

# PLANNING COMMITTEE AGENDA



Wednesday 25<sup>th</sup> March 2015

at 10.00 am

in the Council Chamber,  
Civic Centre, Hartlepool

## MEMBERS OF PLANNING COMMITTEE:

Councillors Ainslie, S Akers-Belcher, Barclay, Cook, Dawkins, James, Lilley, Martin-Wells, Morris, Payne and Springer

### 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 18<sup>th</sup> February 2015 (*to follow*).

### 4. ITEMS REQUIRING DECISION

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

1. H/2015/0025 Lot 3 Seaton Lane (*Page 1*)
2. H/2015/0024 Lot 2 Seaton Lane (*Page 17*)
3. H/2015/0023 Lot 1 Former Education Development Centre, Seaton Lane (*Page 31*)

#### 4.2 Appeal at Land at Former Coastguards Office, Moor Terrace, Headland, Hartlepool, TS24 0PT - APP/H0724/W/15/3002687 Change of Use of Former Coastguard's Station to Dwelling including first floor extension and viewing gallery (H/2014/0354) – *Assistant Director (Regeneration)*



**5. ITEMS FOR INFORMATION / DISCUSSION**

- 5.1 Neighbourhood Planning Update – *Assistant Director (Neighbourhoods)*
- 5.2 Appeal at Land at Quarry Farm Elwick Road, Hartlepool, TS26 0LJ – APP/H0724/A/14/2225471 Outline Application for the Construction of 81 Dwellings with all matters reserved except for the access (H/2014)0215) – *Assistant Director (Regeneration)*
- 5.3 Update on Current Complaints – *Assistant Director (Regeneration)*

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

**FOR INFORMATION**

The next Scheduled Meeting will be held on Wednesday 13<sup>th</sup> May 2015.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

18<sup>th</sup> February 2015

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

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Stephen Akers-Belcher, Allan Barclay,  
Keith Dawkins, Marjorie James, Geoff Lilley, Ray Martin-Wells,  
George Morris and George Springer

In accordance with Council Procedure Rule 4.2 Councillor Carl Richardson was in attendance as substitute for Councillor Robbie Payne

Also Present: Councillors Christopher Akers-Belcher, Kelly Atkinson and Kevin Cranney

Officers: Peter Devlin, Chief Solicitor  
Damien Wilson, Assistant Director (Regeneration)  
Andrew Carter, Planning Services Manager  
Jim Ferguson, Planning Team Leader (DC)  
Matthew King, Planning Policy Team Leader  
Jane Tindall, Senior Planning Officer  
Aidan Dobinson Booth, Senior Planning Officer  
Sylvia Pinkney, Public Protection Manager  
Sarah Scarr, Landscape Planning and Conservation Manager  
Peter Nixon, Senior Traffic Technician  
Adrian Hurst, Principal Environmental Health Officer  
Jo Stubbs, Democratic Services Officer

### **106. Apologies for Absence**

Apologies were submitted by Councillor Robbie Payne.

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

Councillor Keith Dawkins declared a prejudicial interest in the planning application relating to 90/92 Ashgrove Avenue and indicated his intention to leave the meeting during consideration of this item.

## **108 Confirmation of the minutes of the meeting held on 21<sup>st</sup> January 2015**

The minutes were confirmed

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

The Chair indicated that the following planning applications had been withdrawn from the agenda due to concerns regarding the statutory availability of information relating to them:

H/2014/0570 Land at Worset Lane  
H/2014/0254 Land at Tofts Road West  
H/2014/0253 Land at Brenda Road West Industrial Estate  
H/2014/0252 Land at Graythorp Industrial Estate

In order to consider these matters in as timely a manner as possible the meeting would be adjourned upon completion of all other business and reconvened on Wednesday 25<sup>th</sup> February 2015 at 10am.

### **Councillor Keith Dawkins left the meeting**

<b>Number:</b>	H/2014/0485
<b>Applicant:</b>	Development Initiative for Support in the Community (DISC) Sapphire House, IES Centre Horndale Avenue NEWTON AYCLIFFE
<b>Agent:</b>	Harrison and Johnson Mr John Harrison 81 Bondgate DARLINGTON
<b>Date received:</b>	14/11/2014
<b>Development:</b>	Change of use from bakery and shop to four residential flats with additional communal lounge and kitchen facility and external alterations
<b>Location:</b>	90 92 Ashgrove Avenue HARTLEPOOL

Members noted that there had been a large number of objections from residents based on their fears of crime and anti-social behaviour yet the police and other authorities had not objected. The Planning Team Leader advised that he was unable to speak for the police but officers had been unable to recommend refusal based on the fear of crime as there was no evidence for it. Members felt that the number of objections spoke volumes and expressed surprise at the police response. It was queried why the police recommendations relating to permanent staffing and CCTV had not been included in the proposed conditions. The Senior Planning Officer advised that

the applicant had agreed to these but officers were unable to include them in the conditions as this would set a precedent regards change of use applications.

Claire McReanor attended on behalf of the applicant. She advised that the company worked with young people and those with mental health issues and they would be the category that would be expected to be housed in these properties rather than drug users and ex-offenders. However members felt that the referrals system meant that this could not be guaranteed. Ms McReanor confirmed that referrals could come from anywhere but they did not intend to house chaotic individuals. Members also referred to the perceived lack of consultation with residents and asked what steps the applicant would take to build bridges, possibly by establishing a liaison group. Ms McReanor indicated they would be happy to arrange a meeting but asked that residents attend with an open mind. She added that many of the objections were based on an erroneous petition which had been distributed regarding the type of resident.

Mr and Mrs Paul spoke against the application. Living next door to the property and sharing an alleyway with it they were extremely concerned at the potential risk to their children and property that any future tenants might pose, particularly as their garden would be overlooked. They also noted the increase in parking that would result and the inconvenience they had already suffered due to the internal renovations. They confirmed that they believed they would be living with the fear of crime '100%'.

Ward Councillor Kevin Cranney addressed the Committee. He advised that the 3 Ward Councillors had all objected to the application as it would be inappropriate for the area and would undermine key community targets for the Ward. He described the applicant's assertion that they would not be housing ex-offenders as a 'lie' and noted that they had not responded to the question of who would be housed when asked at a public meeting. There had been ongoing problems with drug dealers in the surrounding area and this could lead to temptation for any future residents.

Ward Councillor Christopher Akers-Belcher confirmed the strong objections of the 3 ward councillors and noted that a similar scheme in St Paul's Road had closed the previous year due to anti-social problems. He had been elected to protect the residents and the residents objections based on fear of crime could be supported.

Members were unanimously against the application due to the perceived fear of crime, the impact on adjacent residential properties and the impact on highways and parking. They criticised the lack of consultation between the applicant and residents, commenting that many of the problems and fears could have been allayed if this had been better. They suggested that a meeting be arranged between councillors and the applicant to discuss better ways of working together in the future.

**Decision: Planning Permission Refused**

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. In the opinion of the Local Planning Authority the proposed development could give rise to issues of increased crime and fear of crime in the local area to the detriment of the amenity of the occupiers of neighbouring residential properties and the surrounding area contrary to policy GEP1 of the Hartlepool Local Plan (2006) and paragraph 17, 58 and 69 of the NPPF.
2. In the opinion of the Local Planning Authority the proposed development would be virtue of the generation of additional traffic and lack of parking provision have a detrimental impact upon highway safety and amenity within the local area to the detriment of the amenity of the occupiers of neighbouring residential properties and the surrounding area and highway safety contrary to policy GEP1 of the Hartlepool Local Plan (2006) and paragraph 17 of the NPPF.
3. In the opinion of the Local Planning Authority the proposed development could give rise to a detrimental impact upon neighbouring residential properties in terms of loss of privacy and overlooking contrary to policy GEP1 of the Hartlepool Local Plan (2006) and paragraph 17 of the NPPF.

The Committee considered representations in relation to this matter.

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**Councillor Keith Dawkins returned to the meeting**

**Number:** H/2014/0564

**Applicant:** Mrs Louise Nicholson Thirteen (Vela) Hudson Quay  
Windward Way Middlesbrough

**Agent:** DKS Architects Mr Joe Crinion The Design Studio  
Ellerbeck Court The Design Studio Stokesley

**Date received:** 17/12/2014

**Development:** Variation of condition No. 2 of planning application  
H/2014/0003 for residential development comprising  
conversion of Grade II Listed manor house to form 4  
no. dwellings, erection of 5 houses, 11 bungalows  
and 18 apartments and associated works (to raise  
ground levels)

**Location:** LAND AT FRIARAGE MANOR HOUSE FRIAR  
STREET

A member requested clarification that the committee were being asked to agree a variation to the original application, namely that the level of the

development be raised in order to protect any archaeological remains beneath it. The Senior Planning Officer confirmed this was the case and there had been no other changes. Members queried whether there was the potential for damage to be caused to historical remains by this development. The Planning Team Leader advised that damage could not be completely ruled out but raising the levels would provide cover for sensitive areas and highlighted that Tees Archaeology were satisfied with the proposed variation. The Landscape Planning and Conservation Manager added that Tees Archaeology and the developer would discuss methods of construction to ensure minimal impact, would work together throughout the process and log any excavation were possible. Members asked whether properties could be realigned should sensitive archaeological evidence be uncovered. The Planning Team Leader reiterated that the layout of the properties had already been approved and this proposal was to increase the land levels thereby creating a buffer. However members felt unable to approve the variation without knowing what was present on the site. They asked that this item be deferred to the following week to enable officers to present them with a detailed report regarding the historical evidence present on the site. The Planning Services Manager commented that much of this evidence would only be found when digging commenced therefore it would not be possible to give a detailed presentation to members the following week. The Chair and officers highlighted that this development had previously been approved by committee but other members felt unable to approve the proposed variation without further information as to the remains on the site. The deferral was approved by a majority. The Chair noted that all the information as requested was already available to members

**Decision:**

**Deferred**

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**Number:**

H/2014/0578

**Applicant:**

CCAD BOARD OF GOVERNORS CHURCH  
SQUARE HARTLEPOOL

**Agent:**

HOWARTH LITCHFIELD PARTNERSHIP MS  
ELISA BERRY 4 OLD ELVET DURHAM

**Date received:**

12/12/2014

**Development:**

Demolition of workshops, garages and office buildings, refurbishment of two storey office building, construction of 3 storey building to provide workshop, studio and seminar space, staff and ancillary accommodation together with provision of car parking and external works

**Location:**

DEPOT LYNN STREET HARTLEPOOL

The Principal of Cleveland College of Art and Design and the Project Architect were both present at the meeting. Members raised concerns at the proposed access to the site and the impact this might have on local businesses and their deliveries. The Planning Team Leader advised that residents had been consulted and raised no objections. Highways also found the application acceptable. Members asked whether consideration had been given to the loss of parking and the impact this would have on local businesses. They suggested that a review of parking on Church Street be carried specifically on the daytime use of taxi ranks and current 30 minute parking time allowed. The Assistant Director advised that over £5 million in funding had recently been secured for improvements to Church Street and Church Square and this review could be incorporated as part of these improvements. Members were happy to agree this course of action. They approved the application unanimously.

**Decision: Planning Permission Approved**

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

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 Project No: 14116 Dwg No(s) 2015 Rev P2, 2002 Rev P5, 2008 Rev P4, 2016 Rev P2, received 5 January 2015, Dwg No(s) 2017 Rev P1 and 1010 Rev P1 received 12 December 2014, Dwg No(s) 1005 Rev P6 and 1011 Rev P3 received 12 January 2015 and details received by the Local Planning Authority on 12 December 2014. For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority prior to the development proceeding above damp proof course, 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. 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'.

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. Notwithstanding the submitted details on Dwg No: CL00(52)1001 Job No: 1010250 and drainage strategy received 15 January 2015 prior to the commencement of development a detailed scheme for the disposal of foul sewerage and surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the details so approved.

To ensure that waters can be managed and the existing systems can receive the additional flows generated by the proposed development.

6. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Piling may introduce pathways that allow contaminants to reach and impact the Magnesian Limestone principal aquifer underlying the proposed development area.

7. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is brought into use. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

8. 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.

9. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 08:00 to 13.00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays. In the interests of the amenities of the occupants of neighbouring properties.
10. Notwithstanding the details submitted, prior to the occupation of the development, details of all new fencing, boundary walls, cycle shelter(s), and bin store(s) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these items shall be provided in accordance with the details so approved prior to the occupation of the building(s).  
In the interests of visual amenity.
11. Notwithstanding the details submitted, details of paving and art work displays shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details so approved prior to the occupation of the buildings.  
To ensure the site is developed in a satisfactory manner.
12. Details of the height, type, position and angle of external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The lighting shall be erected and maintained in accordance with the details so approved prior to the occupation of the buildings.  
In the interests of visual amenity.
13. A scheme for the provision of highway road markings, highway signage, lighting and road hump provision shall be submitted to and agreed in writing with the Local Planning Authority prior to the development being brought into use. Thereafter the approved scheme shall be implemented in accordance with the details so approved prior to the development being brought into use.  
In the interests of highway safety.
14. Details for ventilation filtration and fume extraction equipment to reduce cooking smells shall be submitted to and agreed in writing with the Local Planning Authority prior to the development being brought into use. Thereafter, the approved scheme shall be implemented prior to any cooking taken place on the premises.  
In the interests of the amenities of the occupants of neighbouring properties.

### **Councillor Carl Richardson left the meeting**

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**Number:** H/2014/0582

**Applicant:** Mr Neil Elliott John Shadforth House Thomlinson  
Road HARTLEPOOL

**Agent:** Patrick Parsons Ltd Mr Nick Beckwith Waterloo House Thornton Street NEWCASTLE UPON TYNE

**Date received:** 22/12/2014

**Development:** Erection of a new waste transfer building to improve facilities at existing waste transfer facility

**Location:** Niramax Recycling Ltd Mainsforth Terrace HARTLEPOOL

Members approved the application unanimously

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

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

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 (001- Location Plan, 003 Revision A - Proposed Site Plan, 004 - Proposed Warehouse Floor Plan & Typical Section, 005 Proposed Warehouse Elevations) and details which had been received by the Local Planning Authority at the time the application was made valid on 22 December 2014.  
For the avoidance of doubt.
3. 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. 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.
4. 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:
    - a all previous uses;
    - b potential contaminants associated with those uses;
    - c a conceptual model of the site indicating sources, pathways and receptors; and
    - d 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.

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).

5. 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.

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).

6. 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. Unsuspected contamination may exist at the site which may pose a risk to controlled waters.

7. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.  
Piling may introduce new pathways for contamination to impact the underlying Sherwood Sandstone principal aquifer.
8. Details of all external finishing materials 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.

**Councillors Stephen Akers-Belcher and Ray Martin-Wells left the meeting**

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## **110. Member Training and Proposed Revisions to the Scheme of Delegations** *(Assistant Director (Regeneration))*

At the Planning Committee meeting on 17<sup>th</sup> December 2014 members had discussed proposed changes to mandatory and discretionary training for Planning Committee members and revisions to the Scheme of Delegation. Following these discussions the Planning Services Manager had amended the documentation and brought it back to the Committee for final confirmation prior to its presentation to Council on 26<sup>th</sup> March as part of proposed changes to the Planning Code of Practice and Constitution. The following amendments were requested:

### **Mandatory and Discretionary Training**

Members felt that scheduling discretionary training sessions at 9am on the day of Planning Committee was unworkable and requested that these training sessions be moved to 2pm on the day of Planning Committee.

A Councillor requested that the following additional discretionary training sessions be added to the diary:

- Flooding and Coastal Erosion
- Rural Environment and Sustainable Development
- Flooding Issues in a Rural Setting

**Councillor Geoff Lilley left the meeting**

## **Review of Scheme of Delegation**

Members felt it was inappropriate that the decision to refuse an application be delegated to the Assistant Director (Regeneration) in the absence of the Chair. Should both the Chair and Vice-Chair be unavailable Planning Officers should ring round the remaining committee members and reach a consensus viewpoint which could then be reported back to Planning Committee. The Planning Team Leader highlighted the need for a signature on the appropriate forms but members felt that an electronic signature would resolve this problem adequately.

## **Decision**

That discretionary planning training sessions take place at 2pm on the day of Planning Committee

That the following sessions be added to the list of discretionary planning training session subjects:

- Flooding and Coastal Erosion
- Rural Environment and Sustainable Development
- Flooding Issues in a Rural Setting

That in the absence of the Chair and Vice-Chair the refusal of a planning application through delegated powers be in conjunction with consultation through the remaining Committee members

## **111. Potential Review of the Headland Conservation Area** (Assistant Director (Regeneration))

At a previous meeting members had queried the possibility of carrying out a review of the Headland Conservation Area and Article 4 Direction. The Planning Services Manager informed members that due to the reduction in staff numbers over the previous 2 years the only officer on staff with the relevant knowledge, skills and experience to carry out such a review was the Landscape and Conservation Team Leader and she had already indicated that she would be unable to carry out such a review given her current workload. An alternative way forward would be to hire an external consultant to carry out the review at an approximate cost of £30,000. This amount was not available in the planning services budget. An additional concern was that it would need to be included in the Local Plan therefore any decision to proceed with a review would need to be made as soon as possible. Members felt that an alternative way forward would be to offer the review to a nearly qualified conservation officer as a technical dissertation piece. The Chair asked that officers consider this option.

## **Decision**

That Officers investigate the possibility of a nearly qualified conservation officer carrying out a review of the Headland Conservation Area and Article 4 Direction as a technical dissertation piece.

### **112. Quarterly Update Report for Planning Services October December 2014** *(Assistant Director (Regeneration))*

Members were given an update on performance and progress across the key areas of Planning Services for the third quarter of 2014/2015. This showed 92% of major applications had been determined within their target date (national target of 60%), 90% of minor applications (national target of 65%) and 93% of other applications (national target of 80%). Over £265,744 had been generated in fee income from applications for the quarter. 19 complaints regarding potential planning breaches had been received this quarter and were currently being investigated by the Planning Enforcement Officer.

Updates on Planning Policy, Landscape Planning and Conservation and Tees Archaeology were also included within the report.

## **Decision**

That the report and progress made across key areas of the Planning Services Team be noted.

### **113. Council Spend on Adapting Existing Dwellings to be Wheelchair or Disabled Accessible** *(Assistant Director (Regeneration))*

At a previous meeting a member had queried how much money had previously been spent by the Council adapting existing dwellings to be wheelchair and disabled accessible. Figures showed that since 2010 over £653,000 had been spent making properties wheelchair accessible with over £70,000 used to make properties disabled accessible via ramp installation. The Government's Disabled Facilities Grant could be utilised for some of these adaptations, also the CCG Better Care Fund and monies from Child and Adult Services. However this did not cover the whole cost meaning that 14-38% of the overall planning budget was spent on wheelchair access per year with around 2% of the budget spent on ramp installation per year. There were currently 33 applicants on the housing register list in need of wheelchair accessible standard properties, most of whom require a 2-bedroom property.

A member suggested that developers should be asked to build a percentage of houses with wheelchair or disabled access in the same way they were asked to build a percentage as social housing. Planning Officers were also asked to include this in the Local Plan negotiations. The Planning Services



Manager agreed that this could be in the Local Plan but it was up to developers whether they chose to have regard to it.

**Decision**

That the report be noted.

**114. Update on Current Complaints** *(Assistant Director (Regeneration))*

Members' attention was drawn to 12 ongoing issues currently being investigated.

**Decision**

That the report be noted

**115. Appeal at 23 Benmore Road, Hartlepool** *(Assistant Director (Regeneration))*

Members were advised that an appeal against the refusal of the Local Planning Authority for the erection of a 2-storey extension and loft conversion at 23 Benmore Road had been dismissed by the Planning Inspector. A copy of the decision letter was appended to the report.

**Decision**

That the decision of the Planning Inspectorate be noted.

**116. 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.

**117. Site Visit**

Members were advised that places were still available for a site visit to a Persimmon site at Newcastle-on-Tyne on Friday 20<sup>th</sup> February. The site was similar to that expected to be proposed for the South-West Extension. A Member queried what provision had been made to provide refreshments to members and officers.

## **118. 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 119 – (Complaint Cases to be Closed) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal and professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment

## **119. Complaint Cases to be Closed** (*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 (para 5) information in respect of which a claim to legal and professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment

Details were given of 5 outstanding complaint cases which officers felt could be closed.

### **Decision**

That the case files referred to be closed and no further action taken.

The meeting adjourned at 1:15pm

The meeting reconvened at 10.00am on Wednesday 25<sup>th</sup> February 2015 in the Civic Centre, Hartlepool

### **Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Stephen Akers-Belcher, Allan Barclay, Keith Dawkins, Marjorie James, Geoff Lilley, Ray Martin-Wells, George Morris and George Springer

In accordance with Council Procedure Rule 4.2 Councillor Carl Richardson was in attendance as substitute for Councillor Robbie Payne

Also Present Councillors Paul Beck and Steve Gibbon

Officers: Peter Devlin, Chief Solicitor  
Damien Wilson, Assistant Director (Regeneration)  
Andrew Carter, Planning Services Manager  
Jim Ferguson, Planning Team Leader (DC)  
Mike Blair, Technical Services Manager  
Matthew King, Planning Policy Team Leader  
Jane Tindall, Senior Planning Officer  
Aidan Dobinson Booth, Senior Planning Officer  
Adrian Hurst, Principal Environmental Health Officer  
Peter Rowe, Sites and Monuments Officer  
Jo Stubbs, Democratic Services Officer

Prior to the meeting the Chair advised that he had been made aware that planning officers had been subject to verbal telephone abuse by members of the public with regard to certain issues which were due for consideration at this meeting. This was unacceptable. He asked that those present respect each other and refrain from shouting out or talking over other people.

## **120. Apologies for Absence**

Apologies were submitted by Councillor Robbie Payne.

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

Councillor Ray Martin-Wells declared a personal interest in the following planning applications: H/2014/0570 (Land at Worset Lane), H/2014/0254 (Land at Tofts Road West), H/2014/0253 (Land at Brenda Road West Industrial Estate) and H/2014/0252 (Land at Graythorp Industrial Estate)

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

**Number:** H/2014/0570

**Applicant:** Mr Stephen Litherland Leebell Developments Ltd c/o Bellway Homes North East Kings Park Kingsway North GATESHEAD

**Agent:** Leebell Developments Ltd Mr Stephen Litherland c/o Bellway Homes North East Kings Park Kingsway North GATESHEAD

**Date received:** 09/12/2014

**Development:** Outline planning application with some matters reserved for the erection of 7 no self-build residential plots together with associated access and landscaping (resubmitted application)

**Location:** Land at Worset Lane HARTLEPOOL

Steve Litherland, the Agent, was present and advised members that permission was being sought for 7 residential plots. As part of the application the road would be widened and a new site access road installed. The site was close to existing services and had good transport links.

Mr O'Hare spoke against the development saying it was unsustainable and undeliverable. He raised a number of objections including the need to protect the green space, the effect on hedgerows at the site, visual disturbance, highway safety and the potential disturbance of archaeological remains due to the sites previous designation as a medieval village. There would be nothing to prevent the buyers of the plots leaving them unoccupied for many years before building executive housing.

Ward Councillor Beck queried the need for 7 self-build plots to be placed on a historical monument. The Council should be in the business of preserving historic artefacts and this development would send the wrong message to the young people of Hartlepool.

The Committee were split in their opinion of this application. Some felt that self-build should be supported and officer advice taken heed of. However others felt that the loss of green space and a historic hedgerow was unacceptable. 7 self-build properties would not help toward the current housing need.

Members refused the application by a majority vote.

**Decision:** **Refused**

#### **CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. The proposed development would result in the loss of a hedgerow which forms an important landscape feature to the detriment of the visual amenity and biodiversity of the area contrary to paragraphs 7, 17, 57, 109 and 118 of the NPPF and GEP1, GEP12 and Hsg9 of the Hartlepool Local Plan 2006. It is considered that the adverse impact arising from the loss of the hedgerow would significantly and demonstrably outweigh the benefits of the proposal.
2. The proposed development would result in the loss of a key green space to the detriment of the visual amenity of the area contrary to paragraphs 7, 17, 57, 61, 64 and 74 of the NPPF and policy GEP1 and GN3(e) of the Hartlepool Local Plan 2006. It is considered that the

- adverse impact of the loss of the key green space would significantly and demonstrably outweigh the benefits of the proposal.
3. It is considered that the proposed development would have a detrimental impact upon biodiversity, associated with the loss of hedgerow and protected green space. Therefore the proposal would be contrary to paragraphs 7, 17, 109 and 118 of the NPPF and policy GEP1, GEP12 and GN3(e) of the Hartlepool Local Plan 2006. It is considered that the adverse impacts on biodiversity arising from the development would significantly and demonstrably outweigh the benefits of the proposal.
  4. It is considered that the proposed development would have a detrimental impact upon archaeological deposits. Therefore the proposal would be contrary to paragraphs 17, 131, and 135 of the NPPF and GEP1 of the Hartlepool Local Plan 2006. It has not been demonstrated that public benefit would outweigh the harm caused to the heritage asset.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2014/0254
<b>Applicant:</b>	Mr Mark Whitehead Maritime House Harbour Walk HARTLEPOOL
<b>Agent:</b>	The Energy Workshop Mr Daniel Grierson The Media Centre 7 Northumberland Street HUDDERSFIELD
<b>Date received:</b>	20/06/2014
<b>Development:</b>	Erection of a single wind turbine with a maximum tip height of 175 metres, an electrical control building, and associated infrastructure
<b>Location:</b>	LAND AT TOFTS ROAD WEST

The Senior Planning Officer advised that petitions for and against this application and the 2 following had been received by the planning department and 256 letters in favour and 195 against submitted. Officers did not feel that the turbines would be overbearing given the distance and existing industrial buildings. Noise assessments showed that levels would be well below those recommended. Concerns regarding shadow flicker could be addressed via controls on the turbines themselves. Surveys had shown that the turbines were not on a bird flight path albeit the results of the winter survey would be needed before a definitive opinion could be given. Durham Tees Valley and the Aviation Authority had raised no objections. National and Local Planning Policy supports renewable energy and it was felt that any negative visual impact would be outweighed by the public benefits such as the creation of jobs during the construction period and the contribution to renewable energy.

Daniel Grierson spoke on behalf of the applicant. Each turbine would generate enough power to supply over 1000 properties. There would be direct benefits to the community in terms of job creation and use of local companies. The applicant would also deliver £52 thousand community funding to the council per annum. The turbines were well located and appropriately scaled with the original height of 206 metres reduced to 175 metres due to Network Rail policies regarding turbine heights near their properties. Members queried why the height could not be reduced further but Mr Grierson said the visual difference between 150 metres and 175 metres was negligible but the reduction in energy generation was significant. Turbines in Europe were much bigger. Members queried the community fund donation. Mr Grierson advised that this was part of the normal application process with companies required to offer £5 thousand per megawatt. The applicant was offering £7 thousand per megawatt plus business rates. In terms of the bird flight path and survey results members sought clarification that Natural England could halt the application if they had concerns. Mr Grierson confirmed that permission could not be granted if Natural England felt there would be adverse effects.

Glenn Thompson spoke against the application. He felt the turbines were overbearing and out of scale. They would have an unacceptable impact on nearby residents due to noise pollution and there were no conditions in place to protect residents from this. In response to a member query the Principal Environmental Health Officer advised that there had been no noise issues around other wind turbines in Hartlepool which were situated closer to housing.

Members expressed disappointment that one of the Seaton Ward Councillors were present to speak on these applications. Some were in favour of the turbines as a renewable energy source, noting that existing turbines had not resulted in complaints from nearby residents. However others felt that the turbines would have a detrimental visual impact on Seaton Carew and Greatham Village and should therefore not be considered. Members voted in favour of the application by a majority verdict.

<b>Decision:</b>	<b>Minded to approve subject to the receipt of additional bird survey information and satisfactory comments from Natural England and the conditions outlined in the report with the final decision, including authority to amend delete or add conditions, delegated to the Planning Services Manager</b>
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#### **CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be removed from the site after a period of 25 years from the date when electricity is first exported from the wind turbine to the electricity grid ("First Export Date"). Thereafter the land shall be restored in accordance with a scheme to be first agreed in writing by the Local Planning Authority in excess of 6 months prior to the decommissioning and restoration taking place. Written notification of the First Export Date shall be given to the Local Planning Authority no later than 14 days after the event  
In the interests of safety and amenity once the plant is redundant and in accordance with policy GEP1.
3. Prior to the erection of the wind turbine, details of the colour and finish of the towers, nacelles and blades and any external transformer units shall be submitted to and approved in writing by the Local Planning Authority. No name, sign, or logo shall be displayed on any external surfaces of the wind turbine or any external transformer units other than those required to meet statutory health and safety requirements, unless as agreed in writing with the Local Planning Authority. The approved colour and finish of the wind turbine and any external transformer units shall not be changed without the prior consent in writing of the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
In the interests of the character and appearance of the area in accordance with policy GEP1 of the Hartlepool Borough Local 2006.
4. The development shall take place strictly in accordance with the terms of the application and plans submitted. In particular the turbine shall be a 3 bladed horizontal axis type wind turbine on a free standing monopole steel tower, not to exceed a tip height of 175 metres, with a rotor diameter not to exceed 130 metres.  
To ensure the development is carried out in accordance with the parameters of the application in the interests of amenity, highway safety and the character of the area.
5. The wind turbine hereby permitted shall not be erected until a wind turbine mitigation scheme, which is designed to mitigate at all times the impacts of the development on the operation of Durham Tees Valley Airport primary surveillance radar and associated air traffic management operations has been submitted to and approved in writing by the local planning authority. Thereafter no wind turbine hereby permitted shall be operated unless and until all the measures required by the approved wind turbine mitigation scheme have been completed and the local planning authority has provided written confirmation of this. The development hereby permitted shall not thereafter be operated otherwise than in strict accordance with the approved wind turbine mitigation scheme. The wind turbine mitigation scheme shall be in place for the operational life of the development provided the radar remains operational.

In the interests of aviation safety and in accordance with Planning Practice Guidance and policy PU7 of the Hartlepool Local Plan 2006.

6. The applicant shall prior to the commencement of development, notify the Local Planning Authority, Durham Tees Valley Airport, the Ministry of Defence and Civil Aviation Authority, of the following information:

- the date construction starts and ends;
- the maximum height of construction equipment;
- the latitude and longitude of the turbine.

In the interests of aviation safety and in accordance with Planning Practice Guidance and policy PU7 of the Hartlepool Local Plan 2006.

7. Ministry of Defence accredited infrared warning lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point shall be installed on the turbine. The turbine will be erected with this lighting installed and the lighting will remain operational throughout the duration of this consent. In the interests of aviation safety and in accordance with Planning Practice Guidance and policy PU7 of the Hartlepool Local Plan 2006.

8. No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:-

- i) planting plans
- ii) written specifications (including cultivation and other operations associated with plant and grass establishment)
- iii) schedules of plants, noting species, plant sizes and proposed numbers / densities.
- iv) a programme for the implementation of the landscaping works.
- v) a scheme for the future maintenance

All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the programme of implementation agreed in writing by the local planning authority.

To ensure that the areas around the turbine are adequately restored in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

9. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted for the written approval of the Local Planning Authority. The CEMP shall include considerations of the pre-construction, construction and post-construction development phases. The scheme shall be implemented as approved in writing by the local planning authority. In accordance with recommendations made in the Environmental Statement forming part of the application and to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010.
10. The wind turbine and associated plant and equipment shall be maintained, serviced and inspected at intervals stipulated by the manufacturer and in accordance with the manufacturer's instructions.



- To prevent harm to the amenity of the area from noise nuisance and to minimise the risk to the public from any failure of the wind turbine in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
11. The noise levels from the wind turbine hereby approved shall not exceed the maximum permitted levels at the noise sensitive receptors NSR1 (8 The Drive Greatham Village) and NSR2 (126 Kildale Grove, Seaton Carew) as set out in tables 5.3, 5.4, 5.5 and 5.6 of the 'Wind Turbine Noise Assessment DC1548-R1v2' dated February 2015 and submitted with the planning application. At any other noise sensitive receptor the noise level shall not exceed 5dB(A) above background noise levels of 35dB LA90, 10min daytime, or 43dB(A) LA90, 10min night time at locations where the background noise levels are low. Measurements shall be made using a measurement system of Class 1/Type 1, or better (as defined in BS EN 39651), using a fast time weighted response incorporating a windshield using a ½ inch diameter microphone, at a height of between 1.2m and 1.5m above ground level and at least 10m from any wall, hedge or reflective surface. To protect the amenity of local residents from any adverse effects due to noise in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
  12. Deliveries to and from the site during the construction phase of the development shall be restricted to the hours of 07.00 to 19.00 Monday to Friday and 07.00 to 17.00 on Saturdays. No deliveries on Sundays or Bank Holidays. Any change to the above shall only be with the prior written consent of the local planning authority. To protect the amenity of nearby properties from adverse effects due to noise nuisance in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
  13. During construction operations any piling operations shall be restricted to the hours of 08.00 to 18.00 Monday to Friday, 08.00 too 12:30 on a Saturday. No piling shall take place on Sundays or Bank Holidays. Any change to the above shall be with the prior written consent of the local planning authority. To protect the amenity of nearby properties from adverse effects due to noise nuisance in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
  14. There shall be no permanent illumination on the site other than aviation warning lighting on the turbine, lighting required during the construction period (as approved through the Construction Method Statement), during planned or unplanned maintenance or emergency lighting, and a movement sensor-operated external door light for the electrical connection building door to allow safe access. In the interests of the visual amenity and the character of the area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
  15. Prior to the construction of the wind turbine a written scheme shall be submitted to and approved in writing by the local planning authority setting out a protocol for the assessment of shadow flicker in the event of any complaint to the local planning authority from the owner or occupier of a dwelling (defined for the purposes of this condition as a building within Use Class C3 or C4 of the Use Classes Order) which

lawfully exists or had planning permission at the date of this permission. The written scheme shall include remedial measures to alleviate any shadow flicker attributable to the development. Operation of the wind turbine shall take place in accordance with the approved scheme unless the local planning authority gives its prior written consent to any variations.

In the interests of the amenity of nearby residents in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

16. If the wind turbine hereby permitted ceases to export electricity to the grid for a continuous period of 12 months, unless otherwise agreed in writing with the local planning authority, then a scheme shall be submitted to the local planning authority for its written approval within 3 months of the end of that 12 month period for the repair or removal of the turbine. The scheme shall include either a programme of remedial works where repairs to the relevant turbine are required, or a programme for removal of the turbine and associated above ground works approved under this permission and the removal of the turbine foundation to a depth of at least 1 metre below ground and for site restoration measures following the removal of the turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable.

To ensure appropriate provision is made for the repair and decommissioning of the turbine in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

17. Development shall not begin on the site until the proposed vehicular access and construction parking facilities have been constructed in accordance with the approved details. The construction parking areas shall be maintained for the duration of the works.

To ensure a safe and adequate means of access to the proposed development and to ensure that reasonable and adequate space is provided within the site curtilage to meet normal parking demands and avoid the need for vehicles to park on the highway where they could adversely affect the safety of other highway users in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

18. No development shall commence until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Traffic Management Plan shall include proposals for the routing of construction traffic, scheduling and timing of movements, the management of junctions to and crossings of the public highway and other public rights of way, details of escorts for abnormal loads, temporary warning signs, temporary removal and replacement of highway infrastructure/street furniture, reinstatement of any signs, verges or other items displaced by construction traffic, and banksman/escort details. The approved Construction Traffic Management Plan including any agreed improvements or works to accommodate construction traffic where required along the route, shall be carried out as approved in writing by the local planning authority.

To secure a safe and adequate means of access to the proposed

development in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

19. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Construction Method Statement shall be adhered to throughout the construction and post-construction restoration period, subject to any variations approved in writing by the local planning authority. The Construction Method Statement shall include:
- a) Details of the temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
  - b) Details of the proposed storage of materials and disposal of surplus materials;
  - c) Dust management;
  - d) Pollution control: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage;
  - e) Temporary site illumination during the construction period including proposed lighting levels together with the specification of any lighting;
  - f) Details of the phasing of construction works;
  - g) Details of surface treatments and the construction of all hard surfaces and tracks;
  - h) Details of emergency procedures and pollution response plans;
  - i) Siting and details of wheel washing facilities;
  - j) Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway;
  - k) A site environmental management plan to include details of measures to be taken during the construction period to protect wildlife and habitats;
  - l) Areas on site designated for the storage, loading, off-loading, parking and manoeuvring of heavy-duty plant, equipment and vehicles;
  - m) Details and a timetable for post construction restoration/reinstatement of the temporary working areas and the construction compound; and
  - n) Working practices for protecting nearby residential dwellings, including measures to control noise and vibration arising from on-site activities shall be adopted as set out in British Standard 5228 Part 1: 2009.

To ensure a satisfactory level of environmental protection and to minimise disturbance to local residents during the construction process in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

20. No development shall be commenced on site until a scheme to secure the investigation and rectification of any interference to terrestrial

television caused by the operation of the wind turbine has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- (i) a baseline study completed prior to erection
- (ii) procedures for identifying and investigating any impacts on television reception following the commissioning of the turbine
- (iii) details of remedial works and timescales for implementation

All surveys required by the scheme shall be carried out by a qualified engineer and shall be submitted to the local planning authority for approval within 3 months of commissioning. The development shall be carried out in accordance with the approved scheme.

In the interests of ensuring terrestrial television reception is not adversely affected by the development in accordance with Planning Practice Guidance.

21. Within 21 days of receipt of a written request from the local planning authority, following a complaint to it alleging noise disturbance at a residential property, the wind turbine operator shall, at its expense, employ an independent consultant approved by the local planning authority to assess and report on noise conditions from the turbine at the property in accordance with the procedures described in ETSU-R-97 taking into account any government endorsed subsequent guidance on best practice. The report shall be provided to the local planning authority within two months of notification of the complaint to the turbine operator.

In the interests of the amenity of nearby residents in accordance with policy GEP1 of Hartlepool Local Plan 2006.

22. Upon notification in writing from the local planning authority of an established breach of the noise limit set out in Condition 11 the wind turbine operator shall, within 28 working days propose a scheme to the local planning authority to mitigate the breach to prevent its future occurrence, including a timetable for its implementation. Following the written approval of the scheme by the local planning authority it shall be activated forthwith and thereafter retained for the life of this planning permission

In the interests of the amenity of nearby residents in accordance with policy GEP1 of Hartlepool Local Plan 2006.

23. Any claim made to the local planning authority within 12 months of the commissioning of the turbine that its operation has caused interference with television reception shall be investigated by the turbine operator, and the results shall be submitted to the authority within 2 months of the claim being made. The investigation shall be carried out by a qualified television engineer. If the engineer determines that interference with television reception has been caused by the turbine, such interference shall be mitigated within three months of the results being submitted to the local planning authority.

In the interests of the amenity of nearby residents in accordance with policy GEP1 of Hartlepool Local Plan 2006.

24. The wind turbine hereby approved shall be fitted with temperature sensors, details of which shall first be submitted to and agreed in writing by the Local Planning Authority. The wind turbine shall cease operation in the event that icing should occur.  
To prevent ice shedding while the turbine is operational, in the interests of public safety and in accordance with advice in Planning Practice Guidance.
25. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Figure 1.3 - Detailed Site Plan Layout v5 dated 16/12/2014.  
Figure 4.1 - Elevations dated 16/12/2014.  
Figure 4.4a - Electrical Control Building Plan  
Figure 4.4b - Electrical Control Building Elevations  
To ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of the character and amenity of the area and the provisions of the development plan.
26. No development shall take place until a scheme for habitat enhancement on the application site in the interests of biodiversity, including a maintenance plan, has been submitted to and approved in writing by the local planning authority. All construction, earth works, planting and seeding comprised in the approved habitat enhancement shall be carried out in the first planting and seeding season following the commencement of the development and any plants which within a period of 15 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in accordance with the approved maintenance plan in the current or first planting season following their removal or failure with others of similar size and species unless the local planning authority first gives written consent to any variation.  
To ensure appropriate mitigation for the loss of existing habitat in accordance with the advice in NPPF.
27. The clearance of any vegetation, including grass, trees, shrubs 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.
28. No development shall commence until such time as a scheme for surface water management for the development, including the detailed drainage/SuDS design, 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 for the life time of the development.  
To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

29. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of the character and appearance of the surrounding area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
30. Prior to the commencement of development details of the surfacing materials to be used for the access road and hardstanding shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of the character and appearance of the surrounding area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
31. Prior to the development of the electrical control building details of the external materials and finishes shall be submitted to and approved in writing by the local planning authority. Thereafter the electrical control building shall be constructed in accordance with the approved details.  
In the interests of the character and appearance of the surrounding area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2014/0253
<b>Applicant:</b>	Mr Mark Whitehead Maritime House Harbour Walk HARTLEPOOL
<b>Agent:</b>	The Energy Workshop Mr Daniel Grierson The Media Centre 7 Northumberland Street HUDDERSFIELD
<b>Date received:</b>	20/06/2014
<b>Development:</b>	Erection of a single wind turbine with a maximum tip height of 175 metres, an electrical control building and associated infrastructure
<b>Location:</b>	Land at Brenda Road West Industrial Estate HARTLEPOOL

The Senior Planning Officer and Mr Grierson spoke in similar terms to the previous application.

Members referred to a property close by the site which was not mentioned in the officer report. The Senior Planning Officer advised that he had been

unaware that the residence was there however the Planning Services Manager and Mr Grierson both confirmed that the resident had been consulted and had made no objection. Concerns were also raised that the turbines might catch fire or the blades become detached. Mr Grierson advised that both examples were rare given the safety mechanisms built into modern turbines and no-one in Europe had ever been injured by a turbine. Members were in favour of the application by a majority

**Decision:** **Minded to approve subject to the receipt of additional bird survey information and satisfactory comments from Natural England and the conditions outlined in the report with the final decision, including authority to amend delete or add conditions, delegated to the Planning Services Manager**

### **CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be removed from the site after a period of 25 years from the date when electricity is first exported from the wind turbine to the electricity grid ("First Export Date"). Thereafter the land shall be restored in accordance with a scheme to be first agreed in writing by the Local Planning Authority in excess of 6 months prior to the decommissioning and restoration taking place. Written notification of the First Export Date shall be given to the Local Planning Authority no later than 14 days after the event. In the interests of safety and amenity once the plant is redundant and in accordance with policy GEP1.
3. Prior to the erection of the wind turbine, details of the colour and finish of the towers, nacelles and blades and any external transformer units shall be submitted to and approved in writing by the Local Planning Authority. No name, sign, or logo shall be displayed on any external surfaces of the wind turbine or any external transformer units other than those required to meet statutory health and safety requirements, unless as agreed in writing with the Local Planning Authority. The approved colour and finish of the wind turbine and any external transformer units shall not be changed without the prior consent in writing of the Local Planning Authority. The development shall be carried out in accordance with the approved details. In the interests of the character and appearance of the area in accordance with policy GEP1 of the Hartlepool Borough Local 2006.
4. The development shall take place strictly in accordance with the terms of the application and plans submitted. In particular the turbine shall be a 3 bladed horizontal axis type wind turbine on a free standing monopole steel tower, not to exceed a tip height of 175 metres, with a

rotor diameter not to exceed 130 metres.

To ensure the development is carried out in accordance with the parameters of the application in the interests of amenity, highway safety and the character of the area.

5. The wind turbine hereby permitted shall not be erected until a wind turbine mitigation scheme, which is designed to mitigate at all times the impacts of the development on the operation of Durham Tees Valley Airport primary surveillance radar and associated air traffic management operations has been submitted to and approved in writing by the local planning authority. Thereafter no wind turbine hereby permitted shall be operated unless and until all the measures required by the approved wind turbine mitigation scheme have been completed and the local planning authority has provided written confirmation of this. The development hereby permitted shall not thereafter be operated otherwise than in strict accordance with the approved wind turbine mitigation scheme. The wind turbine mitigation scheme shall be in place for the operational life of the development provided the radar remains operational.

In the interests of aviation safety and in accordance with Planning Practice Guidance and policy PU7 of the Hartlepool Local Plan 2006.

6. The applicant prior to the commencement of development, shall notify the Local Planning Authority, Durham Tees Valley Airport, the Ministry of Defence and Civil Aviation Authority, the following information:
  - the date construction starts and ends;
  - the maximum height of construction equipment;
  - the latitude and longitude of the turbine.

In the interests of aviation safety and in accordance with Planning Practice Guidance and policy PU7 of the Hartlepool Local Plan 2006.

7. Ministry of Defence accredited infrared warning lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point shall be installed on the turbine. The turbine will be erected with this lighting installed and the lighting will remain operational throughout the duration of this consent.

In the interests of aviation safety and in accordance with Planning Practice Guidance and policy PU7 of the Hartlepool Local Plan 2006.

8. No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:-

- i) planting plans
- ii) written specifications (including cultivation and other operations associated with plant and grass establishment)
- iii) schedules of plants, noting species, plant sizes and proposed numbers / densities.
- iv) a programme for the implementation of the landscaping works.
- v) a scheme for the future maintenance

All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the programme of implementation agreed in writing by the local planning authority.



- To ensure that the areas around the turbine are adequately restored in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
9. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted for the written approval of the Local Planning Authority. The CEMP shall include considerations of the pre-construction, construction and post-construction development phases. The scheme shall be implemented as approved in writing by the Local Planning Authority. In accordance with recommendations made in the Environmental Statement forming part of the application and to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010.
10. No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority. The scheme shall include an assessment of significance and research questions; and;
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisations to undertake the works set out in within the Written Scheme of Investigation.
- No demolition/development shall take place other than in accordance with the Written Scheme of Investigation.
- The development shall not become operational until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- To ensure that any potential archaeological remains are identified and adequately recorded in accordance with NPPF.
11. The wind turbine and associated plant and equipment shall be maintained, serviced and inspected at intervals stipulated by the manufacturer and in accordance with the manufacturer's instructions. To prevent harm to the amenity of the area from noise nuisance and to minimise the risk to the public from any failure of the wind turbine in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
12. The noise levels from the wind turbine hereby approved shall not exceed the maximum permitted levels at the noise sensitive receptors NSR1 (8 The Drive Greatham Village) and NSR2 (126 Kildale Grove, Seaton Carew) as set out in tables 5.3, 5.4, 5.5 and 5.6 of the 'Wind Turbine Noise Assessment DC1548-R1v2' dated February 2015 and

submitted with the planning application. At any other noise sensitive receptor the noise level shall not exceed 5dB(A) above background noise levels of 35dB LA90, 10min daytime, or 43dB(A) LA90, 10min night time at locations where the background noise levels are low. Measurements shall be made using a measurement system of Class 1/Type 1, or better (as defined in BS EN 39651), using a fast time weighted response incorporating a windshield using a ½ inch diameter microphone, at a height of between 1.2m and 1.5m above ground level and at least 10m from any wall, hedge or reflective surface.

To protect the amenity of local residents from any adverse effects due to noise in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

13. Prior to the commissioning of the turbine, the developer shall provide the local planning authority with the written details of a scheme of mitigation detailing measures to address potential noise and shadow flicker issues at the occupied farm management property at Easting=451353 Northing=527527. These measures shall be subsequently implemented as agreed within 6 months of the wind turbine being first operational, or as otherwise agreed with the local planning authority.

To safeguard the amenity of the involved property occupied by a chicken farm site manager in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

14. Deliveries to and from the site during the construction phase of the development shall be restricted to the hours of 07.00 to 19.00 Monday to Friday and 07.00 to 17.00 on Saturdays. No deliveries on Sundays or Bank Holidays. Any change to the above shall only be with the prior written consent of the local planning authority

To protect the amenity of nearby properties from adverse effects due to noise nuisance in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

15. During construction operations any piling operations shall be restricted to the hours of 08.00 to 18.00 Monday to Friday, 08.00 to 12:30 on a Saturday. No piling shall take place on Sundays or Bank Holidays. Any change to the above shall be with the prior written consent of the local planning authority

To protect the amenity of nearby properties from adverse effects due to noise nuisance in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

16. There shall be no permanent illumination on the site other than aviation warning lighting on the turbine, lighting required during the construction period (as approved through the Construction Method Statement), during planned or unplanned maintenance or emergency lighting, and a movement sensor-operated external door light for the electrical connection building door to allow safe access.

In the interests of the visual amenity and the character of the area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

17. Prior to the construction of the wind turbine a written scheme shall be submitted to and approved in writing by the local planning authority setting out a protocol for the assessment of shadow flicker in the event

of any complaint to the local planning authority from the owner or occupier of a dwelling (defined for the purposes of this condition as a building within Use Class C3 or C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission. The written scheme shall include remedial measures to alleviate any shadow flicker attributable to the development. Operation of the wind turbine shall take place in accordance with the approved scheme unless the local planning authority gives its prior written consent to any variations.

In the interests of the amenity of nearby residents in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

18. If the wind turbine hereby permitted ceases to export electricity to the grid for a continuous period of 12 months, unless otherwise agreed in writing with the local planning authority, then a scheme shall be submitted to the local planning authority for its written approval within 3 months of the end of that 12 month period for the repair or removal of the turbine. The scheme shall include either a programme of remedial works where repairs to the relevant turbine are required, or a programme for removal of the turbine and associated above ground works approved under this permission and the removal of the turbine foundation to a depth of at least 1 metre below ground and for site restoration measures following the removal of the turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable.

To ensure appropriate provision is made for the repair or decommissioning of the turbine in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

19. Development shall not begin on the site until the proposed vehicular access and construction parking facilities have been constructed in accordance with the approved details. The construction parking areas shall be maintained for the duration of the works.

To ensure a safe and adequate means of access to the proposed development and to ensure that reasonable and adequate space is provided within the site curtilage to meet normal parking demands and avoid the need for vehicles to park on the highway where they could adversely affect the safety of other highway users in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

20. No development shall commence until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Traffic Management Plan shall include proposals for the routing of construction traffic, scheduling and timing of movements, the management of junctions to and crossings of the public highway and other public rights of way, details of escorts for abnormal loads, temporary warning signs, temporary removal and replacement of highway infrastructure/street furniture, reinstatement of any signs, verges or other items displaced by construction traffic, and banksman/escort details. The approved Construction Traffic Management Plan including any agreed improvements or works to accommodate construction traffic where required along the route, shall be carried out as approved in writing by

the local planning authority.

To secure a safe and adequate means of access to the proposed development in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

21. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Construction Method Statement shall be adhered to throughout the construction and post-construction restoration period, subject to any variations approved in writing by the local planning authority. The Construction Method Statement shall include:
- a) Details of the temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
  - b) Details of the proposed storage of materials and disposal of surplus materials;
  - c) Dust management;
  - d) Pollution control: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage;
  - e) Temporary site illumination during the construction period including proposed lighting levels together with the specification of any lighting;
  - f) Details of the phasing of construction works;
  - g) Details of surface treatments and the construction of all hard surfaces and tracks;
  - h) Details of emergency procedures and pollution response plans;
  - i) Siting and details of wheel washing facilities;
  - j) Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway;
  - k) A site environmental management plan to include details of measures to be taken during the construction period to protect wildlife and habitats;
  - l) Areas on site designated for the storage, loading, off-loading, parking and manoeuvring of heavy-duty plant, equipment and vehicles;
  - m) Details and a timetable for post construction restoration/reinstatement of the temporary working areas and the construction compound; and
  - n) Working practices for protecting nearby residential dwellings, including measures to control noise and vibration arising from on-site activities shall be adopted as set out in British Standard 5228 Part 1: 2009.

To ensure a satisfactory level of environmental protection and to minimise disturbance to local residents during the construction process in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

22. No development shall be commenced on site until a scheme to secure the investigation and rectification of any interference to terrestrial television caused by the operation of the wind turbine has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- (i) a baseline study completed prior to erection
  - (ii) procedures for identifying and investigating any impacts on television reception following the commissioning of the turbine
  - (iii) details of remedial works and timescales for implementation
- All surveys required by the scheme shall be carried out by a qualified engineer and shall be submitted to the local planning authority for approval within 3 months of commissioning. The development shall be carried out in accordance with the approved scheme.
- In the interests of ensuring terrestrial television reception is not adversely affected by the development in accordance with Planning Practice Guidance.
23. Within 21 days of receipt of a written request from the local planning authority, following a complaint to it alleging noise disturbance at a residential property, the wind turbine operator shall, at its expense, employ an independent consultant approved by the local planning authority to assess and report on noise conditions from the turbine at the property in accordance with the procedures described in ETSU-R-97 taking into account any government endorsed subsequent guidance on best practice. The report shall be provided to the local planning authority within two months of notification of the complaint to the turbine operator.
- In the interests of the amenity of nearby residents in accordance with policy GEP1 of Hartlepool Local Plan 2006.
24. Upon notification in writing from the local planning authority of an established breach of the noise limit set out in Condition 12 the wind turbine operator shall, within 28 working days propose a scheme to the local planning authority to mitigate the breach to prevent its future occurrence, including a timetable for its implementation. Following the written approval of the scheme by the local planning authority it shall be activated forthwith and thereafter retained for the life of this planning permission.
- In the interests of the amenity of nearby residents in accordance with policy GEP1 of Hartlepool Local Plan 2006.
25. Any claim made to the local planning authority within 12 months of the commissioning of the turbine that its operation has caused interference with television reception shall be investigated by the turbine operator, and the results shall be submitted to the authority within 2 months of the claim being made. The investigation shall be carried out by a qualified television engineer. If the engineer determines that interference with television reception has been caused by the turbine, such interference shall be mitigated within three months of the results being submitted to the local planning authority.
- In the interests of the amenity of nearby residents in accordance with policy GEP1 of Hartlepool Local Plan 2006.

26. The wind turbine hereby approved shall be fitted with temperature sensors, details of which shall first be submitted to and agreed in writing by the Local Planning Authority. The wind turbine shall cease operation in the event that icing should occur.  
To prevent ice shedding while the turbine is operational, in the interests of public safety and in accordance with advice in Planning Practice Guidance.
27. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Figure 1.3 - Detailed Site Plan Layout dated 13/10/2013.  
Figure 4.1 - Elevations dated 16/12/2014.  
Figure 4.4a - Electrical Control Building Plan  
Figure 4.4b - Electrical Control Building Elevations  
To ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of the character and amenity of the area and the provisions of the development plan.
28. No development shall take place until a scheme for habitat enhancement on the application site in the interests of biodiversity, including a maintenance plan, has been submitted to and approved in writing by the local planning authority. All construction, earth works, planting and seeding comprised in the approved habitat enhancement shall be carried out in the first planting and seeding season following the commencement of the development and any plants which within a period of 15 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in accordance with the approved maintenance plan in the current or first planting season following their removal or failure with others of similar size and species unless the local planning authority first gives written consent to any variation.  
To ensure appropriate mitigation for the loss of existing habitat in accordance with the advice in NPPF.
29. The clearance of any vegetation, including grass, trees, shrubs 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.
30. No development shall commence until such time as a scheme for surface water management for the development, including the detailed drainage/SuDS design, 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 for the life time of the development.  
To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

31. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of the character and appearance of the surrounding area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
32. Prior to the commencement of development details of the surfacing materials to be used for the access road and hardstanding shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of the character and appearance of the surrounding area and highway safety in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
33. Prior to the development of the electrical control building details of the external materials and finishes shall be submitted to and approved in writing by the local planning authority. Thereafter the electrical control building shall be constructed in accordance with the approved details.  
In the interests of the character and appearance of the surrounding area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2014/0252
<b>Applicant:</b>	Mr Mark Whitehead Maritime House Harbour Walk HARTLEPOOL
<b>Agent:</b>	The Energy Workshop Mr Daniel Grierson The Media Centre 7 Northumberland Street HUDDERSFIELD
<b>Date received:</b>	23/06/2014
<b>Development:</b>	Erection of a single wind turbine with a maximum tip height of 175 metres, an electrical control building and associated infrastructure
<b>Location:</b>	Land at Graythorp Industrial Estate

The Chair asked whether this application contained any significant variations on the detail contained in the previous two. The Senior Planning Officer advised that the noise levels at a nearby residential dwelling had been found to exceed recommended guidelines. The current occupier had written in support of the application however consideration would need to be given to

future occupiers and an appropriate condition was recommended. Members voted in support of the application by a majority.

**Decision:** **Minded to approve subject to the receipt of additional bird survey information and satisfactory comments from Natural England and the conditions outlined in the report with the final decision, including authority to amend delete or add conditions, delegated to the Planning Services Manager**

### **CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be removed from the site after a period of 25 years from the date when electricity is first exported from the wind turbine to the electricity grid ("First Export Date"). Thereafter the land shall be restored in accordance with a scheme to be first agreed in writing by the Local Planning Authority in excess of 6 months prior to the decommissioning and restoration taking place. Written notification of the First Export Date shall be given to the Local Planning Authority no later than 14 days after the event.  
In the interests of safety and amenity once the plant is redundant and in accordance with policy GEP1.
3. Prior to the erection of the wind turbine, details of the colour and finish of the towers, nacelles and blades and any external transformer units shall be submitted to and approved in writing by the Local Planning Authority. No name, sign, or logo shall be displayed on any external surfaces of the wind turbine or any external transformer units other than those required to meet statutory health and safety requirements, unless as agreed in writing with the Local Planning Authority. The approved colour and finish of the wind turbine and any external transformer units shall not be changed without the prior consent in writing of the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
In the interests of the character and appearance of the area in accordance with policy GEP1 of the Hartlepool Borough Local 2006.
4. The development shall take place strictly in accordance with the terms of the application and plans submitted. In particular the turbine shall be a 3 bladed horizontal axis type wind turbine on a free standing monopole steel tower, not to exceed a tip height of 175 metres, with a rotor diameter not to exceed 130 metres.  
To ensure the development is carried out in accordance with the parameters of the application in the interests of amenity, highway safety and the character of the area.



5. The wind turbine hereby permitted shall not be erected until a wind turbine mitigation scheme, which is designed to mitigate at all times the impacts of the development on the operation of Durham Tees Valley Airport primary surveillance radar and associated air traffic management operations has been submitted to and approved in writing by the local planning authority.  
Thereafter no wind turbine hereby permitted shall be operated unless and until all the measures required by the approved wind turbine mitigation scheme have been completed and the local planning authority has provided written confirmation of this. The development hereby permitted shall not thereafter be operated otherwise than in strict accordance with the approved wind turbine mitigation scheme. The wind turbine mitigation scheme shall be in place for the operational life of the development provided the radar remains operational.  
In the interests of aviation safety and in accordance with Planning Practice Guidance and policy PU7 of the Hartlepool Local Plan 2006.
6. The applicant prior to commencement of development, shall notify the Local Planning Authority, Durham Tees Valley Airport, the Ministry of Defence and Civil Aviation Authority of the following information:
  - the date construction starts and ends;
  - the maximum height of construction equipment;
  - the latitude and longitude of the turbine.In the interests of aviation safety and in accordance with Planning Practice Guidance and policy PU7 of the Hartlepool Local Plan 2006.
7. Ministry of Defence accredited infrared warning lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point shall be installed on the turbine. The turbine will be erected with this lighting installed and the lighting will remain operational throughout the duration of this consent.  
In the interests of aviation safety and in accordance with Planning Practice Guidance and policy PU7 of the Hartlepool Local Plan 2006.
8. No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:-
  - i) planting plans
  - ii) written specifications (including cultivation and other operations associated with plant and grass establishment)
  - iii) schedules of plants, noting species, plant sizes and proposed numbers / densities.
  - iv) a programme for the implementation of the landscaping works.
  - v) a scheme for the future maintenanceAll soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the programme of implementation agreed in writing by the local planning authority.  
To ensure that the areas around the turbine are adequately restored in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
9. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted for the written approval of the Local Planning Authority. The CEMP shall

include considerations of the pre-construction, construction and post-construction development phases. The scheme shall be implemented as approved in writing by the Local Planning Authority.

In accordance with recommendations made in the Environmental Statement forming part of the application and to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010.

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

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisations to undertake the works set out in within the Written Scheme of Investigation

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation).

The development shall not become operational until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

To ensure that any potential archaeological remains are identified and adequately recorded in accordance with NPPF.

11. The wind turbine and associated plant and equipment shall be maintained, serviced and inspected at intervals stipulated by the manufacturer and in accordance with the manufacturer's instructions. To prevent harm to the amenity of the area from noise nuisance and to minimise the risk to the public from any failure of the wind turbine in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

12. The noise levels from the wind turbine hereby approved shall not exceed the maximum permitted levels at the noise sensitive receptors NSR1 (8 The Drive Greatham Village) and NSR2 (126 Kildale Grove, Seaton Carew) as set out in tables 5.3, 5.4, 5.5 and 5.6 of the 'Wind Turbine Noise Assessment DC1548-R1v2' dated February 2015 and submitted with the planning application. At any other noise sensitive receptor the noise level shall not exceed 5dB(A) above background noise levels of 35dB LA90, 10min daytime, or 43dB(A) LA90, 10min night time at locations where the background noise levels are low. Measurements shall be made using a measurement system of Class

1/Type 1, or better (as defined in BS EN 39651), using a fast time weighted response incorporating a windshield using a ½ inch diameter microphone, at a height of between 1.2m and 1.5m above ground level and at least 10m from any wall, hedge or reflective surface.

To protect the amenity of local residents from any adverse effects due to noise in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

13. Prior to the commissioning of the turbine, the developer shall provide the local planning authority with the written details of a scheme of mitigation detailing measures to address potential noise and shadow flicker issues at the occupied farm management property at Easting=451353 Northing=527527. These measures shall be subsequently implemented as agreed within 6 months of the wind turbine being first operational, or as otherwise agreed with the local planning authority.

To safeguard the amenity of the involved property occupied by a chicken farm site manager in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

14. Deliveries to and from the site during the construction phase of the development shall be restricted to the hours of 07.00 to 19.00 Monday to Friday and 07.00 to 17.00 on Saturdays. No deliveries on Sundays or Bank Holidays. Any change to the above shall only be with the prior written consent of the local planning authority

To protect the amenity of nearby properties from adverse effects due to noise nuisance in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

15. During construction operations any piling operations shall be restricted to the hours of 08.00 to 18.00 Monday to Friday, 08.00 too 12:30 on a Saturday and at no time on Sundays or Bank Holidays. No piling shall take place on Sundays or Bank Holidays. Any change to the above shall be with the prior written consent of the local planning authority

To protect the amenity of nearby properties from adverse effects due to noise nuisance in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

16. There shall be no permanent illumination on the site other than aviation warning lighting on the turbine, lighting required during the construction period (as approved through the Construction Method Statement), during planned or unplanned maintenance or emergency lighting, and a movement sensor-operated external door light for the electrical connection building door to allow safe access.

In the interests of visual amenity and the character of the area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

17. Prior to the construction of the wind turbine a written scheme shall be submitted to and approved in writing by the local planning authority setting out a protocol for the assessment of shadow flicker in the event of any complaint to the local planning authority from the owner or occupier of a dwelling (defined for the purposes of this condition as a building within Use Class C3 or C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission. The written scheme shall include remedial measures to

alleviate any shadow flicker attributable to the development. Operation of the wind turbine shall take place in accordance with the approved scheme unless the local planning authority gives its prior written consent to any variations.

In the interests of the amenity of nearby residents in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

18. If the wind turbine hereby permitted ceases to export electricity to the grid for a continuous period of 12 months, unless otherwise agreed in writing with the local planning authority, then a scheme shall be submitted to the local planning authority for its written approval within 3 months of the end of that 12 month period for the repair or removal of the turbine. The scheme shall include either a programme of remedial works where repairs to the relevant turbine are required, or a programme for removal of the turbine and associated above ground works approved under this permission and the removal of the turbine foundation to a depth of at least 1 metre below ground and for site restoration measures following the removal of the turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable.

To ensure appropriate provision is made for the repair or decommissioning of the turbine in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

19. Development shall not begin on the site until the proposed vehicular access and construction parking facilities have been constructed in accordance with the approved details. The construction parking areas shall be maintained for the duration of the works.

To ensure a safe and adequate means of access to the proposed development and to ensure that reasonable and adequate space is provided within the site curtilage to meet normal parking demands and avoid the need for vehicles to park on the highway where they could adversely affect the safety of other highway users in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

20. No development shall commence until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Traffic Management Plan shall include proposals for the routing of construction traffic, scheduling and timing of movements, the management of junctions to and crossings of the public highway and other public rights of way, details of escorts for abnormal loads, temporary warning signs, temporary removal and replacement of highway infrastructure/street furniture, reinstatement of any signs, verges or other items displaced by construction traffic, and banksman/escort details. The approved Construction Traffic Management Plan including any agreed improvements or works to accommodate construction traffic where required along the route, shall be carried out as approved in writing by the local planning authority.

To secure a safe and adequate means of access to the proposed development in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

21. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Construction Method Statement shall be adhered to throughout the construction and post-construction restoration period, subject to any variations approved in writing by the local planning authority. The Construction Method Statement shall include:
- a) Details of the temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
  - b) Details of the proposed storage of materials and disposal of surplus materials;
  - c) Dust management;
  - d) Pollution control: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage;
  - e) Temporary site illumination during the construction period including proposed lighting levels together with the specification of any lighting;
  - f) Details of the phasing of construction works;
  - g) Details of surface treatments and the construction of all hard surfaces and tracks;
  - h) Details of emergency procedures and pollution response plans;
  - i) Siting and details of wheel washing facilities;
  - j) Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway;
  - k) A site environmental management plan to include details of measures to be taken during the construction period to protect wildlife and habitats;
  - l) Areas on site designated for the storage, loading, off-loading, parking and manoeuvring of heavy-duty plant, equipment and vehicles;
  - m) Details and a timetable for post construction restoration/reinstatement of the temporary working areas and the construction compound; and
  - n) Working practices for protecting nearby residential dwellings, including measures to control noise and vibration arising from on-site activities shall be adopted as set out in British Standard 5228 Part 1: 2009.
- To ensure a satisfactory level of environmental protection and to minimise disturbance to local residents during the construction process in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
22. No development shall be commenced on site until a scheme to secure the investigation and rectification of any interference to terrestrial television, electrical equipment and/or instrumentation caused by the operation of the wind turbine has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- (i) a baseline study completed prior to erection
  - (ii) procedures for identifying and investigating any impacts on television reception, electrical equipment and/or instrumentation following the commissioning of the turbine
  - (iii) details of remedial works and timescales for implementation
- All surveys required by the scheme shall be carried out by a qualified engineer and shall be submitted to the local planning authority for approval within 3 months of commissioning. The development shall be carried out in accordance with the approved scheme.

In the interests of ensuring terrestrial television reception, electrical equipment and/or instrumentation is not adversely affected by the development in accordance with Planning Practice Guidance.

23. Within 21 days of receipt of a written request from the local planning authority, following a complaint to it alleging noise disturbance at a residential property, the wind turbine operator shall, at its expense, employ an independent consultant approved by the local planning authority to assess and report on noise conditions from the turbine at the property in accordance with the procedures described in ETSU-R-97 taking into account any government endorsed subsequent guidance on best practice. The report shall be provided to the local planning authority within two months of notification of the complaint to the turbine operator.

In the interests of the amenity of nearby residents in accordance with policy GEP1 of Hartlepool Local Plan 2006.

24. Upon notification in writing from the local planning authority of an established breach of the noise limit set out in Condition 12 the wind turbine operator shall, within 28 working days propose a scheme to the local planning authority to mitigate the breach to prevent its future occurrence, including a timetable for its implementation. Following the written approval of the scheme by the local planning authority it shall be activated forthwith and thereafter retained for the life of this planning permission.

In the interests of the amenity of nearby residents in accordance with policy GEP1 of Hartlepool Local Plan 2006.

25. Any claim made to the local planning authority within 12 months of the commissioning of the turbine that its operation has caused interference with television reception, electrical equipment and/or instrumentation shall be investigated by the turbine operator, and the results shall be submitted to the authority within 2 months of the claim being made. The investigation shall be carried out by a qualified engineer. If the engineer determines that interference with television reception, electrical equipment and/or instrumentation has been caused by the turbine, such interference shall be mitigated within three months of the results being submitted to the local planning authority.

In the interests of amenity for nearby residents and the operations of nearby businesses in accordance with policy GEP1 of Hartlepool Local Plan 2006.

26. The wind turbine hereby approved shall be fitted with temperature sensors, details of which shall first be submitted to and agreed in writing by the Local Planning Authority. The wind turbine shall cease

operation in the event that icing should occur.

To prevent ice shedding while the turbine is operational, in the interests of public safety and in accordance with advice in Planning Practice Guidance.

27. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Figure 1.3 - Detailed Site Plan Layout v3 dated 16/12/2014.  
Figure 4.1 - Elevations dated 16/12/2014.  
Figure 4.4a - Electrical Control Building Plan  
Figure 4.4b - Electrical Control Building Elevations  
To ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of the character and amenity of the area and the provisions of the development plan.
28. No development shall take place until a scheme for habitat enhancement on the application site in the interests of biodiversity, including a maintenance plan, has been submitted to and approved in writing by the local planning authority. All construction, earth works, planting and seeding comprised in the approved habitat enhancement shall be carried out in the first planting and seeding season following the commencement of the development and any plants which within a period of 15 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in accordance with the approved maintenance plan in the current or first planting season following their removal or failure with others of similar size and species unless the local planning authority first gives written consent to any variation.  
To ensure appropriate mitigation for the loss of existing habitat in accordance with the advice in NPPF.
29. The clearance of any vegetation, including grass, trees, shrubs 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.
30. No development shall commence until such time as a scheme for surface water management for the development, including the detailed drainage/SuDS design, 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 for the life time of the development.  
To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
31. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved

details.

In the interests of the character and appearance of the surrounding area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

32. Prior to the commencement of development details of the surfacing materials to be used for the access road and hardstanding shall be submitted to and approved in writing by the local planning authority . Thereafter the development shall be carried out in accordance with the approved details.

In the interests of the character and appearance of the surrounding area and highway safety in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

33. Prior to the development of the electrical control building details of the external materials and finishes shall be submitted to and approved in writing by the local planning authority. Thereafter the electrical control building shall be constructed in accordance with the approved details. In the interests of the character and appearance of the surrounding area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2014/0564
<b>Applicant:</b>	Mrs Louise Nicholson Thirteen (Vela) Hudson Quay Windward Way Middlesbrough
<b>Agent:</b>	DKS Architects Mr Joe Crinion The Design Studio Ellerbeck Court The Design Studio Stokesley
<b>Date received:</b>	17/12/2014
<b>Development:</b>	Variation of condition No. 2 of planning application H/2014/0003 for residential development comprising conversion of Grade II Listed manor house to form 4 no. dwellings, erection of 5 houses, 11 bungalows and 18 apartments and associated works (to raise ground levels)
<b>Location:</b>	LAND AT FRIARAGE MANOR HOUSE FRIAR STREET

The Sites and Monuments Officer gave a brief presentation on the potential archaeological impact of the development and what efforts would be made to address this. He explained that the proposed variation would reduce the impact by creating a buffer between the site and new dwellings. Details were given of what historical remains were thought to be present and what would be done to protect them. Members thanked the officer for this information. They voted in favour of the variation unanimously.



**Decision: Planning Permission Approved**

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. The development to which this permission relates shall be begun not later than three years from the date of the original planning permission H/2014/0003.  
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 Project No:1 13.053 Dwg No(s) P101 Rev E (proposed site plan) received 28 November 2014, P101 Rev P6 (proposed site plan) P106 (amended site levels) received 3 December 2014, P01 Rev P1 (location plan), P101 Rev P7 (proposed site plan), P106 (street elevations sheet 1), P107 (street elevations sheet 2), P17 Rev P2 (proposed apartments - elevations sheet 1), P18 Rev P1 (proposed apartments - elevations sheet 2), P15 Rev P3 (proposed apartments ground floor plan), P16 Rev P3 (proposed apartments first floor plan), P26 Rev P2 (plots 10-12 proposed plans & elevations), P27 Rev P2 (plots 13-16 proposed plans & elevations), P28 Rev P2 (plots 15-18 proposed plans & elevations), P21 Rev PO (type 'A' 2B4P house) received by the Local Planning Authority on the 12 December 2014.  
For the avoidance of doubt.
3. Details of all external finishing materials 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. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.  
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
5. Any works to the Friarage manor house, 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.  
To protect breeding birds.
6. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections, of the proposed windows and external doors shall be submitted to and approved in writing by the Local Planning

Authority. The windows and doors shall be installed in accordance with the approved details.

In the interests of visual amenity.

7. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:50 and cross sections, of the proposed the external extraction, flues and any vents to be used on the Friarage Manor House building shall be submitted to and approved in writing by the Local Planning Authority. The scheme of ventilation shall be installed in accordance with the details so approved.

In the interests of visual amenity and the character and appearance of the listed building.

8. Details of all walls, fences and other means of boundary enclosure including details of acoustic fencing to the rugby field shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

9. 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.

10. Prior to the commencement of development including demolition a programme of archaeological work including a Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority. This should include appropriate recording of archaeological heritage assets of all periods and standing buildings including the Friary Mansion and boundary walls. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording

2. The programme for post investigation assessment

3. Provision to be made for analysis of the site investigation and recording

4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organisation to

undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the agreed Written Scheme of Investigation.

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

11. A detailed scheme of landscaping 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 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.
12. 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.
13. The apartments hereby approved shall only be occupied by persons aged over 55 years.  
In order to restrict the use of the premises in the interests of highway safety.
14. Non of the residential units hereby approved shall be occupied until works to the Friarage Manor House have been completed in accordance with plans and details approved under this application. To ensure the works to the listed building which form an intrinsic part of the scheme are not delayed.
15. 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.

16. Notwithstanding the submitted details prior to the commencement of development details of proposals for the disposal of surface water, including details of the new outfall, shall be submitted to and approved in writing by the Local Planning Authority. The details shall thereafter be implemented as approved.

In order to ensure these details are acceptable in terms of the impact of the development on heritage assets and coastal defence works.

17. Prior to any works to the existing wall to the south of the proposed bungalows, a full survey of the wall and methodology for the works shall be carried out in accordance with a scheme first agreed in writing with the Local Planning Authority. This shall include details as to how the wall will be reduced, and identify areas where the wall will be repaired. It shall also detail where removed stone will be stored and how opportunities for the inspection of the stone by Tees Archaeology will be afforded. Finally it shall detail how the stone will be re-used. The works to the wall shall be carried out in accordance with the details so approved.

In the interests of preserving and recording the heritage asset.

18. 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 without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
19. 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), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

The Committee considered representations in relation to this matter.

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The meeting concluded at 12:30pm

CHAIR

**No:** 1  
**Number:** H/2015/0025  
**Applicant:** MR CHRIS POOLEY ALPHA 3, THE BUNTINGS  
STOWMARKET SUFFOLK IP14 5GZ  
**Agent:** THE SHADBOLT GROUP MR IAN CARMAN 18  
BEWICK ROAD GATESHEAD NE8 4DP  
**Date valid:** 26/01/2015  
**Development:** Erection of ten Independent Supported Living bungalows,  
a four bedroom residential care dwelling and a two storey  
day centre  
**Location:** LOT 3 SEATON LANE HARTLEPOOL

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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 is one of three applications relating to Council owned land and which are before Committee on this agenda.

Lot 1 – H/2015/0023  
Lot 2 – H/2015/0024  
Lot 3 – H/2015/0025

1.3 The application has been referred to the Committee for decision as the land is within the ownership of Hartlepool Borough Council.

## PROPOSAL

1.4 Planning permission is sought for independent supported living (ISL) and residential care dwellings and a day centre. The day centre will be used by residents of all three sites (Lots 1, 2 and 3) as well as the wider community.

1.5 The day centre has a central two storey element with two single storey wings either side, the first floor will provide office accommodation. The ground floor will provide a hydro pool, sensory room, art room, music room, toilets, training kitchen, and a café/bistro.

1.6 The residential units will be located to the south of the day centre and are positioned around a central open garden space, with linking footpaths. One of the buildings will accommodate a four bedroom care bungalow, which will offer 24 hour care and supervision, all bedrooms are en-suite and are accessed from a central corridor and include a communal kitchen/dining room for residents use. There is

office accommodation, laundry room and medicine room for the day to day running of the building.

1.7 The other residential accommodation will consist of ten ISL one bedroom bungalows in two blocks of two and three which will provide self contained facilities. This will provide accommodation for users who don't necessarily require 24 hour care and supervision, a level of independence.

1.8 The site has been designed with the day centre at the front of the site close to Seaton Lane and the residential accommodation behind. Parking for the site is at the front, close to the day centre with pedestrian access afforded to the residential units.

## SITE CONTEXT

1.9 The site extends to 0.83 hectares and is currently vacant grass land. The site is located to the west of residential properties on Golden Meadows and to the east of residential properties on Seaton Lane. There are residential properties to the north of the site on the opposite side of Seaton Lane. To the south is a grassed area, also in Council Ownership. This land is currently allocated in the Hartlepool Local Plan (2006) for a higher quality industrial estate but the latest employment land review proposes it is removed in favour of the creation of a green wedge, the Golden Flatts Green Wedge, which is an aspiration of the Council. Beyond are industrial areas.

1.10 There are local services within walking distance from the site, including shops, public house and school.

## PUBLICITY

1.11 The application has been advertised by way of site notice and press notice, neighbour letters (82). To date, there have been 2 letters of no objection.

1.12 Amended plans have been received and neighbour re consultations have been undertaken on the amended plans, the period for publicity expires after the meeting.

## CONSULTATIONS

1.13 The following consultation replies have been received:

**HBC Public Protection:** No objection subject to the provision of an acoustic wall/fence between the residential development and the industrial site on the south side of the development, a noise insulation scheme, restriction of hours of operation not operating beyond midnight on the day centre and extract ventilation details on the day centre kitchen.

**HBC Traffic & Transport:** No objection, the scheme has been amended to ensure adequate footpath provision and parking, including turning heads have been achieved within the site.



**HBC Landscaping:** No objection subject to adequate landscaping being provided, which should include tree planting as there are a number of existing trees to be removed from the site. This can be secured by condition.

**HBC Engineering Consultancy:** No objection to the proposal subject to drainage and land contamination details being provided. This can be secured by condition.

**Northern Gas Networks:** No objection

**Northern Powergrid:** No objection

**Environment Agency:** The proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. Therefore we have no comment to make on this application.

**Hartlepool Water:** We do not anticipate any diversion work, it is confirmed that Hartlepool Water has sufficient capacity in the local network to supply the proposed development. Situated within the highway verge is Hartlepool Water's 18" CI High Pressure Ringmain extreme caution must be taken within the vicinity of this asset. There are no objections to the proposal.

**Northumbrian Water:** No objection to the proposal

## PLANNING POLICY

### NATIONAL PLANNING POLICY FRAMEWORK

1.14 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. It must be appreciated that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

1.15 The following paragraphs in the NPPF are relevant to this application:

Paragraph 2: Application of planning law (development plan and material considerations)

Paragraph 6: Purpose of the planning system – creation of sustainable development

Paragraph 7: Three dimensions to sustainable development

Paragraph 14: Presumption in favour of sustainable development

Paragraph 49: Presumption in favour of Sustainable Development - Five year land supply

Paragraph 50: Deliver a wide choice of homes

Paragraph 58: Quality of development

Paragraph 66: Community involvement

Paragraph 69: Promote opportunities for meetings between members of the community.

Paragraph 70: Social, recreational and cultural facilities and services the community needs.

Paragraph 196: Determination in accordance with the development plan

Paragraph 197: Presumption in favour of sustainable development

Paragraph 203-205: Planning Obligations and Conditions

## **LOCAL PLAN (2006)**

1.16 The 2006 Local Plan forms part of the Development Plan and is still the overriding consideration for determining planning applications.

1.17 Within the current Hartlepool Local Plan this site lies within the limits to development, to the south of the town centre. The application site is a greenfield site adjacent to housing development; the plot has been marketed by the local authority along with two other adjacent sites and a Development Brief has been produced by Hartlepool Borough Council for the sites. The following policies are relevant to this application.

GEP1: General Environment Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

GEP7: Frontages to Main Approaches

GEP9: Developer Contributions

GEP12: Trees, Hedgerows and Development

Hsg9: New Residential Layout

Hsg12: Homes and Hostels

Tra20: Travel Plans

Com13: Commercial Use in Residential Area.

## **PLANNING CONSIDERATIONS**

1.18 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular design and impact on the character and appearance of the area, the impact upon neighbouring residents and the surrounding area, highway safety, flooding/drainage and landscaping.

### Principle of Development

1.19 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location. Furthermore due regard must be had to the fact that Hartlepool Borough Council can not currently demonstrate a five year supply of deliverable housing sites and thus the housing policies within the 2006 Local Plan are deemed to be out of date. Where policies are out of date the local authority must approve applications unless in doing so the adverse impacts of such an approval would demonstrably and significantly outweigh the benefits. It is recognised that in this application the provision is for specialist housing.

1.20 In viewing statute, planning policy and the information submitted one must have regard to all material considerations and consider if in fact the proposal is deemed to be sustainable development.

1.21 Considerable weight should be given to the fact that the authority can not demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. Given the sites location, it is considered that the principle of development within this area would constitute sustainable development. The site is located within close proximity to local services and public transport links. It is located within the limits to development. It is not considered that any adverse impacts arising from the development would demonstrably and significantly outweigh the benefits of the proposal in particular the opportunity to address housing need in the Borough.

### Developer Obligations

1.22 Policy GEP9 of the Hartlepool Local Plan 2006 states that The Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of development. A developer contribution is a mechanism which can enhance the quality of the development and enable proposals which in the absence of the obligation may be refused planning permission.

1.23 In line with previous obligations sought for Class C2 developments, the Planning Obligations contributions will be per bedroom, there are 14 bedrooms proposed in this development. The Day Centre does not meet the criteria to require planning obligations to be sought.

1.24 Taking into account the specific circumstance of the development into consideration it is considered reasonable to request contributions for the following:

- £250 per bedroom for green infrastructure (£3,500)
- £250 per bedroom for built sport (£3,500)
- £250 per bedroom for play (£3,500)

## Green Infrastructure

1.25 In line with the NPPF policy Gep 9 (Developers Contributions), promotes the provision of strategically planned networks that link existing (and proposed) green spaces with green corridors running through urban, suburban, urban fringe and rural areas. In addition to ensuring adequate landscape throughout the site, a sum of £250 per bedroom will be required to improve links from the site to the surrounding green infrastructure network. It is considered in this instance that the contribution would be directed towards surfaced track and woodland planting and any other improvements within the Golden Flatts Green Wedge.

## Built Sport

1.26 In the interests of ensuring that residents have access to a variety of leisure opportunities and in having regard to the size of the site, it would be unreasonable to suggest that the applicant should provide a new built sports facility on site. However it is necessary to secure contribution to assist in the improvement of the built sports facilities which residents are likely to use. A sum of £250 per bedroom should be provided and directed towards improving changing facilities in Seaton Park associated to sports facilities (including tennis courts, bowling green facilities and football pitches).

## Provision of Play Space

1.27 Given the importance of outdoor play facilities in creating a town in which people are healthy and active and have a range and choice of high quality activities in which they can partake, there is a requirement to contribute towards this should a development meet the minimum threshold of 10 units. A sum of £250 per bedroom should be provided and directed towards adult outdoor fitness equipment in the Golden Flatts Green Wedge.

## Design /Impact Upon the Character and Appearance of the Area

1.28 The National Planning Policy Framework 2012 (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

1.29 The Hartlepool Local Plan 2006 advise that development should normally be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Policy GEP1 of the 2006 Local Plan states that development should take into account issues such as, the external appearance of the development, relationships with the surrounding area, visual intrusion and loss of privacy. All new development should be designed to take into account a density that is reflective of the surrounding area.

1.30 Officers consider that the density of the site is acceptable and is reflective of the surrounding area. The separation distances proposed between dwellings within the

site accords with and in many instances exceeds the guidance set out in the Hartlepool Local Plan 2006. It is considered that the design of the proposal is acceptable and the development would not have a detrimental impact on the character and appearance of the area.

#### Impact on Neighbouring Residents and the Surrounding Area

1.31 The layout has been refined through extensive discussions. It is considered that the layout of the 5 residential units and day centre upon the site has been designed in such a way as to limit the impact upon the amenity of the neighbouring properties close to the site and overlooking it. The development meets or exceeds the guideline separation distances outlined in the Hartlepool Local Plan.

1.32 It is not considered that the additional disturbance arising from traffic associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of neighbouring residents. No objections have been received from the Head of Public Protection. Owing to the scale of the development and proximity to residential properties, it is considered necessary to impose a condition relating to construction hours and on the operations (hours/ventilation) of the day centre. In terms of the impact on the amenity of neighbours the proposal is considered acceptable. Industrial areas are located to the south of the site. The Head of Public Protection has been consulted and advised that subject to the provision of an acoustic wall/fence to the southern boundary and an noise insulation scheme for the dwellings he would have no objection to the proposal. It is considered that the relationship with the industrial area is acceptable.

#### Highway Safety

1.33 The Council's Traffic and Transportation Team have been consulted on the application and raised no objection to the proposal. The proposal has been amended to improve footpaths and the carriageway within the site.

#### Flooding/Drainage

1.34 The latest flood map from the Environment Agencies website illustrates that the area is located within flood zone one and is a low risk area in terms of flooding.

1.35 Northumbrian Water raise no objection to the proposal subject to conditions for the disposal of surface water and foul sewage discharge.

1.36 The Council Engineer raises no objection to the scheme but requests that land drainage and contaminated land conditions be imposed.

#### Landscaping

1.37 There are a number of small trees to be removed to accommodate this development. The Council's Arborist raises no objection to the removal of these trees, the submitted information makes reference to landscape provision including trees, this can be secured through condition.

## EQUALITY AND DIVERSITY CONSIDERATIONS

1.38 There is no evidence of equality or diversity implications.

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

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

1.40 There are no Section 17 implications.

## REASON FOR DECISION

1.41 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 completion of a legal agreement to secure the following developer contributions, green infrastructure (£3,500), built sport (£3,500) and play (£3,500), and the following conditions. The decision is subject to the consideration by the Planning Services Manager of any additional representations received prior to the expiry of the consultation period, with the final decision including authority to add, delete or amend conditions delegated to the Planning Services Manager.

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 details received by the Local Planning Authority on 19 January 2015 and the following drawings received at the Local Planning Authority on the days indicated:  
2367A-100-(Lot 3 Location Plan) received 19 January 2015  
2367A-102 Rev E (Lot 3 Proposed Site Plan) received 11 March 2015  
2367A-3D-101 Rev A (Building 3D Plans and Elevations) 2367A-3E-101 Rev A (Building 3E Plans and Elevations) 2367A-3F-101 Rev A (Building 3F Plans and Elevations) 2367A-3C-101 Rev A (Building 3C Plans and Elevations) 2367A-3B-101 Rev A (Building 3B Plans and Elevations) received 10 March 2015 and 2367A-3A-102 Rev B (Building 3A Elevations) 2367A-3A-101 Rev B (Proposed Plans) received 11 March 2015.

For the avoidance of doubt.

3. Details of all external finishing materials 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. 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. No development shall commence until such time as a scheme for the surface water management system within the site including the detailed drainage / SuDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the life time of the development to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of



the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

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

6. A detailed scheme of landscaping 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 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.
7. 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.
8. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.  
In the interests of the health and appearance of the preserved tree(s).
9. No development shall take place until a detailed scheme of noise insulation measures for the residential elements of the development has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 (Guidance on Sound Insulation and Noise Reduction for Buildings). Thereafter the approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.  
To ensure that the buildings are adequately soundproofed in the interests of

the amenity of their occupants.

10. No development shall take place until the details of an acoustic wall/fence to the Southern boundary of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the wall/fence shall be constructed in accordance with the approved details prior to the occupation of the dwellings and be permanently retained thereafter.  
In the interests of the amenities of the occupants of the residential units.
11. Details of the proposed bin stores and cycle park including position and materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter the approved scheme shall be implemented and retained for the lifetime of the development.  
In the interests of visual amenity.
12. The use of the daycentre hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.  
In the interests of the amenities of the occupants of neighbouring properties.
13. The day centre shall only be open to the public between the hours of 9am and 12 Midnight Mondays to Sunday inclusive.  
In the interests of the amenities of the occupants of neighbouring properties.
14. No music shall be played in, or be piped/relayed to, the external garden areas or outside seating area of the day centre.  
In the interests of the amenities of the occupants of neighbouring properties.
15. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
17. 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 without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

18. This permission relates to the provision of ten independent supported living bungalows (Class C2 Use) (Building Nos 3C, 3D, 3E and 3F, drawing No: 2367A-102 Rev E), residential care dwelling (Class C2 Use) (Building 3B drawing 2367A-102 Rev E) and day centre (Class D1 Use) (Building 3A drawing 2367A-102 Rev E) the development shall not be used for any other uses including any other uses within Classes C2 and D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.  
For the avoidance of doubt, and to ensure that the buildings are used for the uses proposed in order to ensure adequate parking provision is accommodated and in the interest of the amenity of neighbouring properties.
19. No development shall commence until details for the disposal of foul water from the development have been 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 satisfactory disposal of foul water.

## BACKGROUND PAPERS

1.42 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.

## CONTACT OFFICER

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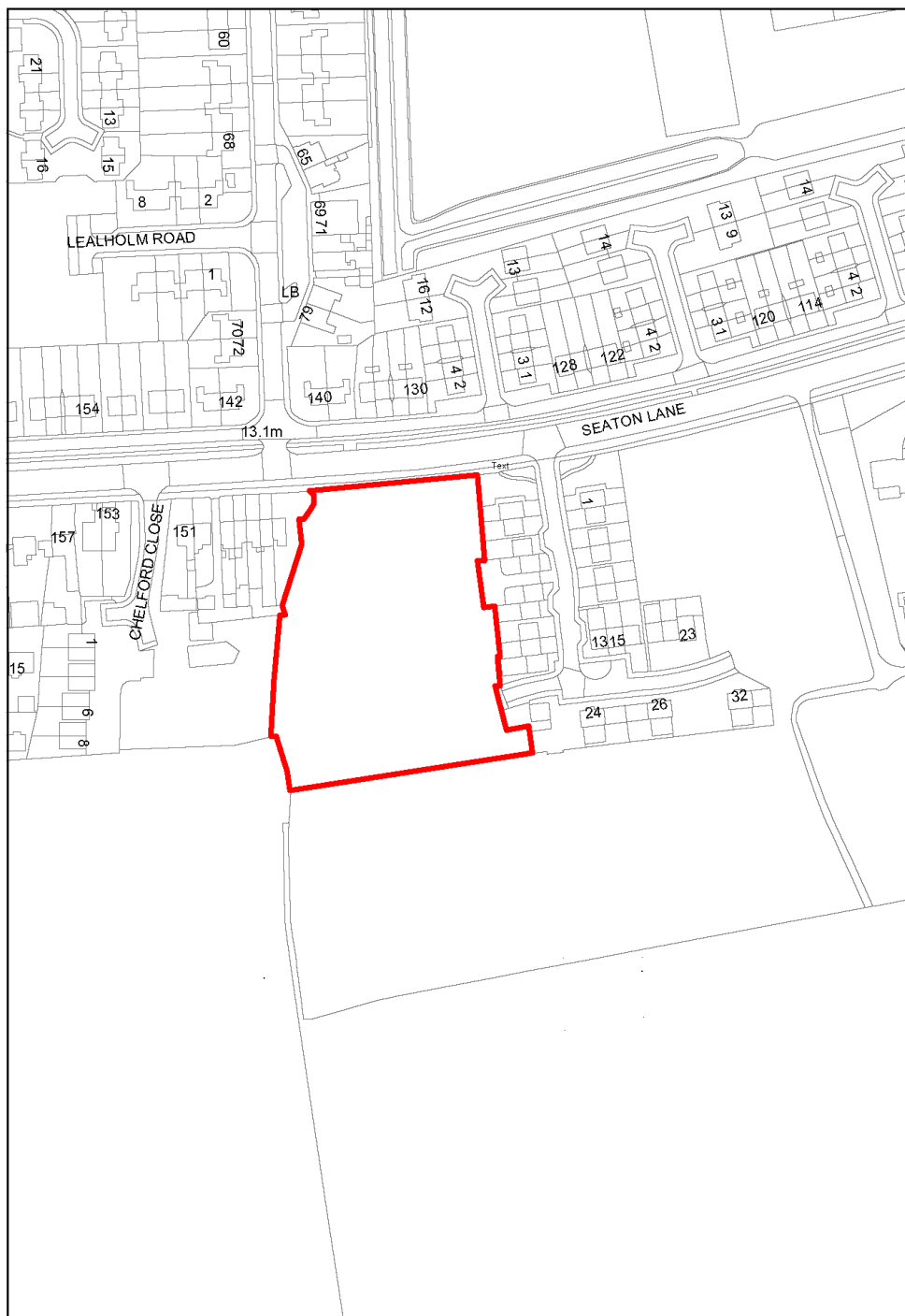
## AUTHOR

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## SEATON LANE - LOT 3



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
 Level 1, Civic Centre, Hartlepool TS24 8AY  
 Department of Regeneration and Planning

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**H/2015/0025**  
**Scale: 1:2000**  
**Date : 11/03/15**



**No:** 2  
**Number:** H/2015/0024  
**Applicant:** MR CHRIS POOLEY ALPHA 3, THE BUNTINGS  
 STOWMARKET SUFFOLK IP14 5GZ  
**Agent:** THE SHADBOLT GROUP MR IAN CARMAN 18  
 BEWICK ROAD GATESHEAD NE8 4DP  
**Date valid:** 26/01/2015  
**Development:** Erection of one four bedroom residential care bungalow,  
 and four two storey buildings to accommodate twenty one  
 Independent Supported Living one bedroom apartments  
**Location:** LOT 2 SEATON LANE HARTLEPOOL

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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 is one of three applications relating to Council owned land and which are before Committee on this agenda.

Lot 1 – H/2015/0023  
 Lot 2 – H/2015/0024  
 Lot 3 – H/2015/0025

2.3 The application has been referred to the Committee for decision as the land is within the ownership of Hartlepool Borough Council.

## PROPOSAL

2.4 Planning permission is sought for independent supported living (ISL) and residential care dwellings.

2.5 Access to the development will be taken from the existing access from Golden Meadows. One of the buildings will accommodate a four bedroom residential care bungalow which will offer 24 hour care and supervision, all bedrooms are en-suite and are accessed from a central corridor and the building includes a communal kitchen/dining room for residents use. There is also office accommodation, a laundry room and a medicine room for the day to day running of the building.

2.6 The other residential accommodation will consist of twenty one two storey ISL one bedroom apartments in four blocks which will provide self contained facilities. This will provide accommodation for users who don't necessarily require 24 hour care and supervision, a level of independence.

## SITE CONTEXT

2.7 The site extends to 0.67 hectares and is currently vacant grass land. The site is located to the east of residential properties on Golden Meadows. There are residential properties to the north of the site on the opposite side of Seaton Lane. To the south is a grassed area, also in Council Ownership. This land is currently allocated in the Hartlepool Local Plan (2006) for a higher quality industrial estate but the latest employment land review proposes it is de-allocated in favour of the creation of a green wedge, the Golden Flatts Green Wedge, which is an aspiration of the Council. Beyond are industrial areas. To the east of the site is an access to the proposed Green Wedge and beyond a site which is also subject to an application (H/2015/0023) before this Committee.

2.8 There are local services within walking distance from the site, including shops, public house and school.

## PUBLICITY

2.9 The application has been advertised by way of site notice and press notice, neighbour letters (82). To date, there has been 1 letter of no objection.

2.10 Amended plans have been received and neighbour consultations have been undertaken on the amended plans.

2.11 The period for publicity expires after the meeting.

## CONSULTATIONS

**HBC Public Protection:** No objection subject to the provision of an acoustic wall/fence between the residential development and the industrial site on the south side and access track on the east side of the development and a noise insulation scheme.

**HBC Traffic & Transport:** No objection, the scheme has been amended to ensure adequate footpath provision and parking, including turning heads have been achieved within the site.

**HBC Landscaping:** No objection subject to adequate landscaping being provided, which should include tree planting as there are a number of existing trees to be removed from the site. This can be secured by condition. A tree protection condition is also requested.

**HBC Engineering Consultancy:** No objection to the proposal subject to drainage and land contamination details being provided. This can be secured by condition.

**Northern Gas Networks:** No objection

**Northern Powergrid:** No objection



**Environment Agency:** No objection

**Hartlepool Water:** We do not anticipate any diversion work, it is confirmed that Hartlepool Water has sufficient capacity in the local network to supply the proposed development. Situated within the highway verge is Hartlepool Water's 18" CI High Pressure Ringmain extreme caution must be taken within the vicinity of this asset. There are no objections to the proposal.

**Northumbrian Water:** No objection to the proposal

## **PLANNING POLICY**

### **NATIONAL PLANNING POLICY FRAMEWORK**

2.12 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.

2.13 The following paragraphs in the NPPF are relevant to this application:

Paragraph 2: Application of planning law (development plan and material considerations)

Paragraph 6: Purpose of the planning system – creation of sustainable development

Paragraph 7: Three dimensions to sustainable development

Paragraph 14: Presumption in favour of sustainable development

Paragraph 49: Presumption in favour of Sustainable Development - Five year land supply

Paragraph 50: Deliver a wide choice of homes

Paragraph 58: Quality of development

Paragraph 66: Community involvement

Paragraph 69: Promote opportunities for meetings between members of the community.

Paragraph 70: Social, recreational and cultural facilities and services the community needs.

Paragraph 196: Determination in accordance with the development plan

Paragraph 197: Presumption in favour of sustainable development

Paragraph 203-205: Planning Obligations and Conditions

## **LOCAL PLAN (2006)**

2.14 The 2006 Local Plan forms part of the Development Plan and is still the overriding consideration for determining planning applications.

2.15 Within the current Hartlepool Local Plan this site lies within the limits to development, to the south of the town centre. The application site is a greenfield site adjacent to housing development; the plot has been marketed by the local authority along with two other adjacent sites and a Development Brief has been produced by Hartlepool Borough Council for the sites. The following policies are relevant to this application.

GEP1: General Environment Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

GEP7: Frontages to Main Approaches

GEP9: Developer Contributions

GEP12: Trees, Hedgerows and Development

Hsg9: New Residential Layout

Hsg12: Homes and Hostels

Tra20: Travel Plans

## **PLANNING CONSIDERATIONS**

2.16 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular design and impact on the character and appearance of the area, the impact upon neighbouring residents and the surrounding area, highway safety, flooding/drainage and landscaping.

### Principle of Development

2.17 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location. Furthermore due regard must be had to the fact that Hartlepool Borough Council can not currently demonstrate a five year supply of deliverable housing sites and thus the housing policies within the 2006 Local Plan are deemed to be out of date. Where policies are out of date the local authority must approve applications unless in doing so the adverse impacts of such an approval would demonstrably and significantly outweigh the benefits. It is recognised that in this application the provision is for specialist housing.

2.18 In viewing statute, planning policy and the information submitted one must have regard to all material considerations and consider if in fact the proposal is deemed to be sustainable development.

2.19 Considerable weight should be given to the fact that the authority can not demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. Given the sites location, it is considered that the principle of development within this area would constitute sustainable development. The site is located within close proximity to local services and public transport links. It is located within the limits to development. It is not considered that any adverse impacts arising from the development would demonstrably and significantly outweigh the benefits of the proposal in particular the opportunity to address housing need in the Borough.

### Developer Obligations

2.20 Policy GEP9 of the Hartlepool Local Plan 2006 states that The Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of development. A developer contribution is a mechanism which can enhance the quality of the development and enable proposals which in the absence of the obligation may be refused planning permission.

2.21 In line with previous obligations sought for Class C2 developments, the Planning Obligations contributions will be per bedroom, there are 25 bedrooms proposed in this development.

2.22 Taking into account the specific circumstance of the development into consideration it is considered reasonable to request contributions for the following:

- £250 per bedroom for green infrastructure (£6,250)
- £250 per bedroom for built sport (£6,250)
- £250 per bedroom for play (£6,250)

### Green Infrastructure

2.23 In line with the NPPF policy Gep 9 (Developers Contributions), promotes the provision of strategically planned networks that link existing (and proposed) green spaces with green corridors running through urban, suburban, urban fringe and rural areas. In addition to ensuring adequate landscape throughout the site, a sum of £250 per bedroom will be required to improve links from the site to the surrounding green infrastructure network. It is considered in this instance that the contribution would be directed towards surfaced track and woodland planting and any other improvements within the Golden Flatts Green Wedge.

### Built Sport

2.24 In the interests of ensuring that residents have access to a variety of leisure opportunities and in having regard to the size of the site, it would be unreasonable to suggest that the applicant should provide a new built sports facility on site. However it is necessary to secure contribution to assist in the improvement of the built sports

facilities which residents are likely to use. A sum of £250 per bedroom should be provided and directed towards improving changing facilities in Seaton Park associated with sports facilities (including tennis courts, bowling green facilities and football pitches).

### Provision of Play Space

2.25 Given the importance of outdoor play facilities in creating a town in which people are healthy and active and have a range and choice of high quality activities in which they can partake, there is a requirement to contribute towards this should a development meet the minimum threshold of 10 units. A sum of £250 per bedroom should be provided and directed towards adult outdoor fitness equipment in the Golden Flatts Green Wedge.

### Design /Impact Upon the Character and Appearance of the Area

2.26 The National Planning Policy Framework 2012 (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

2.27 The Hartlepool Local Plan 2006 advise that development should normally be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Policy GEP1 of the 2006 Local Plan states that development should take into account issues such as, the external appearance of the development, relationships with the surrounding area, visual intrusion and loss of privacy. All new development should be designed to take into account a density that is reflective of the surrounding area.

2.28 Officers consider that the density of the site is acceptable and is reflective of the surrounding area. The separation distances proposed between dwellings within the site accords with and in many instances exceeds the guidance set out in the Hartlepool Local Plan 2006. It is considered that the design of the proposal is acceptable and the development would not have a detrimental impact on the character and appearance of the area.

### Impact on Neighbouring Residents and the Surrounding Area

2.29 The layout has been refined through extensive discussions. It is considered that the layout of the 6 residential units upon the site has been designed in such a way as to limit the impact upon the amenity of the neighbouring properties close to the site and overlooking it. The development meets or exceeds the guideline separation distances outlined in the Hartlepool Local Plan.

2.30 It is not considered that the additional disturbance arising from traffic associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of neighbouring residents. No objections have been received from the Head of Public Protection. Owing to the scale of the development and proximity to

residential properties, it is considered necessary to impose a condition relating to construction hours. In terms of the impact on the amenity of neighbours the proposal is considered acceptable. There is an existing access to the east of the development and industrial areas located to the south of the site. The Head of Public Protection has been consulted and advised that subject to the provision of an acoustic wall/fence to the east and southern boundary and a noise insulation scheme for the dwellings he would have no objection to the proposal. It is considered that the relationship with the industrial area is acceptable.

#### Highway Safety

2.31 The Council's Traffic and Transportation Team have been consulted on the application and raised no objection to the proposal. The proposal has been amended to improve footpaths and the carriageway within the site.

#### Flooding/Drainage

2.32 The latest flood map from the Environment Agency website illustrates that the area is located within flood zone one and is a low risk area in terms of flooding.

2.33 Northumbrian Water raise no objection to the proposal subject to conditions for the disposal of surface water and foul sewage discharge.

2.34 The Council Engineer raises no objection to the scheme but requests that land drainage and contaminated land conditions be imposed.

#### Landscaping

2.35 There are a number of small trees and vegetation to be removed to accommodate this development. The Council's Arborist raises no objection to the removal of these trees the submitted information makes reference to landscape provision including trees this can be secured through condition.

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

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

2.37 There are no Section 17 implications.

### **REASON FOR DECISION**

2.38 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 completion of a legal agreement to secure the following developer contributions, green infrastructure (£6,250), built sport (£6,250) and play (£6,250), and the following conditions. The decision is

subject to the consideration by the Planning Services Manager of any additional representations received prior to the expiry of the consultation period, with the final decision including authority to add, delete or amend conditions delegated to the Planning Services Manager.

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 details received by the Local Planning Authority of 19 January 2015 and the following drawings received at the Local Planning Authority on the days indicated:  
2366A-101 (Lot 2 - Existing Site Plan) received 19 January 2015, 2366A-102 Rev B (Lot 2 - Proposed Site Plan), 2366A-2A-101 Rev A (Building 2A - Plans and Elevations), 2366A-2B-101 Rev C (Building 2B - Plans and Elevations), 2367A-2C-101 Rev B (Building 2C - Plans and Elevations), 2367A-2D-101 Rev B (Building 2D - Plans and Elevations) and 2367A-2E-101 Rev B (Building 2E - Plans and Elevations) received 12 March 2015.  
For the avoidance of doubt.
3. Details of all external finishing materials 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. 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. No development shall commence until such time as a scheme for the surface water management system within the site including the detailed drainage / SuDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the life time of the development to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
6. A detailed scheme of landscaping 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 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.
7. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval



of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the health and appearance of the preserved tree(s)

8. No development shall take place until a detailed scheme of noise insulation measures for the residential elements of the development has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 (Guidance on Sound Insulation and Noise Reduction for Buildings). Thereafter the approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter. To ensure that the buildings are adequately soundproofed in the interests of the amenity of their occupants.
9. No development shall take place until the details of an acoustic wall/fence to the East and Southern boundary of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the wall/fence shall be constructed in accordance with the approved details prior to the occupation of the dwellings and be permanently retained thereafter. In the interests of the amenities of the occupants of the residential units.
10. Details of the proposed bin stores including position and materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter the approved scheme shall be implemented and retained for the lifetime of the development. In the interests of visual amenity.
11. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays. In the interests of the amenities of the occupants of neighbouring properties.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
13. 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 without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

14. This permission relates to the provision of twentyone independent supported living apartments (Class C2 Use) (Building Nos 2B, 2C, 2D and 2E drawing 2366A-102 Rev B) and one residential care dwelling (Class C2 Use)(Building 2A drawing 2366A-102 Rev B) the development shall not be used for any other uses including any other uses within Classs C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.  
For the avoidance of doubt, and to ensure that the buildings are used for the uses proposed in order to ensure adequate parking provision is accommodated and in the interest of the amenity of neighbouring properties
15. No development shall commence until details for the disposal of foul water from the development have been 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 satisfactory disposal of foul water.
16. 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.

## BACKGROUND PAPERS

2.39 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.

## CONTACT OFFICER

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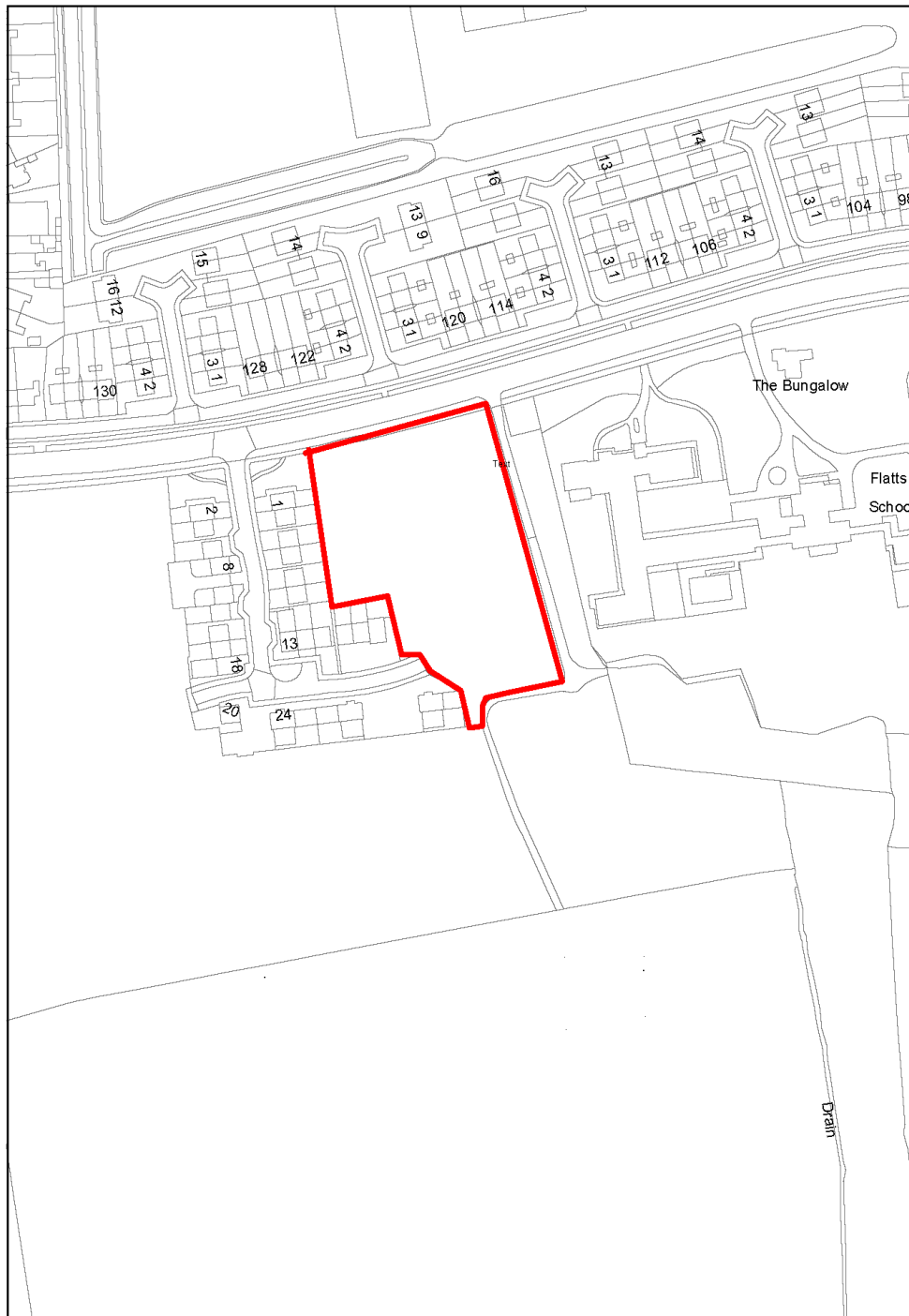
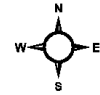
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## SEATON LANE - LOT 2



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
 Level 1, Civic Centre, Hartlepool TS24 8AY  
 Department of Regeneration and Planning

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**H/2015/0024**  
**Scale: 1:2000**  
**Date : 11/03/15**

**No:** 3  
**Number:** H/2015/0023  
**Applicant:** MR CHRIS POOLEY ALPHA 3, THE BUNTINGS  
 STOWMARKET SUFFOLK IP14 5GZ  
**Agent:** THE SHADBOLT GROUP MR IAN CARMAN 18  
 BEWICK ROAD GATESHEAD NE8 4DP  
**Date valid:** 26/01/2015  
**Development:** Demolition of Educational Development Centre and  
 erection of two six bedroom residential care bungalows  
 and four two storey buildings to accommodate sixteen one  
 bedroom Independent Support Living apartments  
**Location:** LOT 1 FORMER EDUCATION DEVELOPMENT CENTRE  
 SEATON LANE HARTLEPOOL

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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 is one of three applications relating to Council owned land and which are before Committee on this agenda.

Lot 1 – H/2015/0023

Lot 2 – H/2015/0024

Lot 3 – H/2015/0025

3.3 The application has been referred to the Committee for decision as the land is within the ownership of Hartlepool Borough Council.

## PROPOSAL

3.4 Planning permission is sought for the demolition of the vacant Education Development Centre (EDC) which is in the grounds of Golden Flatts School and the erection of independent supported living (ISL) and residential care dwellings.

3.5 Access to the site is taken from an existing access directly from Seaton Lane, with the properties positioned in an arch around a central parking area. Two of the buildings will accommodate six bedroom care bungalows, which will offer 24 hour care and supervision, all bedrooms are en-suite and are accessed from a central corridor and have access to a communal kitchen/dining room for residents use. The buildings will also include office accommodation, a laundry room and medicine room for the day to day running of the building.

3.6 The other residential accommodation will consist of sixteen independent supported living (ISL) one bedroom apartments in four two storey blocks which will provide self contained facilities. This will provide accommodation for users who don't necessarily require 24 hour care and supervision, a level of independence.

## SITE CONTEXT

3.7 The site extends to 0.74 hectares and is currently occupied by a vacant Educational Development Centre. The site is located to the west of a primary school and to the east a vacant plot of land which is part of an application for supported care accommodation (H/2015/0024) which is also before members on this agenda. There are residential properties to the north of the site on the opposite side of Seaton Lane. To the south is a grassed area, also in Council Ownership. This land is currently allocated in the Hartlepool Local Plan (2006) for a higher quality industrial estate but the latest employment land review proposes it is de-allocated as industrial land in favour of the creation of a green wedge, the Golden Flatts Green Wedge, which is an aspiration of the Council. Beyond are industrial areas.

3.8 There are local services within walking distance from the site, including shops, public house and school.

## PUBLICITY

3.9 The application has been advertised by way of site notice and press notice, neighbour letters (82). To date, there has been 1 letter of no objection.

3.10 Amended plans have been received and neighbour consultations have been undertaken.

3.11 The period for publicity expires after the meeting.

## CONSULTATIONS

3.12 The following consultation replies have been received:

**HBC Public Protection:** No objection subject to the provision of an acoustic wall/fence to the south, east and west side of the development and noise insulation.

**HBC Traffic & Transport:** No objection, the scheme has been amended to ensure adequate footpath provision and parking, including turning heads have been achieved within the site.

**HBC Landscaping:** No objection subject to adequate landscaping being provided, which should include tree planting as there are a number of existing trees to be removed from the site. This can be secured by condition. A tree protection condition for retained trees is also requested.

**HBC Engineering Consultancy:** No objection to the proposal subject to drainage and land contamination details being provided. This can be secured by condition.

**Northern Gas Networks:** No objection

**Northern Powergrid:** No objection

**Environment Agency:** The proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. Therefore we have no comment to make on this application.

**Hartlepool Water:** We do not anticipate any diversion work, it is confirmed that Hartlepool Water has sufficient capacity in the local network to supply the proposed development. Situated within the highway verge is Hartlepool Water's 18" CI High Pressure Ringmain extreme caution must be taken within the vicinity of this asset. There are no objections to the proposal.

**Northumbrian Water:** No objection to the proposal

## PLANNING POLICY

### NATIONAL PLANNING POLICY FRAMEWORK

3.13 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.

3.14 The following paragraphs in the NPPF are relevant to this application:

Paragraph 2: Application of planning law (development plan and material considerations)

Paragraph 6: Purpose of the planning system – creation of sustainable development

Paragraph 7: Three dimensions to sustainable development

Paragraph 14: Presumption in favour of sustainable development

Paragraph 49: Presumption in favour of Sustainable Development - Five year land supply

Paragraph 50: Deliver a wide choice of homes

Paragraph 58: Quality of development

Paragraph 66: Community involvement

Paragraph 69: Promote opportunities for meetings between members of the community.

Paragraph 70: Social, recreational and cultural facilities and services the community needs.

Paragraph 196: Determination in accordance with the development plan

Paragraph 197: Presumption in favour of sustainable development

Paragraph 203-206: Planning Obligations and Conditions

## **LOCAL PLAN (2006)**

3.15 The 2006 Local Plan forms part of the Development Plan and is still the overriding consideration for determining planning applications.

3.16 Within the current Hartlepool Local Plan this site lies within the limits to development, to the south of the town centre. The application site is a brownfield site currently housing a former civic educational building; the plot has been marketed by the local authority and a Development Brief has been produced by Hartlepool Borough Council for the site. The following policies are relevant to this application.

GEP1: General Environment Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

GEP7: Frontages to Main Approaches

GEP9: Developer Contributions

GEP12: Trees, Hedgerows and Development

Hsg9: New Residential Layout

Hsg12: Homes and Hostels

Tra20: Travel Plans

## **PLANNING CONSIDERATIONS**

3.17 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular design and impact on the character and appearance of the area, the impact upon neighbouring residents and the surrounding area, highway safety, flooding/drainage and landscaping.

### Principle of Development

3.18 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location. Furthermore due regard must be had to the fact that Hartlepool Borough Council can not currently demonstrate a five year supply of deliverable housing sites and thus the housing policies within the 2006 Local Plan are deemed to be out of date. Where policies are out of date the local authority must approve applications unless in doing



so the adverse impacts of such an approval would demonstrably and significantly outweigh the benefits. It is recognised that in this application the provision is for specialist housing.

3.19 In viewing statute, planning policy and the information submitted one must have regard to all material considerations and consider if in fact the proposal is deemed to be sustainable development.

3.20 Considerable weight should be given to the fact that the authority can not demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. Given the sites location, it is considered that the principle of development within this area would constitute sustainable development. The site is located within close proximity to local services and public transport links. It is located within the limits to development. It is not considered that any adverse impacts arising from the development would demonstrably and significantly outweigh the benefits of the proposal in particular the opportunity to address housing need in the Borough.

#### Developer Obligations

3.21 Policy GEP9 of the Hartlepool Local Plan 2006 states that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of development. A developer contribution is a mechanism which can enhance the quality of the development and enable proposals which in the absence of the obligation may be refused planning permission.

3.22 In line with previous obligations sought for Class C2 developments, the Planning Obligations contributions will be per bedroom, there are 28 bedrooms proposed in this development.

3.23 Taking into account the specific circumstance of the development into consideration it is considered reasonable to request contributions for the following:

- £250 per bedroom for green infrastructure (£7,000)
- £250 per bedroom for built sport (£7,000)
- £250 per bedroom for play (£7,000)

#### Green Infrastructure

3.24 In line with the NPPF policy GEP 9 (Developers Contributions), promotes the provision of strategically planned networks that link existing (and proposed) green spaces with green corridors running through urban, suburban, urban fringe and rural areas. In addition to ensuring adequate landscape throughout the site, a sum of £250 per bedroom will be required to improve links from the site to the surrounding green infrastructure network. It is considered in this instance that the contribution would be directed towards surfaced track and woodland planting and any other improvements within the Golden Flatts Green Wedge.

## Built Sport

3.25 In the interests of ensuring that residents have access to a variety of leisure opportunities and in having regard to the size of the site, it would be unreasonable to suggest that the applicant should provide a new built sports facility on site. However it is necessary to secure a contribution to assist in the improvement of the built sports facilities which residents are likely to use. A sum of £250 per bedroom should be provided and directed towards improving changing facilities in Seaton Park associated with sports facilities (including tennis courts, bowling green facilities and football pitches).

## Provision of Play Space

3.26 Given the importance of outdoor play facilities in creating a town in which people are healthy and active and have a range and choice of high quality activities in which they can partake, there is a requirement to contribute towards this should a development meet the minimum threshold of 10 units. A sum of £250 per bedroom should be provided and directed towards adult outdoor fitness equipment in the Golden Flatts Green Wedge.

## Design /Impact Upon the Character and Appearance of the Area

3.27 The National Planning Policy Framework 2012 (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

3.28 The Hartlepool Local Plan 2006 advise that development should normally be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Policy GEP1 of the 2006 Local Plan states that development should take into account issues such as, the external appearance of the development, relationships with the surrounding area, visual intrusion and loss of privacy. All new development should be designed to take into account a density that is reflective of the surrounding area.

3.29 Officers consider that the density of the site is acceptable and is reflective of the surrounding area. The separation distances proposed between dwellings within the site accords with and in many instances exceeds the guidance set out in the Hartlepool Local Plan 2006. It is considered that the design of the proposal is acceptable and the development would not have a detrimental impact on the character and appearance of the area.

## Impact on Neighbouring Residents and the Surrounding Area

3.30 The layout has been refined through extensive discussions. It is considered that the layout of the 6 residential units upon the site has been designed in such a way as to limit the impact upon the amenity of the neighbouring properties close to the site and overlooking it. The development meets or exceeds the guideline separation distances outlined in the Hartlepool Local Plan.

3.31 It is not considered that the additional disturbance arising from traffic associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of neighbouring residents. No objections have been received from the Head of Public Protection. Owing to the scale of the development and proximity to residential properties, it is considered necessary to impose a condition relating to construction hours. In terms of the impact on the amenity of neighbours the proposal is considered acceptable. There is a primary school to the east of the site and industrial areas located to the south of the site. The Head of Public Protection has been consulted and advised that subject to the provision of an acoustic wall/fence to the east, west and southern boundary and an noise insulation scheme for the dwellings he would have no objection to the proposal. It is considered that the relationship with the industrial area is acceptable.

#### Highway Safety

3.32 The Council's Traffic and Transportation Team have been consulted on the application and raised no objection to the proposal. The proposal has been amended to improve footpaths and the carriageway within the site. In highway terms the proposal is considered acceptable.

#### Flooding/Drainage

3.33 The latest flood map from the Environment Agency website illustrates that the area is located within flood zone one and is a low risk area in terms of flooding.

3.34 Northumbrian Water raise no objection to the proposal subject to conditions for the disposal of surface water and foul sewage discharge.

3.35 The Council Engineer raises no objection to the scheme but requests that land drainage and contaminated land conditions be imposed.

#### Landscaping

3.36 There are a number of small trees to be removed to accommodate this development. The Council's Arborist raises no objection to the removal of these trees, the submitted information makes reference to landscape provision including trees, this can be secured through condition.

### **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.

3.38 There are no Section 17 implications.

## REASON FOR DECISION

3.39 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 completion of a legal agreement to secure the following developer contributions, green infrastructure (£7,000), built sport (£7,000) and play (£7,000), and the following conditions. The decision is subject to the consideration by the Planning Services Manager of any additional representations received prior to the expiry of the consultation period, with the final decision including authority to add, delete or amend conditions delegated to the Planning Services Manager.

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 details received by the Local Planning Authority on 19 January 2015 and the following drawings received at the Local Planning Authority on the days indicated: 2365A-101 (Lot 1 Existing Site Plan) received 19 January 2015, 2365A-102 Rev B (Lot 1 Proposed Site Plan), 2365A-1A-102 Rev A (Building 1A Elevations), 2365A-1A-101 Rev A (Building 1A Plans), 2365A-1B-101 Rev B (Building 1B Plans and Elevations), 2365A-1C-101 Rev B (Building 1C Plans and Elevations), 2365A-1D-101 Rev A (Building 1D Plans), 2365A-1D-102 Rev A (Building 1D Elevations), 2365A-1E-101 Rev B (Building 1E Plans and Elevations) and 2365A-1F-101 Rev B (Building 1F Plans and Elevations) received 12 March 2015.  
For the avoidance of doubt.
3. Details of all external finishing materials 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. 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. No development shall commence until such time as a scheme for the surface water management system within the site including the detailed drainage / SuDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the life time of the development to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

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

6. A detailed scheme of landscaping 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 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.

7. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS

5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of the health and appearance of the preserved tree(s).

8. No development shall take place until a detailed scheme of noise insulation measures for the residential elements of the development has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 (Guidance on Sound Insulation and Noise Reduction for Buildings). Thereafter the approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.  
To ensure that the buildings are adequately soundproofed in the interests of the amenity of their occupants.
9. No development shall take place until the details of an acoustic wall/fence to the East, West and Southern boundary of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the wall/fence shall be constructed in accordance with the approved details prior to the occupation of the dwellings and be permanently retained thereafter.  
In the interests of the amenities of the occupants of the residential units.
10. Details of the proposed bin stores including position and materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter the approved scheme shall be implemented and retained for the lifetime of the development.  
In the interests of visual amenity.
11. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
13. 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 without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

14. This permission relates to the provision of sixteen independent supported living apartments (Class C2 Use) (Building Nos 1B, 1C, 1E and 1F drawing 2365A-102 Rev B) and two residential care bungalows (Class C2 Use)(Building 1A and 1D drawing 2365A-102 Rev B) the development shall not be used for any other uses including any other uses within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

For the avoidance of doubt, and to ensure that the buildings are used for the uses proposed in order to ensure adequate parking provision is accommodated and in the interest of the amenity of neighbouring properties

15. No development shall commence until details for the disposal of foul water from the development have been 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 satisfactory disposal of foul water.

16. 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.

## **BACKGROUND PAPERS**

3.40 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.



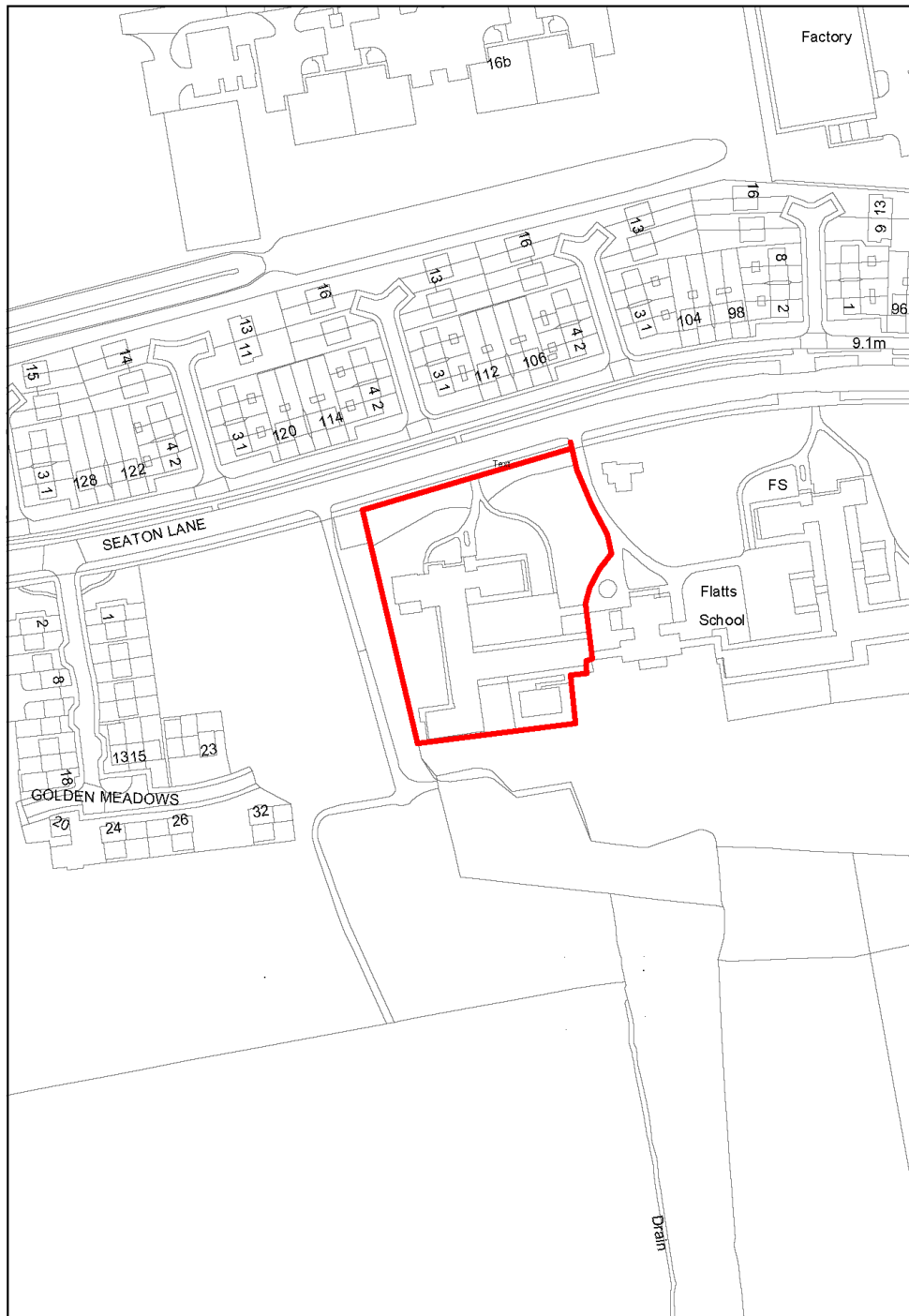
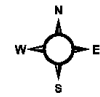
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## SEATON LANE - LOT 1



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
 Level 1, Civic Centre, Hartlepool TS24 8AY  
 Department of Regeneration and Planning

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**H/2015/0023**

**Scale: 1:2000**

**Date : 11/03/15**

## **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.

**GEP7** (Frontages of Main Approaches) - States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

**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.

**Com13** (Commercial Uses in Residential Areas) - States that industrial, business, leisure and other commercial development will not be permitted in residential areas unless the criteria set out in the policy relating to amenity, design, scale and impact and appropriate servicing and parking requirements are met and provided they accord with the provisions of Com8, Com9 and Rec14.

**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.

**Hsg12** (Homes and Hostels) - States that proposals for residential institutions will be approved subject to considerations of amenity, accessibility to public transport, shopping and other community facilities and appropriate provision of parking and amenity space.

**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.

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

**2.** Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

**6.** The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

**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.

**11.** Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

**12.** This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

**13.** The National Planning Policy Framework is a material consideration in determining applications.

**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.

**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.

**58.** Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Planning Policies and decisions should aim to ensure that developments...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

**66:** Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

**69.** The planning system can play an important role in facilitating social

interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve places which promote:

- opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;
- safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

**70.** To deliver the social, recreational and cultural facilities and services the community needs decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

**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.

**203.** Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

**204.** Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

**205.** Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

**206.** Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

## PLANNING COMMITTEE

25 March 2015



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

**Subject:** APPEAL AT LAND AT FORMER COASTGUARDS OFFICE, MOOR TERRACE, HEADLAND, HARTLEPOOL TS24 0PT  
APP/H0724/W/15/3002687 CHANGE OF USE OF FORMER COASTGUARDS STATION TO DWELLING INCLUDING FIRST FLOOR EXTENSION AND VIEWING GALLERY (H/2014/0354)

### 1. PURPOSE OF REPORT

- 1.1 To notify members of the receipt of an appeal.
- 1.2 The appeal relates to the refusal of the Local Planning Authority of an application to change the use of the former coastguards station to a dwelling including a first floor extension and viewing gallery at Moor Terrace.
- 1.3 The appeal will be decided by the Written representations procedure. The application was refused at the November 2014 meeting of the Planning Committee, against officer recommendation, for reasons relating to the proposals detrimental impact on heritage assets.

### 2. RECOMMENDATION

- 2.1 That authority be given to Officers to contest the appeal.

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# PLANNING COMMITTEE

25 March 2015



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

**Subject:** NEIGHBOURHOOD PLANNING UPDATE

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1. For information only.

## 2. PURPOSE OF REPORT

- 2.1 To update Planning Committee on the current position of Neighbourhood Planning in Hartlepool.

## 3. BACKGROUND

- 3.1 Neighbourhood Planning was introduced under the Localism Act 2011. It is intended to give local people greater ownership of plans and policies that affect their local area, and to provide communities with the opportunity to develop a community-led framework for guiding the future development, regeneration and conservation of an area.
- 3.2 Once adopted a Neighbourhood Plan will become part of the formal planning process and must be in general conformity with national planning policy (National Planning Policy Framework) and the Local Authority's Development Plan (currently the Hartlepool Local Plan 2006, which will be superseded by the Hartlepool Local Plan post adoption, now anticipated in 2015).
- 3.3 Almost 1,300 communities across England have begun the Neighbourhood Planning process and 160 draft plans have been published for local consultation. To date, 49 Neighbourhood Plans have been formally adopted after a simple majority vote at referendum, to become part of the development plan for those areas.
- 3.4 In accordance with the Localism Act 2011 and Neighbourhood Planning Regulations published on 6 April 2012, the Local Planning Authority (LPA)

have a statutory obligation to fulfil a number of duties throughout the development of a Neighbourhood Plan which include:

- Providing technical assistance, support and guidance to the Parish Council or Neighbourhood Forum. This can include sharing evidence and information on planning issues, providing advice on national and local planning policies, assisting with consultation and facilitating communication with external partners;
- Formally publicising the proposed Neighbourhood Plan boundary and statement of suitability submitted by the Parish Council or Neighbourhood Forum. During this time, representations from interested parties can be made to the LPA in relation to the boundary and / or the Group undertaking the Plan development; all of which must be considered when formally designating the boundary at the end of the statutory consultation period;
- To validate the Neighbourhood Plan before arranging an independent examination (to be undertaken by a suitably qualified individual) and neighbourhood referendum; and
- Should a simple majority vote be gained at referendum, the LPA have a statutory obligation to adopt the Neighbourhood Plan.

3.5 In 2012, a funding programme to support Local Authorities in meeting legislative duties in relation to Neighbourhood Planning was announced by the Department of Communities and Local Government (DCLG). The un-ringfenced grant support consists of the following three elements:

- First payment of £5,000 can be drawn down after a Neighbourhood Plan area has been formally designated by the LPA.
- Second payment of £5,000 will be made when the final pre-examination version of the Neighbourhood Plan is publicised by the LPA prior to examination.
- Third payment of £20,000 can be drawn down on successful completion of the Neighbourhood Planning examination.

£15,000 to date has been drawn down, for the formal designation of the Rural, Headland and Wynyard Neighbourhood Plan boundaries.

3.6 DCLG ran five waves of un-ringfenced grant applications for potential Neighbourhood Plan areas to apply for Front Runner status in order to test the principles of Neighbourhood Planning with the support of LPAs; which the Hartlepool rural area was successful in securing in 2011. This was alongside four key support organisations (The Prince's Foundation, CPRE / NALC, Locality and Planning Aid) delivering direct support and training to those developing Neighbourhood Plans. This source of funding / resource ceased in 2011 and 2013 respectively and a further, revised support fund of £9.5 million was announced in early 2013 (The Supporting Communities and Neighbourhoods in Planning Programme delivered by Locality in partnership with Planning Aid England), comprising the following elements:

- *Direct Support:* advice and support delivered by Planning Aid England, with an average value equivalent to £9,500. The package is tailored to meet the needs of supported neighbourhoods and is assessed via an online application process.
- *Grant Payments:* up to £7,000 per Neighbourhood Plan area, to contribute to costs incurred by the group preparing a Neighbourhood Plan or Order. This is also assessed via an online application process.

3.7 The current 'Supporting Communities in Neighbourhood Planning' programme ceases at the end of March 2015. However, a new programme has been announced worth £22.5 million, to be launched in early 2015. Details of the programme are still being formalised.

3.8 There are currently three Neighbourhood Plans being developed in Hartlepool, these are:

- Hartlepool Rural Plan
- The Headland Neighbourhood Plan
- Wynyard Neighbourhood Plan

Updates on the progress made to date on each of the Neighbourhood Plans are detailed in Sections 4 to 6 of this report.

#### **4. HARTLEPOOL RURAL NEIGHBOURHOOD PLAN**

4.1 In May 2011, Hartlepool was successful in securing £20,000 from DCLG to develop and produce a Neighbourhood Plan for the rural area of Hartlepool.

4.2 The Hartlepool Rural Plan Working Group publicly consulted on their Neighbourhood Plan boundary in October / November 2012 in line with the statutory requirements as outlined with the Neighbourhood Planning Regulations (General) adopted in April 2012. No written representations or objections were submitted to the LPA as part of this consultation process.

4.3 Supported by the Community Safety and Engagement and Planning Policy Teams, the Hartlepool Rural Plan Working Group undertook their first phase of consultation on their Neighbourhood Plan in Summer 2012 after securing resources from Design Council CABE. This included a series of community events and village walkabouts, in addition to an extensive household survey of those living and working within the Plan boundary. The Working Group secured a Direct Support package through the 'Supporting Communities in Neighbourhood Planning Programme' which is administered by Locality in partnership with Planning Aid England. This entitled them to 26 days support from a Planning Aid advisor, particularly focusing on engagement and consultation, collating evidence bases and policy writing.

4.4 In January 2014, the group also secured a grant of £6,500 to commission the support of a Planning Consultant, to enable it to move forward with the development of the first draft of the plan. Later that year, consultation was

undertaken with the community and key stakeholders on the group's vision and objectives. The first draft of the plan has now been completed and is attached for information at **Appendix A**.

4.5 The plan is built around the local distinctiveness of the rural area to generate a greater understanding of the community's sense of place and wellbeing for the present community and for future generations. It is based on extensive research and is influenced by robust engagement with the local community, reflecting their comments and aspirations. It has been prepared within the context of European legislation, national planning guidance including the National Planning Policy Framework and Planning Practice Guidance and the strategic policies in the adopted and emerging Hartlepool Local Plans. The plan:

- provides a synopsis of the plan area, which covers approximately 5,000 hectares;
- outlines the consultation process;
- highlights the issues and opportunities that the plan should consider;
- sets out the vision for the plan area over the next 15 years;
- outlines the plan strategy, which has been prepared in accordance with the presumption in favour of sustainable development;
- recognises and supports the strategic development needs set out in the adopted and emerging Hartlepool Local Plans;
- outlines the objectives in terms of housing, the rural economy, transport and movement, community, natural and built environment and provides appropriate policy for each, along with a justification;
- lists the infrastructure priorities for the plan area and an appropriate policy by which to address these;
- outlines the monitoring and implementation of the plan and;
- includes supporting documents as appendices.

4.6 The Hartlepool Rural Plan Working Group is constituted and holds its own funds. It has expanded its remit, such as campaigning for rural broadband in partnership with Tees Valley Rural Community Council. The group has also recently become involved in working with students of Newcastle University. The project focus is on looking at various approaches to the design of new developments and how the various approaches can be used in Neighbourhood Planning work in considering potential sites. The students will work with the group in assisting with the Village Design Statement as well as looking at the North Farm development.

## 5. HEADLAND NEIGHBOURHOOD PLAN

5.1 In November 2011, the Headland Parish Council approached Hartlepool Borough Council demonstrating an interest in developing a Neighbourhood Plan. Collaboratively an application was submitted to DCLG to become a Neighbourhood Planning Front Runner. Whilst not successful in securing Front Runner status, the Parish Council secured alternative support packages

from The Prince's Foundation and Planning Aid as part of the Communities and Neighbourhoods in Planning programme for the initial stages of developing a Neighbourhood Plan.

- 5.2 The Headland Neighbourhood Plan Working Group publicly consulted on their Neighbourhood Plan boundary in January / February 2013 in line with the statutory requirements as outlined within the Neighbourhood Planning Regulations (General) adopted in April 2012. No written representations or objections were submitted to the LPA as part of this consultation process and the boundary was formally designated in February 2013.
- 5.3 The Headland Neighbourhood Plan Working Group delivered a three day collaborative planning workshop in partnership with The Prince's Foundation in March 2013. A report was produced which outlines some of the key features of the area, issues that the Headland is facing and potential actions to address these issues. The group explored the themes of the report in more detail to ascertain their key policy areas. Copies of the report are available from the Headland Neighbourhood Plan Working Group.
- 5.4 Ongoing consultation has been developed in line with the baseline information outlined in the Princes Foundation report and has included obtaining feedback from residents on what they like and dislike about the area, improvements that they would like to see made and people's vision for the Headland in 20 years' time. Consultation has included a questionnaire to every household, sessions with young people accessing Headland Future, attendance at key events on the Headland and visiting Voluntary and Community Sector groups, and businesses across the area.
- 5.5 The Group secured £7,000 through the Supporting Communities in Neighbourhood Planning Programme to assist them with delivering events and raise awareness about Neighbourhood Planning but also to commission some consultancy support to develop their Neighbourhood Planning policies. A first draft of the plan has been prepared and the group is in the process of reviewing it.

## **6. WYNYARD NEIGHBOURHOOD PLAN**

- 6.1 In May 2013, Grindon Parish Council began partnership working with Wynyard Residents Association (WRA) to develop a Neighbourhood Plan for the Wynyard area. The aspiration of both parties is to provide a joined-up approach to the planning of their area, in particular developing community facilities and appropriate housing whilst protecting the valuable characteristics and design of the neighbourhood.
- 6.2 Wynyard Neighbourhood Plan Working Group was set up as a sub-committee of the WRA to oversee the development of the Neighbourhood Plan for Wynyard. The Wynyard Neighbourhood Plan boundary incorporates parts of both Grindon (within Stockton Borough) and Elwick Parishes, (within Hartlepool Borough); the resulting Neighbourhood Area is therefore a cross-

Parish and cross-Local Authority entity. Grindon Parish Council secured the time of a planning consultant to assist in the development of the Neighbourhood Plan boundary prior to submission.

- 6.3 The Wynyard Neighbourhood Plan Working Group publicly consulted on their Neighbourhood Plan boundary in September / October 2013 in line with the statutory requirements as outlined within the Neighbourhood Planning Regulations (General) adopted in April 2012. No written representations or objections were submitted to the LPA as part of this consultation process and the boundary was formally designated in October 2013.
- 6.4 Grindon Parish Council secured £3,000 from the Supporting Communities in Neighbourhood Planning Programme to support the initial stages of plan development. The group has commissioned the services of a consultant to assist with the preparation of a first draft of the plan. To-date, consultation in relation to the early stages of plan development has included a household survey conducted within the Neighbourhood Plan boundary and through a number of local community events.

## **7. RISK IMPLICATIONS**

- 7.1 Any consultation required throughout the Neighbourhood Planning process will be delivered in adherence with the Voluntary and Community Sector (VCS) Strategy and Statement of Community Involvement (SCI) for a statutory period of eight weeks. This accommodates the Neighbourhood Planning Regulations (General) adopted in April 2012 which stipulates a minimum six week consultation period.

## **8. FINANCIAL CONSIDERATIONS**

- 8.1 Neighbourhood Plans will be subject to an independent examination and referendum; both of which the Local Authority have a duty to arrange and fund. As outlined in Section 3.4, a funding programme to support Local Authorities in meeting legislative duties in relation to Neighbourhood Planning was announced by DCLG in late 2012; this allows Local Authorities to draw down on unringfenced grant funding at three distinct phases in the Neighbourhood Plan's development. It is anticipated that this funding stream will support the statutory duties of the Local Authority; however any additional costs would have to be secured from elsewhere. The costs associated with the examination and referendum process are currently being looked into.

## **9. LEGAL CONSIDERATIONS**

- 9.1 Neighbourhood Planning Regulations (General and Referendum) came in to force on 6 April 2012 and 3 August 2012 respectively and are now law. As outlined in Section 3.2, the Local Authority will have a duty to adopt the Neighbourhood Plan should a simple majority vote be gained at referendum.

This will require an amendment to part of Hartlepool Borough Council's Budget and Policy Framework, as once adopted it will form part of the Development Plan for the borough and the Neighbourhood Plan will have legal status.

## **10. STAFF CONSIDERATIONS**

- 10.1 As outlined in Section 3.4, the Local Authority has a statutory obligation to provide technical assistance, support and guidance to the Parish Council or Neighbourhood Forum, formally publicise and designate the boundary, validate the plan before organising an independent examination and referendum. The Community Regeneration & Development Team and Planning Policy Section have been providing intensive support to groups developing Neighbourhood Plans since August 2011.

## **11. ASSET MANAGEMENT CONSIDERATIONS**

- 11.1 There are no asset management considerations in this instance.

## **12. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 12.1 Equality and diversity will be considered through the associated consultation frameworks, and an Equality Impact Assessment (EIA) will be completed prior to the statutory consultation period on the first draft of the Neighbourhood Plans.

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

- 13.1 There are no Section 17 implications in relation to Neighbourhood Planning.

## **14. RECOMMENDATIONS**

- 14.1 Planning Committee is requested to note progress in relation to Neighbourhood Planning in Hartlepool to-date.

## **15. REASONS FOR RECOMMENDATIONS**

- 15.1 Hartlepool Borough Council is implementing Neighbourhood Planning Policy in line with the Localism Act 2011.



## **16. BACKGROUND PAPERS**

- 16.1 Cabinet (9 January 2012) – Review of Community Involvement and Engagement (including LSP Review).
- 16.2 Cabinet (3 September 2012) – Neighbourhood Planning (Reporting and Decision Making Procedure).
- 16.3 Cabinet (18 March 2013) – Neighbourhood Planning (Update).
- 16.4 Neighbourhood Services Committee (14 October 2013) – Neighbourhood Planning.
- 16.5 Regeneration Services Committee (12 March 2015) – Neighbourhood Planning (Hartlepool Rural Neighbourhood Plan 2015 – 2030)
- 16.6 [http://www.hartlepool.gov.uk/info/1004/planning\\_policy/108/planning\\_policy/5](http://www.hartlepool.gov.uk/info/1004/planning_policy/108/planning_policy/5)

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# Hartlepool Rural Neighbourhood Plan 2015 – 2030

**Draft Revised 18 February 2015**

**FOREWORD**

The Hartlepool Rural Planning Group was formed from representatives of the Parish Councils of Dalton Piercy, Elwick, Greatham, Hart and the Parish Meeting of Newton Bewley that cover most of the rural areas of Hartlepool Borough. Together there is a strong, shared desire to improve and enhance an area which is already a great place to live, work and bring up a family but which will need to develop over the next fifteen years in order to secure a sustainable future for the communities of rural Hartlepool.

It was immediately clear from the survey and consultation work how much people value living in smaller communities with a rural environment and how much there is a shared ambition to protect and sustain those communities. Although many rural residents wished to see no change to the area, it was recognised that the requirement for the town of Hartlepool to continue to grow would mean that it would encroach on the rural area. Residents of the rural area were keen to see the villages continuing as sustainable communities with a reversal in the decline in facilities and to halt their decline to dormitory suburbs. If communities are to be sustained and developed, the status quo may not be an option. This is clearly the case in villages where populations are becoming increasingly elderly but where the residents wish to maintain such local facilities as schools, shops, pubs and churches. Increasingly, communities need to develop and grow in order to sustain themselves in the future. For example, a village school will not survive unless there is a continuing source of pupils.

We have embraced the spirit of the Localism Act 2011 in developing this Neighbourhood Plan, and have sought to build the plan around the local distinctiveness of the area so as to understand and contribute to a greater sense of place and well-being for our community. Above all, we recognise that we do not own the rural area but are custodians for future generations and that we have an opportunity to put in place policies which will ensure that we leave the rural area in as good a way as we possibly can. We would like to see that our small communities continue to flourish where the future development of the rural area is focused on meeting the needs of the rural communities.

Neighbourhood Planning provides an opportunity for the community to have a real say over local decision making, to achieve its long-standing goals through the planning system and address the challenges and opportunities facing the future of the area.

Brian Walker

Chair of Hartlepool Rural Neighbourhood Plan Working Group

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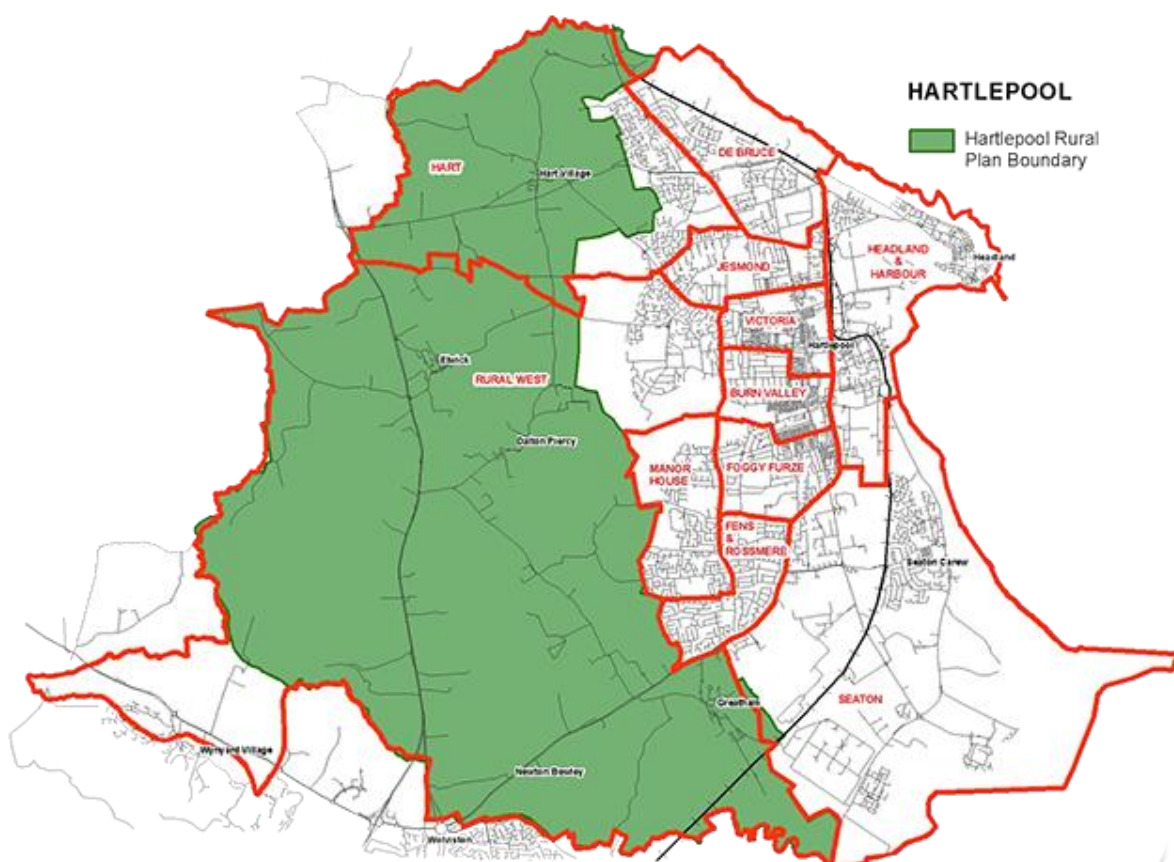
## **1.0 INTRODUCTION**

- 1.1 Neighbourhood Planning is enshrined within the Localism Act 2011 and gives communities and neighbourhoods more influence on the policies that affect the development, regeneration and conservation of their area in future years. The Hartlepool Rural Neighbourhood Plan was successful in securing Front Runner status in 2011 through the fifth wave of the Department of Communities and Local Government's Neighbourhood Planning programme.
- 1.2 The draft Neighbourhood Plan has been developed by the Hartlepool Rural Plan Working Group, which comprises representatives of the five Parishes of Dalton Piercy, Elwick, Hart, Greatham and Newton Bewley with support provided by Hartlepool Borough Council, Tees Valley Rural Community Council, Planning Aid England and Design Council CABE. An independent planning consultant, Rosemary Kidd, has helped in the writing of the policies of the Neighbourhood Plan.
- 1.3 This first draft of the Neighbourhood Plan reflects the comments and aspirations of the rural community that have been gathered throughout the consultation process. Your views on the draft plan are welcome. Please come along to our events to discuss your thoughts with us.
- 1.4 We will consider your comments carefully and revise the Neighbourhood Plan where appropriate. There will then be a further consultation on the final draft plan before it is submitted for an independent examination. Further revisions may be needed then in the light of the examiner's recommendations before a referendum is held.
- 1.5 Once the plan is made, following the referendum, the Rural Plan will become a Neighbourhood Development Plan and will set out the development framework for the area the period from 2015 to 2030. It will be used by the Borough Council and Parish Councils in the consideration of planning applications to ensure that we plan for a sustainable future of our communities, whilst preserving the character of the rural area.

## 2.0 THE RURAL AREA

- 2.1 The Hartlepool Rural Neighbourhood Plan area was designated in 2012. The designated area covers the rural parishes within Hartlepool Borough Council that lie to the west of and adjoining the town of Hartlepool: Brierton, Claxton, Dalton Piercy, Elwick, Greatham, Newton Bewley and Hart. The area in the south west corner of Elwick parish has been excluded from the Neighbourhood Plan area as it includes development that forms part of the community of Wynyard and has therefore been included within the boundary of the Wynyard Neighbourhood Plan area. The South Fens area of Greatham Parish has been excluded as it forms an established part of the Hartlepool urban area. There are four Parish Councils of Dalton Piercy, Elwick, Greatham and Hart, and a Parish Meeting at Newton Bewley. The plan area covers approximately 5,000 hectares.
- 2.2 The boundary of the plan area shown on the Map 1.

**Map 1 Hartlepool Rural Neighbourhood Plan Area**



- 2.3 The villages in the area can trace their earliest development to the Saxon era with the founding of the church of St Mary Magdalene at Hart in 675AD. The villages of Dalton Piercy, Hart and Elwick have been closely linked through the centuries as centres for the surrounding agricultural area. Greatham has an agricultural heart but has also been associated with the Tees estuary through its industrial past linked to salt production. An early landmark in its development was the establishment of the Hospital of God in the village by the Bishop of Durham in 1273. The Hospital Trust continues to be a major land and property owner in the village today. Newton Bewley has grown from a small agricultural community astride the A689.
- 2.4 The plan area consists of low lying undulating land primarily used for agriculture forming the coastal plain to the west and south of the urban area of Hartlepool. Fields are bounded by hedgerows with occasional trees. A stream flows from the north of the area from Elwick through Dalton Piercy to Greatham and into the River Tees. The wooded banks of the stream form an important local feature. In the north the area around Hart village lies within the limestone landscape area as evidenced by the quarry to the south of the village.
- 2.5 Whilst agriculture still retains its importance in the area, residents today are employed in a wide range of businesses both locally and throughout the region. Only a limited amount of built development has taken place in the villages in the Neighbourhood Plan area over recent years. In 2011, there were 2796 people living in 1216 households. This had grown from 2538 people in 995 households in 1991. Recent trends have been for the population of the Plan area to age with an increasing proportion of the population over retirement age and a lower proportion of school age children. This reflects national trends for people to live longer.
- 2.6 The villages in the Plan area have a mix of housing types and sizes with 30% of homes in Council Tax Band B, higher than the national average of 20%. There is a higher proportion of higher value homes in the plan area than in the urban area of Hartlepool which has a high proportion of Council Tax Band A homes.
- 2.7 There is a higher proportion of home ownership in the Plan area as compared to national, regional and Hartlepool Borough figures with 70% of homes owned outright or with a mortgage (compared to 64% nationally), 17% of homes are rented from the local authority or registered provider and 12% of homes are rented privately.
- 2.8 A higher proportion of residents in the Neighbourhood Plan area are managers or are employed in professional services, administration and in financial services than in Hartlepool Borough as a whole. There is a high level of car ownership in the Neighbourhood Plan area with only 15% of households not having a car which compares with a national figure of 26% and a figure of 35% for Hartlepool Borough.
- 2.9 The area has good transport links provided by the A689 and A179 to Hartlepool and via the A19 to Middlesbrough and the Tees Valley to the south and to Newcastle and Durham to the north meaning that there are a wide range of employment opportunities available to residents.



- 2.10 In 2011, 39% of households contained no one in employment compared to 33% nationally, reflecting the proportion of households that are constituted only of pensioners. However only 3% of the residents of working age were unemployed compared to a national figure of 4% and a figure for Hartlepool Borough of 8%. The skills level of residents is similar to the national level with 40% of working age residents having attained an educational level 3 or 4; this compares to only 30% in Hartlepool Borough as a whole.
- 2.11 All the parishes within the Neighbourhood Plan area are classed in the Index of Multiple Deprivation as being amongst the 50% most affluent in the country whereas some wards in the urban area of Hartlepool are classed within the 10% most deprived. The Community Vitality Index showed that in 2011 the rural area had experienced improving levels of community vitality since the baseline of 2007 and ranked highest in the Hartlepool Borough area. Indicators include housing, unemployment and income, community safety, education, health and sustainable communities.

Source: 1991, 2001 and 2011 Census data, CVI 2011 prepared by Tees Valley Joint Strategy Unit

(Further details of the data are set out in the Background Evidence report)

### **3.0 CONTEXT**

- 3.1 Once completed the Hartlepool Rural Neighbourhood Plan will be an important plan and will become part of the development plan for Hartlepool. It will be used in considering planning applications and development proposals throughout the rural area. It has been prepared within the context of European legislation, (particularly that concerning nature conservation and protected habitats and species), national planning guidance including the National Planning Policy Framework and Planning Practice Guidance and the strategic policies in the adopted and emerging Hartlepool Local Plans.
- 3.2 The adopted Hartlepool Local Plan at the time of preparing the Neighbourhood Plan is the 2006 Plan. A revised Local Plan was found sound in 2013 but was withdrawn by the Council. A further review of the Local Plan is currently being prepared and it is anticipated that consultations on the draft plan will take place during 2015.
- 3.3 The Local Plan sets out strategic policies for the Borough as a whole and will determine how much development should be planned for over the next 20 years or so. The strategy of the 2006 adopted Plan has been to promote the regeneration of the older parts of the town and make provision for additional housing on allocations on the western edge of the urban area.
- 3.4 If the review of the Local Plan demonstrates that further development is required on the edge of the urban area of Hartlepool in the future, this is likely to take place within the area of the Hartlepool Rural Neighbourhood Plan. This Neighbourhood Plan has

been prepared in the context that it is the role of the Local Plan to allocate strategic development sites that will provide sufficient land for the future development of the urban area.

- 3.5 At the time of preparing the Neighbourhood Plan, a number of planning applications for major housing developments were under consideration on sites in the Neighbourhood Plan area along the western edge of the urban area of Hartlepool. In order to ensure that any developments on the fringe of Hartlepool are sensitive to the rural area, a policy has been included in the Neighbourhood Plan to provide a design framework to be used in the consideration of housing developments on the edge of the urban area.
- 3.6 Very strong views were expressed from all communities in the consultations on the Neighbourhood Plan about the importance of maintaining the character and identities of the villages and safeguarding the countryside gaps between the urban area and the villages. Concerns were also expressed about the potential impact of the traffic from any major new developments on the local road network through the villages and to ensuring that the strategic highway network was improved to accommodate the additional traffic.
- 3.7 The Neighbourhood Plan has sought to address these concerns and includes policies that seeks to ensure that any development sites on the urban edge are selected and designed so that they do not impact on the character of the villages or result in increased traffic flows through the villages in the rural area; they maintain the separation of the villages from the urban area by establishing green gaps between the urban area and the villages; that improvements to the highway network are required to serve the developments; and importantly that the new developments are well designed to create distinct communities around a community hub with good internal landscaping and a strong landscape buffer on the countryside fringe.

## **4.0 THE CONSULTATION PROCESS**

- 4.1 From an early stage the Hartlepool Rural Plan Working Group was clear that the Neighbourhood Plan must reflect the aspirations of all of the communities involved. With assistance from Design Council CABE a programme of meetings were undertaken in May / June 2012 in each of the villages including “walkabouts”, led by the then President of the RTPI Colin Haylock, to “scope” each settlement and establish what local people valued about their communities and how they wished to see them developed.
- 4.2 Although, in the main, quite well attended, at the conclusion of these events the Group did not consider that the evidence base was sufficient to commence drafting the Plan. It was recognised that, when such an exercise was being led by Parish Councils, there was always the danger that vested interests might prevail rather than the views of residents.

- 4.3 Consequently, it was decided that, as far as practicable, all residents/properties in the area would receive a questionnaire to ascertain their views on the future needs of the area. This was done during September to October 2012 by hand delivering the questionnaires and providing local points for them to be returned. In many cases, this was supplemented by knocking on doors to ensure as many questionnaires as possible were returned. A substantial amount of effort went into this process with the result that approximately 40% of properties responded to the survey.
- 4.4 A series of day long events were held in each village in September 2014 to seek views on the issues to be addressed in the Neighbourhood Plan, the draft vision and objectives and to obtain views on possible development sites.
- 4.5 Detailed analysis of the results both of the surveys and the village meetings was undertaken with the aid of advisers from Planning Aid. These results are set out in Consultation Statement. The Working Group then held a series of “away days” to prepare the draft Plan with support from Rosemary Kidd, an independent planning consultant.
- 4.6 In addition to the views of the community, data about the area was collated from a number of sources including the 1991, 2001 and 2011 Censuses. Hartlepool Council also provided material from studies that had been undertaken for the Local Plan notably on the strategic housing market assessment, strategic housing land availability assessment, economic development appraisal and renewable energy. Information on nature conservation sites, landscape character areas, heritage assets, transport improvements and rights of way was obtained from relevant departments.
- 4.7 It can be seen, therefore, that this first draft of the Neighbourhood Plan is based on extensive research and influenced by robust engagement with the local community.

## **5.0 ISSUES**

- 5.1 Consultation with the community and workshops has highlighted the following issues and opportunities that the plan should consider.
- How much housing development is required in the villages in the next 20 years?
  - Except for Greatham, the housing stock in the villages is well balanced. Greatham has a high proportion of retirement housing and rented housing. What mix of house types, sizes and tenures should be provided by the plan?
  - The villages have historic areas at their core with conservation areas at Elwick and Greatham and listed buildings, scheduled monuments, buildings of local importance, village greens and attractive wooded streams. How can new development be designed and landscaped to enhance the character of each village?
  - The neighbourhood plan area lies immediately to the west of the urban area of Hartlepool and to the north of Billingham. How can the narrow gap of open countryside be safeguarded to ensure that the villages of Brierton, Dalton Piercy,

Hart, Greatham and Newton Bewley retain their separate identities and do not become submerged into the adjacent urban areas?

- The future expansion of Hartlepool is likely to take place to the south west or west of the town within the plan area. How can the landscaping of these areas be enhanced to provide an attractive setting for the new urban fringe? Can the plan influence the layout and design of the expansion area? What benefits can this development bring to the communities of the plan area?
- There are few employment opportunities in the plan area, with the main employers being in agriculture, livery, quarrying, schools, leisure (eg pubs, caravan park, quad bikes), roadside services and estate management (Greatham). There appears to be limited scope for further employment opportunities other than the conversion of farm buildings and working from home. In view of the proximity of the plan area to the urban areas of Hartlepool and Tees Valley, what approach should be taken to developing the economy of the area? How should the development of the rural economy be balanced against the desire to maintain the attractiveness of the villages and surrounding countryside?
- What is the scope for the re-use of the former RHM employment site to the south of the level crossing at Greatham?
- What measures can be taken to safeguard and enhance the historic assets of the plan area including the conservation areas?
- The villages all have limited community facilities, including shops, public houses, community halls, schools and churches. What steps can be taken to safeguard and improve them?
- The villages have limited amounts of public open space such as playing pitches, playgrounds and incidental open space. Is this adequate or should more be planned for?
- There are a number of local wildlife and local geological sites in the plan area. Part of Cowpen March Site of Special Scientific Importance (SSSI) along Greatham Creek is of international and national importance for nature conservation for birds linked to the RSPB reserve at Saltholme and is part of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site. Hart Bog is an SSSI of national importance. Are adequate measures in place through the Local Plan to safeguard these areas and support their enhancement? What can the plan do to support the creation of a linked network of habitats as recommended in the Tees Valley Biodiversity Action Plan?
- The countryside in the plan area is primarily agriculture with limited amounts of tree and woodland planting. Should more encouragement be given to tree planting and habitat creation?
- The A19 North South Trunk Road linking Middlesbrough to Newcastle upon Tyne runs through the plan area with the partially dualled A689 and A179 east west routes linking the A19 to Hartlepool. All the villages gain their access from one of these major routes which are busy at peak times. How can the standard of accessibility at the junctions serving the villages be improved? Can the A19 / A179 junction be improved?
- The village of Newton Bewley is divided by the A689. What measures can be put in place to link the village? Would a major proposal to realign the A689 supported by major housing development around the village be feasible and supported by the community?

- Public transport between Hart, Elwick and Dalton Piercy and Hartlepool and the hospitals at North Tees and Middlesbrough is poor. How can the needs of non-car users be met?
- Can the station at Greatham be re-opened and served with park and ride facilities?
- Can support be given to the reopening of Hart Station which is just outside the plan area, but would serve the rural communities?
- How can accessibility to the open countryside, woodlands and nature conservation areas (especially those at Greatham Creek and Cowpen Bewley) be improved for pedestrians, cyclists and horse riders?
- The area has been identified as an area with potential for the development of renewable energy. What is the potential capacity for further renewable energy development in the area, particularly for wind turbines? How can the plan ensure that any further schemes are located so that they fit into landscape?

## **6.0 VISION AND OBJECTIVES**

### **Vision**

6.1 Our vision for the Rural Area of Hartlepool for the next 15 years is:

“To maintain and enhance the quality of life for all sections of the community and vibrancy of the villages, ensuring that the area retains its rural character and historic and environmental assets, maintains the links between all of its small settlements, adjoining parishes and the urban area of Hartlepool, and develops in such a way as to meet the present and future needs of the rural community”.

6.2 To deliver this vision, we will:

- promote development of an appropriate scale and design that will enhance our built environment and provide housing suited to the current and future needs of our population;
- promote the local economy by encouraging suitable business and employment opportunities;
- promote social development and seek to safeguard and enhance community facilities and open spaces to support health and wellbeing for everyone’s benefit and to sustain communities;
- support measures to improve public transport, highway safety and to improve accessibility for non-car users to the countryside;
- protect and enhance the character of the local built and historic environment;
- safeguard and enhance the countryside and its distinctive landscape character;
- protect and enhance the network of habitats that are important for biodiversity and geology including designated nature conservation sites and priority habitats; and
- contribute to meeting the challenge of climate change by supporting schemes to supply renewable and low carbon energy of an appropriate scale and location

and encouraging greater energy efficiency and encouraging the use of sustainable solutions for the disposal of surface water.

- 6.3 We will take forward the spirit of the Localism Act 2011 in producing our Neighbourhood Plan, embracing the concept of local distinctiveness that contributes to a sense of place and well being for the present community and for future generations.

## **7.0 PLAN STRATEGY**

### **Presumption in favour of sustainable development**

- 7.1 The Plan has been prepared in accordance with the presumption in favour of sustainable development. It recognises and supports the strategic development needs set out in the adopted and emerging Hartlepool Local Plans that will involve the expansion of the urban area of Hartlepool into the rural plan area.
- 7.2 The plan has focused on planning for the development needs of the rural communities and businesses. Agricultural and other businesses based in the rural area form the basis of our economy and we want them to continue to thrive; our villages are the hubs for our communities and we want them to continue to be attractive and vibrant with housing and open spaces and community facilities suitable for people of all ages; our transport networks are vital lifelines and we want to ensure that they are improved; and we recognise the importance of our countryside setting with its precious natural and historic environment which we want to protect and enhance..
- 7.3 The plan seeks to ensure that
- the level of housing development and mix of house types and tenures is commensurate with the needs of the area's rural communities;
  - provision is made for businesses to operate successfully to support the rural economy;
  - most new development will take place within or on the edge of the villages, located to help maintain the identity of the villages and the open countryside between them, and use suitable brownfield sites where possible;
  - new development contributes towards improving the local community and recreational facilities to provide opportunities for physical and social interaction to promote health and well-being ;
  - new development is well designed and respects and enhances the heritage, locally distinctive building character and the landscape of its surroundings;
  - the countryside is safeguarded, enhanced and treated as a valuable resource for agriculture, nature conservation, and where appropriate for recreation and renewable and low carbon energy generation;
  - the landscape setting along the urban fringe of Hartlepool is enhanced with an open gap maintained to retain the separate identity of the villages;

- new housing development in the countryside will be exceptional and will need to be clearly justified;
- public transport is improved, where feasible, and alternative options such as community and voluntary transport will be explored;
- road linkages through the area to the A19 are improved;
- recreational routes for pedestrians, cyclists and horse riders are improved;
- natural habitats and geological sites are safeguarded and new areas of tree planting and habitats are created; and
- the historic character of the villages is conserved and new development is well designed to respect the vernacular.

## **8.0 THE POLICIES**

### **POLICY GEN1 - VILLAGE ENVELOPES**

**Within the Village Envelopes as defined on the Proposals Map, development will be permitted where it accords with site allocations and designations.**

**Development within the Green Gaps shown on the Proposals Map will only be permitted in exceptional circumstances where it is connected with the essential functioning of agriculture or forestry and does not compromise the openness of the countryside between the villages, Hartlepool and Billingham.**

**In the countryside outside the Village Envelopes and Green Gaps, development will be permitted where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the social needs of the local rural community. Other development that is appropriate to a rural area and supports the rural economy, agricultural diversification, rural tourism and leisure developments will be permitted where it respects the character of the local countryside and does not have a significant impact on visual amenity and the local road network.**

### **Justification**

- 8.1 The purpose of this policy is to focus new development into the villages, to safeguard the countryside and to maintain the areas of open countryside between the edge of the urban areas of Hartlepool and Billingham, and the villages of Brierton, Dalton Piercy, Hart, Greatham and Newton Bewley to retain the separate identities of the villages.
- 8.2 Development in villages will be permitted on sites allocated in the plan where it contributes to the delivery of the plan and where it takes into account the policies associated with various designations such as those on heritage assets and nature conservation.

- 8.3 The countryside in the plan area is highly valued by residents, visitors and businesses alike for its scenic, recreational, aesthetic and productive qualities. Much of the land is fertile and is valuable for food production.
- 8.4 Development in the open countryside outside village envelopes will normally be unacceptable unless it can be shown to be essential to local needs and the rural economy and cannot be accommodated within existing settlements. Particular care will be needed with any rural development to ensure that it is well designed and appropriately landscaped to respect the countryside character and does not impact on visual amenity or the local highway network. Policy H4 Housing in the Countryside sets out more detail on the circumstances where new housing may be permitted in the countryside.
- 8.5 This Policy will protect the gaps between settlements from inappropriate development, in order to make sure that the existing communities retain their separation and definition, along with their individual character, whilst the intrinsic character and beauty of the countryside will be recognised and protected.
- 8.6 All development should be well designed and take account of the design principles set out in Policy GEN 2.

## **POLICY GEN 2 - DESIGN PRINCIPLES**

**The design of new development should demonstrate how the following have been taken into account:**

- 1. relevant village design statements and conservation area appraisals;**
- 2. new housing should be well designed and score highly using the most recent Building For Life criteria;**
- 3. by helping to create a sense of place and reinforcing the character of the village or rural area by being individually designed, respecting the local vernacular building character, safeguarding and, where possible, enhancing the historic assets of the area, landscape and biodiversity features;**
- 4. by helping reinforce the existing streetscape or green public spaces by facing onto them where possible**
- 5. by preserving and, where possible, enhancing significant views and vistas;**
- 6. by incorporating the highest standards of energy efficiency;**
- 7. by demonstrating that it can be accessed safely from the highway and incorporates sufficient parking spaces;**
- 8. by designing development to be accessible by people with limited mobility; and**
- 9. by using sustainable surface water management solutions in new developments to reduce surface water disposal in public sewers and manage the release of surface water.**



**Justification**

- 8.7 This policy sets out the general design principles to be considered in all forms of development and seeks to ensure that new buildings are well designed and respect the built character of the local area. Design and Access Statements should be submitted with a planning application to demonstrate how these matters have been taken into account in the design and layout of any new development.
- 8.8 The attractiveness of an area depends on the quality of the design of the buildings and landscaping and how they have respected the character of the local context. Well designed new development provides the opportunity to reinforce and enhance the character of the village. A Village Design Statement has been prepared for Greatham and others will be prepared to provide locally distinctive guidance for each village. The Conservation Area Assessments provide the historic context for new development in Elwick and Greatham.
- 8.9 Development, particularly new housing, should be designed to be accessible by those with limited mobility. The Lifetime Homes Standards sets out design standards to improve the design of new homes so that they can be adapted to the changing needs of people through their lifetimes. It will be important to provide a wider choice of housing in the Plan area to meet the needs of the elderly and those with disabilities.
- 8.10 A Government consultation is underway on a review of the national Housing Standards in which it is proposed that development plans can identify the need for a proportion of new housing to be accessible (comparable to Lifetime Homes) and adaptable for wheelchair users. Proposals for a minimum space standard for new housing are also proposed. Once the standard has been introduced, local evidence will be needed to support the introduction of such a policy in the Plan.
- 8.11 Northumbrian Water provides guidance on the disposal of surface water. Their principles for new development include the following:
- Surface water runoff to be managed at source (avoid disposal to public sewer systems wherever possible).
  - Runoff rates should not exceed the runoff from greenfield land wherever possible, with runoff up to and including the 100 year event being managed on site where possible.
  - Measures that provide water quality improvements should be actively encouraged.
  - Developers should be encouraged to set part of their site aside for surface water management, to contribute to flood risk management in the wider area and supplement green infrastructure networks.
  - Surface water should be removed from combined sewer systems.
  - Developers should be encouraged to maximise permeable surfaces.

- 8.12 Hartlepool Surface Water Management Plan provides further advice on managing surface water in the area. There is evidence of localised flooding from surface water in the Rural Plan area due to ground conditions.

## **HOUSING**

- 8.13 The Vision of the Rural Plan seeks to maintain and enhance the quality of life of all sections of the community in the rural area of Hartlepool and ensure that it develops in such a way as to meet the present and future needs of the rural communities. The Plan recognises that a limited amount of new housing is essential to meet the needs of the rural communities and that this should be carefully planned and well designed to enhance the character of the village. The reuse of brown-field sites is preferred before encroaching on any greenfield land, although this should not be at the expense of the loss of community facilities and services or employment opportunities.
- 8.14 This approach to housing reflects the feedback from consultation. A range of growth options was tested through consultation on the Neighbourhood Plan; in addition, the Hartlepool Local Plan assessed various scenarios for growth in the rural area. Feedback from the community consultation generally accepted that a limited amount of housing development was acceptable provided that new housing was designed to be in keeping with the character of each village. Many people called for strong controls to safeguard the countryside and the green gaps.
- 8.15 Housing development over the past 20 years or so has been carefully managed through the Local Plan with the definition of village envelopes around the villages and strategic gaps between Hart and Greatham and the main urban area of Hartlepool. Just over 200 new households have been added to the area during the last 20 years mainly through small developments and conversions of existing property.
- 8.16 The Neighbourhood Plan proposes that future housing development in the Plan area should continue on a similar scale in the form of small scale incremental growth, conversions and infilling. The reasons for this are:
- to safeguard the character of the villages and the attractive countryside settings;
  - to continue to support the community facilities and services in the villages, particularly for families in order to support the village schools;
  - evidence from the Neighbourhood Plan household survey and SHMA is that there is likely to be limited demand for new market and affordable housing in the villages in the rural area;
  - it is anticipated that any requirements for significant areas of growth will be accommodated in the urban area of Hartlepool in order to support the sustainable development and regeneration of the town;
  - in addition, the new community of Wynyard to the west of the Neighbourhood Plan area is being developed to provide a high quality homes and employment opportunities and will provide a choice of locations for prospective residents.

Update following with data from 2014 SHMA to be published in March 2015

- 8.17 The Tees Valley Strategic Housing Market Assessment 2012 demonstrates that the rural area of Hartlepool Borough has a balanced housing market where demand for all types of houses is likely to be satisfied. (TV SHMA 2012 Table 4.8A). However, the data for the area as a whole masks the differences in types and sizes of houses available in each village. It is evident from surveys and the consultation responses that there is a need for further smaller homes in Elwick, Greatham and Hart. Furthermore in Greatham, despite there being a good supply of retirement homes to rent, there is a shortage of such houses to purchase.
- 8.18 Whilst average house prices in the rural area are higher than the urban area reflecting the type of home available in the villages, they remain reasonably affordable. The Neighbourhood Plan envisages that new market housing development should provide a mix of house types and sizes to maintain this balanced housing supply.
- 8.19 The 2012 SHMA also demonstrates that there is a net annual affordable housing requirement in the rural area of Hartlepool Borough for 27 dwellings, with 13 being for 1 or 2 bedroomed properties and 12 for 3 or more bedroomed properties. There was a need for 1 small property for older persons.

### **Housing Objectives:**

- 8.20 The Hartlepool Rural Neighbourhood Plan will:
1. support the development of a limited amount of new housing within settlements commensurate with the current and future needs of local communities;
  2. support the development of a mix of house types, sizes and tenures;
  3. in exceptional circumstances, support the development of new housing in the countryside;
  4. recognise the distinctive character of each village and encourage high-quality design to enhance the character and identity of the villages; and
  5. seek to ensure that any new developments on the edge of Hartlepool in the Plan area are developed in an appropriate form with strong peripheral landscaping to enhance the character of the rural area.

	Delivered by policy
Housing Objective 1	H1, GEN1
Housing Objective 2	H1, H2, H3
Housing Objective 3	GEN1, H4
Housing Objective 4	GEN2
Housing Objective 5	H5

**HOUSING POLICIES****POLICY H1 HOUSING DEVELOPMENT**

**At least 170 new dwellings will be developed in the plan area by 2029.  
Permission will be granted for new homes on the following sites:**

<b>Village</b>	<b>Site Name/ windfall</b>	<b>No allocated</b>	<b>Type and tenure</b>
<b>Dalton Piercy</b>	<b>Site to be determined</b>	<b>XX</b>	
<b>Elwick</b>	<b>North of North Farm/ Potters Farm (43 and 44)</b>	<b>25/30</b>	
<b>Greatham</b>	<b>Between Hill View and Saltaire Terrace (106)</b>	<b>12</b>	
<b>Greatham</b>	<b>Mellanby Lane</b>	<b>5</b>	
<b>Greatham</b>	<b>Garden rear of 15 High Street</b>	<b>6</b>	
<b>Greatham</b>	<b>Grove House Nursery</b>	<b>6</b>	
<b>Hart</b>	<b>Eastern part of Nine Acres (eastern part 3)</b>	<b>15/ 17</b>	
<b>Hart</b>	<b>Glebe Farm East (4)</b>	<b>15/ 17</b>	
<b>Newton Bewley</b>	<b>Infill only</b>	<b>Less than 5</b>	

(Note: site nos refer to SHLAA nos)

**New housing development should provide a mix of house types and tenures on sites of 5 or more dwellings in accordance with the latest evidence of housing need.**

**Justification**

- 8.21 The assessment of potential housing sites in the Plan area has made use of the Strategic Housing Land Availability Assessment undertaken for the Hartlepool Local Plan. The sites have been selected to provide a range of deliverable and developable sites in the main villages of the Plan area. In addition there may be other potential sites within the village envelopes that have not been identified. Their suitability will be considered through planning applications.
- 8.22 New housing development in all villages should provide a mixture of house types and sizes, in particular 2 bedroomed starter homes and 3 bedroomed homes suitable for young families to help to retain families in the villages to support village schools. There is evidence from consultation of demand for bungalows and smaller homes suitable for older people to downsize to, thus releasing larger family homes. In Greatham, whilst there is a good supply of rented retirement housing, there is a shortage of retirement housing to purchase. A Housing Needs Survey is being carried out to provide further evidence on the need for various types of homes in each village.
- 8.23 At February 2015, planning permission had been granted for development at the following sites:

Village	Site Name/ windfall	No with planning permission	Type and tenure
Dalton Piercy	Priory Farm Stackyard	2	
Elwick	North Farm	14	
Greatham	Station Road (behind school)	29	
Hart	Rear of Raby Arms	23	

- 8.24 New housing development should be designed to reflect and enhance the unique character of each village in accordance with the Design Principles set out in Policy GEN2. Affordable housing should be provided in accordance with Policy H2. Requirements for particular sites are as follows:

**8.25 Dalton Piercy:** Two and three bedroomed homes with provision for an equipped children's play area.

**8.26 Elwick:** The site to the north of Potters Farm to be integrated into the sites at North Farm with no further access being created across the village green. A mixture of house types and sizes should be provided including two bedroomed homes set around incidental open space. *(Further information to be added from Newcastle University Design Project)*

## 8.27 Greatham:

Between Hill View and Saltaire Terrace: xxxxxx

Mellanby Lane: xxxxxx

Rear of 15 High Street is a prominent site in the Conservation Area. It should be laid out to provide a frontage house designed to reflect the character of nearby properties together with a row of cottages with parking and access in the rear garden area. A replacement bus shelter will be required.

The Grove House Nursery site includes a locally listed country house which should be retained and restored. The remainder of the site is suitable for a low density development laid out and designed to reflect the character of the main house.

- 8.28 Hart:** The sites to the east of Glebe Farm and Nine Acres should provide a mixture of house types mainly two bedroomed houses and bungalows. The sites should be laid out around open space and should contribute towards the provision of the proposed community open space. It is envisaged that the site will be developed after the site to the rear of the Raby Arms is completed.

Evidence report

Hartlepool SHMA (2014), SHLAA (2014), Rural Plan Housing Needs Survey (2015).  
Consultation Statement. Emerging Local Plan strategy

## POLICY H2 AFFORDABLE HOUSING

1. **Affordable housing will be required in proposals for residential development that consist of a gross addition of five or more dwellings (or 0.4 hectares). These include residential new build, renewal of lapsed unimplemented planning permissions, changes of use and conversions.**
2. **The affordable housing need within the Borough equates to 27.5% of new housing development. Developers will be required to deliver affordable housing in a bid to contribute to the delivery of this target. The affordable provision and tenure and mix will be negotiated on a site-by-site basis, having regard to the economic viability of the development and the most up-to-date evidence of housing need, aspiration and the local housing market. The affordable homes provided must be of a tenure, size and type to help meet identified local housing needs and contribute to the creation of mixed, balanced and inclusive communities where people can live independently longer.**
3. **Market and affordable homes on sites should be indistinguishable and achieve the same high design quality.**
4. **It is expected that affordable housing will be delivered through on-site provision and where appropriate, be pepperpotted throughout the development. However in certain circumstances it will be acceptable for provision to be made off-site, preferably within the same village, where:**

- Applicants can provide sound, robust evidence why the affordable housing cannot be incorporated on-site; and/or
- Hartlepool Borough Council and the Parish Council is satisfied that off site provision will benefit the delivery of affordable housing in the Rural Plan area.

5. Units provided shall remain affordable for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

6. Other than in exceptional circumstances all affordable units will be delivered in partnership with a Registered Provider by means of a Legal Agreement, and appropriate provision to secure long term availability.

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

Justification

- 8.29 'Affordable housing' and 'Affordable homes' are considered to be as defined in the National Planning Policy Framework.
- 8.30 A community's need for an appropriate balance and mix of housing, including the provision of affordable housing, is recognised at national level as a material consideration in determining planning applications for housing development. Government policy seeks to create sustainable communities that offer a wide range of housing types and tenures and are socially inclusive.
- 8.31 Whilst there is a plentiful supply of lower value and affordable homes in the urban area of Hartlepool, the Neighbourhood Plan recognises that there continues to be a need for affordable homes in the villages particularly for young families wishing to stay in their village.

Update with 2014 SHMA March 2015

- 8.32 The Tees Valley Strategic Housing Market Assessment 2012 (Table 4.21a) shows that the Hartlepool Rural Area has a net annual affordable housing requirement of 27 dwellings between 2012/13 and 2016/17. The plan seeks to make provision for new housing development to include an element of affordable housing within the scheme. Evidence from recent planning applications has indicated that 15% on site affordable housing is achievable and does not render a scheme unviable.
- 8.33 A local housing survey needs survey is to be undertaken in spring 2015 to assess the level of need in the Neighbourhood Plan area for affordable and market housing of varying types and sizes.
- 8.34 The plan seeks to continue to ensure that a balanced housing stock is maintained in each village so that there is a good choice of housing available which meets the

needs of people at all stages of their lives from those setting up home for the first time, to growing families and those seeking homes to meet their needs in older age. It is recognised that there is a need to attract young and growing families to the villages to help support schools and community organisations. Also with improving longevity, housing that meets the needs of older people will be increasingly important so that they can maintain their independence. Consequently, a good range of housing that meets local needs is vital to the overall strategy.

- 8.35 In future, where evidence, such as local housing needs studies or housing market assessments, indicate a change in the housing need of the area, these thresholds and percentage requirements may be varied.
- 8.36 Affordable housing can support broader home ownership through initiatives such as housing designed specifically for first time buyers and can allow families to grow through fixed discount and shared ownership housing.
- 8.37 Affordable housing should normally be delivered without public subsidy and provided on site in order to meet the needs of residents of the local community. In exceptional circumstances where it can be justified, affordable housing will be accepted off-site; this must be on a site that is agreed as being in a suitable location relative to the housing need to be met, ideally within the same village or if this is not feasible then within another village in the neighbourhood plan area..
- 8.38 Where viability assessments are submitted to demonstrate that an alternative provision of affordable housing should be provided, they will be evaluated by Hartlepool Borough Council independently.
- 8.39 The Plan area is a designated rural area under section 157 of the Housing Act 1985. The National Planning Policy Guidance advises that on sites of between 6 and 10 dwellings, contributions in the form of a commuted sum should be sought for affordable housing. However, in view of the small number of housing sites in each village in the Neighbourhood Plan area, it is unlikely to be feasible to use commuted sums to deliver additional affordable housing in the Neighbourhood Plan area. On site provision is therefore the preferred method of delivery.

### **POLICY H3 RURAL EXCEPTIONS HOUSING FOR LOCAL NEEDS**

**Rural Exceptions affordable housing will be permitted as an exception to other policies concerning the countryside, to meet locally identified affordable housing need, subject to all of the following criteria being met:**

- 1. Sites should adjoin the village envelope;**
- 2. Proposals must be for small schemes of 10 dwellings or fewer. Any such developments must be appropriate in scale, design and character to the locality;**



- 3. A thorough site options appraisal must be submitted to demonstrate why the site is the most suitable one. Such an appraisal must demonstrate why the need cannot be met within the settlement;**
- 4. In all cases, proposals for rural exceptions housing schemes must be supported by an up-to-date Housing Needs Survey that identifies the need for such provision within the village or group of villages;**
- 5. Occupancy will be restricted, in perpetuity, to a person in housing need and resident or working in the relevant village, or who has other strong links with the relevant locality in line with the community connection criteria, both initially and on subsequent change of occupancy. This could include Self Build;**
- 6. The locality to which the occupancy criteria are to be applied is taken as the parish (or any adjoining rural parish), unless otherwise agreed with Hartlepool Borough Council and the relevant parish council;**
- 7. To ensure that a property is let or sold to a person who either lives locally or has strong local connections in the future, it is expected that a 'cascade' approach to the locality issue appropriate to the type of tenure will be adopted. Thus, first priority is to be given to those satisfying the occupancy criteria in relation to the village or adjoining village or group of rural villages.**

#### **Cross Subsidy**

- 8. Proposals must consist in their entirety of affordable housing that will be retained in perpetuity. In exceptional circumstances, proposals that intend to include an element of market housing, or plots for open market sale, may be acceptable, if they meet all of the above criteria, along with the criteria below:**
  - a. Such proposals will only be permitted where it can be demonstrated that the site would not be viable, as a rural exception site, without cross subsidy. The developer will be required to submit an open book viability assessment to be carried out by Hartlepool Borough Council. In such cases:**
    - i. The Council will not accept aspirational land value as justification for allowing a higher proportion of market value units;**
    - ii. The assessment must show that the scale of the market housing component is essential for the successful delivery of the rural exception affordable housing scheme and that it is based on reasonable land values as a rural exception site and must not include an element of profit;**
    - iii. The majority of the development must be for rural exception affordable housing; and**
    - iv. No additional subsidy is required for the scheme.**

## **Justification**

- 8.40 The National Planning Policy Framework states that in rural areas 'local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs'.
- 8.41 This policy allows for the granting of planning permission for small sites comprising affordable housing to meet local needs as an exception to normal policies. The policy sets out the criteria against which such proposals will be evaluated and under what circumstances schemes solely for affordable housing may be permitted.
- 8.42 It is recognised that there may be difficulties in securing an adequate supply of housing for local needs in rural areas. Where it can be demonstrated that a proposed development will meet a particular locally generated need that cannot be accommodated in any other way, affordable housing will be allowed as an exception to normal policy.
- 8.43 The delivery of rural exceptions sites can be difficult but they can play a vital role in maintaining sustainable communities and meeting the needs of people who live or work in the rural area. It is also recognises that Self Build could be a way of delivering affordable market housing in rural areas.
- 8.44 The provision of small scale market development in conjunction with affordable units will help cross subsidize the affordable housing and enable more development sites to come forward to meet local demand. Such schemes will, however, only be permitted where viability assessments or some other clear reason demonstrates that this is the only way that affordable housing to meet local needs can be delivered on the site.
- 8.45 Local connections are currently identified as those who:
- an applicant currently lives in the rural area and has done so for at least two years;
  - an applicant has previously lived in the rural area for a continuous period of 10 years;
  - an applicant has close family living in the rural area, who have done so for at least the last five years. Close family is defined as children, parents, brothers and sisters only;
  - an applicant has permanent employment in the rural area.

## **POLICY H4 HOUSING IN THE COUNTRYSIDE**

**Outside village envelopes, new housing will be permitted exceptionally**

- 1. where it is essential for a person employed in agriculture, forestry, or other use requiring a countryside location where it is essential for the worker to live permanently at or near the place of work; or**
- 2. it would re-use existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension; or**
- 3. for the replacement of an existing dwelling by a new dwelling not materially larger than the dwelling it replaces; or**
- 4. for new housing of an exceptional quality or innovative nature that reflects the highest standard of architecture, significantly enhances its setting and is sensitive to the landscape character and heritage assets of the area.**

**Proposals for new housing development and the reuse of existing buildings should pay particular attention to design and landscape character so to preserve and enhance the character and distinctiveness of the countryside.**

### **Justification**

- 8.46 The National Planning Policy Framework advises that new isolated homes in the countryside should be avoided unless there are special circumstances.
- 8.47 There are a number of underused rural buildings in the plan area; this policy would facilitate the conversion of those that are of a sufficient size to provide reasonable living accommodation with only minor extensions eg for a porch or garage. The buildings should be a permanent construction (eg built of brick or stone) and should be capable of conversion without requiring demolition and rebuilding.
- 8.48 Hartlepool Council is preparing a Supplementary Planning Document containing advice on the Development of New Dwellings in the Countryside.

## **POLICY H5 HOUSING DEVELOPMENT ON THE EDGE OF HARTLEPOOL**

**New housing development on the edge of Hartlepool should be designed to:**

- 1. create distinct new communities designed to create a sense of place around a central community hub containing a community centre, shops and other local services on a scale that meets the needs of the new community;**
- 2. incorporate a diverse housing mix with a variety of house types, sizes and tenures;**

3. provide an open and attractively landscaped development with the gross density of the development of about 25 dwellings per hectare (or less);
4. include a strong landscape buffer where the development adjoins the countryside to reduce the visual impact of the development and create a continuous habitat for wildlife linked into existing natural areas and wildlife habitats;
5. include landscaped open spaces, roads and footpaths, incorporating children's play areas, throughout the development linked to the peripheral landscape buffer to provide green routes through the housing areas that enhance the quality of the development and provide wildlife habitats;
6. link new footpath and cycleway routes through the development to routes in the countryside, and to schools, community facilities and the town centre;
7. retain existing farmsteads, trees and hedgerows within the development;
8. not compromise the Green Gaps between the urban area and villages;
9. address any significant impacts arising from an increase in traffic on the road network between Hartlepool and the A19 as a result of the new development. This includes improvements to the junctions from the villages to the A19, A179 and A689 as well measures to discourage traffic from the new development using minor roads through the villages in the plan area and traffic calming where necessary;
10. avoid areas at risk of flooding and incorporate sustainable drainage measures to manage rain water run-off from the development.

### Justification

- 8.49 Future residential expansion of Hartlepool is likely to be to the west and southwest of the town within the Rural Plan area. In view of the scale of this development, the Hartlepool Local Plan will determine the location of this growth area. Policy H5 sets out general principles that should be applied in the layout, design and landscaping of any new residential development on the edge of Hartlepool within the Neighbourhood Plan area. The aim of the policy is to promote the creation of new communities with their own shops, schools and other community facilities at their heart of a scale designed to serve the local community. The new local shopping centres should be designed so that they do not become out of town shopping centres.
- 8.50 The new communities should be designed at a density that will provide for a strong landscape setting on their periphery, in order to reduce their impact on the surrounding countryside, and within the development to create an attractive environment for new housing development. The new landscape buffer along with landscaped areas within the development also provides the opportunity to create new habitats and create a wildlife corridor that would link up existing natural areas as proposed under Policy NE1. These areas should also provide footpath and cycleway routes that link into routes into the countryside and to provide easy access to schools, shops and community hubs.

- 8.51 Existing farmsteads, trees and hedgerows should be retained where possible to retain the existing landscape features and links to the historic farm and field patterns of the area.
- 8.52 The choice of location for the new housing development should seek to retain the Green Gaps between the urban area and the nearby village to avoid coalescence and safeguard the identity of the villages. Areas at risk from flooding should also be avoided and sustainable drainage measures included in the design of the development to reduce and manage surface water run-off.
- 8.53 There are significant concerns about the impact of traffic from the urban extensions on the major and local roads in the plan area. The urban extensions should be served by direct road links to the major road network. Before any development is commenced, traffic calming and management measures should be implemented to limit traffic from the new development accessing minor roads serving the villages in the rural area.
- 8.54 Before any urban extensions to Hartlepool are commenced, adequate measures should be put in place to improve the road junctions from the villages to the major road network and to maintain highway safety on the local road network.

## **RURAL ECONOMY**

- 8.55 The Rural Plan aims to enhance the rural economy by encouraging diversification, and promoting agriculture, tourism, leisure and retail business. Employment opportunities should be enhanced and local entrepreneurs encouraged. For the success of the rural economy, improved telecommunications and internet connectivity and speed across the whole area is essential to facilitate communication so to enable businesses in the area to operate competitively and to enable people to work from home.

### **Rural Economy Objectives**

- 8.56 The Hartlepool Rural Neighbourhood Plan will:
  - 1. To enhance the rural area as a good place to work from for agricultural and other businesses and for people wishing to work from home, through the provision of high quality communications and ease of access to the regional road network.
  - 2. To encourage the re-use of redundant buildings for appropriate economic uses, particularly where the new economic use can help support the continued agricultural use of the farm holding or other local business to provide local employment.

3. To support sustainable development that will encourage visitors to the rural area, especially that which relates to the safeguarding and enhancement of the historic and natural environment.
- 8.57 To seek to retain shops, public houses and other businesses that serve the local community.

	Delivered by Policy
Rural Economy Objective 1	Policies EC1, EC4, T1
Rural Economy Objective 2	Policies EC1, EC2
Rural Economy Objective 3	Policies EC1, EC3, EC4, T2, T3, NE1, BE1
Rural Economy Objective 4	Policies EC2, EC4

## **POLICY EC1 DEVELOPMENT OF THE RURAL ECONOMY**

**The development of the rural economy will be supported through:**

- 1. the retention or expansion of existing agricultural and other businesses;**
- 2. the re-use or replacement of suitable buildings for employment generating uses in villages and the countryside;**
- 3. the provision of live-work units and small scale business units;**
- 4. through the construction of well designed new buildings in association with existing buildings to assist in the diversification of the agricultural holding to sustain its viability, or to assist in the expansion of an existing business;**
- 5. appropriate tourism related initiatives;**
- 6. recreation uses appropriate to a countryside location.**

**New specialist retail businesses, including farm shops, garden centres and similar outlets selling goods grown or manufactured in the locality, will be permitted where such developments would provide support for the rural economy, and could not reasonably be expected to locate within the village envelope or Hartlepool urban area by reason of the products sold, or their links to other uses on the site.**

**The development should be of a scale appropriate to its setting and enhance the local landscape character and nature conservation. It should not be detrimental to the amenity of nearby residential properties, sites of geological importance or result in significant impacts on the local highway network or infrastructure.**

**Improvements to technology and communications infrastructure will be supported to facilitate the development of businesses in the area.**

## **Justification**

- 8.58 A wide range of businesses can operate successfully from a rural location. The plan area is well located close to Hartlepool, Middlesbrough and Stockton with the A19 providing good transport links to the region. The development of the economy of the plan area will enhance the vibrancy and vitality of the villages and help support the diversification of agriculture. A careful balance will need to be achieved in supporting proposals that assist the economic sustainability of local communities, whilst addressing any potential environmental consequences. There is a clear link between the economic stability of rural areas, and the likely success in achieving a well-managed countryside.
- 8.59 The plan seeks to support small scale enterprises that can be accommodated primarily through the conversion of existing buildings within villages or on farmsteads. Well designed and landscaped small scale new buildings may be acceptable where needed to accommodate new uses that would help to support the agricultural business or the expansion of an existing business located in the rural area.
- 8.60 Care will be needed to ensure that new business development does not impact on residential amenity or result in unacceptable levels of increased traffic on the rural roads in the plan area.
- 8.61 It will be particularly important to encourage environmentally sensitive schemes which capitalise on the tourism and recreational potential of the rural area. Improvements to cycleways, bridleways and footpaths are supported through Policy T3 to help improve the accessibility and attractiveness of the rural area to cyclists, horse riders and walkers.
- 8.62 The establishment of new small retail uses outside of villages may be acceptable where the shop primarily sells goods grown or manufactured on the premises or nearby. Small shops and cafes serving visitors to tourism and leisure uses may also be acceptable with a preference to locations in villages.
- 8.63 It is anticipated that the trend for more businesses being based from the home will continue. A small scale office development or the construction of live-work units may help to meet these needs. The attractiveness of the area for small businesses depends on good quality communications and internet connectivity. It is vital that these continue to be improved as technology changes; currently improving broadband coverage in the area is critical.

## **POLICY EC2 RETENTION OF SHOPS, PUBLIC HOUSES AND COMMUNITY FACILITIES**

**The change of use or redevelopment of a village shop, public house or community building will only be permitted where:**

- 1. at least one other similar facility exists within the village; and**
- 2. it can be demonstrated by the applicant that all reasonable efforts have been made to sell or let (without restrictive covenant) the property as a business or community facility, and that it is not economically viable; and**
- 3. there is no evidence of significant support from the community for the retention of the business or community facility.**

**Preference will be given to the premises remaining in some form of community or employment use; as long as there are no significant impacts on the rural road network, residential amenity, environment, heritage assets and their settings or the conservation area.**

### **Justification**

- 8.64 The loss of shops, public houses and other facilities in rural settlements is a national trend. The number of basic facilities in rural areas such as the shop, post office or public house has been in decline for a number of years. There is a real challenge to maintain the viability of these businesses in rural communities, however, there are many examples of how they can be profitable when run independently with imagination. There is a growing awareness of the valuable contribution that these facilities offer in their communities; acting as they do as a focus for village activities and country life.
- 8.65 Increasing pressure to find sites for new housing in villages is resulting in the loss of public houses and community halls. If our communities are to thrive, it is vital that the facilities are retained to serve the local community and provide the focus for community activity.
- 8.66 It is proposed to register village shops, public houses and community buildings as assets of community value, where appropriate.

### **POLICY EC3 FORMER RHM SITE TO THE SOUTH OF GREATHAM STATION**

**The redevelopment of the former RHM site at Greatham will be supported for community and leisure uses to include:**

- 1. A park and ride facility linked to the reopening of Greatham Station;**
- 2. A visitor centre with associated car parking and improved footpaths links, to inform visitors about the importance of the local environmental habitats, the historic and archaeological importance of Greatham Creek and renewable energy;**
- 3. A solar energy installation.**



**The visitor centre should be of an innovative design with high sustainability credentials. A comprehensive scheme of landscaping and environmental enhancement should form part of any proposal. An archaeological assessment of the site should be carried out prior to any development taking place.**

**Development proposals should not result in an increase of traffic movements above that of the former industrial use of the site.**

**Appropriate mitigation measures to address any effects identified arising from the development on the local habitats will be required prior to any development proceeding.**

### **Justification**

- 8.67 The site of the former RHM factory has been cleared and now provides a redevelopment opportunity. In view of its proximity to heavy industry the site is not suitable for housing development.
- 8.68 Proposals have been included in the Tees Valley Metro Project for the re-opening of Greatham Station. It is proposed that the northern part of the site adjacent to the rail line would be suitable for a park and ride facility which should include cycle parking.
- 8.69 The site lies to the north of the Greatham Creek which is part of the internationally important Tees Estuary. The RSPB promote the area from its visitor centre at Saltholme. Part of the RHM site has been incorporated into the nature reserve and it is proposed that a northern entrance and visitor centre should be established on part of the former RHM site to facilitate access to the Greatham Creek area to provide information to visitors. This could be linked to information about the Romano – British settlement at Greatham which has been revealed in recent excavations. An archaeological assessment of the RHM site will be required to ascertain the significance of the site.
- 8.70 It is considered that the site also has potential for the development of a solar farm in conjunction with the other uses proposed. Such a use has the potential to generate income to support the visitor centre. It would also help support the improvement of the environment of the site and the local area.
- 8.71 All traffic to the site has to pass through Greatham village. The future use of the site will have to be carefully managed to ensure that the level of traffic generated does not exceed that of the former industrial use of the site.
- 8.72 In view of the proximity of the site to the environmentally important area around Greatham Creek, an environmental assessment of any development proposals should be carried out and any mitigation measures considered necessary agreed with Natural England.

**POLICY EC4 SERVICE STATIONS AND TRAVEL RELATED DEVELOPMENT**

**Land at the service stations on the A19 shall be safeguarded for the following uses to serve the travelling public:**

**Petrol filling stations with an ancillary shop, premises for the sale of hot and cold food and drinks; vehicle recovery; parking for cars and heavy goods vehicles.**

**Proposals for new or improved facilities within the safeguarded sites or within an extension of the safeguarded areas shall not give rise to an intensification of use of the access roads unless improvements are made with the approval of the Highways Agency. Improvements to the environment and landscaping of these areas shall be included in any proposals.**

**Justification**

- 8.73 The service stations on the north and south bound carriageways of the A19 near Elwick provide valuable facilities for travelling members of the public and local residents. The plan seeks to safeguard these services for the current range of uses stated. In view of the traffic conditions on the A19 in this area, care will be needed in considering proposals for any new or improved facilities at the service stations to avoid them resulting in an increased hazard to road users.
- 8.74 Any extension of the safeguarded areas will need to be carefully justified to outweigh the loss of countryside. Improvements to the landscaping of the service stations will be encouraged. Signage should be kept to a minimum.

**TRANSPORT AND MOVEMENT**

- 8.75 The Rural Plan area is crossed by three main A roads which provide links from Hartlepool to Middlesbrough and Stockton to the south and Newcastle, Sunderland and Durham to the north. These routes are vital for the economy of Hartlepool and the rural area. The A19 trunk road enables communication north and south of the town; the A689 and A179 provide for east/west movement to and from Hartlepool through the rural area to the A19. There are also minor roads serving the villages in the Plan area which have links to the A roads. There are currently no stations in the Plan area and recently public transport provision has been drastically reduced due to Local Authority spending cuts.
- 8.76 To encourage the development of the rural area, transport links must be strong. Access to services must be a priority to enable communities to flourish. The development of rights of way, bridleways and cycleways will be supported as essential components of the rural environment that encourage communication

between villages and promote healthy lifestyles for residents and visitors. The Rural Plan has been prepared in collaboration with the Highway Authority and identifies highway and off road improvements that are considered important to the local community and which will deliver the objectives of the plan. The Rural Plan will link in with the Local Transport Plan and the Local Infrastructure Plan.

### **Transport Objectives**

8.77 The Hartlepool Rural Neighbourhood Plan will:

1. To maintain and upgrade the A road links to improve accessibility and accommodate the projected increase in traffic movements to and from the urban area.
2. To encourage traffic management measures to ensure the safety and wellbeing of those that live, work and visit the rural area.
3. To facilitate improvements to public transport and other means of transport suitable for non-car users.
4. To enhance the public rights of way network and encourage the development of new routes to improve linkages and accessibility between the villages and Hartlepool and the countryside.

	Delivered by Policy
Transport Objective 1	Policy T1
Transport Objective 2	Policies T1, H5
Transport Objective 3	Policy T2
Transport Objective 4	Policies T3, H5

### **POLICY T1 IMPROVEMENTS TO THE HIGHWAY NETWORK**

**Support will be given to the Highway Authority in securing the following highway improvements:**

1. **improvement of the A179/A19 junction;**
2. **the dualling of the A179;**
3. **improved junctions to the A179, A689 and A19 junction from Dalton Piercy, Elwick, Greatham, and Hart;**
4. **alleviating the impact of the increase in traffic on the A179 and A689 arising from new development in Hartlepool on Greatham, Hart and Newton Bewley;**

**5. measures to discourage traffic from any new development on the edge of Hartlepool using minor roads through the villages in the plan area, including traffic calming, where necessary.**

**Justification**

- 8.78 The villages in the plan area all gain their access directly from the A19, A179 or A689. Traffic volumes on these main routes are increasing and there are concerns about the safety of the junctions and difficulties in gaining access onto the main roads at peak times. Proposals to improve safety of the main roads and the junctions will be encouraged.
- 8.79 Improvements to the A179 / A19 junction are proposed for 2014 – 2015. These will include part signalisation and junction improvements.
- 8.80 The safety of the A19 is kept under review by the Highways Agency. Concerns have been raised about the safety of road users when crossing the central reservation, especially at peak times. The Highways Agency is considering closing the central reservation and constructing a grade separated junction at Elwick within the next 10 years or so. No improvements to the junction to Dalton Piercy are currently programmed.
- 8.81 There are significant concerns about the impact of traffic from any new development on the edge of Hartlepool on the major and local roads in the plan area. A traffic impact assessment should be carried out on any proposals for the urban expansion of Hartlepool. Where the proposal would provide access onto and result in the increase of traffic on the A179, contributions to the improvement to the western junction from the A179 to Hart village will be sought by the Highways Authority. Proposals to fully dual the A179 from Hartlepool to the A19 will be supported.
- 8.82 Improvements to the Greatham/ Dalton Back Lane junction onto the A689 were proposed to serve the proposed south west extension to Hartlepool; this included a roundabout at the junction with the A689. This roundabout will improve access to Greatham village and will be supported.
- 8.83 Before any urban extensions to Hartlepool are commenced, adequate measures should be put in place to provide direct links from the development to the major road network and to discourage traffic from any urban extensions using minor roads through the villages and rural area in general with traffic calming, where necessary. Every effort should be made to avoid severing the links between farms and nearby villages.

## **POLICY T2 IMPROVEMENTS TO PUBLIC TRANSPORT**

**The reopening of Greatham railway station will be supported provided that:**

- 1. It would not result in an increase in road traffic accessing the station that would be detrimental to road safety or the quality of life in Greatham village; and**
- 2. The station is served by a new car park and bus service to provide a park and ride service together with new cycle and pedestrian routes to employment sites at Queens Meadow, Graythorp and Seal Sands, Hartlepool.**

**The re-opening of Hart Station together with a park and ride facility will be supported.**

### **Justification**

- 8.84 Proposals have been included in the Tees Valley Metro Project for the re-opening of Greatham Station (also known as Queens Meadow). The scheme is supported provided that this is linked with the provision of a new car park and cycle and footpath routes to employment areas at Queens Meadow, Graythorp and Seal Sands. The location of the car park has not yet been determined and a proposal is included in Policy EC3 that it should be located on the former RHM site to the south of Greatham Station. Care will be needed to avoid increased traffic movements impacting on residential amenity and highway safety in the village. Traffic levels based on those at the time the former industrial site to the south of Greatham Station was in operation will be used in any assessment of traffic impact.
- 8.85 Hart Station lies just outside the plan area on the Hartlepool to Newcastle rail line. The reopening of this halt and the provision of a park and ride scheme is supported as it would improve access to rail services from villages in the northern part of the plan area.
- 8.86 Bus services to the northern part of the Plan area are limited and there are particular difficulties about accessing hospitals at North Tees at Stockton and James Cook in Middlesbrough. The bus services to the villages of Dalton Piercy and Elwick were cut in 2011 and a locally subsidised service has been running since then. The Parish Councils are currently considering the possible options to provide the most cost effective means of meeting the transport needs of local residents who do not have access to a car.

## **POLICY T3 IMPROVEMENT AND EXTENSION OF THE PUBLIC AND PERMISSIVE RIGHTS OF WAY NETWORK**

**Improvement and extension of the public and permissive network of bridlepaths, cycleways and footpaths will be supported.**

**The following new and improved routes are prioritised:**

- 1. New bridges over the A19 near Elwick and over the A689 near Greatham suitable for pedestrians, cyclists and equestrians;**
- 2. A new traffic light controlled safe crossing point on the A689 at Newton Bewley;**
- 3. Cycleways and footpaths from Brierton, Dalton Piercy and Elwick to Hartlepool;**
- 4. Cycleways and footpaths linking Brierton, Dalton Piercy, Elwick, Greatham, Hart and Newton Bewley and providing direct and circular routes between the villages and the countryside;**
- 5. A cycleway and footpath from Greatham to the Tees Road at Greatham Creek, to link into routes to RSPB Saltholme, Seal Sands, Middlesbrough via the Transporter Bridge and Graythorpe;**
- 6. A network of bridleways throughout the rural area.**

**Improvements to the footways in the villages, including improved maintenance, will be sought to provide accessibility for people with mobility limitations and people with young children, to local shops and community facilities.**

**The provision of new and improved signage, seating and bins will be encouraged.**

### **Justification**

- 8.87 The creation of well maintained long distance and circular off road routes is an established means of attracting visitors and tourists to an area wishing to cycle, walk or ride horses. The area has the potential to develop routes linking the Tees Valley to the Durham coast and countryside with the spin off of increased business opportunities for accommodation and refreshment providers. A network of bridleway routes is being developed to support equine businesses in the area.
- 8.88 The provision of safe off-road routes provides improved opportunities for people to walk or cycle to work and improved access to the countryside and local wildlife sites. Walking, cycling and horse riding will help in the promotion of healthy lifestyles.
- 8.89 Consultation has demonstrated that there is concern about the lack of cycleway routes through the plan area, with only Greatham connected to the National Cycle Route. Poor signage and maintenance of existing routes were also highlighted.

Improved pedestrian and cycleway routes to create a network linking the villages and surrounding countryside were proposed as well as routes from Elwick and Dalton Piercy to the urban area of Hartlepool.

- 8.90 Improvements to the footways in villages were also highlighted with the need for dropped kerbs and better maintenance to enable people with mobility limitations and with young children to better access local services.
- 8.91 The proposals have been discussed with Hartlepool Borough Council's Highways Officer and Rights of Way Officer. The policy identifies the key routes that are to be sought. These are shown in detail on the Proposals Map which shows the routes that are proposed as upgradeable and those that are aspirational.

## **COMMUNITY**

- 8.92 The Rural Plan sets out to preserve and improve the assets of the communities, believing that all villages should have a local centre with a nucleus of facilities to serve local people and visitors.

### **Community Objectives**

- 8.93 The Hartlepool Rural Neighbourhood Plan will:
1. To safeguard and improve the existing schools, shops, public houses, community halls, play areas, sports and recreation areas, allotments and open spaces
  2. To ensure that new housing development in the rural area contribute to the improvement of community facilities and open spaces to meet the needs of future residents

	Delivered by Policy
Community Objective 1	Policies C1, EC2
Community Objective 2	Policies C1, H1, H5, INF1

## **POLICY C1 SAFEGUARDING AND IMPROVEMENT OF PLAY AREAS, SPORTS AND RECREATION FACILITIES AND ALLOTMENTS**

**Community buildings and open spaces used for play areas, sports, recreation and allotments will be safeguarded unless they are proven to be surplus to requirements or unless improved alternative provision, of similar or better quality, is to be made.**

**The sites shown on the Proposals Map will be designated as Local Green Space.**

**Improvements to provide better leisure, community, sport and recreation facilities will be supported where the proposed facilities are of a type and scale appropriate to the size of the settlement. Priority schemes are:**

- 1. Improvements to Dalton Piercy Village Hall**
- 2. A new equipped children's play area at Dalton Piercy**
- 3. New car park to serve Elwick Church**
- 4. Improvements to Greatham Community Centre.**
- 5. Improvements to Greatham Sports Field**
- 6. A new multipurpose community open space with equipped play area, sports pitch, wildlife area, dog walking area and allotments at Hart.**

**Contributions will be sought from new housing development within the village towards the improvement of leisure, community and recreation facilities and open spaces serving the village either through developing new facilities on site or contributions towards the improvement of existing facilities in the vicinity.**

### **Justification**

- 8.94 The villages have a number of village and community halls as well as primary schools that provide essential places for the community to meet together and share activities which help build community spirit and contribute to physical and mental well-being. Hart village hall and Elwick WI hall have been improved and updated whilst those at Dalton Piercy and Greatham are in need of modernisation.
- 8.95 There is a limited number of children's play areas, playing fields, allotments and incidental open spaces in the villages. These are important for children's development and fitness, growing fresh food and contribute to the openness and attractiveness of the villages. It is proposed that they should be designated as Local Green Space. In Hart village, the only open space is the school playing field which is accessible outside school hours. A proposal for a new multi-purpose open space is proposed in response to feedback from consultation. Further work is needed to determine a suitable site. Residents in Dalton Piercy have highlighted the need for an equipped children's play area.
- 8.96 Every effort will be made to retain existing community buildings and open spaces. Contributions from housing developments will be sought towards the improvement of community buildings and open spaces within the local village. Other contributions eg community benefits from renewable energy schemes and through grant aid will also be sought as appropriate to fund the projects proposed .
- 8.97 It is proposed to register community buildings as assets of community value, where appropriate.



**NATURAL ENVIRONMENT**

- 8.98 The Rural Plan area is blessed with a diverse environment which needs to be managed with care so as to protect it for future generations.

**Natural Environment Objectives**

- 8.99 The Hartlepool Rural Neighbourhood Plan will:
1. To protect and enhance the network of habitats that are important for biodiversity and geology including designated sites of international, national and local importance and priority habitats.
  2. To support the enhancement of the biodiversity potential of the rural area as a whole, its woodlands and wildlife corridors.
  3. To safeguard and enhance the landscape character of the rural area through the planting of trees and restoration of hedgerows.
  4. To support small-scale renewable energy schemes.

	Delivered by Policy
Natural Environment Objective 1	Policy NE1
Natural Environment Objective 2	Policies NE1, H5, T3, C1
Natural Environment Objective 3	Policies NE1, H5
Natural Environment Objective 4	Policies N2, EC3.

**POLICY NE1 - NATURAL ENVIRONMENT**

1. **Nature conservation sites of international and national importance, Local Wildlife Sites, Local Geological Sites and Local Nature Reserves will be protected, managed and actively enhanced. Designated sites are identified on the Proposals Map.**
  - a. **Development that would affect internationally and nationally important sites will not be permitted unless it meets the relevant legal requirements.**
  - b. **Development which would affect a locally designated site will not be permitted unless the reasons for the development clearly outweigh the harm to the conservation interest of the site. Where development on a locally designated site is approved, compensatory measures will be required to maintain and enhance conservation interests. Compensatory**

**measures may include biodiversity offsetting where on-site compensation is not possible.**

- 2. Enhancement of wildlife corridors, river and stream corridors, other habitats and potential sites identified by the local biodiversity partnership will be encouraged to create and develop an integrated network of natural habitats which includes wildlife compensatory habitats.**
- 3. Where possible, new development should conserve, create and enhance habitats to meet the objectives of the Tees Valley Biodiversity Action Plan.**
- 4. Existing woodland of amenity and nature conservation value and in particular ancient semi natural woodland and veteran trees will be protected. The planting of woodland and trees, and the restoration of hedgerows, using appropriate species, will be encouraged, particularly in conjunction with new development, to enhance the landscape character of the plan area. New tree and hedgerow planting should:**
  - a. Aim to reduce the impact of any new buildings or structures in the landscape setting. In the area that forms the urban fringe of Hartlepool, areas of woodland and tree belts at least 10 metres wide designed to promote biodiversity and include public access routes should be planted along the western edge of any areas to be developed, prior to any development commencing;**
  - b. Provide screening around any non-agricultural uses;**
  - c. Use a mix of indigenous species appropriate to the landscape character area;**
  - d. Ensure that trees are planted at distances from buildings that provide sufficient space for the future growth of the tree to maturity.**

### **Justification**

- 8.100** The Hartlepool Rural Plan area contains a wide range of sites that are of importance for nature conservation. There are two nationally important sites, Hart Bog SSSI, in Hart Parish, to the north west of Hart Village, and part of Cowpen Marsh SSSI along the Greatham Creek, between the A178 and the railway line. The latter is also part of the Teesmouth & Cleveland Coast Special Protection Area and Ramsar site, both designations indicating that it is of international importance.
- 8.101** The Rural Plan area also has 25 Local Wildlife Sites (LWS) and three Local Geological Sites. These are non-statutory sites of Tees Valley importance that meet agreed criteria for their nature conservation and/or geological interest. These sites are shown on the Proposals Map.
- 8.102** In addition there are several sites in the Rural Plan area that do not meet current criteria for designation as Local Wildlife Sites but which are nevertheless considered

to be important for nature conservation, for example most of the mature woodlands. The Tees Valley Biodiversity Action Plan (TVBAP) identifies priority habitats and species for the Local Nature Partnership across the Tees Valley to take actions to further their conservation.

- 8.103 Although there are a large number of Local Wildlife Sites, they are in many cases small and isolated which makes them vulnerable to external factors including climate change. This can result in species being unable to move between sites and increases the chances that species could be lost from individual sites and that biodiversity could continue to decline. Therefore taking opportunities to create areas of habitat that expand existing Local Wildlife Sites or which could form links between them, is essential in enhancing the nature conservation value of the rural area. Priority should be given with any compensatory measures required as part of development proposals to creating or enhancing sites within the plan area.
- 8.104 The landscape character of countryside of the plan area is split between the Durham Magnesian Limestone Plateau to the north and the Tees Lowlands to the south. The Durham Magnesian Limestone Plateau has a gently undulating landscape with a relatively open character. The Tees Lowlands comprise broad low-lying and gently undulating farmland. The Tees Forest area covers much of the open landscape of the Plan area. A Landscape Character Assessment has been prepared by Hartlepool Borough Council which sets out a detailed analysis of the landscape of the area, and provides a sound and reliable tool that can assist in the process of well-informed decision making regarding new development or the enhancing the natural environment.
- 8.105 There are only small areas of woodland in the plan area and it is therefore a very valuable feature in the landscape. Locally, the wooded sides of the streams through the villages are very important features that enhance the setting of the village. A variety of local organisations (such as the Woodland Trust and Tees Valley Wildlife Trust) support tree planting and habitat improvement in the Plan area.
- 8.106 Wildlife corridors may be enhanced by safeguarding, linking and improving the environment and habitats along river and stream corridors, roadside verges, rights of way, sports and recreation areas and hedgerows.
- 8.107 The majority of the landscape of the plan area is undulating farmland. This contains few areas of woodland or hedgerow trees. In many areas hedgerows have been removed. Large scale farm buildings often intrude into the landscape. On the edge of the urban area, views from the countryside are disturbed by industrial uses, pylons and housing estates. New woodland and belts of trees should be established in the urban fringe areas in advance of any development to provide adequate screening and routes for walking. They should be designed to promote biodiversity by creating a wildlife corridor and be accessible to local residents.
- 8.108 When selecting trees for planting in the vicinity of buildings, a suitable indigenous species should be selected with sufficient space for it to grow to maturity without impacting on the amenity of occupiers of the building.

**Evidence:** Landscape Character Assessment, Natural England's Designated Sites

## **POLICY NE2 - RENEWABLE AND LOW CARBON ENERGY**

- 1. The development of renewable and low carbon energy schemes, together with any ancillary buildings and infrastructure, will be supported and considered in the context of the wider environmental, economic and social benefits arising from the scheme whilst considering any adverse impacts, individually and cumulatively upon:**
  - a. The surrounding landscape including natural, built, historic (including archaeological) and cultural assets and townscape; including buildings, features, habitats and species of national and local importance;**
  - b. Residential amenity including visual intrusion, air, dust, noise, odour, traffic generation, recreation and access; and**
  - c. The operation of air traffic operations, radar and air navigational installations.**
- 2. Appropriate mitigation measures to address any effects identified and considered will be required prior to any development proceeding.**
- 3. Given the nature of some forms of renewable and low carbon energy schemes and their supporting infrastructure and ancillary buildings, it will be necessary and appropriate in certain instances to secure removal of the scheme and its supporting infrastructure and ancillary buildings and restore the land to an appropriate use once a scheme is ready for decommissioning, through the imposition of planning conditions.**

### **Justification**

- 8.109 The UK Government has made a commitment to increasing the percentage of energy generated from renewable and low carbon resources. *The Renewable Energy Directive 2009*, states that 'by 2020, 15 per cent of energy should be generated from renewable resources'.
- 8.110 Renewable energy involves capturing energy flows that occur naturally and repeatedly and include energy from wind, the fall or flow of water, the movement of the oceans, heat and light from the sun and also biomass. These sources of energy provide clean energy and reduce CO<sub>2</sub> emissions that are associated with generating electricity from coal, gas and oil.
- 8.111 The generation of renewable and low carbon energy will help meet the Government targets and reduce climate change. The northern half of the plan area was identified in the North East Regional Spatial Strategy as a Wind Resource Area where a combination of wind speeds and a relative absence of significant constraints make wind energy development potentially deliverable. The *North East Assembly Wind Farm Development and Landscape Capacity Study: East Durham Limestone and Tees Plain Report (2009)* gives more detailed assessment of the landscape capacity

and other constraints in the Plan area on the basis of smaller zones. This concludes that there may be limited potential for additional wind turbine development in the Plan area but that the cumulative impacts of further development may be unacceptably high. It recommends that any further proposals should include detailed assessments as part of the Environmental Impact Statement submitted with the planning application.

- 8.112 Care is needed in the choice of location of turbines. Turbines may alone, or in combination, be intrusive in the landscape, be visually prominent, a source of noise, shadow flicker, electromagnetic interference, have significant impacts on the ecology of the area and adversely affect neighbouring residents and wildlife.
- 8.113 Within the plan area there are three wind turbines located at High Volts in Hart and Elwick parishes. Permission has been granted for five more turbines at Red Gap in Elwick parish. There are other proposals under consideration for two solar farms and additional turbines at High Volts and Claxton. Cumulatively, these projects will make a significant contribution to meeting the renewable energy target of Hartlepool Borough. In order to ensure that the development of wind turbines does not adversely impact on the landscape character of the Rural Plan area, and taking account of the cumulative impact of turbines developed and permitted, any additional turbines should be located so as to form part of the developed and approved clusters at High Volts and Red Gap.
- 8.114 There are various other sources of renewable and low carbon energy that are suitable for use in the plan area. It is anticipated that the following technologies will be the most viable and feasible:
- Solar thermal and photovoltaics on buildings.
  - Ground mounted solar schemes.
  - Biomass boilers serving individual or groups of buildings.
  - Farm scale anaerobic digestion.
  - Air and ground source heat pumps.
- 8.115 Proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Proposals should include details of measures to mitigate any adverse effects on the amenities of occupiers of nearby properties during the construction, operational lifespan and decommissioning of the equipment/infrastructure. Ground mounted solar schemes can be large scale and care will be needed in the selection of suitable sites to ensure that they are well screened within the local topography, or hedges and trees so that they are not visually intrusive when viewed from villages and the highway network.
- 8.116 Some applications may need to be accompanied by an ‘environmental statement’ which will include an indication of the likely significant effect of the development on human beings, flora, fauna, soil, water, air, climate, landscape, material assets and cultural and historical heritage. Applications for wind turbine installations will need to include details of associated infrastructure such as new access roads so that the proposal can be fully assessed.

- 8.117 Community benefits from new wind turbines, ground mounted solar schemes and other large scale renewable energy development will be used for community infrastructure as set out in Policy INF1. Benefits should not be restricted to revenue streams only.

## **BUILT ENVIRONMENT**

- 8.118 The Rural Area has five distinct villages as well as farmsteads and small clusters of homes and businesses in the countryside. Each village has its own character reflecting its historic development. The rural area contains a number of heritage assets, listed buildings, locally important buildings, scheduled monuments and other archaeological sites and two Conservation Areas at Elwick and Greatham. This heritage is of economic and cultural value to both the rural area and the wider community. This plan aims to protect and enhance the heritage assets, the distinctive character of each village and the scattered built development in the countryside. It is crucial that new development respects this character and sits harmoniously with the existing built form.

### **Built Environment Objectives**

- 8.119 The Hartlepool Rural Neighbourhood Plan will:
1. Ensure the distinctive character of each village is safeguarded and enhanced with any new development taking account of guidance in the respective village design statement.
  2. The heritage assets should be safeguarded and preserved, including listed buildings and locally important buildings, scheduled monuments and archaeological sites.
  3. Opportunities for enhancement and improved management as identified in the conservation area appraisals and management plans will be sought.

	Delivered by Policy
Built Environment Objective 1	Policies GEN2, H1
Built Environment Objective 2	Policies BE1, EC3
Built Environment Objective 3	Policy BE1

## **POLICY BE1 – ENHANCEMENT OF HERITAGE ASSETS**

**Proposals to safeguard, conserve and / or enhance the area's heritage assets will be supported. The following projects have been identified:**

- 1. Review of the Article 4 direction in Elwick Conservation Area and encouragement to use more appropriately designed windows, doors, boundary features and other domestic features.**
- 2. Enhancement to the environment of Elwick Village Green by resurfacing of access lanes with, for example, resin bonded gravel to give a more informal appearance.**
- 3. Extension of the Article 4 Direction in Greatham Conservation Area and encouragement to use more appropriately designed windows, doors, boundary features and other domestic features.**
- 4. Environmental enhancement at Greatham of the areas around The Green, the area to the front of the Hospital of God, High Street and the area around Vicarage Row including landscaping works, sandstone paving, other resurfacing works and lighting.**
- 5. Enhancement of the environment in the area around Hart church and the medieval walls.**
- 6. Protection of the ridge and furrow landscape.**
- 7. Interpretation boards at scheduled monuments and other key sites.**
- 8. Reduction in traffic signs and poles.**

### **Justification**

- 8.120 The projects listed have been drawn up from the Conservation Area Appraisals and responses from consultation. Consultation on the draft plan may result in further suggestions. The list of projects is not prioritised.
- 8.121 Our heritage assets are very important in the Rural Plan area and help to create the distinctive character of the villages and countryside. There are two conservation areas at Elwick and Greatham. Conservation Area Appraisals have been published for both areas.
- 8.122 There are 28 entries in English Heritage's listed buildings schedule, with several including a number of separate properties and structures, listed as being of architectural or historic interest. These include the Grade I St Mary Magdelane Church at Hart and nearby medieval walls; the chapel, almshouses and other properties of the Hospital of God at Greatham, as well as other churches, windmills, farmhouses and cottages in other villages. In addition there are a number of buildings on the Local List of Heritage Importance compiled by Hartlepool Borough Council.
- 8.123 There are currently five Scheduled Monuments which are protected under the Ancient Monuments and Archaeological Areas Act 1979. These are:
- Claxton Medieval Moated Site.
  - Hart Manor House Walls.
  - Hart Fishponds.
  - High Burntoft Medieval Farmstead and Open Field System (Elwick parish)
  - Elwick Fishponds.
- 8.124 Research has indicated that there are a number of areas showing the remains of ridge and furrow particularly around Hart and Elwick.

- 8.125 Recent excavation has revealed a Romano – British settlement at Greatham. There are other areas of archaeological interest within the villages of Elwick, Hart, Dalton Piercy, Greatham and Newton Bewley. This list is not exhaustive and other sites of archaeological interest may come to light over time. Before any development takes place on the former RHM site to the south of Greatham, archaeological assessment of the site should be carried out to ascertain whether the Romano British settlement extends into the area. Tees Archaeology should be consulted for further information.
- 8.126 The development of proposals to secure funding for the projects listed aimed at safeguarding and enhancing the character of the area and its heritage assets will be supported. The Parish Councils/ Meeting will continue to work with Hartlepool Council, English Heritage and other heritage organisations to ensure the safeguarding and enhancement of heritage assets in the plan area.

## **INFRASTRUCTURE**

- 8.127 This section brings together the community infrastructure that has been identified in other policies of the Neighbourhood Plan. The list of projects included in the policy is not exhaustive. Other projects may be proposed as a result of consultation on the draft Neighbourhood Plan or may emerge in the future.

### **POLICY INF1: CONTRIBUTIONS TOWARDS MEETING COMMUNITY INFRASTRUCTURE PRIORITIES**

**Developer contributions together with other community benefits and grant funding will be used to fund new and improved community infrastructure in the plan area, including, but not limited to:**

- 1. Dalton Piercy: Village Hall improvements**
- 2. Dalton Piercy: new equipped play area**
- 3. Elwick: new car park to serve the church**
- 4. Greatham: Community Centre improvements**
- 5. Greatham: sports field improvements**
- 6. Greatham: new visitor centre at the former RHM site set out in Policy RE3**
- 7. Hart: new multi-purpose community open space with equipped play area, sports pitch, wildlife area, dog walking area and allotments**
- 8. New and improved bridleways, cycleway and footpaths set out in Policy T3**
- 9. Environmental enhancement as set out in Policy NE1**
- 10. Heritage assets enhancement as set out in Policy BE1**
- 11. Surface water flooding alleviation measures**

**Developer contributions will be determined on a site by site basis in accordance with Hartlepool Borough Council's Supplementary Planning Document on Planning Obligations**



### **Justification**

- 8.128 Contributions from developers for the provision of additional works deemed to be required as a result of the development will be determined in accordance with Hartlepool Local Plan policy and Supplementary Planning Document on Planning Obligations. Other potential funding sources include community benefits from renewable energy development, Landfill Communities Fund, Heritage Lottery Fund, and a number of environmental funds.
- 8.129 Consultations have helped to identify the improvements needed to community infrastructure in each village. Other improvements to bridleways, cycleways and footpaths are set out in Policy T3; environmental enhancement are set out in Policy NE1 and heritage assets enhancement are set out in Policy BE1
- 8.130 Contributions from developers will be used to fund projects that will meet the deficit resulting from the development usually in the village/ parish nearest to the development proposal. Community benefits from renewable energy projects may be used in more than one parish depending on the location and impact of the project. Community benefits should not be limited to revenue only. The selection of the project(s) to be funded will be made by the relevant parish council in consultation with the local community.

### **MONITORING AND IMPLEMENTATION**

- 8.131 The Hartlepool Local Plan contains a comprehensive set of monitoring indicators to measure the progress of development in the Borough. To evaluate progress with the implementation of the Neighbourhood Plan, the following indicators will be monitored for the Rural Plan area:
- No of dwellings developed per annum
  - No of affordable homes developed
  - The size, type and tenure of new homes
  - An assessment of the design and layout of new development in villages
  - The layout and design of new development on the edge of Hartlepool urban area
  - New business premises developed
  - Business premises lost to non-business uses
  - Proposals for the Former RHM Site at Greatham
  - Proposals for development at the A19 Service Stations
  - Progress with highway improvements
  - Proposals for the reopening of Greatham and Hart Stations
  - Proposals for alternative provision for bus/ community transport
  - Improvements to the rights of way network
  - Improvements to community buildings and open space
  - Projects to enhance the local environment
  - Renewable and low energy schemes approved and developed
  - Progress with projects to enhance of heritage assets

- Surface water management projects

**APPENDIX 1: GLOSSARY OF TERMS**

Affordable Housing	<p>Affordable housing: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.</p> <p>A full definition is available on page 50 of the National Planning Policy Framework.</p>
Amenity	A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquillity.
Amenity Green-space	Open land, often landscaped, that makes a positive contribution to the appearance of an area or improves the quality of the lives of people living or working within the locality. It often provides opportunities for activities such as sports, and can serve other purposes such as reducing the noise from a busy road or providing shelter from prevailing winds.
Archaeological Assessment / Evaluation	An assessment of the potential archaeological interest of a site or building. This can be either a desk-based assessment or a field assessment, involving ground survey and small-scale pits or trial trenching carried out by professionally qualified archaeologist(s) looking for historical remains.
Article 4 Direction	Direction removing some or all permitted development rights, for example within a conservation area or curtilage of a listed building. Article 4 directions are issued by local planning authorities.
Biodiversity	The whole variety of life encompassing all genetics, species and ecosystem variations, including plants and animals.
Biodiversity Action Plan (BAP)	A strategy prepared for a local area aimed at conserving and enhancing biological diversity.
Brownfield Land and Sites	Previously developed land which is or was occupied by a permanent structure, including the curtilage of the developed land and any

	associated fixed surface infrastructure. Also see 'Previously-Developed Land'.
Buffer Zone	An area of land separating certain types of development from adjoining sensitive land uses.
Character	A term relating to Conservation Areas or Listed Buildings, but also to the appearance of any rural or urban location in terms of its landscape or the layout of streets and open spaces, often giving places their own distinct identity.
Coalescence	The merging or coming together of separate towns or villages to form a single entity.
Commitments (or committed development)	All land with current planning permission or allocated in adopted development plans for development (particularly residential development).
Community Benefits	Benefits made by developers of major renewable energy projects to local communities.
Conservation (for heritage policy)	The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.
Conservation Area	Local authorities have the power to designate as conservation areas, any area of special architectural or historic interest. This means the planning authority has extra powers to control works and demolition of buildings to protect or improve the character or appearance of the area. Conservation Area Consent has been replaced by planning permission for relevant demolition in a conservation area.
Conservation Area Character Appraisal	A published document defining the special architectural or historic interest that warranted the area being designated.
Conversions	Generally means the physical work necessary to change the use of a building from a particular use, classified in the use classes order, to another use. Can also mean the sub-division of residential properties into self-contained flats or maisonettes.
Developer Contributions	Contributions made by a developer through a legal agreement (usually a S106 agreement) that ensure that certain extra works related to a development are undertaken

European site	This includes candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas, and is defined in regulation 8 of the Conservation of Habitats and Species Regulations 2010.
Green corridor / wildlife corridor	Green corridors can link housing areas to the national cycle network, town centres, places of employment and community facilities. They help to promote environmentally sustainable forms of transport such as walking and cycling within urban areas and can also act as vital linkages for wildlife dispersal between wetlands and the countryside.
Green Gaps	Green gaps comprise the open areas between settlements, which maintain the distinction between the countryside and built up areas, prevent the coalescence (merging) of adjacent villages with the main urban area.
Greenfield Land or Site	Land (or a defined site) usually farmland, that has not previously been developed.
Habitat	An area of nature conservation interest.
Heritage Asset	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).
Inclusive design	Designing the built environment, including buildings and their surrounding spaces, to ensure that they can be accessed and used by everyone.
Infill development	The development of a relatively small gap between existing buildings.
Community Infrastructure	Infrastructure covers the basic services necessary for development to take place, for example, roads, electricity, sewerage, water, education and health facilities. Community infrastructure relates to community buildings and open space that serve the education, health and social needs of the community
International, national and locally designated sites of importance	All international sites (Special Areas of Conservation, Special Protection Areas, and Ramsar sites), national sites (Sites of Special Scientific Interest) and locally designated sites including Local

for biodiversity	Wildlife Sites.
Landscaper Character	The distinct and recognisable pattern of elements that occur consistently in a particular type of landscape. It reflects particular combinations of geology, landform, soils, vegetation, land use and human settlement.
Listed Building	A building of special architectural or historic interest. Listed buildings are graded I, II* or II with grade I being the highest. Listing includes the interior as well as the exterior of the building, and any buildings or permanent structures (e.g. wells within its curtilage).
Local Centre	A small group of shops and perhaps limited service outlets of a local nature (for example, a suburban housing estate) serving a small catchment.
Local Green Space	Designated open space where public access may or may not be formally established, but which fulfils or can fulfil a recreational or non-recreational role (for example, amenity, ecological, educational, social or cultural usages).
Locally Listed Building	Locally important building valued for contribution to local scene or for local historical situations but not meriting listed building status.
Local Need Housing	Housing requirements generated by the indigenous population rather than by in-migration.
Open Space	All open space of public value, including not just land, but also areas of water (such as rivers) which offer important opportunities for sport and recreation and can act as a visual amenity.
Previously Developed Land or 'Brownfield' land	Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Protected Species	Plants and animal species afforded protection under certain Acts and Regulations.
Public Right of Way	A public right of way is a highway over which the public have a right of access along the route.
Registered Social Landlord (RSL)	Organisations that provide affordable housing. Most Housing Associations are RSLs. They own or manage affordable homes, both social rented and intermediate.
Renewable and Low Carbon Energy	Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).
Rural Diversification	The expansion, enlargement or variation of the range of products or fields of operation of a rural business (branching out from traditional farming activities, for example new income generating enterprise like renewable energy, tourism and food processing).
Rural Exception Site	Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.
Section 106 Agreement	A legal agreement under section 106 of the 1990 Town & Country Planning Act. Section 106 agreements are legal agreements between a planning authority and a developer, or undertakings offered unilaterally by a developer, that ensure that certain extra works related to a development are undertaken.
Sites and Monuments Record	List, description, and assessment of all known ancient monuments and sites of archaeological interest in an area including a map of each site.
Strategic Environmental Assessment	A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal

(SEA)	environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.
Supplementary Planning Documents (SPD)	Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.
Village Envelopes	A boundary around a village, usually quite tightly drawn, within which development might be allowed in principle.
Windfall Site	Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.
Wind farm	A group of wind turbines located in areas exposed to wind. A wind farm may vary in terms of the number and size of turbines.
Wind Resource Area	An area of search (or an area of least constraint) where wind turbines may be built subject to planning permission.



## **APPENDIX 2: LIST OF EVIDENCE BASE DOCUMENTS**

The Hartlepool Rural Neighbourhood Plan has made use of relevant evidence prepared for the emerging Hartlepool Local Plan. In particular:

### Local Evidence Base Documents

- Tees Valley Strategic Housing Market Assessment 2012 / 2014
- Hartlepool Strategic Housing Land Availability Assessment 2014
- Hartlepool Affordable Housing Economic Viability Assessment 2009
- Future Housing Provision in the Borough for the Next 15 Years 2012
- Hartlepool Strategic Flood Risk Assessment Level 2 2010
- PPG17 Open Space Assessment 2008
- Hartlepool Landscape Assessment 2000
- Designated Protected Sites (Natural England)
- Renewable Energy Technical Paper 2010
- North East Assembly Wind Farm Development and Landscape Capacity Study: East Durham Limestone and Tees Plain Report (2009)
- Listed Buildings (English Heritage)
- Scheduled Monuments (English Heritage)
- Locally Listed Buildings in Hartlepool 2012
- Hartlepool Local Infrastructure Plan 2012
- Hartlepool Local Transport Plan
- Hartlepool Surface Water Management Plan

### Local evidence has been collated from

- 1991, 2001, and 2011 Census data
- Village Assessments undertaken by Colin Haylock, CABI
- Neighbourhood Plan Residents Survey 2012
- Neighbourhood Plan Local Housing Needs Survey 2015
- Elwick Conservation Area Visual Assessment 2010
- Greatham Conservation Area Visual Assessment 2010
- Greatham Village Design Statement
- The Heritage of Hart Project, Tees Archaeology, 2009

### National and Regional Guidance

- National Planning Policy Framework
- Planning Policy Guidance
- DfT Circular 02/2013 Department for Transport, The Strategic Road Network and the Delivery of Sustainable Development 10 September 2013
- “North East Assembly Wind Farm Development and Landscape Capacity Study: East Durham Limestone and Tees Plain Report” (2009)

- “Delivering community benefits from wind energy development: A Toolkit” A report for the Renewables Advisory Board July 2009

### **APPENDIX 3 LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST (November 2013)**

Note: The following list is for guidance only. As it is revised periodically those seeking confirmation of the listed status of a particular property are advised to contact Hartlepool Borough Council's Conservation Officer.

#### **DALTON PIERCY**

##### Grade II

- College Farmhouse & cottage
- Manor Farmhouse & cottage & outhouse
- Priory Farmhouse & cottage
- Rose Cottage & outhouse

#### **ELWICK**

##### Grade II\*

- St Peter's Church

##### Grade II

- Benknowle Lane, Elwick Windmill
- Church Bank, Elwick Hall & flats
- 29 The Green,
- The Forge
- Wilton Cottage

#### **GREATHAM**

##### Grade II\*

- West Row, St John the Baptist Church

##### Grade II

- 2, 4, 6, 10, & 12 Front Street
- 16 & 18 Front Street
- Front Street, Dormer Parkhurst Almshouses
- Front Street, Greatham Hospital of God, Almshouses
- Front Street, Greatham Hospital of God, Chapel
- Front Street, Barn
- 5 High Street
- High Street, Briarmead & stable & wall
- High Street, St Francis Cottage & coach house & wall
- High Street, Prospect Farm storage building (now Prospect Cottage)

#### **HART**

Grade I

- Butts Lane, St Mary Magdalene Church

Grade II\*

- Butts Lane, Medieval wall

Grade II

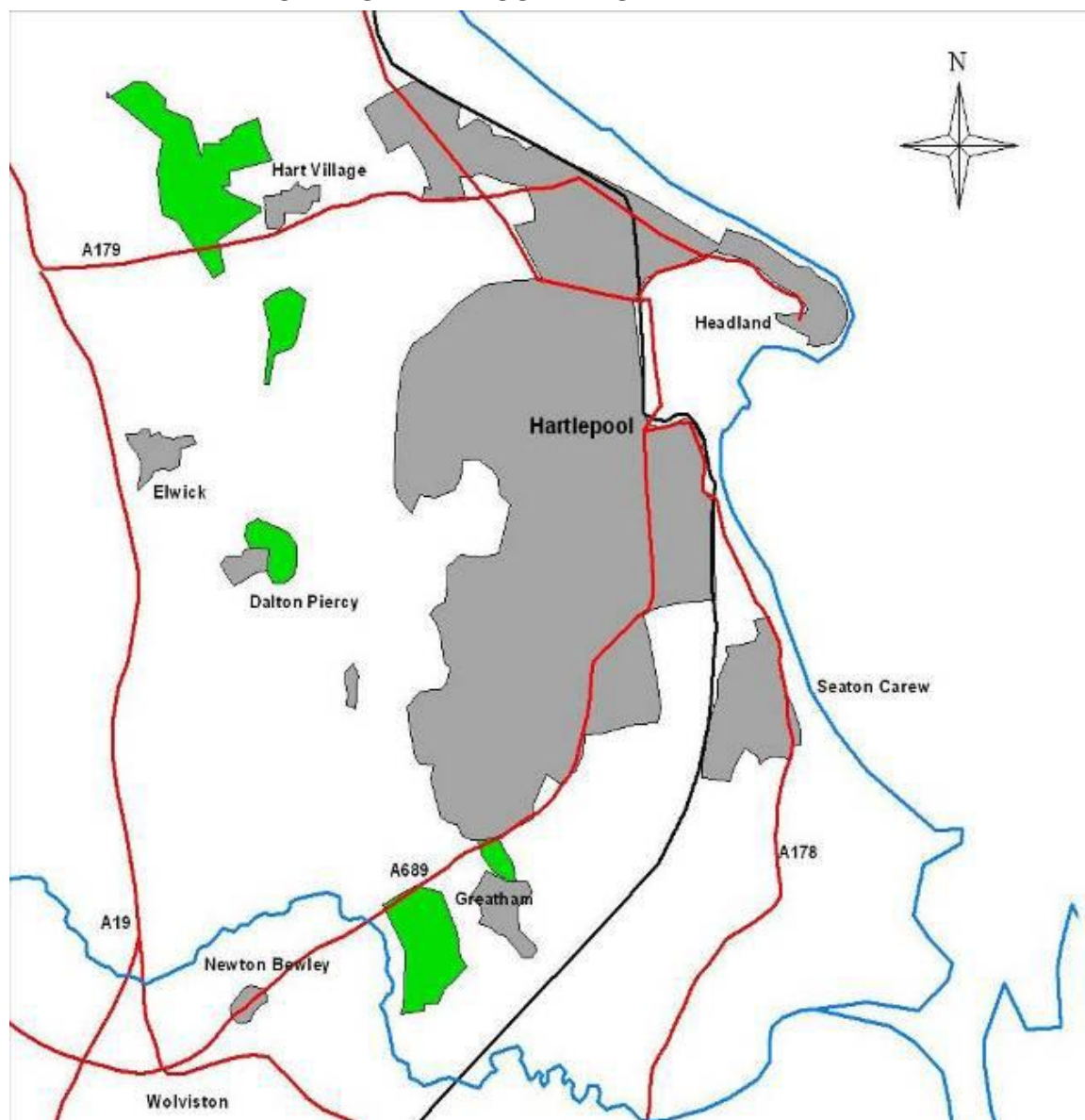
- Butts Lane, Brus Wall
- 5, Front Street
- Off Front Street, Voltigeur Cottage
- Front Street, Home Farmhouse & cottage
- Old School Lane, Hart Windmill

**NEWTON BEWLEY**

Grade II

- Mill House

APPENDIX 4: PLAN OF BEST AND MOST VERSATILE LAND



Map Legend	
<span style="display:inline-block; width:20px; height:10px; background-color: #00FF00; border: 1px solid black;"></span>	Best and Most Versatile Agricultural Land
<span style="display:inline-block; width:20px; height:10px; background-color: #808080; border: 1px solid black;"></span>	Urban Area and Villages

## PLANNING COMMITTEE

25 March 2015



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

**Subject:** APPEAL AT LAND AT QUARRY FARM ELWICK ROAD HARTLEPOOL TS26 0LH  
APP/H0724/A/14/2225471 OUTLINE APPLICATION FOR THE CONSTRUCTION OF 81 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT FOR THE ACCESS (H/2014/0215)

### 1. PURPOSE OF REPORT

- 1.1 To notify members of an appeal decision.
- 1.2 The appeal relates to the refusal of the Local Planning Authority of an outline planning application for the erection of 81 dwellings at Quarry Farm, Elwick Road Hartlepool with all matters reserved except access.
- 1.3 The application was refused by the planning committee, against officer recommendation, for reasons relating to highway safety and crime, fear of crime, and antisocial behaviour.
- 1.4 The appeal was determined through the Inquiry procedure. The Inquiry took place on 22<sup>nd</sup> & 23<sup>rd</sup> January 2015.
- 1.5 The appeal was allowed. The Inspector concluded that the proposal would not unduly harm highway safety nor harm the living conditions of neighbouring occupiers, with particular reference to antisocial behaviour, crime and fear of crime. A copy of the decision is **attached**.
- 1.6 The appellant did not pursue a claim of costs against the Council.

### 2. RECOMMENDATION

- 2.1 That members note the decision.

**3. CONTACT OFFICER**

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## Appeal Decision

Inquiry held on 22 and 23 January 2015

Site visit made on 23 January 2015

**by Karen L Baker DipTP MA DipMP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 February 2015

**Appeal Ref: APP/H0724/A/14/2225471**

**Land at Quarry Farm, Elwick Road, Hartlepool TS26 0LH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Villiers Street Agricultural Limited against the decision of Hartlepool Borough Council.
- The application Ref. H/2014/0215, dated 12 May 2014, was refused by notice dated 9 September 2014.
- The development proposed is the construction of 81 dwellings.

### Procedural Matters

1. The planning application was made in outline with all matters reserved for subsequent approval, with the exception of access.
2. At the Inquiry the appellants submitted a Section 106 Agreement<sup>1</sup>. This document contains obligations relating to a number of matters including the provision and maintenance of public open spaces and play areas, the maintenance of any highways landscaping, and the provision of, and compliance with, a Conservation and Habitat Management Plan, along with financial contributions towards built sports facilities, education, green infrastructure, highways, affordable housing and ecological enhancement. I have had regard to this Section 106 Agreement during my consideration of this appeal.

### Decision

3. The appeal is allowed and outline planning permission is granted for the construction of 81 dwellings on land at Quarry Farm, Elwick Road, Hartlepool TS26 0LH in accordance with the terms of the application, Ref. H/2014/0215, dated 12 May 2014, and the plans submitted with it, subject to the conditions in Appendix 1.

### Planning Policy

4. The development plan for the area is the Hartlepool Local Plan<sup>2</sup>, adopted in April 2006. Policy GEP1 sets out a number of matters to be taken into account when determining planning applications. These include the effect on highway

<sup>1</sup> Document 7

<sup>2</sup> The Local Plan policies to which I refer in this Decision have been saved by a Direction, under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004, of the Secretary of State for Communities and Local Government, dated 18 December 2008.



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safety, the adequacy of the infrastructure including roads, and the amenities of occupiers of adjoining or nearby properties. Policy Tra15 says that proposals to form new access points or the intensification of existing accesses to the A19, amongst other roads, will not be approved with some exceptions. It goes on to say that the Highways Agency will be consulted on proposals which would be likely to generate a material increase in traffic on the A19 Trunk Road.

5. Paragraph 49 of the National Planning Policy Framework (The Framework) says that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to say that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. The Council and the appellants agree that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. Furthermore, the main parties agree that the appeal site is located outside the development limits, but that policies, including Local Plan Policy Rur1, which seek to restrict additional housing provision based upon the extent of the 'urban fence' are out of date and only limited weight can be given to them. As such, they concur that the proposed development must be viewed in the context of paragraph 49.
6. Paragraph 14 of The Framework says that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For the latter this means 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 The Framework taken as a whole.
7. The appellants and the Council concur that all 3 dimensions to sustainable development would be met in this case and as such the proposal is one to which the presumption in favour of sustainable development should be applied. Nevertheless, the Council considers that in this case the harm to highway safety and the living conditions of neighbouring occupiers would significantly and demonstrably outweigh the benefits, when assessed against the policies in The Framework taken as a whole.

### **Main Issues**

8. The main issues in this appeal are the effect of the proposed development on:
  - a) highway safety; and,
  - b) the living conditions of neighbouring occupiers, with particular reference to anti-social behaviour, crime and the fear of crime.

### **Reasons**

#### **Highway Safety**

9. The appeal site is located within open countryside to the north of Elwick Road, immediately to the west of the built up area of Hartlepool. The proposed development would include the construction of 81 dwellings, with a single vehicular access to the site from Elwick Road. The A19 is located around 3.5km to the west of the appeal site. The Council and local residents are concerned about the impact of the proposed development on highway safety at

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the Elwick Road/Coal Lane junction with the A19, in particular from right turning vehicles. This is the southern most of 2 junctions with the A19 at Elwick. The other is located to the north at the junction of North Lane with the A19.

10. The North Lane junction with the A19 is a 3 arm junction, whereas the Elwick Road/Coal Lane junction with the A19 is a staggered 4 arm crossroads. The A19 is a dual carriageway road, with a 70mph speed restriction in force along that part of the highway within which the 2 junctions at Elwick are present. As such, vehicles wishing to turn right out of Elwick Road onto the A19 have to cross 2 lanes of traffic heading south, before negotiating the central refuge/crossover area and then joining the 2 lanes of traffic heading north. Furthermore, vehicles heading north along the A19 who wish to turn right into Elwick Road have to enter a slip lane from the outside lane of the dual carriageway, before negotiating the central refuge/crossover area and then crossing 2 lanes of traffic heading south.
11. A Transport Assessment<sup>3</sup> was prepared by the appellants following detailed discussions with the Council, as Highway Authority, and the Highways Agency, relating to its scope. The Transport Assessment was prepared in accordance with the scope agreed and it was further agreed with the Highways Agency, who are responsible for the strategic road network, which includes the A19, that there was no requirement for a detailed assessment of the impact of the development proposals upon the A19 to be included within it.
12. The Transport Assessment was submitted with the planning application and following scrutiny of it, neither the Highway Authority nor the Highways Agency raised any objection to the methodology or technical parameters adopted in it. Although both the Highway Authority and the Highways Agency expressed some concerns about the intensification of the use of the junctions at Elwick, they confirmed that they offered no objection to the planning application and the Highways Agency made no formal direction.
13. The Highways Statement of Common Ground confirms that the trip rates, along with the resultant traffic generation associated with the proposed 81 dwellings, used in the assessment of the development proposals, were agreed with the Highway Authority and the Highways Agency during the pre-application scoping discussions. The trip distribution and assignment associated with the development proposals were also agreed at that time. The agreed trip generation and distribution assumptions result in 13 and 17 two way trips on Elwick Road to the west of the site, towards the A19, during the AM and PM peaks respectively. This traffic could use either of the 2 junctions at Elwick. However, I acknowledge that, while both junctions permit all turning movements, traffic travelling to the A19 from Elwick Road is signed towards the A19/North Lane junction within Elwick village. Furthermore, traffic heading to Elwick from the A19 south is also signed via the North Lane junction. The Elwick Road junction is signed for 'Local Traffic' only from the A19 south.
14. I note the Traffic Survey<sup>4</sup> undertaken by the appellants at both the North Lane and Elwick Road/Coal Lane junctions, which indicates that the total flows at each junction in the AM peak hour are 5,441 and 5,609 vehicles respectively. In the PM peak this falls to 5,164 and 5,321 vehicles respectively. The survey

<sup>3</sup> Core Document CD17

<sup>4</sup> Appendix IT6 to Mrs Eggleston's Proof of Evidence

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results show that traffic flows turning to and from the south are higher at the Elwick Road junction, while traffic turning towards Elwick from the north has a preference to use the North Lane junction. The survey also shows that very little existing traffic turns right, to the north, onto the A19 from either of the junctions. Indeed, during the AM peak the survey indicates that no vehicles turn right from the Elwick Road junction and 4 turn right from North Lane. During the PM peak this rises to 4 vehicles turning right from Elwick Road and 9 turning right from North Lane onto the A19.

15. I acknowledge that an alternative route exists for traffic wishing to head north on the A19 from the appeal site via Cairnston Road, to the east of the appeal site, and the A179. Given the quality and journey time of this route, I concur with the appellants' view that traffic travelling from the proposed development to the A19 north would primarily use this route. I note that the total number of vehicles predicted to travel towards the A19 from the appeal site is fewer than 5 vehicles during the peak hours, with lower numbers at other times of the day. Given this, along with the likely preference of vehicles to use the route to the A19 via the A179, I consider that the number of vehicles that would be likely to choose to turn right at either of the 2 junctions at Elwick would be very small and, as such, would not result in a material change in the operation of these junctions.
16. In terms of the level of traffic assumed to use the 2 junctions at Elwick, even if all 13 vehicles in the AM peak and all 17 vehicles in the PM peak used only one of the junctions, this would represent a 0.2% increase in traffic at each junction in the AM peak and a 0.3% increase in traffic at each junction in the PM peak. However, in reality this traffic would be split between the 2 junctions, with vehicles travelling to and from the A19 north more likely to use the North Lane junction and consequently, vehicles travelling to and from the A19 south, more likely to use the Elwick Road junction. As such, the percentage increase would be reduced. In any event, it is agreed in the Highways Statement of Common Ground that, although the A19 junctions with North Lane and Elwick Road/Coal Lane were not assessed within the Transport Assessment, on the basis that the proposed development would generate between 13 and 17 vehicles across the 2 junctions onto the A19 at Elwick in the peak hours, the existing junctions would have sufficient capacity to accommodate the development traffic.
17. The Council and local residents have referred to the Highway Agency's A19 DBFO (Dishforth to Tyne Tunnel) Route Safety Action Plan 2013. This document indicates that the 2 junctions at Elwick are located in Section 18 (A689 Southbound Wolviston exit to A179 Sheraton). Within Section 18 is Cluster Site 3, which is located in and around the Elwick Road/Coal Lane junction with the A19. Cluster sites have been identified in the Action Plan by 6 personal injury collisions recorded within a radius of 50m in the 3 year period 01/01/2010 to 31/12/2012 inclusive. However, although only 4 accidents occurred in total at Cluster Site 3 in this period, it was included because there was a fatality within the cluster.
18. I note that the Highways Agency has a target to reduce the rate of killed or seriously injured accidents on the strategic road network by 40% by 2020 compared to the 2005-2009 average. Within the Action Plan consideration is given to the performance of the A19 route and the progress towards the 2020 target. This notes that, in terms of the number of killed or seriously injured

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accidents, the A19 is out performing the current year's target. Furthermore, it also says that the route is out performing the current year's target in terms of the collision rate per 100 million vehicle kilometres and confirms that in terms of killed or seriously injured casualties the rate is already well below the level set in the Government's target. I also acknowledge that the Action Plan identifies that the section of the A19 between the A689 Wolviston and A181 Wingate, which includes the 2 Elwick junctions, as being 'green' which indicates accidents and casualties per kilometre which are more than 15% better than the national average.

19. During the period January 2009 to August 2014 the appellants have identified a total of 6 accidents at the A19 junction with Elwick Road/Coal Lane. This, they say, equates to just over 1 accident per annum over the 5 year period assessed. Of these 6 accidents, one was fatal, one serious and the remaining 4 were slight in severity. The accident records indicate that 2 accidents involved vehicles travelling ahead on the mainline, with drivers either changing lanes or losing control of their vehicles, 2 accidents involved right turn movements from the A19 towards Elwick; and the remaining 2 accidents involved right turn movements out of the side roads (Elwick Road and Coal Lane). The Council's assessment of collision data covers an 11 year period between 2004 and 2013 inclusive, during which time there have been 13 recorded accidents. Of these, 7 involved vehicles turning right into Elwick Road (one fatal and 6 slight in severity); 2 involved vehicles turning right out of Elwick Road (one fatal and one slight); and 4 other injury collisions in the vicinity of the junction (2 serious and 2 slight).
20. Both the Council and the appellants have assessed the potential for change in the number of accidents at the A19 junction with Elwick Road/Coal Lane. The Council has undertaken its assessment by having regard to the Institution of Highways and Transportation (IHT) Road Safety Audit<sup>5</sup>, which includes a risk assessment matrix for road safety risk. This, the Council says, would give an existing risk assessment score for the junction of 20 – Very High. Furthermore, given that there are currently 877 right turn movements from the northbound A19 into Elwick Road each day, with an additional 65 right turn movements proposed as a result of the development during a 24 hour period, the Council states that there would therefore be an increase in collision risk for right turn movements at this junction of 7.5%, which is equivalent to one additional injury collision every 13 years.
21. The appellants, on the other hand, have carried out their assessment by comparing the existing accident records at the 2 Elwick junctions with the A19 against accident rates for similar junctions using the accident rate formula set out in Chapter 3: The Valuation of Accidents, which forms part of Part 2: The Valuation of Costs and Benefits in COBA in the Design Manual for Roads and Bridges Volume 13. These assessments take into account the number of accidents at (or within 20m) of each junction and the existing and/or future traffic flows at the junctions. The appellants' assessments show that the actual number of accidents that has occurred at each of the Elwick junctions with the A19 is lower than would be expected at these types of junction, using the national accident rate forecasts. However, the proportion of actual killed and seriously injured accidents is higher than the total forecast proportion at this type of junction. I note the appellants' statement though, that, when dealing

<sup>5</sup> Document 6

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with a small number of accidents, as is the case here, there is clearly the potential for the severity split to be affected by the occurrence of an additional one or 2 killed and seriously injured accidents.

22. The appellants' assessment includes the full level of development traffic at both junctions in order to ensure a robust analysis and is based on an assessment year of 2024 (10 years after the submission of the planning application), which they say is usual for assessments on the strategic road network. The assessment includes background traffic growth and traffic associated with the Upper Warren committed development, to ensure that the analysis is consistent with the methodology adopted for the Transport Assessment. The assessment shows that the development traffic would not result in a change in the forecast number of accidents at the North Lane junction with the A19. However, at the A19 junction with Elwick Road/Coal Lane, the assessment indicates that there would be a potential increase of one additional accident every 10 years as a result of the additional development traffic. The appellants have also checked their accident calculations using the Department for Transport's new COBA – Light Touch (COBALT) software, which gave the same accident rate forecasts for the 2 junctions.
23. Government guidance in paragraph 32 of The Framework says that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 009 in the 'Transport evidence bases in plan making' section of the national Planning Practice Guidance (PPG) says that critical locations on the road network with poor accident records should be identified. It goes on to say that accident records should be compared with accident rates on similar local roads and recommends that where the strategic road network is involved, appropriate national statistics are also used as a comparison. In this case, all of the technical issues, including trip generation, distribution and assignment, junction turning movements and accident records are all agreed between the main parties. Furthermore, both parties agree that there would be some increase in accidents at the junction of Elwick Road/Coal Lane with the A19. However, the Council agreed at the Inquiry that all new development would give rise to the potential for some accidents to occur. In my view, what is important is whether or not this increased risk would be harmful. The evidence presented by the Council and the appellants indicates that the potential for the increase in accidents at the disputed junction would be one in 13 years or one in 10 years respectively.
24. I acknowledge the concerns of the Council and local people relating to the impact of the proposed development on the junction of Elwick Road/Coal Lane with the A19 and the accidents that have occurred in the vicinity of this junction. However, I note that the actual number of accidents at this junction has been lower than would be expected at this type of junction using the national accident rate forecasts and that the potential increase in the number of accidents as a result of the proposed development could also be lower/less frequent. Nevertheless, even if the proposal resulted in the worse case scenario presented by the appellants of one additional accident every 10 years, I do not consider that such a small increase would be material and certainly would not represent a severe impact in the context of The Framework.



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25. I conclude, therefore, that the proposal would not unduly harm highway safety. As such, it would not be contrary to Local Plan Policies GE1 and Tra15 and would accord with the guidance in The Framework, in this respect.

#### Living Conditions

26. The appeal site is located to the west of a modern residential estate, known as Naisberry Park, beyond a public footpath which runs northwards from Elwick Road, to the south. This footpath is sited adjacent to the rear boundaries of dwellings within Naisberry Park, and links into footpaths which lead into this estate at various intervals. The footpath is bounded on its eastern side by walls or fences along much of its length, with a wooded area or open farmland to the west. The boundary treatment along the western edge of Naisberry Park inhibits any natural surveillance of the footpath and wooded area from the neighbouring dwellings.
27. Many local residents have expressed concerns about the crime and anti-social behaviour incidents which have been experienced in and around the existing footpath network to the west of Naisberry Park. These include stone throwing, graffiti and fire damage. Indeed, the Council has identified 7 incidents of anti-social behaviour which were brought to the attention of Cleveland Police between 1 April 2012 and 31 July 2014 within the Anti-Social Behaviour Research Boundary identified for the purposes of assessing the proposed development. This Research Boundary includes the appeal site, part of Naisberry Park, along with the footpath between them, and the wooded area to the north of the appeal site. The Council and local residents are concerned that the proposed development would lead to an increase in anti-social behaviour, crime and the fear of crime in the local area.
28. The appellants stated that incidents identified by the Council accounted for only 1% of the total number of such reports in the Rural West Ward, within which the appeal site is located. Furthermore, when assessed against the Borough as a whole, the number of reported incidents in this locality amounted to 0.049% of all crime in Hartlepool between November 2013 and October 2014. Although I acknowledge the particular concerns of local residents in this area, it is apparent that this location has one of the lowest numbers of such incidents in the Borough.
29. Government guidance in The Framework says at paragraphs 58 and 69 that decisions should aim to ensure that developments create and achieve places which promote, amongst other things, safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. It was apparent from my site visit that, although some evidence of graffiti and fire damage exists, the Naisberry Park estate is a well maintained and attractive place in which to live. The footpaths in and around the estate are well used by dog walkers and local residents during the day. Furthermore, the area appears to have a strong community cohesion, evidenced by the existence of an active Residents' Association, members of which represented the local community at the Inquiry.
30. I acknowledge the concerns of local residents that incidents of anti-social behaviour have been under-reported, but I have seen no evidence to suggest that this would not be consistent with other areas within Hartlepool Borough. I also note the appellants' comments that, given the outline nature of the application, the detailed design submitted as part of any reserved matters

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application could properly address the issues of anti-social behaviour in the local area.

31. The proposed development would include a pedestrian link to the existing public right of way to the east. This was in response to a request made by the Council's Countryside Access Officer, who also sought the upgrading and formalising of the currently informal permissive footpath route through the trees to the north east of the appeal site. The Countryside Access Officer considers that the creation of formal pathways in an area where previously there has been anti-social behaviour would have a very positive effect on the behaviour of people using it and the land linked to it. Furthermore, I note that the Police Architectural Liaison Officer had no objection to the proposed development subject to being able to consider fully the detailed design of the scheme at reserved matters stage and that Secured by Design measures be adopted.
32. Although of great concern to local residents, the proportion of reported crime and anti-social behaviour within the vicinity of the appeal site is extremely low in the context of both the Rural West Ward and Hartlepool as a whole. Given this, along with the benefits to the local area which could be secured through natural surveillance from the appropriate design of the proposed dwellings and the proposed upgrade and formalisation of the footpath through the woods, in my opinion, opportunities for crime and anti-social behaviour would be substantially reduced in the vicinity of the appeal site.
33. I conclude, therefore, that the proposed development would not harm the living conditions of neighbouring occupiers, with particular reference to anti-social behaviour, crime and the fear of crime. As such, it would not be contrary to Local Plan Policy GEP1 and would accord with the guidance in The Framework, in this respect.

#### Other Matters

34. Several local residents have questioned the housing land supply position within Hartlepool and the subsequent need for the proposed dwellings. The Council confirmed at the Inquiry that it examines its housing land supply every 6 months and that the latest figures, from November 2014, identified that it had only 4.24 years' supply of deliverable housing land.
35. Concerns have been raised by local residents in relation to the impact of the proposed development on flooding and drainage. A Flood Risk Assessment was submitted as part of the planning application. This concluded that, so far as can be determined from the current information available and the detailed consultations that have taken place, the appeal site has not previously flooded, is not at risk of predicted flooding, so far as the Environment Agency is aware, and would not, by virtue of compliance with all current legislation, exacerbate off site flooding in any way. The Council's engineers, Environment Agency and Northumbrian Water have raised no objections to the proposed development with regard to flooding and drainage, subject to the imposition of appropriate conditions. I am satisfied, therefore, that, from the evidence before me, subject to the imposition of appropriate conditions, the proposed development would not increase the risk of flooding in the local area.
36. I note the concerns of local residents in respect of the impact of the proposed development on wildlife and ecology. The appellants submitted an Extended

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Phase 1 Habitat Survey and Ecological Impact Assessment as part of the planning application. The Section 106 Agreement includes a financial contribution of £20,000 to secure and support ecological enhancements in the Rural West Ward, as well as the preparation of a Conservation and Habitat Management Plan, in order to achieve a net enhancement of biodiversity as a result of the development. Given this, I am satisfied that the proposal would not be detrimental to wildlife and ecology in the local area.

37. I have considered all the other matters raised by the Council and third parties including the impact on the environment; the disruption for existing residents during the construction phase; the loss of agricultural land; the impact of the proposal on the character and appearance of the area; the locational sustainability of the appeal site; the development of a greenfield site; precedent; the impact on property values; the significant level of local opposition; other appeal Decisions; and the proposed density. From the evidence before me, however, I have not found any adverse impacts of granting planning permission which would significantly and demonstrably outweigh the benefits, when assessed against the policies in The Framework taken as a whole. As such, I conclude that the appeal should be allowed.

### Section 106 Agreement

38. The appellants submitted a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990, which includes a number of obligations to come into effect if outline planning permission is granted. I have considered these in the light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010. I have also had regard to the Council's Compliance Statement<sup>6</sup>, which addresses the application of the statutory requirements in Regulation 122 of the CIL Regulations to the planning obligations, which was submitted at the Inquiry.
39. Local Plan Policy GEP9 says that contributions from developers will be sought for the provision of additional works deemed to be required as a result of the development. It goes on to say what contributions may be required for and that they may necessitate developers entering into legal agreements with the Council. The Council's Planning Obligations Supplementary Planning Document (SPD): Consultation Document, published in May 2014, outlines the Council's approach towards securing planning obligations which will be required in relation to development in the Borough. The obligations within the Section 106 Agreement relate to the following matters:
40. *Affordable Housing*: The Local Plan does not include a specific policy on affordable housing provision. However, the Tees Valley 2012 Strategic Housing Market Assessment<sup>7</sup> (SHMA) has identified a need for 88 new affordable homes per annum within Hartlepool, which equates to around 27.5%, when assessed against the proposed total net annual dwelling target of 320. The Council's SPD requires affordable housing on all planning applications for residential development that consist of a gross addition of 15 dwellings or more, with an affordable housing target of 27.5% on all sites above this threshold, where there is an identified local need and/or where the economic viability of schemes

<sup>6</sup> Document 8

<sup>7</sup> Table D12 of Core Document CD5



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- allows. The appellants submitted a Viability Report<sup>8</sup>, dated July 2014, which sets out an informed market based assessment of the impact of Section 106 contributions and affordable housing requirements on the appeal site's viability. Following consideration of this Report, the Council agreed that a reduced contribution of £648,560, which would be equivalent to 15%, in respect of affordable housing would be appropriate in this case. The Section 106 Agreement includes a financial contribution of £648,560 for off site affordable housing. Given the level and nature of the need for affordable housing in the Borough and the viability of the scheme proposed, I am satisfied that this obligation would pass the statutory tests.
41. *Education:* Local Plan Policy GEP9 says that contributions may be required for community facilities deemed necessary by the local authority as a result of the development. The Council, as Education Authority, carried out an assessment of school capacity in the local area at both primary and secondary level. It found that there is a significant lack of capacity in local primary schools to meet the needs of future occupiers of the appeal site. However, sufficient secondary school provision exists. The Council considers that the number of primary school pupils that would be generated by the proposed development of 81 dwellings would be 15.1, based on a local formula set out in the Council's SPD. The SPD also calculates the cost per place as £9,165, based on Department for Education guidance. The Council is therefore seeking a financial contribution of £138,391.50, which is the sum included within the Section 106 Agreement. Given the lack of capacity in local primary schools and the likely pupil yield from the proposed development I consider that this obligation would pass the statutory tests.
42. *Green Infrastructure:* The Council's SPD defines green infrastructure as 'the physical environment within and between our cities, towns and villages. It is a network of multi-functional open spaces, including formal parks, gardens, woodlands, green corridors, waterways, street trees and open countryside.' Furthermore, the SPD says that green infrastructure planning involves the provision of strategically planned networks that link existing and proposed green spaces with green corridors running through urban, suburban, urban fringe and rural areas. Local Plan Policy GEP9 includes various elements which are covered by this term. The SPD requires a contribution of £250 per dwelling towards the delivery and maintenance of green infrastructure. The Section 106 Agreement includes a financial contribution of £20,250 towards green infrastructure, specifically the creation and construction of 2 new footpaths. These new footpaths would provide pedestrian links from the site to the existing public rights of way network to the north and east. Given the number of dwellings proposed and the location of the site, I am satisfied that future occupiers would be likely to use the public rights of way network in the local area for recreation and the links proposed would provide direct access to it. As such, this obligation would pass the statutory tests.
43. *Built Sports Facilities:* Local Plan Policy GEP9 says that contributions may be required for community facilities deemed necessary by the local authority as a result of the development. The Council's SPD seeks a contribution of £250 per dwelling towards new or improved built sports facilities from all new developments with over 5 dwellings. The Section 106 Agreement includes a contribution of £20,250 to provide new and enhanced sports facilities as part of

<sup>8</sup> Core Document CD4

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the built facilities at Summerhill Country Park. Given the number of dwellings proposed, there would be an increase in the number of residents in the local area and ultimately an increase in demand for the use of built sports facilities. Given this, I am satisfied that a financial contribution towards the provision of new and enhanced built sports facilities at Summerhill Country Park would pass the statutory tests.

44. *Ecological Enhancement:* Local Plan Policy GEP9 says that contributions may be required for works to enhance nature conservation features. In this case, the Council is seeking a financial contribution of £20,000 to offset the ecological impact of developing a greenfield site currently used for agriculture. The Section 106 Agreement includes a financial contribution of £20,000 to secure and support ecological enhancements in the Rural West Ward, as well as the preparation of a Conservation and Habitat Management Plan, in order to achieve a net enhancement of biodiversity as a result of the development. Given the nature of the site and the changes proposed as a result of the development, I am satisfied that these obligations would pass the statutory tests.
45. *Public Open Space/Play Areas:* Local Plan Policy GEP9 says that contributions may be required for the layout and maintenance of open space and play areas. Policy Rec2 says that new housing developments comprising 20 or more family dwellings will be required to provide safe and convenient areas for casual play and also, if practicable, for formal play. The Council considers that there is a need for incidental open space to be provided near dwellings for leisure and amenity purposes. The Council indicates that the nearest children's play area is located at Ward Jackson Park, which it considers is not safe for small children to access from the appeal site. Therefore, it requires the provision of on site play/open space in this case. The Section 106 Agreement identifies the location of a play area and public open space within the appeal site and includes the maintenance of these areas. Furthermore, the Section 106 Agreement includes an obligation that requires the areas of highways landscaping, such as the verges, visibility splays and landscaping associated with the development, which are not adopted by the Highway Authority, to be maintained. Given the number of family sized dwellings proposed, I consider that it would be necessary to provide a children's play area and public open space within the site. The maintenance of these areas, along with the highways landscaping would be necessary to ensure that these areas are kept in an appropriate condition to serve the purpose for which they are provided. As such, I am satisfied that these obligations would pass the statutory tests.
46. *Highways:* Local Plan Policy GEP9 says that contributions may be required for highway and infrastructure works. The Council's SPD advises that, assuming that car ownership and use patterns remain or increase, it can be expected that new developments will increase the number of vehicular trips on the surrounding road network. It goes on to say that this could cause problems for the safe and free flow of traffic and works or contributions will be required to mitigate the negative impacts of the development. The SPD states that the type and level of contribution required for off-site highways works can only be determined on a site by site basis through the development's Transport Assessment. The Council is seeking a financial contribution of £100,000 towards the upgrading of School Lane, a narrow country lane to the west of the appeal site, following which this road would provide an alternative route for vehicles wishing to access/egress the A19, via the A179. The Section 106

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Agreement includes a financial contribution of £100,000 for such works. However, the appellants are agnostic as to the relevance of this contribution.

47. It is apparent from the evidence before me, including the Transport Assessment, which accompanied the planning application, that most traffic heading northwards via the A19 from the appeal site would be likely to use a route via Cairnston Road, to the east of the site, and the A179, where the standard of highway provision at the A19 is higher than the route via Elwick Road. The traffic assignment within the Transport Assessment is set out in the Highways Statement of Common Ground and is agreed between the Council and the appellants. The Transport Assessment indicates that between 3 and 4 vehicles would use this route during the peak hours and that the local road network would be capable of accommodating the additional traffic movements generated by the development. No concerns have been raised by the Council in respect of the increased traffic levels on Cairnston Road or the A179, including its junction with the A19. Given the number of vehicle movements associated with the proposed development that would be likely to use the Cairnston Road/A179 route to the A19, which is an existing high quality, single carriageway bus route capable of accommodating the additional traffic movements, I do not consider that it would be necessary for improvements to be made to School Lane to offset this impact. As such, the obligation would not pass the statutory tests.
48. The Section 106 Agreement includes a clawback clause which says that in the event that any of the contributions, other than the off site affordable housing contribution, is severed from the Deed the amount of that contribution shall be added to the amount of the off site affordable housing contribution. Given that the affordable housing contribution was reduced due to viability, I consider that this clawback clause is reasonable in this case and, as a result of my assessment of the obligations contained within the Section 106 Agreement, the financial contribution of £100,000 towards highways should now be added to the off site affordable housing contribution.

### Conditions

49. In addition to the standard time limit and reserved matters conditions, the Council has suggested 20 conditions, which have been agreed with the appellants. I have had regard to the advice in the PPG during my consideration of these conditions.
50. A condition limiting the number of dwellings to no more than 81 would be reasonable to ensure a satisfactory form of development. A requirement that 3 plots be included for the provision of bungalows as part of any reserved matters application would be necessary to meet an identified need. Conditions requiring that the speed limit be reduced from the national speed limit to 30mph along the site's frontage; a segregated right turning lane into the site be provided; and the extension of the footway from Cairnston Road to the site access; would be necessary, in the interests of highway safety. It is apparent from the evidence before me, that although the highway is not in the control of the appellants, the Highway Authority would find such changes acceptable and the actions required could be performed within the time limit imposed by the permission. A requirement that these details be retained thereafter would be unreasonable and unnecessary as this land is under the control of the Highway Authority.

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51. Requirements for a detailed scheme for the disposal of foul water and a surface water drainage scheme for the site would be necessary to safeguard the area from an increased risk of flooding. A condition seeking the provision and management of a 5m wide buffer zone alongside the watercourse at the northern part of the site would be reasonable in the interests of ecology. I do not, however, consider that it would be necessary or sufficiently precise to require the scheme to include the named body responsible for management or adequate financial provision. A requirement that details of play facilities and public open space to be provided on site be submitted would be reasonable in the interests of providing a sustainable development. A condition requiring the reduction by at least 10% of the CO<sub>2</sub> emissions of the development through the use of on-site renewable energy equipment or design efficiencies would be necessary in the interests of providing a sustainable development.
52. A condition requiring the submission of existing and proposed site levels and finished floor levels would be necessary in the interests of visual amenity and the living conditions of neighbouring occupiers. Conditions requiring the submission and approval of a landscaping scheme, along with its implementation would be reasonable to safeguard the character and appearance of the area. A condition restricting the clearance of any vegetation during March – August would be necessary to safeguard breeding birds. Restricting the hours of construction works would be necessary to safeguard the living conditions of neighbouring residents. A condition which requires an assessment of the nature and extent of any contamination, along with methods for dealing with any such contamination, would be necessary to safeguard the living conditions of future occupiers of the proposed dwellings. A condition requiring the protection of trees to be retained on the site during construction would be necessary to safeguard the existing trees. A condition requiring details of a Construction Management Plan/Method Statement would be necessary in the interests of highway safety and in order to safeguard the living conditions of neighbouring occupiers.
53. The main parties agreed at the Inquiry that a condition requiring that the development be carried out in accordance with Drawing No. RES/389 200-01 Rev. 7 would not be necessary as layout is a reserved matter and the open space provision is subject to the Section 106 Agreement. Furthermore, the main parties agreed that a condition requiring that the vehicular and pedestrian access connecting the proposed development to the public highway be constructed to the satisfaction of the local planning authority would not be necessary as this matter is controlled by other legislation.

*Karen L Baker*

INSPECTOR

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**APPEARANCES****FOR THE LOCAL PLANNING AUTHORITY:**

Miss R Stockley <i>of Counsel</i>	Instructed by Mr P Devlin, Chief Solicitor for the Council
She called	
Mr C Van Lottum MSc	Senior Engineer, Ove Arup and Partners Limited
MIHT MSRSA	
Mr M Blair	Technical Services Manager
Mrs C Clark	Community Safety and Engagement Manager
Mr A Carter BSc(Hons)	Planning Services Manager
PGCE MSc MRTPI	

**FOR THE APPELLANTS:**

Mr A Williamson BA DipTP	Instructed by Mr J Kitson, Assistant Solicitor for
MRTPI, Partner, Walker Morris	Walker Morris Solicitors
Solicitors	
He called	
Mrs V Eggleston	Partner of i-Transport LLP
BEng(Hons) CEng MICE	
Mr J Wyatt BA(Hons) MA	Associate of Signet Planning
MRTPI	

**INTERESTED PERSONS:**

Mrs F Johnson	Chair of Park Residents' Association
Mr M Griffin	Park Residents' Association
Councillor R Martin-Wells	Ward Councillor
Councillor B Loynes	Ward Councillor
Mr J Ferguson	Team Leader, Development Control (Conditions/S106 Session/Site Visit only)
Ms H Heward	Senior Planning Officer (Conditions/S106 Session only)
Mr E Yuill	Appellant (Site Visit only)
Mr P Campbell	Local Resident (Site Visit only)
Mrs T Campbell	Local Resident (Site Visit only)
Mr A Simpson	Local Resident (Site Visit only)

**DOCUMENTS SUBMITTED AT THE INQUIRY**

- 1 Appearance List on behalf of the appellants, submitted by the appellants
- 2 Appellants' opening submissions, submitted by the appellants
- 3 Draft Section 106 Agreement, submitted by the appellants
- 4 Accident Statistics A19 Dalton Piercy Junction – from A19/A179 incl B1280 then to A19 South of Elwick, submitted by Mrs Johnson
- 5 Letter from the Highways Agency, dated 8 January 2015, to Hartlepool Rural Plan Working Group, submitted by Mrs Johnson
- 6 Road Safety Audit, published October 2008, by the Institution of Highways and Transportation, submitted by the appellants
- 7 Section 106 Agreement, submitted by the appellants
- 8 The Community Infrastructure Levy Regulations 2010 – Compliance

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- 9 Statement and attachments, submitted by the Council  
Appeal Decisions (APP/C3810/A/13/2196029, APP/A0665/A/13/2197189,  
APP/W1850/A/13/2192461 and APP/C1435/A/12/2186147), submitted  
by Mr Griffin
- 10 Existing Site Plan (Drawing No. RES/389 201-01 Rev 4), submitted by  
the Council
- 11 Amended suggested Condition No. 11, submitted by the Council
- 12 Additional suggested condition, submitted by the Council
- 13 Proposed Site Access with Ghost Island (Drawing No. ITM9189-SK-001  
Rev. C)
- 14 Closing submissions on behalf of Hartlepool Borough Council, submitted  
by the Council
- 15 Appellants' closing submissions, submitted by the appellants
- 16 Site location plan, submitted by the Council

#### **APPLICATION PLANS**

- A1/1 Location Plan (Drawing No. RES/389 100-02 Rev. 5)
- A1/2 Existing Site Plan (Drawing No. RES/389 201-01 Rev. 4)
- A1/3 Proposed Site Plan (Drawing No. RES/389 200-01 Rev. 7)



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#### Appendix 1 – Conditions

- 1) Details of the means of pedestrian access and internal highway layout, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The total development hereby approved shall not exceed the following maxima: Up to 81 residential dwellings (Use Class C3).
- 5) As part of the application for reserved matters details of house types shall include 3 plots for the provision of bungalows.
- 6) Prior to the first occupation of any part of the residential development hereby approved the speed limit on Elwick Road shall be reduced to 30mph along the site frontage, in accordance with a scheme previously submitted to and approved in writing by the local planning authority.
- 7) Prior to the first occupation of any part of the residential development hereby approved a segregated right turning lane into the site shall be provided in accordance with Drawing No. ITM9189-SK-001 Rev. C and details included within the Transport Assessment.
- 8) Prior to the first occupation of any part of the residential development hereby approved a footway shall be provided on the northern side of Elwick Road between Cairnston Road and the site access, in accordance with a scheme previously submitted to and approved in writing by the local planning authority.
- 9) No development shall take place until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. Thereafter the development shall take place in accordance with the approved details.
- 10) No development shall commence until a scheme for the surface water management system for the site including the detailed drainage/SuDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the lifetime of the development to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory

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undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

- 11) No development shall take place until a scheme for the provision and management of a 5 metre wide buffer zone alongside the watercourse at the northern part of the site 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. The scheme shall include:
  - plans showing the extent and layout of the buffer zone;
  - details of any proposed planting scheme (for example, native species);
  - details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term, including the production of a detailed management plan;
  - details of any proposed footpaths, fencing, lighting etc; and,
  - a timetable for implementation.
- 12) Prior to the commencement of the development hereby approved details of play facilities and public open space to be provided on site (including the location, proposed phasing of provision, means of enclosure, landscaping, design and details of play equipment), shall be submitted to and approved in writing by the local planning authority. The play facilities and public open space shall thereafter be provided in accordance with the approved details.
- 13) No development shall take place until a report has been submitted to and approved in writing by the local planning authority identifying how the predicted CO<sup>2</sup> emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or design efficiencies. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the approved renewable energy equipment or design efficiency measures shall be installed.
- 14) Prior to the commencement of development details of existing and proposed levels of the site including finished floor levels of the buildings to be erected and any earth retention measures shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 15) A detailed scheme of landscaping 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 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.
- 16) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the



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occupation of the buildings 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.

- 17) 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.
- 18) Construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0900 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

- 19) 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. archaeological 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

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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 dwellings 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 dwellings hereby approved shall not be extended in any way, and no garages, sheds, greenhouses or other garden buildings shall be erected within the garden area of any of the dwellings without prior planning permission.

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- 20) The details submitted as part of the application for reserved matters shall include an Arboricultural Method Statement/Tree Protection Plan to describe how trees that are to remain on site will be protected during the construction phase and any other issues to mitigate damage to existing trees.
- 21) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the routing of all HGV movements associated with the construction phases;
  - ii) the parking of vehicles of site operatives and visitors;
  - iii) loading and unloading of plant and materials;
  - iv) storage of plant and materials used in constructing the development;
  - v) measures to protect any existing footpaths and verges;
  - vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - vii) wheel washing facilities; and,
  - viii) measures to control the emission of dust and dirt during construction, including earth moving activities.

## PLANNING COMMITTEE

25 March 2015



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

**Subject:** UPDATE ON CURRENT COMPLAINTS

### 1. PURPOSE OF REPORT

1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:

1. An investigation has been commenced in response to a complaint regarding an extension built not in accordance with approved plans at a property on Hutton Avenue.
2. An investigation has been completed in response to a complaint regarding graffiti sprayed on the gable of a shop unit on Brierton Lane. As a result of assistance and input of a fellow Council Department the graffiti was removed by the Council's Cleansing Team.
3. An investigation has commenced in response to an anonymous complaint regarding the parking of commercial vehicles on the footpath outside a residential property on Ark Royal Close.
4. An investigation has been completed in response to a complaint regarding the display of posters advertising six-a-side football on close boarded fencing at a sports centre on Brierton Lane. The Centres Manager has agreed to take down the posters.
5. An investigation has commenced in response to Building Regulation sharing information with planning officers regarding the construction of a pitched roof to an existing attached garage at a property on Thetford Road.
6. An investigation has commenced in response to Waste & Environmental Services Team sharing information with the Planning Section regarding fly tipping on private land at Mainsforth Terrace.
7. An investigation has commenced in response to a complaint regarding the running of a car repair business from home at a property on Clavering Road.
8. An investigation has commenced in response to a complaint regarding a car breakers activity in the rear garden of a property on Brierton Lane.

9. An investigation has commenced in response to complaint regarding the erection of a rear dormer not incorporated on the approved drawings for a change of use to three flats on a property on Stockton Road.
10. An investigation has commenced in response to officer noting extensive earth-moving works raising garden levels, erect retaining walls using oak railway sleepers and construction of pond using breeze blocks in the rear garden of a property on Kingfisher Close.
11. An investigation has been completed in response to officer noting land incorporated into the rear garden of a property on Hillston Close. Following helpful assistance from the homeowner it was established the land in question is clearly shown on the property owners deed plans as part of his land. No action required.
12. An investigation has commenced in response to a complaint regarding works comprising car park surfacing works to extend an existing car park at a garden centre on Tanfield Road.
13. An investigation has commenced in response to a complaint regarding fly tipping on land adjacent to Hart Reservoir, Hart Lane.
14. An investigation has commenced in response to a complaint regarding scaffold erected for an extended period of time outside a property on Elwick Road.

## **2. RECOMMENDATION**

- 2.1 That members note this report.

## **3. CONTACT OFFICER**

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