

PLANNING COMMITTEE AGENDA



Wednesday 10 June 2015

at 10.00 am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Ainslie, S Akers-Belcher, Barclay, Belcher, Cook, James, Loynes, Martin-Wells, Morris, Richardson 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 25 May 2015

4. ITEMS REQUIRING DECISION

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

1. H/2015/0143 1 Kielder Road

4.2 Appeal at Worset Lane, Hartlepool – *Assistant Director (Regeneration)*

5. ITEMS FOR INFORMATION

5.1 Update on Current Complaints – *Assistant Director (Regeneration)*

5.2 Appeal at Moor Terrace, Headland, Hartlepool – *Assistant Director (Regeneration)*

5.3 Appeal at Tunstall Farm, Valley Drive, Hartlepool – *Assistant Director (Regeneration)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT



7. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

EXEMPT ITEMS

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

8 ITEMS REQUIRING DECISION

8.1 Inglefield, Seaton Lane – *Assistant Director (Planning and Economic Development)* (Paras 5 and 6)

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

10. FOR INFORMATION: -

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 8th July 2015



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

13th May 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,
Marjorie James, Ray Martin-Wells and George Morris

Officers: Peter Devlin, Chief Solicitor
Andrew Carter, Planning Services Manager
Jim Ferguson, Planning Team Leader (DC)
Mike Blair, Highways, Traffic and Transportation Manager
Sylvia Pinkney, Public Protection Manager
Daniel James, Senior Planning Officer
Jane Tindall, Planning Officer
Peter Rowe, Sites and Monuments Officer
Jo Stubbs, Democratic Services Officer

136. Apologies for Absence

Apologies were submitted by Councillor George Springer.

137. Declarations of interest by members

There were no declarations made at this point in the meeting however declarations were later made by Councillors Ray Martin-Wells and Stephen Akers-Belcher (minute 140 refers)

138. Confirmation of the minutes of the meeting held on 25th March 2015.

Minutes approved

139. Confirmation of the minutes of the meeting held on 22nd April 2015

Minutes approved

140. Planning Applications *(Assistant Director (Regeneration and Planning))*

Number: H/2014/0424

Applicant: The Smart Corporation Ltd Tower House Tower Street HARTLEPOOL

Agent: ASP Associates Mr David Loughrey Vega House 8 Grange Road HARTLEPOOL

Date received: 24/10/2014

Development: Erection of a two storey commercial development with central tower block to provide 11 self contained units with central courtyard and internal balcony

Location: Land at Green Street HARTLEPOOL

David Loughrey, the Agent, addressed members in support of the application which he described as a tremendous opportunity for local businesses to invest in Hartlepool. The developers had worked with the planning department for 12 months regarding the design and felt it was in keeping with the area. Members queried whether disabled access would be provided via a lift and raised questions regarding disabled parking. Mr Loughrey advised that this had not been included but he would be happy for these to be included as a condition.

Mr Bennions spoke against the application. He felt that the parking availability was too limited and there would be an increase in traffic to the site which would put pedestrians using the site at risk.

Councillor Ray Martin-Wells declared a personal interest as he had attended school with Mr Bennions.

Members were supportive of the application but were concerned at the lack of disabled access and the lack of dedicated parking spaces particularly for disabled users. The Planning Officer advised that these matters could be addressed through conditions.

Members approved the application unanimously.

Decision: **Minded to Approve subject to the completion of a legal agreement securing contributions for green infrastructure (£9,000) and the following conditions**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. 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.
3. The development hereby permitted shall be carried out in accordance with the details received by the Local Planning Authority on 24 October 2014 as amended by the plan(s) Dwg No(s) 1821/1 Rev A (Existing site plan) and 1821/2 Rev C (Proposed floor plan) received at the Local Planning Authority on 16 February 2015, Dwg No(s) 1821/3 Rev D (Proposed elevations 1 & 2) and 1821/4 Rev D (Proposed elevations 3 & 4) received at the Local Planning Authority on 14 April 2015 and Dwg No 1821/5 Rev C (Proposed site plan) received at the Local Planning Authority 6 March 2015 as amended by conditions 9 and 11 below. For the avoidance of doubt.
4. No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
5. 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.

6. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) rev 1 and the following mitigation measures detailed within the FRA: Finished floor levels shall be set no lower than 11.6m above Ordnance Datum (AOD) as stated in Section 6. The mitigation measures shall be fully

implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. To reduce the risk of flooding to the proposed development and future occupants.

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 detail. Piling could create new pathways allowing contamination to impact the underlying Magnesian Limestone principal aquifer.
8. The premises hereby approved shall be used for purposes falling within Class B1 only 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. To ensure the site is developed in a satisfactory manner.
9. Prior to the units hereby approved being brought into use a scheme showing the formalised parking provision, including parking provision for disabled persons, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved plans and shall be retained for the lifetime of the development. In the interests of highway safety.
10. No unit shall be occupied until the parking scheme required by condition 9 has been provided. The parking scheme shall be retained thereafter for the use of the development hereby approved for the lifetime of the development. In the interests of highway safety.
11. Notwithstanding the details submitted with the application, prior to the commencement of development details of an internal lift for access to the upper floor shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved plans prior to the occupation of any of the units and shall be retained for the lifetime of the development. In order to ensure adequate access for all.

The Committee considered representations in relation to this matter.

Number: H/2014/0398

Applicant: HARTLEPOOL BOROUGH COUNCIL Civic Centre

Agent: HARTLEPOOL BOROUGH COUNCIL MR DALE CLARKE Civic Centre

Date received: 01/04/2015

Development: Variation of condition No. 4 of planning application

H/2013/0432 to allow the use of a generator on the site during operational hours

Location: Land at The Front / The Cliff Seaton Carew
HARTLEPOOL

A member noted that conservation officers had raised no objection to the placement of a generator on site despite previously objecting to replacement windows in the area. He referred to a previous request by the committee that the Seaton Carew conservation area be reassessed and asked that a report on this be brought back to committee as soon as possible.

Members were supportive of the variation as they felt that the size and type of the rides in that area would not cause detriment to residents living nearby. The Senior Planning Officer noted that the original planning permission had been conditioned around the size of ride and hours of operation.

Councillor Stephen Akers-Belcher declared a personal non-detrimental interest in the application due to his work with the Showman's Guild of Great Britain.

Members approved the variation unanimously

Decision: **Approved**

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the plans (E/G/659-B and E/G/659) and details received by the Local Planning Authority at the time the application was made valid on 1st April 2015. For the avoidance of doubt.
2. This permission solely relates to the variation of condition 04 of planning permission H/2013/0432 and all other conditions from that planning permission, except condition 04 which is amended, shall still apply to this permission and shall be complied with. For the avoidance of doubt.
3. The generator hereby approved shall operate solely in accordance with the specification details (received 8th September 2014) and be housed at all times within the box van vehicle identified as the 'command centre' on plan E/G/659 (received at the Local Planning Authority on 1st April 2015) and remain positioned in the location as identified on plan E/G/659-B (received at the Local Planning Authority on 12th March 2015). In the interests of the amenity of neighbouring land users and to accord with the provisions of saved Local Plan Policy GEP1.
4. The generator hereby approved shall only operate between the hours of 11:00 and 20:00 hours Mondays to Saturdays inclusive and between the hours of 11.00 and 18:00 on Sundays and Bank Holidays. No other generators shall be used on the site identified as "Land North of the Paddling Pool" on the plan (E/L/377-B) approved in connection with the

original permission (H/2013/0432). In the interests of the amenity of neighbouring land users and to accord with the provisions of saved Local Plan Policy GEP1.

5. All equipment used in association with the use hereby approved, save for any equipment associated with the use of the bus station kiosk, shall be removed from the site and the land reinstated to its former condition at or before 30th September of each year for the period of this consent unless an extension of the period shall first have been approved in writing by the Local Planning Authority. To ensure the land is re-instated and available for use.
6. The uses/activities hereby approved, save for the use of the bus station kiosk, shall only operate between 1st April and 30th September inclusive, and shall cease by 1st October 2016, unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission. The use is considered inappropriate on a permanent basis and in order to allow the use to be reassessed in the light of experience.

141. Appeal re land at Brenda Road, Hartlepool *(Assistant Director (Regeneration and Planning))*

Members were advised that an appeal had been lodged against the refusal of the local planning authority, against officer recommendation, to allow a mixed use development at Brenda Road. The appeal was to be decided by written representation.

Decision

That authority be given to officers to contest the appeal.

142. Appeal at land at Scallywaggs Nursery, Warrior Drive, Hartlepool *(Assistant Director (Regeneration and Planning))*

Members were advised that an appeal had been lodged against the refusal of the local planning authority, under delegated powers, to allow the erection of a detached single storey building to create additional facilities for the existing Scallywaggs Nursery School. The appeal was to be decided by written representation.

Decision

That authority be given to officers to contest the appeal.

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

Members' attention was drawn to 23 ongoing issues currently being investigated.

A member requested an update on a building development near to Challoner Road and Chatham Square which had left resident feeling vulnerable due to rear fencing being left open.

A member requested an update on Netherby Gate, noting that gates and road access had been added to the temporary dwelling. The Planning Team Leader understood that the two-year temporary permission agreed at the planning appeal was still valid but would confirm this.

Decision

That the report be noted

144. 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.

145. Friarage Manor House

In February members had approved an application to vary the permission given in relation to this site (H/2014/0564) , namely to raise the ground levels of the development to attempt to reduce impacts on archaeology. The Planning Services Manager advised that the application was approved subject to conditions including a condition requiring archaeological works. He advised that officers were experiencing difficulties in terms of agreeing the scope of the archaeological works with the developer.. The developer was concerned at the costs of the scheme and its impact on its viability whilst Officers were concerned that the scope of archaeological works currently proposed was inadequate. The Sites & Monuments Officer confirmed the current position. Members discussed the matter at length and in a vote agreed unanimously to support the Officer position and their negotiations to achieve an appropriate archaeological scheme..

Decision

Members resolved to support the Officer position and their negotiations to achieve an appropriate archaeological scheme for the site.

Councillor Stephen Akers-Belcher asked that his vote against this decision be recorded.

The meeting concluded at 10:55

CHAIR

No: 1
Number: H/2015/0143
Applicant: Mr David Greathead 1 Kielder Road HARTLEPOOL
TS26 0QF
Agent: SCCE Ltd Mr John Lees The Pavilion 1 Belasis Court
Belasis Hall Technology Park BILLINGHAM TS23 4AZ
Date valid: 09/04/2015
Development: Erection of a perimeter wall and fence (part retrospective)
Location: 1 Kielder Road HARTLEPOOL

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 for development at 1 Kielder Road, Hartlepool has been submitted for part retrospective planning consent in accordance with the Town and Country Planning Act 1991 (as amended).

1.3 Due to the number of neighbour objections received during the consultation period, the application must be considered at Planning Committee.

PROPOSAL

1.4 The application seeks part retrospective consent for the erection of a boundary wall on the north, east and west sides of the property with horizontal wooden boarded infill panels between each pillar. There will also be wooden gates added providing access from the driveway onto Elwick Road. At the time of writing this report, the wooden boarded fence and gates have yet to be added, however a pedestrian gate providing access from Kielder Road is in place. In addition, planting in the form of approx. 0.75m high laurel bushes has been added along the outside of the wall on the north and west sides.

1.5 As the ground slopes down towards the north east corner, the pillars and wall gradually increase in height to accommodate this change in level. The height of the wall on the lower sections is approximately 1.20m with most of the pillars rising up to 1.80m. The pillars forming the gap for the drive are approximately 2.10m high. The pillar at the north east corner is the highest at approximately 3m. The section of the wall on Kielder Road has the lower part maintained at a height of approximately 1.20m. The section on the north west which follows the line of the junction is angled providing visibility splays along Elwick Road. The wall starts to step down regularly by approximately 0.15m where it turns the corner of the junction. The pillar at the north western corner is L-shaped and incorporates a step down. The north eastern and western sections of the wall are level along the top with no stepping down.

1.6 Changes to the ground level and retaining wall have also occurred however the scale of these works does not constitute engineering works which would require planning permission. In addition, the tarmac surface has been replaced with block paving. These works are over 5m² however a drainage channel has been provided for surface water run-off therefore this does not require planning permission. The creation of the access on to Elwick Road does not in itself require planning permission.

SITE CONTEXT

1.7 The dwelling is a modern two storey detached property facing north onto Elwick Road. The dwelling is located on the north eastern corner of the junction between Kielder Road and Elwick Road with the boundary wall wrapping round the north, east and west sides around the line of the junction at Kielder Road.

1.8 Previously, the property boundary was formed by an approx. 1.8m high black iron fence with a number of trees outside the northern edge of the fence. Both the fence and the trees have been removed and the new boundary wall is positioned approximately 50-60cm closer to the property. There has been a resulting loss of space to the front garden of the property.

PUBLICITY

1.9 The application has been advertised by way of six Neighbour Notification letters and three Councillor Notification letters. Further 14 day consultations were carried out following the submission of additional details showing elevations of the boundary wall.

2.0 To date there have been seven letters of objection received and six letters of support. The concerns raised by objectors in relation to the wall are as follows:

- The wall is too high
- Traffic sight lines and visibility have been reduced and restricted
- The design is not in keeping with the aesthetic features of the area
- The design sets a precedent for others to erect boundary walls in the area

2.1 It should be noted that objections have been received which make specific reference to the access arrangements. The creation of the new access in itself does not require planning permission as the road is unclassified. The new access arrangements have previously been approved and implemented by Hartlepool Borough Council's Highways Department.

Copy letters **A**

CONSULTATIONS

2.2 The following consultation responses have been received:

HBC Traffic and Transport: The proposed boundary changes have resulted because of the applicants concerns with the existing vehicular access. This was sited on Kielder Road approximately 10 metres from the Elwick Road junction. Due to the poor sight lines when exiting the drive and the close proximity to Elwick Road, a number of near misses have occurred with traffic turning into Kielder Road. As a result the applicant made a request for the drive access to be relocated onto Elwick Road, this was approved and implemented by Highways at the applicants cost. This has resulted in a safer access point with excellent sight lines up and down Elwick Road. Vehicles can enter and exit the new access in a forward gear.

There are no highway or traffic concerns with the boundary wall. I understand that concerns have been raised that the wall reduces the visibility at the Elwick Road junction. I have inspected the wall and conclude that the removal of the hedge has actually improved sight lines. The sight lines at the Elwick Rd junction are in fact well in excess of the requirements specified by the HBC Design Guide. The removal of the hedge has also improved sight lines for the residents who exit the shared drive on the opposite side of Kielder Close. (Comments received 22/04/15)

The bushes make very little difference at the moment, obviously they will grow but I'm confident that they will not obscure visibility to an extent that sight lines will be compromised. (Comments received 01/05/15).

Subsequent discussions with Mike Blair – HBC Technical Services Manager have confirmed that given the visibility splay is within adopted highway land, the maintenance of the visibility splay can be enforced by separate highway legislation.

Cleveland Police: The normal recommendation is for front dwelling boundaries to be open to view so the height of these boundaries should normally be kept low normally max 1metre. If a more substantial boundary is required maybe in cases where the property is not readily overlooked by other building fronts and is in an isolated location then this should be of a low wall with railings or timber picket fence to maintain natural surveillance. The proposed close boards between the pillars will not provide good natural surveillance to the front of the building. Also I am not aware of any proposals for gating of the driveway if this is to remain un-gated the proposals to the front wall will have little security value. I do accept the proposed gate will assist in security of the garage by reducing easy access from the side of the building.

HBC Roads and Street Works: No comments.

PLANNING POLICY

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

Local Policy

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

GEP1: General Environmental Principles
Hsg10: Residential Extensions

National Policy

2.5 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.

Paragraph 7 – Requiring Good Design

Paragraph 58 – Design Considerations for Planning Policies and Decisions

Paragraph 60 – Approach to Design

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development

PLANNING CONSIDERATIONS

2.6 The main issues for consideration in this instance are the impacts on highway safety and visual amenity.

Highway Safety

2.7 Policy Hsg10 of the adopted Hartlepool Local Plan 2006 makes provision for the extension and alteration of dwellings subject to a series of criteria, which includes ensuring extensions or alterations do not obstruct visibility for pedestrians or drivers of motor vehicles, or otherwise prejudice road safety.

2.8 The consultation response from HBC Traffic and Transport department states there are no concerns regarding the visibility and sight lines following this development. They consider that there has been an improvement to the visibility and sight lines for traffic turning right onto Elwick Road from Kielder Road and also for residents coming onto Kielder Road from the access to dwellings on the west.

2.9 Due to the wall being set back further than the original fence and trees, it is considered that there has been an improvement to sight lines east and west along

Elwick Road. Whilst the development has not been fully completed with the wooden fence still to be added, it is not considered that the proposals will adversely affect visibility or sight lines for road users who are exiting from Kielder Road or approaching the junction from Elwick Road.

Visual Amenity

2.10 Concerns have been raised by neighbours that the scheme is not in keeping with the aesthetic style of the residential setting. The wall has been constructed using bricks with timber panels proposed. It is noted that brick walls of similar height are seen to the north of the property however within the residential area to the south, the style is predominantly boarded garden fencing or black iron fences. Although it is considered that the style is a departure from typical wall designs within the housing area to the south, given the location next to the highway and the brick walls to the north, it is not considered that the style represents a negative change to boundary treatments in the area. Whilst it is noted that the style of the wall is somewhat different, it is not considered that visual amenity is reduced in terms of both the original dwelling or the area.

Conclusion

2.11 On balance, it is considered that in relation to the material planning considerations, the proposal is acceptable. It is not considered that the design of the wall will significantly detract from the character of the dwelling or its setting. It is also considered that over time, the planting will obscure the wall further and the materials will match more closely once there is a weathered effect. The proposal is also not considered to compromise highway safety, visibility or sight lines. Subject to the conditions below, the proposal is acceptable and is therefore recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.12 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.13 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.

2.14 The host property has been the subject of a break-in whereby the attached garage door was forced open and a number of items were stolen. A response from Cleveland Police stated that the addition of the gate to the side of the new boundary wall would assist with improving the security of the garage by reducing easy access from the side.

REASON FOR DECISION

2.15 It is considered by Officers that in the context of relevant planning policies and material planning considerations, the proposal is acceptable as set out in the

Officer's Report. It is therefore recommended that the application is approved subject to the conditions set out below.

RECOMMENDATION – APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details (Site Location Plan) received by the Local Planning Authority on 09/04/15 and the plans (New Boundary Wall Details & Information drawing ref. P7021-CD-005 Rev P1) received by the Local Planning Authority on 07/05/15, and the plans (West Elevation Looking East drawing ref. P7021-CD-006 Rev P1 and Elevation From Kielder Road Looking West drawing ref. P7021-CD-007 Rev P1), received by the Local Planning Authority on 08/05/15, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this permission. 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
4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with a programme agreed in writing with the Local Planning Authority.
In the interests of visual amenity

BACKGROUND PAPERS

2.16 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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1 KIELDER RISE



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H/2015/0143
Scale: 1:1000
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PLANNING COMMITTEE

10 June 2015



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT WORSET LANE, HARTLEPOOL
APPEAL REF: APP/H0724/W/15/3013845
OUTLINE PLANNING APPLICATION WITH SOME
MATTERS RESERVED FOR THE ERECTION OF 7
NO SELF-BUILD RESIDENTIAL PLOTS TOGETHER
WITH ASSOCIATED ACCESS AND LANDSCAPING

1 PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of Hartlepool Borough Council to refuse planning permission for outline planning permission with some matters reserved for the erection of 7 self build residential plots together with associated access and landscaping. The decision was made by Planning Committee.
- 1.2 The appeal is to be determined by written representation and authority is therefore requested to contest the appeal.

2 RECOMMENDATION

- 2.1 That Members authorise Officers to contest the appeal.

3 CONTACT OFFICER

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PLANNING COMMITTEE

10 June 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 completed in response to a complaint regarding the running of a business selling garden items from a residential property on Carnoustie Grove. It was found that the business activity was hobby based with no change of use requiring planning permission. No action necessary.
 2. An investigation has commenced in response to a complaint regarding overgrown and untidy front and rear gardens at a property on Hutton Avenue.
 3. An investigation has commenced in response to a complaint regarding the incorporation of playing field into a rear residential garden at Browning Avenue.
 4. An investigation has been completed in response a complaint regarding the change of use from dwelling to student accommodation on Grange Road. It was found there was no evidence to confirm the complaint. No Action necessary.
 5. An investigation has commenced in response to a complaint regarding the installation of UPVC windows in a mix of three storey apartment block on Marine Crescent, located in the Headland Conservation Area.
 6. An investigation has been completed in response to a complaint regarding the erection of a low level boundary wall to retain path/land at a property on Gala Close. The estate is open plan supported by a condition linked to the estates planning permission. Following helpful assistance from the property owner a retrospective planning application has been submitted

7. An investigation has been completed in response to a complaint regarding the erection of a high fence to the front of a property on West View Road. Following helpful assistance from the property a retrospective planning application will be submitted.
8. An investigation has been completed in response to a complaint regarding the erection of a short boundary fence positioned between the front boundary wall and front façade of a property on Nash Grove. Permitted development rights applied in this case. No action necessary.
9. An investigation has been completed in response to a complaint regarding the erection of timber framed detached garage, in the side garden of a property on Arran Grove. Following helpful assistance from the property a retrospective planning application will be submitted.

2. RECOMMENDATION

- 2.1 Members note this report.

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PLANNING COMMITTEE

10th June 2015



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT MOOR TERRACE, HEADLAND,
HARTLEPOOL, TEES VALLEY, TS24 0PS
APPLICATION FOR 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 advise members of the outcome of the above appeal.
- 1.2 The appeal was dismissed. A copy of the decision is attached.

2. RECOMMENDATIONS

- 2.1 That members note the outcome of the appeal.

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Appeal Decision

Site visit made on 13 April 2015

by Susan Ashworth BA (Hons) BPI MRTPI

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

Decision date: 20 May 2015

Appeal Ref: APP/H0724/W/15/3002687
Moor Terrace, Headland, Hartlepool TS24 0PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Beard against the decision of Hartlepool Borough Council.
 - The application Ref H/2014/0354, dated 30 July 2014, was refused by notice dated 5 November 2014.
 - The development proposed is change of use of former coastguard's station to form new dwelling, including first floor extension and viewing gallery.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in this case are whether the proposal would preserve or enhance the character or appearance of the Headland Conservation Area; the effect of the proposal on the settings of the Sebastapol Gun, a Grade II listed building, the Heugh Coastal Artillery Battery, a Scheduled Ancient Monument, and Headland Lighthouse, a locally-listed building.

Reasons

3. The building that forms the subject of the appeal, a flat-roofed, brick-built structure, was previously an office and garage. It is one of a group of buildings and structures including a redundant mast, a storage building and a coastguard's lookout tower which are associated with the Headland lighthouse, a locally listed building. The proposal is to extend and convert the building to form a one bedroom dwelling, with a private courtyard garden and parking space formed in part of the space between existing buildings associated with the lighthouse.
4. The extension would be formed by the construction of steel 'container' structures above the original building, plus a brick-built tower to provide a viewing gallery. The structure would be finished in white. At first floor level would be double glazed doors and a semi-enclosed balcony to the south elevation and similar double doors with a Juliet balcony to the east elevation. The tower, which would be higher than the containers, would have a window to the east elevation.
5. The group of buildings associated with the lighthouse are physically related to each other, enclosed by a brick boundary wall and railings. The significance of

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the locally listed structure derives from its function, its simple appearance and its history. In addition, as noted in the Council's statement, there is particular significance from the location of the structure which is positioned to allow the nearby artillery battery clear sight of the sea. The artillery battery, which lies to the north of the site, is a Scheduled Ancient Monument the principle significance of which is its long history and its association with World War I and the sea. Immediately to the south east of the site is a Grade II listed field gun, dating from the late C18/early C19 which stands alone on a raised grassed area, close to a recently constructed war memorial. The significance of the structure again lies in its history.

6. The site lies within the Headland Conservation Area which comprises, to the east along the coastline, a mix of uses with historic interest or functional use associated with the coast. Areas of open space, which includes Redheugh Gardens, the space around the lighthouse, the promenade and the proximity to the sea, together with the historic interest of the area, give the area an open and reflective character. This character adds to the significance of the Conservation Area and provides a setting and context to the buildings set out above. From all that I have read, and seen on site, the area is popular with visitors and tourists.
7. Under s.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) there is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Under s.66 (1) I am obliged to have special regard to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest. The glossary to the National Planning Policy Framework (the Framework) defines the setting of a heritage asset as 'the surroundings in which a heritage asset is experienced' and confirms that 'significance derives not only from the asset's physical presence but also from its setting'. I have considered the scheme in the light of these weighty statutory requirements. Furthermore paragraph 132 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of a heritage asset and any harm to its significance should require clear and convincing justification.
8. The appeal building is prominent in views from various points within the Conservation Area. It lies immediately adjacent to the listed gun and forms part of the group of buildings directly associated with the lighthouse. As such it forms part of the surroundings in which the heritage assets are experienced and thus is part of their setting.
9. The proposed extension would have the effect of significantly increasing the height and massing of the currently building. Consequently it would become a more prominent structure in the setting of the heritage assets. Moreover, given that residential development in the vicinity is of traditional character, the unusual design and appearance of the dwelling would further emphasise its prominence in what is a group of modest structures. I accept that the external colour and materials of the building, and its flat roofed form, would reflect that of other structures associated with the lighthouse. However, this is not sufficient to outweigh the harm caused by its design or scale.
10. Furthermore, the proposal would introduce a domestic use into what is currently an area of historic interest and reflective character as described

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above. Upper floor patio windows and a balcony would be in close proximity to, and would directly overlook the listed gun and the new memorial. In such close proximity, it seems to me the dwelling would be incongruous, overbearing and intrusive. Whilst I accept that the recently refurbished Redhaugh Gardens is also a place for quiet reflection, this does not justify harm to the setting or significance of the listed gun. The memorial was constructed after the refusal of the application and, although it did not form part of the reason for refusal, I nevertheless accept the Council's concern that the development would undermine the opportunities for members of the public to appreciate it and this adds weight to my conclusion.

11. For the reasons outlined above the development would the proposal would fail to preserve or enhance the character or appearance of the Conservation Area contrary to the provisions of S72 (1) of the Act. In addition the proposal would harm the setting of the listed gun, the locally listed lighthouse and the Scheduled artillery battery, contrary to the requirements of s.66 (1) of the Act which carries substantial weight.
12. As the proposal relates to only a small part of the Conservation Area and does not physically impact on the Scheduled Ancient Monument or listed building, the harm caused to the heritage assets would be less than substantial. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal.
13. The public benefit of the scheme is in the provision of a unit of accommodation. However, such benefit from the provision of one unit is limited. Consequently the benefits of the scheme do not outweigh the harm caused to the designated heritage assets as outlined above, to which considerable importance and weight must be given.

Other Matters

14. I have taken into consideration the initial support for the proposal from the Council officers. I also note that no objection was raised by English Heritage on the impact of the development on the Scheduled Ancient Monument although it appears that no comment was made on the impact of the development on the gun. Nevertheless this does not alter my consideration of the matter.
15. The appellant has drawn my attention to a withdrawn proposal for a bird hide at the site, which had been commented on by local residents. That application has no bearing on my consideration of the appeal proposal.
16. I have also noted comments relating to the operational requirements of the lighthouse. However, there is no convincing evidence before me to demonstrate that the proposal would compromise such requirements.

Conclusion

17. For these reasons, and taking into account all other matters raised, the appeal is therefore dismissed.

Susan Ashworth

INSPECTOR

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PLANNING COMMITTEE

10th June 2015



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT TUNSTALL FARM, VALLEY DRIVE,
HARTLEPOOL, TEES VALLEY, TS26 0AL
OUTLINE APPLICATION FOR RESIDENTIAL
DEVELOPMENT OF UP TO 110 DWELLINGS WITH ALL
MATTERS RESERVED EXCEPT MEANS OF ACCESS
(H/2014/0196)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of the above appeal.
- 1.2 The appeal was allowed. A copy of the decision letter is attached. The appellant did not make a claim for costs against the Council.

2. RECOMMENDATIONS

- 2.1 That members note the outcome of the appeal

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Appeal Decision

Hearing opened on 12 January 2015

Site visit made on 13 January 2015

by Isobel McCretton BA(Hons) MRTPI

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

Decision date: 21st May 2015

Appeal Ref: APP/H0724/A/14/2228786

Tunstall Farm, Valley Drive, Hartlepool TS26 0AL

- 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 Taylor Wimpey (UK) Ltd (Mr Steve Willcock) against the decision of Hartlepool Borough Council.
 - The application Ref. H/2014/0196, dated 25 April 2014, was refused by notice dated 9 September 2014.
 - The development proposed is described as residential development with means of access provided in detail and all other matters reserved. Detailed access arrangements include a 105m (length) and 7.5m to 6.75m (width) section of road from Valley Drive provided to an adoptable standard but excluding internal estate roads.
-

Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 110 dwellings with all matters reserved except means of access at Tunstall Farm, Valley Drive, Hartlepool TS26 0AL in accordance with the terms of the application, Ref. H/2014/0196, dated 25 April 2014, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matters

2. The description of development set out in the header is taken from the application form. The description set out on the Council's decision notice and on the appeal form is *'outline application for residential development of up to 110 dwellings with all matters reserved except means of access'*. In view of later amendments to the access and the discussion at the Hearing, I consider this to be a more accurate description of the proposal before me and I have determined the appeal on this basis.
3. The appellants have submitted a completed S106 Agreement which would secure financial contributions towards affordable housing, facilities and improvements at Brierton Sports Centre, education, and a new permissive right of way and footpath improvements, along with maintenance of play areas and open space. I return to some of these matters below, but from the information in the Compliance Statement¹ submitted by the appellants at the Hearing, I am satisfied that the completed Agreement accords with the tests for planning

¹ The Community Infrastructure Levy Regulations 2010 – Compliance Statement: Taylor Wimpey and Hartlepool BC (January 2015)

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obligations set out in the National Planning Policy Framework and s122 of the Community Infrastructure Regulations 2010.

4. After the Hearing the Government published the 2012-based Household Projections for England 2012 – 2037. The parties were invited to comment on these up to date statistics as they relate to this appeal and I have taken their responses into account in coming to my decision.

Main Issue

5. The main issue in this case is the implication of the proposed development for the potential risk to future residents from flooding and the risk of additional flooding elsewhere.

Reasons

The Site and the Surrounding Area

6. The appeal site comprises around 7.8ha of land to the south and east of Valley Drive which is part of West Park, a residential area on the outskirts of Hartlepool, around 2 miles from the town centre. This is a mixed area of detached and semi-detached family houses and bungalows built predominantly between the 1960s and the 1980s, with older properties along Egerton Road further to the north.
7. The site encompasses 3 fields of undulating farmland. The smaller western field is improved grassland used for grazing horses. The larger proportion of the site, to the east, has historically been used for arable crops. The site adjoins residential properties in Hylton Road to the north and Valley Drive to the west. To the east is the Summerhill Drain with trees and undergrowth along its banks, and, to the south, the boundary is delineated partly by the access road to Tunstall Farm and partly by a field hedgerow. To the south of the site, beyond further agricultural fields, is the Summerhill Country Park, a 100 acre country park, local nature reserve and outdoor activity centre.

Planning Background

Development Plan

8. The Development Plan for the area includes the Hartlepool Local Plan (adopted April 2006 (Local Plan 2006)). A number of Local Plan 2006 policies were saved by a Saving Direction letter from DCLG on 18 December 2008. Saved policy Rur1 (Urban Fence) of the Local Plan 2006 identifies the limits to development of the main built up area of Hartlepool and advises that the spread of the urban area into the surrounding countryside will be strictly controlled. The appeal site lies outside, but adjoins, the defined boundary of the limits to development.
9. The site was put forward as a potential housing allocation during the 2006 Local Plan process. In 2004, the Inspector who considered objections to the Local Plan deemed that there were sufficient sites within the urban area and that no greenfield extensions, beyond the urban limits, were necessary, so the site was not allocated.
10. Since 2006 a number of sites within the urban area have been delivered successfully. As a result, in the formulation of the 'Local Plan 2013', it was deemed that there was insufficient land within the urban limits to meet the

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identified housing need and that urban extensions would be needed to deliver growth. At the 'Local Plan Preferred Options Stage One' (January 2010), Tunstall Farm was considered suitable for executive residential development. At the 'Local Plan Preferred Options Stage Two' (November 2010) it was again considered suitable for residential development, but a number of objections to the allocation of the site were submitted.

11. In September 2011 the Council's Cabinet removed the site from the emerging Local Plan 2013 and the site did not move forward to the submission stage. It was later subject to discussion during the Local Plan examination as the appellants had pursued the allocation of the site as an objection, including making detailed submissions about flooding and drainage. One of the preliminary findings of the Inspector² was that the Tunstall Farm site was an appropriate site for residential development and he recommended that the site be allocated for approximately 100 dwellings. However, the Local Plan 2013 was subsequently withdrawn by the Council on 17 October 2013. The Council has commenced work on preparing another Local Plan to replace the Local Plan 2006, but it is common ground that, given its early stage of preparation, little weight can be given to this in the determination of this appeal. Thus the main relevant policy document remains the Local Plan 2006.

National Planning Policy Framework

12. Government policy, as set out in The National Planning Policy Framework (the Framework), is an important material consideration in the determination of development proposals. Among other things, the Framework seeks to boost significantly the supply of housing. To do this, local planning authorities are required, among other things, to identify a five year supply of specific deliverable sites sufficient to provide five years worth of housing against their identified housing requirements. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate such a five year supply of deliverable housing sites.
13. Housing applications should be considered in the context of the presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay and, 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 of the Framework taken as a whole.
14. Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. Local Plan 2006 policy Rur 1 is a dated policy which, in part, has the effect of restricting the supply of housing. In this respect it is agreed between the main parties that it is not consistent with the Framework and so carries little weight³. For the same reason it is agreed that very little weight can be given to Local Plan 2006 policy Hsg5 (Management of Housing Supply). Moreover, it is common ground

² Outline of Modifications Required for Soundness dated 16/10/13.

³ This accords with the Council's Document 'Saved Policies 2006 Hartlepool Local Plan Planning Policy Framework Justification' (November 2014) which sets out the Council's position on the degree of consistency between the saved Local Plan policies and the Framework. Policy Rur1 is noted as being partially consistent.

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between the main parties that the Council cannot demonstrate a 5 year supply of housing land and that the appeal proposal would deliver market and off-site affordable housing during the five year period where there is currently a shortfall.

The Proposal

15. It is proposed to develop the site for residential purposes with up to 110 units. Access to the site would be taken from the southern end of Valley Drive and would curve into the site and up the hill to the main body of the development where the dwellings would be located.
16. The density of the site would be around 16 dwellings per hectare (dpha) which compares reasonably with surrounding development. The Design and Access Statement, which sets the parameters for the development, states that the scheme would comprise 2-storey detached family homes with 3-5 bedrooms. It has also been indicated to the Council that 2 bungalows could be incorporated into the scheme to address an identified need evidenced by the Council's Strategic Housing Market Assessment 2014 (SHMA). It is proposed that existing landscape features would be retained with additional landscaping and open space in and around and within the site. New and improved footpaths are also to be incorporated to increase access for existing residents in the West Park area, and future residents of the development, to the open countryside and Summerhill Country Park.

Flooding

17. The application was accompanied by a Flood Risk Assessment. The majority of the site lies within Flood Zone 1 (FZ1) on the Environment Agency's (EA) flood risk maps. However a small section of the access at the end of Valley Drive is within Flood Zones 2 and 3 (FZ2 and FZ3), i.e. a greater than 1 in 100 annual probability of river flooding. Two main concerns arise from this. Firstly, whether the development of the site would exacerbate flooding problems in the wider area, particularly downstream in Valley Drive, and secondly whether the flooding of the access road would mean that residents and emergency services would experience difficulties accessing the site during a flood to the detriment of public safety and the amenity of future occupiers.
18. Tunstall Farm Beck flows northwards and is located to the west of the site. Downstream it combines with flows from the Hardwick Court watercourse and then flows, through the existing residential area, along the western side of Valley Drive. Along this stretch, where the beck also receives flow from the adjacent surface water sewers, it has been engineered and is culverted, with some sections running underneath residential driveways and the public highway.
19. The Summerhill Drain is to the east of the site. Downstream it is culverted to the north east of the proposed development and then flows along the southern end of West Park before discharging to the Tunstall Farm Beck further east.
20. There is a history of flooding in the area, not just in the vicinity of the proposed access but along the length of Valley Drive to Egerton Road and beyond. In 2011 a study of flood alleviation options and design by JBA (the JBA Report) identified a number of flood storage options which, it was predicted, would reduce flooding. The flood alleviation scheme was completed in 2011. The

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measures included the installation of a throttle plate in Tunstall Farm Beck and flood attenuation ponds upstream alongside the beck to provide water storage and restricted flows. The scheme was designed to give a standard of protection of between 1 in 75 and 1 in 100 years.

21. Notwithstanding this, flooding occurred at the southern end of Valley Drive in November 2012 which resulted in the Environment Agency (EA) commissioning JBA to review the scheme. Meanwhile there was further flooding in May 2013. The review was completed in September 2013. It found that the November 2012 flooding occurred during an event estimated as having a return period of 1 in 5 and in 1 in 10 years, i.e. an event insufficient on its own to cause the extent of flooding observed. It also showed, beyond reasonable doubt, that both the November 2012 and May 2013 flooding had been caused by a blocked trash screen at the entrance to the Hardwick Court culvert. A number of essential works were recommended to reduce the risk of a repeat of the earlier floods. The works recommended included the replacement of the trash screen at Hardwick Court, and efficiency improvements such as changing the Tunstall Farm Beck throttle plate position.
22. Further work, including replacement of the trash screen outside the end house in Valley Drive with one which accords with modern standards and installation of another trash screen upstream, is proposed by the EA. At the Hearing it was confirmed that a contract has been let and the works should be completed by this summer. Improved maintenance and clearance procedures are also proposed. Thus these works are to take place regardless of any development at Tunstall Farm.
23. Residents consider that historic problems have never been satisfactorily addressed and that the root of the problem is the capacity of the system in Valley Drive. At present the EA estimates that around a quarter of the current site drains towards the Tunstall Farm Beck. To address concerns that development of the site could potentially add to the flooding problems in Valley Drive, it is proposed that surface water drainage from the site to Tunstall Farm Beck would be reduced by directing flows eastwards to the Summerhill Drain. It is also proposed that the current greenfield run-off rate would not be exceeded.
24. The current discharge rate from the site is estimated to be 18.6l/sec but, through the use of an attenuation pond, this would be reduced to 11.1l/sec. The appellants have also confirmed to the Council⁴ that the final design of the drainage scheme would be able to make an allowance for 'urban creep' i.e. future extensions to the proposed dwellings. This type of drainage scheme differs from the failed system featured in the presentation made by the Residents' Association at the Hearing where underground storage tanks burst during an extreme event.
25. At the Hearing residents referred to discharge from the foul sewer in places further down Valley Drive in times of flood and expressed concern about the pressure that the proposed development would put on the system. However, Northumbrian Water Ltd has stated that no surface water flow from the proposed development would be allowed to connect into the existing public sewerage system. With regard to foul water disposal, Northumbrian Water has confirmed that there is capacity in the foul sewer system for the additional 4 l/s

⁴ Letter dated 25/4/14 from Queensbury Design Ltd to Taylor Wimpey North East

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discharge anticipated from the proposed development and that this would not impact on flood risk.

26. I can understand that local residents feel that any improvements to the flood alleviation measures should be tried and tested before any further development in the area is allowed, but ultimately the onus on the appellants is not to solve the existing problems, rather it is to demonstrate that the proposed development would not increase the risk of flooding elsewhere. In terms of surface water drainage the EA has stated that it considers the proposal to be a betterment to the current surface water drainage situation and so there is, in fact, the potential for the flood risk in Valley Drive to be lessened as a result of the proposed development.
27. The extent of previous flooding in the area has included the proposed access point from Valley Drive. While the proposed road would turn eastwards within the site and rise up the hill to where the dwellings would be sited, there is concern that flooding at the site entrance could mean that residents would be cut off and there would be increased pressure on emergency services. In early correspondence about the proposal the EA indicated that, ideally, there should also be an access in the eastern part of the site in FZ1. Nonetheless, the EA has not objected to the proposed access providing the level of risk is shown to be acceptable.
28. A report produced for the Residents' Association by JNP in July 2014 highlighted the fact that the earlier JBA Report (which informed the appellants' Flood Risk Assessment submitted with the application) had shown that flood waters at the access would be likely to be of the order of 38mm but that there was no velocity calculation. This meant that the proposal could not be assessed in relation to Table 13.1 of the EA's technical guidance FD2330⁵ which gives a matrix of danger to people based on floodwater depth and velocity.
29. Further modelling of the flood alleviation scheme was carried out for the appellants by JBA following refusal of the application. This was based on the new throttle position in Tunstall Farm Beck which was altered in October 2014. The new modelling found that the average velocity of floodwater in a 1 in 100 year event would be around 0m/s. With a depth of 38mm (i.e. 0.038m), this puts the site entrance in the lowest risk category as shown in Table 13.1. In addition, the duration of the likely flood was estimated to be around 30 minutes.
30. Notwithstanding this, further drawings submitted with the appellants' evidence, show the extent of FZ3 (drawing ref. QD463-00-08), and a comparison of the proposed access road level against the modelled water level of 24.31m AOD (drawing ref. QD463-00-09-A) so as to determine the volume of water displaced by construction of the access road and proposals for compensatory storage (drawing refs. QD463-00-10 and QD463-00-11). Compensatory storage would be in a shallow highway swale at the eastern edge of the access road. This detailed design would allow the road to no longer have a prospect of flooding in a 1 in 100 year event once the EA improvements are complete, and would form part of detailed drainage submissions to the Council if planning permission were granted. The EA continues to have no objection to the

⁵ Defra/Environment Agency: Flood Risk Assessment Guidance for New Development R & D Technical Report FD2320/TR2

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proposal and has agreed that the proposed road design would prevent the 1 in 100 year water level flowing onto the road.

31. The Council's emergency access officer indicated in May 2014 that there were no objections to the proposal. Following the additional modelling work he confirmed⁶ that, taking into account the alteration to the trash screen and the new layout proposed for the access road, there did not seem to be as great a risk of the access to the site being cut off with flooding, and therefore neither he, nor the Police, had an issue with it.
32. Aside from this, it is also proposed that there would be a footpath link from the appeal site to Hylton Road, outside the identified flood risk area.
33. Overall I conclude that the proposed development would not result in a risk of additional flooding elsewhere and that the safety and amenity of future occupiers would not be compromised. As such the proposal would accord with saved policy GEP1 of the Local Plan 2006 which requires account to be taken of the effect on flood risk. It would also accord with the Framework which requires, among other things, that local planning authorities ensure that flood risk is not increased elsewhere; that, within the site, the most vulnerable development is located in areas of lowest flood risk; that the development is appropriately flood resilient and resistant, including safe access and escape routes where required; and that any residual risk can be safely managed including by emergency planning.

Other Matters

Highways

34. Local residents are concerned about the additional traffic which would be generated by the development. Traffic along Valley Drive, which is currently a cul-de-sac, and the surrounding roads would undoubtedly increase. A Transport Assessment submitted with the planning application estimates that there would be around 100 additional trips at the morning and evening peak. To mitigate the effect of the additional traffic, a number of improvements are proposed which would increase the efficiency of the local highway network. In particular, various off-site highway works are proposed to improve the operation of the Elwick Road/Wooler Road and Elwick Road/Park Road junctions i.e. to improve the flow of vehicles at the junctions which would be likely to see the greatest increase in traffic. These junctions would operate above capacity by 2020 even without the proposed development in place.
35. The proposed off-site works include improved signal control, queue detection and an improved right turn lane into Park Road. While such enhancements would not allow the junctions to operate within capacity, they would bring the operating efficiency to the level expected in 2020 without the development. There would also be a new signal controlled pedestrian crossing to the north of the priority junction in the vicinity of the White House PH. Such improvements could be secured through agreement with the Highway Authority and could be required, by condition, to be carried out prior to the occupation of the proposed dwellings.
36. The Framework indicates that account should be taken of whether improvements can be undertaken within the transport network that cost-

⁶ Email from Robin Beach, Senior Emergency Planning Officer dated 6/11/14

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effectively limit the significant impacts of development. It goes on to advise that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Subject to the off-site highways works outlined above, the Highway Authority has raised no objection to the scheme and there is no substantiated evidence which would lead me to conclude that any residual impact would be severe.

Housing Need

37. The Park Residents' Association claims that there is no need for this additional housing in the Borough as, currently, they consider that supply is outstripping demand in the area. It is argued that there are over 400 detached houses advertised for sale within a 3 mile radius and proposals by various volume house builders to construct around 800 houses in Middle Warren, Wynyard, Bishop Cuthbert, Tanfield, Tees Road and Seaton Carew. It is also claimed that the findings/recommendations of the Council's SHMA are not robust as the response to the SHMA surveys was very small and a lot of the findings were based on questions concerning people's aspirations and expectations, thereby inviting fanciful rather than realistic objective responses.
38. However, for the most part, houses currently on the market are existing not proposed dwellings, and the local housing market is more a reflection of people moving up or down the housing ladder to meet their accommodation requirements and aspirations rather than the availability of additional housing to meet local need. The findings of the SHMA are only part of the objective assessment of housing need which must be made for identifying future land availability and allocations. The need for housing has to take account of a wider range of factors which, as well as the existing need for different forms and tenure of housing, include additional provision to tie in with policies for economic growth. I do not agree with the Residents' Association that new businesses must be attracted to the area before new executive housing development is contemplated: the two are inter-linked. Furthermore, through the S106 Agreement, this scheme would deliver financial contributions towards the provision of off-site affordable housing elsewhere in the Borough for which there is also an identified need.
39. As set out above, it is common ground that the Council cannot demonstrate a five year supply of deliverable housing sites as required by the Framework. The Council's Annual Monitoring Report 2012-13 found that there has been under delivery in previous years so that there is a shortfall to be made up. Thus the fact that this site is available and deliverable weighs in favour of the scheme.

Landscape

40. Concerns have been expressed about the effect of the development on the landscape as the new houses would be in a prominent position on rising land. A Landscape and Visual Appraisal (LVA)⁷ was submitted with the planning application. The site sits within the Tees Lowland Character Area defined in the Countryside Agency's Landscape Character Assessment for England and the Rural Fringe identified in the Council's Landscape Assessment (2000).

⁷ Based on the *Guidelines for Landscape and Visual Impact Assessment* published by the Landscape Institute and the Institute of Environmental Assessment.

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41. Although the land rises from the proposed access at the end of Valley Drive, much of the site is visually enclosed by vegetation and the topography of the wider area. There are mature trees and a mixed hedgerow along the site boundaries to the north and west. To the east a row of trees within a mature hedgerow runs southwards towards the country park. The southern boundary is marked by post and rail fencing or hedgerow and there is also a hedgerow running north-south through the site. There is a network of public rights of way (PROWs) near to the site. To the west there is a footpath (Footpath 11) which runs southwards from the end of Valley Drive along Tunstall Farm Beck. Beyond the eastern side of the site a north-south footpath connects the West Park area to the Rift House area and also connects with another path running along the northern boundary of the Summerhill country park, joining the Tunstall Farm Beck footpath in the west.
42. For the most part, in views of the development from the surrounding area, including the footpaths and the country park, the site would be seen in the context of the existing built up area of Hartlepool and would reflect the development to the west which also rises with the undulating topography. Views from the public footpaths would be partially filtered by existing hedgerows and trees and proposed planting. There would be views from houses in Valley Drive and Hylton Road, but again the development would be partially screened so that the visual impact would be minimised.
43. Overall I do not find that there would be significant adverse visual harm arising from the development.

Privacy and Outlook

44. The land levels rise steeply at the rear of the houses at the end of Valley Drive, so that development on the appeal site could result in a loss of privacy and outlook for the occupiers of those houses if the proposed dwellings were poorly sited. The indicative layout plan submitted with the appeal shows the nearest groups of proposed dwellings around 55m from the rear of the houses on Valley Drive with an intervening buffer zone of planting/play areas and an access road along the western edge of the site. I consider that, with adequate detailing, such a layout should protect the living conditions of the existing occupiers from material loss of privacy or visual intrusion and I have no reason to believe that a satisfactory scheme in this respect could not be put forward when the reserved matters are considered.

Public Rights of Way

45. It is proposed to establish an additional PROW through the site and a link to the permissive route through the Summerhill Country Park as well as other footpath improvements to the route through the Summerhill Country Park and to Footpath no.11 (which extends southwards from Valley Drive). These measures would provide the opportunity for existing and future occupiers to have improved access to recreation and the countryside and provide safe routes to school and employment. Provisions for the new rights of way and footpath improvements are included in the s106 Agreement.

Trees

46. The Pre Development BS5837 Arboricultural Impact Assessment which accompanied the planning application identified the significant individual trees

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within the influence of the site. The assessment concluded that the proposed development should not require the removal of any trees, though some sections of hedgerow within the site would need to be removed to allow for the construction of access roads and one or two trees may need to be felled because of their poor condition. I am satisfied that planning conditions could be imposed to require the retention of the identified significant trees and their protection during construction as part of the wider consideration of detailed landscape proposals at the reserved matters stage.

Ecology

47. An extended Phase I Habitat Survey and surveys for Great Crested Newts and Breeding Birds have been carried out on the site and surrounding area to ascertain the extent to which important habitat and protected species could be affected by the development. These surveys concluded that there should be no harm to protected species subject to the mitigation measures contained in the reports. These measures could be required by the imposition of suitable planning conditions. In addition, given the proposal for a Sustainable Urban Drainage Scheme (SUDS) which would include a pond, open space areas and extensive landscaping, there is likely to be some minor overall enhancement for biodiversity as a result of the development.

Farmland

48. Although this is a greenfield site it is not the best and most versatile agricultural land which the Framework seeks to protect.

Education

49. The Council's education team has indicated that there would be no requirement for additional secondary school provision in the area to meet the need arising from the development. There is, however, a significant lack of capacity in primary school provision and the S106 Agreement would secure financial contributions for the provision of additional places to meet the shortfall resulting from the development.

Accessibility/Sustainability

50. The main parties agree that, as set out in the appellants' Sustainability Statement, there is opportunity to access services and facilities within a reasonable distance by non-car modes of transport so that, aside from the issue of flooding at the access, which I have addressed above, the site is a sustainable location for development.

Economic Benefits

51. A number of economic benefits would be likely to be derived from the development, mainly around 37 jobs during the construction phase and 3 spin-off jobs in the local economy, additional expenditure in local shops, around £1.2 million New Homes Bonus Payment and increased Council Tax payments. This accords with the objective of the Framework to support economic growth through the planning system.

Conditions

52. I have considered the need for the conditions discussed at the Hearing having regard to the advice in the Planning Practice Guidance and the model

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conditions set out in Appendix A to Circular 11/95: The Use of Conditions in Planning Permissions which is still extant (though the Circular itself has been withdrawn). I have simplified or combined some of the suggested conditions necessary to address various matters to make the development acceptable.

53. In the interests of visual amenity, and to ensure a satisfactory development, it is necessary to require approval of full details of the reserved matters i.e. scale, appearance, layout and landscaping, and of the access roads within the site. For the avoidance of doubt, it is necessary to require that the access from Valley Drive, which is not a reserved matter, is constructed in accordance with the submitted details. To accord with the terms of the application, the reserved matters proposals should be based broadly on the indicative layout drawing submitted with the application, be for no more than 110 units and include at least 2 bungalows to meet a need identified in the SHMA.
54. In the interests of visual amenity and/or biodiversity I will impose conditions requiring the landscaping submissions to include full details and implementation of planting; tree retention and protection; open space and play facilities; external lighting; bat roosting features; and the provision and management of a buffer zone along the Tunstall Farm Beck. Where relevant, in the interests of biodiversity and wildlife protection the details and implementation of the proposals should accord with the mitigation measures set out in the various ecology reports, particularly in respect of bats and breeding birds.
55. In the interests of highway safety and the free flow of traffic, I will require that the proposed off-site highway works are completed prior to the occupation of the dwellings and that the dwellings are not occupied until vehicular and pedestrian access to the public highway has been constructed.
56. To reduce the risk of flooding and to ensure the satisfactory storage/disposal of surface water it is necessary to require the submission of the details and management of a surface water drainage system and its implementation prior to first occupation.
57. So as to protect the living conditions of surrounding residents it is reasonable to require details of proposed levels, to limit the times for construction activity and for an approved Construction Management Plan to be implemented.
58. To ensure that any such issues are properly addressed, I will impose the model condition in respect of contamination. To prevent pollution I will require that all surface water drained from the parking areas and hard standings is passed through an interceptor prior to discharge.
59. The site is of archaeological interest and so it is necessary to impose a condition to require that the development is constructed in accordance with the terms of the submitted written Scheme of Investigation which accompanied the planning application.
60. The Council has suggested that the 'permitted development' rights for extensions, garages and outbuildings, and fences, gates and walls should be withdrawn to enable the local planning authority to exercise control in the interest of the amenities of the occupants of the adjacent properties. However, the Planning Practice Guidance advises that such conditions will rarely pass the test of necessity and should only be used in exceptional circumstances. This is

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an outline application and full details have yet to be submitted, but such a restriction would apply to all the proposed houses. As the Council retains full control over the design and layout of the scheme I do not consider that there are exceptional circumstances which render it is necessary or reasonable to impose such conditions at this stage.

Conclusion

61. Although it would not accord with policy Rur1 of the Local Plan 2006, the proposed development would provide housing on a deliverable site in a relatively sustainable location and contribute towards the provision of off-site affordable housing. The presumption in favour of sustainable development set out in the Framework applies and I find no adverse impacts which would significantly and demonstrably outweigh the benefits.
62. For the reasons given above I conclude that the appeal should be allowed.

Isobel McCretton

INSPECTOR

Schedule of Conditions for Appeal Ref. APP/H0724/A/14/2228786

1. Approval of the details of the layout, scale and appearance of the buildings, the further means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
2. Application for the approval of the reserved matters must be made not later than the expiration of three years beginning with the date of this permission
3. The development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
4. The development hereby permitted shall be carried out in accordance with the plan ref. QD463-00-06 (Rev C) (Site Access Road Layout) and details received at the Local Planning Authority on 16th April 2014 as amended by the plan ref. 1N/TUN/SK-10(RevA) (Red Line Boundary), unless otherwise agreed in writing by the Local Planning Authority.
5. Save in respect of drainage adjoining Valley Drive, the details submitted at reserved matters stage shall be in general conformity with drawing ref. 1N/TUN/SK-20 (Block Plan) submitted with the application and received by the Local Planning Authority on 25th April 2014.

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6. The total development hereby approved shall not exceed 110 residential dwellings (C3 Use Class). This shall include a minimum of 2 plots with single storey dwellings i.e. bungalows.
7. No development shall take place until a detailed scheme of off-site highway measures in accordance with the mitigation measure set out in the Transport Assessment prepared by Tim Speed Consulting issued on 10 April 2014 shall have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the highway mitigation measures have been implemented in accordance with the approved scheme.
8. No development shall take place other than in accordance with the Written Scheme of Investigation for archaeological recording prepared by URS and dated January 2014. 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 submitted with the application and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
9. A. Site Characterisation
No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been 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. ground waters 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'.
- B. 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

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qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. 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.

D. 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 condition A (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B (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 condition C (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

10.No development shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to 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 prior to the occupation of the development.

11.No development shall take place until a scheme for passing surface water drainage from parking areas and hard standings through an oil interceptor prior to being discharged into any watercourse, surface water sewer or soakaway system, has been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until the oil interceptor has been installed in accordance with the approved details. Roof water shall not pass through the interceptor.

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- 12.No development shall commence until details of proposed external lighting has been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed and retained in accordance with the details so approved.
- 13.No development shall take place on each phase, until a Construction Management Plan has been submitted to and agreed in writing with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, and to effectively control dust emissions from the site remediation and construction works. The construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.
- 14.No development shall take place until details of play facilities and public open space to be provided on site (including their/its location, the proposed phasing of provision, means of enclosure, landscaping, design and details of play equipment), have been 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 details so agreed.
- 15.No development shall take place until a scheme and timetable for the provision and management of a 5 metre wide buffer zone alongside the Tunstall Farm Beck has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme. The buffer zone scheme shall, unless otherwise agreed, be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:
 - a) plans showing the extent and layout of the buffer zone;
 - (b) details of any proposed planting scheme (for example, native species);
 - (c) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan;
 - (d) details of any proposed footpaths, fencing, lighting etc.
- 16.No development shall take place until a scheme for the provision of bat roosting features within buildings and bird and bat boxes throughout the site, including a timetable for provision, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details and timetable so approved.
- 17.No development shall take place until the Local Planning Authority has approved a report provided by the applicant identifying how the predicted CO2 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 renewable energy equipment or design efficiency measures shall have be installed.

18. Trees and hedgerows within the site shall be retained unless the prior written consent of the Local Planning Authority is obtained for their removal. The landscaping reserved matters shall include details of all hedgerows and trees to be retained and a detailed scheme of landscaping, tree and shrub planting. The scheme shall specify sizes, types and species of trees and shrubs, indicate the proposed layout and surfacing of all open space areas, and a programme for implementation and maintenance. The scheme shall also take account of the mitigation proposals identified in section 6.4 of the report "A breeding bird survey of Tunstall Farm, Hartlepool" and in section D4 & D5 of the report "An extended phase 1 and protected species survey of land at Tunstall Farm, Hartlepool". The works shall be implemented in accordance with the approved details and programme of works.
19. The details submitted with the reserved matters shall include a scheme for the protection during construction works of all trees and hedgerows to be retained on the site, in accordance with BS 5837:2012 *'Trees in relation to design, demolition and construction - Recommendations'*. The scheme once approved in writing by the Local Planning Authority 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. 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 dwelling(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.
20. The trees shown in Figure 5 of the report "An extended phase 1 and protected species survey of land at Tunstall Farm, Hartlepool" prepared by E3 Ecology and submitted in support of the application shall not be removed unless first inspected for their potential to support roosting bats by a suitably qualified ecologist. Any trees that are identified by this inspection as having high potential for roosting bats shall be subject to bat activity surveys prior to any felling works being undertaken on them. If bats are found to be present the tree(s) shall not be removed unless a method statement safeguarding the bats is first submitted to and agreed in writing by the Local Planning Authority. Any trees that have been identified as having moderate bat roosting potential should be felled according to a suitable method statement to reduce the risk of harm to bats. The method statement shall be submitted to and approved in writing by the Local Planning Authority for approval prior to the felling of the tree(s). Where method statements are agreed works shall be undertaken in accordance with the method statement.
21. The clearance of any vegetation, including trees, hedgerows and arable land, shall take place outside the bird breeding season unless the site is first

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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 confirming this is submitted to the Local Planning Authority prior to the clearance of any vegetation. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority.

22. The details submitted with the reserved matters shall include details of existing and proposed levels of the site including finished floor levels of the buildings to be erected, sections through the site and adjacent land/buildings and any earth retention measures.
23. 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/building activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
24. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.

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APPEARANCES

FOR THE APPELLANT:

Richard Sagar	Partner, Walker Morris Solicitors
Andrew Lowdon	Engineering Director, Queensberry Design Ltd
Neil Morton	Director GVA Grimley Ltd
Tom Baker	Principal Planner GVA Grimley Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Jim Ferguson	Team Leader Development Control
Andrew Carter	Planning Services Manager
Matthew King	Team Leader Urban Policy
Kieran Bostock	Senior Engineer
Mike Blair	Traffic and Transportation

INTERESTED PERSONS:

Cllr Ray Martin-Wells	Ward Councillor
Cllr Dr George Morris	Ward Councillor
Fran Johnson	Chair, Park Residents' Association
Mike Leech	Park Residents' Association
Fred Hallums	Park Residents' Association
Steve Wharton	Northumbrian Water
Vivienne Chandler	Local Resident
James Allen	Local Resident
Ian Campbell	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING:

Document 1	Council's letter of notification of the Hearing
Document 2	Email from Robin Beach (Emergency Planning Officer) to Jim Ferguson (Hartlepool BC)

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- Document 3 Response to Inspector's Agenda for Local Plan Hearing re additional site allocation at Tunstall Farm proposed by Taylor Wimpey (flood risk issues and site area)
- Document 4 Email from Environment Agency to Queensbury Design Ltd dated 8/1/15 giving information on works to replace trash screen in Valley Drive
- Document 5 Defra/Environment Agency: Flood Risk Assessment Guidance for New Development R & D Technical Report FD2320/TR2
- Document 6 Community Infrastructure Levy Regulations 2010 – Compliance Statement Appellants/Hartlepool BC
- Document 7 Residents' photographs including November 2012 flood and views from dwellings in Valley Drive
- Document 8 Environment Agency response to questions from Mr Keeton, 56 Valley Drive re proposed flood risk management works (handed in during site visit)
- Document 9 Signed s106 Agreement

DOCUMENTS SUBMITTED AFTER THE HEARING

- Document 10 Response from Queensbury Design Ltd to Mr Keeton's notes
- Document 11 Letter from Mr Allan detailing points raised at the Hearing
- Document 12 Response from HBC re DCLG 2012 Household Projections and Draft 2015 Strategic Housing Market Assessment
- Document 13 Response from appellants re DCLG 2012 Household Projections
- Document 14 Response from Park Residents Association re DCLG 2012 Household Projections