

# PLANNING COMMITTEE AGENDA



**Tuesday 1<sup>st</sup> April 2014**

**at 5.00pm**

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

## MEMBERS OF PLANNING COMMITTEE:

Councillors Ainslie, Beck, Cook, Cranney, Fisher, Fleet, Griffin, James, A Lilley, G Lilley, Loynes, Martin-Wells, Morris, Robinson, Shields and Sirs

### 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 19<sup>th</sup> March 2014 (*to follow*)

### 4. **ITEMS REQUIRING DECISION**

#### 4.1 Planning Applications – *Assistant Director (Regeneration)*

- |   |             |   |
|---|-------------|---|
| 1 | H/2013/0033 | Land North of the A689, Wynyard Business Park |
| 2 | H/2013/0043 | Land North of the A689, Wynyard Business Park |
| 3 | H/2013/0076 | Land at Wynyard Village, Billingham           |

### 5. **ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

### 6. **FOR INFORMATION**

Next Scheduled Meeting on 16<sup>th</sup> April 2014 at 10.30am



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **19 March 2014**

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

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Paul Beck, Kevin Cranney, Keith Fisher, Mary Fleet, Sheila Griffin, Marjorie James, Alison Lilley, Geoff Lilley, Brenda Loynes, George Morris, Jean Robinson, Linda Shields, Kaylee Sirs

Officers: Damien Wilson, Assistant Director (Regeneration)  
Peter Devlin, Chief Solicitor  
Chris Pipe, Planning Services Manager  
Adele Wilson, Community Regeneration and Development Coordinator  
Adrian Hurst, Principal Environmental Health Officer  
Mike Blair, Highways, Traffic and Transportation Manager  
Sinead Turnbull, Senior Planning Officer  
Jo Stubbs, Democratic Services Officer

### **109. Apologies for Absence**

Apologies were submitted for Councillor Ray Martin-Wells.

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

Councillor Paul Beck declared a non-prejudicial interest in planning application H/2013/0328 Land to the South of A179 and West of Middle Warren (known as Upper Warren)

Councillor Keith Fisher declared a non-prejudicial interest in planning application H/2013/0328 Land to the South of A179 and West of Middle Warren (known as Upper Warren)

Councillor Jean Robinson declared a non-prejudicial interest in planning application H/2013/0328 Land to the South of A179 and West of Middle Warren (known as Upper Warren)

## 111. Confirmation of the minutes of the meeting held on 19<sup>th</sup> February 2014

The minutes were approved.

## 112. Planning Applications *(Director of Regeneration and Neighbourhoods)*

**Number:** H/2013/0602

**Applicant:** Mr Michael Streeting  
9 Hardwick Court HARTLEPOOL

**Agent:** ASP Associates Mr Paul Alexander Vega House 8 Grange Road Hartlepool

**Date received:** 10/01/2014

**Development:** Erection of two storey extensions at the sides and at the rear to include a balcony, a first floor extension over garage, single storey extension at the rear and a porch at the front (Amended Plans Received)

**Location:** 9 HARDWICK COURT HARTLEPOOL

Prior to the meeting members of the Committee had undertaken a site visit to the premises. As part of that site visit the Planning Services Manager had indicated that the balcony within the development would be Romeo and Juliet style. However while presenting the report she advised that this information was incorrect and that the balcony in question would allow for a person to stand on it and view the surrounding area. A member of the Committee was displeased with this correction as she felt a balcony of this type affected the application substantially as it would enable a clear view into a nearby conservatory.

Members expressed their support for the application

**Decision:** Planning Permission Approved

**Councillor Marjorie James abstained from the vote**

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.

2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 11/12/2013 (Drg.No: 1788/2 Rev E and the site location plan), on 23/12/2013 (Drg.No: 1788/1 Rev A) and the amended plan received by the Local Planning Authority on 05/02/2014 (Dwg.No's: 1788/3 Rev E and 1788/4 Rev E) unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt.
3. Details of all external finishing materials, including the shutters, shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
4. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows shall be inserted in the elevations of the extensions facing Auckland Way and 8 Hardwick Court without the prior written consent of the Local Planning Authority. To prevent overlooking.
5. The obscure glass panels to be fitted to the sides of the balcony as shown on the Proposed First Floor Plan and Proposed Elevations Plan received by the Local Planning Authority on 05/02/2014 (Dwg.No's: 1788/4 Rev E and 1788/3 Rev E) should be installed prior to the balcony area being brought into use and shall be retained in situ for the lifetime of the development. In the interests of the amenities of the occupants of neighbouring properties.
6. The proposed ground floor WC window facing 8 Hardwick Court shall be glazed with obscure glass which shall be installed before the WC is brought into use shall thereafter be retained at all times while the window exists. To prevent overlooking.

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**Number:** H/2013/0328

**Applicant:** LEEBELL DEVELOPMENTS LTD

**Agent:** BARTON WILLMORE MR CHRIS MARTIN 3RD FLOOR  
14 KING STREET LEEDS

**Date received:** 05/08/2013

**Development:** Outline planning application for the erection of up to 500 new dwellings (all matters reserved apart from access)

**Location:** LAND TO THE SOUTH OF A179 AND WEST OF MIDDLE WARREN (KNOWN AS UPPER WARREN)  
HARTLEPOOL

Prior to consideration of this item a member proposed a site visit. A vote was taken and the proposal was refused. Peter Jordan spoke on behalf of

Persimmon and Bellway in support of the application. He made reference to the jobs which would be created, the affordable housing which would be made available and the contributions which Persimmon and Bellway had agreed to make in terms of traffic planning, community facilities and education provision. He noted that under current legislation the presumption was in favour of approval unless to do so would cause significant and demonstrable harm. The Chair read a letter of objection submitted by the Chair of Bishop Cuthbert Residents Association. The concerns referred to in the letter included schooling, health and safety, road infrastructure, traffic on and around the A179, protection of greenbelt land, detrimental effect on daylight and sunlight and drainage.

Members discussed the issues raised by the opposing sides at length. They were concerned at the lack of community facilities on the estate and that continued development would continue the feeling residents had of living on a building site. The Planning Services Manager commented that the estate was 18 years into a 30 year building permission therefore technically the residents did live on a building site. This was the reason that the roads had still not been adopted by the Council. However building on the estate was due to be completed in 2 years, 10 years ahead of schedule. Concerns were also raised at the lack of school places for the estate's children however members also noted that a site had previously been designated for a school on the estate but public pressure against a school on the estate had led to the disposal of the site.

Members expressed their support for the application

**Decision:**

**Minded to APPROVE** subject to the completion of a legal agreement requiring the contributions as outlined in the report with the final wording and extent of conditions delegated to the Planning Services Manager and likely to include the following:

1. Reserved matters details
2. Time limit for submission of reserved matters
3. Time limit commencement of development
4. Access details approved
5. Noise reduction measures to be incorporated into dwellings
6. Remove PD extension
7. Remove PD garages
8. Removed PD enclosures
9. Construction management plan
10. Scheme of sustainability measures to be incorporated into dwellings
11. Maximum number of dwellings
12. Flood Risk Details
13. Conditions outlined by NWL
14. Conditions outlined by the HA

15. Condition outlined by the EA
16. Grampian conditions with regard to the highway improvement works
17. Plan showing location of affordable housing units as part of reserved matters
18. A landscape management plan

The Committee considered representations in relation to this matter.

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**Councillor Kevin Cranney left the meeting**

**Number:** H/2013/0435

**Applicant:** Mr Brian Morton  
Seaton Leisure Tees Road HARTLEPOOL

**Agent:** Collective Design Mr Simon McIlwraith 21 Kepple Street Dunston GATESHEAD

**Date received:** 23/01/2014

**Development:** Erection of new sports dome for use as artificial ice rink and for events including sporting events, exhibitions, cultural events, social events and ceremonies, additional car parking area, relocation of gas tanks and landscaping

**Location:** Seaton Leisure The JD Sports Domes Tees Road HARTLEPOOL

Brian Morton and Craig Donaldson attended the meeting on behalf of Seaton Leisure. Mr Morton referred to the support they had received from the public and visitors to the centre and urged the Committee to support the application. A member referred to the potential for overspill parking in Tees Road and fatalities which had occurred there but the Highways, Traffic and Transportation Manager was confident the number of spaces was adequate. Mitigation works had been put in place since the accidents which had been caused by driver error rather than the nature of the road. The Chair asked that information of this type be included on future reports.

Members were in unanimous support of the application.

**Decision:** **Planning Permission Approved**

The Committee considered representations in relation to this matter.

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans (Duol Leaflets (Duol DMS Membrane, Air Generators x2, Electric Generators), 11070 10 Rev A Retaining features identified (except in relation to the Dome details which are incorrectly shown on drawing 11070 10 Rev A), and details which had been received by the Local Planning Authority at the time the application was made valid on 23rd January 2014, and the drawings (PRO-1089/0 Plan of air dome, PRO-1089/1 Plan of air dome, PRO-1089/2 Side View Front View, PRO-1089/3 Cross section of the foundation with anchorage, BM/SC/240/08 Proposed Site Plan) received at the Local Planning Authority on 10th February 2014, as amended in respect to the red line identifying the application site and the blue line identifying other land in the applicant's ownership and control by the drawing BM/SC/240/01 received at the Local Planning Authority on 11th March 2014, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt.
3. The Dome building hereby approved shall be removed from the site and the land restored to its former condition on or before 1st April 2029 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority unless prior consent has been obtained to an extension of this period. The building is not considered suitable for permanent retention on the site.
4. The Dome hereby approved shall only be open to the public between the hours of 09:00 hrs and 23:00 hrs Monday to Sunday (inclusive). In the interests of the amenities of the occupants of neighbouring properties.
5. The internal noise levels in the Dome hereby approved shall at no time exceed the levels as set out in table 1 of the Noise Impact Assessment (Report Number 3929.1 version A) prepared by apex acoustics dated 7th November 2013 and received at the Local Planning Authority on 15th December 2013. In the interests of the amenities of the occupants of neighbouring properties.
6. The dome hereby approved shall be used for D2 Uses only, as defined by the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification, and as described in the application except it shall not be used for events involving live music or bands. In the interests of the amenities of the occupants of neighbouring properties.
7. Save for the car parking areas all other facilities on the wider site (enclosed by the blue and red line on drawing BM/SC/240/01 received at the Local Planning Authority on 11th March 2014) (Football Dome, Golf Dome, and the building (Mayfair Building) containing the Gym/Bar/Bistro/Restaurant) shall be closed to the public one hour

before any event is held at the Dome hereby approved and shall remain closed to the public for the duration of the event. For the avoidance of doubt this shall not apply when the Dome hereby approved is used for recreational skating by the general public. In order to ensure that adequate parking is available in the interests of highway safety.

8. The maximum number of visiting members of the public attending any event at the Dome hereby approved shall not exceed 1200 persons. In order to ensure that adequate parking is available in the interests of highway safety.
9. Details of lighting proposals in the car parking area hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation. The lighting proposals shall thereafter be implemented at the time of development and retained for the lifetime of the development unless some variation is subsequently approved in writing by the Local Planning Authority. In the interests of the amenities of the occupants of neighbouring properties.
10. Notwithstanding the details submitted a detailed scheme of landscaping, including bunds and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify the construction details of the bunds, sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. In the interests of visual amenity.
11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity.
12. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.



2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

The environmental setting of the site is considered sensitive as it is underlain by the Sherwood Sandstone Principal Aquifer. We have reviewed the following report: Phase 1 Land Quality Assessment Desk Study, The Mayfair, Tees Road, Seaton Carew, by Patrick Parsons, September 2011. This report identifies potential sources of contamination at the site including a former landfill site. We therefore considered that the site potentially poses a risk to controlled waters and further investigation should be undertaken, any intrusive investigation undertaken should adequately investigate any potential risks to controlled waters, this should include leachate and/ or groundwater sampling where appropriate. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

13. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved. To ensure the risks to controlled waters are adequately addressed. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water

- pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).
14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved. To ensure the risks to controlled waters are adequately addressed. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).
  15. External construction works for the car parking area (including the associated bunds) will not be undertaken during the November to February period inclusive (winter period). In the interest of ecology.
  16. Prior to the Dome hereby approved being brought into use the area(s) indicated for pathways, car and coach parking shown on drawing BM/SC/240/08 received at the Local Planning Authority on 10th February 2014 shall be provided and laid out in accordance with that approved plan and thereafter be kept available for such use at all times during the lifetime of the development. The pathways and parking areas shall be surfaced and marked out, in accordance with a specification first submitted to and approved in writing by the Local Planning Authority. In order to ensure that adequate car parking and access is provided in the interest of highway safety.
  17. The development hereby permitted shall not be commenced until such time as a scheme for surface water management has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
  18. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor. To prevent pollution of the water environment.
  19. Details of all walls, fences and other means of boundary enclosure around the LPG tanks shall be submitted to and approved by the Local Planning Authority and provided before they become operational.

- Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
20. Prior to the commencement of any works relating to the provision of the Dome hereby approved a scheme for the diversion/relocation/protection of the rising main crossing the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the details so approved. In order to ensure the main is adequately dealt with.
  21. This permission relates only to the provision of the Dome, car parking area, relocation of the gas tanks and associated landscaping detailed in the application and enclosed by the red lines on drawing BM/SC/240/01 received at the Local Planning Authority on 11th March 2014. For the avoidance of doubt.

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**Number:** H/2013/0590

**Applicant:** Housing Hartlepool  
Mr Garry Scott Stranton HARTLEPOOL

**Agent:** Mr Garry Scott Housing Hartlepool Greenbank  
Stranton HARTLEPOOL

**Date received:** 10/12/2013

**Development:** Removal of existing windows and replace with upvc double glazed units (AMENDED PLANS RECEIVED)

**Location:** West Lodge The Parade HARTLEPOOL

The planning application and listed building consent application in relation to West Lodge were considered together. Garry Scott attended on behalf of Housing Hartlepool, commenting that the East Lodge windows were already UPVC so they wished to make West Lodge the same. In addition the current timber windows were not fit for the resident. Members queried why this application had been brought when a previous application to replace the front bay window in 2012 had been approved. The Planning Services Manager advised that this decision had been taken contrary to the Council's planning policy and against officer advice. Members felt that it would be unfair to insist on timber at the back of the property when there was already UPVC at the front. There also needed to be parity between the two lodges.

Members were unanimously in favour of the 2 applications.

**Decision:** **Planning Permission Approved** – The Planning Committee acknowledged the Officer recommendation, however, considering all material

planning considerations they concluded that the proposed development was acceptable. The wording of the conditions was delegated to the Planning Services Manager.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2013/0630
<b>Applicant:</b>	Housing Hartlepool Mr Garry Scott Stranton HARTLEPOOL
<b>Agent:</b>	Mr Garry Scott Housing Hartlepool Greenbank Stranton HARTLEPOOL
<b>Date received:</b>	10/12/2013
<b>Development:</b>	Listed building consent for removal of existing windows and replace with upvc double glazed units (AMENDED PLANS RECEIVED)
<b>Location:</b>	West Lodge The Parade HARTLEPOOL
<b>Decision:</b>	<b>Listed Building Consent Approved</b> - The Planning Committee acknowledged the Officer recommendation, however, considering all material planning considerations they concluded that the proposed development was acceptable. The wording of the conditions was delegated to the Planning Services Manager.

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<b>Number:</b>	H/2013/0627
<b>Applicant:</b>	Mr Andrew Haygarth Low Throston House Netherby Gate Lane HARTLEPOOL
<b>Agent:</b>	Alpha Consulting Andrew Stephenson Nelson Lodge Nelson Farm Lane HARTLEPOOL
<b>Date received:</b>	05/02/2014
<b>Development:</b>	Temporary siting of chalet
<b>Location:</b>	Low Throston House Hart Lane HARTLEPOOL

Following a request from the Ward Councillor the Chair asked whether members would like a site visit. A vote was taken and this suggestion was rejected. Ward Councillor Keith Dawkins spoke against the application. He

commented that the structure had been put up without consultation or consideration for local residents, many of whom had complained to him that it did not fit into the landscape and affected their view negatively. To allow this structure to remain would set a dangerous precedent as this was not the building which the applicant had been given permission for.

Members expressed their objections to the retrospective application on the grounds of visual impact in a prominent location and the precedent this would set in terms of it's the external appearance in a predominantly residential area. Concerns around parking and vehicle access were also raised however not cited as a reason for refusal. They also queried whether the tenant would pay Council Tax. The Planning Services Manager confirmed that they would, albeit at a lower rate.

Members were unanimously against the application

**Decision:** **Planning Permission Refused** – The Planning Committee acknowledged the Officer recommendation, however, after considering all material planning conditions they concluded that the proposed development was unacceptable.

#### **REASONS FOR REFUSAL**

1. It is considered that the siting of a chalet/mobile home in a predominantly residential area would set a precedent for similar developments, contrary to Policy GEP1 of the adopted Hartlepool Local Plan 2006.
2. It is considered that the external appearance of the prominently positioned chalet/mobile home would be incongruous to the surrounding area contrary to GEP1 of the adopted Hartlepool Local Plan 2006.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2013/0628
<b>Applicant:</b>	Mr Jon Whitfield Euro Property Management Ltd Hub Two Innovation Centre Venture Park HARTLEPOOL
<b>Agent:</b>	Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert HARTLEPOOL
<b>Date received:</b>	23/12/2013
<b>Development:</b>	Change of use of existing Class A4 premises to form 3 No. units, unit 1 from A4 to A1, unit 2 from A4 to

A1 and unit 3 from A4 to A4

**Location:** THE MOWBRAY MOWBRAY ROAD  
HARTLEPOOL

Jon Whitfield attended the meeting on behalf of Euro Property Management Ltd. He advised that this application for a change of use had come about as a result of public support and that there was already a licence attached to the premises. He gave information as to the proposed layout of the units including where the smoking area would be located. The Chair referred to a letter of objection to the application in which the writer asked the Councillors to declare any past and present connections to the developer and premises. Members asked that this be referred to the Chief Solicitor as it appeared to suggest corruption on the part of members. Concerns were raised as to the precise placement of the public house in the scheme however it was also noted that previously the entire area had been a public house.

Members expressed their support for the application

**Decision:** Planning Permission Approved

**Councillors Alison Lilley and Geoff Lilley voted against the application**

The Committee considered representations in relation to this matter.

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 23/12/2013 (Site location plan; Sheet A, Floor plan) and plans received by the local planning authority 10/03/2014 ( Drawing no. EPMmowBRAY.1/TR/03). For the avoidance of doubt.
3. Unit 1 shall only be open to the public between the hours of 06:00 and 23:00 on any day, Unit 2 shall only be open to the public between the hours of 08:00 and 18:00 on any day, Unit 3 shall only be open to the public between the hours of 12:00 and 23.30 on any day. In the interests of the amenities of the occupants of neighbouring properties.
4. Drinks sold from Unit 3 shall be consumed within the building only. In the interests of the amenities of the occupants of neighbouring properties.
5. Deliveries to the premises shall only take place between the hours of 08:00 and 19:00 on any day. The delivery of newspapers and magazines can be made outside of these hours subject to the delivery vehicle being of a weight no greater than 3.5 tonnes and no audible reversing alarms shall be used. In the interests of the amenities of the occupants of neighbouring properties.

6. Notwithstanding the information shown on the submitted plans details of 6 cycle parking spaces to be provided outside the premises shall be submitted to and approved in writing by the local planning authority within 28 days of this permission. Thereafter the agreed cycle bays shall be installed within 28 days of the approval of the submitted details and retained for the lifetime of the development. In the interests of amenity.
7. Notwithstanding the submitted details a scheme to provide parking restrictions on Mowbray Road and Fenton Road to protect sight lines at each access point shall be submitted to and agreed in writing by the Local Planning Authority within 28 days of the date of this permission. Thereafter the works shall be implemented, at the developers expense, in accordance with the agreed details within 56 days of the date of this permission. In the interests of highway safety and the amenities of the occupants of properties.
8. Litter bins shall be installed and managed on site in accordance with the details submitted to the Local Planning Authority 03/03/2014. In the interests of amenity.
9. Notwithstanding the submitted details a scheme for the installation of CCTV cameras including design, location, and coverage shall be submitted and agreed in writing by the Local Planning Authority within one month of the date of this permission and thereafter shall be implemented and retained for the lifetime of the units. In the interests of crime prevention.
10. Deliveries via the Fenton Road access shall be made in vehicles no larger than 3.5 tonnes, all other vehicles delivering to the site shall enter and exit the site via Mowbray Road. In the interests of highway safety.
11. Before the use hereby approved is commenced details of the proposed car parking provision including layout, number of spaces, surface materials and drainage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented as part of the development in accordance with those details. Thereafter the car parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private vehicles for the lifetime of the development. In the interests of highway safety.

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### **113. Neighbourhood Planning (Consultation Guidance)** (Assistant Director (Neighbourhoods))

Neighbourhood Planning had been brought in as part of the Government's Localism Act 2011 and was designed to give local people greater ownership of plans and policies affecting their local neighbourhood by allowing them to develop a community-led framework to guide the future development of their area. In Hartlepool, Neighbourhood Plans are being developed in four areas – Rural, Headland, Wynyard and Park; the first three of which have been formally designated.

On 19<sup>th</sup> February 2014 members had refused the Park Neighbourhood Plan boundary and Forum designation submission on the grounds that insufficient consultation had been undertaken with the wider community. As a result the Committee had asked that a report be brought to the next meeting outlining potential options for consultation in relation to future Neighbourhood Plan boundary and/or Forum applications. Details were given within the report of the statutory consultation as required by the legislation and a summary of the consultation carried out by the other local Neighbourhood Plan groups. Following discussion with members as to an appropriate level of consultation the following had been suggested:

- I. Initial consultation should be undertaken with Ward Councillors by the qualifying body and Local Planning Authority (LPA) prior to the submission of the Neighbourhood Plan boundary and/or Forum application. This to be separate from the statutory consultation.
- II. The LPA to use social media to publicise the boundary and/or application during the statutory consultation period
- III. A leaflet and/or newsletter outlining the intent to develop a Neighbourhood Plan to be distributed to all households and businesses within the proposed boundary, outlining how recipients could comment on the application

A number of additional consultation methods were also outlined in the report. Members considered these and approved those they felt most suitable and cost effective.

### **Decision**

That the following be a required element of the consultation process for future Neighbourhood Plan boundary and/or Forum designation applications:

- I. Consultation with Ward Councillors to be undertaken by both the qualifying body and LPA prior to submission
- II. Social media to be utilised by the LPA to publicise the application during the statutory consultation period
- III. Production of a leaflet and/or newsletter by the qualifying body outlining their intention to develop a Neighbourhood Plan to be distributed to all households and businesses with the proposed boundary prior to the submission of the application advising of the imminent consultation process
- IV. Advertisements in community venues within the proposed boundary
- V. Contacting all community and voluntary groups within the proposed boundary



VI. Advertisements in the local press, including the Hartlepool Mail, Hartbeat and Radio Hartlepool

VII. Consideration at Hartlepool Borough Council's Neighbourhood Forums

**114. Appeal at land South of the Raby Arms** *(Assistant Director (Regeneration))*

A planning appeal had been submitted against the decision of the Council to refuse the erection of 23 dwellings on land South of the Raby Arms. The appeal was to be decided by way of a hearing.

**Decision**

That authorisation be given to contesting the appeal

**115. Update on current complaints** *(Assistant Director (Regeneration))*

Ten ongoing planning issues were highlighted to members.

**Decision**

That the report be noted

**116. Appeal at 59/61 Honiton Way** *(Assistant Director (Regeneration))*

Members were advised that an appeal against the Council's refusal to grant planning permission for a detached two bedroom bungalow on Honiton Way had been dismissed by the Inspector. The application had originally been determined under delegated powers.

**Decision**

That the outcome of the appeal be noted.

**117. Local Government (Access to Information) (Variation Order) 2006**

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

Minute 118 – (Withdrawal of Enforcement Notice: Low Throston House, Hart

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

### **118. Withdrawal of Enforcement Notice: Low Throston House, Hart Lane, Hartlepool** *(Assistant Director (Regeneration))*

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

Following a decision made earlier in the meeting the report was withdrawn from consideration

#### **Decision**

That the report be withdrawn from the agenda.

### **119. Any Other Items which the Chairman Considers are Urgent**

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

The Chair informed members that an additional meeting of the Planning Committee had been scheduled for 5pm on Tuesday 1<sup>st</sup> April to consider the Wynyard applications and asked all members to attend.

The Vice-Chair's apologies were submitted for the Planning Committee on Wednesday 16<sup>th</sup> April.

The meeting concluded at 13:15pm

CHAIR

**No:** 1  
**Number:** H/2013/0033  
**Applicant:** Wynyard Park Ltd  
**Agent:** NATHANIEL LICHFIELD AND PARTNERS LYNDA STEVENSON GENERATOR STUDIOS TRAFALGAR STREET NEWCASTLE UPON TYNE NE1 2LA  
**Date valid:** 23/01/2013  
**Development:** Outline planning application, with all matters reserved, for up to 200 dwellings, a local centre (Use Classes A1/A2/A3/A4 or A5) of up to 400 sqm, commercial development of up to 101,858 sq m of Class B1 office floorspace, and a Multi Use Games Area with associated landscaping and infrastructure works.  
**Location:** Land North of the A689 WYNYARD BUSINESS PARK

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## PURPOSE OF REPORT

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

## BACKGROUND

1.2 This application relates to proposals on one of three sites in Wynyard which are currently under consideration by Hartlepool and Stockton On Tees Borough Council's (SBC). This site is wholly within Hartlepool.

1.3 This application was originally considered at the September 2013 meeting of the Planning Committee when it was deferred until outstanding issues regarding highways and developer contributions are resolved.

## PROPOSAL AND SITE CONTEXT

1.4 The application site consists of undulating grassland and agricultural land located to the north side of the A689. It also accommodates two derelict farm complexes and associated farm houses and buildings, a site designated as a Local Wildlife Site (High Newton Hanzard Meadows) and an area of archaeological interest. The site accommodates some trees and hedgerows but is largely grassed. Planning permission for commercial development on the site was granted in October 2010, as an extension to the existing Wynyard Park Business Park (H/2009/0494). At the same time outline planning permission on land which bounds the east of the site was also granted for the erection of a hospital (H/2009/0335) this application has recently been renewed (H/2013/0479). To the west are areas of woodland which accommodate a watercourse and beyond agricultural fields in this area planning permission was recently granted for a housing development of 168 dwellinghouse and associated infrastructure (H/2012/0360). An area of woodland where the spine road serving the development will be located has been cleared. To the north is

woodland which accommodates a watercourse and a Local Wildlife Site (Close Wood Complex) and beyond agricultural fields. To the east is woodland beyond which lies land which is in the administrative boundary of Stockton. This area has been partly developed for business park uses at its southern end whilst the northern end currently consists of fields. This northern area is the subject of a separate application to both Stockton on Tees Borough and Hartlepool Borough Council's for residential, retail development and a potential school (H/2013/0043). Further to the east is the main part of the existing Wynyard Park Business Park. To the south is the A689 which joins the A19 some 2 km to the east of the site, a series of existing roundabouts on the A689 accommodates access to Wynyard Village, the existing Business Park and will facilitate access to the application site.

1.5 The application has been amended following prolonged discussions regarding highway capacity. The current application now seeks outline planning permission for the erection of up to 200 dwellings, a local centre (Use Classes A1/A2/A3/A4 or A5) of up to 400 sqm, commercial development of up to 101,858 sq m of Class B1 office floorspace, and a Multi Use Games Area with associated landscaping and infrastructure works. In terms of the later the site also accommodates significant areas of landscaping and Sustainable Urban Drainage Systems (SUDS). In effect in the revised scheme the number of houses has been reduced by 400, a village hall is no longer proposed, the size of the sports facilities has been reduced, and the scale of the local centre has been reduced significantly by 800 sq m, the scale of the commercial development remains the same. The developed area has also been reduced. The applicant has provided indicative layouts (a parameters plan), to indicate how the development proposed might be accommodated. An option for a primary school on the site is no longer part of the scheme, instead this will either be provided at the site in Wynyard Village to the south (H/2013/0076) as the preferred option or on the Stockton site to the east (H/2013/0043) if the former is not delivered.

1.6 The parameters plan has been amended during the course of the consideration of the application. The current scheme indicates that the commercial development (B1) will be provided at the southern end of the site adjacent to the A689, also on this side of the site the proposed MUGA will be accommodated. To the north of this area a dualled spine road will be provided and beyond adjacent to the Hospital site a Local Centre (three units of 200, 100 and 100 sq m) accommodated, to the west and north west of the local centre a housing area will be accommodated for 200 houses served by various roads. Additionally, new landscape features, including Sustainability Urban Drainage Systems (SUDS) ponds, open spaces and landscaped areas will be provided to help integrate the development into the landscape. The remainder of the site will remain undeveloped.

1.7 The application is in outline however the applicant has indicated that the housing would be predominantly two storey with a mix of 2,3,4 and 5 bedroom properties (the majority within the middle two categories). The commercial development will be two to four storey. The parameters plans indicate that the density of the housing sites would be between some 16 dwellings per hectare.

1.8 The applicant has submitted various reports including a Planning Statement, an Environmental Impact Assessment, a Consultation Statement, a Design And Access Statement, a Transport Assessment, a Travel Plan, an Existing Services

Assessment Report, a Sustainability Statement, an Energy Statement, a Report On Local Housing Requirements for Hartlepool, an Employment Land Assessment, an Arboricultural Impact Assessment & Method Statement, a Flood Risk Assessment And Drainage Strategy, a Play Strategy and a Public Transport Strategy. The applicant has also submitted a Woodland, Ecology and Recreational Strategy this includes proposals for recreational facilities in the woodland which lie outside the scope of the current application and which will need to be the subject of a separate planning application.

1.9 In support of the planning application the applicant's planning statement states that.

- The development will provide a high quality mixed use development providing new homes, community facilities and recreational opportunities.
- It will contribute to the quality and choice of housing.
- There is a substantial oversupply of employment land both borough wide and at Wynyard Park which the development will address.
- Only limited weight can be given to local plan policy ind 1.
- The development will support sustainable economic growth by delivering new businesses and homes, providing opportunity to drive economic growth, to which significant weight should be given in accordance with the NPPF.
- The development should be determined in accordance with the NPPFs presumption in favour of sustainable development and overall accords with the NPPF.
- The delivery of a mixed use development will increase the sustainability of the Wynyard Park Area.
- The development will deliver the next phase of the prestige business park
- The failure of Hartlepool Borough Council (HBC) to demonstrate a five year housing land supply must be given significant weight.
- The need for the council to significantly boost the supply of housing must be given significant weight.
- The proposal will deliver significant economic benefits (Jobs, New Homes Bonus, Council Tax, Increased expenditure, affordable housing).

## PLANNING HISTORY

1.10 The site has a long and complicated planning history. The most relevant recent planning applications are listed below.

H/OUT/0583/96 Outline application for Business Park. Approved 21<sup>st</sup> April 1997.

H/FUL/0006/00 Variation of condition on outline planning permission H/OUT/0583/96 for business park to allow a longer period for the submission of reserved matters (10 years). Approved 28<sup>th</sup> April 2000.

This consent granted outline planning permission for an extension to the Wynyard Park Business Park.

H/2007/0182 Reserved matters submission pursuant to previously approved outline planning application H/VAR/0006/00 for a business park including details of siting

and storey heights to accommodate 275205 sq m of business (B1) floor space and part submission of landscaping framework under condition 3 of outline planning permission H/OUT/0583/96.

This application for reserved matters approval for a business park incorporating the current application site was subsequently effectively superseded by the application approved below.

H/2009/0494 Reserved matters application pursuant to outline planning permission granted under H/VAR/0006/00 for a Business Park to the North of the A689 Wynyard Park to accommodate 275,205m<sup>2</sup> of B1 floor space, 12,469m<sup>2</sup> of B2 floor space and 26,504m<sup>2</sup> of B8 floor space together with submission of landscaping framework under condition 3 of outline planning permission H/OUT/0583/96. Approved 4<sup>th</sup> October 2010.

This application again for reserved matters approval for a business park incorporating the application site, was approved in October 2010. In this application, commercial development was approved on the site which is the subject of the current application.

The application was granted planning permission subject to the completion of a legal agreement requiring measures to control construction traffic, a transport contribution, the implementation of a travel plan, the implementation of ecological mitigation measures, the implementation of a targeted training and employment charter, measures to control the construction/inspection of the spine road and requiring the developer to provide to new tenants an information pack relating to the construction of the principal estate road.

## **RELEVANT APPLICATIONS ON ADJACENT SITES**

1.11 A number of relevant applications have also been approved on adjacent sites and these are listed below.

H/2009/0335 Outline application for a hospital development with associated landscaping, access and ancillary uses including on-site car parking and energy centre. Approved 11<sup>th</sup> October 2010.

In October 2010 outline planning permission was granted for a hospital development on a site to the east of the current application site. The application was granted planning permission subject to the completion of a legal agreement relating to health service provision, public transport provision, off site highway improvements, a cycleway contribution, a contribution for highway and/or public transport improvements at the Billingham Interchange, the implementation of a recruitment and training charter and the appointment of a travel plan co-ordinator. This application was not implemented and has lapsed.

H/2013/0479 Outline application with some matters reserved for new hospital development with associated landscaping, access and ancillary uses including car parking and energy centre (renewal).

An application to renew the hospital permission was approved by committee in February 2014 subject to the completion of a section 106 agreement relating to linking the opening of the new hospital to other elements of the integrated health care programme, the provision of public transport services, the provision of off site highway improvements, a cycleway contribution, the provision of a contribution towards the proposed Billingham Interchange Redevelopment, the provision of a Car Parking Management Plan, a contribution towards Car Parking Management, a commitment towards a targeted labour and training agreement for employment opportunities and the appointment of a Travel Plan Coordinator to oversee the implementation of the Travel Plan and Car Parking Management Plan. The legal agreement is currently being progressed.

H/2011/0102 Outline application for the erection of 200 dwellings with full planning permission sought in part for roads, footpaths and related infrastructure of the core highway network.

This application for outline planning permission for the erection of 200 dwellings on a site to the west of the current application site was considered at the 4<sup>th</sup> November 2011 meeting of the Planning Committee. The Committee was minded to approve subject to the completion of a legal agreement securing an affordable housing contribution, highway and public rights of way contributions, public right of way link(s) through the site, a conservation management plan, highway construction, control of construction access traffic if required and conditions. The final decision on the scope and detailed content of the legal agreement and conditions was delegated to the Planning Services Manager in consultation with the Chair of Planning Committee. The applicant has not progressed the section 106 agreement and the application has to a large part been superseded by the application below. This application is therefore still pending.

H/2012/0360 Residential development comprising 168 residential units with associated roads, footpaths and infrastructure.

This application for full planning permission for the erection of 168 dwellings on a site to the west of the current application site was considered at Planning Committee in December 2012 it was approved subject to the completion of a legal agreement. The legal agreement secured an affordable housing contribution, a public right of way contribution, public right of way link(s) through the site, a conservation and habitat management plan, a woodland management plan, provision and maintenance of public open space and a play area, maintenance of highways, and the applicant's agreement not to implement the extant commercial permissions on parts of the site. The planning permission was granted in June 2013.

## **OTHER RELEVANT APPLICATIONS CURRENTLY UNDER CONSIDERATION IN THE WYNARD AREA**

1.12 Major housing applications have been brought forward on two other sites in Wynyard and are currently under consideration by Hartlepool and Stockton Borough Council's. The applications relate to sites which are largely within Stockton however as parts of the accesses for the sites are in Hartlepool identical applications have

been submitted to both Council's. These applications, with Hartlepool reference numbers, are listed below and are also before members on this agenda.

H/2013/0043 Outline planning application for the erection of up to 400 dwellings, a potential two form entry primary school, a local centre of up to 250 sqm (Use Classes A1 to A5), a Multi Use Games Area, playing field, open space, landscaping and associated infrastructure (all matters reserved except access)

This site is located to the east of the application site. The applicant's are Wynyard Park Limited and Mauve Limited.

H/2013/0076 Outline planning application with all matters reserved for construction of up to 500 houses, primary school (including sports facilities) and nursery, retail units (up to 500 sqm), doctors surgery, community facilities, access and associated landscaping, footpaths and open space.

This site is located to the south of the A689 in Wynyard Village. The applicant is Cameron Hall Developments Limited.

1.13 In light of the scale of development currently being brought forward in the Wynyard area by different developers, and the complex issues arising from the consideration of multiple applications across two authorities Stockton Borough Council invited ATLAS (Advisory Team for Large Applications part of the Homes & Communities Agency) to act as a facilitator in discussion on issues arising. In light of this a cooperative exercise involving representatives from Hartlepool Borough Council, Stockton-on-Tees Borough Council, ATLAS, the Highways Agency, North Tees & Hartlepool NHS Foundation Trust, Wynyard Park Limited, Cameron Hall Developments Limited, has been progressed. This process has proved a useful exercise in identifying areas requiring cross boundary consideration for example, highway issues, public transport, the location of the schools and other facilities and connections across the A689 and to the wider area.

1.14 One of the main issues was the potential impact of the developments on the local and strategic highway networks. Detailed and extensive highway modelling found that no more than 1,100 dwellings could be delivered without major highway mitigation being required on the A19 with substantial cost implications. As a result it was agreed to reduce the total number of dwellings across all three developments to a combined total of 1,100 units and the applications have been amended accordingly. The Highways Agency have lifted their holding direction. At the time of writing the impacts on the local highway network are being considered however it is understood that the impact is acceptable subject to mitigation.

## **OTHER RELEVANT APPLICATIONS IN STOCKTON ON TEES**

1.15 Other relevant recent applications determined or being considered by Stockton On Tees Borough Council in the vicinity of the site are listed below.



1.16 08/1410/FUL Construction of access road and associated works Wynyard Park Access Road Wynyard Park. The above application which relates to works to the dual the access road to Wynyard Park to the south east of the site was approved in September 2010. It was designed to facilitate access to the business park development approved by Hartlepool Borough Council under the provisions of planning permission (H/2009/0494) and effectively the Hospital site. A High Pressure Gas Main crossed the site and following discussions with relevant parties measures to protect the integrity of the gas main during the construction works and when the proposed dual carriageway became operational were agreed. These measures included the provision of a concrete impact protection slab in the first instance and the subsequent diversion/replacement of the existing pipeline under the road with a thicker walled steel pipe. These requirements and measures and triggers to manage the process were secured through conditions and a legal agreement. These include conditions which restrict the use of the road to single carriageway and the number of vehicles using the road (to less than 2000/hour) until the pipeline is upgraded. This approval has not been implemented and the applicant has recently applied to extend the time limit of the application.

1.17 13/2267/RNW Application to extend time limit to replace an extant planning permission for construction of access road and associated work (13/2267/RNW). An application to extend the time limit of the above application (08/1410/FUL) is currently under consideration.

1.18 12/0067/FUL Erection of a pre-nursery to sixth form co-educational independent school with associated playing fields, landscaping, car parking and infrastructure including a new access from the A689 and from Wellington Drive. Land South Of Coal Lane, East Of Wellington Drive, Wynyard Village. The above application for a school on the south side of the A689 was approved in June 2012.

## **OTHER APPLICATIONS CURRENTLY UNDER CONSIDERATION**

1.19 Another application currently under consideration has been raised in objections to the development. H/2013/0328 Outline planning application for the erection of up to 500 new dwellings (all matters reserved apart from access). Land to the south of a179 and west of middle warren (known as upper warren) Hartlepool.

1.20 The above application for the provision of 500 new dwellings at Upper Warren was considered at the March 2014 Planning Committee where the application was approved subject to the completion of a legal agreement securing developer obligations.

## **PUBLICITY**

1.21 The original application and previous amended plans have been advertised by neighbour notification, site notice and press advert. There have been thirty nine letters of objection, four letters of no objection and four letters of support.

1.22 Those objecting to the proposal raise the following issues:

1. Traffic Congestion. Current infrastructure is inadequate, and busy road network cannot safely cope with the additional development and other developments proposed in the area. Mitigation to encourage sustainable travel disregarded. This will affect the quality of life of residents. Application should be refused until transport issues are addressed.
2. Wynyard isolated and unsustainable with poor infrastructure and services. The development is not a sustainable and desirable option for the Borough, locating development within or adjacent to Hartlepool is the most sustainable option. There is no reasonable justification, evidence or sound planning reasons for the development at Wynyard above more sustainable sites well connected to Hartlepool with access to local facilities.
3. Loss of prime, strategic and flagship employment land. Wynyard Park is key employment land, a driver for growth and employment it has a unique role within the Borough and sub regions employment land portfolio. If used for housing the land will be lost to employment to the economic disadvantage of the region. The land should be retained for employment use.
4. Public transport links are poor, and improvements dependent on future developments, adding to the unsustainable nature of the development.
5. Overdevelopment. Latest of many development proposals on green field sites proposing thousands of dwellings. All representing an unsustainable level of development.
6. Area attracts business owners who make significant contribution to the area. It would be a shame if excessive development was to spoil a prestigious residential area.
7. Loss of fauna and flora, farmland, woodland and wildlife.
8. Reduction in house prices.
9. The Tees Valley Strategic Housing Market Assessment (SHMA) 2012 identifies Wynyard as an area for executive housing attracting high earners and wealth creators. The area will lose its exclusivity if general market housing is to be provided. This should be provided within or adjoining Hartlepool.
10. Contrary to original Wynyard vision. Large and out of character. It will ruin its exclusivity, watering down the Wynyard offer with general market housing turning it into just another housing estate which will not attract wealth creators.
11. Wynyard village has doubled in size and the services and upkeep of infrastructure are inadequate.
12. High earners will not be attracted to Wynyard due to lack of facilities.
13. Loss of small rural wooded community feel. No thought to Wynyard Residents. The proposal was not requested by the community and the community will not benefit from it, the developer will.
14. New buildings in Wynyard large and ugly, area looking like an industrial estate.
15. Noise.
16. New housing not needed there are numerous dwellings for sale and rent and more proposed.
17. Area affected by snow and flooding in winter. Danger of exacerbating flooding.
18. Can severely stretched amenities cope?

19. Poor quality telephone system and broadband will be put under further pressure and mean workers will not be able to work from home to ease any traffic congestion.
20. Residents should have been more widely consulted.
21. Detrimental to the visual amenity of the area and it will change landscape character.
22. Environmental Impact.
23. Loss of recreational area. It will restrict access to Castle Eden Walkway.
24. Access for emergency services will be hampered.
25. Lack of on-site affordable housing unjustified.
26. Not sustainable without significant investment in infrastructure.
27. The proposals at Upper Warren (being promoted by a different developer) would represent an integrated, sustainable and logical addition to Hartlepool, providing a range of high quality housing, linked to the existing development at Middle Warren and its Local Centre. It is clear that when the proposals at Upper Warren and Wynyard Park are compared that the Wynyard Park proposals in no way can be seen as sustainable. Development at Upper Warren would not result in the loss of employment land.
28. The publication draft of the emerging local plan allocates the site for employment land not housing. The provision of housing at Wynyard would prejudice and undermine the emerging local plan's strategy which should be to provide homes in sustainable locations which link well to the existing urban area. The future consequences for the emerging local plan of approving houses at Wynyard are great.
29. One of the main justifications for the development is that it will cross subsidise the delivery of infrastructure for the future development of the business park. However the applicant has not explained why this is the case. Case law suggests it is questionable as a planning argument in any case as the housing element cannot be justified on its own merits.
30. Applications should not be looked at in isolation, the cumulative negative environmental impact would be enormous.

1.23 The Wynyard Neighbourhood Planning Group also raised concerns that the proposal could be detrimental to the development of the neighbourhood plan and any developer contributions that might be sought. The group also raise concerns that the promotion of general market housing will damage the Wynyard Brand discouraging high earners from locating at Wynyard, regarding the loss of business park land and its damaging effects on economic growth, and that outstanding issues particularly highway concerns had not been resolved.

1.24 The developer of an adjacent site (H/2013/0076) raised concerns that the application was being considered at the September 2013 committee before key issues relating to highways and developer contributions had been resolved.

1.25 A housebuilder promoting a site at Tunstall Farm objected to the proposals on the grounds that the development was contrary to the Local Plan Spatial Strategy as both the emerging and extant Local Plan allocated the site for business use, that it would undermine local plan housing allocations, it would predetermine the outcome

of the Local Plan examination, that other sites are more sustainable and accessible, that highway issues and the issue of developer contributions were unresolved.

1.26 A housebuilder promoting a site at Upper Warren (H/2013/0328) objected on the following grounds

- that their application at Upper Warren would represent an integrated, sustainable and logical addition to Hartlepool, providing a range of high quality housing, linked to the existing development at Middle Warren and its Local Centre.
- that the development is not sustainable and that the Upper Warren proposal is a far more sustainable option.
- that development at Upper Warren would not result in the loss of employment land.
- that the publication draft of the emerging local plan allocates the site for employment land not housing and the provision of housing at Wynyard would prejudice and undermine the emerging local plan's strategy which should be to provide homes in sustainable locations which link well to the existing urban area.
- that future consequences for the emerging local plan of approving houses at Wynyard are great.
- that the applicant has failed to explain one of their main justifications for the development, i.e. that it will cross subsidise the delivery of infrastructure for the future development of the business park. That Case law suggests it is questionable as a planning argument in any case as the housing element cannot be justified on its own merits.

1.27 The North Tees & Hartlepool NHS Foundation Trust initially raised concerns in relation to the relationship of the Hospital to the proposed housing in particular in relation to potential for noise and disturbance arising from the use of the hospital site (Traffic/Helicopters/Plant) to impact on the housing areas and to lead to complaints from future residents. However, following the receipt of revised proposals the trust confirmed it had no objection to the proposal.

1.28 Those supporting the proposal raise the following issues:

1. It will provide homes for employees of the business park supporting businesses, attracting employees and businesses. Potentially reducing congestion.
2. It will attract employment and investment increasing saleability of the site.
3. The location and the region as a whole will benefit from the positive economic impacts.
4. The business park has expanded rapidly. It is high quality and helps attract a skilled workforce, the new housing will reinforce this, attracting infrastructure, jobs and investment, and allowing on site businesses to continue to thrive.
5. New residents will increase demand for public transport.
6. School leavers will be available for apprenticeships.
7. It will improve security outside office hours.
8. Wynyard Park is an excellent location and its future development should be supported.

1.29 The latest amendments have been advertised by site notices, neighbour notification and in the press. The time period for representations expires before the meeting. To date eight letters of objection, one letter of no objection and one letter of comments have been received.

Those objecting to the proposal raise the following issues.

- 1 Wynyard will no longer be a village as originally intended.
- 2 Came to Wynyard for serenity not to be bombarded by applications.
- 3 Traffic Congestion
- 4 Lack of need
- 5 Lack of supporting infrastructure.
- 6 Travel plan doesn't address issues.
- 7 Noise.
- 8 Already development approved that will increase traffic.
- 9 Loss of open space.
- 10 Overdevelopment.
- 11 Is a primary school needed in Wynyard village?

1.30 A representation has also been received from a business located on Wynyard Park. Whilst generally supportive of the proposals for the area the writer expresses reservations at the close proximity of retail units, the lack of public transport and the impacts of traffic, and from construction activities.

Copy letters **A**

## CONSULTATIONS

1.31 The following consultation replies have been received:

**Grindon Parish Council** : Objection. This is part of a massive development that sees Wynyard expand up to the Castle Eden Walkway and half way towards the Woodland Park! The original application for the existing development (H/2013/0033) also promised a school, sports facilities and community facilities. However, they have not materialised because it was not economical to build them according to the developer himself. How have things changed and what holds them to their promise?

- Other objections of the Parish Council are:-
- No transport infrastructure.
- No public footpaths.
- No cycleways to link with other major centres of population.
- The loss of farm land.
- The massive loss of forest and the wild life.
- The changes to the water table and the increased potential for flooding.

Other applications include more primary schools and sports facilities being built. If we are to believe that these will come to fruition then Wynyard will have at least 2 primary schools but not a single secondary school for all those children to attend! This is quite apart from the fact that it is very unlikely that there would be enough

children in Wynyard to fill them so they would have to come from elsewhere; thus adding to the traffic problems.

**Traffic & Transportation:** Comments on amended plans awaited.

**Economic Development:** I do not have any additional comments from my previous email. My main concerns are that the business sites are not negatively impacted upon by residential and commercial developments. Based on the current position I'm content with the proposed revisions to the plans.

**Parks & Countryside (Countryside Access):** One of the fundamental improvements that Hartlepool Borough Council looks for, when a site of such size is developed, is improvement to the existing public rights of way access network. This site is looking to develop housing, schools and other services and as such all the age groups who will use and live in this development will require access to physical and mental health. To the north is the access network of Hartlepool and Durham public rights of way. To the south is Stockton rights of way. This development has the opportunity to benefit not just the housing, education and servicing needs of the residents but also the physical, recreational and mental well being as well. To keep the residents in isolation with only the use of a car to access any other access paths in the district would be unsustainable, unhealthy and expensive.

**Engineering Consultancy:** No response received to amended plans to date.

The Engineering Consultancy previously advised.

I have considered the Environment Statement for the development area, and I have the following comments

In principle, the adoption of the proposed sustainable drainage systems is acceptable subject to a detailed design. I request that a planning condition is in place to ensure that full consideration of storm drainage can be outlined and agreed with the LPA. Storm drainage may be attenuated in various locations and discharged offsite. I note that the Environment Agency has requested a discharge rate of 3.5l/s/ha, and this is something we would also request. The drainage assessment must consider the potential flood risk down gradient of the site, and provide full mitigation against this.

In terms of the sustainable drainage, the Council will soon have duties through the provision of the Floods and Waters Management Act to adopt and maintain all new SuDS systems; therefore in theory we accept the storm drainage proposals are achievable, however subject to detailed drainage design and acceptance through the planning process.

With regards to any potential land contamination issue, the Environmental Statements are sufficiently detailed to suggest that a low contamination profile would be expected. The ES is sufficiently detailed to negate the need for a PRA; however given the size of the development areas, a condition would be required to confirm that the assumptions made within the ES are reasonable. (Requests standard contamination condition)

**Child & Adult Services (Education):** Have confirmed that they are agreeable to an approach that would i) deliver a two form entry primary school at Wynyard, on the Cameron Hall site in Stockton (south of the A689) (H/2013/0076), as the preferred option ,or, on the Stockton Wynyard Park housing site (north of the A689) (H/2013/0043) as a fall back position. ii) Deliver a secondary pupil place funding contribution of £520,000 which from the Hartlepool application (H/2013/0033). Hartlepool will then commission places from Stockton.

**Child & Adult Services (Sports & Recreation):** No response received to amended plans to date.

**Parks & Countryside (Play) :** From my perspective '*outdoor / recreation / play facilities*' and '*built sports facilities*' are two separate components. Given the scheme layout with the A689 to the south and the spine road to the north the development is effectively isolated from the wider surrounds. In this circumstance the need for in-built toddler and children's play provision within the development becomes much more important. A mixed landscaped outdoor natural play/ fixed play item scheme like that installed at Clavering or Burbank based upon the principles of 'Playbuilder' guidelines would be desirable and I would suggest a project budget inclusive of fees and contingency of around £75-100K. It may be you need to 'condition' the permission to reflect this in some way. Please see <http://www.playengland.org.uk/resources/design-for-play.aspx> for more detailed design principle and guidance on 'Playbuilder' play experience referred to.

**Landscape Planning & Conservation (Ecologist) :** The Ecological section of the submitted ES is deficient in that it only assesses the effects of the housing and local centre elements of this application, whereas the application includes the business park to the south. This results in a very significant underestimate of the predicted ecological effects of the proposal.

In addition it includes some errors, which further underestimates the ecological value of the site. Specifically I consider the errors to be the assessment of High Newton Hanzard Meadow as being of parish value and the statement that there is no record of otter on the Close Beck and the Newton Hanzard Beck to the west and north of the red line boundary. High Newton Hanzard meadow, although admittedly in declining condition, is nevertheless designated as a Local Wildlife Site, so is of County importance and as an LWS is protected from inappropriate development under policy WL7 of the 2006 Local Plan. Otter signs have been found on the Close and Newton Hanzard becks on several occasions. I agree with the assessment that this is not likely to be a breeding site for Otters, or even a significant feeding site, rather it is more likely to be the case that Otters commute in the becks adjacent to the site on a regular basis.

### Assessment

Taking in to consideration the results of the ecological surveys submitted as part of this application in addition to the Council's background information on the site and its environs, the likely effects on ecology are:

- Loss of a Local Wildlife Site, High Newton Hanzard Meadow, protected from inappropriate development under Policy WL7 of the 2006 Hartlepool Local Plan. This loss needs to be specifically mitigated for by the re-creation of an area of species-rich lowland meadow. Defra guidance for the consultation on biodiversity offsetting sets the difficulty of recreating lowland meadow as medium therefore recommends that a multiplier of 1.5 is used when calculating the area of habitat to be recreated. High Newton Hanzard Meadow LWS is 2.5ha in extent therefore an area of species-rich lowland meadow of a minimum of 3.25ha should be recreated.
- Loss of breeding territories for farmland birds, the number of territories to be lost isn't stated but considering that the red line boundary contains 190 territories of 37 species and that the development area is approximately 2/3 of the red line boundary then it seems reasonable to assume that it would be at least 120 breeding bird territories.
- Loss of a bat roost of minor importance at High Newton Hanzard Farm. It is considered likely that Natural England would grant a licence for the loss of this roost subject to suitable mitigation.
- Loss of some veteran ash trees (some of which could potentially support roosting bats though the bat report suggests that they are not currently doing so).
- Loss of hedgerows.
- Increase in disturbance to surrounding woodland and its associated flora and fauna, through recreational disturbance and also direct predation from cats and dogs associated with the housing estate. In particular there is the potential to disturb Otters that commute through the beck.

### Mitigation

The proposed development has a number of features that will be of benefit to biodiversity, for example three large SUDS ponds and some landscape planting. In order to ensure that an overall enhancement for biodiversity will be achieved, in line with NPPF, a Conservation and Habitat Management Plan should be required as part of the S106. To achieve an overall enhancement in biodiversity, a number of specific measures are also required, some of which are to comply with statutory requirements. In addition therefore various site specific conditions are recommended.

**Landscape Planning & Conservation (Arboriculturalist) :** The amended plans show some significant changes to the site layout to that proposed in the original application, and these changes will have a bearing on which existing trees can effectively be retained within the proposed development.

The submitted arboricultural method statement has not been updated since the original application and does not now reflect the amended site layout proposal,



therefore I would recommend that a revised arboricultural method statement form part of a reserved matters submission or be made a condition of any approval.

No landscaping details have been submitted in support of the amended application therefore I would recommend that a comprehensive landscaping scheme form part of a reserved matters submission or be made a condition of any approval.

**Public Protection:** In their initial response Public Protection raised concerns regarding the relationship of proposed housing and a proposed multi use games area and in relation to the relationship between the proposed housing and the approved hospital site adjacent. Following discussions the applicant has sought to address these concerns, the site layout has been amended and further information has been provided by the applicant's noise consultant to demonstrate that the relationship between the proposed housing and the approved hospital site is satisfactory.

In light of this Public Protection have advised that they have no objections to this application. The retail development and any bar/cafe would require extract ventilation conditions for any A3/A4/A5 use and some restrictions on operational hours to protect the amenity of neighbouring residents. A sound insulation condition across the site would be required to enable the LPA to agree suitable sound insulation measures to properties where required as identified in the noise assessment submitted with the application.

**Housing Services :** No comments received in relation to the amended proposals.

Housing services previously advised. I have concerns about this planning application, H/2013/0033, as it seems to be moving the Wynyard "offer" away from executive and more towards the establishment of general needs accommodation, this is very similar to what happen in the 1990's with Middle Warren and the damage this has created in the general housing market in Hartlepool. Additionally more service provision will be required across the already stretched Council Services and section 106 or other contributions could be lost to the general regeneration of the Town, towards the needs of a more general needs resident in Wynyard, in line with current government policies.

**Environment Agency:** No response received to amended plans to date. The Environment Agency previously advised.

No objection subject to a condition requiring that the development is carried out in accordance with the Flood Risk Assessment and the prior approval of surface water drainage details. Separate to the above issue, we have the following advice/comments to make:

#### Biodiversity

We welcome the planned integration of new green space for people and wildlife both within the development footprint and with the adjacent land. We advise that all the proposed mitigation as listed in the report by E3 Ecology Limited dated January 2013 is conditioned through the local authority and is resourced for successful and effective delivery.

**Discharge of Foul Sewage - advice to LPA**

The Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

**Car Parking Areas Discharging Direct to Watercourse - advice to LPA/Applicant**

Drainage from parking areas that will discharge to a surface watercourse must be first passed through an oil interceptor. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to surface waters.

**Car Parking Areas Draining to Ground Watercourse - advice to LPA/Applicant**

Drainage to soakaway from car parking areas for >50 spaces should be passed through an oil interceptor before discharging to ground. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to groundwater. (19/02/2013).

**Northumbrian Water :** NWL would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*Flood Risk Assessment and Drainage Strategy*" dated January 2013. NWL have also provided the developer with a pre-development enquiry response dated 4th January 2013 which states our requirements for foul and surface water discharge from the site. A maximum foul flow of 50 l/sec can discharge into NWL's network but no surface water will be allowed to discharge into our network. We would therefore request that the *Flood Risk Assessment and Drainage Strategy* dated January 2013 form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

**Hartlepool Water :** No response received to amended plans to date. Hartlepool Water previously advised.

I can confirm the following. Within the proposed development area we have several major water mains which will require significant diversion works and additional new mains to reinforce the existing network. We are currently in discussions with Wynyard Estates and the Developers to resolve. I confirm that Hartlepool Water has sufficient capacity in the local network to supply the proposed developments. We have no objections to this development.

**Highways Agency:** No objection.

**Cleveland Fire Brigade:** Offers no representations regarding the development as proposed. Advises that access and water supplies should be in accordance with building regulations and that further comments may be made through the building regulations consultation process as required.

**Northern Power Grid:** Provide details of their apparatus in the area. Advise that this is legally protected and any alteration or diversion required will be chargeable. They

have no objections provided that the company's rights are not affected and that they will continue to enjoy rights of access to the apparatus.

**National Grid:** No response received to amended plans to date. National Grid previously advised.

National Grid wishes to advise that provided that the previous conditions, that require the upgrade of the Feeder 6 pipeline are maintained to relay the pipeline in heavy wall proximity pipe for the new dual carriageway road we are prepared to remove our Holding Objection.

**Tees Archaeology :** I have checked the details online and in particular have downloaded and read Chapter I of the Environmental Statement that deals with Archaeology and Cultural Heritage issues.

The report sets out the background information on the heritage of the area. It concludes that the regionally important earthwork remains of the medieval settlement at Low Newton Hanzard lie outside of the development area and that there will be no impact upon them. This area is referred to as the Archaeological Exclusion Zone. These remains will in effect be preserved in situ. The ES chapter recommends that these remains should be protected from accidental damage during development e.g. site vehicles tracking across the area. This can be achieved by a condition.

Previous archaeological work to the south of Low Newton Hazard identified remains of an Iron Age settlement of local importance. This lies partly within the development area and further mitigation in the form of archaeological fieldwork will be required to ensure the remains are properly recorded prior to destruction (NPPF para. 141). This mitigation can again be secured by means of a planning condition.

#### **Natural England: Statutory nature conservation sites – no objection**

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

#### **Protected species**

We have not assessed this application and associated documents for impacts on protected species. Natural England has published [Standing Advice](#) on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted. If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

#### **Local sites**

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

### **Biodiversity enhancements**

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’*. Section 40(3) of the same Act also states that *‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’*.

### **Landscape enhancements**

This application may provide opportunities to enhance the character and local Distinctiveness of the surrounding natural and built environment; use natural Resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

**Teesmouth Bird Club (TBC) :** No response received to amended plans to date.

TBC previously advised. We appreciate being consulted on this significant development, as TBC has a long history of providing data and commenting on Planning Applications for the various parts of the Master Plan for Wynyard Park. This Application involves a huge development on a green field site that contains a mosaic of wildlife habitats, including former arable farmland, woodland, hedgerows, copses, grasslands, hedgerow trees, ponds and wetland areas. The proposed mitigation will not compensate for the loss of farmland habitat and TBC remains opposed to the commercial and residential development of prime green field sites that have significant ornithological and landscape value, as at Wynyard Park. **TBC OBJECTS TO THIS APPLICATION** for the following reasons:

- (i) The impact on locally, regionally and nationally declining breeding farmland species, such as Grey Partridge, Skylark, Lapwing and Tree Sparrow, which depend on such habitat. This development will involve a fundamental change in habitat from agricultural land to a largely built environment and TBC considers that the Environmental Statement understates the adverse impacts of this change, although it does acknowledge that the area to be developed holds 190 territories of 37 species and an additional 15 “foraging species”. Of these, it is predicted that 127 territories of 25 species will be lost, 13 being of conservation concern, viz: Skylark 26 territories, Yellowhammer 7 territories, Meadow Pipit 10 territories, Grey Partridge 1 territory, Mallard 1 territory, Linnet 5 territories, Curlew 1 territory, Reed Bunting 5 territories, Tree Sparrow 5 territories, Dunnock 1 territory, Stock Dove 1 territory, Swallow 1 territory, Whitethroat 11 territories. In addition, the following will also be lost:

Jackdaw 7 territories, Pheasant 4 territories, Chaffinch 10 territories, Goldfinch 6 territories, Pied Wagtail 1 territory, Wren 3 territories, Blackbird 4 territories, Carrion Crow 1 territory, Wood Pigeon 2 territories, Chiffchaff 3 territories, Great Tit 4 territories, Blue Tit 7 territories.

Despite these losses, Chapter E (Ecology) of the ES states: “The assemblage of birds on site is considered to be of low sensitivity as the site is considered to be of parish value to birds and the local populations of individual species are likely to readily absorb the effects of the proposals, given the large swathes of arable and pastoral land in the wider area”.

- (ii) The loss of vital winter feeding areas for birds through the destruction of former arable land and hedgerows.
- (iii) The adverse impacts on the diverse range of important breeding bird species totalling 190 territories of 37 species, 13 of which are of conservation concern (Skylark, Linnet, Yellowhammer, Mallard, Grey Partridge, Tree Sparrow, Meadow Pipit, Reed Bunting, Dunnock, Stock Dove, Swallow, Whitethroat and Curlew).

‘The State of the UK’s Birds’ includes a report on the UK wild bird indicator and states that the farmland and woodland bird indicators both fell to their lowest ever levels, at 51.3% and 75.9% respectively of their 1970 starting values. There is a nationwide shortage of farmland providing suitable nesting and feeding sites. This shortage is one of the reasons why there have been such massive declines in some Red and Amber Listed farmland species monitored by the BTO, such as Grey Partridge (-91% between 1970-2009), Curlew (-60%), Skylark (-55%), Linnet (-56%) and Yellowhammer (-56%). Displaced birds from the Wynyard development will not survive and the continued loss of farmland to development at Wynyard is of serious concern, particularly in view of the cumulative impact as more of the area is developed. Neglected farmland and pasture regarded as being of low ornithological value often form vital over-winter feeding areas for small birds, such as Skylark, sparrows, finches and buntings, and the loss of such areas is contributing to the continuing decline of these species in the UK.

- (iv) The loss of or damage to two designated Local Wildlife Sites, involving the complete destruction of the High Newton Hanzard LWS and removal of some mature deciduous woodland at Close Wood LWS. We have previously highlighted the importance of the Wynyard woodlands for rare breeding raptors, notably Common Buzzard and Goshawk. The former almost certainly breeds at Wynyard. Goshawk has been recorded at Wynyard since 1990 and observed displaying in the early spring during recent breeding seasons, including 2012. There seems little point in designating areas as Local Wildlife Sites if they are to be destroyed by development.
- (v) The implications of a future ‘Management Plan’, with possibly a parkland-based, clinical management ethos, rooted in health and safety and ‘tidiness’.

- (vi) Contravention of National and Local Planning policies. We consider that the development is at variance with a number of Hartlepool Borough Council's retained policy statements relating to biodiversity and the environment (eg Local Plan Policy GEP12). While TBC is well aware that PPS9 has been subsumed into the new National Planning Policy Framework, the ODPM guidance for PPS9 remains valid and the section of the NPPF on the natural environment retains much of PPS9 and states that: "The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interest."

At a National level, the 'National Planning Policy Framework' states that: "If significant harm 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."

"Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."

We consider that this development contravenes these policies.

- (vii) The problems associated with the area changing from rural to urban fringe, including disturbance, vandalism, anti-social behaviour, loss of habitat and fly-tipping.
- (viii) Pressure on Retained Woodlands. We are concerned about disturbance, increased pressure and anti-social behaviour in the retained woodlands peripheral to the development, which are currently isolated and quiet. Such problems accrue to formerly isolated wooded areas becoming 'urban fringe' or when they are 'opened up' to public use.
- (ix) Mitigation and Compensation. The proposed mitigation will not compensate for the loss of agricultural land and woodland. The compensatory habitat under the landscape master plan will be more fragmented and unattractive to the farmland species the development has displaced.
- (x) Cumulative Impacts : We are gravely concerned about the cumulative loss of breeding bird territories resulting from this development in combination with those existing or proposed under the overall Wynyard Master Plan. Excluding the hospital site, the combined total of territories occurring within the development areas of Wynyard 1, Wynyard 2 and this, Wynyard 3, is 470 of over 40 species, some of which are rare or scarce breeders in Cleveland.

We hope you will find our comments useful and will persuade your Council to refuse this Application.

**Cleveland Emergency Planning Unit (CEPU):** No response received to amended plans to date.

CEPU previously advised with regards the planning applications H/2013/0033 and H/2013/0043 at the land north of the A689 Wynyard Business Park, the only points we wish to note are the presence of both the Natural Gas, NGN and National Grid pipeline and the Teesside Saltend Ethylene pipeline in the vicinity, the flooding of the A689 back in November and the impact on the transport links within the area. As far as the plans we would offer no objections to them.

**Coal Authority :** The application site does not fall within the defined Development High Risk Area. The application site is located instead within the defined Development Low Risk Area. Meaning that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted. (Request that their Standing Advice be included within the Decision Notice if planning permission is granted.)

**Elwick PC :** No response received to amended plans to date.

Elwick PC previously advised. No objection.

**Wolviston PC:** No response received to amended plans to date.

Wolviston PC previously advised. Wolviston Parish Council has concerns over these developments as it believes these schemes will greatly increase traffic around Wolviston village, meaning more traffic delays, road noise and traffic pollution for the residents. Therefore, Wolviston Parish Council object to applications H/2013/0033 and H/2013/0043.

**Durham County Council :** I refer to the above consultation. Acknowledging that the acceptability of the proposals is a matter for the determining authority I limit my comments only to the potential for the development to affect County Durham for instance in terms of its impact on any existing or emerging Plan Policies or more site specific matters such as impacts upon the County's residents, landscapes, infrastructure network, townscapes, ecological assets and heritage.

The only key issue with regards to the proposed development and County Durham relates to the emerging County Durham Plan and the proposed housing allocation (under Policy 30) at land south of Eden Drive, Sedgefield for 450 no. dwellinghouses. The Pre-submission Draft County Durham Plan was subject to consultation between 14th October and 9th December 2013. Comments were issued by Stockton on Tees Borough Council in relation to the proposed housing allocation at Sedgefield and some concerns were expressed with regards to the level of growth within the Wynyard area and potential impacts upon the highway network. The County Durham Highway Authority had previously considered the original consultation(s) with regards to the developments in January 2013 and no issues were raised with the submitted transport assessment or transport consultants conclusions. This view remains the case having regards to the amendments made to the scheme. However, there is some potential that the level of growth around Wynyard could have implications with regards to the delivery of the housing

allocation at Sedgefield within the emerging County Durham Plan and ultimately lead to cumulative highway capacity issues. Therefore, there is a need for co-operation between Stockton, Hartlepool and County Durham so as to ensure that one development does not hinder another coming into fruition. County Durham LPA are happy and available to assist Stockton and Hartlepool and the Highways Agency where possible with any highway modelling or discussions surrounding highways implications. My understanding is that discussions are ongoing between all parties so as to ensure that highways implications remain acceptable for all affected sites. In conclusion, I raise no objections to the proposed development but highlight the need co-operation to continue with regards to highways issues between all stakeholders.

**Stockton Borough Council (SBC) :** No response received to amended plans to date.

SBC previously advised. Any housing development should be sustainable and any potential negative impacts fully mitigated in line with the NPPF. I am not yet in a position to provide comments from a highway perspective as any potential implications for the road network are currently being assessed. Officers at Stockton-on-Tees Borough Council would welcome joint working with officers at Hartlepool Borough Council **regarding** the delivery of sustainable development at Wynyard Park.

**The Ramblers Association :** Though the new proposals are on a reduced scale from the original application our comments as reported in the Committee Report (4/10/2013) still hold. Residents here and on other developments on the Wynyard sites will be isolated from nearby attractive countryside, the rights of way networks and woods in Durham, Hartlepool and Stockton for quiet enjoyment and healthy exercise as advocated by the medical profession whose views are endorsed by government and local authorities in many plans and statements. Similar observations are made in Hartlepool Borough Council's Parks and Countryside response to the original proposal - they are to be found in the Committee Report (4/10/2013). The amended proposals do not provide a school. This means that children from about 3 to 11 years old will be educated off site and for many that will mean negotiating a busy double carriage way at least twice a day to get to the local authority school on the Wynyard site south of the A689 – this introduces a risk of injury/death from the traffic unless a safe method of crossing, completely separating children from traffic, is provided. If the council is minded to approve the proposal, the grant should be conditional on the provision of: 1) a suitable pedestrian/cycle bridge across the A689. The bridge should have no steps and the gradients must be easy so as not to discourage infants and parents/carers with pushchairs from using it. Precautions will be required to prevent children and others from endangering themselves by crossing the road at grade 2) suitable access to neighbouring woods, the North Burn valley and neighbouring rights of way networks.

**Tees Valley Local Access Forum (TVLAF) :** No response received to amended plans to date. TVLAF previously advised.

The Tees Valley Local Access Forum is an independent, statutory body with an interest in Public Rights of Way and access to the countryside, towns and coast in



our area. The Local Authority areas the Forum represents are Darlington, Hartlepool, Stockton on Tees, and Middlesbrough. Thank you for the opportunity to comment on the application the Forum asks would the Developer consider wider links to established PROW in Hartlepool, Stockton on Tees and Durham and how safe pedestrian and cycle routes could be made with the existing Wynyard village - across the A689? The Countryside Access Officers in Hartlepool and Stockton on Tees Borough Councils would be able to advise, as would the TVLAF members. The Forum is pleased to see the feedback from the Community Exhibition being noted, that 86% of those who responded agreed with the creation of new footpaths, cycleways and woodland trails within the surrounding woodland. We note that the same number of those who responded also want to see public open spaces and landscape improvements.

The Forum has a responsibility to examine how our Local Authorities manage our PROW, and put forward ideas about how improvements can be made. The Forum must balance the needs of land management and the desirability for recreation, conservation and biodiversity in the region. Membership of the Forum is a mixture of the users of Rights of Way, the owners and occupiers of land and any other relevant interests.

**Health & Safety Executive (HSE)** : Does not advise on safety grounds against the granting of planning permission. The HSE advises that as the site is within the consultation distance of a major hazard pipeline (high pressure gas pipeline) the Local Planning Authority should consider contacting the pipeline operator (National Grid) before determining the application.

**Sport England** : Comments awaited.

## PLANNING POLICY

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

### Hartlepool Local Plan (2006)

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

GEP1: General Environmental Principles  
 GEP2: Access for all  
 GEP3: Crime Prevention by Planning and Design  
 GEP9: Developer Contributions  
 Hsg 5: Management of Housing Land Supply  
 Hsg9 : New Residential Layout – Design and Other Requirements  
 Ind1: Wynyard Business Park  
 Tra20: Travel Plans  
 WL7: Protection of SNCIs, RIGSs and Ancient Semi Natural Woodland  
 Rur2: Wynyard Limits to Development  
 Rur 20: Special Landscape Area.  
 Rec 2 : Provision for Play in new housing areas.

The Tees Valley Minerals and Waste DPD (2011)

1.34 The following policy on the adopted Minerals & Waste DPD is relevant:

## MWP 1 Waste Audits

National Policy

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

- 7: Three dimensions to sustainable development
- 14: Presumption in favour of sustainable development.
- 17: Core Planning Principles.
- 18: Securing economic growth.
- 19: Support sustainable economic growth.
- 30: A development strategy which encourages sustainable modes of transport.
- 32: Transport Assessment.
- 34: Need to travel minimised and the use of sustainable transport modes can be maximised.
- 36: Travel Plan
- 37: Minimise journey lengths
- 47: Boost the supply of housing.
- 49. Housing and the presumption in favour of sustainable development
- 50: Deliver a wide choice of housing.
- 56: Good design.
- 111: Effective use of land
- 129: Effect on heritage assets.
- 158: Using an appropriate evidence base.
- 159: Evidence Based Housing Needs – Strategic Housing Market Assessment & Strategic Housing Availability Assessment.
- 186: Delivering sustainable development.

- 196: Determination in accordance with the development plan.  
197: Presumption in favour of sustainable development.  
216: Weight should be given to emerging plans.

## PLANNING CONSIDERATIONS

1.36 The main planning considerations are policy, design and layout, landscape/visual impact, highways, ecology, trees, relationships within and outwith the site/residential amenity, drainage/flooding/contamination, education, public rights of way, health and safety, archaeology, health and safety and approval development.

## POLICY

### GENERAL

1.37 Section 38(6) of the Planning and Compulsory Purchase Act 2004, states that "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

### HARTLEPOOL LOCAL PLAN (2006)

1.38 The relevant policies of the current adopted Hartlepool Local Plan (2006) are identified in the policy section in the main body of the report. The site lies within the Wynyard Limit to Development (Policy Rur2) of the adopted Hartlepool Local Plan 2006 however the site is reserved for development as a Flagship business park (Policy Ind 1). The site also accommodates a site identified as a Local Wildlife Site where development likely to have a significant adverse effect is restricted unless the reasons for development clearly outweigh the harm (Policy WL7). Where development takes place on such sites it is advised that the Borough Council may seek to impose conditions, or seek legal agreements to minimise harm and enhance the remaining nature conservation interest and secure compensatory measures and site management.

1.39 In conclusion whilst the proposed commercial development of the site is acceptable the proposal to develop the site for housing and the consequent loss of prestige employment land would be contrary to the extant local plan. However the local plan predates the NPPF and it is apparent that with the recent withdrawal of the replacement plan the authority cannot currently demonstrate a 5 year supply of deliverable housing sites. These are key issues and are discussed below.

### THE NATIONAL PLANNING POLICY FRAMEWORK (2012)

1.40 The Government has recently published the National Planning Policy Framework (2012). The National Planning Policy Framework (NPPF) sets out the Government's economic, environmental and social planning policies for England.

1.41 The NPPF introduces a presumption in favour of sustainable development. It identifies three dimensions to sustainable development; economic, social and environmental. In short this seeks to build a strong economy with the right

development in the right place, to support strong, vibrant and healthy communities and to protect and enhance our natural, built and historic environment. (7)

1.42 In terms of making decisions the NPPF reiterates that decisions should be plan led with proposals that are in accordance with the development plan approved and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impact should significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate development should be restricted (14, 196 and 197).

1.43 The core land-use principles that underpin both plan making and decision making are set out in paragraph 17 of the NPPF. These principles are that planning should:

- be genuinely plan-led.
- be a creative exercise.
- should proactively drive and support economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs.
- seek to secure high quality design and a good standard of amenity.
- take account of the different roles and character of different areas promoting the vitality of main urban areas and recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities.
- support the transition to a low carbon economy.
- contribute to conserving and enhancing the natural environment and reducing pollution.
- encourage the effective use of land by reusing land previously developed.
- promote mixed use developments.
- conserve heritage assets.
- actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- take account of and support local strategies to improve health and wellbeing for all; and deliver sufficient community and cultural facilities and services to meet local needs.

1.44 The development plan for Hartlepool Local Plan (2006) allocates all of this proposed land as prestige employment land. It is the premier location for inward investment in the Borough and the housing proposals are therefore contrary to the development plan. However in terms of housing the NPPF advises Local Planning Authorities should deliver a wide choice of high quality homes. (47). To boost the supply of housing Local Planning Authorities are advised to use their evidence base to ensure needs are met. Local Planning Authorities are charged to deliver a wide choice of high quality homes, widen opportunities for home ownership, and to create sustainable, inclusive and mixed communities by planning for a mix of housing to meet demographic needs, a range of housing types and tenure to meet local demands and to ensure that any need for affordable housing is met. (50). In terms of affordable housing the NPPF states that local planning authorities should (111) “where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of

broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities.”

1.45 In light of the withdrawal of the Local Plan the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47. In accordance with paragraph 49 of the NPPF the housing policies of the Hartlepool Local Plan (2006) must therefore be considered out of date. The proposal must therefore be considered in the context of the presumption in favour of sustainable development (49) and the tests set out in NPPF paragraph 14. Recent case law indicates that the lack of a five year housing supply is a critical factor in such cases.

1.46 With specific regard to this application and the 5 year land supply situation NPPF paragraph 14 holds significant weight and states:

*“Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *Specific policies in this Framework indicate development should be restricted.”*

1.47 It is not considered that specific policies in the NPPF indicate development should be restricted thus the NPPF as a whole should be used as a basis to determine the proposals and it should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Critically the three dimensions to sustainable development identified in the NPPF (Economic, Social and Environmental) must be considered (paragraph 7). In economic terms the role of the planning system in the economy is identified as “ensuring that sufficient land of the right type is available in the right places and at the right time to support growth; and ...the provision of infrastructure.” Social sustainability comes down to providing a supply of housing to meet needs in a high quality built environment with accessible local services. The environmental role for planning is defined as “contributing to protecting and enhancing our natural, built and historic environment” which includes improving biodiversity, using natural resources prudently, minimising waste and pollution, and adapting to climate change including moving to a low carbon economy. The proposed development as a whole will clearly deliver economic growth, it will provide a mix of housing, and business uses, in a high quality environment with some accessible local services, it will offer opportunity's to enhance the biodiversity of the area.

1.48 Critically the NPPF states (14) that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The main benefits and adverse impacts arising from the scheme are outlined below.

## Benefits

- The proposed development will provide 200 units of high quality housing.
- These proposed homes will boost the supply of housing and contribute to meeting an identified need for higher quality houses in the Borough.
- The scheme will provide a contribution for affordable housing.
- The overall scheme is anticipated to provide a stimulus for economic growth.
- It will support a bus service which will improve the sustainability of Wynyard as a whole.
- It is anticipated that the proposal will provide a substantial though reduced prestige business park.
- It will provide limited local services in the form of a local centre and MUGA to improve sustainability.
- It will potentially deliver beneficial ecological impacts.
- The Wynyard schemes (H/2013/0033, H/2013/0043 & H/2013/0076) as a whole will support the delivery of a school and other community facilities.

#### Adverse Effects

- It will result in the loss of part of the allocated and permitted business park at Wynyard 3 which is Hartlepool's premier employment land allocation.
- It will not provide a completely self sustaining community in terms of comprehensive health and community facilities.
- Potential adverse ecological impacts

1.49 It is acknowledged that the proposal taken in isolation has its shortcomings in terms of sustainability but it is not considered that in this case the adverse impacts would significantly and demonstrably outweigh the benefits.

#### CONCLUSION

1.50 In summary, whilst the commercial development is acceptable the housing element of this application is not in conformity with the extant Local Plan. However, in light of the withdrawal of the replacement local plan the authority cannot demonstrate a five year supply of deliverable housing sites. In light of this the development must be considered in light of the policies of the NPPF and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is officer's opinion that on balance any adverse impacts of granting planning permission for these proposals would not outweigh the benefits that the scheme would bring to the Borough. The application is therefore acceptable in principle subject to other material considerations and subject to conditions and appropriate developers contributions being delivered identified in the section below.

#### OTHER RELEVANT INFORMATION

1.51 A number of key evidence base reports are also relevant to the consideration of this application.

1.52 The **Hartlepool Affordable Housing Economic Viability Assessment (2009)** looked at the likely effect on the viability of developments of requirements for affordable housing. The assessment showed that on the sites assessed under certain market conditions schemes including a 10% affordable housing are viable.

1.53 The **Hartlepool Strategic Housing Market Assessment (SHMA) (2012)** and the Tees Valley SHMA has identified that there is a substantial underrepresentation of executive housing stock in the Borough which is acting as a barrier to economic growth. It is estimated that only 12% of the executive housing stock in the Tees Valley is within Hartlepool. In Hartlepool only 4% of the housing stock is considered executive. In terms of affordable housing the Hartlepool SHMA also identified the overall housing need in the Borough as 27.5% of the overall net additional dwellings provided each year.

1.54 The **Executive Housing Need Paper (2012)** draws together information from other studies which indicate a need for the provision of executive housing within the Borough and wider Tees Valley. It suggests that a supply of high quality “executive” housing within the Borough is necessary in order to attract “wealth creators” (entrepreneurs, company directors etc). The paper also again highlights that executive housing within the Borough currently equates to approximately 4% of the overall housing stock and that there are very few existing permissions for executive homes to be developed in the Borough. Other key findings are the current lack of available sites for executive housing across the Tees Valley, that the lack of executive supply is acting as a barrier to economic growth and that executive sites have historically proved to be successful in the Tees Valley. It concludes that a range of executive housing sites need to be provided in Hartlepool throughout the plan period of the emerging Local Plan (2012-2027) to offer a choice of locations throughout the Borough.

1.55 The **Hartlepool Employment Land Review December (2008)** indicated that there was an over supply of employment land within the built up area of Hartlepool, far in excess of the 25 years requirement. The Review highlighted the need to de-allocate surplus employment land within the built up area of Hartlepool. The Employment Land Review accepted that the land at Wynyard Business Park and at North Burn (referred to in the former Regional Spatial Strategy as ‘Wynyard’) were not considered as part of the Borough's employment land supply but rather forms a sub regional supply as it is prestige employment land that is of regional importance .

## DEVELOPER CONTRIBUTIONS & OBLIGATIONS

1.56 It is considered at this stage that, subject to viability, the following developer contributions and obligations should be delivered by the scheme. (These obligations will either be secured through a section 106 agreement or where considered appropriate by conditions).

- Off-site highway works including triggers.
- Supported public transport services including triggers.
- A footbridge over the A689, unless it is demonstrated an at grade crossing is acceptable, and triggers.

- A commitment to deliver the local centre including triggers.
- A commitment to deliver public sports (MUGA) and play facilities including triggers, and to manage and maintain them for public access.
- A commitment to a targeted training and employment charter.
- A commitment to deliver a primary school including triggers.
- A contribution towards secondary school place funding.
- A contribution to the development of public rights of way in the vicinity of the site.
- A commitment to accommodate a public right of way through the site.
- An affordable housing contribution.
- A commitment to maintain build and maintains highways to an adoptable standard.
- A commitment to maintain landscaping and amenity areas to an appropriate standard.
- Delivery of pipeline protection works including any required access arrangements.
- A commitment not to implement the previous permission(s) in the relevant parts of the site
- A Conservation & Habitat Management Plan securing ecological mitigation across the wider Wynyard Park site.
- A commitment securing the delivery, implementation and review of travel plans and the appointment of a travel plan coordinator.

1.57 In terms of housing need the affordable housing need as defined in the Tees Valley Strategic Housing Market Assessment is 27.5% of the overall net additional dwellings provided each year. In order to meet this need 27.5% of the dwellings would need to be affordable subject to economic viability. It is accepted that an off site contribution can be delivered in this case. The applicant has initially offered a contribution of some £1.2 million this falls significantly below the 27.5% requirement and therefore the viability of the scheme needs to be considered in order to ascertain whether additional contributions are sustainable. On 18<sup>th</sup> March 2014 the applicant submitted a Development Appraisal which is currently being reviewed.

## DESIGN & LAYOUT

1.58 The application is an outline application with all matters reserved. The applicant has nonetheless asked that consideration be given to a parameters plan which identifies the broad areas where development will take place.

1.59 In terms of the original proposals concerns were raised in relation to various aspects of the parameters plan, in particular concerns were raised in relation to the relationships between the hospital site, the MUGA and the proposed housing areas, the location of sports provision in relation to the proposed housing and areas of archaeological interests and in relation to the highway layout. The conclusion of the discussions on highway capacity has also led to revisions to the original scheme in particular the reduction of the housing numbers and scale of retail development.

1.60 In order to seek to address these issues discussions have taken place and the proposals have been amended. The current scheme indicates that the commercial



development (B1) will be provided at the southern end of the site adjacent to the A689, also on this side of the site the proposed sports facility MUGA will be accommodated. The Local Centre has been relocated immediately adjacent to the west of the Hospital site with the housing area to the west side of the site. The northern and north eastern area of the site will be left undeveloped. These changes have ensured that effectively a buffer is provided between the Hospital site, the sports facilities and the housing areas.

1.61 It is considered that the site can physically accommodate the level of development proposed. The local centre, whilst small will provide for the immediate needs of the residents and has capacity for expansion should this be required. It is proposed that provision for an onsite play area could be conditioned. The comments of Child & Adult services on the provision for sport are awaited and subject to these comments the design and layout of the scheme is considered acceptable. In terms of the relationships on site, archaeology, highway and other considerations these are discussed below.

#### LANDSCAPE/ VISUAL IMPACT

1.62 The site is not covered by any statutory landscape designation however, with its surrounding woodland, it is a relatively attractive rural landscape of fields and woodland. It must be remembered however that the site is currently identified for business development in both the adopted and emerging local plans and that planning permission has previously been granted for a hospital on an adjacent site, and commercial development on the site itself.

1.63 The proposed development will have an impact on the rural character of the landscape, and will change it, introducing a more urban character. The woodland which substantially bounds the site to the north, west and east will help to limit the developments impact in the wider landscape however the southern boundary with the A689 is relatively open and this allows for extensive views across the site from the A689 and beyond. In order to mitigate against this impact areas of established woodland surrounding the site will be retained and additional landscaping and planting can be conditioned to help screen the development and its assimilation into the landscape. It is anticipated that these matters would be detailed at the reserved matters stage. In the context of the above it is considered that the landscape/visual impact arising from the development is acceptable.

#### HIGHWAYS

1.64 The final comments of the Traffic and Transportation Section are awaited it is anticipated that in terms of on site highway considerations the proposal is acceptable in principle subject to the detailed consideration of highway design which would be detailed at the reserved matters stage.

1.65 Concerns in relation to traffic congestion and the impact the development might have on the A19 and the A689 have featured prominently in objections to the proposals. The Highways Agency initially placed a holding direction on the application and two other major applications (H/2013/0043 & H/2013/0076) which are currently being considered in the Wynyard Area. This is because the Highways

Agency did not consider that sufficient information had been provided by the applicant to determine whether the development would generate traffic on the trunk road to an extent that would be incompatible with the use of the trunk road and with safety and free flow of traffic on the trunk road.

1.66 Following this initial response, in light of the fact that a number of other major applications are currently under consideration in the Wynyard area the Highway Agency promoted a cooperative joint exercise of traffic modelling, agreed and supported by the relevant parties and ATLAS, to understand the impact of the various developments currently proposed, and previously approved, on the trunk road and local highway network, and to identify capacity and any mitigation required.

1.67 Detailed and extensive highway modelling found that no more than 1,100 dwellings could be delivered without major highway mitigation being required on the A19 with substantial cost implications. As a result it was agreed to reduce the total number of dwellings across all three developments to a combined total of 1,100 units and the applications have been amended accordingly. The Highways Agency have lifted their holding direction. At the time of writing the impacts on the local highway network, including the issue of bridge footbridge provision (see below), are still being considered however it is understood that this is acceptable subject to mitigation and this issue will be resolved before the meeting. Members will be updated at the meeting.

1.68 The applicant and the developer promoting a scheme to the south (H/2013/0076) have agreed to jointly fund the provision of a footbridge across the A689 unless it is demonstrated through road safety audits that an at grade crossing over the A689 is appropriate. It is anticipated that this would be located in Stockton on the west side of the roundabout linking Hanzard Drive to the A689. The scheme does not form part of the current proposal and would need to be the subject of a separate application but would be secured through either conditions or a legal agreement.

## ECOLOGY

1.69 The site does not contain any statutorily protected areas though it does accommodate a Local Wildlife Site (High Newton Hanzard Meadow) which will be lost through the development.

1.70 In terms of protected species the only species identified on the site itself from surveys conducted to support the application were bats which have been identified as roosting in the farm complexes on site and using the land for foraging. The development of the site will also affect the habitats of a number of birds, some of which are of conservation concern and currently utilise the farmland/grassland within the site and the surrounding woodland area. Concerns in relation to the impact of the development on the Ecology of the area have featured prominently in the responses of objectors to the proposal notably Teesmouth Bird Club.

1.71 The Ecological information has been considered by HBC's Ecologist and following discussions with the applicant further information has been submitted to address concerns which were raised.

1.72 It is acknowledged that the development of the site will result in some negative ecological impacts, for example habitats suitable for farmland birds will be lost and such species will disappear from the site. Also there will be a very large increase in disturbance to the woodland surrounding the application site. In order to address these impacts the approach followed is to mitigate against these ecological losses through various short and long terms measures including the provision of new ecological features, particularly the SUDS ponds, which have the potential to result in a positive ecological impact.

1.73 Given the loss of habitats it is not considered that the impacts of the development could be mitigated for within the application site itself alone and there is therefore a need for a mechanism to ensure that mitigation across the wider Wynyard Park Estate is delivered offering a much greater scope for necessary mitigation and enhancement measures. It is considered that provided mitigation is secured on site and within the wider Wynyard Park Estate any impacts could be successfully mitigated or compensated for. Natural England have not objected to the proposal but have advised developments should seek to enhance biodiversity. The applicant has agreed in principle to this and it is proposed that this would be addressed through an appropriate clause within a legal agreement. Conditions would also be needed to secure specific mitigation on or adjacent to the site. It should be noted that these measures will not necessarily directly compensate for all habitats lost i.e. it is not intended to replace areas of farm land. It is considered however that with the ecological mitigation and enhancement secured across the wider Wynyard Park Estate through a legal agreement and appropriate conditions that any impact on the ecology of the site will be acceptable with the potential that in the longer term that the ecology of the area would be maintained and possibly enhanced. On this basis in terms of its impact on ecology the proposed development is considered acceptable.

## TREES

1.74 The site is surrounded by woodland, there are a number of individual mature trees scattered across the site and a number of hedgerows.

1.75 The proposal will involve the removal of individual mature trees, and hedgerows across the site. Of the 36 mature trees proposed for removal, 30 are for reasons relating to their condition. All of the hedgerow removals are considered necessary to facilitate the development however it is anticipated sections of existing hedgerow will be retained within the development.

1.76 The application is in outline and therefore it is difficult to precisely assess the impact on individual trees and hedgerows shown to be retained. However the proposals have been considered by HBC's Arboriculturalist who has raised no objections to the proposal. It is considered that whilst trees will be lost on site given the woodland cover in this area, and the significant opportunities for compensatory landscaping, these losses will not be significant and that the impacts on any retained

trees could be addressed through appropriate conditions which would require that tree protection measures, including tree friendly construction techniques in discrete areas, are secured. In the longer term the proposals discussed above to mitigate against the ecological impacts of the development, and in particular the proposals to manage the woodlands in the wider Wynyard Park Estate, if secured, will potentially benefit the health and diversity of the woodlands in the area and wildlife which uses them.

#### RELATIONSHIPS WITHIN AND OUTWITH THE SITE/ RESIDENTIAL AMENITY

1.77 The parameters plans which show the broad locations of the different types of development proposed has been revised to address concerns raised regarding the relationships of the various developments on site. The relationships with off site development including neighbouring residential properties also require consideration.

1.78 The closest neighbouring residential properties to the site are located on the opposite side of the A689. These are Wynyard North Lodges, Foresters Lodge and the properties on the northern edge of Wynyard Village located to the south. In general the location of these properties on the opposite side of A689 should help to limit direct impacts arising from the development. It is not considered that the residential amenity of these properties would be significantly affected in terms of loss of light, outlook, privacy or in relation to any issues relating to over-dominance. Various residential properties to the north also have accesses which pass through the site though the properties themselves are located a considerable distance away. The detailed layout at the reserved matters stage would need to retain access for these properties. Given the considerable separation distances it is not considered that the residential amenity of these properties would be significantly affected in terms of loss of light, outlook, privacy or in relation to any issues relating to over-dominance.

1.79 In terms of the relationships with adjacent development. A substantial woodland buffer separates the site from development to the east in Stockton and a woodland buffer to the west separates the site from the recently approved housing sites to the west. It is considered that these relationships are acceptable.

1.80 In terms of the on site relationships, the sports facility (MUGA) have been relocated to a site adjacent to the commercial areas on the south side of the main spine road. This was to address concerns raised by Public Protection regarding the relationship with nearby housing. It is considered that this relationship is acceptable and could be of mutual benefit with workers making use of the facilities. The location of the proposed commercial areas, separated from the housing area by what will be a dual carriageway spine road, is also considered acceptable.

1.81 A major concern has been the relationship between the approved Hospital site which bounds the site at its eastern end and the proposed housing areas. The original parameters plan showed housing located close to the boundaries with the Hospital and concerns were raised both by HBC Public Protection and the NHS Trust regarding this relationship and the disturbance that could arise to these residents from the activities associated with a 24 hour hospital including the potential for disturbance from helicopter flights. In order to seek to address these concerns

the layout has been amended, so that the Local Centre is located adjacent to the Hospital, and the applicant's noise consultant has provided additional information. It is considered that this arrangement is acceptable with the local centre in effect acting as a buffer between the housing and the hospital. The Head of Public Protection and the NHS Trust have confirmed their concerns have been addressed.

1.82 In addition the Head of Public Protection has requested various conditions relating to the provision of extract and ventilation for any food and drink uses (A3/A4/A5) and restrictions on their operational hours to protect the amenity of neighbouring residents. He has also requested a sound insulation condition across the site to enable the Local Planning Authority to agree suitable sound insulation measures in critical locations.

1.83 It is not considered that the development will unduly affect the amenity of existing residents or impinge on the operations of nearby businesses.

#### DRAINAGE/FLOODING/CONTAMINATION

1.84 The application is in outline and no detailed plans of the drainage infrastructure have been prepared. The applicant has however prepared a Flood Risk Assessment and Drainage Strategy. This concludes that the risk to the site of flooding is low and that there are no significant increased risks of off site flooding arising from the development. The surface water drainage strategy indicates that the development will incorporate sustainable urban drainage systems, these will include ponds and swales which will attenuate the surface water discharge to various streams and water courses in the area. Foul sewage will be accommodated to the public system. Northumbrian Water have raised no objections to the proposal subject to appropriate conditions. The comments of the Environment Agency and HBC's Engineering Consultancy to the amended plans are awaited but it is noted they raised no objections to the previous proposals. Given the above it is anticipated that the proposal will be considered acceptable in terms of issues relating flooding and drainage subject to the imposition of appropriate conditions.

1.85 In terms of contamination the applicant has submitted a Preliminary Environmental Risk Assessment. The comments of the Environment Agency and HBC Engineering Consultancy are awaited but it is noted they raised no objection to the previous proposals. Given the above it is anticipated that subject to appropriate conditions the proposal will be acceptable in terms of contamination.

#### EDUCATION

1.86 It is recognised that there is a need for additional primary school provision at Wynyard.

1.87 This is one of the cross boundary issues currently progressed in the meetings being facilitated by ATLAS. At the current time the preferred option is that a single school is provided in Wynyard Village on the site in Stockton which is the subject of a separate application (H/2013/0076), the developer promoting that scheme is in the advanced stage of discussions with the Diocese and the relevant Government Departments to deliver the school. It is anticipated that the applicant would

compensate this Developer for accommodating the school. At the same time the applicant has provided a fall-back position, should this preferred option not materialise, this would involve the accommodation of a school on the Stockton site which is currently being brought forward (H/2013/0043).

1.88 In addition a developer contribution to secondary school provision has also been requested, the Hartlepool element of this would be used to commission places for Hartlepool students in Stockton Schools.

1.89 The precise mechanism for delivering the primary school and secondary school contribution, given the options requires further detailed discussions, it is anticipated however that the provision could be secured through conditions and a legal agreement.

#### PUBLIC RIGHTS OF WAY

1.90 The Ramblers Association, Tees Valley Access Forum and Hartlepool Borough Councils Parks & Countryside section have raised the issue as to whether improvements to the existing public rights of way in the vicinity could be secured.

1.91 Unfortunately the applicant does not own neighbouring land, or accesses, which would be required to accommodate links to the Public Rights of Way (PROW) network to the north and west. Hartlepool's Countryside Officer has been investigating prospects for linking the site through the existing Close Farm access to a PROW to the north which in turn also links to the Castle Eden Walkway. This will however require the agreement of the adjoining landowner(s) as was the case with the application approved to the west (H/2012/0360) the applicant has agreed to accommodate a PROW links through the site to facilitate this link should it be achieved. For the future if a southern link at Wynyard Woods West, could also be accommodated, together they would provided a substantial circular recreational route which would significantly enhance the PROW network in the area to the benefits or residents and visitors alike.

1.92 The applicant has also agreed to provide a contribution towards Public Rights of way improvements it is anticipated that this would be used towards provision of a cycleway link along the A689 to the outskirts of Hartlepool. It is anticipated that this link would pass through Wolviston entering Wynyard along a backroad thereby avoiding the A19 junction.

1.93 The applicant has also submitted a Woodland, Ecology and Recreational Strategy this includes proposals for recreational facilities in the woodland surrounding the site which lie outside the scope of the current application and which will need to be the subject of a separate planning application.

1.94 The developer contribution toward improvements to PROW in the area and the provision of a PROW link through the site could be secured through a section 106 agreement.

#### ARCHAEOLOGY

1.95 Tees Archaeology have been consulted and subject to suitable archaeological conditions have raised no objections to the proposal.

1.96 The majority of the site is of low archaeological potential however as a result of previous archaeological work a high status medieval site has been identified at Low Newton Hazard. This is a heritage asset of regional importance. The development area shown for the latest proposals avoids this area which can be protected by condition.

1.97 Previous archaeological work to the south of Low Newton Hazard identified remains of an Iron Age settlement of local importance. This lies partly within the development area and further mitigation in the form of archaeological fieldwork will be required to ensure the remains are properly recorded prior to destruction (NPPF para. 141). This mitigation can again be secured by means of a planning condition.

1.98 In terms of its impact on archaeology the proposal is considered acceptable.

### HEALTH & SAFETY

1.99 A high pressure gas main is located to the south east of the site. It crosses the main access road into Wynyard Park to the east.

1.100 The issue of the gas main arose in relation to earlier applications approved at Wynyard Park. An application in Stockton (08/1410/FUL) for the works to the access road to facilitate the development of the business park in Hartlepool (H/2009/0494) included relevant conditions and a legal agreement to ensure that issues of health & safety relating to the high pressure gas main were addressed. These measures included the provision of a concrete impact protection slab in the first instance and the subsequent diversion/replacement of the existing pipeline under the road with a thicker walled steel pipe. These requirements and measures and triggers to manage the process were secured through conditions and a legal agreement. An application to extend the time limit of this application is currently under consideration by Stockton.(13/2267/RNW)

1.101 The pipeline operator has been consulted and indicated that subject to similar safeguards being applied they would have no objections to the proposal.

1.102 In light of this it is considered that this matter could be dealt with through appropriate conditions and or a legal agreement if required.

### APPROVED DEVELOPMENT

1.103 The site has an extant consent for commercial development including areas which are proposed to be left undeveloped by this proposal. The traffic modelling has been undertaken on the basis of the scheme as submitted as does not take account of this commitment. It is also considered appropriate, in light of the close proximity of these areas to the housing areas, that the developer agree not to implement the commercial permissions on the remainder of the site. This can be secured through a legal agreement.

## CONCLUSION

1.104 At the time of writing a number of key consultation responses (Traffic & Transportation, Child & Adult Services, Engineering Consultancy & Environment Agency) are outstanding and discussions on the developer contributions are ongoing.

1.105 It is considered however that subject to the receipt of satisfactory comments from these consultees and subject to agreement being reached on developer contributions the proposal is acceptable.

1.106 In the event that agreement cannot be reached on developer contributions the proposal would not be considered acceptable.

## EQUALITY AND DIVERSITY CONSIDERATIONS

1.107 There is no evidence of equality or diversity implications.

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

1.108 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. It is not considered that the scheme raises any significant issues in this respect.

**RECOMMENDATION – APPROVE** subject to satisfactory comments being received from HBC Traffic & Transportation, HBC Adult & Children's Services Section, the Environment Agency and HBC Engineering Consultancy, the satisfactory conclusion of discussion regarding developer contributions, and a legal agreement (or where appropriate conditions) securing the developer contributions and obligations identified in section 1.56 of this report and subject to conditions. The final decision to be delegated to the Planning Services Manager, in consultation with the Chair of Planning Committee.

In the event that agreement cannot be reached on the developer contributions and obligations the proposal be **REFUSED**. The final decision to be delegated to the Planning Services Manager, in consultation with the Chair of Planning Committee.

## BACKGROUND PAPERS

1.109 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

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



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## WYNYARD PARK



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT  
Department of Regeneration and Planning

COPYRIGHT RESERVED LICENCE 1000233902013  
**Scale: 1:15000**  
**Date : 6/9/13**  
**H/2013/0033**

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**No:** 2  
**Number:** H/2013/0043  
**Applicant:** Wynyard Park Ltd And Mauve Ltd  
**Agent:** NATHANIEL LICHFIELD AND PARTNERS LYND A  
STEVENSON GENERATOR STUDIOS TRAFALGAR  
STREET NEWCASTLE UPON TYNE NE1 2LA  
**Date valid:** 25/01/2013  
**Development:** Outline planning application for the erection of up to 400 dwellings, a potential two form entry primary school, a local centre of up to 250 sqm (Use Classes A1 to A5), a Multi Use Games Area, playing field, open space, landscaping and associated infrastructure (all matters reserved except access)  
**Location:** Land North of the A689 WYNYARD BUSINESS PARK

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## PURPOSE OF REPORT

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

## BACKGROUND

2.2 This application relates to proposals on one of three sites in Wynyard which are currently under consideration by Hartlepool and Stockton On Tees Borough Council's (SBC). This site is largely within SBC save for parts of the access and a woodland at the western end of the site which lie in Hartlepool. SBC are also considering the same application which was submitted to them separately.

## PROPOSAL AND SITE CONTEXT

2.3 The application site consists of undulating grassland, woodland and agricultural land located to the north side of the A689. The site is enclosed by mature woodland to the north, west and east, with woodland belts travelling into the site from the north and south eastern boundaries. These trees belts will be retained. To the south are a cluster of commercial buildings and agricultural fields with planning permission for further phases of the wider Wynyard Business Park development. Beyond these lie the A689 dual carriageway, with Wynyard Village and the Wellington Golf Course beyond. To the north is Close Wood, a Local Wildlife Site (LWS) designated for its re-planted ancient woodland with open agricultural fields beyond. To the west lies the Swart Hole Plantation, which is in Hartlepool (also part of the LWS), beyond which lie agricultural fields comprising part of the wider Wynyard development at Wynyard 3. Planning permission for commercial development on this site was granted by Hartlepool Borough Council in October 2010, as an extension to the existing Wynyard Park Business Park (H/2009/0494). At the same time outline planning permission on land was also granted for the erection of a hospital (H/2009/0335) this application has recently been renewed and members were

mind to approve this application at the February meeting of the Planning Committee subject to the completion of a legal agreement (H/2013/0479). The land around the hospital site is currently subject of a planning application for mixed use development which is also before members on this agenda (H/2013/0033). To the east is the Whinny Moor Plantation with Wynyard Business Park and the A19 lying beyond.

2.4 The application has been amended following prolonged discussions regarding highway capacity. The current application now seeks outline planning permission with all matters reserved except access for the erection of up to 400 dwellings, a local centre (Use Classes A1 to A5) of up to 250 sqm, a Multi Use Games Area (MUGA), a 0.6 ha kick about area, 0.8 ha amenity space including a village green, a 115m x 85m playing pitch, a play facility and a potential primary school with associated associated landscaping and infrastructure works including highway works. In effect in the revised scheme the number of dwellings has been reduced by 600, the development area reduced and a site for a potential primary school has been added to the proposal. A link road to the Hartlepool to the south through the woodland in the north west corner of the site has been omitted. The application is a cross boundary application and it is only the highway works, in particular the provision of a roundabout and part of the dual carriageway spine road in the south west corner of the site, that are within Hartlepool and are therefore the principle focus of considerations.

2.5 The final detailed layout for the wider site will be the subject of a future application for reserved matters approval. Parameter plans have been submitted for approval which specify the development zones for the buildings and approximate locations of the open spaces, key routes and roads. The parameter plans has been amended during the course of the consideration of the application. The revised parameter plans shows development in the southern part of the site, closest to the existing commercial units and road infrastructure, whilst the northern area is left undeveloped. There is a requirement for the developments being brought forward in Wynyard to deliver a primary school. It is anticipated that this would be provided on the Cameron Hall site to the south of the A689 (H/2013/0076) however if this is not provided the proposal includes a “fall back” option to provide a school. The parameter plans therefore include two options, with Option 1 excluding the school and Option 2 including the school. Under Option 2, the potential primary school would be located on a 1.75ha plot at the southern end of the application site its grounds would include playing fields, play grounds and landscaped areas. It would be adjacent to the MUGA playing fields, public open space and the local centre with the housing areas extending in an arc around this area to the north, east and west. In the non school option the school would be replaced by housing areas. Additionally, new landscape features, including Sustainability Urban Drainage Systems (SUDS), open spaces and landscaped areas will be provided to help integrate the development into the landscape. The landscaping will be also be used to create access corridors, enhance biodiversity through providing new wildlife habitats and provide space for formal and informal recreation.

2.6 Access into the site will be from the second roundabout on the A689 when travelling westwards from the A689 / A19 junction. This roundabout already provides an access into the Wynyard Park for existing business development. Two

roundabouts (one in Hartlepool) will be provided on what will become part of the wider Wynyard Park spine road which will travel into the Hartlepool site to the west. It is the western most of the two new roundabouts which is located in Hartlepool. It is noted though that the site also incorporates woodland to the north of the roundabout which is also in Hartlepool. It is understood that part of this woodland is owned by the NHS Trust.

2.7 The applicant has submitted various reports in support of the application including a Planning Statement, an Environmental Impact Assessment, a Consultation Statement, a Design And Access Statement, a Transport Assessment, a Travel Plan, an Existing Services Assessment Report, a Sustainability Statement, an Energy Statement, an Employment Land Assessment, an Arboricultural Impact Assessment & Method Statement, and a Flood Risk Assessment And Drainage Strategy. The applicant has also submitted a Woodland, Ecology and Recreational Strategy this includes proposals for recreational facilities in the woodland which lie outside the scope of the current application and which will need to be the subject of a separate planning application.

## **PLANNING HISTORY**

2.8 The Hartlepool area of the site has a long and complicated planning history. The most relevant recent planning applications are listed in the Planning History Section of the report on application H/2013/0033 which is also before members on this agenda. In brief the site has benefited from planning permission for commercial development.

## **RELEVANT APPLICATIONS ON ADJACENT OR NEARBY SITES**

2.9 A number of relevant applications have also been approved on adjacent sites or nearby sites and these are listed below.

H/2009/0335 Outline application for a hospital development with associated landscaping, access and ancillary uses including on-site car parking and energy centre. Approved 11<sup>th</sup> October 2010.

H/2013/0479 Outline application with some matters reserved for new hospital development with associated landscaping, access and ancillary uses including car parking and energy centre (renewal).

In October 2010 outline planning permission was granted for a hospital development on a site to the west of the current application site. An application to renew the hospital permission was approved by committee in February 2014 subject to the completion of a section 106 agreement.

H/2011/0102 Outline application for the erection of 200 dwellings with full planning permission sought in part for roads, footpaths and related infrastructure of the core highway network.

This application for outline planning permission for the erection of 200 dwellings on a site located further to the west of the current application site was considered at the 4<sup>th</sup> November 2011 meeting of the Planning Committee. The Committee was

mind to approve subject to the completion of a legal agreement this has not been progressed by the applicant.

H/2012/0360 Residential development comprising 168 residential units with associated roads, footpaths and infrastructure.

This application for full planning permission for the erection of 168 dwellings on a site further to the west of the current application site was considered at Planning Committee in December 2012 it was approved subject to the completion of a legal agreement and planning permission was subsequently issued.

Further details of these applications are included in the report on application H/2013/0033 which is also before members on this agenda.

## **OTHER RELEVANT APPLICATIONS CURRENTLY UNDER CONSIDERATION IN THE WYNARD AREA**

2.10 Major housing applications have been brought forward on two other sites in Wynyard and are currently under consideration by Hartlepool and Stockton Borough Council's. These applications, are listed below and are also before members on this agenda.

H/2013/0033 Outline planning application, with all matters reserved, for up to 200 dwellings, a local centre (Use Classes A1/A2/A3/A4 or A5) of up to 400 sqm, commercial development of up to 101,858 sq m of Class B1 office floorspace, and a Multi Use Games Area with associated landscaping and infrastructure works.

This site is located to the west of the application site in Hartlepool. The applicant's are Wynyard Park Limited and Mauve Limited.

H/2013/0076 Outline planning application with all matters reserved for construction of up to 500 houses, primary school (including sports facilities) and nursery, retail units (up to 500 sqm), doctors surgery, community facilities, access and associated landscaping, footpaths and open space.

This site is located to the south of the A689 in Wynyard Village. The applicant is Cameron Hall Developments Limited.

2.11 In light of the scale of development currently being brought forward in the Wynyard area by different developers, and the complex issues arising from the consideration of multiple applications across two authorities Stockton Borough Council invited ATLAS (Advisory Team for Large Applications part of the Homes & Communities Agency) to act as a facilitator in discussions on issues arising. In light of this a cooperative exercise involving representatives from Hartlepool Borough Council, Stockton-on-Tees Borough Council, ATLAS, the Highways Agency, North Tees & Hartlepool NHS Foundation Trust, Wynyard Park Limited, Cameron Hall Developments Limited, has been progressed. This process has proved a useful exercise in identifying areas requiring cross boundary consideration for example, highway issues, public transport, the location of the schools and other facilities and connections across the A689 and to the wider area.

2.12 One of the main issues was the potential impact of the developments on the local and strategic highway networks. Detailed and extensive highway modelling found that no more than 1,100 dwellings could be delivered without major highway mitigation being required on the A19 with substantial cost implications. As a result it was agreed to reduce the total number of dwellings across all three developments to a combined total of 1,100 units and the applications have been amended accordingly. The Highways Agency have lifted their holding direction. At the time of writing the impacts on the local highway network are being considered however it is understood that the impact is acceptable subject to mitigation.

### **OTHER RELEVANT APPLICATIONS IN STOCKTON ON TEES**

2.13 Other relevant recent applications in Stockton On Tees Borough Council in the vicinity of the site are listed below.

08/1410/FUL Construction of access road and associated works Wynyard Park Access Road Wynyard Park. The above application which relates to works to the dual the access road to Wynyard Park to the south east of the site was approved in September 2010.

13/2267/RNW Application to extend time limit to replace an extant planning permission for construction of access road and associated work (13/2267/RNW). An application to extend the time limit of the above application (08/1410/FUL) is currently under consideration.

12/0067/FUL Erection of a pre-nursery to sixth form co-educational independent school with associated playing fields, landscaping, car parking and infrastructure including a new access from the A689 and from Wellington Drive. Land South Of Coal Lane, , East Of Wellington Drive, Wynyard Village. The above application for a school on the south side of the A689 was approved in June 2012.

Further details of these applications are included in the report on application H/2013/0033 which is also before members on this agenda.

### **OTHER APPLICATIONS CURRENTLY UNDER CONSIDERATION**

2.14 Another application currently under consideration has been raised in objections to the development. H/2013/0328 Outline planning application for the erection of up to 500 new dwellings (all matters reserved apart from access). Land to the south of A179 and west of middle warren (known as upper warren) Hartlepool.

The above application for the provision of 500 new dwellings at Upper Warren was considered at the March 2014 meeting of the Planning Committee when members were minded to approve the application subject to conditions.

### **PUBLICITY**

2.15 The original proposals were advertised by neighbour notification, site notice and in the press. Forty seven letters of objection, two letters of support and one letter of

comments were received. Those objecting to the proposals raise the following issues.

1. Overdevelopment.
2. Too many homes and other projects (Hospital, Red House School, Hotel) proposed.
3. Flooding on the A689.
4. Road infrastructure already inadequate. Traffic congestion and road safety.
5. Lack of public transport.
6. Lack of communications infrastructure.
7. Noise.
8. Pollution.
9. Loss of security.
10. Loss of property value.
11. Reduced quality of life.
12. Detrimental visual impact. Out of character. Contrary to Wynyard vision. Changing rural nature of Wynyard.
13. Ruining the countryside.
14. Development not wanted by community, will not benefit the community only the developer..
15. Housing not needed.
16. Development is not sustainable. Residents will need to use vehicles to access goods and services. It should be directed to brown field sites, close to amenities and infrastructure, not the countryside.
17. No public transport.
18. No access by foot or bicycle to other urban areas.
19. School facilities limited.
20. Infrastructure proposed (shops, medical facilities, etc.) is minimal for the population proposed.
21. Negative impacts arising from construction activities noise, mud and heavy loads.
22. Loss of natural habitats, wildlife, woodland and farmland.
23. Surface water drainage not fully investigated. Wynyard ponds could be affected.
24. Not in keeping with established development in area and in close proximity to hospital/industrial/wind farm areas will be unattractive to buyers.
25. Tax payers views will be ignored.
26. Piecemeal development when taken into account with other proposals.
27. Applications should not be considered in isolation. Have the two council's looked at all the development proposed in the round?
28. Services and upkeep of Wynyard Estate are already inadequate.
29. The development is contrary to policy. Wynyard is key employment land and should remain so as a driver for economic growth and employment in the region.
30. Type of housing proposed is unsuitable. It will detract from the exclusivity of Wynyard. Wynyard should be retained for executive housing attracting high earning wealth creators it should not be watered down with general market housing which should be located in or adjacent to the urban area.
31. Housing will have more impact on the highways than the commercial development approved which in any case may not be deliverable.



32. Wider consultation should have been undertaken.

2.16 Those supporting the proposal raised the following issues:

1. It will provide homes for employees of the business park supporting businesses, attracting employees and businesses. Potentially reducing congestion.
2. It will attract employment and investment increasing saleability of the site.
3. It will improve the housing offer.
4. The location and the region as a whole will benefit from the positive economic impacts.
5. It will attract employees for the business park including skilled workers.
6. It will improve security outside office hours.
7. Wynyard Park is an excellent location and its future development should be supported.

2.17 The NHS trust raised concerns that the site encroaches into land within the Trust's ownership, has concerns regarding the traffic impacts and with regards to the timescales and extent of the protection works for the underground pipeline.

2.18 A housebuilder promoting a site at Upper Warren (H/2013/0328) objected on the following grounds:

1. that their application at Upper Warren would represent an integrated, sustainable and logical addition to Hartlepool, providing a range of high quality housing, linked to the existing development at Middle Warren and its Local Centre.
2. that the development is not sustainable and that the Upper Warren proposal is a far more sustainable option.
3. that development at Upper Warren would not result in the loss of employment land.
4. that the publication draft of the emerging local plan allocates the site for employment land not housing and the provision of housing at Wynyard would prejudice and undermine the emerging local plan's strategy which should be to provide homes in sustainable locations which link well to the existing urban area.
5. that future consequences for the emerging local plan of approving houses at Wynyard are great.
6. that the applicant has failed to explain one of their main justifications for the development, i.e. that it will cross subsidise the delivery of infrastructure for the future development of the business park. That Case law suggests it is questionable as a planning argument in any case as the housing element cannot be justified on its own merits.

2.19 The amended plans have been advertised by neighbour notification, site notice and press advert. The time period for representations expires before the meeting. To date twelve letters of objection, one letter of no objection and one letter of comments have been received.

2.20 Those objecting raise the following issues:

1. Overdevelopment/unduly large.
2. All applications/development in the area should be considered as a whole.
3. Traffic congestion.
4. Proposed filters will not resolve traffic issues.
5. Facilities not needed.
6. Moved here because of small size of development.
7. Damage to woodland.
8. Loss of wildlife.
9. Not in Wynyard design brief. The whole ethos of Wynyard will be undermined.
10. There should be no duplication of facilities i.e. schools, shops.
11. An underpass link should be provided under the A689 rather than an unsightly bridge.
12. Overdevelopment.
13. Disturbance to neighbouring properties from Noise, dust, dirt, traffic etc.
14. Pollution.
15. No public transport adding to congestion.
16. School provision limited adding to congestion.
17. Insufficient infrastructure to accommodate the development.
18. Negative impacts arising from construction activities noise, mud and heavy loads.
19. Loss of farmland, countryside, woodland and visual amenity.
20. Effects of environment and natural life.
21. Surface water drainage not fully investigated. Wynyard ponds could be affected
22. Out of character. Contrary to village concept. It will change the nature of the village.
23. Development will only attract employment during construction period.
24. Transport proposals not clear.
25. Access of emergency vehicles to hospital may be affected.
26. Area isolated and there will be road safety issues with people trying to cross the A689.
27. Lack of infrastructure.

2.21 The person making comments raises the following issues:

1. A School, games and community areas, and a bridge over the A689 are essential.
2. Dwellings should be similar to existing Wynyard dwellings.
3. Planning of roads needs to be carefully managed to avoid congestion.

2.22 A representation has also been received from a business located on Wynyard Park. Whilst generally supportive of the proposals for the area the writer expresses reservations at the close proximity of retail units, the lack of public transport and the impacts of traffic, and from construction activities.

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## CONSULTATIONS

2.23 The following consultation replies have been received:

**Traffic & Transportation:** Comments on amended proposals awaited.

**Grindon Parish Council :** Objection. This is part of a massive development that sees Wynyard expand up to the Castle Eden Walkway and half way towards the Woodland Park! The original application for the existing development (H/2013/0033)(sic) also promised a school, sports facilities and community facilities. However, they have not materialised because it was not economical to build them according to the developer himself. How have things changed and what holds them to their promise?

Other objections of the Parish Council are:-

No transport infrastructure.

No public footpaths.

No cycleways to link with other major centres of population.

The loss of farm land.

The massive loss of forest and the wild life.

The changes to the water table and the increased potential for flooding.

Other applications include more primary schools and sports facilities being built. If we are to believe that these will come to fruition then Wynyard will have at least 2 primary schools but not a single secondary school for all those children to attend! This is quite apart from the fact that it is very unlikely that there would be enough children in Wynyard to fill them so they would have to come from elsewhere; thus adding to the traffic problems.

**Economic Development:** I do not have any additional comments from my previous email. My main concerns are that the business sites are not negatively impacted upon by residential and commercial developments. Based on the current position I'm content with the proposed revisions to the plans.

**Parks & Countryside (Countryside Access):** One of the fundamental improvements that Hartlepool Borough Council looks for, when a site of such size is developed, is improvement to the existing public rights of way access network. This site is looking to develop housing and other services and as such all the age groups who will use and live in this development will require access to physical and mental recreation. To the north are the access networks of Hartlepool and Durham public rights of way. To the south is Stockton rights of way network. This development has the opportunity to benefit not just the housing and servicing needs of the residents but also their physical, recreational and mental well being as well. To keep the residents in isolation with only the use of a car to access any other access paths in the district would be unsustainable, unhealthy and expensive. The simple development of creation of new access and links to existing access would improve the lives of all who would live, visit or work there.

**Engineering Consultancy:** No comments received to amended plans.

Comments on original consultation advised. I have considered the Environment Statements for the development area, and I have the following comments for both outline applications respectively:

In principle, the adoption of the proposed sustainable drainage systems is acceptable subject to a detailed design. I request that a planning condition is in place to ensure that full consideration of storm drainage can be outlined and agreed with the LPA. Storm drainage may be attenuated in various locations and discharged offsite. I note that the Environment Agency has requested a discharge rate of 3.5l/s/ha, and this is something we would also request. The drainage assessment must consider the potential flood risk down gradient of the site, and provide full mitigation against this.

In terms of the sustainable drainage, the Council will soon have duties through the provision of the Floods and Waters Management Act to adopt and maintain all new SuDS systems; therefore in theory we accept the storm drainage proposals are achievable, however subject to detailed drainage design and acceptance through the planning process.

With regards to any potential land contamination issue, the Environmental Statements are sufficiently detailed to suggest that a low contamination profile would be expected. The ES is sufficiently detailed to negate the need for a PRA; however given the size of the development areas, a condition would be required to confirm that the assumptions made within the ES are reasonable.

**Child & Adult Services (Education):** Have confirmed that they are agreeable to an approach that would i) deliver a two form entry primary school at Wynyard, on the Cameron Hall site in Stockton (south of the A689) (H/2013/0076) as the preferred option, or, on the Stockton Wynyard Park housing site (north of the A689) (H/2013/0043) as a fall back position. ii) Deliver a secondary pupil place funding contribution of £520,000 from the Hartlepool application (H/2013/0033). Hartlepool will then commission places from Stockton.

**Landscape Planning & Conservation (Ecologist) :** I agree with the ES that there aren't any major ecological impacts predicted to occur with this particular application and I think that the assessment of the potential ecological effects, section E5 of the ES, is fairly accurate in most cases but there are some areas where I consider that the assessment underestimates the ecological value of the site, in particular:

- There will be a loss of 33 breeding bird territories, of 17 species, some of conservation importance. As usual my observation is that the surrounding areas won't absorb the loss of these territories without mitigation, so mitigation needs to be sufficient to address this.
- There is a pond on site, which is approximately 8m x 45m in extent and this leads to a narrow permanent wetland on site, about 5m x 60m both of which need to be compensated for. This is in addition to about 1ha of marshy grassland which will also be lost.

Given my comments above, the mitigation measures in section E6.0 of the ES may not be sufficient to compensate for loss of biodiversity. Also it is unclear whether all

of the proposed mitigation measures would be achievable with this development. However there are some features of the proposed development that will be of benefit to biodiversity, for example four SUDS ponds. Therefore, in order to ensure that an overall enhancement for biodiversity will be achieved, in line with NPPF, a Conservation and Habitat Management Plan should be required as part of the S106. In addition to this requirement to achieve an overall enhancement in biodiversity, a number of specific measures are required, some of which are to comply with statutory requirements which can be secured by condition.

**Landscape Planning & Conservation (Arboriculturalist)** : I would make no change to my previous comments on the above application other than to disregard the comments relating to the felling of a section of woodland to create a roadway access as this has now been omitted from the proposal.

Previous comments on original consultation advised. A comprehensive arboricultural impact assessment has been submitted in support of the application. The assessment has been produced to comply with British Standard 5837:2012 "Trees in relation to design, demolition and construction. Recommendations".

The tree population at the site is mainly limited to the periphery in the form of dense woodland. In addition to the woodland that forms the periphery, there are a small number of tree groups and hedgerows scattered across the site. Many of the tree groups and hedgerows are shown to be retained and incorporated into the development. An arboricultural method statement, including a tree protection plan, has been submitted which provides satisfactory details of the measures to be undertaken to prevent accidental damage to retained trees during the construction phase.

A design and access statement has been submitted in support of the application which outlines a high quality landscaping proposal including areas of public open space, tree-lined thoroughfares, wetland habitat creation and areas of native structure planting.

The site lies almost wholly within Stockton Borough Council's boundary. The proposal as it relates to trees in Hartlepool comprises only of a section of woodland to be felled in order to create a roadway connecting the adjacent proposed development to the west.

The loss of the small section of woodland from the site is considered regrettable; however, given the scale of the development and the significant landscaping proposal that is indicated within the submitted design and access statement, I would raise no objection to the proposal as it relates to trees and landscaping.

**Public Protection:** I would have no objections to this application. I would recommend a sound insulation condition across the site to enable the LPA to agree suitable sound insulation measures to properties where required as identified in the noise assessment submitted with the application.

I would also recommend extract ventilation conditions to any A3/A4/A5 uses in the local centre and some restrictions on operational hours to protect the amenity of neighbouring residents.

**Environment Agency:** No comments received to amended plans.

Comments on original consultation advised that it is noted that the majority of the above development is located within the administrative area of Stockton-on-Tees Borough Council and only a small section is located within Hartlepool Borough Council. As a result, we have no comments to make on the above application. However, please find attached our response to Stockton-on-Tees Borough Council for the same development proposal.

The response to SBC advises no objections but requests that conditions be imposed ensuring that development is in accordance with the Flood Risk Assessment, the provision of a buffer zone along Close Beck.

**Northumbrian Water :** Northumbrian Water have provided the developer with a pre-development enquiry response dated 4th January 2013. In this response, we stated that a maximum foul flow of 50 l/sec can discharge into manhole 4003. No surface water will be allowed to discharge into our network. Following the submission of a revised outline planning application, the revised Flood Risk Assessment dated February 2014 reflects NWL's requirements for site discharge. We would therefore request that this revised Flood Risk Assessment forms part of the approved documents as part of any planning approval, and the development is carried out in accordance with this document and our pre-development enquiry comments.

**Hartlepool Water :** No comments received to amended plans.

Comments on original consultation advised. I can confirm the following. Within the proposed development area we have several major water mains which will require significant diversion works and additional new mains to reinforce the existing network. We are currently in discussions with Wynyard Estates and the Developers to resolve. I confirm that Hartlepool Water has sufficient capacity in the local network to supply the proposed developments. We have no objections to this development.

**Highways Agency:** No objection.

**Cleveland Fire Brigade:** Offers no representations regarding the development as proposed. Advises that access and water supplies should be in accordance with building regulations and that further comments may be made through the building regulations consultation process as required.

**Northern Power Grid:** No comments received to amended plans.

Comments on original consultation advised. Provided details of their apparatus in the area. Advised that this is legally protected and any alteration or diversion required will be chargeable. They have no objections provided that the company's rights are not affected and that they will continue to enjoy rights of access to the apparatus.

**National Grid:** No comments received to amended plans.

Comments on original consultation advised. National Grid wishes to advise that provided that the previous conditions, that require the upgrade of the Feeder 6 pipeline are maintained to relay the pipeline in heavy wall proximity pipe for the new dual carriageway road we are prepared to remove our Holding Objection.

**Tees Archaeology :** I have checked the details online and in particular have downloaded and read Chapter I of the Environmental Statement covering Archaeology and Cultural Heritage issues. The chapter presents an accurate and up to date report on the known archaeology in the area. It concludes that the results of previous fieldwork indicate that the site has a low archaeological potential and that no further mitigation is required. I agree with this conclusion. I therefore have no objection to the application and have no further comments to make.

**Natural England: Statutory nature conservation sites – no objection**

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

**Protected species**

We have not assessed this application and associated documents for impacts on protected species. Natural England has published [Standing Advice](#) on protected species.. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted. If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

**Local sites**

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

**Biodiversity enhancements**

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’*. Section 40(3) of the same Act also states that *‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’*.

**Landscape enhancements**

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

**Teesmouth Bird Club :** TBC remains opposed to the commercial and residential development of prime green field sites that have significant ornithological and landscape value, as at Wynyard Park. Our previous data submissions to various consultants engaged on specific developments at Wynyard have demonstrated the great importance of the area for breeding birds, including several species that are rare or very scarce in the Tees Valley, such as Common Buzzard, Goshawk and Common Crossbill. We remain concerned that ecological consultants continue to understate/undervalue the area's value and reach tenuous conclusions concerning environmental impact. TBC also opposed further development at Wynyard when we formally commented on your Council's Local Plan, which is currently under public examination.

**TBC OBJECTS TO THIS APPLICATION** for the following reasons:

- (i) The impact of the loss of agricultural land on locally, regionally and nationally declining breeding farmland species, such as Grey Partridge, Skylark, Lapwing and Tree Sparrow, which depend on such habitat.
- (ii) The loss of vital winter feeding areas for birds through the destruction of arable land and hedgerows.
- (iii) The adverse impacts on the diverse range of important bird species breeding at Wynyard, including 11 Red List, 13 Amber List and 7 UK/Tees Valley BAP species.
- (iv) The removal of areas of mature deciduous and coniferous woodland and the consequent adverse impacts on woodland birds.
- (v) Inadequate mitigation for the loss of farmland habitat and their associated birds.
- (vi) Contravention of Planning policies.

This Application involves a huge development on a green field site that contains a mosaic of wildlife habitats, including former arable farmland, woodland, hedgerows, copses, hedgerow trees and ponds and wetland areas. The proposed mitigation will not compensate for the loss of farmland habitat.

**Cleveland Emergency Planning Unit :** No comments received in relation to amended proposals.

Response to original consultation advised, with regards the planning applications H/2013/0033 and H/2013/0043 at the land north of the A689 Wynyard Business Park, the only points we wish to note are the presence of both the Natural Gas, NGN and National Grid pipeline and the Teesside Saltend Ethylene pipeline in the vicinity,



the flooding of the A689 back in November and the impact on the transport links within the area. As far as the plans we would offer no objections to them.

**Coal Authority** : No comments received in relation to amended proposals.

Response to original consultation advised. The application site **does not** fall within the defined coalfield; there is no requirement therefore to consider coal mining issues as part of this planning application or to consult The Coal Authority. The Coal Authority has **no comments** to make on this planning application.

**Wolviston PC**: No comments received in relation to amended proposals.

Response to original consultation advised. Wolviston Parish Council has concerns over these developments as it believes these schemes will greatly increase traffic around Wolviston village, meaning more traffic delays, road noise and traffic pollution for the residents. Therefore, Wolviston Parish Council object to applications H/2013/0033 and H/2013/0043.

**Durham County Council** : I refer to the above consultation. Acknowledging that the acceptability of the proposals is a matter for the determining authority I limit my comments only to the potential for the development to affect County Durham for instance in terms of its impact on any existing or emerging Plan Policies or more site specific matters such as impacts upon the County's residents, landscapes, infrastructure network, townscapes, ecological assets and heritage.

The only key issue with regards to the proposed development and County Durham relates to the emerging County Durham Plan and the proposed housing allocation (under Policy 30) at land south of Eden Drive, Sedgefield for 450 no. dwellinghouses. The Pre-submission Draft County Durham Plan was subject to consultation between 14th October and 9th December 2013. Comments were issued by Stockton on Tees Borough Council in relation to the proposed housing allocation at Sedgefield and some concerns were expressed with regards to the level of growth within the Wynyard area and potential impacts upon the highway network.

The County Durham Highway Authority had previously considered the original consultation(s) with regards to the developments in January 2013 and no issues were raised with the submitted transport assessment or transport consultants conclusions. This view remains the case having regards to the amendments made to the scheme. However, there is some potential that the level of growth around Wynyard could have implications with regards to the delivery of the housing allocation at Sedgefield within the emerging County Durham Plan and ultimately lead to cumulative highway capacity issues. Therefore, there is a need for co-operation between Stockton, Hartlepool and County Durham so as to ensure that one development does not hinder another coming into fruition. County Durham LPA are happy and available to assist Stockton and Hartlepool and the Highways Agency where possible with any highway modelling or discussions surrounding highways implications. My understanding is that discussions are ongoing between all parties so as to ensure that highways implications remain acceptable for all affected sites. In conclusion, I raise no objections to the proposed development but highlight the need co-operation to continue with regards to highways issues between all stakeholders.

**Stockton Borough Council (SBC) :** No comments received in relation to amended proposals.

Response to original consultation advised. Any housing development should be sustainable and any potential negative impacts fully mitigated in line with the NPPF. I am not yet in a position to provide comments from a Highways perspective as any potential implications for the road network are currently being assessed. Officers at SBC would welcome joint working with officers at HBC regarding the delivery of sustainable development at Wynyard Park.

**The Ramblers Association :** This application is to do with traffic access to the site and not with the residential etc. proposals. We note however that permission is asked for the erection of 400 dwellings. We consider that the residents here and on other development on the Wynyard sites will be isolated from nearby attractive countryside, the rights of way networks and woods in Durham, Hartlepool and Stockton for quiet enjoyment and healthy exercise as advocated by the medical profession whose views are endorsed by government and local authorities in many plans and statements.

**Tees Valley Local Access Forum (TVLAF):** No comments received in relation to amended proposals.

Response to original consultation advised. The Tees Valley Local Access Forum is an independent, statutory body with an interest in Public Rights of Way and access to the countryside, towns and coast in our area. The Local Authority areas the Forum represents are Darlington, Hartlepool, Middlesbrough and Stockton-on-Tees. Thank you for the opportunity to comment on the application; the Forum is concerned about the lack of access to PROW in Hartlepool, Stockton on Tees and Durham. There is no proposed access to the Castle Eden Walkway, which would have to be achieved by walking along the A689. There is no proposed safe access for pedestrians to the existing Wynyard village. We note in your Environmental Statement that, 'As the wider Wynyard Park site is developed, pedestrian routes between the various elements of the developments will be incorporated into the site design to facilitate ease of pedestrian movements internally'. We believe these should be incorporated into the present design to accommodate the need for access to healthy, safe pedestrian and cycle routes into and out of the site that do not simply use the highway. Unless public access to footpaths and cycleways are designed - in then trespass will occur. The Countryside Access Officers in Hartlepool and Stockton on Tees Borough Councils would be able to advise, as would the Forum members. The Forum has a responsibility to examine how our Local Authorities manage our Rights of Way, and put forward ideas about how improvements can be made. TVLAF must balance the needs of land management and the desirability for recreation, conservation and biodiversity in the region. Membership of the Forum is a mixture of the users of ROW, the owners and occupiers of land and any other relevant interests.

**Health & Safety Executive (HSE) :** Does not advise on safety grounds against the granting of planning permission. The HSE advises that as the site is within the consultation distance of a major hazard pipeline (high pressure gas pipeline) the

Local Planning Authority should consider contacting the pipeline operator (National Grid) before determining the application.

## **PLANNING POLICY**

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

### Hartlepool Local Plan (2006)

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

GEP1: General Environmental Principles

GEP2: Access for all

GEP3: Crime Prevention by Planning and Design

GEP9: Developer Contributions

Hsg 5: Management of Housing Land Supply

Hsg9 : New Residential Layout – Design and Other Requirements

Ind1: Wynyard Business Park

Rur2: Wynyard Limits to Development

Rur 20: Special Landscape Area.

Tra20: Travel Plans

WL7: Protection of SNCIs, RIGSs and ancient semi-natural woodland

### The Tees Valley Minerals and Waste DPD (2011)

2.26 The following policy in the adopted Minerals and Waste DPD is relevant to the determination of this application:

MWP 1 Waste Audits

### National Policy

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

assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs are of particular relevance

- 7: Three dimensions of sustainable development
- 14: Presumption in favour of sustainable development.
- 17: Core Planning Principles.
- 18: Securing economic growth.
- 19: Support sustainable economic growth.
- 30: A development strategy which encourages sustainable modes of transport.
- 32: Transport Assessment.
- 34: Need to travel minimised and the use of sustainable transport modes can be maximised.
- 47: Boost the supply of housing.
- 49: Housing applications and sustainable development.
- 50: Deliver a wide choice of housing.
- 56: Good design.
- 111: Effective use of land
- 129: Effect on heritage assets.
- 196: Determination in accordance with the development plan.
- 197: Presumption in favour of sustainable development.
- 216: Weight should be given to emerging plans.

## **PLANNING CONSIDERATIONS**

2.28 This application is a cross boundary application. The main part of the development including all the proposed housing, retail area, MUGA and potential school site is in Stockton. The Local Planning Authority can only grant permission for development within its own area and therefore consideration of this application shall focus on the parts within Hartlepool.

2.29 The only part of the site in Hartlepool is an area of retained woodland (The Swart Hole Plantation) which will be left undeveloped and a small part of the highway access works in the south west corner of the site. In particular the provision of a roundabout and part of the dual carriageway spine road, and therefore the principle focus of considerations are these highway access works.

2.30 The main planning considerations are considered to be policy, highway safety, impact on the visual amenity of the area, impact on neighbours, impact on ecology, drainage/flooding/contamination and public safety.

## **POLICY**

2.31 The proposed access works, roundabout and dual carriageway, is acceptable in policy terms. A proposal for a dual carriageway and T junction has been approved in the past (H/2009/0494) in this area of the site which was always envisaged to provide a link route through to the western side of the business park.

## HIGHWAY SAFETY

2.32 The comments of HBC Traffic & Transportation are awaited. It is anticipated however that these comments will be favourable and that in highway terms the proposal will be acceptable.

## IMPACT ON THE VISUAL AMENITY OF THE AREA

2.33 It is not considered that the proposed highway access works will have a significant impact on the visual amenity of the area.

## IMPACT ON NEIGHBOURS

2.34 The closest neighbours to the site of the highway access works are businesses again similar works were proposed to accommodate the development of the business park. In terms of its impact on neighbours the proposed works are considered acceptable.

## IMPACT ON ECOLOGY

2.35 The site of the proposed highway works are already largely cleared of vegetation and consist of rough grassland, whilst the ecological impact of the wider scheme as a whole will require more significant mitigation to address ecological issues any requirements in this respect will need to be considered by Stockton Borough Council in their deliberations on their part of the application. It is considered that with appropriate conditions any ecological implications arising from the Hartlepool part of this development can be addressed.

## DRAINAGE/FLOODING/CONTAMINATION

2.36 The applicant has prepared a Flood Risk Assessment and Drainage Strategy. This concludes that the risk to the site of flooding is low and that there are no significant increased risks of off site flooding arising from the development. The surface water drainage strategy indicates that the development will incorporate sustainable urban drainage systems, these will include ponds and swales which will attenuate the surface water discharge to various streams and water courses in the area. Foul sewage will be accommodated to the public system. Northumbrian Water have raised no objections to the proposal subject to appropriate conditions. The comments of the Environment Agency and HBC's Engineering Consultancy to the amended plans are awaited but it is noted they raised no objections to the previous proposals. Given the above it is anticipated that the proposal will be considered acceptable in terms of issues relating flooding and drainage subject to the imposition of appropriate conditions.

2.37 In terms of contamination the applicant has submitted a Preliminary Environmental Risk Assessment. The comments of the Environment Agency and HBC Engineering Consultancy to the amended plans are awaited but it is noted they raised no objection to the previous proposals. Given the above it is anticipated that subject to appropriate conditions the proposal will be acceptable in terms of contamination.

## HEALTH & SAFETY

2.38 A high pressure gas main is located to the south east of the site. It crosses the main access road into Wynyard Park to the south east.

2.39 The issue of the gas main arose in relation to earlier applications approved at Wynyard Park. An application in Stockton (08/1410/FUL) for the works to the access road to facilitate the development of the business park in Hartlepool (H/2009/0494) included relevant conditions and a legal agreement to ensure that issues of health & safety relating to the high pressure gas main were addressed. These measures included the provision of a concrete impact protection slab in the first instance and the subsequent diversion/replacement of the existing pipeline under the road with a thicker walled steel pipe. These requirements and measures and triggers to manage the process were secured through conditions and a legal agreement. An application to extend the time limit of this application is currently under consideration by Stockton (13/2267/RNW).

2.40 The pipeline operator has been consulted and indicated that subject to similar safeguards being applied they would have no objections to the proposal.

2.41 In respect to this application it is considered that this matter could be dealt with through appropriate conditions.

## CONCLUSION

2.42 The proposal is considered acceptable and is recommended for approval subject to conditions.

## EQUALITY AND DIVERSITY CONSIDERATIONS

2.43 There is no evidence of equality or diversity implications.

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

2.44 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. It is not considered that the scheme raises any significant issues in this respect.

## REASON FOR DECISION

2.45 An Environmental Statement (Environmental Impact Assessment) was submitted with this application and the environmental information therein was taken into consideration by the Local Planning Authority in reaching its decision. 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.

## **CALL IN REQUEST**

2.46 The application is currently subject to a call in request to the Secretary of State.

2.47 In light of this the application must be referred to the Secretary of State who must decide whether he wishes to exercise his powers to call in the application for determination.

**RECOMMENDATION – APPROVE** subject to the receipt of satisfactory comments from Traffic & Transportation, the Environment Agency and HBC Engineering Consultancy and the Secretary of State not calling the application in for determination and conditions. The conditions are being finalised and will be the subject of an **UPDATE** report.

## **BACKGROUND PAPERS**

2.48 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

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

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## WYNYARD PARK



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT  
Department of Regeneration and Planning

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**H/2013/0043**  
**Scale: 1:10000**  
**Date : 19/03/13**



**No:** 3  
**Number:** H/2013/0076  
**Applicant:** Mr Paul Mackings Wynyard Hall BILLINGHAM TS22 5NF  
**Agent:** England & Lyle Ltd Mr Steven Longstaff Gateway House 55 Coniscliffe Road Darlington DL3 7EH  
**Date valid:** 15/04/2013  
**Development:** Outline planning application with all matters reserved for construction of up to 500 houses, primary school (including sports facilities) and nursery, retail units (up to 500 sqm), doctors surgery, community facilities, access and associated landscaping, footpaths and open space  
**Location:** LAND AT WYNYARD VILLAGE BILLINGHAM

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## PURPOSE OF REPORT

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

## BACKGROUND

3.2 This application relates to proposals on one of three sites in Wynyard which are currently under consideration by Hartlepool and Stockton On Tees Borough Council's (SBC). This site is largely within Stockton Borough save for parts of the access which lie in Hartlepool. SBC are also considering the same application which was submitted to them separately.

## PROPOSAL AND SITE CONTEXT

3.3 The application site comprises a mix of agricultural land and mature coniferous plantations lying north west of Wynyard Hall. It extends to approximately 85.6 ha. It is bounded by agricultural land and Wynyard village to the north and east beyond which passes the A689, the Castle Eden Walkway to the west, and to the south by further farmland and woodland, forming part of the grade II\* registered park and garden associated with Wynyard Hall. Access to the site is via existing village roads and then onto the A689.

3.4 The application has been amended following prolonged discussions regarding highway capacity. The current application now seeks outline planning permission, with all matters reserved, for up to 500 dwellings, a primary school, a local centre (Doctor's surgery, Community Hall facility and small scale shop units) with associated open space and landscaping on land at Wynyard Village. The application is a cross boundary application and it is only the highway works which are located in Hartlepool and are therefore the principle focus of considerations. In the revised scheme the number of dwellings has been reduced by 100. The application is in

outline with all matters reserved. A Design and Access Statement, an Illustrative Masterplan and a Parameters Plan have been prepared to demonstrate the layout and design principles for the site.

3.5 The parameters plan has been amended during the course of the consideration of the application. The current scheme indicates that the school and local centre will be located in the central portion of the site with housing areas strung along a central looping spine road which will enter the site from Wynyard Woods at the eastern end of the site before re-joining Wynyard Woods at its western end where a link road will be provided. The access will then utilise the existing estate roads to gain access to the wider road network. The access/egress points are in Hartlepool and this is the principle focus for Hartlepool in relation to this application. Pedestrian and cycle links are incorporated into the overall layout including linkages to the Castle Eden Walkway. It is understood that discussion in relation to the procurement of the school in partnership with the Diocese of the Church Of England are well advanced.

3.6 The application is in outline however the applicant has indicated that the proposed housing mix comprises family housing ranging from 2 to 6+ bedrooms with heights of 1,2 or 2.5 storeys. The proposal also offers a varied range of density across the whole development and will create a variety of character areas to add visual interest.

3.7 The applicant has submitted various reports including a Planning Statement, an Environmental Impact Assessment, a statement of community involvement, a Design And Access Statement, a Conservation Plan, and a Transport Assessment.

## PLANNING HISTORY

3.8 Parts of the site have previously been subject to applications for residential development. The most relevant recent planning application is listed below.

H/FUL/0547/99 Amendment to previously approved layout for the erection of 110 dwellings including provision of planting areas, new house types and repositioning of plots.

This application for housing development on a larger site was approved in December 1999. Various amending applications were subsequently submitted for most of the site save for the north west corner through which the proposed western access link road onto Wynyard Woods passes. It is not certain at this stage whether this application could still be implemented as conditions precedent were not discharged. Notwithstanding this uncertainty, the current application and this permission, whether still extant or not, are incompatible given the access point passes through the approved housing area. It is considered prudent therefore to ensure, through an appropriate legal agreement that this permission is not implement in the area of land in question should the current application be implemented.

## **RELEVANT APPLICATIONS ON NEARBY SITES**

3.9 A number of applications have also been approved on nearby sites and these are listed below.

H/2009/0335 Outline application for a hospital development with associated landscaping, access and ancillary uses including on-site car parking and energy centre. Approved 11<sup>th</sup> October 2010.

H/2013/0479 Outline application with some matters reserved for new hospital development with associated landscaping, access and ancillary uses including car parking and energy centre (renewal).

In October 2010 outline planning permission was granted for a hospital development on a site to the north of the A689. An application to renew the hospital permission was approved by committee in February 2013 subject to the completion of a section 106 agreement.

H/2011/0102 Outline application for the erection of 200 dwellings with full planning permission sought in part for roads, footpaths and related infrastructure of the core highway network.

This application for outline planning permission for the erection of 200 dwellings on a site located north of the A689, was considered at the 4<sup>th</sup> November 2011 meeting of the Planning Committee. The Committee was minded to approve subject to the completion of a legal agreement this has not been progressed by the applicant.

H/2012/0360 Residential development comprising 168 residential units with associated roads, footpaths and infrastructure.

This application for full planning permission for the erection of 168 dwellings on a site north of the A689, was considered at Planning Committee in December 2012 it was approved subject to the completion of a legal agreement.

Further details of these applications are included in the report on application H/2013/0033 which is also before members on this agenda.

## **OTHER RELEVANT APPLICATIONS CURRENTLY UNDER CONSIDERATION IN THE WYNARD AREA**

3.10 Major housing applications have been brought forward on two other sites in Wynyard and are currently under consideration by Hartlepool and Stockton Borough Council's. These applications, are listed below and are also before members on this agenda.

H/2013/0033 Outline planning application, with all matters reserved, for up to 200 dwellings, a local centre (Use Classes A1/A2/A3/A4 or A5) of up to 400 sqm, commercial development of up to 101,858 sq m of Class B1 office floorspace, and a Multi Use Games Area with associated landscaping and infrastructure works .

This site is located to the north of the application site on the northern side of the A689. The applicant's are Wynyard Park Limited.

H/2013/0043 Outline planning application for the erection of up to 400 dwellings, a potential two form entry primary school, a local centre of up to 250 sqm (Use Classes A1 to A5), a Multi Use Games Area, playing field, open space, landscaping and associated infrastructure (all matters reserved except access)

This site is located to the north east of the application site on the northern side of the A689. The applicant's are Wynyard Park Limited and Mauve Limited.

3.11 In light of the scale of development currently being brought forward in the Wynyard area by different developers, and the complex issues arising from the consideration of multiple applications across two authorities Stockton Borough Council invited ATLAS (Advisory Team for Large Applications part of the Homes & Communities Agency) to act as a facilitator in discussion on issues arising. In light of this a cooperative exercise involving representatives from Hartlepool Borough Council, Stockton-on-Tees Borough Council, ATLAS, the Highways Agency, North Tees & Hartlepool NHS Foundation Trust, Wynyard Park Limited, Cameron Hall Developments Limited, has been progressed. This process has proved a useful exercise in identifying areas requiring cross boundary consideration for example, highway issues, public transport, the location of the schools and other facilities and connections across the A689 and to the wider area.

3.12 One of the main issues was the potential impact of the developments on the local and strategic highway networks. Detailed and extensive highway modelling found that no more than 1,100 dwellings could be delivered without major highway mitigation being required on the A19 with substantial cost implications. As a result it was agreed to reduce the total number of dwellings across all three developments to a combined total of 1,100 units and the applications have been amended accordingly. The Highways Agency have lifted their holding direction. At the time of writing the impacts on the local highway network are being considered however it is understood that the impact is acceptable subject to mitigation.

## **OTHER RELEVANT APPLICATIONS IN STOCKTON ON TEES**

3.13 Other relevant recent applications in Stockton On Tees Borough in the vicinity of the site are listed below.

12/0067/FUL Erection of a pre-nursery to sixth form co-educational independent school with associated playing fields, landscaping, car parking and infrastructure including a new access from the A689 and from Wellington Drive. Land South Of Coal Lane, East Of Wellington Drive, Wynyard Village. The above application for a school on the south side of the A689 was approved in June 2012.

Further details of this application is included in the report on application H/2013/0033 which is also before members on this agenda.

## PUBLICITY

3.14 The original proposals were advertised by neighbour notification, site notice and in the press. Twenty two letters of objection were received. Those objecting raised the following issues:

1. Traffic Congestion and Safety.
2. Infrastructure inadequate.
3. Noise & traffic pollution.
4. Disruption & negative impact on existing residents.
5. Overdevelopment, especially with other proposals.
6. Must be guarantees with regards to necessary infrastructure and amenities.
7. Large increase in size of village.
8. Erosion of countryside, woodland areas and destruction of habitats.
9. Unduly large and out of keeping. It will change the character of Wynyard.
10. Existing residents bought properties on the basis that they were purchasing a home in a quintessential village. Advised by builders no further building.
11. Detriment to village ambience and character.
12. Resident's moved to Wynyard for exclusivity not to live on a huge housing estate. Contrary to the ethos of Wynyard.
13. There is no need for extra facilities (school, nursery, shops etc.) and residents don't want them.
14. Suspect not part of the original Wynyard masterplan.
15. Turning Wynyard into Ingleby Barwick.
16. Property types and density not in keeping with Wynyard's executive homes.
17. Loss of value and opportunity to provide a high quality environment that will attract entrepreneurs. Wealth creators will move elsewhere.
18. Loss of forest/woodland/green belt.
19. Loss of view.
20. Loss of value of property.
21. Intrusion on Castle Eden walkway and its forest.
22. It will ruin the exclusivity of Wynyard area and Spoil a beautiful area of woodland/farmland used by residents as an amenity for recreation.
23. No need for housing here. No shortage of executive homes.
24. Impacts on wildlife.
25. Loss of agricultural land.
26. Community alienated.
27. Wynyard not identified as a priority for large numbers of housing by Stockton BC previously.
28. Contrary to policy.
29. Better places for development of this scale.
30. Lack of public transport.
31. Developers should be encouraged and supported to use brown field sites.

32. Wynyard has very poor telecommunications.
33. Conditions should restrict the use of roads (Woodside and Plantations).
34. Proposed facilities and amenities are not an attraction and may not be delivered.
35. Stockton Borough Council's own Core Strategy Development Plan Document recognised that all Wynyard sites were unsustainable. Other sites in Stockton should be considered for housing.
36. Impact on the environment and historical assets.
37. Unsustainable.
38. Site location boundary has changed .
39. There is no access to the site how will site be accessed?
40. Council should listen to residents.

3.15 The amended proposals were advertised by neighbour notification, site notice and in the press. The time period for representations expires before the meeting. To date twelve letters of objection and one letter of comments have been received.

3.16 Those objecting to the proposal raise the following issues:

1. Size of development excessive in relation to existing village. Number of large developments proposed at Wynyard extreme. It will be detrimental to village image and identity.
2. Destruction of woodland and farmland leading to loss of amenity for residents and climate change.
3. Impacts on visual amenity.
4. Impingement on nature reserve.
5. Loss of habitat. Impact on wildlife.
6. Traffic congestion. Highway safety. Especially with other development proposed in area.
7. Residents should decide how Wynyard develops. Decision should be suspended until neighbourhood plan is presented.
8. Noise & air pollution.
9. Massive disturbance and negative impact to residents from noise, dirt, mud on roads, dust, traffic loads, traffic during construction and thereafter.
10. Access roads in village inadequate. Health & Safety risk especially for children.
11. No public transport & limited school facilities adding to congestion.
12. Infrastructure Inadequate.
13. Surface water drainage not addressed, Wynyard ponds may be affected.
14. There should be no further housing at Wynyard to preserve it.
15. Out of keeping with the Wynyard village concept/ethos. The appeal of Wynyard village will be ruined. It will turn into a large housing estate.
16. Urban sprawl into countryside.
17. Loss of open space.
18. Overdevelopment.
19. Growth not consistent with exclusive nature of original plan.
20. Decision should be delayed until neighbourhood plan adopted.
21. Employment would only be increased during construction period.

22. Access for emergency services.
23. No need. There are large numbers of unsold houses.
24. The area is isolated in terms of transport & pedestrian links and there are road safety issues if people have to cross the very busy A689.
25. Wynyard not identified as a priority for large numbers of housing by Stockton BC previously.
26. Crime.
27. Pointless objecting you do as you like.
28. Destruction of neighbourhood.
29. Durham CC are proposing housing at Sedgefield. This application cannot be approved, more work and discussions are required.
30. Residents have to live with consequences not developers.

3.17 The person making comments raises the following issues:

1. Can we get them to increase broadband speeds before this application gets the go ahead, as it is getting worse the more houses built?

Copy letters C

## CONSULTATIONS

3.18 The following consultation replies have been received:

**English Heritage:** I have no further comments to make on the principle of the proposal following these amendments. In my original letter I stated the need to maintain a firm screening boundary between the development and the grade II\* registered park and garden at Wynyard. Our newly appointed landscape advisor has suggested that such screening is best considered in woodland management plans for both the existing woodland and any new screening belt. As this section relates to Stockton on Tees BC I have recommended to them they discuss the value of this approach with their in-house landscape advisors and to consider whether management plans could be conditioned, if minded to grant permission.

We would urge you to address the above issues, it is recommended that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

**Traffic & Transportation:** Comments on amended plans awaited.

**Economic Development:** I do not have any additional comments from my previous email. My main concerns are that the business sites are not negatively impacted upon by residential and commercial developments. Based on the current position I'm content with the proposed revisions to the plans. .

**Parks & Countryside (Countryside Access):** Please accept my previous comments in relation to the earlier consultation.

Original response advised. As the majority, and all the housing development elements etc, lie with Stockton Borough; I can only make broad comments on

access. It would be beneficial for there to be at least two access points connecting the main housing development to the Castle Eden Walkway. This would provide much needed access for the residents to reach the walkway safely and away from vehicular traffic.

**Engineering Consultancy:** Comments awaited

**Child & Adult Services (Education):** Have confirmed that they are agreeable to an approach that would i) deliver a two form entry primary school at Wynyard, on the Cameron Hall site in Stockton (south of the A689) (H/2013/0076) as the preferred option ,or, on the Stockton Wynyard Park housing site (north of the A689) (H/2013/0033) as a fall back position. ii) Deliver a secondary pupil place funding contribution of £520,000 which from the Hartlepool application (H/2013/0033). Hartlepool will then commission places from Stockton.

**Landscape Planning & Conservation (Ecologist) :** For our section of the Wynyard Woods application H/2013/0076, we would need the standard condition on breeding birds and a condition on bats should any trees need to come out. I don't know if we need to repeat the other ecology issues that Stockton are addressing as they are all outwith Hartlepool.

**Landscape Planning & Conservation (Arboriculturalist) :** I would make no changes to my previous comments on the above application.

Original comments advised : The proposal as it relates to Hartlepool involves provision of an access road to the north west of the proposed development site. No landscaping of the access road is shown on the plan; therefore this should be included in the reserved matters submission.

The proposal as it relates to Stockton involves the clear felling of a large area (approximately 36 ha. altogether) of mainly conifer plantation. There are many over-mature and veteran broadleaved trees situated on the boundary of the plantation, and the proposal shows these to be retained along with sections of plantation trees. Particular care should be taken in the finalised design layout to accommodate these trees in a setting that aids their long term retention. A comprehensive arboricultural impact assessment, produced in accordance with BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations", should also be undertaken and a tree protection plan produced which should provide details of the measures taken to protect retained trees from damage during construction works. These details should form part of a reserved matters submission.

The proposal also indicates the provision of a significant amount of new tree planting within extensive areas of green open space and residential curtilages, which generally speaking appears acceptable and should in the long term create an attractive living environment. However, insufficient detail has been submitted to allow a full assessment of the landscaping proposal, therefore this should be dealt with as a reserved matter.



It is not clear from the information submitted whether or not it is proposed to phase the felling and development over a number of years. The clear felling of such a large area of plantation woodland within a short timeframe would have a significant adverse impact upon the local landscape, however, if felling operations and development were to be phased over a number of years, and the proposed new landscaping given time to mature, then any adverse impact may be reduced.

**Public Protection:** No objections

**Environment Agency:** No comments received in relation to amended plans.

Original response advised. No objections subject to condition requiring development to be in accordance with the Flood Risk Assessment and the provision of a buffer area adjacent to the water course.

**Northumbrian Water :** Northumbrian Water advise that the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for NWL to be able to assess our capacity to treat the flows from the development. They therefore request a condition requiring the submission and approval of details relating to the disposal of foul and surface water arising from the development.

**Highways Agency:** No objection.

**Cleveland Fire Brigade:** Offers no representations regarding the development as proposed. Advises that access and water supplies should be in accordance with building regulations and that further comments may be made through the building regulations consultation process as required.

**Tees Archaeology :** The majority of this application lays within Stockton Borough Council. I have previously made the attached comments to their planning team and I would be grateful if you would consider them as valid for your current application. (see below)

I can confirm that we agreed the specification for the works (Appendix 3) and monitored standards in the field. The trial trenching noted a gully, of inferred Iron Age date. This was an isolated feature and the results of the other trenches and previous geomagnetic survey do not suggest that this forms part of a wider site. I therefore have no further recommendations to make for the arable areas of this planning application which appear to have a low archaeological potential. In my previous correspondence regarding the scheme I suggested that the woodland areas of the development had an untested archaeological potential. The woods include features of the historic Wynyard Estate including sports facilities (e.g. a cockpit), land boundaries and industrial sites (e.g. clay quarries). I recommend that a conditioned programme of archaeological work would be an appropriate way forward in these woodland areas.

**Natural England: Statutory nature conservation sites – no objection**

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

**Protected species**

We have not assessed this application and associated documents for impacts on protected species. Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

**Green Infrastructure**

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England [Green Infrastructure web pages](#).

**Local sites**

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

**Biodiversity enhancements**

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

**Landscape enhancements**

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example

through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

**Teesmouth Bird Club (TBC) :** No comments on amended plans received.

In original consultation TBC advised. This Application involves a huge development of over 90 hectares on agricultural land and woodland. The ecological survey and ornithological impact assessment have seen input by several environmental consultants, including the Phase 1 Habitat Survey in August 2012 by Delta Simmons and breeding birds survey by E3 Ecology (2011).

Under this development, virtually all of the agricultural land and woodland (approximately 50% each of the total area) will be lost under housing, along with the birds that use these habitats. Terms used by the ecological consultants to qualify the current condition of these habitats include “low value habitat” and “low ecological value”, while the arable land is described as offering “few opportunities for wildlife since it is continually changing through the year and the crops lack cover from the weather and predators”. It is further assumed, wrongly, that displaced birds will merely move out and be absorbed into adjacent similar habitat. Consequently, the ornithological impacts are considered to be “moderate adverse”, “moderate slight” or “minor adverse”. The habitats themselves are classed as being merely of “local or parish value.” All woodland cover will be removed, except for a few broadleaved specimens around the perimeter of the plantations. Despite this, the breeding birds survey acknowledges that there is the potential for a large number of territories to be displaced but the true impact could not be assessed due to the lack of detailed housing plans. The survey found 43 breeding species, of which nearly a third, 14, are of national conservation concern. Two additional species are Schedule 1: Barn Owl and Common Crossbill.

**TBC OBJECTS TO THIS APPLICATION** for the following reasons:

(i) The impact on locally, regionally and nationally declining breeding farmland species, such as Grey Partridge, Skylark, Lapwing and Tree Sparrow, which depend on such habitat. This development will involve a fundamental change in habitat from agricultural land to a largely built environment and TBC considers that the Environmental Statement greatly understates the adverse impacts of this change.

‘The State of the UK’s Birds’ states that the farmland and woodland bird indicators both fell to their lowest ever levels, at 51.3% and 75.9% respectively of their 1970 starting values. Contrary to the ecologists’ statements in the ES, there is a nationwide shortage of farmland providing suitable nesting and feeding sites. This shortage is one of the reasons why there have been such massive declines in some Red and Amber Listed farmland species monitored by the BTO, such as Grey Partridge (-91% between 1970-2009), Curlew (-60%), Skylark (-55%), Linnet (-56%) and Yellowhammer (-56%). Displaced birds from the Wynyard development will not survive and the continued loss of farmland is of serious concern, particularly in view

of the cumulative impact as more of the area is developed. Arable and pasture, regarded as being of low ornithological value, often provide vital over-winter feeding areas for small birds, such as Skylark, sparrows, finches and buntings, and the loss of such areas is contributing to the continuing decline of these species in the UK.

(ii) The loss of vital winter feeding areas for birds through the complete destruction of former arable land with its rough grass field margins, hedgerows and hedgerow trees. It has particularly serious repercussions during hard winters, as in recent years, particularly for redpolls, Chaffinches, buntings, titmice and sparrow species.

(iii) The loss of or damage to woodland plantations: The Wynyard woodlands are well known for their rare breeding raptors, notably Common Buzzard and Goshawk, and significant range of other species, including the scarce Long-eared Owl and Common Crossbill, which tend to favour coniferous plantations, and Tawny Owl, Green Woodpecker, Nuthatch, Marsh Tit, Lesser and Mealy Redpolls and Siskin.

(iv) Contravention of National and Local Planning policies. We consider that the development contravenes a number of Hartlepool Borough Council's retained Local Plan Policy statements relating to biodiversity and the environment (NE1 and NE2). While TBC is well aware that PPS9 has been subsumed into the new National Planning Policy Framework, the ODPM guidance for PPS9 remains valid and the section of the NPPF on the natural environment retains much of PPS9 and states that: "The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interest."

At a National level, the 'National Planning Policy Framework' states that: "If significant harm 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."

"Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."

(v) The problems created for adjacent habitats associated with the change from a rural environment to urban fringe, including disturbance, vandalism, anti-social behaviour, loss of habitat and fly-tipping.

(vi) Pressure on Retained Woodlands. We are concerned about disturbance, increased pressure and anti-social behaviour in the retained woodlands peripheral to the development, which are currently isolated and quiet. Such problems accrue to formerly isolated wooded areas becoming 'urban fringe' or when they are 'opened up' to public use.

(vii) Mitigation and Compensation. The proposed mitigation will not compensate for the loss of agricultural land and woodland. The compensatory habitat under the landscape master plan will be more fragmented and unattractive to the farmland species the development has displaced. The ES itself states: "No direct measures

are proposed to mitigate the loss of arable farming land as it is of limited ecological value”.

(viii) Cumulative Impacts. We are gravely concerned about the cumulative loss of breeding bird territories

**Coal Authority** : The application site does not fall within the defined coalfield; there is no requirement therefore to consider coal mining issues as part of this planning application or to consult The Coal Authority. The Coal Authority has no comments to make on this planning application.

**GRINDON PC** : Objection : This is part of a massive development that sees Wynyard expand up to the Castle Eden Walkway and half way towards the Woodland Park! The original application for the existing development (H/2013/0033) also promised a school, sports facilities and community facilities. However, they have not materialised because it was not economical to build them according to the developer himself. How have things changed and what holds them to their promise?

Other objections of the Parish Council are:-

- No transport infrastructure.
- No public footpaths.
- No cycleways to link with other major centres of population.
- The loss of farm land.
- The massive loss of forest and the wild life.
- The changes to the water table and the increased potential for flooding.

Other applications include more primary schools and sports facilities being built. If we are to believe that these will come to fruition then Wynyard will have at least 2 primary schools but not a single secondary school for all those children to attend! This is quite apart from the fact that it is very unlikely that there would be enough children in Wynyard to fill them so they would have to come from elsewhere; thus adding to the traffic problems.

**Durham County Council** : I refer to the above consultation. Acknowledging that the acceptability of the proposals is a matter for the determining authority I limit my comments only to the potential for the development to affect County Durham for instance in terms of its impact on any existing or emerging Plan Policies or more site specific matters such as impacts upon the County's residents, landscapes, infrastructure network, townscapes, ecological assets and heritage.

The only key issue with regards to the proposed development and County Durham relates to the emerging County Durham Plan and the proposed housing allocation (under Policy 30) at land south of Eden Drive, Sedgefield for 450 no. dwellinghouses. The Pre-submission Draft County Durham Plan was subject to consultation between 14th October and 9th December 2013. Comments were issued by Stockton on Tees Borough Council in relation to the proposed housing allocation at Sedgefield and some concerns were expressed with regards to the level of growth within the Wynyard area and potential impacts upon the highway network. The County Durham Highway Authority had previously considered the original consultation(s) with regards to the developments in January 2013 and no issues were raised with the submitted transport assessment or transport consultants

conclusions. This view remains the case having regards to the amendments made to the scheme. However, there is some potential that the level of growth around Wynyard could have implications with regards to the delivery of the housing allocation at Sedgefield within the emerging County Durham Plan and ultimately lead to cumulative highway capacity issues. Therefore, there is a need for co-operation between Stockton, Hartlepool and County Durham so as to ensure that one development does not hinder another coming into fruition. County Durham LPA are happy and available to assist Stockton and Hartlepool and the Highways Agency where possible with any highway modelling or discussions surrounding highways implications. My understanding is that discussions are ongoing between all parties so as to ensure that highways implications remain acceptable for all affected sites. In conclusion, I raise no objections to the proposed development but highlight the need co-operation to continue with regards to highways issues between all stakeholders.

**The Ramblers Association** : No comments received in relation to amended plans.

Original comments advised .This is a cross boundary matter as the development falls in both Hartlepool and Stockton, with the houses etc in Stockton and traffic access from Wellington Drive in Hartlepool. On the former we asked SBC for clarification of access for residents to the Castle Eden Walkway and concern about the lack of footpaths and such amenities to satisfy the marked increase in population which will result from this and the other residential developments at Wynyard both south and north of the A689.

**Cleveland Emergency Planning Unit** : No comments received in relation to amended plans.

Original response advised. With regards the planning application H/2013/0076, the only points we wish to note are the flooding of the A689 and the Wynd back in November (which is being addressed by both councils) and the impact on the transport links within the area. As far as the plans we would offer no objections to them.

## PLANNING POLICY

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

### Hartlepool Local Plan (2006)

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

GEP1: General Environmental Principles  
Rur2: Wynyard Limits to Development

### The Tees Valley Minerals and Waste DPD (2011)

3.21 The following policy in the adopted Minerals and Waste DPD are relevant to the determination of this application:

MWP 1 Waste Audits

### National Policy

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

## **PLANNING CONSIDERATIONS**

3.23 This application is a cross boundary application. The main part of the development including all the proposed housing, local centre and school are in Stockton. The Local Planning Authority can only grant permission for development within its own area and therefore consideration of this application shall focus on the parts within Hartlepool.

3.24 The only part of the development in Hartlepool are the access points at the eastern and western end of the site which will join the looped spine road to the existing highway infrastructure and therefore the principle focus of considerations are these highway access works required to facilitate the development. At the western end the access will involve the provision of a link road to Wynyard Woods at the eastern end the access will join at Wynyard Woods. The access will then utilise the existing estate roads to gain access to the wider road network.

3.25 The main planning considerations are considered to be policy, highway safety, impact on the visual amenity of the area, impact on neighbours, impact on ecology, drainage/flooding/contamination and impact on the registered park and garden.

## **POLICY**

3.26 Part of the link road at the western access point lies outside the limits to development identified in the Hartlepool Local Plan where expansion is prohibited

however the proposal relates only to the provision of the link road rather than any other build development and is considered acceptable.

## HIGHWAY SAFETY

3.27 The comments of HBC Traffic & Transportation are awaited. It is anticipated however that these comments will be favourable and that in highway terms the proposal will be acceptable.

## IMPACT ON THE VISUAL AMENITY OF THE AREA

3.28 It is not considered that the proposed highway access works will have a significant impact on the visual amenity of the area.

## IMPACT ON NEIGHBOURS

3.29 The closest neighbours to the site of the highway access works are residential properties these are set back from the access point to the east and from the link road to the west. No objections have been received from the Head of Public Protection and the relationships are considered acceptable. In terms of the impact on the amenity of neighbours the proposal is considered acceptable.

## IMPACT ON ECOLOGY

3.30 The site of the proposed highway works to the west is largely rough grassland save for trees on the very woodland edge to the west whilst to the east it joins at an existing highway verge. HBC Ecologist is satisfied that subject to conditions requiring clearance of vegetation to avoid disturbance of breeding birds and a condition requiring the inspection of trees for bats the proposal is acceptable. In terms of the wider proposal, particularly the parts of the proposal in Stockton, there are ecological issues to be addressed however this is a matter for Stockton Borough Council as the Planning Authority for that area. It is considered that with appropriate conditions any ecological implications arising from the Hartlepool part of this development can be addressed.

## DRAINAGE/FLOODING/CONTAMINATION

3.31 The applicant has prepared a Flood Risk Assessment and Drainage Strategy. This concludes that the risk to the site of flooding is low.

3.32 The surface water drainage strategy indicates that the development will incorporate sustainable urban drainage systems, these will include ponds which will attenuate the surface water discharge. Northumbrian Water have not objected to the proposal and have asked for a condition requiring detailed proposals for foul and surface water disposal. The comments of the Environment Agency and HBC's Engineering Consultancy to the amended plans are awaited but it is noted that the Environment Agency raised no objections to the previous proposals. Given the above it is anticipated that the proposal will be considered acceptable in terms of issues relating flooding and drainage subject to the imposition of appropriate conditions.



3.33 In terms of contamination the applicant has submitted a Preliminary Environmental Risk Assessment. This concludes that the site has remained undeveloped agricultural land and plantation and that from a review of the information available no significant potential sources of contamination have been identified on site. The comments of the Environment Agency and HBC Engineering Consultancy to the amended plans are awaited but it is noted that the Environment Agency raised no objection to the previous proposals. Given the above it is anticipated that the proposal will be acceptable in terms of contamination.

#### **IMPACT ON THE REGISTERED PARK & GARDEN**

3.34 Wynyard Hall and its immediate grounds form part of a registered park and garden. It is not considered that the Hartlepool parts of this development will have any significant impacts on this historic feature.

#### **CONCLUSION**

3.35 The proposal is considered acceptable, subject to the receipt of satisfactory responses from specified consultees and is recommended for approval subject to conditions and a legal agreement securing the non implementation of earlier planning permission(s) in critical areas adjacent to the site.

#### **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.36 There is no evidence of equality or diversity implications.

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

3.37 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. It is not considered that the scheme raises any significant issues in this respect.

#### **REASON FOR DECISION**

3.38 An Environmental Statement (Environmental Impact Assessment) was submitted with this application and the environmental information therein was taken into consideration by the Local Planning Authority in reaching its decision. 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.

#### **CALL IN REQUEST**

3.39 The application is currently subject to a call in request to the Secretary of State.

3.40 In light of this the application must be referred to the Secretary of State who must decide whether he wishes to exercise his powers to call in the application for determination.

**RECOMMENDATION – APPROVE** subject to the receipt of satisfactory comments from Traffic & Transportation, the Environment Agency and HBC Engineering Consultancy, the Secretary of State not calling the application in for determination, the completion of a legal agreement securing the non implementation of earlier planning permission(s) in critical areas adjacent to the site and conditions. The conditions are being finalised and will be the subject of an **UPDATE** report.

## **BACKGROUND PAPERS**

3.41 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

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

## **CONTACT OFFICER**

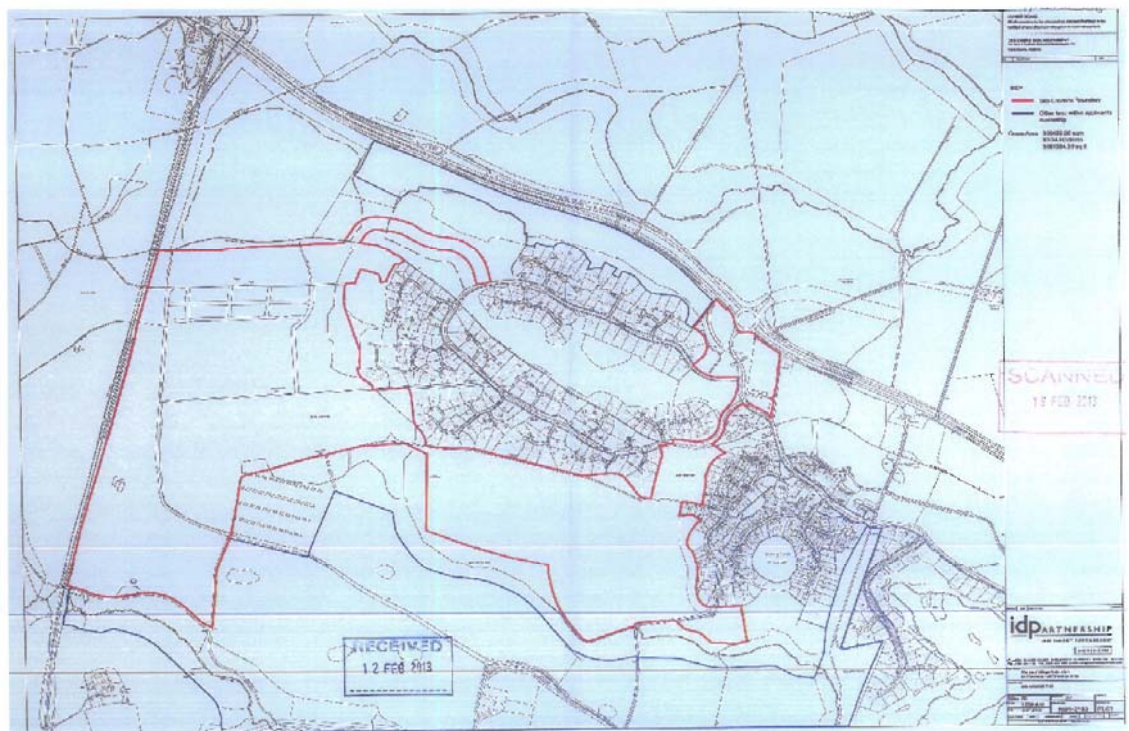
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H/2013/0076

**No:** 2  
**Number:** H/2013/0043  
**Applicant:** Wynyard Park Ltd And Mauve Ltd  
**Agent:** NATHANIEL LICHFIELD AND PARTNERS LYNDIA STEVENSON GENERATOR STUDIOS TRAFALGAR STREET NEWCASTLE UPON TYNE NE1 2LA  
**Date valid:** 25/01/2013  
**Development:** Outline planning application for the erection of up to 400 dwellings, a potential two form entry primary school, a local centre of up to 250 sqm (Use Classes A1 to A5), changing facilities for two teams, playing field, open space, landscaping and associated infrastructure (all matters reserved except access)  
**Location:** Land North of the A689 WYNYARD BUSINESS PARK

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## **BACKGROUND**

2.1 This application appears at item 2 on the agenda at the time of writing of the original report the comments of several consultees were awaited it was also advised that conditions would be subject to an update report.

2.2 It should be noted that the description of this application has changed to accommodate the comments of Sport England. In essence the Multi Use Games Area previously proposed has been replaced by changing facilities.

### **Publicity**

2.3 One additional letter raising concerns has been received. The writer raises the following concerns:

- 1) If permission granted with school a pedestrian bridge should be provided to provide safe access.
- 2) The bridge should be sited to avoid any interference with sight lines

2.4 One additional letter of objection has been received. The writer raises the following issues:

- 1) Too big
- 2) Traffic congestion
- 3) Character of village will change
- 4) Noise
- 5) The woods, environment and natural life in the area will be affected.

2.5 In addition a letter of objection has been received from the Wynyard Residents Association who object for the following reasons:

- 1) Negative impact on traffic and congestion of A689 and A19.

- 2) Concerns that the Footbridge will encourage visitors to the hospital will park in Wynyard village and walk across to avoid parking charges.
- 3) The proposed housing is non executive housing which raises concerns of 'watering down' the executive offer at Wynyard. Densities should be significantly reduced. Wynyard will no longer attract high earners.
- 4) No evidence of proper planning of the area and it is not sustainable for the general housing market. Market housing should be located within the urban centres of Stockton and Hartlepool.
- 5) The neighbourhood plan has not had the opportunity to fully develop before the allocations have been submitted. Local residents want the opportunity to influence the areas development.
- 6) Development on this site was not supported by previous planning policy documents due to its 'unsustainability'.

## CONSULTEE RESPONSES

2.6 The following additional consultee responses have been received.

**Traffic & Transportation :** In order to assess the impact this and neighbouring planning applications will have on the local and strategic road networks a collaborative approach has been undertaken with HBC (Traffic and Transportation) SBC, ATLAS (Advisory Team for Large Applications – Homes and Communities Agency)the Highways Agency and developers. The impact on the network from this development and other neighbouring applications has been tested using a VISSIM transport Model. The model tested various scenario's up to the year 2023. The base model included highway mitigation proposed for the hospital development and the HA's Pinch Point scheme. It was considered throughout this process that if the hospital development did not come forward then the highway mitigation identified for the hospital would still be required to facilitate the housing developments.

At an early stage the VISSIM model showed that the cumulative effect of the proposed developments would have a detrimental impact on the A19 Trunk Road and the HA indicated that the A19 would only be able to accommodate 1100 residential units.

The network has been remodelled with 1100 residential units spread between the 3 planning applications (400 dwellings for this application) and shows that the journey time across the whole network is either less than, or Within 22 seconds of the journey times for the approved hospital scheme, this indicates that the network operates satisfactorily for all the developments considered.

The impact of each development has also been assessed using individual junction models to determine the likely impact. Throughout the initial modelling exercises the results indicated that there were significant delays on the side roads serving the development. Therefore the applicant has proposed amendments to existing side road junctions layouts to increase capacity of the links and to improve access onto the A689, this is beyond the mitigation agreed for the hospital.

In conclusion it is considered that the impact of this development on the local highway network is acceptable, despite a slight worsening of conditions compared

with the existing network performance. Traffic impacts would be generated gradually over a long period. The proposed mitigation would generate benefits when compared to a 'do nothing' future scenario.

#### Development Access

The proposed development will be accessed via a new roundabout on Hanzard Drive which, this along with the upgrading of the existing single carriageway to dual carriageway is acceptable. All new roads and footways should be subject to a section 38 agreement with the contractor and works carried out in accordance with the Teesside Area Design Guide and Specification for Residential Streets and the Manual for Streets.

#### Internal Layout

The proposed internal layout is subject to a Reserved Matters application, however the indicative layout provided is acceptable. A suitable off road cycleway should be provided along the full length of the spine road and appropriate pedestrian linkages should be provided. These linkages should provide suitable crossing points with dropped crossings and tactile paving.

Suitable parking controls are required on the Spine Road and residential roads, these are planned to come forward as part of the Hospital application these are required to prevent overspill parking from the Hospital car Park into traffic sensitive and residential areas, alternative parking measures will be required if the hospital scheme does not proceed. These should be funded by the developer.

**Engineering Consultancy:** No objections. Whilst noting that a low contamination profile is envisaged requests standard contamination condition. Requests a standard drainage condition to ensure detailed drainage design is submitted for the development areas.

**Environment Agency :**It is noted that the majority of the above development proposal is located within the administrative area of Stockton Borough Council and only a small section is located with Hartlepool Borough Council. Therefore, I have attached a copy of my response to Stockton Borough Council for the above application. In SBC response the Environment Agency request conditions requiring the development to be carried out in accordance with the Flood Risk Assessment and a scheme for the provision and management of a 10m wide ecological buffer zone alongside Close Beck.

**Teesmouth Bird Club :** Teesmouth Bird Club objects to this development because it fails to meet the sustainability criterion of NPPF. The developer's ecology consultant states that those bird species breeding in the open fields area, which is to be built on, will merely be displaced to adjacent habitat, but offer no evidence to support this. In fact, such territories will be already occupied. That is how it works in nature! Also, the report acknowledges that the bird population in adjacent, undeveloped woodland, will diminish as a result of human disturbance of the previously quiet habitat (I believe this to be particularly true of breeding buzzard, a rare local species). Several of the other species found in the area are in red or orange threatened categories. Such simplistic dismissals of the loss of these particular species is the reason why they are threatened in the first place -" death by

a thousand cuts" across the UK. The value/significance of the assembly of these bird species is categorised, by the consultant, as " parish value" perhaps so, but what has happened to the much trumpeted principle of "localism" we are all told about! NPPF para 117 talks of the importance of recovery of priority species. Not here I believe. Para 118 requires L A to aim to conserve and enhance biodiversity and where this cannot be avoided, require mitigation measures. (NB the EIA report does not suggest mitigation measures). Finally, NPPF para 211 allows a LA to follow its guidelines and strategies even if they were enthroned on an earlier Local Plan. HBC Planning committee should have the courage to do so!

**Stockton on Tees Borough Council** : Any housing development should be sustainable and any potential negative impacts fully mitigated in line with the NPPF. Officers at Stockton-on-Tees Borough Council welcome the continued joint working with officers at Hartlepool Borough Council regarding the delivery of sustainable development at Wynyard. Comments from Technical Services have been sent under separate cover.

## PLANNING CONSIDERATIONS

2.7 The main planning considerations are discussed in the original report. Satisfactory responses have been received from HBC Traffic & Transportation, the Environment Agency and HBC Engineering Consultancy.

## REASON FOR DECISION

2.8 An Environmental Statement (Environmental Impact Assessment) was submitted with this application and the environmental information therein was taken into consideration by the Local Planning Authority in reaching its decision. 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 Secretary of State not calling in the application for consideration and subject to the following conditions, with authority delegated to the Planning Services Manager to amend, add to or delete conditions if considered appropriate.

1. Approval of the details of the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority. In order to ensure that these details are acceptable.
2. The development hereby permitted shall be carried out in accordance with the plans 60248512-SK101 dated November 2012, SK-100-20 received at the Local Planning Authority on 24th February 2014, and SK1000.03 Rev A and SK1000.04 Rev A received at the Local Planning Authority via Stockton-on-Tees Borough Council on 26th March 2014. For the avoidance of doubt.
3. The development hereby approved shall be carried out having regard to the following:  
1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The

contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: a. human health, b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, c. adjoining land, d. groundwaters and surface waters, e. ecological systems, f. archeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. 2. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. 3. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. 4. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. 5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried



out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. 6. Extensions and other Development Affecting Dwellings. If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated Feb 2014 and the following mitigation measures detailed within the FRA: 1. Limiting the surface water run-off generated by the 100 year (climate change) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. 2. A surface water discharge rate restricted to 3.5l/s/ha of proposed impermeable area with excess flows attenuated on site. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants.
5. Prior to the commencement of development detailed proposals for the disposal of surface water arising from the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved. In order to ensure that these details are acceptable in order to ensure the site is satisfactorily drained.
6. No development shall take place until a scheme for the provision and management of a 10 metre wide buffer zone alongside the Close Beck has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include: i) plans showing the extent and layout of the buffer zone ii) details of any proposed planting scheme (for example, native species). Development that encroaches on watercourses has a potentially severe impact on their ecological value e.g. by reducing the habitat that allows wildlife to continue to thrive in the riparian zone or facilitating increased

pollutant loadings because the existing riparian vegetation has gone and cannot intercept pollutants.

7. The clearance of any vegetation, including trees and hedgerows, 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. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this. In order to avoid harm to birds.
8. Any trees that are to be removed that have been identified as having high potential for roosting bats, should be subject to bat activity surveys prior to any felling works being undertaken on them. Any trees that have been identified as having moderate bat roosting potential should be felled according to a suitable method statement to reduce the risk of harm to bats. The method statement should be submitted to and approved in writing by the Local Planning Authority prior to the felling of the trees. Where method statements are agreed works shall be undertaken in accordance with the method statement.  
In order to avoid harm to bats.
9. The mitigation for badgers described in section E6.9 of the Environmental Statement and for otters, section E6.10 of the ES, shall be implemented as described in those sections. In order to prevent harm to protected species.
10. A lighting plan for the development shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any lighting, the lighting shall thereafter be installed in accordance with the details so approved prior to the access hereby approved being brought into use. The plan should demonstrate how light spill will be minimised on the adjacent woodland. In the interest of highway safety and in order to prevent disturbance to bats.
11. This permission relates only to the highway works located within the application site and within Hartlepool Borough and detailed on drawing 60248512-SK101. For the avoidance of doubt.
12. A scheme of works necessary for the protection of the nearby gas pipeline, in accordance with the conditions attached to planning permission and the clauses of the Section 106 Agreement for the provision of the Access Road and associated works for the Access Road Site submitted to Stockton On Tees Borough Council (under reference number 08/1410/FUL or any subsequent approval), or such other details as may be agreed by the Local Planning Authority, shall be agreed and implemented prior to the highway works hereby approved being brought into use. In order to ensure that adequate measures are undertaken to protect the gas pipeline and visitors to the site.
13. All new roads and footways shall be carried out in accordance with the Teesside Area Design Guide and Specification for Residential Streets and the Manual for Streets unless some variation is otherwise agreed in writing by the Local Planning Authority. In order to ensure the works are to an appropriate standard.
14. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction

activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority. To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

15. A Construction Management Plan shall be submitted and agreed, prior to the commencement of development on each phase, with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. In the interests of the occupiers of adjacent and nearby premises.
16. Application for the approval of the reserved matters referred to above must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.  
To clarify the period for which the permission is valid.

**BACKGROUND PAPERS**

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

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**No:** 3  
**Number:** H/2013/0076  
**Applicant:** Mr Paul Mackings Wynyard Hall BILLINGHAM TS22 5NF  
**Agent:** England & Lyle Ltd Mr Steven Longstaff Gateway House 55 Coniscliffe Road Darlington DL3 7EH  
**Date valid:** 15/04/2013  
**Development:** Outline planning application with all matters reserved for construction of up to 500 houses, primary school (including sports facilities) and nursery, retail units (up to 500 sqm), doctors surgery, community facilities, access and associated landscaping, footpaths and open space  
**Location:** LAND AT WYNYARD VILLAGE BILLINGHAM

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## BACKGROUND

3.1 This application appears at item 3 on the agenda at the time of writing of the original report the comments of several consultees were awaited it was also advised that conditions would be subject to an update report.

## PUBLICITY

3.2 Five additional letters of objection have been received. The writers raise the following issues:

1. Traffic congestion and highway safety
2. Not executive. In keeping with original plan.
3. Loss of light
4. Loss of privacy
5. Visually will look terrible
6. Noise/disturbance
7. Road access
8. Smell
9. Loss of habitat and effect on wildlife
10. loss of trees
11. Previous application unsuccessful this is not wanted
12. Overdevelopment. Loss of ambience and status of Wynyard will be ruined.
13. Houses not needed.
14. Lets dump houses at Wynyard
15. Lets make Wynyard into a Council Estate
16. Why a primary school & sports facilities?
17. Why retail units?
18. No bus services.
19. Wynyard Roads have not been swept in two years
20. If there's flooding on A689 lets dump traffic on village.
21. Land is a part of historic Wynyard Hall Estate and protected.
22. Loss of woodland

23. Must be viewed in context of over houses proposed north of A689.
24. Application should be refused and Wynyard left as the north east flagship village it is.

## CONSULTEE

3.3 The following additional consultee responses have been received.

**Traffic & Transportation :** In order to assess the impact this and neighbouring planning applications will have on the local and strategic road networks a collaborative approach has been undertaken with HBC (Traffic and Transportation) SBC, ATLAS (Advisory Team for Large Applications – Homes and Communities Agency) the Highways Agency and developers. The impact on the network from this development and other neighbouring applications has been tested using a VISSIM transport Model. The model tested various scenarios up to the year 2023. The base model included highway mitigation proposed for the hospital development and the HA's Pinch Point scheme. It was considered throughout this process that if the hospital development did not come forward then the highway mitigation identified for the hospital would still be required to facilitate the housing developments.

At an early stage the VISSIM model showed that the cumulative effect of the proposed developments would have a detrimental impact on the A19 Trunk Road and the HA indicated that the A19 would only be able to accommodate 1100 residential units.

The network has been remodelled with 1100 residential units spread between the 3 planning applications (500 dwellings for this application) and shows that the journey time across the whole network is either less than, or Within 22 seconds of the journey times for the approved hospital scheme, this indicates that the network operates satisfactorily for all the developments considered.

The impact of each development has also been assessed using individual junction models to determine the likely impact. Throughout the initial modelling exercises the results indicated that there were significant delays on the side roads serving the development. Therefore the applicant has proposed amendments to existing side road junctions layouts to increase capacity of the links and to improve access onto the A689, this is beyond the mitigation agreed for the hospital.

In conclusion it is considered that the impact of this development on the local highway network is acceptable, despite a slight worsening of conditions compared with the existing network performance. Traffic impacts would be generated gradually over a long period. The proposed mitigation would generate benefits when compared to a 'do nothing' future scenario.

### Access to the Development.

The proposed development would provide two points of vehicular access to the existing highway infrastructure currently serving the Wynyard Woods Estate. The site access junctions would be located to south and the north of the Wynyard Woods Estate and would be in the format of major / minor priority junctions.

Whilst the access points are considered acceptable, Stage 1 Road Safety Audits should be conditioned to confirm the proposed junction arrangements are acceptable prior to development commencing on the site. The applicant would need to enter into a section 278 Agreement for any proposed works onto the adopted highway.

#### Internal Layout

The proposed internal layout is subject to a Reserved Matters application, however the indicative layout provided is acceptable. A suitable off road cycleway should be provided along the full length of the spine road and appropriate pedestrian linkages should be provided. These linkages should provide suitable crossing points with dropped crossings and tactile paving.

All new roads and footways should be subject to a section 38 agreement with the contractor and works carried out in accordance with Teesside Design Guide and Specification for Residential Streets and Manual for Streets.

**Engineering Consultancy:** No objections. Whilst noting that a low contamination profile is envisaged requests standard contamination condition. Requests a standard drainage condition to ensure detailed drainage design is submitted for the development areas.

**Teesmouth Bird Club :** Objects to this application on the basis that the proposal fails to meet the NPPF requirement of sustainability. NPPF assumes planning approval, but provided the criteria of sustainability are met. These are, in essence, that the world should at the very least be undamaged or ideally improved by any development activity. On this basis the destruction of a large area of woodland (Black Squares Plantation), without the mitigation of a similar area of woodland being created, is a clear failure to meet the criteria of sustainability. The developer's proposal to have 30% of the new housing footprint as "green space" goes no way towards meeting the loss of biodiversity. Parkland is not woodland! Despite the absence of a current local plan, NPPF clause 211 permits the consideration of policies and strategies in place in earlier local plans. The developer's contracted ecologists make some relevant and sensible suggestions towards mitigation, and should indeed be a planning requirement should the application be granted, but these measures are insignificant viewed opposite the loss of this woodland and its associated biodiversity. An equivalent area of new woodland should be created as mitigation. If the land owner himself, has not own an equivalent area of land to be set aside as mitigation, there is an alternative mechanism which could mitigate and meet the requirements of sustainability. Consider the following solution to this problem. Developers frequently are asked to provide capital sums for the creation of beneficial services in a borough e.g. low cost housing, all-weather playing surfaces, extra parking spaces etc. Now, the bird club is aware that the adjacent borough of Stockton plans, next autumn, to clear fell closely adjacent Brierley Woods with a view to initiate the start of natural regeneration, leading eventually to deciduous woodland evolving. This process would be accelerated and enhanced by capital from the developer! Ideally such an initiative would require proper ecologist's planning, fencing, planting and subsequent replacement of tree failures. Stockton cannot afford this, but to the developer, the cost of this innovative project would be trivial when compared to that whole housing project. The residents of both boroughs and particularly those in the proposed development would benefit, a new and better

spectrum of biodiversity would evolve from carefully planned plantings. However this proposal should be but one consideration towards meeting the requirements of sustainability and enhancing biodiversity – others must be required by the planning committee. This, surely, is what sustainability and localism is all about and it should be made a requirement of any planning approval by the borough!

**Environment Agency :** Comments awaited.

**Ramblers Association :** These comments are limited to that part of the development that will be required within the Hartlepool Local Plan area. We strongly support the provision of a bridge across the busy A689 especially as there could be a heavy flow of pupils from developments north of the A689 to the proposed school in the village. A bridge is also required to allow connections to rights of way networks and to allow safe passage of residents to facilities on either side of the A689. Our comments on H/2013/0033 (amended) expand on the above. “Though the new proposals are on a reduced scale from the original application our comments as reported in the Committee Report (4/10/2013) still hold. Residents here and on other developments on the Wynyard sites will be isolated from nearby attractive countryside, the rights of way networks and woods in Durham, Hartlepool and Stockton for quiet enjoyment and healthy exercise as advocated by the medical profession whose views are endorsed by government and local authorities in many plans and statements. Similar observations are made in Hartlepool Borough Council’s Parks and Countryside response to the original proposal - they are to be found in the Committee Report (4/10/2013)

The amended proposals do not provide a school. This means that children from about 3 to 11 years old will be educated off site and for many that will mean negotiating a busy double carriage way at least twice a day to get to the local authority school on the Wynyard site south of the A689 – this introduces a risk of injury/death from the traffic unless a safe method of crossing, completely separating children from traffic, is provided. If the council is minded to approve the proposal, the grant should be conditional on the provision of: 1 a suitable pedestrian/cycle bridge across the A689. The bridge should have no steps and the gradients must be easy so as not to discourage infants and parents/carers with pushchairs from using it. Precautions will be required to prevent children and others from endangering themselves by crossing the road at grade. 2 suitable access to neighbouring woods, the North Burn valley and neighbouring rights of way networks.”

**Cleveland Emergency Planning Unit :** the only points we wish to note still are the presence of pipelines in the vicinity, the possibility of flooding of the A689 and the impact on the transport links within the area. As far as the amended plans we would offer no objections to them.

**Stockton Borough Council :** Any housing development should be sustainable and any potential negative impacts fully mitigated in line with the NPPF. Officers at Stockton-on-Tees Borough Council welcome the continued joint working with officers at Hartlepool Borough Council regarding the delivery of sustainable development at Wynyard. Comments from Technical Services have been sent under separate cover.



## PLANNING CONSIDERATIONS

3.4 The main planning considerations are discussed in the original report. Satisfactory responses have been received from HBC Traffic & Transportation, and HBC Engineering Consultancy. The final comments of the Environment Agency are awaited.

## REASON FOR DECISION

3.5 An Environmental Statement (Environmental Impact Assessment) was submitted with this application and the environmental information therein was taken into consideration by the Local Planning Authority in reaching its decision. 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 receipt of satisfactory comments from the Environment Agency, the Secretary of State not calling in the application for consideration, the completion of a legal agreement securing the non implementation of earlier planning permissions in critical areas within and adjacent to the site and subject to the following conditions, with authority delegated to the Planning Services Manager to amend, add to or delete conditions if considered appropriate.

1. The development hereby permitted shall be carried out in accordance with the plans N81-2192 PL01 received by the Local Planning Authority on 11 February 2013 and the plan N81-2192 PL02 revision D received at the Local Planning Authority on 21st February 2014, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt.

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

3. Approval of the details of the means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority. To clarify the period for which the permission is valid.

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

1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: a. human health, b. property (existing or proposed) including buildings, crops, livestock, pets, woodland

and service lines and pipes, c. adjoining land, d. groundwaters and surface waters, e. ecological systems, f. archeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. 2. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. 3. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. 4. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. 5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. 6. Extensions and other Development Affecting Dwellings. If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission. To

ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.5. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.6. The clearance of any vegetation, including trees and hedgerows, 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. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this. In order to avoid harm to birds.7. Any trees that are to be removed shall first be inspected for their potential to support roosting bats by a suitably qualified ecologist. Any trees that are identified by this inspection as having high potential for roosting bats shall be subject to bat activity surveys prior to any felling works being undertaken on them. If bats are found to be present the tree(s) shall not be removed unless a method statement safeguarding the bats is first submitted to agreed in writing by the Local Planning Authority. Any trees that have been identified as having moderate bat roosting potential should be felled according to a suitable method statement to reduce the risk of harm to bats. The method statement shall be submitted to and approved in writing by the Local Planning Authority for approval prior to the felling of the tree(s). Where method statements are agreed works shall be undertaken in accordance with the method statement. In order to avoid harm to bats.8. This permission relates only to the highway works located within the application site and within Hartlepool Borough. For the avoidance of doubt.9. All new roads and footways shall be carried out in accordance with the Teesside Area Design Guide and Specification for Residential Streets and the Manual for Streets unless some variation is otherwise agreed in writing by the Local Planning Authority. In order to ensure the works are to an appropriate standard.10. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority. To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.11. A Construction Management Plan shall be submitted and agreed, prior to the commencement of development on each phase, with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. In the interests of the occupiers of adjacent and nearby premises.12. A) No 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 recording2. The programme for post investigation assessment3. Provision to be made for analysis of the site investigation and recording4. Provision to be made for publication and dissemination of the analysis and records of the site investigation5. Provision to be made for archive deposition of the analysis and records of the site investigation6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. In the interests of the preservation of any archaeological remains.13. No development shall take place until Stage 1 Road Safety Audits of the proposed junctions have been undertaken submitted to and approved in writing by the Local Planning Authority. In the interests of highway safety.

## BACKGROUND PAPERS

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

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## **POLICY NOTE**

The following details a precis of the policies referred to in the main agenda. For the full policies please refer to the relevant document.

### **ADOPTED HARTLEPOOL LOCAL PLAN 2006**

**GEP1** (General Environmental Principles) - States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

**GEP2** (Access for All) - States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

**GEP3** (Crime Prevention by Planning and Design) - States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

**GEP9** (Developer Contribution's) States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

**Ind1** (Wynyard Business Park) - States that land is reserved for development as a business park. Proposals for business development, and for those general industrial and storage uses which do not significantly affect amenity or prejudice the development of adjoining land, will be allowed where they meet the criteria set out in the policy. Town centre uses will not be allowed unless they are primarily providing support facilities for the business park. Travel plans will be required for large scale developments. The creation and maintenance of features of nature conservation interest and landscaping and woodland planting will be sought through planning conditions and legal agreements.

**Hsg5** (Management of Housing Land Supply) - A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility, range and choice of housing provided and the balance of housing supply and

demand. Developer contributions towards demolitions and improvements may be sought.

**Hsg9** (New Residential Layout – Design and Other Requirements) - Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

**Tra20** (Travel Plans) - Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

**WL7** (Protection of SNCIs, RIGSs and Ancient Semi-Natural Woodland) - States that development likely to have a significant adverse effect on locally declared nature conservation, geological sites or ancient semi-natural woodland (except those allocated for another use) will not be permitted unless the reasons for the development clearly outweigh the particular interest of the site. Where development is approved, planning conditions and obligations may be used to minimise harm to the site, enhance remaining nature conservation interest and secure any compensatory measures and site management that may be required.

**Rur2** (Wynyard Limits to Development) - States that housing and employment land is identified within the Wynyard limit to development but that expansion beyond that limit will not be permitted.

**Rur20** (Special Landscape Areas) - : States that development in this special landscape area will not be permitted unless it is sympathetic to the local rural character in terms of design, size and siting and building materials and it incorporates appropriate planting schemes.

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012**

7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

●an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

**14:** At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

**17:** within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surrounding, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the framework;



- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

**18.** The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

**19.** The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

**30.** Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.

**32.** All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

**34.** Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

**36.** All developments which generate significant amounts of movement should be required to provide a Travel Plan.

**37.** Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

**47.** To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable<sup>11</sup> sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable<sup>12</sup> sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

**49:** Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

**50:** To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and

- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

**56:** The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

**111.** Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.

**129.** Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

**158.** Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.

**159.** Local planning authorities should have a clear understanding of housing needs in their area. They should:

- prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:
  - meets household and population projections, taking account of migration and demographic change;
  - addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);<sup>34</sup> and
  - caters for housing demand and the scale of housing supply necessary to

meet this demand;

- prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

**186.** Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

**196:** The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

**197:** In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

**216.** From the day of publication, decision-takers may also give weight<sup>40</sup> to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).