the site, I have no objection to the amended condition requiring compliance with the updated Arboricultural Method Statement. The requirement for a site meeting in relation to the culvert works around Group G4 remains necessary and should be retained within the condition.

**HBC Ecology:** - No Objections. HBC Ecology has focused on the conditions which are most relevant to the delivery of ecological mitigation, enhancement, Biodiversity Net Gain (BNG) and construction-phase controls. These are conditions 8, 9, 11 and 12, which relate to soft landscaping, ecological mitigation and enhancement, and BNG, together with Condition 28 (CEMP), which secures ecological protection measures during construction.

This application seeks to amend elements of the approved scheme, including access arrangements, underpass and watercourse alignment, with no change to the overall nature or extent of the development.

The role of the Ecology Service at the Section 73 stage is to consider whether these amendments give rise to any new or materially different ecological impacts, or require changes to the mitigation, enhancement or Biodiversity Net Gain measures previously secured.

From an ecology standpoint, the main potential pathways for “new/different” effects are:

Additional habitat loss / fragmentation

Disturbance during construction

Riparian / watercourse impacts arising from amended crossings/realignment.

It is the view of HBC Ecology that the proposed S73 changes do not introduce a new category of effect, provided the pre-construction update checks that are discussed in the Environmental Statement Addendum (5.6: *Mitigation Measures; page 7*) are secured. It is noted that condition 28 requires the submission of a CEMP. It may be beneficial to include the acknowledged requirement for pre-construction surveys as part of an updated Condition 28.

### Biodiversity Net Gain (BNG)

The BNG Addendum reports the updated post-intervention BNG position as:

+29.59% habitat units,  
 +77.34% hedgerow units, and  
 +15.76% watercourse units.

The Addendum also clarifies that the previous “very high” hedgerow net gain figure was affected by an error in hedgerow length, and that the updated figure results from the corrected hedgerow baseline and updated proposals.

The BNG Addendum further states that due to the timing of the original consent the scheme is not subject to mandatory BNG, but that the current design changes are in line with the minimum 10% net gain requirement across all three unit types. HBC Ecology agrees with these conclusions.

### HRA Requirements

On the basis of the submitted information, there are no new HRA triggers arising from the S73 changes described. No additional HRA work is requested by the Ecology Service.

No further Comments.

### Further comments received 08/01/2026;

Further to our correspondence, I note that my previous request for pre-commencement surveys for H/2025/0363 is already covered by Condition 11. Condition 11 is sufficient to address the matter and I require no other variations of conditions.

**HBC Head of Service for Heritage & Open Space:-** The variations are noted. It is considered that these will not impact on the built heritage assets in the vicinity of this proposal. No objections.

**Historic England:-** Thank you for your letter of 13 November 2025 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

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

**HBC Engineering Consultancy:-** I have no objection to the proposed variation of conditions with respect to the surface water and contaminated land.

**Environment Agency:-** We have no objections to the variation of Condition 2 (approved plans) pursuant to planning permission H/2023/0057.

We have no comments to make on the variation of Conditions 8, 9, 11, 12, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 as we did not originally recommend these conditions.

We request that we are reconsulted on any future applications seeking to discharge Conditions 5, 6 and 7, which we previously recommended and which appear on the decision notice for planning permission H/2023/0057.

**Tees Archaeology:-** Thank you for the consultation on this application. We have no objection to the proposed condition variations.

**Teesside International Airport:-** I refer to your consultation letter dated 17th November 2025. The airport safeguarding team has assessed the proposal in accordance with the UK Reg (EU) No 139/2014 (the UK Aerodromes Regulation) and it does not conflict with the safeguarding criteria for the airport. Accordingly, we have no aerodrome safeguarding objection to the proposal based on the information provided.

**The Coal Authority:-** Thank you for your notification of 13 November 2025 seeking the views of the Coal Authority on the above. The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas. The site to which this submission relates is not located within the defined coalfield. On this basis we have no specific comment to make.

**Cleveland Police:-** In relation to this application, previous comments submitted by G. McBride are still valid.

**HBC Economic Growth:-** We have reviewed the proposals and have no comments from Economic Growth.

**HBC Public Protection:-** I have no objection to this application. Given the minor changes to the scheme, I have no further comments beyond those provided on the previous scheme.

**Emergency Planning Officer:-** There are no objections to the proposal, flood risk has been considered and this should continue throughout planning.

**Health & Safety Executive:-** Thank you for your email seeking HSE's observations on application H/2025/0363.

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has

provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain HSE's advice. However, this application does not fall within any HSE consultation zones. There is therefore no need to consult the HSE Land Use Planning (LUP) team on this planning application and the HSE LUP team has no comment to make. I would be grateful if you would ensure that the HSE Planning Advice Web App is used to consult HSE on developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

residential accommodation;

more than 250m<sup>2</sup> of retail floor space;

more than 500m<sup>2</sup> of office floor space;

more than 750m<sup>2</sup> of floor space to be used for an industrial process;

transport links;

or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

There are additional areas where HSE is a statutory consultee. For full details, please refer to annex 2 of HSE's Land Use Planning Methodology:

[www.hse.gov.uk/landuseplanning/methodology.htm](http://www.hse.gov.uk/landuseplanning/methodology.htm)

HSE Planning Advice Web App Result (January 2026);

Your development does not intersect a pipeline or hazard zone, HSE Planning Advice does not have an interest in the development.

**Northern Gas Networks:-** 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 questions, our Before You Dig Team will be able to help on 0800 040 7766 (option 3) or [beforeyoudig@northerngas.co.uk](mailto:beforeyoudig@northerngas.co.uk)

**Northern Powergrid:-** Thank you for your recent enquiry regarding the above location. The enclosed Mains Records only give the approximate location of known Northern Powergrid apparatus in the area. Great care is therefore needed, and all cables and overhead lines must be assumed to be live.

### Town and Country Planning Act 1990

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.

Please note that while all efforts are made to ensure the accuracy of the data provided, no guarantee can be given. We would refer you to the Health Safety Executive's publication HS(G) 47 "Avoiding Danger From Underground Services" which emphasises that:

The position of any services in or near the proposed work area should be pinpointed as accurately as possible using a detecting device in conjunction with up-to-date service plans and other information which provides a guide to the possible location of services and help interpret the signal.

Excavation work should follow safe digging practices. Once a detecting device has been used to determine position and route, excavation may proceed, with trial holes dug as necessary, to confirm the position of any detected services. A cable is positively 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 trial digging should always be carried out on the whole route of the planned excavation to ascertain no cables exist.

The Health Safety Executive publication GS6 "Avoidance of Danger from Overhead Electric Lines" must be consulted 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. Our provision of these records is based upon the assumption that people using them will have sufficient competence to interpret the information provided. Any damage or injury caused will be the responsibility of the organisation or individual concerned who will be charged for any repairs.

Please note ground cover must not be altered either above or below 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 wayleave agreement, lease or deed or alternatively provided under the Electricity Act 1989. Should any alteration / diversion of Northern Powergrid's 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 we may have will be included on the quarterly NRSWA coordination return for discussion at the quarterly meeting of authorities / utilities in order to minimise disruption to the public.

Maps attached: NZ4482133286

**Anglian Water:** - This application is outside of Anglian Water's sewerage boundary. We have no comments to make thereon. Please note Anglian Water will only comment on drainage/surface water within our boundaries.

**Hartlepool Rural Plan Group:** - Thank you for consulting Hartlepool Rural Neighbourhood Plan Group. The variations appear to be relatively minor and largely involve improving access for farms. The Group have no objections to the variations.

**No comments were received from the following consultees;**

Tees Valley Combined Authority  
National Planning Casework Unit  
CPRE  
Forestry Commission  
HBC Public Health Register  
HBC Public Health – Health Improvement Team  
HBC Community Safety and Engagement  
HBC Waste Management  
HBC Park & Countryside  
HBC Estates  
HBC Building Control  
CAA Director of Airspace Policy  
Civic Society  
DEFRA  
Ramblers Association  
Teemouth Bird Club  
Tees Valley Wildlife Trust  
RSPB  
Northumbrian Water  
Cleveland Fire Brigade  
Hartlepool Mayoral Development  
Stockton Borough Council  
Durham County Council  
Dalton Parish Council  
Elwick Parish Council  
Hart Parish Council  
National Grid  
NPCU  
Mining Remediation Authority  
Ministry of Defence

**PLANNING POLICY**

4.29 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 (ADOPTED MAY 2018)

4.30 The following local plan policies are relevant to this application:

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
CC2	Policy Reducing and Mitigating Flood Risk
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
HSG1	New Housing Provision
HSG5	High Tunstall
HSG5a	Quarry Farm Housing Site
HSG3	Urban sites
RUR1	Development in the Rural Area
NE1	Natural Environment

#### HARTLEPOOL RURAL AREA NEIGHBOURHOOD PLAN

4.31 The proposal is within the Hartlepool Rural Plan area and hence the following policies in the Rural Plan are applicable.

Policy	Subject
GEN1	Development Limits
GEN2	Design Principles
EC1	Development of the Rural Economy
EC4	Service Stations and Travel Related Development
NE1	Natural Environment
T1	Improvements to the highway network
T2	Improvement and Extension of the Public and Permissive Rights of Way Network

#### ADOPTED TEES VALLEY MINERALS AND WASTE DPD (2011)

4.32 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.

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

Policy	Subject
MWP1	Waste Audits

#### NATIONAL PLANNING POLICY FRAMEWORK

4.34 The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the

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

4.35 The NPPF does not change the statutory status of the development plan as the starting point for decision making.

4.36 Planning Policy have looked at the proposal and the paragraphs within the NPPF and consider the paragraphs below to be applicable, however given that the 2018 local plan and the rural plan are deemed to be in accordance with the NPPF and therefore it is not necessary to give an assessment of each relevant NPPF policy as the LP and NP take primacy with regard to this proposal.

Para	Subject
001	NPPF sets out the governments planning policies
002	Determination in accordance with the development plan
003	The NPPF should be read as a whole
007	Achieving sustainable development
008	Achieving sustainable development (three overarching objectives – Economic, Social and Environmental)
009	Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
010	The presumption in favour of sustainable development
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development (presumption does not change statutory status of the development plan as the starting point for decision making)
039	Decision making in a positive way
048	Determining applications in accordance with the development plan
057	Use of conditions or planning obligations
058	Planning conditions should be kept to a minimum
061	Significantly boost the supply of homes and provide sufficient and a variety of land
085	Create conditions in which businesses can invest, expand and adapt.
088	Enabling sustainable economic growth and development of businesses in the rural area
096	Promoting healthy and safe communities

098	Plan positively, take on board health strategies to enhance the sustainability of communities and residential environments.
105	Protect and enhance public rights of way and access
109	Considering transport issues from an early stage and maximising
110	options for sustainable transport varies from urban to rural locations
117	Promoting sustainable transport
131	Achieving well-designed places
135	Achieving well-designed places
136	Trees and development
137	Design quality throughout the evolution of development
161	New development should support the transition to a low carbon future
181	Ensuring flood risk does not occur elsewhere
182	Major development should incorporate SUDS
187	Planning policies and decisions should contribute to and enhance the natural and local environment
193	Avoiding harm to biodiversity
196	Considering ground conditions
198	Impacts of pollution on health, living conditions and the natural environment, and the potential sensitivity of the site or the wider area
200	New development should be integrated effectively into businesses and communities

4.37 **HBC Planning Policy Comments:** - Planning policy have no objection to this proposal. They consider that the case officer will assedd the merits of the application with regards to design and layout however in principle this proposal is acceptable.

## PLANNING CONSIDERATIONS

4.38 The principle of development has been established through the Adopted Local Plan allocation for the strategic infrastructure in addition to Policy T1 (4) of the Hartlepool Rural Plan and through the extant planning permission H/2023/0057, which was approved at Planning Committee on 10 January 2024. Notwithstanding the extant planning permission, it is recognised that since the determination of the planning approval, the NPPF has been revised. Consequently, a number of paragraph numbers within the respective planning conditions have been updated to reflect the up to date reference, although it is considered that any changes to the Framework do not result in any significant changes to the determination of the planning application.

4.39 The main issues for consideration in this instance therefore relate to the impacts arising from the proposed changes to the approved scheme in respect to the impacts upon highway safety, impacts on the character of the area and landscaping, the impact on ecology and nature conservation, the impact on heritage assets, the impact on the amenity and privacy of neighbouring land users, flooding, drainage and contamination issues, and any other material planning considerations arising.

## IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY

4.40 Hartlepool Local Plan Policy QP5 sets out that the council will seek to ensure that all developments are designed to be safe and secure. Policy QP5 advises that developers will be expected to adhere to national safety and security standards as set out by central government. Hartlepool Local Plan Policy RUR1 advises that proposals within the rural area should ensure access is appropriate and there is not a detrimental impact on the highway safety. Hartlepool Rural Neighbourhood Plan Policy GEN2 sets out how the design should demonstrate that it can be accessed safely from the highway (criterion 6).

4.41 The approved and extant planning permission considered all aspects of highway safety related matters, including the strategic and local road network, which were considered acceptable, subject to a number of planning conditions (conditions No's. 17 - 30 of H/2022/0057 (14 in total)) recommended by National Highways. Whilst such conditions would be subject to change as part of this current application, the aspect of change would solely relate to the labelling of the base map plan within the respective planning conditions, which has since been updated.

4.42 The proposed changes as submitted as part of the current scheme are considered to represent minor alterations and additions to the already approved development. Of note, the proposed changes in the main relate to the provision of eight field access tracks, two field bridges and an additional underpass, all to allow practicable site access for the respective landowners.

4.43 With respect to consideration of the strategic road network, during the course of the planning application, National Highways sought further clarification in respect to ensuring that the field access proposed on the west of the A19 trunk road would not impact on the integrity of the nearby embankment. Following the submission of a section plan to National Highways, they confirmed that the proposed variations would not materially affect the support for the scheme, subject to the revised planning conditions, which are recommended accordingly.

4.44 With respect to consideration of the local road network, it is noted that an objection comment has been received as a result of the public consultation exercise from a neighbouring resident. Whilst the comments do not appear to specifically relate to any of the changes proposed as part of the current variation planning application, the comments consider that the area located in the area of High Tunstall School features poor pedestrian and vehicular access and that the road in the area has inadequate width.

4.45 It is noteworthy that due consideration was given within the Planning Committee report with reference to the traffic in this area (at paragraph 1.130 of the respective report), where the Council's Traffic and Transport section stated that mitigation measures (out with this planning application) have been identified to manage increasing traffic levels in this area.

4.46 Notwithstanding these considerations, as detailed above, the comments received do not relate to the changes to the proposed development, where the existing elements are approved and extant. The Council's Traffic and Transport have considered the revisions to the proposed scheme, including the increased access

points and raise not concerns or objections and do not require the need for any further conditions to be imposed.

### *Walking, Cycling and Other Modes of Transport*

4.47 Hartlepool Local Plan Policy RUR1 seeks to ensure that access to development should be appropriate and there is not a detrimental impact on the highway safety and where possible improvements to sustainable connectivity should be made. Hartlepool Local Plan Policy INF1 sets out that the council will seek to deliver an effective, efficient and sustainable transport by, amongst other priorities, supporting initiatives to reduce carbon emissions from transport, to provide realistic alternatives to travel by private car and to ensure proposals provide a comprehensive, safe and well-managed network of footpaths and cycle routes throughout the borough.

4.48 Hartlepool Local Plan Policy INF2 sets out that delivering sustainable transport in Hartlepool will be achieved through a balanced package of measures and where improvements to the principal and local road network are necessary to enable development or to minimise the impact on the existing network. HLP Policy INF2 further sets out that one of the package of measures to improving connectivity is to develop further opportunities for sustainable modes of transport to serve existing communities throughout the borough.

4.49 Hartlepool Rural Neighbourhood Plan Policy T2 sets out that improvement and extension of the public and permissive network of bridleways, cycleways and footpaths will be supported and that financial contributions will be sought towards new bridges over the A19 near Elwick suitable for pedestrians, cyclists and equestrians. The approved extant scheme did not identify specific walking, cycling or bridleways and was assessed on its planning merits overall. The current proposed variation application to the approved scheme would also not make any changes in respect to public sustainable transport infrastructure.

4.50 A comment of objection has been received from the British Horse Society, which states that the Council have not carried out an up-to-date Walking, Cycling and Horse-Riding Review (WCHR) of the trunk road element of the proposed scheme. Whilst noting the comment, the review is not a requirement of the planning process and considerations of sustainable transport methods were considered and assessed as part of the original planning application, where the scheme as submitted was considered on its planning merits and was, on balance, deemed to be acceptable. Furthermore, the proposed scheme does not make any changes to the trunk road element of the scheme, which is already approved and extant. Consequently, whilst noting the comments, no issues are raised that would warrant the refusal of the planning application on such grounds.

4.51 In addition, comments were also received from Active Travel England who raise no objections to the proposed variations. At the time of the original planning application, Active Travel England requested appropriate signage be erected to alert motorised vehicles transitioning from the strategic network to local traffic that cyclists may be utilising the local road network. Such signage is considered to be a useful aid in creating awareness and preventing conflict between motorised vehicles and

cyclists. An informative would therefore be carried over from the approved scheme to remind and advise the applicant of the use of signage accordingly.

4.52 The Council's Countryside Access Officer has considered the scheme and offers no concerns or objections to the proposed variations to the approved scheme. At the time of the original application any updates to any Public Rights of Way were considered to be subject to a separate process, outside of the planning application process and that position applies to the current variation planning application. The Ramblers Association were also consulted through the course of the planning application, although no comments were received.

4.53 Having regard to the comments and considerations as detailed above, taking account of the proposed changes to the proposed scheme, including the comments of National Highways and the Council's Traffic and Transport section, Active Travel England and the Council's Countryside Access Officer, subject to the recommended planning conditions (as amended), the proposed scheme is considered to be acceptable in terms of pedestrian and highway safety related matters.

#### IMPACT ON CHARACTER OF SURROUNDING AREA (& LANDSCAPING)

4.54 Hartlepool Local Plan Policy QP4 (Layout and Design of Development) sets out that the council will seek to ensure all developments are designed to a high quality and positively enhance their location and setting. Policy QP4 and the relevant criterion sets out that 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. Hartlepool Rural Neighbourhood Plan Policy GEN 2 (design principles) sets out that the design of new development should demonstrate, how the design helps to create a sense of place and reinforces landscape and biodiversity features (criterion 3); how the design preserves and enhances significant views and vistas (criterion 5). Hartlepool Rural Neighbourhood Plan policy EC1 (development of the rural economy) sets out that the development of the rural economy will be supported if the development is of a scale appropriate to its setting and enhances the local landscape character and nature conservation.

4.55 During the course of the original planning approval (H/2023/0057), full detailed consideration was given to impacts from the Grade Separated Junction and road network on the surrounding landscape and area, where it was acknowledged that there would be a permanent and irreversible change in character, although it was considered that any impacts would be localised. Subject to a number of planning conditions, the effect on the wider area was considered not to be significant in the context of the EIA Regulations.

4.56 The proposed changes as submitted as part of the current application would comprise the provision of eight field access tracks, two field bridges, the construction of an additional underpass and alterations to the existing watercourse. The proposed works would largely allow practicable site access for the respective landowners. The proposed access points are considered to be consequential infrastructure within the context of the wider road network scheme, where such features would not be out of keeping with the surrounding approved development. The proposed underpass

would be located in close proximity to other approved underpass structures and would not be out of keeping with the visual appearance of the area. The Council's Landscape Architect has considered the proposed changes and raises no concerns or objections to the application.

4.57 Condition 33 of the original planning approval required hard standing finishing materials to be provided prior to implementation of such works and the condition would be carried forward as part of the current scheme and would capture such requirements as outlined above. With respect to the details of the footbridges and underpass, it is noted that no elevations have been provided as part of the proposed scheme and condition 31 is recommended to be carried forward from the approved development, which would secure such details accordingly. It is noted that a number of further planning conditions were recommended as part of the original scheme to exercise further control over the final details of the proposed development in respect to levels, materials and appearance of the elevated slip road and overbridge, means of enclosure and hard surfacing materials. These conditions would be carried forward accordingly. In the context of the approved scheme, the proposed changes are considered to represent minor alterations and additions, where the effect on the wider area would not be significant in the context of the EIA Regulations.

#### *Landscaping*

4.58 Given the nature of some of the proposed works for new access points at the boundary of a number of agricultural fields, the proposed works would inevitably involve the loss of a number of trees and sections of hedgerow.

4.59 The proposed changes would impact a small section of Sycamore and Hawthorne trees, which would need to be removed to accommodate the proposed access track at the western boundary of the application site at Middleton House Farm (Area B);

4.60 To the east of the A19, a short section of hedgerow would be required to be removed for the proposed field access track and gate (Area C);

4.61 To accommodate a stone access under the already approved underpass, a short section of hedgerow would be required to be removed (Area E);

4.62 In order to accommodate the additional underpass, a short section of hedgerow would be required to be removed. A Tree would also be required to be removed, as the underpass is likely to encroach significantly into its Root Protection Area (RPA), making its retention unviable (Area I).

4.63 All trees and hedgerows identified have been categorised as C category (low quality). In addition to the above identified impacts, which are set out within the submitted addendum to the Environmental Statement, it is also recognised that other stone access works would also result in the loss of some grassed areas.

4.64 The submitted Addendum to the Environmental Statement details that the identified additional loss, alongside those originally outlined in the approved ES, are expected to have a slight to moderate adverse effect on arboriculture. The Council's

Arboricultural Officer has considered the scale and nature of the proposed works and has commented that given the minor nature of the loss of vegetation in the context of the scheme overall, and given the sizable level of enhancement proposed, there are no objections to the proposed variation. Additionally, as referenced above, the Council's Landscape Architect raises no objections to the proposed variation to the approved scheme.

4.65 Conditions 8 (Provision, Maintenance and Management of Landscaping) and Condition 11 (Landscape & Ecological Mitigation Strategy) of the original planning approval would be altered and carried forward through the current scheme to include reference to an updated plan illustrating the proposed changes, along with condition 14 (Protection and retention of trees), which updates the Method Statement, tree protection and trees to be retained information. Respective conditions are updated and recommended accordingly.

4.66 Having regard to the above considerations, taking into account of the nature and scale of the proposed works and the comments and considerations of the key consultees of the Council's Arboricultural Officer and Landscape Architect, the proposed changes are considered to represent minor alterations and additions, where the effect on the wider area would not to be significant in the context of the EIA Regulations.

#### IMPACT ON HERITAGE ASSETS

4.67 Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. When considering any application for planning permission that affects a Conservation Area, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. In considering the impact of development on heritage assets, the NPPF looks for Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness as set out within paragraphs 202 and 203 of the NPPF. Policy HE3 of the Local Plan has regard for the setting of Conservation Areas.

4.68 The NPPF looks for Local Planning Authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation as set out within paragraph 208 of the NPPF. HLP Policy HE4 states, 'to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting'. At the time of the original approval (H/2023/0057), consideration was given to the impacts on nearby heritage assets including the impact on the Elwick Village Conservation Area and a number of listed buildings and a Scheduled Monument.

4.69 At the time of the original application, the Council's Head of Service for Heritage and Open Spaces considered that the proposed road infrastructure would be at sufficient distance from the village and the comments noted that the proposals would be seen within the context of the existing major road network, where the additional infrastructure would not increase the impact on the setting of the Heritage

Assets. In addition, it was considered that the proposed scheme would decrease the movement of traffic through Elwick Village, as traffic would be directed to use the proposed Grade Separated Junction road network and thereby would have a positive impact on the nearby heritage assets by reducing vehicle movements in the area.

4.70 The revisions proposed as part of the current variation scheme are considered to represent minor alterations and additions to the already approved development. It is also of note that of the conditions proposed to be varied, none relate directly to heritage related conditions. The provision of eight field access tracks, two field bridges and an additional underpass to allow practicable site access for the respective landowners and alterations to the watercourse have been considered by the Council's Head of Service for Heritage and Open Space, where no objections are raised and it is considered that the proposed changes/additions would not impact on the built heritage assets in the vicinity of the site. In addition, Historic England were also consulted, although no site-specific comments were received. The Civic Society were also consulted although no response was received.

4.71 Taking account of the nature of the proposed development, having regard to the approved, extant development and the scale and nature of the proposed additions, alterations and relationships involved, including the comments and considerations of the Council's Head of Service for Heritage and Open Spaces officer, it is considered that the proposed changes would not result in any identified harm to the Heritage Assets in this area and the proposed development is considered acceptable in this respect.

### *Archaeology*

4.72 The approved scheme is subject to a planning condition (15) in relation to the requirement for a programme of archaeological works for the recording of any heritage assets found, in accordance with paragraph 207 of the NPPF. The submitted addendum to the Environmental Statement considers there is a low potential for previously unrecorded archaeological assets to be within the boundary of the proposed scheme. Tees Archaeology have considered the proposed variations to the approved scheme and raise no objection or concerns. The requirement for the planning condition of the approved extant permission would be carried forward and is recommended accordingly. Subject to the recommended planning condition, the proposals are considered to be acceptable in respect to archaeology.

## ECOLOGY AND NATURE CONSERVATION

4.73 Hartlepool Local Plan Policy NE1 (Natural Environment) sets out that the Council will protect, manage and enhance Hartlepool's natural environment by ensuring that development proposals are in accordance with the locational strategy, that ecological networks are enhanced and green infrastructure is protected and enhanced and that development avoids harm to and, where appropriate, enhances the natural environment by following the sequence of avoidance, mitigation, compensation.

4.74 As detailed above, the original planning application was accompanied by an Environmental Statement and matters concerning ecology were fully considered, including consideration of Biodiversity Net Gain (BNG, albeit the original approval and this current s73 application are not subject to the mandatory 10% BNG that came into force in February 2024), Ecology Enhancement and Mitigation Measures beyond BNG, the impact on farmland birds, bats, birds, badgers and other mammals, otters and Migratory Fish among other considerations.

4.75 The proposed development would result in the loss of approximately 22.21ha of cropland, other neutral grassland, modified grassland and scrub; 3.84km of hedgerows and treelines, and 0.44km (approx.) of river due to re-alignment, culverting or through changes in condition. Notwithstanding the loss of habitat, the proposed development would retain 9.42ha (approx.) of cropland, other neutral grassland, scrub, and other woodland; and there would be 2.51km (approx.) of hedge habitat and 0.51km (approx.) retained of river habitats retained. Furthermore, the landscape proposals would create 22.58ha (approx.) area of habitats, consisting of other woodland, broadleaved, SuDS features attenuation ponds, native mixed scrub, other neutral grassland and urban trees. 15.25km (approx.) of native species rich hedgerow with trees would be planted and 1.14km (approx.) of river habitats would be created through culverts, ditches, and other river and streams.

4.76 With respect to BNG considerations, the biodiversity for the project was calculated as providing approx. 32.75% BNG for Habitat Units. At the time, the Council's Ecologist commented that this demonstrates 'best practice' for BNG delivery by a Local Authority. Whilst there would be a - 4.0% biodiversity change for River Units, the Council's Ecologist considered this to be acceptable in this instance, given that there are large increases in Habitat Units and no additional compensation was required as a result.

4.77 Planning conditions were recommended to address considerations of BNG and all other ecological matters arising. Condition 6 (Otter and habitat Protection), condition 7 (Migratory Fish), condition 9 (BNG Plan), condition 10 (Farmland Birds), Condition 11 (Landscape and Ecological Mitigation Strategy), condition 12 (Ecological Enhancement Measures), condition 13 (Bat and Bird Boxes), Condition 28 (CEMP), condition 32 (Boundary Treatments and Ecological Migration) and condition 37 (External Lighting for Protection of Ecology) were all recommended accordingly. Subject to the recommended planning conditions, and informatives, the proposed development was considered not to lead to any impacts that would be considered significant in respect to EIA development.

4.78 The changes proposed as part of the current variation planning application would comprise the provision of eight field access tracks, two field bridges, the construction of an additional underpass and alterations to the existing watercourse. An addendum to the Environmental Statement has been provided with the submitted planning application, which considers that following the proposed design changes, all of the potential construction and operational phase impacts listed in the approved Environmental Statement remain the same.

4.79 With respect to the assessment of BNG, this has been updated with the new proposals, and consequently there has been a slight decrease in the amount of net

gain for habitats, from 30.40% to 29.59%. The hedgerow net gain has also reduced from 331.02% to 77.34%, due to an error in the previous mapping. The watercourse units have increased in net gain from -4.00% to 15.76%. All three types of units now meet the minimum 10% requirement (albeit and as noted above, the original approval and the current s73 application are not bound by the statutory 10% BNG that came into force in February 2024). The report details that there would be no changes to the mitigation measures for the new proposals so those reported in the approved Environmental Statement are still applicable. Owing to the change in the BNG values, condition 9 is recommended to be updated to take account of the updated BNG Metric Calculator and is recommended accordingly.

4.80 The Council's Ecologist has assessed the proposed changes to the approved scheme and considers that they would not introduce a new category of effect and no objections are raised. The Council's Ecologist does however note the comments contained within the addendum to the Environmental Statement, where it is acknowledged that pre-commencement surveys are required to be updated/take place. The Council's Ecologist notes that condition 28 (CEMP) may be a condition where such measures could be integrated, although it is noted that planning condition 11 (Landscape and Ecological Mitigation Strategy) already requires the submission of pre-commencement surveys to satisfy the planning condition and as a result, no variation to any conditions are required to mitigate this requirement. The Council's Ecologist has since confirmed this position and the matter is addressed accordingly.

4.81 With respect to works proposed affecting the watercourse of Greatham Beck, which would partially divert its course, the application is accompanied by a Water Framework Directive Assessment (WFD). The report, amongst other considerations, considers the impact of such works on plants and algae, fish, invertebrate, and the various potential impacts on the waterbodies condition. An impact Assessment is contained within the report, under table 6.1 '*Impacts to Greatham Beck catchment*' which considers the sensitive receptors and any required mitigation measures. It is also noteworthy that, as detailed above, a number of planning conditions of the extant approved development (H/2023/0057) would have regard to some of these matters and condition 5 (Watercourse Mitigation and Compensation), Condition 6 (Otter and habitat Protection) and condition 7 (Migratory Fish) were imposed. The impact assessment details the planning conditions imposed, but also recommends a host of mitigation measures for each respective sensitive receptor. The report concludes that subject to capturing the recommended mitigation measures, together with the planning conditions imposed as part of the extant planning approval being carried forward, the proposed scheme can become compliant would not likely cause deterioration in the status of Greatham Beck catchment and would not likely hinder it from achieving Good Status. An additional condition (39) is recommended accordingly.

4.82 In addition to the Council's Ecologist, The Environment Agency have also reviewed the proposed scheme and raise no objections, subject to the respective planning conditions being addressed. In addition to the aforementioned planning conditions, a further condition is recommended to secure the details contained within the WFD Impact Assessment and a condition is recommended accordingly. It is noted that the application seeks to also vary condition 12 (Ecological Enhancement),

although it appears that no changes are proposed to the Enhancement measures and no additional information is required to be included within the respective planning condition and the planning condition is retained in the form as already approved.

4.83 Having regard to the above considerations, taking account of the comments and considerations of the Council's Ecologist and the Environment Agency and subject to the recommended conditions and informatives, the proposed variation scheme is considered not to lead to any impacts that would be considered significant in respect to EIA development.

#### FLOOD RISK, DRAINAGE & CONTAMINATION

4.84 Hartlepool Local Plan Policy CC2 (Reducing and Mitigating Flood Risk) sets out that all new development proposals will be required to demonstrate how they will minimise flood risk to people, property and infrastructure from all potential sources. Hartlepool Rural Neighbourhood Plan Policy GEN 2 (criterion 7) sets out how the design uses sustainable surface water management solutions to reduce all water disposal in public sewers and manage the release of surface water into fluvial water.

4.85 The application site covers a large area of land from the western aspect of the borough, at the junction of the A19, to a point to the east adjacent to Dalton Beck. The application site is mainly located within flood zone one, although the site would pass through a number of watercourses, where there is a higher risk of flooding.

4.86 The approved extant scheme (H/2023/0057) is subject to planning condition 4 for the submission of detailed design a Surface Water Management and the proposed scheme would include the installation of nine attenuation ponds at both sides of the A19. Three attenuation ponds would be located immediately to the west of the A19 trunk road and five would be to the immediate east, with a further attenuation pond located at the eastern most aspect of the application site, adjacent to Elwick Road and Dalton Beck. The attenuation ponds are proposed to be linked to the existing watercourses of Char Beck and Dalton Beck. Culverted underpasses are also proposed that would manage the flow of the existing watercourses through aspects of the application site.

4.87 The current scheme to vary the approved planning application would include some alterations to the existing watercourse. Areas H and J as identified on the submitted site plan illustrate watercourse realignment, in part in relation to the proposed underpass works. The submitted addendum to the Environmental Statement considers the impacts of such works difficult to determine without hydraulic modelling of the watercourse, where the impact may be between moderate adverse and major adverse due to flood risk impacts. In addition to the above, it is noteworthy that a number of field bridges are proposed over watercourses. Their inclusion has been assessed within the submitted addendum to the Environmental Statement, where their impact is considered likely to be minor adverse due to the size of the watercourse.

4.88 The Council's Flood Risk Officer has been consulted and has had regard to the proposed changes as identified above (including the potential impacts of the

submitted addendum to the Environmental Statement) and has raised no objections to the proposed development in relation to flood risk and drainage matters, subject to the detailed design and associated management and maintenance of surface water drainage condition being carried forward, where such impacts on the watercourse can be duly considered. In addition, the Environment Agency have also considered the proposed development and offer not objections and note the respective planning condition in relation to providing appropriate mitigation and compensation for the realignment of the watercourse (condition 5), which is unaffected, as part of the proposed works and would be carried forward in the event of a planning approval. Northumbrian Water were also consulted, although no comments have been received. Anglian Water were consulted who have confirmed that they have no objections or concerns.

4.89 In addition to the above, details of the field bridge structures are secured by way of planning condition 31 of the approved development, which would be carried forward as part of the current variation application.

### *Contamination*

4.90 With respect to matters in relating to contamination, as detailed above, the proposed development would involve interaction with the watercourse at various areas across the application site. As detailed within the above Ecology section a Water Framework Directive Assessment has been submitted along with consideration within the addendum to the Environmental Statement of contamination related matters.

4.91 The Environment Agency had regard to this consideration as part of the original approved scheme, where it was detailed that should a pilling technique is used, the Environment Agency advise the Local Planning Authority to ensure that an appropriate controlled waters risk assessment is undertaken. Accordingly, planning condition 34 of the original planning approval would be carried forward as part of the current variation application to control such matters. In addition, as part of the original scheme, the Environment Agency also requested that the finalised scheme for Surface Water Management includes the requirement to treat and remove suspended solids from surface water run-off during construction works, which would also be re-imposed accordingly. A number of Environment Agency contamination informatives would also be carried forward from the original scheme to remind the applicant of their responsibilities in this respect. An informative is recommended concerning the management of silt to prevent the deterioration of water quality; an informative is recommended with respect to groundwater protection and an informative is also recommended in respect to risk management and good practice in relation to land contamination. In addition, a condition is also carried forward in respect that any unexpected contamination is found during the construction period, and is duly recommended. Having regard to the above considerations, subject to the recommended conditions and informatives, the proposed development is considered to suitably manage any issues concerning contamination.

4.92 In view of the above considerations, having regard to the comments and considerations of the Council's Flood Risk Officer and the Environment Agency, subject to the recommended conditions and informatives as carried forward from the

previous approved scheme and additional planning condition, the proposed development is considered to suitably manage any issues concerning flood risk, drainage and contamination related issues.

#### IMPACT ON AMENITY OF NEIGHBOURING LAND USERS AND SURROUNDING PROPERTIES

4.93 Paragraph 135 of the NPPF requires that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Local Plan Policy QP4 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. Hartlepool Rural Neighbourhood Plan Policy EC1 (development of the rural economy) sets out that the development of the rural economy should not result in a detrimental to the amenity of nearby residential properties.

4.94 During the course of the original planning application (H/2023/0057), full detailed consideration was given to impacts from the Grade Separated Junction and road network on the amenity of the surrounding neighbouring land users and surrounding properties. The original planning application considered matters including noise impacts, air quality, the impacts during the construction phase and the impacts from the eventual physical development. The application considered that given the distance and relationship between the proposed development, with the nearest neighbouring properties at approximately 290 metres away, there would be no significant loss of amenity or privacy in terms of overbearing, loss of outlook or overlooking related matters for surrounding properties. The impact on air quality, noise and vibration were considered to be as ranging from low adverse to a moderate beneficial impact.

4.95 With respect to the construction phase, condition 35 of the original planning approval requires dust emissions mitigation and condition 38 would control hours and days of operation, during the construction period. In addition, condition 22 of the planning approval requires a Construction Traffic Management Plan, as requested by National Highways, which would require the applicant to agree the routes for associated construction traffic. The implementation of such planning conditions are considered to account for and mitigate the associated temporary impacts of the proposed development. In the event of a planning approval, all such amenity related conditions would be carried forward as part of the current variation application and other than an administrative plan reference, no planning conditions of the approved development would be impacted.

4.96 The proposed changes as submitted as part of the current scheme are considered to represent minor alterations and additions to the already approved development. Of note, the proposed changes in the main relate to the provision of eight field access tracks, two field bridges and an additional underpass, all to allow practicable site access for the respective landowners. With respect to the proposed variations to the approved scheme and the impact on residential amenity, given the relationship with the surroundings, largely set away from any nearby residential

properties and taking account of the minor nature of the proposed changes, it is considered that there would be no significant impact on the amenity of wider surrounding properties. The Council's Public Protection section have considered the planning application and have raised no concerns or objections and no further planning conditions are recommended over and above those referenced above. An informative is recommended in respect to advising the applicant of no open burning, which was an advisory of the previously approved scheme.

4.97 Having regard to the above considerations, taking account of the comments and considerations of the Council's Public Protection section and the findings of the addendum to the Environmental Statement, the proposed development is considered not to result in any impacts that would be considered significant detrimental impacts in terms respect of residential amenity for the surrounding neighbouring occupiers and land users.

## OTHER PLANNING MATTERS

### *Crime & Anti-Social Behaviour*

4.98 Cleveland Police have provided a response detailing that their comments from the original application are still applicable, which raised no concerns or objections. The Council's Community Safety & Engagement section were also consulted and no comments were received. Consequently, the proposed variation application raises no issues in respect to crime and anti-social behaviour.

### *Utilities*

4.99 Both Northern Powergrid and Northern Gas Networks were consulted who have raised no objections to the proposed development, although have provided information in relation to any infrastructure within the area. Information concerning these matters is relayed to the applicant by way of informative accordingly.

4.100 Northumbrian Water were consulted and no response has been received. Anglian Water were consulted and have advised that they have no infrastructure in this area that would be affected by the proposed development.

4.101 The Health and Safety Executive were consulted and have advised to consult their online Planning Advice Web App for developments of specific criterion. The Planning Advice Web App was consulted through the application process for the approved, extant development, where it was confirmed that the scheme would not intersect a pipeline or hazard zone and therefore the HSE had no interest in the development. The current variation application would make a number of minor alterations/additions within the same red line boundary. Nonetheless, the proposal has been run through the HSE's Planning Advice Web App again which has confirmed the same result (that the HSE has no interest). Consequently, it is considered that there are no concerns in respect to Health and Safety related matters. The Emergency Planning Officer was also consulted and raises no concerns with the proposed changes to the extant scheme.

### *National Security & Aviation*

4.102 Teesside International Airport were consulted and no objection have been received. The Ministry of Defence were also consulted and no response was received.

#### *Other Consultee Responses*

4.103 The Coal Authority have been consulted who have raised no objections or concerns with respect to the proposed development.

### **PLANNING BALANCE AND OVERALL CONCLUSION**

4.104 The application seeks planning approval to vary an approved extant scheme for a key piece of strategic infrastructure that is fundamental to the future sustainable growth of the borough of Hartlepool and is central to the aims and objectives of policy LS1 of the adopted Hartlepool Local Plan.

4.105 The proposed scheme, including the changes proposed would offer multi-faceted benefits in enabling the Local Authority to meet its housing needs, whilst also securing safer journeys that would alleviate and provide additional capacity to accommodate the pressures on the road network throughout the borough. The proposed scheme would also provide improved quality of life and heritage benefit within the village of Elwick by reducing traffic through the village and would provide opportunity for enhancements to green infrastructure that would have both increased visual and ecological benefits.

4.106 Having regard to the proposed variations, it is considered that in this instance, that none of the concerns/impacts are so substantial that they would significantly and demonstrably outweigh the respective benefits of the proposed scheme when assessed against the policies within the Hartlepool Local Plan, Rural Plan and the provisions of the NPPF including each of the three strands of sustainability. In view of the above, it is considered that on balance, the application represents a sustainable form of development and is considered to be acceptable.

4.107 The application is accordingly recommended for approval.

### **EQUALITY DUTY**

4.108 The Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. 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.

### **CRIME AND DISORDER ACT IMPLICATIONS**

4.109 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. Matters of crime, fear of crime and anti-social behaviour are considered in detail in the relevant section of this report. 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

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

**RECOMMENDATION - APPROVE** subject to the following planning conditions:

1. The development to which this permission relates shall be begun not later than 17.01.2029.  
To clarify the period for which the permission is valid.
  
2. The development hereby approved shall be carried out in accordance with the following plans:
  - 568-OD-001-SL(B) Rev B (Site Location Plan),
  - 568-OD-009-CS1(B) Rev B (Typical Cross Sections 1),
  - 568-OD-010-CS2(B) Rev B (Typical Cross Sections 2),
  - all received by the Local Planning Authority on 19/09/2023;
  
  - PR568/OD/013/GA (A) (General Arrangement)
  - 568/OD/003/SWD (C) (Surface Water Drainage Layout),
  - 568/OD/004/AS (C) (Attenuation System for Surface and Ground Water)
  - 568/OD/005/UC(B) (Underpasses and Culverts),
  - 568/OD-007/LS(C) (Long Section from A19 to Elwick Road),
  - 568/OD/008-CS(D) (Cross Section Location Plan),
  - Figure 6-12 (Landscape and Ecological Mitigation Principles),
  - all received by the Local Planning Authority on 05.11.2025; and
  
  - 568/OD/0014-OBR(B) (A19 Overbridge Elevation), received by the Local Planning Authority on 09.01.2026.
  - To define Planning Permission and 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 and structures 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 structures and impact on the surrounding area in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan (2018).
  
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 (subject to minimum practicable flow control). The scheme shall be designed to treat and remove suspended solids from surface water run-off during construction works. All drainage run-off shall be discharged through interceptors. 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 scheme shall be designed in consultation with the Environment Agency and the Local Lead Flood Authority. The approved scheme shall be implemented (and thereafter maintained) in accordance with the approved detailed design prior to the development being fully open to traffic or completion of the development (whichever is the sooner). To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality, to consider trees of high value and improve habitat and amenity.

5. Prior to the channel realignment and culverting of the watercourse works being carried out on site, a scheme for mitigation and compensation for the impacts of realignment, loss of watercourse and riparian habitat along with a timetable for implementation, shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Environment Agency. The scheme shall include the following:

- Details of mitigation and compensation for the impacts of channel realignment and loss of watercourses and associated bankside vegetation / riparian habitat;
- Finalised plans for the culvert including bed depths, which shall be to CIRIA guidance, have natural beds and be suitable for fish passage. Thereafter and following the written approval of the Local Planning Authority, the agreed mitigation measures shall be fully implemented in accordance with the scheme's timing/phasing arrangements.

In order to compensate and mitigate disturbance to the watercourse and to prevent a net loss in river habitat and riparian vegetation.

6. Notwithstanding the submitted information, no development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, detailing how otter and their associated habitat will be protected. The scheme shall consider the whole duration of the development and be carried out in accordance with a timetable for implementation as approved. The scheme shall include the following elements:

Details of how otter are to be protected during construction works; this may include a method statement detailing the requirement for a pre-construction survey for otter, and a species-specific method statement for vegetation removal;

A detailed plan for the protection of otter during the operational phase of the scheme to further reduce the likelihood of otter roadkill, specifically around the proposed SuDS and balancing ponds between the slip roads and A19, and on Char Beck. Thereafter, the proposed development shall be carried out in strict accordance with the approved plan, both during the construction phase and once operational and shall be retained for the lifetime of the development. In order to safeguard protected species both during construction and within the operational phase of the proposed development in accordance with paragraphs 182 and 187 of the National Planning Policy Framework (NPPF, 2024) which recognise that the planning system should conserve and enhance the environment.

7. Notwithstanding the development hereby approved, no development shall commence until a scheme of programmed works for the protection of migratory fish has been submitted to and agreed in writing by the Local Planning Authority, in consultation with the Environment Agency. The approved scheme shall demonstrate how during sensitive times between October and May inclusive, any works within proximity to controlled waters including the installation of new culverts, operation of new streams and the extension of existing culverts, would protect against the disturbance of spawning fish and/or their habitat and eggs. Thereafter and following the written agreement of the Local Planning Authority, the proposed development shall be carried out in strict accordance with the approved scheme during the construction phase of the development.  
In order to prevent disturbance spawning fish and/or their habitat and their eggs.
8. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development, 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 (in so far as the landscaping) shall be in general conformity with the plan 568-OD-011-LP(A) Rev A (Landscape Proposals), received by the Local Planning Authority on 19/09/2023, allowing for the variations hereby approved and 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. The scheme shall also include a Landscape and Ecological Mitigation Strategy based on the principles detailed in section 5.6 of the submitted Environmental Statement Volume 1 Main Text (Document reference: JXX-JBAU-00-00-RP-EN-0008 dated June 2023 and received by the Local Planning Authority 29/06/2023) and plan Figure 6-12 (Landscape Ecological Mitigation Principles) received by the Local Planning Authority on 05/11/2025. 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 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 fully open to traffic or completed (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 and to enhance biodiversity in accordance with the provisions of Policy NE1 of the Hartlepool Local Plan (2018) and the NPPF (2024).

9. 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 BNG Metric (The Biodiversity Metric 3.1 - Calculation Tool, received by the Local Planning Authority on 08/01/2026) a minimum of 144.63 Habitat Units, 66.24 Hedgerow Units (with trees) and 14.13 River Habitat Units habitat retention, creation and enhancement (as detailed in 'Headline Results' section of 'The Biodiversity Metric 3.1 - Calculation Tool', received by the Local Planning Authority on 08/01/2026 and the 'A19/ Elwick Road/ North Lane Junction and Elwick Road/ Hartlepool Western Link Project, BNG Report Addendum, Final Report, dated October 2025' (Ref: JXX-JBAU-00-00-RP-EN-0001-S3-P02-BNG\_Addendum, received by the Local Planning Authority on 05/11/2025) and the subsequent management of habitats in the condition stated in the BNG Metric 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 biodiversity metric 3.1 (The Biodiversity Metric 3.1 - Calculation Tool, received by the Local Planning Authority on 08/01/2026). 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, and paragraphs 8, 182 and 187 of the NPPF (2024) and Policy NE1 of the Hartlepool Local Plan (2018).
10. Prior to commencement of development, details of compensation, including an appropriate timetable for delivery, for ground-nesting farmland birds shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall include: a) details of habitat creation sufficient to provide the delivery of the compensation; b) the provision of arrangements to secure the delivery of compensation (including a timetable for their delivery); c) a management and monitoring plan (to include for the provision and maintenance of the compensation 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. The development shall be carried out in accordance with the approved details and thereafter retained.

To ensure suitable provision of ecological compensation.

11. Prior to the commencement of development, a Landscape and Ecological Mitigation Strategy and timetable for implementation shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include the mitigation measures as detailed in section 5.6 of the submitted Environmental Statement Volume 1 Main Text (Document reference: JXX-JBAU-00-00-RP-EN-0008 dated June 2023 and received by the Local Planning Authority 29/06/2023) and be in general conformity with plan Figure 6-12 (Landscape Ecological Mitigation Principles) received by the Local Planning Authority on 05/11/2025 and shall include the following requirements;
  - Pre-commencement surveys shall be undertaken by an appropriately qualified ecologist prior to the start of vegetation clearance and construction activities on site. The pre-commencement surveys shall aim to confirm that the surveys undertaken during the assessment phase are still representative of the ecological status and there have been no changes, e.g. establishment of a badger sett. The pre-commencement surveys shall also programme vegetation clearance requirements;
  - All vegetation clearance works will be carried out under the supervision of an Ecological Clerk of Works, and a precautionary system of work shall be put in place. Vegetation clearance shall follow a pre-confirmed method statement following the written agreement of the Local Planning Authority;
  - Vegetation clearance shall be undertaken outside of the breeding bird season (typically March to September), or under the supervision of an experienced ornithologist during the season;
  - New and extended culverts shall ensure that natural stream bed connectivity is maintained, and that channel erosion (bed and banks) is avoided downstream of the culvert outlets. Any natural stream bed material removed during in-channel works shall be replaced to maintain geomorphological continuity;
  - All in-channel and temporary works shall be managed to prevent sediment discharge into the watercourses;
  - A biosecurity procedure shall be prepared by the Contractor and implemented through the entire project construction programme;
  - Any excavations left open overnight shall have a means of escape for wildlife that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°;
  - Temporary works within streams to be undertaken in a dry environment, following dewatering of the channel. Fish-friendly pumps shall be used to ensure no entrainment of fish occurs. Dewatering works may also need to be supervised by appropriately experienced fisheries specialists, to undertake a licensed fish rescue if necessary;

- Bat mitigation measures shall be provided in accordance with those identified within section 5.6.13 of the aforementioned Environment Statement Volume 1. Thereafter the approved Landscape and Ecological Mitigation Strategy shall be implemented and maintained in accordance with the agreed details and timetable.

To ensure suitable provision of ecological mitigation measures.

12. Prior to commencement of the development hereby approved, full details of additional ecological enhancement measures, as set out within section 5.6.30 of the Environmental Statement Volume 1 Main Text (Document reference: JXX-JBAU-00-00-RP-EN-0008 dated June 2023 and received by the Local Planning Authority 29/06/2023) shall be submitted to and agreed in writing with the Local Planning Authority. The details shall also set out a timetable for implementation of the measures. The scheme shall include as a minimum details of:
- Interlinking hedgerows to be enhanced through gapping up and tree establishment, particularly double hedgerows;
  - Wetland habitat to be created consisting of a series of nine surface and ground water attenuation ponds and SuDS systems spread across the site, with a meadow grass mixture for wet soils including species;
  - Wildflower grass verges to be created;
  - Tree management to be carried out to promote deadwood habitats and retain standing, over-mature trees;
  - Tree trunks from felling works to be left lying or logged and stacked on site as dead wood habitat;
  - New fish-free pools and ditches to be created to benefit amphibians and invertebrates;
  - All surface water drainage will be 'catch pits' instead of standard inspection chambers with a piped floor;
  - New hedges / restored habitats with field trees providing opportunities for bat roost sites and areas of good foraging habitat;
  - Lighting systems to be designed in accordance with Guidance Note 08/18 Bats and artificial lighting in the UK: Bats and the Built Environment series.
  - Underpasses for farm access shall also be available to mammals, with planting within 2m of the entrances to provide cover for mammals.
  - Mammal ledges shall be provided on the two new 600mm diameter culverts.
- Thereafter and following the written agreement of the Local Planning Authority, the scheme shall be implemented in accordance with the agreed details and timetable for implementation.
- To provide an ecological enhancement for protected and priority species, in accordance with paragraph 182 of the NPPF (2024).
13. Prior to the commencement of development, details for the erection of 30no. bat boxes and 30no. bird nest boxes (suitable for swallows, house martins, tawny owls, little owls, starlings, house sparrows and tree sparrow) including the exact location, specification, design, and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The bat and bird nest boxes shall be made of woodcrete material (or similar) and shall be positioned on suitable infrastructure such as beneath bridges and in underpasses (20no. bat boxes and 20no. bird nest boxes) and in mature trees

(10no. bat boxes and 10no. bird nest boxes). Thereafter and following the written agreement of the Local Planning Authority, the bat and bird nest boxes shall be installed strictly in accordance with the details and timetable for implementation so approved and shall be maintained as such thereafter for the lifetime of the development.

To provide an ecological enhancement for protected and priority species, in accordance with paragraph 182 of the NPPF (2024).

14. Notwithstanding the submitted information and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, the agreed scheme for the protection and retention of the retained trees (as identified in the Arboricultural Method Statement described as 'B:- Alternative fencing detail', by Elliots Consultancy Ltd, dated April 2025, received by the Local Planning Authority on 11 November 2025) shall be carried out in strict accordance with the approved document. Thereafter and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, a site meeting shall take place with the Council's Arboricultural Officer to determine how the tree protection measures are going to be implemented on site (in respect of the proposed culvert works) and thereafter the agreed protection measures shall be implemented on site (and thereafter retained until the 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 that are found to be dead, dying, severely damaged or diseased as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of the health and appearance of the existing trees, the visual amenity of the area and in the interests of protected species.
15. A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions and;
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be fully open to traffic 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. In order to ensure that the archaeology of the site is adequately investigated.

16. Notwithstanding the submitted information, and prior to the commencement of development, a site specific Waste Audit which shall identify the amount and type of waste which is expected to be produced by the development of the site, both during the construction phase and once it is in use, shall be submitted to and agreed in writing with the Local Planning Authority. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy, and shall include a timetable for implementation. Thereafter, the site shall be carried out in accordance with the agreed details.  
To ensure a satisfactory form of development, in the interests of visual amenity and the amenities of neighbouring land users, and to ensure compliance with the requirement for site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.
17. No development hereby permitted (as shown on drawing number PR568/OD/013/GA (A) (General Arrangement) shall commence until a detailed Construction Design Plan and working Method Statement relating to site earthworks has been submitted to and approved by the Local Planning Authority (in consultation with the Highway Authority for the A19). Construction of the development shall then be carried out in accordance with the agreed Construction Design Plan and working Method Statement.  
To mitigate any adverse impact from the development on A19 in accordance with DfT Circular 01/2022.
18. Prior to the commencement of any excavation works and landscaping works within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/NH1/A, geotechnical submissions shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19).  
To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.
19. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/NH1/A) shall commence until such time as: the design, materials and construction methods to be adopted have been subject to the full requirements of the Design Manual for Roads and Bridges standard CG300 'Technical Approval of Highway Structures'; have been given Technical Approval by a competent, independent Technical Approval Authority appointed by the applicant; and the Technical Approval has been agreed with the Local Planning Authority (in consultation with the Highway Authority for the A19).

To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.

20. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/NH1/A) shall commence until, a drainage survey in line with DMRB CS 551 Drainage Surveys has been undertaken and a detailed surface water drainage design shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19) and subsequently implemented as approved. The SUDS is to be installed according to the approved SUDS plan and maintained in perpetuity. The design shall give due regard to the requirements of DfT Circular 01/2022 and shall include a maintenance Method Statement and schedule. Surface water drainage shall be implemented in accordance with the agreed design and shall be maintained as such thereafter.  
In the interest of the safe and efficient operation of the Strategic Road Network, and to protect the integrity of the Trunk Road drainage asset in accordance with DfT Circular 01/2022.
  
21. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/NH1/A) shall commence until, a Landscape Management Plan, Planting Schedule and details of implementation and future maintenance shall be submitted to and approved in writing to the Local Planning Authority (in consultation with the Highway Authority for the A19). Planting shall be undertaken in accordance with the agreed plan and maintained as such thereafter.  
In the interest of the safe and efficient operation of the Strategic Road Network and to protect the highways soft estate. National Highways Planning Response (NHPR 22-12) December 2022
  
22. No development hereby permitted (as shown on drawing number PR568/OD/013/GA (A) (General Arrangement shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19). Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A19.  
To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.
  
23. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/NH1/A) shall commence until a boundary treatment plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19). The plan shall include as a minimum: a) details of the fencing location, type, construction method and maintenance; and b) details for management of existing boundary planting to include an Arboricultural Tree Survey and Tree Protection Plan with a Method Statement for any works required to address the removal, retention and management of

trees along this boundary. All works shall be undertaken in accordance with the agreed plan and maintained in perpetuity as such thereafter.

For reasons of safety, liability and maintenance in accordance with paragraph 57 DfT Circular 01/2022.

24. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/NH1/A) shall commence until detailed design has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19).  
To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.
  
25. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/NH1/A) shall commence until a Stage 2 Road Safety Audit in accordance with DMRB GG119 (including a completed Road Safety Audit Decision Log) has been submitted to and approved in writing, unless agreed otherwise, by the Local Planning Authority in consultation with the Highway Authority for the A19.  
To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022 and DMRB GG119.
  
26. Prior to the development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/NH1/A) opening for traffic, a Stage 3 Road Safety Audit in accordance with DMRB GG119 (including a completed Road Safety Audit Decision Log) shall be submitted to and approved in writing, unless agreed otherwise, by the Local Planning Authority in consultation with the Highway Authority for the A19. National Highways Planning Response (NHPR 22-12) December 2022.  
To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022 and DMRB GG119.
  
27. Within 18 months from the date at which the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/NH1/A) have opened for traffic, a Stage 4 Road Safety Audit in accordance with DMRB GG119 (including a completed Road Safety Audit Decision Log) shall be submitted to and approved in writing, unless agreed otherwise, by the Local Planning Authority in consultation with the Highway Authority for the A19.  
To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022 and DMRB GG119.
  
28. Prior to the development hereby permitted (as shown on drawing number PR568/OD/013/GA (A) (General Arrangement), a Construction Environmental Management Plan must be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19). The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.  
To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.

29. Prior to the commencement of the development hereby permitted, a Traffic Monitoring Strategy to monitor traffic flows on the A19 mainline and A19 slip roads (as shown in principle on drawing PR568/NH1/A) must be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19).  
To monitor highway safety and to mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.
30. Prior to the scheme opening for traffic, the agreed Traffic Monitoring Strategy must be implemented to the satisfaction of the Local Planning Authority (in consultation with the Highway Authority for the A19).  
To ensure highway safety and to mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.
31. Notwithstanding the submitted details, prior to above ground construction of the ramped slip road and overbridge (and any other structures to be erected) hereby approved, precise details of the materials to be used and their colour in the construction of the external walls and railings shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be implemented in accordance with the approved details.  
To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity.
32. Notwithstanding the submitted details and prior to above ground construction of the development hereby approved, full details of all walls, fences and other means of boundary enclosure, including size, siting and finishing materials, shall be submitted to and approved by the Local Planning Authority. Such details shall include the creation of migration corridors between boundary enclosures to enable hedgehog migration. Thereafter the development shall be carried out in accordance with the approved details prior to the development being fully open to traffic or completion of the development (whichever is the sooner).  
In the interests of visual amenity, the privacy of future occupiers and neighbouring landusers and to ensure that the development provides migratory routes for ecology.
33. Notwithstanding the proposed details within the submitted plans and prior to the implementation of such works on site, details of proposed hard landscaping and surface finishes (including access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This 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 development being fully open to traffic or completion of the development (whichever is the sooner).  
To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
34. Prior to any piling activities being undertaken (as may be required) as part of the proposed development hereby approved, details of such piling works and

an associated appropriate controlled waters risk assessment shall be first submitted to and agreed in writing with the Local Planning Authority, thereafter the development shall be carried out in strict accordance with the approved details.

In order to appropriately control the development including consideration of any impacts on controlled waters through contamination.

35. Prior to the commencement of development hereby approved, a scheme of measures to effectively control dust emissions from the site during construction shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall address control of dust from site surfaces and roadways, earth moving activities, control and treatment of stock piles and offsite dust monitoring. Thereafter, the agreed scheme and measures shall be implemented prior to the site becoming operational and shall be maintained for the duration of the construction period development.  
In the interests of neighbouring amenity and land users.
  
36. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.  
To ensure that any site contamination is addressed.
  
37. Prior to the installation of any external lighting and/or floodlights 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. 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.
  
38. No construction/demolition/excavation works shall take place at the site or deliveries and collections to and from the site shall be carried out except between the hours of 8:00 and 18:00 Monday to Friday, and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays.  
To ensure the development does not prejudice the amenity of surrounding land users and their properties.

39. All works to the Greatham Beck catchment water body shall at all times strictly adhere to the mitigation measures as set out within Table 6.1 'Impacts to Greatham Beck catchment (trib of Tidal Tees) water body and proposed mitigation measures' of the submitted Water Framework Directive Assessment Final Report (dated September 2025), received by the Local Planning Authority 05.11.2025.  
In order to mitigate the effects of the proposed scheme on the water body.

## **BACKGROUND PAPERS**

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=167027>

4.112 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

## **CONTACT OFFICER**

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## Land In The Vicinity Of Elwick Village And The A19, Comprising Multiple Parcels Of Land



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THIS PLAN IS FOR IDENTIFICATION PURPOSES ONLY

<h1>HARTLEPOOL BOROUGH COUNCIL</h1>	DRAWN LH	DATE 17/12/2025
	Scale 1:1100	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DWG.NO H/2025/0363	REV

## **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)

## ILLUSTRATIVE EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

Material Planning Considerations	Non Material Considerations
<i>Can be taken into account in making a planning decision</i>	<i>To be ignored when making a decision on a planning application.</i>
<ul style="list-style-type: none"> <li>• Local and National planning policy</li> </ul>	<ul style="list-style-type: none"> <li>• Political opinion or moral issues</li> </ul>
<ul style="list-style-type: none"> <li>• Visual impact</li> </ul>	<ul style="list-style-type: none"> <li>• Impact on property value</li> </ul>
<ul style="list-style-type: none"> <li>• Loss of privacy</li> </ul>	<ul style="list-style-type: none"> <li>• Hypothetical alternative proposals/sites</li> </ul>
<ul style="list-style-type: none"> <li>• Loss of daylight / sunlight</li> </ul>	<ul style="list-style-type: none"> <li>• Building Regs (fire safety, etc.)</li> </ul>
<ul style="list-style-type: none"> <li>• Noise, dust, smells, vibrations</li> </ul>	<ul style="list-style-type: none"> <li>• Land ownership / restrictive covenants</li> </ul>
<ul style="list-style-type: none"> <li>• Pollution and contaminated land</li> </ul>	<ul style="list-style-type: none"> <li>• Private access disputes</li> </ul>
<ul style="list-style-type: none"> <li>• Highway safety, access, traffic and parking</li> </ul>	<ul style="list-style-type: none"> <li>• Land ownership / restrictive covenants</li> </ul>
<ul style="list-style-type: none"> <li>• Flood risk (coastal and fluvial)</li> </ul>	<ul style="list-style-type: none"> <li>• Private issues between neighbours</li> </ul>
<ul style="list-style-type: none"> <li>• Health and Safety</li> </ul>	<ul style="list-style-type: none"> <li>• Applicants personal circumstances (unless exceptional case)</li> </ul>
<ul style="list-style-type: none"> <li>• Heritage and Archaeology</li> </ul>	<ul style="list-style-type: none"> <li>• Loss of trade / business competition (unless exceptional case)</li> </ul>
<ul style="list-style-type: none"> <li>• Biodiversity and Geodiversity</li> </ul>	<ul style="list-style-type: none"> <li>• Applicants personal circumstances (unless exceptional case)</li> </ul>
<ul style="list-style-type: none"> <li>• Crime and the fear of crime</li> </ul>	
<ul style="list-style-type: none"> <li>• Planning history or previous decisions made</li> </ul>	

(NB: These lists are not exhaustive and there may be cases where exceptional circumstances require a different approach)



Hartlepool  
Borough Council

## Planning Committee

21<sup>st</sup> January 2026

**Report of:** Director for Neighbourhood and Regulatory Services

**Subject:** UPDATE ON ENFORCEMENT ACTIONS

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### 1. Purpose of Report

- 1.1 To update members with regard to enforcement actions that have been taken.
- 1.2 The following enforcement actions have been taken within this reporting period:
- 1.3 A Breach of Condition Notice has been served in respect of non-compliance with an archaeology condition at a residential development site at land adjacent to Milbank Close, Hart Village.

### 2. Recommendations

- 2.1 Members note this report.

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## Planning Committee

21<sup>st</sup> January 2026

**Report of:** Director for Neighbourhood and Regulatory Services

**Subject:** PLANNING APPEAL AT GLADSTONE HOUSE, 46  
VICTORIA ROAD, HARTLEPOOL, TS26 8DD

APPEAL REF: APP/H0724/Z/25/3376057.

Advertisement consent for the display of 2no. signs to the front elevation at first floor level and 1no. sign to the side elevation at first floor level. (H/2025/0111)

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### 1. Purpose of Report

- 1.1 To advise members of a planning appeal that has been submitted against the Local Planning Authority's decision to refuse an advertisement consent application for the display of 2no. signs to the front elevation at first floor level and 1no. sign to the side elevation at first floor level. (H/2025/0111).
- 1.2 The planning application was refused on 24<sup>th</sup> September 2025 under delegated powers for the following reason:

*In the opinion of the Local Planning Authority, the proposed advertisements, by virtue of their scale, materials, design, and siting, would be out of keeping with the character and appearance of the host property and the surrounding Conservation Area. As such, the proposal would cause less than substantial harm to the designated heritage asset (Grange Conservation Area). It is further considered that there is insufficient information to indicate that this*

*harm would be outweighed by any public benefits of the development. The proposal is therefore contrary to policies QP4, QP8, and HE3 of the Hartlepool Local Plan (2018), as well as Paragraphs 208, 210, 212, 213, 215, 216, and 219 of the National Planning Policy Framework (2024).*

- 1.3 A copy of the officer's report is appended at **Appendix 1**.

## **2. Recommendations**

- 2.1 That Members note this report.

## **3. Contact Officers**

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## **4. Author**

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**Appendix 1.**

**Application No** H/2025/0111

**Proposal** Advertisement consent for the display of 2no. signs to the front elevation at first floor level and 1no. sign to the side elevation at first floor level.

**Location** GLADSTONE HOUSE, 46 VICTORIA ROAD, HARTLEPOOL

**PS Code:** 22

<p><b>DELEGATION ISSUES</b></p> <p><b>1) Publicity Expiry</b></p>	<p>Neighbour letters:</p> <p>Site notice:</p> <p>Advert:</p> <p>Weekly list:</p> <p>Expiry date:</p> <p>Extended date:</p>	<p>09/09/2025</p> <p>13/09/2025</p> <p>17/09/2025</p> <p>16/09/2025</p> <p>26/09/2025</p>
<p><b>2) Publicity/Consultations</b></p> <p><b>PUBLICITY</b></p> <p>The application was advertised by way of two neighbour notification letters, a site notice, and an advert in the local press. No responses were received from members of the public.</p> <p><b>CONSULTS</b></p> <p>The following consultation responses were received.</p> <p><b>HBC Heritage &amp; Open Spaces:</b> The application site is located in Grange Conservation Area which is recognised as a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.</p> <p>When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 219, NPPF). It also looks for local planning authorities</p>		

to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 203 & 210, NPPF).

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

Grange Conservation Area is a predominantly residential area located to the west of the town centre. The area is characterised by large Victorian properties in generous gardens providing a spacious feel to the area. The houses are not uniform in design however the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous feel. A small row of commercial properties on Victoria Road links this residential area to the main town centre

The proposal is a retrospective application for signage. There are three signs proposed, two at first floor level on the main elevation and a one to the side.

The Shop Front and Commercial Frontages SPD provides guidance with relation to signage and states,

- "Choose signage which will reflect the character of the building and the wider area.
- As with all signage restraint is the key as excessive amounts can reduce the individual message and introduce unnecessary clutter.
- Lettering and graphics should be clear, simple and in proportion to the type of sign."

Whilst it is accepted in this instance that the building was not a commercial premises originally, and is therefore being adapted for that purpose, the need for the number of signs displayed on the building is queried. In particular there appears to be detailed information on the signs both to the front and side of the building, when it is questionable in these circumstances if it is required.

It's not actually clear from the signs themselves their purpose, if they are to enable people to locate the building when visiting, or to advertise the contact details of the company.

Within their terrace of commercial properties signs and adverts are generally constraint and discrete. Only a few have larger signs where a commercial frontage has been added to the building. In the past this building has had a single sign to the front and side of the building of a far more modest scale.

It is suggested that further consideration should be given to the signage as the current arrangements would appear excessive and unnecessary. It is suggested

<p>that consideration could be given to window transfers to indicate the company’s location in this building on the main frontage. To the side of the property there may be scope to include a smaller, single sign, it is suggested that this should be limited to the company’s name, logo and contact details.</p> <p><b>HBC Traffic &amp; Transport:</b> There are minimal impacts to the surrounding highway.</p>	
<b>3) Neighbour letters needed</b>	N
<b>4) Parish letter needed</b>	N
<p><b>5) Policy</b></p> <p><u>National Planning Policy Framework (NPPF)(2024)</u></p> <p>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:</p> <p>PARA001: Role of NPPF                  PARA002: Determination of applications in accordance with development plan                  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</p>	

PARA 085: Building a strong competitive economy  
 PARA 090: Ensuring the viability of town centres  
 PARA 092: Considering edge of town centre proposals  
 PARA131 : Achieving well-designed places  
 PARA135 : Achieving well-designed places  
 PARA139 : Achieving well-designed places  
 PARA141 : Achieving well-designed places  
 PARA 207: Conserving and enhancing the historic environment  
 PARA 208: Proposals affecting heritage assets  
 PARA 210: Proposals affecting heritage assets.  
 PARA 212: Considering potential impacts on heritage assets.  
 PARA 213: Considering potential impacts on heritage assets.  
 PARA 215: Considering potential impacts on heritage assets.  
 PARA 216: Considering potential impacts on heritage assets.  
 PARA 219: Considering potential impacts on heritage assets.

Hartlepool Local Plan 2018

LS1: Locational Strategy  
 SUS1 : The Presumption in Favour of Sustainable Development  
 QP4 : Layout and Design of Development  
 QP6 : Technical Matters  
 QP8 : Advertisements  
 RC1: Retail and Commercial Centre Hierarchy  
 RC10: West Victoria Road Edge of Town Centre Area  
 HE3: Conservation Areas

Shop Fronts and Commercial Frontages SPD

**6) Planning Consideration**

RELEVANT PLANNING HISTORY

- HFUL/1992/0291 - Use of premises as doctors surgery (approved 08/07/1992).
- HFUL/1999/0484 - Single-storey rear extension and provision of roller shutter doors in new rear boundary wall (approved 29/10/1999).
- H/2024/0361 - Change of use from health centre to serviced offices and treatment rooms (approved 28/04/2025).

SITE AND SURROUNDINGS

The application site, Gladstone House, is a two-storey, south-facing, end-of-terrace property situated at the corner of Grange Road and Murray Street. The property is neither listed nor locally listed, but it is within the Grange Conservation Area. It is also within the West Victoria Road Edge of Town Centre Area (as defined by the Hartlepool Local Plan (2018)).

The property features prominently in views along Grange Road, particularly when approaching the town centre from the west. The main entrance is located on the southern elevation (fronting towards Grange Road) and features a decorative canopy supported by neoclassical columns. Other notable architectural features include a double-hipped roof; ground floor bay windows on the southern and western elevations; quoins; decorative window heads; and a decorative dentil course.

The property benefits from garden areas adjacent to its southern and western elevations, as well as a small, enclosed yard to the rear (north).

## PROPOSAL

The application seeks retrospective advertisement consent for the display of 2no. signs to the front elevation at first floor level and 1no. sign to the side elevation at first floor level.

Two separate signs have been installed on the front (south) elevation of the host property, facing towards Victoria Road. The signs are located on either side of the central, first floor window, approximately 4.6 metres above ground level. Each measures approximately 1.45 metres wide and 1 metre tall. The westernmost sign incorporates a company logo (USG Utility Savings Group), whilst the easternmost sign incorporates a slogan and contact details.

A third sign has been installed on the western side elevation of the host property, facing towards Murray Street. The sign incorporates all of the same details as those on the front elevation. It therefore measures approximately 2.9 metres wide and 1 metre tall. It is situated approximately 4.8 metres above ground level.

All of the proposed signs are printed on white, uPVC foam boards which measures approximately 0.01 metres thick. Lettering is self-adhesive vinyl in a contemporary style, with colours including blue and orange shades.

## MATERIAL PLANNING CONSIDERATIONS

Paragraph 141 of The National Planning Policy states that:

*“The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”*

As such, the main planning considerations in respect to this application are the impact on the amenity of the surrounding area (including the impact on the amenity

of neighbouring land users) and the impact on highway safety.

#### IMPACT ON AMENITY OF THE SURROUNDING AREA

Local Plan Policy QP4 (Layout and Design of Development) requires, amongst other provisions, that proposals should be of an appropriate size, design and appearance in keeping with / sympathetic to the host property and the character of the surrounding area.

Local Plan Policy QP8 (Advertisements) states that the LPA will seek to ensure that advertisements are appropriately located within the Borough and are of an appropriate scale and size. This includes an assessment of the impact of the advertisement either individually or by a resultant cumulative effect upon the building/land on which it is to be displayed or upon the surrounding area.

It is further noted that the Shop Front and Commercial Frontages SPD states that signage should be chosen to reflect the character of the host property and surrounding area; that it should be designed in a way which minimises clutter; and that lettering and graphics should be clear, simple and in proportion to the type of sign.

When considering any application for planning permission that affects a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Paragraph 219 of the National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area.

Local Plan Policy HE3 (Conservation Areas) states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

It is acknowledged that the host property is a Class E commercial property (H/2024/0361) within the West Victoria Road Edge of Town Centre Area. The proposed signs, whilst contemporary in their design, are considered reflective of the commercial nature of the host property and the immediate surrounding area.

Nonetheless, the host property is also a former Victorian dwelling within the Grange Conservation Area, which is a designated heritage asset. In this context, the contemporary materials and design of the proposed signs are considered to conflict with the historical character of both the host property and the surrounding conservation area. It is further considered that the number of signs proposed, their

scale, and their prominence adjacent to major thoroughfares serves to exacerbate their negative impact in this regard.

HBC Heritage and Open Spaces was consulted on the proposal, commenting that too many signs are proposed and that the proposed signs are too large / indiscrete. In subsequent correspondence with the planning officer, it was confirmed that the comments amount to an objection due to the impact on the character and appearance of the Grange Conservation Area.

Overall, it is considered that the proposed advertisements, by virtue of their scale, materials, design, and siting, would be out of keeping with the character and appearance of the host property and the surrounding Conservation Area. As such, the proposal would cause less than substantial harm to the designated heritage asset (Grange Conservation Area). No information has been provided to indicate that this harm would be outweighed by any public benefits of the development.

The proposal is therefore considered contrary to policies QP4, QP8, and HE3 of the Hartlepool Local Plan (2018), as well as Paragraphs 208, 210, 212, 213, 215, 216, and 219 of the National Planning Policy Framework (2024).

#### PUBLIC AND HIGHWAY SAFETY

Local Plan Policy QP8 (Advertisements) states that the LPA will seek to ensure that advertisements are appropriately located within the Borough and are of an appropriate scale and size. This includes an assessment of the impact upon public safety, and in particular whether the advertisement itself, or the location proposed, is likely to be so distracting or impacts upon sight lines that it creates a hazard.

The proposed adverts are affixed to the external walls of the host property at first floor level. They are unlit, have a flat profile, and do not overhang the adjacent highway or footways. As such, there is no reason to suspect that they would impact upon sightlines, cause distraction to motorists, or otherwise pose a risk to public safety.

HBC Traffic & Transport was consulted on the proposal, raising no objections.

On this basis, the proposal is considered acceptable in relation to its impacts on public and highway safety.

#### CONCLUSION

Overall, it is considered that the proposed advertisements, by virtue of their scale, materials, design, and siting, would be out of keeping with the character and appearance of the host property and the surrounding Conservation Area. As such, the proposal would cause less than substantial harm to the designated heritage asset (Grange Conservation Area). It is further considered that there is insufficient

<p>information to indicate that this harm would be outweighed by any public benefits of the development.</p> <p>The proposal is therefore considered contrary to policies QP4, QP8, and HE3 of the Hartlepool Local Plan (2018), as well as Paragraphs 208, 210, 212, 213, 215, 216, and 219 of the National Planning Policy Framework (2024). The application is therefore recommended for refusal.</p>
<p><b>7) EQUALITY AND DIVERSITY CONSIDERATIONS</b></p> <p>There are no equality or diversity implications.</p>
<p><b>8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS</b></p> <p>There are no Section 17 implications.</p>
<p><b>9) Alternative Options Considered</b></p> <p>No (as per report)</p>
<p><b>10) Any Declared Register of Interest</b></p> <p>No</p>
<p><b>11) Chair’s Consultation Necessary</b></p> <p>Y</p>
<p><b>12) Recommendation</b></p> <p><b>REFUSE</b>, for the following reasons.</p>
<p><b>REASONS</b></p> <p>1. In the opinion of the Local Planning Authority, the proposed advertisements, by virtue of their scale, materials, design, and siting, would be out of keeping with the character and appearance of the host property and the surrounding Conservation Area. As such, the proposal would cause less than substantial harm to the designated heritage asset (Grange Conservation Area). It is further considered that there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. The proposal is therefore contrary to policies QP4, QP8, and HE3 of the Hartlepool Local Plan (2018), as well as Paragraphs 208, 210, 212, 213, 215, 216, and 219 of the National Planning Policy Framework (2024).</p>

**INFORMATIVE**

**1. Statement of Proactive Engagement**

**The Local Planning Authority in arriving at its decision to refuse 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, however it is not possible to address key constraints in this instance.**

**Author of Report: Lee Kilcran**

**Signed: L Kilcran**

**Dated: 22/09/2025**

**Signed: S. Bell**

**Dated: 23/09/2025**

Senior Planning Officer

**Signed:**

**Dated:**

Chair of the Planning Committee



Hartlepool  
Borough Council

## Planning Committee

21 January 2026

**Report of:** Director of Neighbourhood & Regulatory Services

**Subject:** COSTS AWARD IN RESPECT TO PLANNING APPEAL AT LAND AT WHELLY HILL FARM, WORSET LANE, HARTLEPOOL, TS27 3BH  
APPEAL REFERENCE 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.

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### 1. Purpose of Report

- 1.1 To advise members of the outcome of a Costs Award in respect to a Planning Appeal that has been received in respect to 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 award of costs is allowed. A copy of the Inspector's decision (dated 23/12/2025) is attached (**Appendix 1**).

### 2. Recommendations

- 2.1 That Members note the outcome of this appeal.

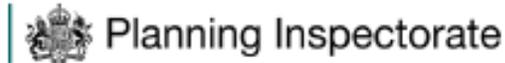
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Appendix 1:




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## Costs Decision

Site visit made on 12 November 2025

by **L N Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

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**Costs award in relation to Appeal Ref: APP/H0724/W/25/3368455**

**Land at Whelly Hill Farm, Worset Lane, Hartlepool TS27 3BH**

- The award is made under the Town and Country Planning Act 1990, sections 78, 322, and Schedule 8, and the Local Government Act 1972, section 250(5).
  - The appeal was made by Ms Emma Harding of Gridserve Sustainable Energy Ltd against the decision of Hartlepool Borough Council.
  - The appeal was against the refusal of planning permission for 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.
- 

### Decision

1. The award of costs is allowed in the terms set out below.

### Procedural matters

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 directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Inspectors may on their own initiative use their legal powers to make an award of costs, in cases where no application has been made by another party. Following the issue of my appeal decision on 27 November 2025, the Planning Inspectorate’s Costs and Decision Team (CDT) wrote to the Council to say that I was considering whether to make an award of costs against the Council.
4. That consideration was based on potential substantive grounds, as outlined in the PPG, of being a failure to produce evidence to substantiate each reason for refusal on appeal, and/or vague, generalised or inaccurate assertions about a proposal’s impact, which are unsupported by any objective analysis. The Council responded in accordance with the required timetable.

### Reasons

5. It is a fundamental principle of local decision making that a Planning Committee is not bound to follow the advice of its officers. Nevertheless, particularly where that advice is founded on technical evidence agreed by suitably qualified professionals, any contrary judgement should be supported by sound, substantive, and defensible evidence on appeal. Neither the Highway Authority or National Highways maintained any outstanding objections at the time of the Council’s decision, subject to conditions and a legal agreement. These would ensure the proposal incorporates various types of mitigation.

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<https://www.gov.uk/planning-inspectorate>

Costs Decision APP/H0724/W/25/3368455

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6. The accident record in this location is cited as contributing evidence for the Planning Committee's decision. However, the Highway Authority accident data presented by the Council at appeal stage would have been available to the Highway Authority during the determination period, and so does not offer specific justification to depart from the conclusions it already reached. Furthermore, my appeal decision confirms that this evidence indicates no specific existing highway safety issue around the proposed Solar Electric Forecourt access location, and also that the new junction would not replicate the circumstances associated with previous accidents.
7. Local lived experience is undoubtedly valid and valuable, but it also has to be expressed in a tangible manner, in the context of technical evidence and the development plan. I am unpersuaded that local familiarity with travelling along the adjacent roads is sufficient justification to outweigh the evidence before me, which indicates no directly relevant collision history, only very limited additional traffic generation, and the provision of new pedestrian crossing facilities and other mitigation. Existing congestion does not amount to evidence of specific harm resulting from the proposal.
8. I agree that, in the Council's own words, at appeal stage "the Council presented the case as fully and as reasonably as possible based on the Committee's reasoning and the evidence available." However, that the Council's case could not provide any greater depth than general assertions concerning intensification of vehicle movements near a constrained junction, perceived risks, and experience of congestion, indicates the unsubstantiated nature of the Committee's reasoning. There was no detailed explanation as to why these considerations outweigh the available technical evidence, and the opinions of the relevant consultees.
9. The Council suggests that had the appeal proceeded by way of a hearing as the appellant originally requested, Committee Members may have participated and expanded on their views. However, all parties were given additional time to make additional representations when the appeal was confirmed as being via written representations, recognising that they might otherwise have withheld certain comments which they would no longer have the chance to express orally at the hearing. Members therefore had the opportunity to put their views in writing, had they wished to do so. This is standard practice for appeals where the issues are not complex. I note that the Council's Questionnaire considered the written representation procedure to be suitable.
10. In summary, I find the Council prevented development which should clearly have been permitted, having regard to its accordance with the development plan and national policy, and any other material considerations. The Council failed to produce evidence to substantiate its reason for refusal on appeal, with vague, generalised, and inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
11. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred, and a full award of costs is therefore warranted.

Costs Decision APP/H0724/W/25/3368455

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#### Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 8 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Hartlepool Borough Council shall pay to Ms Emma Harding of Gridserve Sustainable Energy Ltd, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
13. Ms Emma Harding of Gridserve Sustainable Energy Ltd is now invited to submit to Hartlepool Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*L N Hughes*

INSPECTOR



Hartlepool  
Borough Council

## Planning Committee

21<sup>st</sup> January 2026

**Report of:** Director for Neighbourhood and Regulatory Services

**Subject:** PLANNING APPEAL AT 14 ALBION TERRACE,  
HARTLEPOOL, TS24 0QL

APPEAL REFERENCE APP/H0724/Y/24/3357116

Listed Building Consent for the retrospective replacement of 4no. windows to front (including 2no. bay window) with timber framed double glazed sliding sash windows. Proposed replacement of 1no. bay windows to front with timber framed double glazed sliding sash windows. Retrospective replacement of 5no. windows to the rear with white uPVC framed double glazed sliding sash windows. Retrospective application of render to rear elevation, retrospective removal of render from front elevation and proposed restoration of original brick external finish.

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### 1. Purpose of Report

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect to an application for Listed Building Consent for the retrospective replacement of 4no. windows to front (including 2no. bay window) with timber framed double glazed sliding sash windows. Proposed

replacement of 1no. bay windows to front with timber framed double glazed sliding sash windows. Retrospective replacement of 5no. windows to the rear with white uPVC framed double glazed sliding sash windows. Retrospective application of render to rear elevation, retrospective removal of render from front elevation and proposed restoration of original brick external finish.

- 1.2 The appeal was dismissed. A copy of the Inspector’s decision (dated 18/11/2025) is attached (**Appendix 1**).

## **2. Recommendations**

- 2.1 That Members note the outcome of this appeal.

## **3. Contact Officers**

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Appendix 1:



Planning Inspectorate

**Appeal Decision**

Site visit made on 18 November 2025

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

**Appeal Ref: APP/H0724/Y/24/3357116**

**14 Albion Terrace, Hartlepool TS24 0QL**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
- The appeal is made by Mr Scott Bolton against the decision of Hartlepool Borough Council.
- The application Ref is H/2024/0064.
- The works proposed are retrospective planning for the replacement of the front windows with timber framed, double glazed, double sliding sash units and replacement of the rear windows with white, uPVC framed, double glazed, double sliding sash windows. Additional works include the installation of new render to the rear elevation of the property and the complete removal of the render to the front elevation with the intention to restore the original brick external finish to match the other dwellings on the terrace row.

**Decision**

1. The appeal is dismissed.

**Preliminary Matters**

2. The proposal relates to a listed building within a conservation area. As required by sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
3. The application was for a number of works which had been undertaken by the time of my visit. I saw that the replacement, timber framed, double glazed, sliding sash units on the front elevation were acceptable. Moreover, both the lime render that has been applied to the rear of the building, and the removal of render from the front elevation, followed by the cleaning and repointing of brickwork are appropriate. Consequently, these works are acceptable and satisfy the requirements of the Act.

**Background and Main Issue**

4. The Council's reasons for refusal refers only to the replacement of the rear windows, therefore, the main issue is:
  - whether the proposed rear windows would preserve the grade II listed building, or its setting or any features of special architectural or historic interest which it possesses; and
  - preserve or enhance the character or appearance of the Headland conservation area (CA).

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Appeal Decision APP/H0724/Y/24/3357116

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## Reasons

### *Special interest and significance*

5. The appeal site is part of the listed, 8-12 Albion Terrace, 23 Regent Street, 14 Albion Terrace<sup>1</sup>, a row of seven houses, three storeys in height, plus basement. The Welsh slate roof is hipped on each end, including on No 14 Albion Terrace (No 14), which is at one end of the row.
6. On the front elevation, except for No 23, the basement, ground and 1<sup>st</sup> floor levels have canted bays with sash windows. Most of the properties, including No 14, have a cornice and frieze above the ground floor bay, which continues as a hood over the doorcase. Steps lead up to the front door.
7. Located on the headland peninsula, the special interest and significance of the listed building as it relates to this appeal, derives from its historic and architectural interest. Situated opposite the beach and small seaside promenade, with black railings, it is one of several prominent terraced rows overlooking the sea.
8. With neat front gardens bounded by low stone walls and railings, many with hedges, it is an attractive Victorian terrace. The bay windows on the front elevation, and axial chimney stacks, plus the consistency of materials and features, provide a rhythm to the design and contribute to the grandeur of the architecture. The listed building demonstrates the affluence of the town during the 19<sup>th</sup> century, following an industrial boom and the expansion of the port.

### *Effect of works on listed building*

9. On the rear elevation, the previous, single glazed, timber casement windows, reputed to be in a mixture of styles and appearance, have been replaced with five uPVC sash windows. Whilst the appellant has stated that the previous windows had significantly deteriorated, the evidence does not include any photographic evidence, or window schedule, documenting their state.
10. The appellant refers to uPVC sash windows being installed on the rear because they would be low maintenance, less visible, cost-effective, and improve the thermal insulation of the house, in addition to retaining the period character of the property. However, no substantive evidence has been provided that details the difference in cost between these and the wooden windows on the front elevation that have been installed. Moreover, there is no documentation from the manufacturer of the windows showing the difference in the lifespan and thermal insulation of uPVC, as opposed to wooden windows.
11. Whilst the new windows are in a sash style, they have trickle vents, which are not traditional, and the horns are differently styled to those on wooden windows. Furthermore, bars have been applied to the glass, rather than being integral to the structure of the windows. Visually, the bars appear unauthentic. This results in the windows appearing unsympathetic to the character of the listed building.
12. Although the appellant has sought to provide a consistency of design to the rear elevation from the previous elements that had been installed, uPVC windows have a regularised form and lack detail. Therefore, they have a different appearance to traditional, wooden windows. Moreover, the material is known to age differently to

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<sup>1</sup> Entry Number 1263430

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wood, often discolouring, and as they deteriorate, this erodes the character of a building.

13. Whilst the appellant refers to four other properties having uPVC windows on rear elevations, and I could see some of these from the back lane behind the terrace, the Council has stated that there is no record of any consent for these changes. These examples, which are not detailed in the evidence, do not, therefore, weigh in favour of the appeal. Moreover, the introduction of uPVC windows on Albion Terrace is mentioned within the Headland Conservation Area Character Appraisal, 2007, as a change that conflicts with the traditional architecture of the area.
14. Notwithstanding this, No 14 is an end of terrace property, on a corner site. The rear elevation is seen from the adjoining Baptist Street and the lane to the rear. Additionally, the side elevation of No 14's two-storey extension has four traditional wooden sash windows facing Baptist Street. Therefore, the contrast between these traditional wooden windows with the uPVC windows on the rear, increases the disparity between the two elevations, and the inappropriateness of those that have been installed.
15. Given the above, I find that the proposed works would fail to preserve the listed building and its setting and any features of special architectural or historic interest which it possesses. This harms the significance of the heritage asset which I must give considerable importance and weight.

*Effect on conservation area*

16. The CA, which covers the headland peninsula, is where Hartlepool was originally settled, with a monastery established here in the 7<sup>th</sup> century. During the 12<sup>th</sup> century, a town existed, and the first docks were constructed. In the Georgian period, following a boom in industry and a thriving port, terraced housing was built, which expanded during the Victorian era.
17. The special interest and significance of the CA results from its archaeological, architectural and historic interest. The street pattern, materials and layout of the Georgian and Victorian terraced housing dominate the CA and give it a unique character. In relation to this appeal, the grandeur of the properties overlooking the coast, highlight the importance of the sea and the wealth generated by industry, the port and the railway. Other key features of the CA, which contribute to its significance, is the open green space of the Town Moor, the Durham Artillery Militia Corps who took up residence in 1855 on the eastern side of the headland, and the extensive breakwater completed in 1870 to protect the North Harbour. Its historical value also results from Hartlepool's association with the First World War, as it is the location of the first hostile action against Britain by German ships.
18. Whilst the appeal site is only one property within the listed terrace, the terrace is a small, but nonetheless important part of the CA. Moreover, the ongoing replacement of traditional windows with uPVC gradually changes and diminishes the appearance of properties and harms the character of an area. Replacing the windows on the rear of this prominent building leads to harm through the erosion of historic and architectural detail. As a result, the proposal would fail to preserve or enhance the character and appearance of the CA.

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### Public Benefits and Balance

19. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have clear and convincing justification. I find the harm to the listed building to be less than substantial, and at the lower end of the scale, however, this is, nevertheless, of considerable importance and weight. The harm to the CA is also less than substantial, and whilst limited in scale, it affects a prominent terrace and important part of the CA.
20. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
21. The Planning Practice Guidance<sup>2</sup> sets out what may be regarded as public benefits, such as works to a listed private dwelling which secures its future as a designated heritage asset. However, in this case No 14 is already a private house and therefore has an optimum viable use as a dwelling. Whilst some limited economic benefits would result from the manufacture of new windows, windows constructed in an appropriate material would provide similar benefits. Furthermore, whilst the uPVC windows are intended to be energy efficient, there is no evidence to support that the thermal insulation provided by these windows is any greater than the wooden, double-glazed windows that have been installed on the front elevation. Therefore, the benefits are limited and are not sufficient to outweigh the harm that I have identified.
22. Given the above, and in the absence of any significant public benefit, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building, and the character and appearance of the CA would be neither conserved nor enhanced. This would fail to satisfy the requirements of the Act and paragraph 212 of the Framework. It would also conflict with policies HE1, HE3, HE4 of the Hartlepool Local Plan (LP), 2018, which collectively requires the protection and enhancement of all heritage assets, and LP Policy HE7 for those classified as at risk.

### Conclusion

23. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*M J Francis*

INSPECTOR

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<sup>2</sup> Paragraph: 020 Reference ID: 18a-020-20190723, 23 July 2019