

PLANNING COMMITTEE AGENDA



Wednesday 16 December 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 November 2015 (*to follow*)

4. **ITEMS REQUIRING DECISION**

4.1 Planning Applications – *Assistant Director (Regeneration)*

- | | | |
|---|-------------|--|
| 1 | H/2015/0422 | Land off Valley Drive, Tunstall Farm (page 1) |
| 2 | H/2015/0209 | Land at the Fens (to the rear of Milbank Close), Hart Village (page 21) |
| 3 | H/2015/0423 | National Tyre and Autocare, Spring Garden Road (page 45) |
| 4 | H/2015/0386 | Land at Wynyard Woods, West Wynyard (page 55) |
| 5 | H/2015/0315 | Land North of Wolviston (page 65) |
| 6 | H/2015/0486 | Land adjacent to Middleton House, Navigation Point, Middleton Road (page 87) |
| 7 | H/2015/0408 | 33 The Front, Seaton Carew (page 103) |
| 8 | H/2015/0405 | Land between A689 and Brierton Lane, South West Extension (page 113) |

5. **ITEMS FOR INFORMATION**

- 5.1 New Planning Documents – *Assistant Director (Regeneration)*
5.2 Update on Current Complaints – *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 Enforcement Action – *Assistant Director (Regeneration)* (Para 5 and 6)

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

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 20th January 2016



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

25th November 2015

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

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Stephen Akers-Belcher, Allan Barclay,
Sandra Belcher, Marjorie James, Brenda Loynes,
Ray Martin-Wells, Carl Richardson and George Springer

Officers: Peter Devlin, Chief Solicitor
Andrew Carter, Planning Services Manager
Jim Ferguson, Planning Team Leader (DC)
Mike Blair, Highways, Traffic and Transportation Manager
Dale Clarke, Estates and Regeneration Manager
Sarah Scarr, Heritage and Countryside Manager
Adrian Hurst, Principal Environmental Health Officer
Helen Heward, Senior Planning Officer
Jo Stubbs, Democratic Services Officer

72. Apologies for Absence

Apologies were submitted by Councillor George Morris

73. Declarations of interest by members

None

74. Confirmation of the minutes of the meeting held on 21st October 2015

Confirmed

75. Confirmation of the minutes of the meeting held on 28th October 2015

Confirmed

76. Planning Applications (*Director of Regeneration and Neighbourhoods*)

Number: H/2015/0417

Applicant: Mr Michael Ford Nelson Farm Lane HARTLEPOOL

Agent: Kinetica Energy Ltd Mrs Kerry Howard Vision House Oak Tree Court Mulberry Drive Cardiff Gate Business Park CARDIFF

Date received: 07/10/2015

Development: Amendments to approved access track, cable and ancillary infrastructure originally approved under H/2013/0414

Location: Nelson Farm Nelson Farm Lane HARTLEPOOL

Cara Peers was in attendance on behalf of the Agent. Members approved the application by a majority.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the details, the plans (Location Plan Drawing Number KEDWG-PL-LP-333, Site Development Area Drawing Ref: KE333-SDA-25092015B, Indicative Access Track Cross Section Drawing no. KEDWG-CS, Proposed GRP Kiosk at Nelson Farm showing floor plan, elevations and section) and the supporting document (Kinetica Energy Nelson Farm Amendments to approved access track, cable and ancillary infrastructure originally approved under H/2013/0414 dated 25th September 2015) received by the Local Planning Authority on 25/09/15, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Noise levels from the turbine shall not exceed the levels as set out in tables 6 and 7 of paragraph 4.10 of the noise assessment dated 14/06/13 submitted in support of the planning application approved under the provisions of planning permission H/2013/0414.
For the avoidance of doubt.
4. If the wind turbine permitted under the provision of permission H/2013/0414 ceases to operate for a continuous period of 12 months, a scheme for the decommissioning and removal of the wind turbine generator and any other ancillary equipment and structures relating solely to that wind turbine, shall be submitted to and agreed in writing with the Local Planning Authority within 3 months of the end of the

cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 3 months of the date of its agreement in writing with the Local Planning Authority. In the interests of visual amenity of the area.

5. Notwithstanding the details submitted, the development shall be carried out in accordance with the mitigation set out in Section 3.5.2 of the Environmental Report dated August 2013, submitted in support of the application approved under the provisions of permission H/2013/0414. In the interests of protected species.
6. Prior to the commencement of the development, details of the delivery method of the wind turbine to include a schedule of works for the restoration of the Public Right of Way and any diversion of the Public Right of Way required during delivery, operation or decommissioning of the wind turbine shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. In the interests of highway safety and the Public Right of Way.

The Committee considered representations in relation to this matter.

Number:	H/2015/0396
Applicant:	Mr Geoff Woodcock Esh Development Limited Bowburn North Industrial Estate Bowburn Durham
Agent:	Hedley Planning Services Limited Mr Sean Hedley Unit 7 Hexham Enterprise Hub Burn Lane Hexham
Date received:	21/10/2015
Development:	Proposed seafront regeneration development including creation of multi-functional market/events space, play areas and facilities, hard standing and footpaths, lighting, cycle stands, alterations to existing vehicular access (to car park) and other associated works. Development includes demolition of Longscar Centre.
Location:	LAND AT THE FRONT SEATON CAREW HARTLEPOOL

Sean Hedley spoke on behalf of the applicant. He urged members to support the application which would enhance the conservation area and have positive effects on tourism. The proposals had received significant local support during the consultation process and there had been no statutory objections. David Stovell spoke on behalf of Longsco, who have an interest in the Longscar building. While they were not against the overall landscape proposals they felt they would be best achieved by retaining the Longscar building. They acknowledged there had been a longstanding legal dispute over the building but this had now been resolved. The Longscar would offer an undercover place to be used during inclement weather and a number of

businesses had already expressed an interest in utilising it. He suggested the centre could be reopened around Easter 2016. Jobs would be created whereas the cost of demolition was unknown and the process could be open-ended leading to a potentially high financial commitment on the part of the council. He asked members to defer the application

Members discussed the proposals. There was some support in favour of discussions with Longsco however others felt that the situation had gone on too long and the council needed to move forward with the proposed scheme. Members voted in favour of the application by a majority.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with plans 752/SC/100 (Site Location Plan at 1:750), 752/SC/002 (Detail Areas Plan Sheet 1 of 3), 752/SC/003 (Detail Areas Plan Sheet 2 of 3) and 752/SC/004 (Detail Areas Plan Sheet 3 of 3) received by the Local Planning Authority on 14.09.2015; plan 752/SC/100 REV A (Site Location Plan at 1:1250) received by the Local Planning Authority on 21.09.2015 and plan 752/SC/001 REV E (Phase 1, 2, and 3 Landscape Masterplan) received by the Local Planning Authority on 22.09.2015 unless otherwise agreed in writing with the Local Planning Authority.
For the avoidance of doubt.
3. Notwithstanding the submitted details, a detailed scheme of soft landscaping and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures, and be implemented in accordance with the approved details and programme of works.
All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development or an alternative timescale agreed in writing with the Local Planning Authority. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity and to ensure a satisfactory form of development.

4. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, market square/events area, footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The agreed scheme shall be implemented prior to the operation of the site and/or the site being open to the public. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.
To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
5. Notwithstanding the submitted plans and prior to the commencement of development, a scheme showing the widening of the car park access and provision of car parking spaces, to Local Planning Authority standards, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be completed to the satisfaction of the Local Planning Authority before the car park hereby approved is brought into use unless otherwise agreed in writing with the Local Planning Authority.
In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.
6. No development shall commence until a scheme of car parking signage, highway measures and parking restrictions adjacent to the existing car park and the junction to The Front has been submitted to and agreed in writing by the Local Planning Authority including a timetable for the works. The scheme shall include details of appropriate signage, and lining/markings on the highway. The agreed scheme shall be implemented in accordance with the approved timetable and details. In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.
7. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
8. 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.

9. Notwithstanding the submitted plans, the final details of the railings, gate piers and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is brought into use. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

10. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the development hereby approved being brought into use, full details of all street furniture including secure cycle parking, children's play equipment, waste storage, picnic benches, beach huts and seating areas shall be submitted to and agreed in writing with the Local Planning Authority. The elements shall be carried out in accordance with the details so approved.

To ensure a satisfactory and sustainable form of development.

11. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the development hereby approved being brought into use, full details of the proposed water play feature/surface as indicated on plan 752/SC/002 (Detail Areas Plan Sheet 1 of 3, date received 14.09.2015), shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of its construction and plant requirements, tanks treatment and filtration procedure, details of any jets or sprays and details for the disposal of water. These elements shall be carried out in accordance with the details so approved.

To ensure a satisfactory and sustainable form of development.

12. Prior to the erection of any external lighting associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme.
To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.
13. The events/markets space (Area 1 as identified within section 3.0 Masterplan Proposals of the Design and Access Statement and plan 752/SC/003 - Details Area Plan Sheet 2 of 3, date received 14.09.2015) hereby approved shall be used for temporary events only and no permanent structures or buildings shall be sited on this parcel of land without the prior written consent of the Local Planning Authority. For the avoidance of doubt.
14. Events/markets in the events/markets space (Area 1 as identified within section 3.0 Masterplan Proposals of the Design and Access Statement and plan 752/SC/003 - Details Area Plan Sheet 2 of 3, date received 14.09.2015) and associated curtilage shall only take place between the hours of 0800 - 2200 hours, on any day.
In the interests of the amenities of the occupants of neighbouring properties/land users.
15. The events/markets space (Area 1 as identified within section 3.0 Masterplan Proposals of the Design and Access Statement and plan 752/SC/003 - Details Area Plan Sheet 2 of 3, date received 14.09.2015) hereby approved shall be limited to no more than six (6) events that would require amplified music in any 12 month period. Any event shall be limited to no more than two (2) consecutive days.
In the interests of the amenities of the occupants of neighbouring properties/land users.
16. No development shall take place until a Construction and Demolition 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 and Demolition 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. To avoid excessive noise and disturbance to the occupants of nearby properties.
17. No construction/building or demolition works or deliveries shall be carried out except between the hours of 07.30 am and 06.00 pm on Mondays to Fridays and between 08.00 am and 12.30pm on Saturdays. There shall be no construction or demolition activity including demolition on Sundays or on Bank Holidays.
To avoid excessive noise and disturbance to the occupants of nearby properties.

18. Events within the events space at the rear of the bus station/clock tower (Area 3 as identified within section 3.0 Masterplan Proposals of the Design and Access Statement and plan 752/SC/004 - Details Area Plan Sheet 3 of 3, date received 14.09.2015) and associated curtilage shall only take place between the hours of 0800 - 2400 hours, on any day.
In the interests of the amenities of the occupants of neighbouring properties/land users.
19. The events space at the rear of the bus station/clock tower (Area 3 as identified within section 3.0 Masterplan Proposals of the Design and Access Statement and plan 752/SC/004 - Details Area Plan Sheet 3 of 3, date received 14.09.2015) hereby approved shall be limited to no more than six (6) events that would require amplified music in any 12 month period. Any event shall be limited to no more than two (2) consecutive days.
In the interests of the amenities of the occupants of neighbouring properties/land users.
20. Any fairground and amusements occupying the events space to the rear of the bus station/clock tower (Area 3 as identified within section 3.0 Masterplan Proposals of the Design and Access Statement and plan 752/SC/004 - Details Area Plan Sheet 3 of 3, date received 14.09.2015) shall only operate/be open to the public between the hours of 10:00 and 22:00 hours on any day. No ride/attraction/catering outlet, fencing, and any other accommodation and equipment shall be brought onto or removed from the site outside the hours listed above.
In the interests of the amenities of the occupants of neighbouring properties/land users.

The Committee considered representations in relation to this matter.

Number:	H/2015/0316
Applicant:	Mr William Cooper Anesco Ltd The Green Easter Park READING
Agent:	BARTON WILLMORE MR LIAM TATE 3RD FLOOR 14 KING STREET LEEDS
Date received:	09/09/2015
Development:	Construction of a temporary Solar Farm, to include the installation of Solar Panels with transformers, a District Network Operator (DNO) substation, security fence and gate (incorporating infra-red beam system) and other associated infrastructure
Location:	Land at Blue House Farm Stockton Road Newton Bewley BILLINGHAM

The Applicant, Lee Adams, urged members to support the application. Renewable energy schemes were supported nationally and Enesco had contributed to some of the largest in the country. It would lead to the creation of local jobs, help power 1500 homes per year and reduce climate change emissions. The proposal had been carefully considered to minimise impact and provide ecological enhancements and he was happy to abide by all the planning conditions.

George White spoke on behalf of the tenant of Blue House Farm. He explained the by allowing the application members would be removing 15% of the farm which could lead to bankruptcy for the tenant. He raised concerns that gates might be left open during the construction process which could lead to livestock escaping and causing an accident on the nearby dual carriageway with no offer of indemnity insurance on the part of the applicant. The proposal had caused physical and financial worry for the tenant. He requested that members defer their decision for a site visit and to allow discussion with the applicant on potential indemnity insurance. The Chief Solicitor advised members that these were private matters which could not be considered as a material planning consideration although access could be so considered through the proposed use and development of the land. Members suggested that measures to ensure the security of the farm be conditioned. Mr Adams indicated he would be happy to do this.

Members had differing views on the application. Those in favour felt it offered an alternative energy source to nuclear power and would be a sustainable development while those against thought the impacts in terms of highway safety, access, traffic, parking and loss of farmland would be too great. Members voted in favour of the application by a majority.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall in all respects accord strictly with the following drawings and documents:
 - Q1500038_04Rev.A : Location plan scale 1:5000;
 - 001476_100/Rev B: Location Maps;
 - 001476_200/Rev.C Site Plan (Layout);
 - 001476_401/revB: Typical Buildings;
 - 001476_402/rev.B: Containerised Energy Storage;
 - 001476_400/Rev.B; Elevations Sections Fence;
 - Solar Photovoltaic Glint and Glare Study, dated August 2015;
 - Biodiversity Management Plan dated August 2015;
 - Results of Extended Phase 1 Habitat Survey and Phase 2 Protected Species Survey and Ecological Appraisal dated August 2015;

- Flood Risk Assessment dated 20th August 2015
- Transport Statement dated August 2015;
- Landscape and Visual Impact assessment dated September 2015
- Planning Statement Dated September 2015;
- Design and Access Statement dated September 2015;
- Traffic Management Plan;

Validated by the Local Planning Authority on 2nd September 2015 and the Addendum to Landscape and Visual Impact Assessment received by this Authority on 27th October 2015.

To ensure that the proposed development is carried out in accordance with the drawings and submitted documents forming part of the application to which this approval relates.

3. Before the development hereby approved is commenced, details of a scheme for the management of the site's surface water run-off shall be submitted to and approved in writing by the Local Planning Authority. The details shall include as a minimum:

- Details of the final drainage scheme, including pathways and flow routes for excess water during extreme weather;
- Demonstration, prior to operation of the site and to the satisfaction of the Local Planning Authority, that relevant parts of the scheme have been completed in accordance with the details agreed.

The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

To prevent the increased risk of flooding and to minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

4. When the land ceases to be used as a photovoltaic park for renewable power production or, at the end of the period of 40 years from the date of grid connection (such date to have been given to the Local Planning Authority within one month of grid connection), whichever shall first occur, the use hereby permitted shall cease and all materials and equipment brought onto the land in connection with the use shall be removed and the land restored, in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority prior to the decommissioning works taking place. Such details shall include the time scale for decommissioning.

The application has been assessed in accordance with the details submitted by the applicant and, taking into account the benefits of the production of renewable energy. At the end of the design life of the development the land should be restored in order to protect the visual amenity and character of the surrounding countryside.

5. No external artificial lighting shall be installed during the operation of the site as a solar PV facility without the prior written consent of the Local Planning Authority.
In the interests of the visual amenity of the area.

6. All satellite navigation systems used to direct delivery drivers to the site shall be preprogrammed so that they accord with the agreed route in the Transport Management Plan.
In the interests of highway safety.
7. Landscape planting shall be in accordance with the details provided in appendix A:1 'LVIA Methodology' of the Landscape and Visual Impact Assessment submitted with this application and all additional planting shall be implemented in the first planting season after the first use of the development. No existing hedgerows and trees indicated to be retained shall be uprooted, removed, destroyed or worked upon unless in accordance with appendix A:1 'LVIA Methodology' or otherwise specifically agreed in writing with the Local Planning Authority. If any retained tree or hedgerow is felled, uprooted, removed, destroyed or dies, another tree shall be planted at the same place (or hedgerow reinstated) and that tree and hedge shall be of such size, species and density, and shall be planted at such time as may be specified in writing by the Local Planning Authority. Any trees, plants or shrubs which within 5 years of the completion of the development die, are removed or become seriously diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In order to protect trees and hedgerows of public amenity and ecological value.
8. The routing of the heavy goods vehicles to the site and; the provision of the temporary access to serve vehicles during the period of construction shall be constructed and maintained strictly in accordance with the Traffic Management Plan submitted as part of this application. All temporary hardstanding areas and buildings associated with construction shall be removed from the site when construction of the development is complete. The site shall then be reinstated to its original condition including the field gate entrance.
In the interests of Highway Safety.
9. Details in respect of the provision of wheel washing facilities for use by vehicles leaving the site shall be submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities, as approved, shall be in situ and ready for use prior to the commencement of the development.
In the interests of highway safety.
10. The mitigation measures indicated in Section 5.3.2 of the Extended Phase 1Habitat Survey and Phase 2 Protected Species Survey shall be undertaken to avoid harm to a population of Great Crested Newts, identified as being present in nearby ponds. The mitigation measures shall be implemented prior to the commencement of the development and maintained in situ thereafter for the duration of the use of the site.
In order to protect the habitat of a European Protected Species.
11. No development hereby permitted shall be commenced until a Construction Management Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include details of:
 - The timetable of the works;

- Limiting daily hours of construction to between 0700 - 19.00 hours Monday to Friday; 07.00 - 17.00 hours on Saturday with no working on Sundays and Bank Holidays/Public Holidays.
- Location of the works compound where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the construction phase.
- Areas on site where delivery vehicles and construction traffic will load or unload buildings materials, finished or unfinished products, parts, crates, packing materials and waste;
- The means of enclosure of the site during construction works; and The Construction Management Statement shall be strictly adhered to during the construction of the development hereby permitted, unless a variation is approved in writing by the Local Planning Authority.

In the interests of amenity, public convenience and highway safety, including preventing inconvenient obstruction and delays to public transport and services. vehicles and to emergency vehicles.

12. No construction traffic or delivery vehicles shall be parked off-site on the highway for loading or unloading purposes unless prior written agreement has been given by the Local Planning Authority

In the interests of amenity, public convenience and highway safety, including preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

13. Full written details of the external finishes to the ancillary buildings shall be submitted to and approved in writing by the local planning authority prior to their erection. The approved finishes shall be implemented and retained thereafter.

In the interests of visual amenity.

14. The ecological enhancement and management of the site shall be undertaken wholly in accordance with the details and measures contained within the Biodiversity Management Plan, dated August 2015 and submitted to inform this application.

To maintain and enhance the biodiversity of the site.

15. Access and egress to the site for Heavy Goods Traffic and Plant during the construction period shall be undertaken in strict accordance with the provisions of the Traffic Management Plan submitted in support of the development.

In the interests of amenity, public convenience and highway safety,

16. Prior to the commencement of construction of the development hereby approved a scheme detailing the security measures to protect livestock during the construction and throughout the maintenance of the development shall be submitted and approved in writing by the local planning authority. The approved scheme shall be strictly adhered to during the construction and maintenance of the development hereby permitted.

To ensure satisfactory security measures to ensure the closure of access gates along the access route into and from the site during construction and throughout maintenance of the development.

The Committee considered representations in relation to this matter.

77. Appeal at land adjacent to Middleton House, Navigation Point, Middleton Road, Hartlepool *(Assistant Director (Regeneration))*

Members were advised that a planning appeal had been submitted against the decision of the Planning Committee to refuse planning permission for the erection of a restaurant/cafe with related external works and car parking permission on 30th September 2015. Permission was sought to contest the appeal which would be decided by written representation.

Decision

That Officers be authorised to contest the appeal.

78. Appeal at 23 Stanhope Avenue, Hartlepool TS26 9QY *(Assistant Director (Regeneration))*

Members were advised that an appeal relating to 23 Stanhope Avenue had been dismissed by the Planning Inspector.

Decision

That the outcome of the appeal be noted

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

Details were given of 14 ongoing issues currently under investigation. Members requested further information on the following:

- Non-compliance relating to the fitting of obscure glass panels at a property in Hardwick Court
- Non-compliance with conditions at Tunstall Court
- Alterations and extension to the rear of a property at The Green, Elwick

Further information was also sought as to complaints relating to a caravan on Westbrooke Avenue.

Decision

That the report be noted.

80. Enforcement Officer

The Planning Services Manager informed members that Tony Dixon had recently been appointed to the post of Enforcement Officer.

The meeting concluded at 11:10am.

CHAIR

No: 1
Number: H/2015/0422
Applicant: Taylor Wimpey UK Ltd
Agent: GVA Grimley Ltd Fourth Floor Central Square Forth Street NEWCASTLE UPON TYNE NE1 3PJ
Date valid: 07/10/2015
Development: Reserved matters application for the erection of 110 dwellings (Use Class C3) including associated infrastructure and landscaping and engineering works
Location: Land off Valley Drive Tunstall Farm HARTLEPOOL 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 An outline planning application for the construction of up to 110 dwellings (H/2014/0196) was submitted on 25th April 2014 which was subsequently refused by Members for reasons relating to i) the scheme exacerbating existing flooding problems on and adjacent to the site and ii) the proposed access could periodically at times of flooding result in difficulties in the emergency services and residents accessing the site.

1.3 The applicant appealed against the decision and a hearing took place in January 2015. The appeal was allowed on 21st May 2015 subject to a number of planning conditions (Appeal Ref; APP/H0724/A/14/2228786).

1.4 The application was made in outline with all matters reserved for subsequent approval, with the exception of access. A S106 Agreement was completed securing financial contributions towards affordable housing, facilities and improvements at Brierton Sports Centre, education, a new permissive right of way and footpath improvements, along with the maintenance of play areas and open space.

PROPOSAL

1.5 This reserved matters application seeks planning permission for the erection of 110 dwellings including associated infrastructure, landscaping and engineering works (the scheme includes the appearance, landscaping, layout and scale of the development – the reserved matters) on land at Tunstall Farm, off Valley Drive, Hartlepool.

1.6 The development proposes 110 residential properties, which includes a mix of 3, 4 and 5 bed two storey, detached dwellings and 2 detached bungalows (10 different

house types in total). The 2 proposed bungalows are situated within the north west corner of the site (plots 1 and 2), which will be considered in further detail below.

1.7 The single access to the site has already been agreed through the outline planning permission (the allowed appeal decision) with access taken from Valley Drive.

1.8 The proposal includes a comprehensive landscaping scheme including areas of open space and play areas being provided within the site.

SITE CONTEXT

1.9 The application site is an area of approximately 7.8 hectares and encompasses 3 fields of undulating farmland. The site abounds residential properties to the west along Valley Drive and Hylton Road to the north. To the east is the Summerhill Drain with trees along its banks and fields beyond, 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.

PUBLICITY

1.10 The application has been advertised by way of neighbour letters, a press notice and 4 site notices.

1.11 A further 14-day consultation was undertaken on receipt of amended and additional plans including amended landscaping plans to reflect amendments to public open space/play area details that are currently being considered through the discharge of condition application (associated with the allowed appeal decision). The consultation period for the amended/additional plans expires on 10th December 2015, prior to the Committee Meeting date (16.12.15). Members will be advised of any additional representations received at the Meeting.

1.12 To date, 67 letters of objection have been received (in some instances more than 1 objection has been received from the same person) and the objections/concerns/comments can be summarised as follows:

- Number of dwellings not required/there are more suitable alternative sites
- Adverse visual impact/impact on character of the area
- Adverse effect on 'green belt'
- High density/over development of site, out of scale with area compared to surrounding area
- Conflict with character of conservation area
- Loss of trees
- Design out of keeping with area
- Bungalows would be more appropriate for the setting and to reduce impact on existing properties particularly along northern boundary
- More bungalows should be added to the development
- The development is not executive housing

- Roof tiles should be grey or brown owing to elevated nature of site
- Impact on residential amenity in terms noise disturbance and vibrations, light pollution, overlooking, overshadowing
- Existing views of existing residents affected
- Building on natural flood plains putting existing properties at increased risk of flooding
- Flooding issues at site entrance
- Impact on foul and surface water drainage. Public sewers inadequate
- How will existing home owners be protected should the drainage/flooding system fail?
- What modelling has been undertaken on the proposed SUDS pond?
- Adverse effect on wildlife and associated wildlife corridors
- Second emergency access should be required/only one access would be a health and safety issue
- Insufficient car parking within site, resulting in overspill car parking within existing estate creating problems
- Mud/dirt on roads during construction. Construction traffic and noise will disrupt area
- Increase in traffic/exacerbate existing congestion in area
- Adverse impact on highway and pedestrian safety
- Site access inadequate
- Access should be taken from Summerhill
- Lack of public transport and services in area
- Measures should be put in place to control construction traffic including vehicle speed, times of the day, and should avoid schools.
- Proximity of landscaping to fences
- The buffer zone should not be developed upon
- Impact of proposed landscaping in terms of maintenance of existing properties and boundary treatments.
- The proposed landscaping will take a long time to establish
- The 5 year protection of the planting will not afford long term protection of residents privacy
- The POS areas will be “potentially noisy”
- Public open space will encourage anti-social behaviour
- Proposal raises security issues
- Damage to properties and vehicles during construction traffic and issues over access to properties
- Property devaluation
- Land movement
- Loss of light/daylight and loss of a view
- Objections to original application (should) still apply
- Insufficient garden/amenity areas to serve proposed dwellings
- Impact on a public right of way
- Loss of agricultural land
- Impact on archaeology
- Adverse impact on economy/businesses
- Increased pressure on schools

- Insufficient details to assess impacts on surrounding properties (including the indicative, cross sectional drawings)

1 letter of no objection has been received.

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1.13 The period for publicity on the amended plans detailed above expires on 10th December 2015.

CONSULTATIONS

1.14 The following consultation replies have been received:

HBC Traffic and Transportation: The proposed highway layout is acceptable and should be constructed in accordance with the HBC Design Guide and Specification for Residential Estates. This should be carried out under an advanced payment code and section 38 agreement.

HBC Arboricultural Officer: I refer to the details submitted to address some of the reserved matters in relation to the proposed scheme at Valley Drive and make reference to the letter dated the 30/9/2015 from GVA Grimley Ltd.

The issues that have been addressed and which I am happy with their content are:

Condition	18	Landscaping detail Drwg nos. 90864-PL-8016 to 8026
Condition	19	The Arboricultural Constraints Plan
Condition	19	Tree Protection Plan

I must emphasise that before any work starts on site that the Tree Protection measures are put in place as described in 19 above (Drwg. No. TF.TPP.No2) and in the Pre Development Arboricultural Impact Assessment v2 by Woodsman Arboricultural Consultancy.

HBC Engineering Consultancy: I have no further comments at this stage. I am still reviewing the drainage details submitted to satisfy the surface water condition on this application and I will continue to liaise with the Monitoring Officer on this.

Environment Agency: Following assessment of the submitted details under the above reference, I can confirm that no objection to the proposed details are raised.

Northumbrian Water: In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make in terms of the

reserved matters for the appearance, landscaping, layout or scale of the development.

We can however confirm that a drainage strategy has been agreed with the applicant and that this was reflected in our previous comments dated 7th May 2014 application reference H/2014/0196.

Natural England: Natural England has no comments to make on this application.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England.

Tees Archaeology: As you will be aware the developers pre-application archaeological assessment of the site identified a small Romano-British settlement. The consent document for the outline application includes an archaeological planning condition (Condition 8) to ensure that these remains are properly recorded prior to development.

Providing that this condition remains active and is implemented I have no objection to the reserved matters.

HBC Countryside Access Officer: With regards to this development update; I would be grateful if the developer could supply an updated drawing of the agreed upon pedestrian access link from the eastern corner of the development to Summerhill Countryside park. Indicative layout drawings of the route and relevant infrastructure needs to be shown on the plans.

Ramblers Association: We understand that the provision of the FP referred to below is one of the matters covered in a s106 agreement. That being so we have no further observations.

Northern Gas Networks: I have checked the Northern Gas Networks records and can confirm that Northern Gas Networks do not have any apparatus which crosses the proposed development site. Apparatus runs along Valley Drive and there is a low pressure gas supply to Tunstall farm which should be maintained. The high pressure apparatus owned by Northern Gas Networks is away from this development site.

HBC Public Protection: No objection

Highways England: No objections

PLANNING POLICY

1.15 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

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

GEP1 - General Environmental Principles
GEP2 - Access for All
GEP3 - Crime Prevention by Planning and Design
GEP9 – Developer Contributions
GEP12 - Trees, Hedgerows and Development
GN5 - Tree Planting
HSG5 - monitor housing supply
Rec2 – Provision for Play in New Housing Areas
RUR7 – Development in the Countryside
RUR18 – Rights of Way
Tra16 – Car Parking Standards
Tra20 – Travel Plans

National Policy

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

Paragraph 02: Application of planning law (development plan and material considerations)

Paragraph 06: Purpose of the planning system – creation of sustainable development
 Paragraph 07: Three dimensions to sustainable development
 Paragraph 13: The National Planning Policy Framework constitutes guidance
 Paragraph 14: Presumption in favour of sustainable development
 Paragraph 17: Core planning principles
 Paragraph 36: Travel Plan requirements
 Paragraph 37: Minimise journey lengths
 Paragraph 47: To boost significantly the supply of housing
 Paragraph 49: Housing and the presumption in favour of sustainable development
 Paragraph 50: Deliver a wide choice of homes
 Paragraph 56: Design of the built environment and its contribution to sustainable development.
 Paragraph 57: High quality inclusive design
 Paragraph 58: Quality of development
 Paragraph 60: Innovation and originality of design and promotion and reinforcement of local distinctiveness.
 Paragraph 61: The connections between people and places
 Paragraph 64: Improving the character and quality of an area
 Paragraph 66: Community involvement
 Paragraph 93: Reduction in greenhouse gas emissions
 Paragraph 96: Minimise energy consumption
 Paragraph 196: Determination in accordance with the development plan
 Paragraph 197: Presumption in favour of sustainable development
 Paragraph 203-206 – Planning Obligations

PLANNING CONSIDERATIONS

1.18 The main issues for consideration in this instance are the principle of development, impact on character and appearance of the area, landscaping public open space/play facilities, impact on amenity and privacy of neighbouring land users, highway safety, flooding and drainage, ecology, archaeology, planning obligations, other planning matters, crime/fear of crime and anti-social behaviour and other residual matters.

PRINCIPLE OF DEVELOPMENT

1.19 The principle of residential development on the site has been established by virtue of the original outline permission, allowed on appeal (Appeal reference APP/H0724/A/14/2228786). Furthermore, the Inspector concluded that “*the site is a sustainable location for development*”.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA (APPEARANCE, LAYOUT AND SCALE)

1.20 Objections have been received from residents to the development relating to the impact upon the character and appearance of the area.

1.21 The National Planning Policy Framework 2012 (NPPF) sets out the Government’s commitment to good design. Paragraph 56 states that, good design is

a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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

1.23 It is considered that the scale and layout of the proposed development is in general conformity to the indicative block plan that was considered as part of the allowed appeal decision. It is also acknowledged that the character and appearance of the existing wider area is varied, consisting of a mixture of house types and designs. Taking this into consideration, it is considered that the design/appearance, scale, layout and massing/density of the proposed dwellings/house types are acceptable and will not have a detrimental impact upon the character and appearance of the area or result in an overdevelopment of the site.

1.24 This view was supported by the Planning Inspector within the appeal decision, when she commented;

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. Overall I do not find that there would be significant adverse visual harm arising from the development.

1.25 The applicant has submitted details of the proposed external finishing materials consisting of two different brick types, two different roof tiles and provision of light cream render to a number of properties. These materials, in the context of the above considerations, are considered to be acceptable and can be secured by a planning condition.

1.26 As set out above, the proposed scheme would provide 2 bungalows. Objections/concerns/comments have been received commenting that more bungalows should be provided on the site. It is noted that there is a specific need identified highlighted within the 2015 Strategic Housing Market Assessment (SHMA). The SHMA noted bungalows are in short supply in Hartlepool and therefore is something that new developments should look to provide as a small element of within the overall scheme.

1.27 In response to the query as to whether the applicant could provide more bungalows within the scheme, the applicant's agent has advised that the scheme was considered in the context of the SHMA (2012) at the at time of the outline application which was considered by the Planning Inspector on the allowed appeal decision. The applicant's agent notes that a planning condition (05) requires the development to be carried out in general conformity with drawing ref. 1N/TUN/SK-20 (Block Plan). This was set out within the appeal decision in which the Inspector commented that "*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*".

1.28 The applicant's agent has also advised that as part of the assessment of the outline application, the applicant submitted a viability assessment based on a mix of 3, 4 and 5 bedroom dwellings with two bungalows. The applicant has advised that the provision of further bungalows would reduce the viability of the scheme and the affordable housing contribution. As such, the applicant's agent has confirmed that the applicant does not consider this is an appropriate course of action and that they consider the current proposals represent a satisfactory and sustainable form of development.

1.29 In view of the above considerations, it is considered that the lack of further bungalow provision would not warrant a reason for the refusal of the application in this instance.

1.30 In response to the objection raised regarding the impact on the conservation area, the application site is located outside of the Park Conservation Area and is separated from the designated boundary by fields and existing housing. The proposal is not considered to adversely affect the setting, character and appearance of the conservation area.

1.31 Overall, it is considered that the appearance, layout, scale and density of the development is acceptable and is reflective of the surrounding area. It is considered that the development would not have a detrimental impact on the character and appearance of the area and that the proposal accords with the general provisions of the relevant saved local plan policies and the NPPF.

LANDSCAPING PUBLIC OPEN SPACE/PLAY FACILITIES

1.32 The application is accompanied by a comprehensive landscaping scheme which details the provision of landscaping along the perimeters of the site and the retention of existing hedgerows and trees where possible (and as agreed through the outline approval). The applicant has also submitted details under the relevant discharge of condition application to satisfy conditions 18 and 19 (tree and hedge protection). These details have been considered by the Council's Arboricultural Officer who has confirmed that the details are acceptable and should be in place prior to commencement (this requirement is controlled by the above referenced conditions on the allowed appeal decision).

1.33 Condition 05 of the allowed appeal decision made reference to an indicative block plan, which indicated the provision of public open space/play areas along the

western section of the site (backing onto the properties along Valley Drive) and other pockets within the site. The applicant has provided detailed drawings of play facilities as part of the discharge of condition 14 of the allowed appeal decision, which primarily relate to 'rural' play features such as stepping stones, swings and climbing logs. Such details are considered to be acceptable and achieve satisfactory distances/relationships to existing and proposed residential properties without resulting in an unacceptable loss of amenity and privacy for surrounding properties.

1.34 With respect to concerns regarding the impact of the proposed landscaping scheme, this has been considered by the Council's Arboricultural Officer and is considered to be acceptable.

1.35 Overall, it is considered that the scheme provides a satisfactory landscaping scheme and public open space areas that will not result in an adverse impact on the character and appearance of the surrounding area or adversely affect existing landscaping features.

IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

1.36 A number of objections have raised concerns regarding the close proximity of the proposed development and impact on the amenity and privacy of residential properties. It is noted that there are undulating land levels across the site, with a notable rise at the rear of the properties at the end of Valley Drive.

1.37 This matter was considered by the Planning Inspector within the appeal decision (Appeal reference APP/H0724/A/14/2228786) who acknowledged that the proposal *"could result in a loss of privacy and outlook for the occupiers of those houses if the proposed dwellings were poorly sited"*. The Inspector did however conclude 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"*.

1.38 The proposed layout maintains a 55m+ (approx.) buffer between the proposed dwellings to the west of the site (plots 92-97, 104-107) and the nearest dwellings beyond the site boundary along Valley Drive with an intervening buffer zone of planting, open space and play areas and an access road. In the north west corner of the site, proposed plots 1 and 2 constitute modest bungalows which would side onto the adjacent boundaries to 35 and 37 Valley Drive (West) and the properties along Hylton Road to the north.

1.39 The provision of the bungalows is considered to assist in reducing any significant massing and unacceptable impact on the amenities of the existing surrounding properties. Furthermore, a minimum separation distance of approximately 35m would be maintained between the rear elevation of the proposed dwellings (including the bungalows) along the northern boundary and the existing properties along Hylton Road.

1.40 The gable side elevation of plot 1 (bungalow) would be sited approximately 15m from the rear elevations of the nearest properties to the west along Valley Drive

(primarily No's 35 and 37 Valley Drive). Taking account of this distance, the indicated existing/proposed levels, the proposed boundary treatment and the modest scale of the proposed bungalows, it is considered that the proposed development would not, on balance, result in an unacceptable loss of amenity for existing and future occupiers of surrounding properties.

1.41 Proposed plot 1 (bungalow) includes the provision of a single bathroom window in the gable side elevation facing onto the adjacent western boundary. In view of the above separation distance and relationship and subject to the provision of satisfactory boundary treatment (indicated on the plans as being an approximately 1.8m high closed boarded fence with 'vegetated screen' - planting affixed to the outside of the fencing, facing the neighbouring property), it is considered that the proposal would not result in an adverse loss of privacy for neighbouring properties.

1.42 The submitted plans also indicate the provision of hedge and tree planting along the north west boundary between plots 1-7 (inclusive) and the rear boundaries of 67-83 (odds) Hylton Road. Whilst this planting would, as a standard timescale, be protected for a minimum period of 5 years (covered by planning condition 19 of the allowed appeal decision), it is considered that this green 'buffer' will further assist in breaking up the massing of the proposal and reducing any impacts on the amenity and privacy of existing and future occupiers of neighbouring properties. It should be noted that Officers consider that the scheme would continue to be acceptable in amenity and privacy terms without this planting/should the planting be removed after the 5 year protection period.

1.43 The submitted application is accompanied by cross sectional drawings which further illustrate that satisfactory relationships can be achieved between the proposed dwellings/bungalows and existing properties, without resulting in a significant unacceptable loss of amenity or privacy for existing or future occupiers of neighbouring properties in terms of outlook, overlooking, overbearing and overshadowing. Details of the site levels have been submitted and considered under condition 22 of the allowed appeal decision. Again, it is considered that the indicated levels, in addition to the aforementioned separation distances would result in satisfactory relationships between the proposed dwellings and existing properties.

1.44 With respect to the internal layout, it is considered that the proposed dwellings would achieve the requisite minimum separation distances as set out in the Council's Supplementary Planning Guidance and that the proposed dwellings would be served by adequate private amenity/garden areas. The scheme is considered to be acceptable in this respect.

1.45 The proposed access, which has been considered (as being acceptable) on the outline application through the allowed appeal decision, is taken from the south west corner, adjacent to the properties along Valley Drive. It is not considered that the additional disturbance arising from traffic associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of neighbouring residents.

1.46 No objections have been received from the Council's Public Protection team.

1.47 As set out above, the scheme includes a comprehensive soft landscaping scheme, which is considered to be acceptable and in certain instances, assists in reducing the visual impact of the development. Furthermore, the siting of the public open space and play areas is considered to be acceptable in this instance with the scheme achieving satisfactory separation distances and relationships to surrounding properties.

1.48 The allowed appeal decision includes planning conditions to restrict i) the hours of construction/deliveries (which remains in place) and ii) the requirement to provide a construction management plan which has been agreed under the relevant discharge of condition application by the Council's Public Protection and Traffic and Transportation sections.

1.49 Within the allowed appeal decision, the Planning Inspector considered the use of a number of planning conditions including the removal of all permitted development rights to extend or alter the proposed dwellings. The Inspector, in view of the nature of the outline application, did not consider there to be exceptional circumstances to warrant such a planning condition. This view is further reiterated within paragraph 017 of the online National Planning Practise Guidance which states *"conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances...Area wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity"*.

1.50 Taking into consideration the above referenced relationships, separation distances and levels, it is only considered necessary to remove permitted development rights to extend or alter the bungalow (plot 1) in the north west corner under class A (extensions to side and rear) and Class E (outbuildings/detached structures). This can be secured by a planning condition accordingly.

1.51 In view of the above considerations, the scheme is considered to be acceptable in this respect and satisfies the provisions of relevant saved local planning policies and those of the NPPF.

IMPACT UPON HIGHWAY SAFETY

1.52 Objectors have raised concerns over the impact on highway and pedestrian safety, in particular the exacerbation of existing highway and congestion problems throughout the existing estate and at certain junctions.

1.53 The matter of highway safety was considered in detail by the Planning Inspector, who acknowledged the proposed off-site highway mitigation works. These works are secured through condition 07 of the appeal decision and are required to be carried out prior to the occupation of the proposed dwellings. In view of these measures, the Inspector concluded that *"there is no substantiated evidence which would lead me to conclude that any residual impact would be severe"* and that the proposal was in accordance with the provisions of the NPPF.

1.54 The Council's Traffic and Transportation Team have been consulted on the current reserved matters application and raise no objections to the proposal, commenting that the layout is acceptable.

1.55 The allowed appeal decision includes planning condition 13 with the requirement to provide a construction traffic management plan which has been agreed under the relevant discharge of condition application. As part of the current submitted application, the applicant has provided details of an initial assessment into taking the proposed construction access through Summer Hill. However this has been discounted by the applicant, taking into account a number of issues including levels, ecology, public footpaths and a site of archaeological interest. As such, the construction access will be taken through the main proposed access (from Valley Drive). Both the Council's Traffic and Transportation section and Public Protection team have confirmed that this is acceptable and the relevant condition has been discharged.

1.56 The proposed development is therefore considered to be acceptable in respect of the above matters.

FLOODING AND DRAINAGE MATTERS

1.57 Objections have raised concerns regarding existing flooding issues and the potential for the proposed development to exacerbate such problems. This matter was considered in detail during the Hearing and as part of the Planning Inspector's assessment within the appeal decision (para's 17-33).

1.58 In considering the submitted supporting evidence and the comments from both the Environment Agency and Emergency Planning Unit, the Inspector concluded that

The propose 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.

1.59 A condition was recommended in respect of a surface water management system including the detailed drainage/SUDS design. This is currently being considered under the relevant discharge of conditions application; the Council's Engineering Consultancy section has raised no objections to the current application. Furthermore, the Environment Agency and Northumbrian Water have raised no objections to the scheme.

1.60 In view of the above considerations, it is considered that the proposed development is acceptable in respect of flooding and drainage matters.

ECOLOGY

1.61 Objections/concerns have been raised with respect to the impact on existing habitat and species. This matter was considered by the Planning Inspector within the appeal decision, in which the Inspector noted that in view of the undertaken ecological reports and surveys that *“that there should be no harm to protected species subject to the mitigation measures contained in the reports”*. The implementation of such details is controlled through conditions including No’s 16 (bird and bat boxed) and 21 (bird breeding season). Natural England and the Environment Agency have raised no objections to the proposal. In view of the above the application is acceptable in this respect.

ARCHAEOLOGY

1.62 A pre-application archaeological assessment of the site identified a small Romano-British settlement. Condition 08 of the allowed appeal decision requires that these remains are properly recorded prior to development. Tees Archaeology has raised no objections to the proposal subject to the requirements of this condition being satisfied. The scheme is acceptable in this respect.

PLANNING OBLIGATIONS

1.63 Planning Obligations have been secured through a Legal Agreement which was completed in connection with the outline approval (H/2014/0196). These include:

- Off site Affordable Housing Contribution of £884, 000.00.
- Education Contribution of £192, 465.00
- a new permissive right of way and footpath improvements
- Provision and maintenance of play areas and open space on site.
- Built Sports Contribution of £250 per dwelling towards Brierton Sports Centre.

The proposal is considered to be acceptable in this respect.

OTHER PLANNING MATTERS

Housing Need

1.64 As set out above, the principle of residential development is considered to be acceptable in this instance. The matter of housing need was considered in detail by the Planning Inspector within the appeal decision (para’s 37-39). The Planning Inspector concluded that *“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”*. This view is considered to remain relevant to the current reserved matters application in any case the principle of a residential development of the scale proposed has been established by the appeal decision.

Public Right of Way

1.65 The approved outline application included proposals to establish an additional Public Right of Way through to 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 a footpath extending southwards from Valley Drive. The final details are to be secured through the s106 Agreement as detailed within the appeal decision.

Farmland

1.66 With respect to the loss of farmland, this matter was considered by the Planning Inspectorate who noted that the land *“is not the best and most versatile agricultural land which the Framework seeks to protect”*. The proposal is considered to be acceptable in this respect.

Education and school places

1.67 Objections/concerns have been received regarding the impact on existing school capacity in the area. This matter was considered during the appeal hearing and within the appeal decision in which the Planning Inspector acknowledged *“a significant lack of capacity in primary school provision”* however the S106 Agreement would secure financial contributions for the provision of additional places to meet the shortfall resulting from the development. The application is considered to be acceptable in this respect.

CRIME/FEAR OF CRIME AND ANTI SOCIAL BEHAVIOUR

1.68 Objectors have raised concerns with respect to the proposal, in particular open space and play areas, resulting in an increase in crime/fear of crime and anti social behaviour (ASB). The proposed layout affords good passive surveillance of these areas which should discourage such behaviour.

1.69 Cleveland Police’s Architectural Liaison Officer (ALO) has been consulted on the application and no comments or objections have been received.

1.70 It is not considered that the proposed development would harm the living conditions of neighbouring occupiers, with particular reference to antisocial behaviour, crime and the fear of crime. As such, it would not be contrary to Local Plan Policy GEP1 and would accord with the guidance in the NPPF, in this respect.

RESIDUAL MATTERS

1.71 Objections/concerns have been received with respect to the lack of submitted information/adequate details and that the submitted cross-sectional drawings are insufficient. As set out above, the cross-sectional drawings have been provided to provide an illustrative demonstration that the proposed dwellings would achieve satisfactory relationships to existing, surrounding properties, including the cross sectional drawings taken from the rear of plot 3 (a two storey, 5-bed dwelling) and the properties to the rear along Hylton Road. Overall, it is considered that the

scheme is accompanied by a satisfactory level of detail to allow the application to be fully assessed. The scheme is considered to be acceptable in this respect.

1.72 The application site is not located within a Green Belt. Property devaluation and damage to property are not material planning considerations.

1.73 Objections have made reference to the loss of light and loss of views; the 'Right to Light' and 'Right to a view', operate separately from the planning system and is not a material planning consideration. Nonetheless, the Human Rights Act 1998, which came into force on the 2nd October 2000, incorporates into UK law certain provisions of the European Convention on Human Rights. The provisions require public authorities to act in a way that is compatible with Convention rights. In response it should be noted that the human rights of the adjoining residents are engaged, in particular, under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission involves balancing the rights of a landowner or developer to develop on his land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents.

1.74 The determination of a planning application in accordance with town and country planning legislation requires the exercise of a discretionary judgement in the implementation of policies that have been adopted in the interests of the community and the need to balance competing interests is an inherent part of the determination process. In making that balance it may also be taken into account that the amenity and privacy of local residents can be adequately safeguarded by the imposition of conditions if relevant. The impact on the amenity and privacy of neighbouring properties has been assessed within the material considerations above.

1.75 The provisions of the European Convention of Human Rights have therefore been taken into account in the preparation of this report.

1.76 With respect to concerns over land movement, as set out above, details of levels are required under the relevant planning condition appended to the allowed appeal decision. Furthermore, the applicant will need to satisfy the relevant Building Regulations.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.77 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

1.79 Section 17 implications are discussed in the section on Residual Matters above.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with Dwg No(s); 1N/TUN/SK-10 REV A (Red Line Boundary), 1N/TUN/SK-15 (External Materials layout), 1N/TUN/SK-03 (Enclosure Details), 90864/8025 REV A (Section A-A and B-B), 90864/8026 REV A (Section C-C and D-D), BUN/3/PL1 (Longhurst floor plans), BUN/3/PL2 (Longhurst elevations), PD411/6/PL1 (Haddenham floor plans), PD411/6/PL2 (Haddenham elevations), PD48/6/PL1 (Bradenham floor plans), PD48/6/PL2 (Bradenham elevations), PD410/6/PL1 (Eynsham floor plans), PD410/6/PL2 (Eynsham elevations), PD49/6/PL1 (Downham floor plans), PD49/6/PL2 (Downham elevations), PD32/6/PL1 (Aldenham floor plans), PD32/6/PL2 (Aldenham elevations), PA48/6/PL1 (Shelford floor plans), PA48/6/PL2 (Shelford elevations), PD51/6/PL1 (Lavenham floor plans), PD51/6/PL2 (Lavenham elevations), SHE/3/PL1 (Sherbourne floor plans), SHE/3/PL2 (Sherbourne elevations), PA411/6/PL1 (Whitford floor plans), PA411/6/PL2 (Whitford elevations) all plans date received by the Local Planning Authority on 30.09.2015; plans GARAGES/PL1A (Single garage plan) and GARAGES/PL2A (Double garage plan) both plans date received 07.10.2015; and amended/addition plans 1N/TUN/SK-10 REV I (Feasibility Layout), 90864/8028 (Cross section through retaining wall at unit 01), 90864/8015 REV C (Landscape Construction Softworks – Sheet 1 of 7), 90864/8016 REV C (Landscape Construction Softworks – Sheet 2 of 7), 90864/8017 REV C (Landscape Construction Softworks – Sheet 3 of 7), 90864/8018 REV C (Landscape Construction Softworks – Sheet 4 of 7), 90864/8019 REV C (Landscape Construction Softworks – Sheet 5 of 7), 90864/8020 REV C (Landscape Construction Softworks – Sheet 6 of 7) and 90864/8021 REV C (Landscape Construction Softworks – Sheet 7 of 7) all plans date received 25.01.2015.
For the avoidance of doubt.
2. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the occupation of the dwellings hereby approved, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings to Local Planning Authority standards. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwellings hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.
To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.

3. The development hereby approved shall be carried out solely in accordance with the external finishing materials, schedule and layout as indicated on plan 1N/TUN/SK-15 (External Materials layout) unless an alternative scheme of finishing materials are agreed in writing with the local planning authority.

To ensure a satisfactory form of development .

4. Notwithstanding the provisions of Classes A and Class E of Part 1 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), plot 01 (bungalow) as identified on plan 1N/TUN/SK-10 REV I (Feasibility Layout, date received 25.01.2015), shall not be extended in any way nor shall any detached structures be erected within the curtilage of the bungalow without the prior written consent of the Local Planning Authority.

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

5. Notwithstanding the provisions of Class A of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) and notwithstanding the approved boundary treatment as indicated on plans 1N/TUN/SK-03 (Enclosure details) date received 30.09.2015) and 1N/TUN/SK-10 REV I (Feasibility Layout) and 90864/8028 (Cross section through retaining wall at unit 01) both date received 25.01.2015, no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse/bungalow which fronts onto a road, without the prior written consent of the Local Planning Authority.

To adequately control the level of development on the site and to prevent any undue future impact on the character and appearance of the surrounding area.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other revoking or re-enacting that Order with or without modification), no detached garage(s) shall be converted without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of highway safety.

BACKGROUND PAPERS

1.81 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

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

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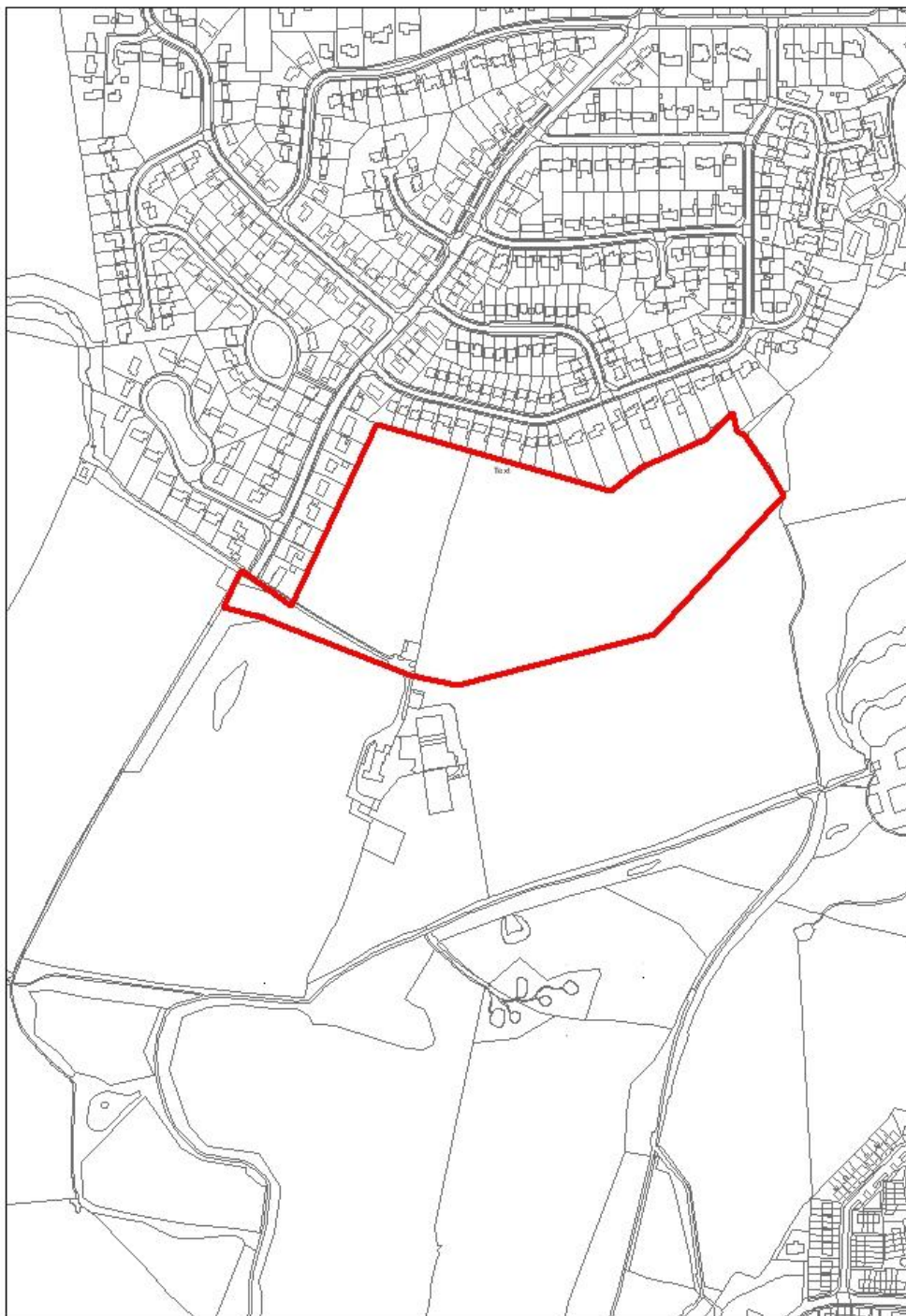
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TUNSTALL FARM



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

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H/2015/0422
Scale: 1:5000
Date : 01/12/15

No: 2
Number: H/2015/0209
Applicant: Mr Brian Cowie 69 Hylton Road West Park
HARTLEPOOL TS26 0AH
Agent: KANE Architectural Services Ltd Mr Neil Davies The Old
Brewery Business Centre Castle Eden HARTLEPOOL
TS27 4SU
Date valid: 21/05/2015
Development: Outline application with some matters reserved for
residential development comprising 15 dwellings
Location: Land at The Fens (to the rear of Milbank Close) Hart
Village HARTLEPOOL

PURPOSE OF REPORT

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

PROPOSAL/SITE CONTEXT

2.2 Outline permission is sought for residential development with all matters reserved apart from access. An indicative layout has been provided which shows 15 detached properties with garages. The access to the site is taken from The Fens.

2.3 The application has been referred to Planning Committee owing to the number of objections received and the nature of the development.

2.4 The site extends 0.852 hectares and is currently an area of overgrown agricultural land. To the west of the site is residential development on Milbank Close, to the east is Manor Farm smallholdings, with residential properties beyond know as The Fens, to the north is open fields, to the south is a small stable block which is bounded by a tree belt. Beyond the tree belt lies the A179 Hart Bypass. Southwest of the site there is currently residential development under construction (H/2013/0029) this was granted planning permission on appeal. There are a number of mature and semi mature trees bounding the site. The site sits outside the village envelope as identified within the Hartlepool Local Plan 2006.

PUBLICITY

2.5 The application has been advertised by way of press notice, site notice and neighbour letters (47). To date, there have been 17 objections.

2.6 The concerns raised are summarised as follows:

- Effect on Wildlife
- Village school full

- No longer a village but becoming an extension of Bishop Cuthbert and Clavering – One big housing estate
- Extra traffic
- Extra pressure on village drains
- No need for this housing, houses already build next to the Raby Arms
- Village needs to be protected, this village has unique history
- Clavering and Bishop Cuthbert are edging closer to the village
- Hart village will be taken up and become a satellite suburb
- Hart village has no community services or facilities
- The village will suffer due to land owner and property developer
- Extra traffic
- Village fresh water and sewerage systems are already problematic
- Development will have negative impact on local ecosystem
- Overlooking issues from the properties
- Better alternative site available
- No need for small unsustainable sites as South Western extension will deliver 1200 homes
- Poor transport links
- Erosion of the strategic gap between Hartlepool and Hart Village
- The cumulative effect of this development with others in this area
- Impact on the landscape character
- Effect the small school
- Flooding issues
- There is already unwanted development taking place in a rural village
- Access from un-maintained road
- Traffic issues
- Limited access to local services and very poor public transport
- Hart village have always been assured that the integrity of the village will not be diminished
- The area is of outstanding natural beauty and offers an uninterrupted view of Hart Saxon Church
- Housing already been built in village
- Poor Access
- Too much extra traffic
- No school places
- Traffic issues
- Drainage problems
- Loss of value to my home and health
- The rural plan identifies this area as a green gap which aims to prevent the merging of the villages with urban area of Hartlepool
- Occupants of Hart Village pay a substantial premium through their taxes to live in a village, which is rapidly becoming an extension of the town of Hartlepool
- The proposed housing conflicts with the emerging neighbourhood plan

Copy Letters **A**

The period for publicity has expired.

CONSULTATIONS

2.7 The following consultation replies have been received:

HBC Engineering Consultancy - Having reviewed both the PRA and the FRA I would like to make the following comments;

1) Upon review on the PRA I can confirm that further intrusive work is required, this will be in the form of a Phase II investigation. I would envisage that we could condition this work.

2) The FRA makes reference to previous flooding events in this area but does not go into further detail. They have omitted foul water flooding which I believe has occurred in the past however I am aware that NWL have since undertaken cleansing works to rectify this. I believe that discharging to the watercourse would provide a sustainable solution however we would have to look in further detail at the existing condition of the watercourse and the requirement for future maintained. I do believe that this site will not pass on a further flood risk however given the level of details provided I would need to attach a drainage condition on this application to cover items such as detailed design, future maintained, upgrading of the drainage along the access road, drainage mitigation to the properties along The Fens.

HBC Heritage and Countryside (Ecologist) - According to the arboricultural impact assessment, the proposal would require the removal of c80m of hedge and two mature trees. Also, as the submitted plans show the curtilages of housing taking in the stream and associated vegetation there would be the loss of the bramble scrub and mature willow trees in that area as well.

The submitted ecological survey identifies that the mature Ash (Tree 10 on the arb assessment) should be subject to further bat surveys as it has holes in it that bats could use for roosting. We would require this information prior to determining the application. In addition if Tree 9 is to be removed this should also be inspected for bats as it would appear from the photos in the arb assessment that it has a large split that bats could roost in. Again we would need this information prior to determining the application.

I have concerns that if the stream is included in the curtilage of the housing then there is the potential for adverse effects, for example from run-off from garden herbicides or from garden refuse.

The proposal should result in an enhancement for biodiversity, in line with NPPF. The current proposals would result in a loss of biodiversity, albeit minor, from the loss of hedges and mature trees and also any potential effects on the stream and its bank sides. The proposed landscaping for the housing would seem to be fairly modest and would not in itself compensate for the loss of biodiversity. Therefore information should be submitted which will demonstrate how the development might add to biodiversity. For example adverse effects will be reduced if the amount of hedgerow to be lost was minimised and there may be the opportunity to enhance the

area surrounding the stream. I am happy to discuss with the applicant ways in which enhancements for biodiversity can be achieved.

The Council's standard condition with regards to nesting birds would apply to any permission.

Additional comments on amended information provided

The site has been assessed in terms of the ecological issues associated with the development in a Phase 1 Habitat and Protected Species Survey, dated 20th March 2015 and a Bat Tree Survey dated 14th July 2015.

The bat survey focused particularly on the mature Ash tree which is scheduled for removal however it also identified that at least 30 Common Pipistrelle bats commute west-east along the hedge on the southern boundary and then south-north along the hedge on the eastern boundary. The bat survey recommends that these hedges be retained. I would strongly concur with that assessment. Bats tend to be faithful to commuting routes, typically following landscape features such as hedges and this number of bats is likely to represent a significant proportion of the local bat population at Hart. The drawing labelled Diagrammatic concept – Draft 4 shows over 50% of the hedge along the southern boundary (Hedge 4) being retained albeit with four sections removed to facilitate driveways and the road. The submitted arboricultural method statement identifies that 20m of the southern end of the hedge on the eastern boundary (Hedge 4) needs to be removed. Provided that hedgerow removal can be limited to these levels then it is likely that sufficient hedgerow will remain so as not to disrupt the bat commuting route. The arboricultural method statement suggests that bolstering of Hedge 3 could be considered. This could help compensate for the relatively minor losses to the existing hedges. As the hedge currently comprises Hawthorn with some Elder, this could usefully be done by the introduction of other suitable local hedge species such as Holly, Elm, Blackthorn etc to diversify the species mix.

The mature Ash didn't have roosting bats at the time of the survey however several holes that were suitable for bats or breeding birds were present in the tree. The Bat Survey states that no further bat work was required at that time. I consider that acceptable however bats are very mobile and tend to move roosts, particularly tree roosts, frequently. Therefore the Bat Survey of this tree should be repeated immediately prior to felling.

The proposal would otherwise result in a very minor loss of biodiversity for example the loss of some scrub and two willow trees. Some of this loss of biodiversity could be addressed in that it is likely that the gardens in the houses would be better for biodiversity than the current heavily grazed field. Nevertheless opportunities to enhance biodiversity should be taken, in line with NPPF. This would also accord with the Council's duty under Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Conserving in this context is defined to include restoring or enhancing a population or habitat. For example the banks of the stream are currently bare of vegetation so could usefully be enhanced.

Also the Phase 1 habitat survey recommends that in-built bat and bird roosting facilities could be provided in the new housing. This would make up for the loss of potential bat and bird roosting features in the Ash tree that is to be removed.

Conditions relating to the following matters are recommended:

- A scheme for the retention, protection and enhancement of hedges should be submitted for approval prior to any works commencing on site.
- Details of integral bat or bird roosting features to be incorporated into a minimum of 2 of the new dwellings should be submitted for approval prior to the construction of the new dwellings.
- The Council's standard condition for breeding birds would apply
- The Ash tree scheduled for removal should be subject to a further Bat Survey within 24 hours prior to it being felled.
- A scheme for the enhancement of the biodiversity of the stream banks should be submitted for approval.

HBC Heritage and Countryside (Conservation) - Hart Village is not a conservation area. There are a number of listed buildings within the village however these are some distance from the site and therefore will not be affected by this proposal.

HBC Countryside Access Officer - There is no data that implies that there are any records of any recorded or unrecorded public and/or permissive rights of way running through or affected by the proposed development of this site.

HBC Landscape - A comprehensive arboricultural impact assessment has been submitted in support of the application. The assessment includes details of ten mature trees and five sections of mature hedgerow on or adjacent to the site that are impacted by the proposed development.

Two mature trees and one section of mature hedgerow are recommended for removal as part of the development. Details of these are as follows:

A mature Norway Maple tree located on land adjacent to the development site is recommended for removal due to a large split in the stem of the tree that compromises its structural integrity. This tree is located on land owned by the Council and its removal as part of the development will require the prior consent of the landowner.

A mature Ash tree located within the south-west corner of the development site is recommended for removal due to its poor condition because of extensive areas of decay and colonisation by Ash heart rot in the stem of the tree.

The section of mature hedgerow that forms the southern boundary of the site is recommended for removal to enable a new site access and a number of individual property accesses to be created.

Although the removal of these trees and hedgerow is considered regrettable, it is considered that if the site is to be developed for housing as is proposed, their removal will be necessary to facilitate the development.

An arboricultural method statement has also been submitted and includes a tree protection plan indicating the locations for the erection of temporary protective barriers to prevent damage to retained trees and hedgerow during the construction phase. I would consider the submitted details acceptable, and should the application be approved, the development should be carried out in accordance with the submitted details.

A landscaping scheme has also been submitted in support of the application which shows the planting of four new Rowan trees within selected property curtilages, new Beech hedging to the front boundaries of each property and grass lawns to front and rear residential gardens. I would consider the landscaping scheme slightly deficient in that there are a number of additional opportunities for new tree planting within the site. I would recommend that, in the interests of public visual amenity, a revised landscaping scheme, to include the provision of at least one new small to medium sized tree (for example Serviceberry, Japanese Maple or Tibetan Cherry) to each new property be made a condition of approval.

HBC Public Protection – No objection subject to working hours condition and construction management plan.

HBC Traffic & Transportation - The proposed access location and design are acceptable.

The proposed layout shows a shared surface type arrangement, this would be acceptable although the HBC Design Manual has recently changed the preferred design to a 6.0metre carriageway incorporating a 1.2 metre service trip, rather than 4.8 metre carriageway with a 1.8 metre service strip incorporated in the garden curtilage. The reserved matters application should incorporate this recent design change.

Environment Agency - No objections to the proposed development. As it is proposed to dispose of foul sewage via the mains system, the Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

Hartlepool Water - We do not anticipate any diversion work
I confirm the Hartlepool Water has sufficient capacity in the local network to supply the proposed development – no objection to the development.

Northumbrian Water - We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*Flood Risk Assessment*". In this document it states

foul water will discharge into manhole 8401 and that no surface water will enter the public sewer system.

We would therefore request that the *Flood Risk Assessment* form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The Council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored.

The Ramblers Association - We have no substantive comment.

Tees Archaeology - The archaeological reports submitted with the application indicate the presence of early medieval features including ditches, gullies and a cemetery. These features pre-date the Norman Conquest of 1066AD and are likely to relate to a settlement dating to around 700-1000AD. The graves at the site are thought to be Christian as at least one was aligned east-west and they contained no artefacts. Pagan graves, pre-dating approx 650AD would contain numerous personal possessions and would be aligned north-south. In addition environmental evidence from the site indicates crop species known to be common in the early medieval period.

The archaeological remains at this site are of considerable interest as they represent a period for which well preserved material is rare in Hartlepool and in the broader region. The site contains well-preserved environmental evidence and human remains. The deposits offer a rare insight into the development of the community at Hart prior to the Norman Conquest.

Although the archaeological remains identified are of high significance they are non-designated heritage assets. The deposits, and particularly the human remains are buried extremely shallowly and they would be destroyed by the proposed development. As the deposits are not designated the appropriate paragraph of the NPPF to inform decision making is 135 which states that 'a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

Although the deposits are of significant interest they are not of such importance as to preclude development and it would be possible for the developer to provide mitigation against their loss. Should the proposal be given consent then I would recommend that the developer provides a record of the heritage assets, i.e. an archaeological excavation, and that the information from this is made publicly accessible (NPPF para 141). I would be happy to provide a brief for such an excavation and a list of archaeological contractors who operate in the area. This has an obvious financial implication for the developer.

The developer should also note that the archaeological evaluation has recorded a large waterlogged channel or former stream in the northern part of the site. As well

as being of archaeological interest the feature might require a non-standard foundation design for any dwellings built over it.

It is recommend that a multi-part planning condition to secure the archaeological recording be imposed.

Hart Parish Council - The Parish Council is concerned at this application and I am directed to convey an objection to the proposal.

It is well known that the existing housing stock at nearby new builds, across the range available, is not selling as was expected, which suggests that this application is surplus to the village's needs.

The demographic tendency in the rural area shows a tendency towards an aging population, the young are moving out of these areas mainly because they cannot afford the available properties within their birthplaces. The village school is full but only by occupation from families outside the village which brings traffic problems at drop off and pick uptimes.

Flood Risk: There is yet to be determined the precise problems which are currently faced by Northumbria Water in ensuring positive hydraulics in both surface and foul water. These views have not changed in the past two years when the land south of the Raby Arms was being considered. Adding a further 15 dwellings to an already overloaded system is imprudent and reckless. It is a fact that this area is prone to flooding; the water recedes by natural drainage over time. The building over this land would dramatically reduce this soakage. The 1930's build called The Fens was not named indiscriminately, but from the naturally wet area on which the housing was built. The farmer who works the adjacent land is hugely concerned and is in consultation with his land agent about this proposal. One Fens resident continually monitors the water levels at his house as it frequently is observable under his floorboards. During a meeting at The Civic Centre on 4 November 2013 with HBC NWL stated that there are no easy short term solutions to these problems. We are still awaiting the long term solution to problems which NWL do not seem to publicly acknowledge.

Traffic and access: The congestion which is forced onto the eastern village exit will be horrendous when the 23 houses at south of the Raby Arms are completed. The existing problems are well known and are as a result of the western village exit being unusable due to the traffic volume on the A179 during most of the working day. Your highways previously raised comments on the viability of an exit onto Front Street so close to the A179 roundabout when the Raby Arms site was being examined. This new application with an exit from The Fens will only exacerbate an already difficult situation. There would be conflicting movements from three outlets, two of which would be offset, within a few metres of a busy roundabout. It does not bare thinking about.

The stables which are located at the western end of The Fens, opposite to the Raby Arms car park entrance, are in regular use by young riders and such a complex junction arrangement would put them at risk.

The road named The Fens leading to the small enclave of that name, was originally the main road and is now only a lane with a poor footpath, both of which have degenerating surfaces. It is narrow and unsuited to any increase in movements.

Transport: It is noted that the proposals have considered the 58 'bus service but not the 57A. There is a 'bus stop at The Fens, which is equidistant from the proposal site to that of the 58, which offers a greater choice than that offered by the developers. Such an oversight does beg the question on the depth of their understanding of the situation. A further careless error in the application was noted when they designated the site as being north-west of Hart. Hardly a vote of confidence in their research.

Bats: The Parish Council asks if a bat survey has been considered. The trees in this site are likely to be used by the extensive bat colonies around Hart. The Bat Conservation Trust state that 'About three quarters of British bat species are known to roost in trees, which provide shelter and attract a diverse range of insects for bats to feed on.'

Archaeology: The aerial view of the site under discussion shows several "blotches" which, as this field has a high probability of being an ancient burial area, need looking at. This field and south of it was at one time an extended area which was named 'The Kirk Field' on which it is understood the original church stood. It is expected that Robin Daniels and Tees Archaeology are brought in to investigate this.

PLANNING POLICY

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

2.9 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. It must be appreciated that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

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

Paragraph 2: Application of planning law (development plan and material considerations)
 Paragraph 6: Purpose of the planning system – creation of sustainable development
 Paragraph 7: Three dimensions to sustainable development
 Paragraph 13: The National Planning Policy Framework constitutes guidance
 Paragraph 14: Presumption in favour of sustainable development
 Paragraph 17: Core planning principles
 Paragraph 49: Housing and the presumption in favour of sustainable development
 Paragraph 55: Sustainable development in rural areas
 Paragraph 56: Design of the built environment and its contribution to sustainable development.
 Paragraph 57: High quality inclusive design
 Paragraph 61: The connections between people and places
 Paragraph 64: Improving the character and quality of an area
 Paragraph 66: Community involvement
 Paragraph 72: School Places
 Paragraph 73: Access to open space and sport and recreation
 Paragraph 96: Minimise energy consumption
 Paragraph 196: Determination in accordance with the development plan
 Paragraph 197: Presumption in favour of sustainable development
 Paragraph 203-205: Planning Obligations

Local Policy

2.11 Within the current Hartlepool Local Plan this site lies outside of the limits to development, although at present, given the lack of a five year housing supply, this policy is not currently being used until a five year supply can be demonstrated. The following policies are relevant to this application:

GEP1: General Environmental Principles
 GEP2: Access for All
 GEP3: Crime Prevention by Planning and Design
 GEP9: Developers' Contributions
 GEP12: Trees, Hedgerows and Development
 Tra16: Car Parking Standards
 GN5: Tree Planting
 RUR3: Village envelopes (not currently in use for housing applications)
 RUR7: Development in the Countryside
 RUR18: Rights of Way

PLANNING CONSIDERATIONS

2.12 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan (including Developer Obligations) and in particular the impact upon the character of the surrounding area, the neighbouring residents, highway safety, flooding and drainage, ecology and landscaping.

PRINCIPLE OF DEVELOPMENT

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

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

2.15 Considerable weight should be given to the fact that the authority can not demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. Given the sites location and proximity to services, it is considered that the principle of development within this area would constitute sustainable development. It is concluded below that it is not considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits. It is considered that the development is deemed to be sustainable development and would contribute towards the boroughs housing stock.

2.16 The NPPF (50) states that local planning authorities (lpas) should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. This requires lpas, where a need for affordable housing is identified, to ensure that it is delivered on site, unless off site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock).

2.17 The current Strategic Housing Market Assessment (2015) has identified a pressing need for affordable housing in the Borough. The SHMA advises that in order to meet this need 44% of all housing delivered in the borough should be affordable. However in seeking to address this substantial need the viability of a development also needs to be taken into account. This is achieved through a robust process involving the provision and scrutiny of site specific viability assessments.

2.18 Guidance is provided in paragraph 173 of the NPPF which seeks to ensure that projects are viable and deliverable. It advises that to ensure viability, the costs of any requirements likely to be applied to the development should when taking into account the normal costs of the development and mitigation, provide competitive returns to a willing developer/landowner to enable the development to be deliverable.

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

2.20 The applicant provided a viability appraisal, which has been assessed accordingly. Taking into account the specific circumstance of the development into consideration it is considered reasonable to request contributions for the following:

- £27,495 for education provision
- £250 per dwelling for green infrastructure (£3,750)
- £250 per dwelling for play (£3,750)
- £250 per dwelling for built sport (£3,750)
- A contribution of £22,149 towards off site affordable housing
- The provision of 1 on site affordable housing unit

2.21 In order to deliver these obligations, negotiations have taken place between officers and the applicant. The applicant has indicated that he is willing to meet the obligations and enter into a Legal Agreement to secure these.

2.22 In terms of affordable housing provision the preferred option is to achieve onsite affordable provision given there is a significant need for larger properties identified in the 2015 SHMA. The applicant has agreed to the provision of one affordable four bed dwelling on site and a contribution towards off site provision of £22,149. In total if compared to an off site obligation this would equate to a 20% contribution. There is a significant need for larger properties within this area, which has been highlighted recently during consultation with residents at Hart that there is a need for affordable housing of this type in the village. Officers consider that on balance this would be acceptable.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA

2.23 Concerns have been raised in relation to the impact of the development upon the area and existing properties. The National Planning Policy Framework 2012 (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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

2.25 Officers consider that the density of the site is acceptable and is reflective of the surrounding area. The separation distances proposed between dwellings within the site shown in the indicative layout accords with and in many instances exceeds the guidance set out in the Hartlepool Local Plan 2006. It is considered that the proposed development would be a natural expansion of Hart Village and would not unduly affect the character of the area. However it is noted that this application is in outline to establish the principle of development full details regarding design and layout are to be submitted at a later date with a reserved matters application when they will be fully assessed. It is considered that a development can be brought forward that would not have a detrimental impact on the character and appearance of the area.

EFFECT OF THE PROPOSALS ON NEIGHBOURING PROPERTIES AND SURROUNDING AREA

2.26 The indicative layout has been refined through extensive discussions. It is considered that the layout of the 15 dwellings upon the site has been designed in such a way as to limit the impact upon the amenity of the neighbouring properties close to the site and overlooking it.

2.27 The closest neighbouring properties are to the west of the application site. The proposal is in outline and therefore no detailed layouts have been provided, however the Indicative Site Layout Plan shows that dense hedging will in part be retained and additional planting provided. The separation distances indicated between the proposed dwellings and neighbouring dwellings to the west meet or exceed the guideline separation distances in the Local Plan. The properties to the west for example are some 20-30 metres distant. The applicant will have to demonstrate at the reserved matters stage that satisfactory relationships can be achieved. However, given the relative low density of the development, and the indicative layout plan submitted to accompany the application, it is anticipated that satisfactory relationships can be achieved

2.28 It is not considered that the additional disturbance arising from traffic associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of neighbouring residents. No objections have been received from the Head of Public Protection. Owing to the scale of the development and proximity to residential properties, it is considered necessary to impose a condition relating to construction hours. In terms of the impact on the amenity of neighbours the proposal is considered acceptable.

IMPACT UPON HIGHWAY SAFETY

2.29 Objectors have raised concerns regarding the impact of the scheme on highway safety, in particular to exacerbate the existing network in terms of capacity. The application is accompanied by a Transport Statement.

2.30 The Council's Traffic and Transportation Team have been consulted on the application and raise no objection to the proposal. Appropriate level access and

tactile paving should be provided at pedestrian crossing points this can be achieved by planning condition.

2.31 In terms of increased traffic generation the Traffic and Transportation Team do not consider that the traffic movements associated with an additional 15 houses will compromise the efficiency or the safety of the transport network for the area.

2.32 The NPPF indicated that account should be taken of whether improvements can be undertaken within the transport network that cost-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. It is not considered that any residual impact arising from the development would be severe.

2.33 In terms of the layout of the residential development it is noted that HBC Design Manual recently changed the preferred design to a 6 metre carriageway incorporating a 1.2m service strip, as apposed to a 4.8m carriageway with a 1.8m service strip incorporated in the garden cartilage. It is considered that the layout plan provided is for indicative purposes only and this issue can be addressed at the reserved matters stage.

2.34 The amended indicative plan shows the retention of the existing hedge which fronts onto The Fens, Traffic and Transport have advised that the hedge that is to be retained would need to be pruned back and reduced in height to achieve the recommended site lines, this can be secured by condition. It is considered that the layout plan provided is for indicative purposes only and this issue can be addressed at the reserved matters stage. In highway terms the proposal is considered acceptable.

2.36 In view of the above, it is considered that the proposal is acceptable in terms of its impact on highway safety.

DRAINAGE AND FLOODING

2.37 Objections have been received with respect to the proposed development exacerbating existing drainage and flooding problems within the area. The latest flood map from the Environment Agencies website illustrates that the area is located within flood zone one and is a low risk area in terms of flooding. The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Impact Assessment. The Environment Agency raise no objections to the proposal.

2.38 With regard to surface water drainage from the site, Northumbrian Water have confirmed that no surface water flow from the proposed development will be allowed to connect to the existing public sewerage system. It is proposed to discharge surface water to the existing watercourse that runs within the northern boundary of the site, this is considered acceptable in principle. However this application is in outline to establish the principle of development. It is therefore proposed to condition details regarding surface water drainage.

2.39 It is acknowledged that the area has flooded historically. HBC Engineering Consultancy have been consulted and considers that the development could provide a sustainable solution however this would be subject to further details being submitted at the reserved matters stage.

2.40 In view of the above considerations and subject to the identified conditions, it is considered that the scheme is satisfactory in terms of flooding and drainage related matters.

ECOLOGY /LANDSCAPING

2.41 Planning policy GEP1, GEP12 and Hsg9 support the retention of the existing hedgerows on the peripheries of the site and support the intention for additional planting. Whilst there will be an area of hedgerow lost it is not considered that it will have a significant detrimental effect upon visual amenity. Concerns regarding ecology have been raised in the responses from objectors.

2.42 The applicant has provided several specialist reports to identify and address ecological issues on the site. The development would involve the loss of a mature Ash tree and the removal of some hedge along the southern boundary, which is required to facilitate driveways and the access road. The bat survey has identified that Common Pipistrelle bats are present within the site, however the Ash tree didn't have roosting bats at the time of the survey being carried out.

2.43 The Council's Ecologist raises no objection to the removal of the tree but considers that a further Bat Survey should be carried out prior to the felling of the Ash tree, this can be secured by condition.

2.44 The Council's Ecologist advises that the proposal would result in a very minor loss of biodiversity. Some of this loss of biodiversity could be addressed in that it is likely that the gardens in the houses would be better for biodiversity than the current heavily grazed field. Nevertheless opportunities to enhance biodiversity should be secured, in line with NPPF. This would also accord with the Council's duty under Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Conserving in this context is defined to include restoring or enhancing a population or habitat. For example the banks of the stream are currently bare of vegetation so could usefully be enhanced. Also the Phase 1 habitat survey recommends that in-built bat and bird roosting facilities could be provided in the new housing. This would mitigate for the loss of potential bat and bird roosting features in the Ash tree that is to be removed.

2.45 However it is noted that this application is in outline to establish the principle of development full details regarding design and layout are to be submitted at a later date with a reserved matters application when they will be fully assessed. However, ecological mitigation can be secured through appropriate conditions.

LOSS OF AGRICULTURAL LAND

2.46 The NPPF defines the best and most versatile agricultural land as being Grades 1, 2 and 3a. Whilst the proposed development would result in the loss of agricultural land from production the loss is not considered to be significant enough to warrant refusal on this ground alone.

RESIDUAL MATTERS

2.47 Concerns have been raised with regard to the conflict the proposed development will have up on the emerging neighbourhood plan, the plan is in its early stages and holds no weight in the determination of this planning application.

CONCLUSION

2.48 Hartlepool Borough Council cannot demonstrate a 5 year supply of deliverable housing sites. Paragraph 14 of the NPPF advises that a presumption in favour of sustainable development lies at the heart of the NPPF and that where policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF indicate development should be restricted.

2.49 The proposal is considered to be sustainable development. It is not considered that specific policies within the NPPF indicate that the development should be restricted. In terms of the benefits arising from the development these include the developments contribution to the Borough's housing land supply, the delivery of socio economic benefits (including jobs during and after construction, additional council tax, additional household expenditure, developer contributions including educational provision), the developments potential to provide enhanced ecological benefits.

2.50 The adverse impacts arising from the development include the loss of agricultural land, the visual impacts of the development and residual highway impacts though these are not considered to be severe.

2.51 It is not considered that the adverse impacts of approving the development would significantly and demonstrably outweigh its benefits. The development is therefore recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.52 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.53 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. These issues are considered above where it is considered the proposal is acceptable.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the completion of a legal agreement securing an educational contribution of £27,495; a contribution of £250 per dwelling for green infrastructure (£3,750), £250 per dwelling for built sport (£3,750) and £250 per dwelling for play (£3,750), an off site affordable housing contribution of £22,149 and the provision of one on site affordable unit and the following conditions:

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the layout, scale and appearance of the building(s), the means of pedestrian access and internal highway layout and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
In order to ensure these details are satisfactory.
3. The total development hereby approved shall not exceed the following maxima: Up to 15 Residential dwellings (C3 Use Class).
To ensure a satisfactory form of development.
4. The development hereby permitted shall be carried out in accordance with the plans Dwg No 14-019-001 (OS Plan) received by the Local Planning Authority on 21 May 2015 and in respect to the access from the public road in accordance with Dwg No 14-019-005 Rev A (Diagrammatic Concept - Draft 4) received by the Local Planning Authority on 21 September 2015.
For the avoidance of doubt.
5. 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.
In the interests of highway safety and to ensure a satisfactory form of development.
6. No development shall be commenced until a scheme for the provision of visibility splays of 2.4 metres x 43 metres at the entrances to the site from highway has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details prior to any part of the development being brought into use. Thereafter the visibility splays shall be retained during the lifetime of the development.
In the interests of highway safety.
7. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and

approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

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

8. No development shall commence until such time as a scheme for the surface water management system within the site including the detailed drainage / SuDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the life time of the development to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

To prevent the increased risk of flooding, both on and off site.

9. Prior to the commencement of development details of existing and proposed levels of the site including finished floor levels of the buildings to be erected and any earth retention measures shall be submitted to and approved in writing by the Local Planning Authority.

In order to ensure that these details are acceptable in the interests of visual amenity, safety and the amenity of future and adjacent residents.

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

In the interests of visual amenity.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

12. The clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no

breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.

In the interests of breeding birds

13. The details submitted at reserved matters shall include an Arboricultural Method Statement/Tree Protection Plan to describe how trees that are to remain on site will be protected during construction phase and any other issues to mitigate damage to existing trees.

To protect existing trees on the site

14. The details submitted at reserved matters shall include a scheme for the retention, protection and enhancement of hedges.

In the interests of biodiversity.

15. Prior to the construction of the dwellings a scheme for integral bat or bird roosting features to be incorporated into a minimum of 2 dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details and shall remain for the lifetime of the development hereby approved.

In the interests of biodiversity.

16. Prior to the removal of the Ash Tree identified as T10U in the Arboricultural Impact Assessment a further tree bat survey shall be carried out within 24 hours prior to it being felled to confirm that there no bats are present within the tree.

In the interests of biodiversity.

17. Prior to the commencement of development a scheme for the enhancement of the biodiversity of the stream banks shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

In the interests of biodiversity.

18. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.

In the interests of the amenities of the occupants of neighbouring properties.

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

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,

- d. groundwaters and surface waters,
- e. ecological systems,
- f. archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

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

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

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

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

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

To ensure proper recording of a heritage asset through a programme of archaeological works.

21. No development shall take place 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.

To avoid excessive noise and disturbance to the occupants of nearby properties.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.

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

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

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

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) or other outbuildings shall be erected or converted without the prior written consent of the Local Planning Authority.

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

BACKGROUND PAPERS

2.55 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

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

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LAND AT THE FENS



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

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H/2015/0209
Scale: 1:2000
Date : 08/10/15

\ No: 3
Number: H/2015/0423
Applicant: MR CARLO LAMANUZZI BATTLE PLACE GLASGOW
 G42 9TU
Agent: FAIRHURST ESTATES FAIRHURST HOUSE 7 ACORN
 BUSINESS PARK HEATON LANE SK4 1AS
Date valid: 16/10/2015
Development: Change of use to mixed use commercial development (sui
 generis) for MOT Testing Centre, vehicle repair,
 maintenance and sales workshop
Location: NATIONAL TYRE AND AUTOCARE SPRING GARDEN
 ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 This application has been submitted seeking consent for a Change of Use of an existing commercial garage to allow for MOT testing to be carried out. In accordance with the Town and Country Planning Act 1991 (as amended) and the Town and Country Planning Use Classes Order 1987 (as amended) consent is required as the site would become a mixed use development, falling within the sui generis category.

3.3 Due to the number of objections received, the application must be considered at Planning Committee.

PROPOSAL

3.4 Consent for a Change of Use is sought at an existing garage premises located on Spring Garden Road, Hartlepool. The company occupying the premises National Tyres and Autocare wish to offer MOT testing to customers. There are no internal or external alterations proposed to the existing building.

SITE CONTEXT

3.5 The site is a large warehouse located within a small industrial estate situated to the south of Oxford Road between Leamington Parade and Stockton Road. The site is accessible via a vehicular entrance taken from Spring Garden Road. Currently, the site is occupied by 'National Tyres and Auto Care' which offers sales and fitting of vehicle tyres and exhausts. Adjacent to the site are a number of existing commercial premises including 'Car Plus Service Centre, another car repair premises, 'H. Tones Garage' offering car sales and 'Richardson's' which is a

bus/coach company. Surrounding the industrial area are predominantly residential dwellings on Spring Garden Road, Coleridge Avenue and Stockton Road.

PUBLICITY

3.6 The application was originally advertised by way of Neighbour Notification and a Site Notice. The period for publicity has expired. To date there have been 6 letters of objection received and 3 responses stating no objection. The concerns raised by objectors are as follows:

- Traffic is of a major concern
- There is an accident waiting to happen
- Restricted sign at Spring Garden Road which is being ignored
- There is all types of traffic using this route plus extra generated by this application
- What will the effect be for parking for residents in Coleridge Avenue?
- There would be an increase in private vehicle traffic to and from the premises
- Spring Garden Road is a residential area and not a business park
- There would be an increase in noise pollution directly affecting us and our property
- Vehicle parking would increase from the public waiting to have their vehicles tested or repaired
- Safety in general of our property and our own vehicle could be compromised due to excess stock being carried by the applicant and private vehicles being left parked outside waiting testing and or repair which could be over night. This could attract the attention of would be burglars, car thieves or vandals or all three at once
- There would be an increase in HGV delivery vehicles to and from the premises, again supporting the objection based on residential area and increased traffic points
- There would be an increase in vehicular pollution. This could increase a health risk to us
- An increase in vehicular activity would cause an increased risk of possible injury to us and our immediate family while walking or driving in Spring Garden Road
- The application is totally unwarranted and unneeded
- There are several business premises in and around Hartlepool that could be utilised for the proposal of the applicant
- The change of use will have a detrimental impact on our home life and surrounding neighbourhood
- The change of use will significantly increase the number of vehicles accessing the premises, this will result in a significant increase in traffic flow along our residential street
- The increase in traffic flow (and potentially speed) would have a detrimental effect on the area in which our children play and walk to school
- The increased numbers of vehicles accessing the premises will also increase the already problematic parking problems
- Vehicles from the garage already park in the street and this will only increase if the change of use goes ahead leaving even less space for residents

- The increase in traffic flow will also result in an increase in noise as will the additional services that are proposed to be undertaken from the premises i.e. vehicle repair
- We feel the premises would be better suited in an industrial estate or area rather than a residential street where young families live
- Major concerns regarding the amount of cars and commercial vehicles that will be passing through this small terraced residential street
- If this garage is to be used as a MOT centre would that not increase the amount of work they will be taking into the garage
- The garage does not have any parking facilities or forecourt to store vehicles
- vehicles will be left in residential side streets ready for repair then collection, causing major parking problems.
- Where does the company intend on parking vehicles once fixed?
- Already in Spring Garden Road and Coleridge Avenue there is major parking problems
- Not only do we have to content with the commercial bus company driving large buses up and down residential streets and reversing buses onto a street where children are going to school, but we also have these two garages, auto care and tones
- All three of these companies have staff and it has been witnessed that staff park their vehicles in the side streets, preventing residents from parking
- There are yellow lines and parking restrictions in Spring Garden Road also to stop people parking due to these commercial premises needing space to get in and out of their units
- The staff park outside our home and go about their business making residents park on yellow line and then receiving parking tickets
- Residents have also complained about wing mirrors being hit by buses, wagons delivering goods and buses hitting walls and garden gates causing structural damage and also delivery vans for a large supermarket chain (co-op) at other end of street using the side streets at rat runs
- Maybe the owner of the garage would care to look for a more suitable premises on a trading estate where these types of commercial premises are better suited
- Running a large business like this from a residential street near a very busy school is not suitable or adequate and it won't be long before a major accident happens in these streets

Copy Letters C

CONSULTATIONS

3.7 The following consultation replies have been received:

HBC Traffic and Transport: There have been numerous complaints about on street parking in Spring Garden Road, although not directly linked with National Tyres.

As a consequence double and single yellow lines have been introduced to manage parked cars.

The proposed MOT service will potentially lead to customers parking for longer periods on Spring Garden Road, however it is considered that this would be relatively minimal. And since parking controls are already in place I would offer no objection to this.

Further comments:

The site does not have any off street customer parking. This will require customers to leave and pick up their vehicles from the street. This already happens to a certain extent with the tyre business. A garage would normally be required to provide 3 parking spaces per service bay and 1 space per employee.

It is hard to put a figure on any potential increase in on street parking demand, however, considering that there's no increase in commercial floor space and no increase in staff numbers I would consider this to be relatively minimal.

Measures are already in place which would prevent parking in unsuitable areas of Spring Garden Road, however no measures are in place to stop parking in the residential streets of Spring Garden Road.

HBC Public Protection: These proposals will inevitably lead to additional traffic using the neighbouring streets. However I am of the opinion that it would not result in such a level of disturbance support the refusal of this application.

PLANNING POLICY

3.8 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

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

Com13: Commercial Uses in Residential Areas
GEP1: General Environmental Principles

National Policy

3.10 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that

should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs of the NPPF are of particular relevance to this application.

PARA 002: Primacy of the Development Plan
 PARA 011: Planning law and Development Plan
 PARA 013: NPPF is material planning consideration
 PARA 014: Presumption in favour of sustainable development
 PARA 017: Core Planning Principles
 PARA 032: Promoting Sustainable Transport
 PARA 196: Primacy of the Development Plan
 PARA 197: Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

3.11 The material planning considerations in this instance are the principle of development in relation to the policies and proposals held within the Hartlepool Local Plan 2006, the impact on highway safety, and the impact on neighbour amenity.

PRINCIPLE OF DEVELOPMENT

3.12 The existing premises has been an established use as a commercial garage for some time with services such as replacement of tyres and exhausts being provided. The site is located within a residential area as part of a small industrial estate, therefore Policy Com13 is relevant. In this policy it is stated that:

“Proposals for industrial, business, leisure and other commercial development, or for their expansion, will not be permitted in predominantly residential areas outside the defined local centres unless

- i. There is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby premises by reason of noise, smell, dust or excessive traffic generation*
- ii. The design, scale and impact is compatible with the character and amenity of the site and surrounding area, and*
- iii. Appropriate servicing and parking provision can be made*

3.13 The proposed change of use is to allow for MOT testing. However, the addition of this service on the premises is not considered to significantly alter the original use of the site, with the new proposed activities closely related to the original function. Vehicle repairs are currently carried out on the site, although noted to be limited to tyre and exhaust repairs. Therefore the proposed additional use of the site for MOT testing purposes is not considered to cause significant increase impact in terms noise, dust or odours.

3.14 It is noted that concerns have been raised by residents in regard to parking provision on the site and the volume of traffic generated by the development. Comments from HBC Traffic and Transport stated that although there have been complaints regarding parking provision on the street, these are not directly related to this premises. Given that there is no proposed increase in commercial floor space or an increase in the number of staff working on the premises, it is considered that the change of use would not generate a significantly increased volume of traffic or would be detrimental to the existing parking arrangements which the site operates with.

3.15 In addition, there are no alterations to the design and scale of the premises meaning the impact in terms of compatibility with the surrounding character of the area is unchanged.

3.16 In relation to Policy Com13 and the principle of development, the proposal is considered to be acceptable, with no significant impact in terms of nearby properties or the design of the premises.

HIGHWAY SAFETY

3.17 In relation to the impact on highway safety, consultation was undertaken with HBC Traffic and Transport with no objections raised. Comments stated that the proposed change of use could lead to customers parking for longer periods of time, however the impact from this was considered to be relatively minimal. In addition, further comments from this department highlighted that there would be no increase in the number of employees on the site or gross commercial floor space. It is therefore considered that there would be no significant increase in the number of vehicles arriving and leaving the site, with the volume of traffic generated by the development remaining largely the same. Although there could be instances where vehicles are parked for longer periods of time, the existing arrangements for restricting parking using yellow lines are considered to be adequate in terms of managing the issues.

3.18 Given the comments from HBC Traffic and Transport in highway terms the proposal is considered acceptable.

NEIGHBOUR AMENITY

3.19 In relation to the impact on neighbour amenity, a number of issues were raised including:

- pedestrian safety on the surrounding residential streets
- pollution
- Increased crime
- Reduced parking for residents

3.20 From the consultation responses received from HBC Traffic and Transport and HBC Public Protection, no objections were made. In light of this, in terms of pedestrian safety, given that the premises is on existing garage and no change to access arrangements is proposed, it is not considered that pedestrian safety would

be unduly compromised by the development. In addition, the use of the site for vehicle MOT testing, in addition to the existing repairs carried out, is not considered to have a significant impact on levels of pollution in the surrounding residential area.

3.21. It is noted that a number of complaints have been received highlighting on street parking as an existing issue in this area. However, HBC Traffic and Transport have raised no objection on those grounds.

3.22 It is not considered the proposal would lead to an increase in crime in the area.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.23 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.23 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the details received by the Local Planning Authority on 01/10/15, and the plan (Site Location Plan) received by the Local Planning Authority on 16/10/15, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.

BACKGROUND PAPERS

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

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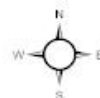
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NATIONAL TYRE AND AUTOCARE



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 Level 1, Civic Centre, Hartlepool TS24 8AY
 Department of Regeneration and Planning

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H/2015/0423
Scale: 1:1000
Date : 01/12/15

No: 4
Number: H/2015/0386
Applicant: CAMERON HALL DEVELOPMENTS LTD WYNYARD
 BILLINGHAM TS22 5NF
Agent: England & Lyle Gateway House 55 Coniscliffe Road
 DARLINGTON DL3 7EH
Date valid: 08/09/2015
Development: Erection of 64 dwellings, access and associated works
Location: LAND AT WYNYARD WOODS WEST WYNYARD

PURPOSE OF REPORT

4.1 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.

PLANNING HISTORY

4.2 Parts of the site have previously been subject to planning applications. The most relevant planning applications are listed below:

4.3 In July 2014 members were minded to approve an outline application for erection of up to 134 dwellings, provision of landscaping bund, access and other associated works subject to the completion of a legal agreement to secure an affordable housing contribution (£1,080,000), a contribution towards secondary education (£214,808), off site highway mitigation, a commitment to public transport provision, travel planning, a targeted training and employment charter, a commitment to provide a bridge across the A689 unless it is demonstrated an at grade crossing is acceptable, a commitment to accommodate Public Right of Way links across the site including access to the Castle Eden Walkway, a commitment to secure the provision and maintenance of public open space, play area(s) and highways to an acceptable standard, the provision of a Conservation & Habitat Management Plan and conditions. The section 106 for this development has not been completed.

4.4 In April 2014 cross boundary applications for outline planning permission with all matters reserved for the construction of up to 500 houses, primary school (including sports facilities) and nursery, retail units (up to 500 sqm), doctors surgery, community facilities, access and associated landscaping, footpaths and open space were considered by Stockton & Hartlepool Planning Committees (Hartlepool Ref H/2013/0076). The main part of the development is within Stockton, the development within Hartlepool consisted of proposed access works to the site which included the provision of an access road across the current site from Wynyard Woods. It was approved subject to the completion of a legal agreement and conditions.

4.5 H/FUL/0574/99 Amendment to previously approved layout for the erection of 110 dwellings including provision of planting areas, new house types and repositioning of

plots. This application for housing development on a larger site was approved in December 1999. Only the eastern part of the site was included within it.

PROPOSAL

4.6 Planning permission is sought for residential development comprising 64 detached executive dwellings with garages on land to the west of Wynyard Woods which is at the western end of Wynyard Village.

4.7 The proposed site layout has been amended since originally submitted due to issues raised with regard to highway comments and the density of the development. The proposed number of dwellings has been reduced from 69 to 64 dwellings.

SITE CONTEXT

4.8 The site extends some 6.6ha and is roughly rectangular in shape. With the exception of the landscaping bund that run east to west parallel to the site's northern boundary, and largely screens the site from the A689 beyond, the site is gently undulating with no distinguishing natural features, trees or hedgerows.

4.9 The site lies between existing residential development at Manor Fields and Blackwood, with Wynyard temporary school sitting between Blackwood and the proposed site.

4.10 The access to the development will be taken from Wynyard Woods which is at the western end of Wynyard Village. The site is located close to the A19 and the A689 dual carriageway. The site lies approximately 4 miles west of Hartlepool and 3 miles north of Stockton.

4.11 The application is referred to Committee due to the number of objections received.

PUBLICITY

4.12 The application has been advertised by neighbour letters (344), site notices (2) and press notice. To date, there have been 11 objections

4.13 The concerns raised are summarised as follows:

- The plans do not show any planned links to nearby footpaths, residents will need to walk more than a kilometre to the junction of Wynyard Woods and The Wynd
- Development will appear large and unruly, not in keeping with area.
- Traffic Problems
- Major traffic issues with the A689 and A19 cannot cope with present level of development
- Lack of supporting infrastructure in the area
- The main road of Wynyard Woods used as race track people exceed the speed limit

- Would only support the application if speed humps laid, similar to those on the southern Wynyard Woods Road
- Cameron Hall proposals for Wynyard not in keeping with their original vision.
- The area is over developed
- Disappointed to now find that we are on a proposed bus route
- Noise and pollution at an unacceptable level
- No speed calming measures on the north road of Wynyard Woods
- Speeding vehicles
- The A689 and A19 are unable to cope with current volume of traffic, despite the installation of traffic lights at the A19 junction, further development will compound these problems
- Noticeable decrease in wildlife over the last few years
- Inconsistency between plans
- Object to the layout of housing
- Further and continued disturbance from the works
- Disturbance, noise, dust and additional traffic
- Development will impact on the temporary primary school
- Proposal should be refused and land restored to its original state to the benefit of the community and environment
- The application is of no benefit to community or the wider housing shortage
- Residents of Wynyard live on a continued building site
- Speeding works vehicles
- Mud, dust and debris on the road
- Irreversible damage to the wildlife
- Development backs onto my property – negative impact in terms of noise, light and potential devaluation
- The area is supposed to be exclusive
- Too much development going on in Wynyard
- Ecological impact
- Traffic increase
- Loss of landscape

Copy Letters **B**

4.14 The period for publicity has expired.

CONSULTATIONS

4.15 The following consultation replies have been received:

HBC Traffic & Transport - The general layout of the estate is acceptable, however some of the drive crossings are not perpendicular to the highway, and this is a relatively minor issue and can be addressed during construction with the Councils Section 38 Officer.

The provision of and location of bus stop infrastructure should be agreed with the Council prior to first occupation.

The construction of roads and footways should be built in accordance with the Hartlepool Borough Council Design Guide and Specification using a Section 38 / Advanced Payment Code agreement.

Amended received layout is acceptable – previous comments apply.

HBC Landscape - No existing trees will be affected by the proposed development. No landscaping details have been submitted in support of the application; therefore I would recommend that a comprehensive landscaping scheme be required by condition.

HBC Engineering Consultancy - A drainage condition for the surface water and a contaminated land condition on this application.

HBC Countryside Access Officer - Wynyard Development Area creates a unique opportunity to look at improving the access, within the development sites, to the surrounding countryside. It also is a chance to create new links to the neighbouring public and permissive rights of way that surround the location.

At present a lot of the housing sites are isolated and this creates an unsustainable situation whereby the only opportunity for families and individuals, living there, to visit sites is by driving to them. This is due to this lack of access infrastructure. By creating links to the neighbouring rights of way; people will have the chance to walk or cycle safely and sustainably, into the surrounding countryside, from their own front doors.

Another access opportunity is to link, both the north and south Wynyard sites by providing a bridged path over the A689. This will give every resident the capability of safely accessing promoted routes such as the Castle Eden Walkway (situated to the west of Wynyard).

Sustainability is also the key to safer travel to employment and school as well as recreational opportunities. By creating these safe travel links; the better prospect of accessing different services will be available to residents living in Wynyard.

Stockton Borough Council - Any housing development should be sustainable and any potential negative impacts fully mitigated in line with the NPPF.

It is noted that there is liaison with Hartlepool Borough Council (HBC) regarding highway modelling and that SBC and HBC have jointly appointed ARUP to undertake an assessment of the Vissim model that has been agreed with Highways England. It will need to be demonstrated that capacity is available within the agreed Vissim model and that any highways safety concerns are addressed.

Officers at Stockton-on-Tees Borough Council welcome the continued joint working with officers at Hartlepool Borough Council regarding the delivery of sustainable development at Wynyard Park.

Highways Agency - As this development will not have a significant impact on our network we offer no objection.

Emergency Planning Unit – We don't have any objections to the proposal.

Natural England – No comments to make on this application.

Northumbrian Water – In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

Having assessed the proposed development against the context outlined above NWL have the following comments to make:

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*Flood Risk Assessment*". In this document it states

- Foul water will discharge into manhole 1602.
- Surface water will discharge into manhole 1601 at 150 Litres per second.

We would therefore request that the *Flood Risk Assessment* form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

No further comments on amended plans original comments stand

Northern Gas – I have checked the Northern Gas Networks records and can confirm that there is no Northern Gas Networks gas infrastructure within the area of the application

Tees Archaeology – The developer has submitted the results of an archaeological field evaluation with the application. The evaluation targeted the reputed site of the lost medieval settlement of Middle Swainston. The results of this evaluation were negative. Considerable ground disturbance appears to have taken place recently in the northern part of the development and this will have further reduced the archaeological potential. I have no objection to the proposal and have no further comments to make.

Ramblers – We note that footpaths are proposed either side of the spine road and these will link into the existing network of footpaths throughout the Village. The informal footpath that passes along the landscape bund along the northern edge of the application site will also be retained. We have no further observations.

HBC Public Protection – Comments Awaited.

Hartlepool Water – We do not anticipate any diversion work. I confirm that Hartlepool Water has sufficient capacity in the local network to supply the proposed development, however a part of the development to the west is not currently within Hartlepool Water's area of supply - no objection to this development.

Environment Agency – No comments to make on this application

Ecology – Awaited

PLANNING POLICY

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

4.17 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.

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

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

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

Paragraph 11: Determination in accordance with the development plan

Paragraph 12: Development that accords with up to date development plan

Paragraph 14: Presumption in favour of sustainable development

Paragraph 17: Core Planning Principles

Paragraph 32: Transport Statement/Transport Assessment

Paragraph 34: Minimise need to travel and maximise sustainable transport modes

Paragraph 36: Travel Plan

Paragraph 47: Supply of housing
 Paragraph 49: Five year supply of deliverable sites
 Paragraph 58: Quality of development
 Paragraph 72: Sufficient choice of school places
 Paragraph 96: Minimise energy consumption
 Paragraph 102-103: Avoid areas at risk of flooding
 Paragraph 118: Conserve and enhance biodiversity
 Paragraph 203-205: Planning Obligations

Local Policy

4.20 Within the current Hartlepool Local Plan this site lies outside of the limits to development, although at present, given the lack of a five year housing supply, this policy is not currently being used until a five year supply can be demonstrated. The following policies are relevant to this application:

GEP1: General Environmental Principles
 GEP2: Access for All
 GEP3: Crime Prevention by Planning and Design
 GEP9: Developers' Contributions
 Rec2: Provision of play in new housing areas
 Rur14: Tees Forest
 Tra16: Car parking standards
 Tra20: Travel plans

PLANNING CONSIDERATIONS

4.21 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, the impact upon neighbouring residents, character of the surrounding area, highway safety, flooding and drainage, ecology loss of agricultural land and landscaping.

4.22 A comprehensive update report setting out the relevant planning consideration and recommendation to Members will follow.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.23 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.24 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.

4.25 There are no Section 17 implications.

REASON FOR DECISION

4.26 An update report is to be provided.

RECOMMENDATION – UPDATE report to follow

BACKGROUND PAPERS

4.27 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

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

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LAND AT WYNYARD WOODS WEST



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HARTLEPOOL BOROUGH COUNCIL
 Level 1, Civic Centre, Hartlepool TS24 8AY
 Department of Regeneration and Planning

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H/2015/0386
Scale: 1:5000
Date : 01/12/15

UPDATE

Planning Committee – 16 December 2015

4.1

No: 4
Number: H/2015/0386
Applicant: CAMERON HALL DEVELOPMENTS LTD WYNYARD
BILLINGHAM TS22 5NF
Agent: England & Lyle Gateway House 55 Coniscliffe Road
DARLINGTON DL3 7EH
Date valid: 08/09/2015
Development: Erection of 69 dwellings, access and associated works
(AMENDED LAYOUT - Reducing house numbers from 69
to 64)
Location: LAND AT WYNYARD WOODS WEST WYNYARD

UPDATE

4.1 This application appears on the main agenda at item 4. The recommendation was left open to allow for the receipt of outstanding consultation responses. The time period for representations has expired.

4.2 The following outstanding consultations have been received:

HBC Public Protection – No objection to this application subject to the following condition; All habitable rooms (living rooms and bedrooms) closest to and with a direct line of sight of the A689, or with an oblique view, should be fitted with standard thermal double glazing and acoustic trickle vents to ensure a good internal noise level in accordance with BS8223 of 30dB and 45dB L_{max}.

Ecologist - The ecological impacts are relatively minor. The area that is classed as ephemeral grassland would seem to be of a little higher quality than its assessed in the PEA and from the plant species present is probably better described as "Open Mosaic" rather than "ephemeral" though it would still at best be classed as of moderate value locally. Nevertheless there would be some minor loss of habitat.

The development plan shown in Fig 2 of the PEA indicates a fairly substantial area of tree planting and landscaping on the western boundary of the development. If this is to form part of the development as shown, then that should be sufficient to compensate for the loss of habitat and even provide a modest enhancement.

The habitat creation recommendations proposed in section G1.2 of the PEA would be useful though they don't actually state what areas of habitat would be created. The way HBC has tended to address these issues on other sites, when it isn't clear exactly what will be provided, is just to ask for a landscaping scheme which demonstrates a net enhancement for biodiversity. This may well incorporate some of these recommendations but other options may be suitable.

The incorporation of integral bat or bird boxes on a percentage of the properties is something that HBC tend to require on all major applications. In any case the PEA says they will do that so it can just be a straight condition.

UPDATE

Planning Committee – 16 December 2015

4.1

The standard breeding bird condition would apply to any vegetation clearance.

PLANNING CONSIDERATIONS

4.3 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan (including Developer Obligations) and in particular the impact upon the character and appearance of the area, the neighbouring residents, highway safety, drainage and flooding, ecology and landscaping and loss of agricultural land.

PRINCIPLE OF DEVELOPMENT

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

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

4.6 The principle of residential development on this site has been accepted by the previous minded to grant decision for an outline planning application for 134 dwellings. This was subject to a legal agreement which to date has not been signed.

4.7 In terms of sustainability the site is located on the edge of the existing village which has some limited services but currently no public transport. It is anticipated developments in the vicinity will deliver additional services, a school and public transport improvements to make for a more sustainable settlement. In this instance, it is considered that the need to deliver additional housing in order to help meet the 5 year supply holds substantially greater weight than the need to restrict development beyond the urban fence. It is not considered that any adverse impacts of approving this development would significantly and demonstrably outweigh the benefits when assessed against the National Planning Policy Framework as a whole. No specific policies in the framework indicate that the development should be restricted. The overall principle of development in this location is therefore considered acceptable.

4.8 The NPPF (50) states that local planning authorities (lpas) should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. This requires lpas, where a need for affordable housing is identified, to ensure that it is delivered on site, unless off site provision or a financial contribution of broadly equivalent value can be

UPDATE

Planning Committee – 16 December 2015

4.1

robustly justified (for example to improve or make more effective use of the existing housing stock).

4.9 The current Strategic Housing Market Assessment (2015) has identified a pressing need for affordable housing in the Borough. A Planning Obligations Supplementary Planning Document was adopted by Full Council on 12th November 2015. This sets a target for affordable housing of 18%. However in seeking to address this substantial need the viability of a development also needs to be taken into account. This is achieved through a robust process involving the provision and scrutiny of site specific viability assessments.

4.10 Guidance is provided in paragraph 173 of the NPPF which seeks to ensure that projects are viable and deliverable. It advises that to ensure viability, the costs of any requirements likely to be applied to the development should when taking into account the normal costs of the development and mitigation, provide competitive returns to a willing developer/landowner to enable the development to be deliverable.

DEVELOPER OBLIGATIONS

4.11 Saved Policies GEP9 and Rec2 relate to planning obligations and set out requirements for new development to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements. Off-site provision or financial contributions instead of on site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.

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

- £119,145 contribution for primary education
- £102,592 contribution for secondary education
- £250 per dwelling for Built Sports (£16,000)
- £4.97 per dwelling for Bowling Green(s) (318.08)
- £57.02 per dwelling for Tennis Court(s) (£3,649.28)
- £659,616 contribution toward off site affordable housing.

4.13 The applicant has agreed to these contributions.

4.14 A contribution of £611,818 is to be made towards off site affordable housing. It is considered that in this case in line with other Wynyard sites which provide for an executive market an off site affordable housing contribution is considered acceptable.

4.15 The applicant has agreed to additional mitigation measures to be secured by condition to provide play facilities within the immediate area and a walkway/link to improve access to the existing Castle Eden Walkway.

4.16 In view of the above considerations, it is considered that the proposal would satisfy the provisions of the NPPF (para. 204) and the three tests of the Community Infrastructure Levy (CIL) Regulations 2010.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA

4.17 Concerns have been raised in relation to the impact of the development upon the area and existing properties. The National Planning Policy Framework 2012 (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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

4.19 Officers consider that the density of the site is acceptable and is reflective of the surrounding area. The separation distances proposed between dwellings within the site accords with and in many instances exceeds the guidance set out in the Hartlepool Local Plan 2006. It is considered that the proposed development would be a natural expansion of Wynyard and would not unduly affect the character of the area.

EFFECT OF THE PROPOSALS ON NEIGHBOURING PROPERTIES AND SURROUNDING AREA

4.20 The layout has been refined through extensive discussions. It is considered that the layout of the 64 dwellings upon the site has been designed in such a way as to limit the impact upon the amenity of the neighbouring properties close to the site and overlooking it.

4.21 The closest neighbouring properties are to the east and south east and proposed housing area to the south. The separation distances indicated between the proposed dwellings and neighbouring dwellings meet or exceed the guideline separation distances in the Local Plan. The submitted layout plan shows a substantial buffer between the northern boundary and the south west and southern boundary, the boundary to the residential properties to the east will be wall and fence details which are similar to the existing boundaries within Wynyard.

4.22 It is not considered that the additional disturbance arising from traffic associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of neighbouring residents. No objections have been received from the Head of Public Protection. Owing to the scale of the development and proximity to residential properties, it is considered necessary to impose a condition relating to construction hours. In terms of the impact on the amenity of neighbours the proposal is considered acceptable.

IMPACT UPON HIGHWAY SAFETY

4.23 Objectors have raised concerns regarding the impact of the scheme on highway safety, in particular that it will exacerbate existing issues of traffic congestion.

4.24 The application is accompanied by a Transport Statement. The Council's Traffic and Transportation Team have been consulted on the application and raise no objection to the proposal. Improvements to the highway infrastructure are in hand and will be funded through the Regional Growth Fund.

4.25 In terms of increased traffic generation the Traffic and Transportation Team do not consider that the traffic movements associated with this development will unduly compromise the efficiency or the safety of the transport network for the area.

4.26 The NPPF indicated that account should be taken of whether improvements can be undertaken within the transport network that cost-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. It is not considered that any residual impact arising from the development would be severe.

4.27 The scheme has been amended to take into account comments received from Traffic and Transport in relation to the drive access not being perpendicular to the highway, the reduction in dwellings and substitution of house types within the plots has addressed this concern. In highway terms the proposal is considered acceptable.

4.28 In view of the above, it is considered that the proposal is acceptable in terms of its impact on highway safety.

DRAINAGE AND FLOODING

4.29 The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy. This concludes that the risk to the site of flooding is low.

4.30 Foul sewage will be disposed of to the mains sewer, whilst surface water drainage will utilise sustainable urban drainage techniques.

4.31 Northumbrian Water raises no objection to the proposal subject to adequate conditions which will ensure that the foul water will discharge into the existing network, this will ensure that adequate precautions are taken to mitigate against any potential flooding risk from any sources in accordance with the NPPF.

4.32 The scheme has been considered by the Environment Agency who has raised no comments to the application.

4.33 HBC Engineering consultancy raises no objection to the proposal subject to adequate conditions relating to the design and discharge route of surface water and land contamination condition.

ECOLOGY /LANDSCAPING

4.34 The applicant has provided several specialist reports to identify and address ecological issues on the site. The Preliminary Ecological Appraisal (PEA) has highlighted that the ecological impacts are relatively minor.

4.35 The development plan shown in Fig 2 of the PEA indicates a fairly substantial area of tree planting and landscaping on the western boundary of the development. It is considered that this provision should be sufficient to compensate for the loss of habitat and would provide a modest enhancement. The Councils Ecologist raises no objection to the proposal subject to a landscaping condition.

4.36 The PEA indicates the bat boxes be provided on 5% of the properties bird boxes are also proposed the Councils Ecologist agrees with this and recommends that these be secured by condition.

4.37 Subject to the conditions described above, the proposal is considered to be suitable in ecological terms

LOSS OF AGRICULTURAL LAND

4.38 The development will result in the loss of agricultural land. However the land is not classified as the best and most versatile agricultural land. Its loss must be assessed against the benefits of the development, it is not considered the loss of this land would outweigh the benefits of the scheme.

RESIDUAL MATTERS

4.39 Concerns have been raised with regard to the impact upon the temporary school. The primary school is temporary and will be relocated to its permanent site within Wynyard in due course. The relationship is considered acceptable.

CONCLUSION

4.40 Hartlepool Borough Council cannot demonstrate a 5 year supply of deliverable housing sites. Paragraph 14 of the NPPF advises that a presumption in favour of sustainable development lies at the heart of the NPPF and that where policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF indicate development should be restricted.

4.41 The proposal is considered to be sustainable development. It is not considered that specific policies within the NPPF indicate that the development should be restricted. In terms of the benefits arising from the development these include the developments contribution to the Borough's housing land supply, the delivery of socio economic benefits (including jobs during and after construction, additional council tax, additional household expenditure, developer contributions including

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educational provision), and the developments potential to provide enhanced ecological benefits.

4.42 The adverse impacts arising from the development include the loss of agricultural land, the visual impacts of the development and residual highway impacts though these are not considered to be severe.

4.43 It is not considered that the adverse impacts of approving the development would significantly and demonstrably outweigh its benefits. The development is therefore recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.44 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.45 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.

4.46 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the completion of a legal agreement securing an educational contribution of £119,145 for primary education, a £102,592 contribution for secondary education, £250 per dwelling for Built Sports (£16,000), £4.97 per dwelling for Bowling Green(s) (318.08), £57.02 per dwelling for Tennis Court(s) (£3,649.28) and a £659,616 contribution toward off site affordable housing, appropriate maintenance of open space, play areas and highways and the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans Drg No(s) 3117/21 (detached double garage), 3117/19/18/17 (house type E), 3117/15/14/13 (house type D), 3117/11/10/09 (house type C), 3117/07/06/05 (house type B), and 3117/03/02/01 (house type A), 3117/401 (external works detail) and details received by the Local Planning Authority on 8 September 2015 and amended Drg No(s) 3117/400D (site layout plan), 3117/00C (location plan), 3117/404B (site sections) and 3117/403B (proposed earth bunding) received by the Local Planning Authority on 13 November 2015.

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For the avoidance of doubt.

3. Details of all external finishing materials including hard standing areas shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. No development shall commence until such time as a scheme for the surface water management system within the site including the detailed drainage / SuDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the lifetime of the development to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.
To prevent the increased risk of flooding, both on and off site.
5. Development shall not commence until a detailed scheme for the disposal of foul water arising from the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
In order to ensure adequate drainage arrangements are in place for the development.
6. 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

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produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. A detailed scheme of landscaping and tree and shrub planting incorporating ecological mitigation and enhancement shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. In the interests of visual amenity.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity.
9. The clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this. In order to avoid harm to birds.
10. Four of the dwellings (5%) hereby approved shall incorporate bat mitigation features to provide long term roost sites for the local bat population in accordance with details and a timetable first submitted to and approved in

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writing by the Local Planning Authority. The bat mitigation features shall thereafter be provided as approved at the time of development and prior to the first occupation of any of the host dwellings, unless some variation is otherwise approved in writing by the Local Planning Authority.
In the interests of the ecology of the area.

11. Prior to the commencement of development a scheme to secure improved pedestrian access onto the Castle Eden Walkway, together with a timetable for its implementation, shall be 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.
In order to ensure that there is adequate access to local recreational facilities from the development.
12. Prior to the commencement of development details of play facilities and public open space to be provided on site or near the site (including their/its location, the proposed phasing of provision, means of enclosure, landscaping, surfacing, design and details of play equipment) and a timetable for its provision, shall be submitted to and approved in writing by the Local Planning Authority. The play facilities and public open space shall thereafter be provided in accordance with the details so agreed.
In order to ensure that these details are acceptable and are brought forward at an appropriate time in the interests of providing a sustainable development.
13. Prior to the construction of the dwellings a scheme including a timetable for its implementation, for bird roosting features to be incorporated into a minimum of 4 dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.
In the interests of biodiversity of the area.
14. 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 been installed.
In the interest of promoting sustainable development.
15. Prior to the commencement of the development, details of existing and proposed levels within and outwith the site including finished floor levels of the buildings to be erected and any earth retention measures shall be submitted to and approved in writing by the Local Planning Authority.
In order to ensure that these details are acceptable in the interests of visual amenity, safety and the amenity of future and adjacent residents.
16. No development shall take place until a scheme of noise insulation/protection measures to properties with habitable rooms closest to and with a direct line

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of sight of the A689 or with an oblique view has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and verification that the measures identified in the scheme have been implemented shall be provided by a suitably qualified engineer, prior to the occupation of any of the dwellings identified for the measures in the approved scheme.

In the interests of the amenity of future occupiers of the site.

17. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
18. 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.
In the interests of highway safety and to ensure a satisfactory form of development.
19. Prior to the commencement of development a scheme showing the proposed bus stop infrastructure and a timetable for its provision shall be submitted to and approved by the Local Planning Authority. Thereafter the scheme shall be provided in accordance with the details so agreed.
In the interests of highway safety.
20. A Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree the routing of all HGVs movements associated with the construction phases and effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.
In the interests of the occupiers of adjacent and nearby premises and highway safety.
21. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

BACKGROUND PAPERS

4.48 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working

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

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LAND AT WYNYARD WOODS WEST



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

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H/2015/0386
Scale: 1:5000
Date : 01/12/15

No: 5
Number: H/2015/0315
Applicant: Mr William Cooper The Green Easter Park READING
West Berkshire RG7 2PQ
Agent: BARTON WILLMORE MR LIAM TATE 3RD FLOOR 14
KING STREET LEEDS LS1 2HL
Date valid: 10/09/2015
Development: Construction of a temporary Solar Farm to include the
installation of Solar Panels with transformers, a District
Network Operator (DNO) substation, security fence and
gate (incorporating infra-red beam system) and other
associated infrastructure (10.05ha)
Location: Land North of Wolviston

PURPOSE OF REPORT

5.1 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

5.2 There is no planning history at the application site that would be of material relevance to the development of this site.

5.3 Within the vicinity of the site, at Blue House Farm Newton Bewley an application has recently been approved at planning committee on 25 November 2015 for a solar installation approximately 1km to the southeast (H/2015/0316).

5.4 A formal screening opinion was issued on 27th March 2015 by the Local Authority which confirmed that, having applied the criteria outlined in schedule 2 of the Regulations, that it was the opinion of the Council that the development as proposed would not be likely to have significant effects upon the environment by reason of factors such as the nature of the development, its size and location. The applicant was advised therefore that an EIA was not required.

PROPOSAL

5.5 Approval is sought for a period of 40 years for the installation of a solar farm at the site with a maximum generation capacity of 5MWh per annum. The proposal comprises fixed tilt, ballast mounted PV solar array which will feed into the electrical grid under permitted development rights enjoyed under section 17 of the Town and Country planning General Permitted Development Order. The electricity generated would notionally be capable of powering up to 1700 homes.

5.6 After a period of 40 years the land will be returned to agricultural use.

5.7 The physical presence of the array would consist of 18768 panels at a 20 degree angle, some 2.4 metres in height, laid out in east to west rows with spacing of approximately 5 metres to prevent over shadowing. The solar radiation is converted into electricity and converted onsite by on site convertors into an AC current before being transmitted to the grid.

5.8 It is also intended to accommodate the following on the site.

- 2.2 metre high security (deer style) fence erected around the perimeter
- 1.2 metre high pole mounted infra red beam system set within the boundary of the perimeter fence

5.9 The existing access from the A19 southbound slip road will be utilised during construction and maintenance, with an area of hardstanding being provided to allow vehicles to turn.

5.10 The supporting documentation states that the installation period is expected to last between 10-12 weeks with activity taking place between 07:00 and 19:00 Monday to Friday and 07:00 and 17:00 on a Saturday.

SITE CONTEXT

5.11 The site consists of 10.1 hectares of agricultural land which currently comprises 1 field. approximately 500 metres west of Newton Bewley. It is adjacent to the A19 dual carriageway southbound slipway.

5.12 To the north, south and east of the site is agricultural land, beyond to the east is Newton Bewley Village, beyond to the south is the A689. Directly to the west of the site is the A19 southbound slip road.

5.13 There is a public right of way within the red line boundary which runs alongside the southern boundary of the site before entering the site and utilising the existing track however this will not be directly affected by the development and as such will be retained. North Burn stream runs adjacent to the site running east to west.

5.14 There is a subterranean gas pipeline which runs through the north west corner of the site. The HSE and pipeline operators were consulted on the application and have raised no objections.

PUBLICITY

5.15 The application has been advertised by way of neighbour letters, site notice and a press notice. To date, there have been six objections received.

The concerns raised are:

- Character of the area
- Adverse visual impact within the greenbelt area
- Loss of high yielding farmland resulting in a detrimental impact upon the profitability of West Farm

- High quality land would be lost when a lesser quality of land could be used without affecting the productivity of this land
- Access from the site would be detrimental to traffic flow
- The existing gated access is locked (owned by the Highways Agency) concerns regarding the security of the locked gate as a result of construction traffic
- Roman settlement is located below the field
- Vandalism and theft at nearby farms and Newton Bewley Village

Copy Letters F

5.16 The period for publicity has expired.

CONSULTATIONS

5.17 The following consultation replies have been received:

HBC Arboricultural Officer: The amended landscaping scheme differs from the originally submitted scheme in that it includes the planting of a number of crab apple trees. I would make no objection to the amendments and would consider the submitted landscaping details acceptable.

HBC Public Protection: No objections

HBC Engineering Consultancy: Following submission of swale details, No objections

HBC Ecology: The biodiversity management plan submitted is acceptable and should result in significant enhancement for biodiversity. Its implementation should be conditioned.

HBC Countryside Access Officer: With regards to this planning application; I have spoken directly to the developer and am satisfied that the transport arrangements proposed will not impinge on the safety of the users of the Public Footpath No.1, Newton Bewley Parish. I am also satisfied that there will be no likelihood of obstructions to the path during the construction period.

HBC Traffic & Transport: The provisions made for highway implications set out in the Traffic management plan are acceptable. I have therefore have no highway or traffic concerns.

HBC Landscape Architect: Following review of the available information I can confirm that there are no objections to this scheme on landscape or visual impact grounds. The presence of a solar farm within the rural fringe does introduce additional elements that can convey an industrial perception to receptors, particularly given the proximity to the A19 sliproad (south) which provides an access in to the town. However, the mitigation proposals put forward suggests that the overall landscape and visual issues should not represent a significant impact following establishment of these mitigation proposals. The applicant has also addressed concerns relating to the topography of the site which means that the A19 sliproad

(south) is, in areas, higher than the proposed solar farm site. This means that landscape proposals to screen the development would take longer to reach a height whereby they can provide adequate screening (it does conversely also indicate that the solar panels themselves may not be as visible from surrounding areas in terms of their apparent height due to the same level change). The applicant has, however, addressed these concerns by providing an amended landscape mitigation scheme to the boundary in question which includes increased tree planting to improve the vertical screening element. This would seem to be a reasonable approach which in the mid to long term should provide a strong visual buffer.

As the landscaping works will be a critical element of integrating the development into the surrounding landscape the development, if approved, should progress based on the implementation of the Biodiversity Management Plan. This includes the monitoring, maintenance and management works identified. The proposals outlined offer a range of mitigation measures, enhancements and 'added value' elements that should ensure that the site benefits in terms of habitat value over the period of the temporary development.

The DNO substation will be one of the development features that will remain as a visual impact following implementation and establishment of a landscaping scheme. The 'Typical Buildings' plan submitted as part of the application suggests a brick structure that should not be overly out of place in the suggested location, though any final design and materials of this feature should fully consider the rural fringe, agricultural location of the site and should avoid any elements that are overly 'industrial' in appearance.

The proposed 2.2m high deer fence perimeter is set behind the existing hedgerows to be improved and new hedgerows to be created and should, therefore, have relatively limited visual impact from the majority of receptors. It is also of a construction more commonly found in rural areas which is preferred to the types of metal fencing systems often encountered in industrial estates. It is useful to see that consideration has been given to the passage of wildlife through the site in relation to the fencing detail.

The application is supported by a Sequential Approach Statement that covers the site selection process, highlighting the various site options investigated and the reasoning behind the selection of this site. The process is logical and should go some way to alleviating concerns that the site has been selected without due consideration of alternatives.

There are no further comments on this application at this time.

Elwick Parish Council: No objection, but concern about possible impact of sun reflection on drivers if the hedges around the sites are not sufficiently high.

Highways England: No objections subject to conditions relating to requirement of signage and access arrangements being in place to ensure A19 trunk road continues to serve its purpose as part of the national system of routes for through traffic.

Hartlepool Civic Society: We are concerned with the number of these applications in the area recently, and the cumulative effect they will have. Of huge importance is the impact on the visual appearance and character of the area.

Whilst accepting the need for alternative energy, we do not want to see the pastoral landscape being radically altered to be replaced with swathes of solar panels – which still have an industrial feel about them.

Surely, there is room to accommodate some solar installations but these should be discreetly placed away from areas of public access and be landscaped to reduce impact plus seeking to enhance biodiversity.

We are somewhat confused with the landscape plan for 0316 – as it seems to be for a different site towards Carlton/Hardwick.

The prime consideration for all of these developments must therefore, be landscaping and hedging to retain the countryside character of the area.

HSE: HSE does not wish to be consulted on solar arrays and solar farm developments in the vicinity of other major hazard sites and major hazard pipelines, as they are not a relevant development under the Town and Country Planning (Development Management Procedure) (England) Order 2015, and will not lead to a material increase in the number of people in the vicinity of the major hazard.

Emergency Planning: No Comments

Environment Agency: No Comments

Durham Tees Valley: No Objections

Ministry of Defence: No Objection

Natural England: No Objection

Ramblers Association: We note that site access will be along a section of FP Newton Bewley 01 and that no consideration has been given to ensuring the safety of members of the public who may be using the FP whilst construction traffic is also using the route.

Whilst we do not object in principle to the development we must register an objection unless and until the developer produces plans to ensure the safety of users of the way.

We ask, should the council nevertheless be minded to permit the development, that the grant be conditioned along the following lines:

Safety of members of the public using the right of way must be ensured at all times;
No materials are to be stored on the path;

Vehicle movements must be arranged so as not to interfere with public use of the path;

Any temporary changes to or closures of the path must be effect by a Temporary Traffic Regulation Order; and

Any damage to the surface of the path must be made good immediately;

We would point out that it is an offence to erect barriers across the path or in any way to hinder its use by the public. Further advice and guidance is given in Section 7 'Planning permission and rights of way' of Rights of way circular (1/09) available at (<https://www.gov.uk/government/publications/rights-of-way-circular-1-09>).

Further Comments (following amended plans): The works required for the installation we consider the points we made in our previous reply with the provision of hedges alongside sections of FP Newton Bewley 01, are now more relevant to keeping the path open to users at all times.

Sabic/Ineos (pipeline operator): Not objecting to proposal. Pipeline operator is in discussion with Anesco and has agreed restrictions (outside of planning legislation)

Stockton Borough Council: The proposed solar farm development is located at the Stockton Borough Council boundary alongside the A19 southbound exit slip road to Wolviston. Within the Stockton Borough Council area the site is clearly visible from the A19 exit slip road (Viewpoint 5), and from the public footpath west of the site (Viewpoint 6). The LVIA describes the magnitude of effects for both these viewpoints as 'Moderate/Slight'. It is considered that the magnitude of effects at Viewpoint 5 and 6 will be 'Moderate' for a significant period until the hedge matures, only then reducing to 'Slight'. The submitted landscape drawings indicate planting of a new hedgerow along this boundary to mitigate the visual impacts. Small hedge plants are proposed, and robust Landscape Management will be required to ensure establishment, and that they reach their screening height to mitigate the visual impact of the development.

The proposed control buildings indicated in drawing 001482_401A and 001482_402A give no indication of their proposed colour or materials. These buildings should reflect the local character, in terms of colour and materials to minimise their impact on landscape character and visual amenity, or should be screened from public view where possible. The large sign included on the side of the building in drawing 001510_402A is not appropriate to the rural location.

The submitted documentation gives no information about the connection from the proposed development to the National Grid. This connection is an important factor for consideration when reviewing the proposals, and that any connections whether above or below ground could lead to impacts upon landscape character and visual amenity, which should be considered as part of this application.

Tees Valley Bird Club: The biodiversity enhancements are sound and comply with NPPF clauses 117 / 118. Management of the biodiverse meadow is to be by appropriate mowing. Any consent conditions should emphasise this to prevent some alternative future grazing which is likely to be excessive and uncontrolled. BTO does (not) endorse the siting of Barn Owl boxes in such proximity to busy roads due to high road kills of fledging young. However the club still endorses this provision of nest boxes as some species will occupy them. Crab Apple is a scarce and seldom planted local tree, some should be incorporated in the tree species selection

Tees Archaeology: The development area contains the well preserved remains of a Romano-British and early medieval settlement including human remains. The developer has prepared an archaeological assessment that considers the impact of the proposal on the significance of the archaeological site. I can confirm that this document meets the information requirements of the NPPF (para 128).

The archaeological assessment is well produced and illustrated, it recognises the significance of the archaeology and proposes several mitigation measures to ensure its protection. These are:-

- Surface mounting of solar panels with ballast foundations rather than piled frames.
- Surface mounting of cabling wherever possible.
- Surface mounting of inverter stations on ballast foundations.
- Archaeological mitigation in several discrete areas where excavated foundations or cables will be required. This is largely in an area formerly occupied by 'Hall's Field Farm' and as such is of lower archaeological potential due to previous disturbance.

I am happy with this approach as it will largely preserve the archaeological remains in situ. The change of use to solar farm will also prevent the field being ploughed which will be beneficial for the preservation of the archaeology.

As mentioned some mitigation through archaeological recording (NPPF para 141) will be necessary and is acceptable in planning terms. This can be secured by means of a planning condition. I recommend the following model condition:-
Recording of a heritage asset through a programme of archaeological works

PLANNING POLICY

5.18 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

5.19 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of the application;

GEP1 General Environmental Principles
GEP12 Trees, Hedgerows & Development
PU7 Renewable Energy Developments
Tra15 Restriction on Major Roads
Rur14 Tees Forest

National Policy

5.20 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies

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

Paragraph 2 – NPPF as a material consideration

Paragraph 11 – Determination in accordance with the development plan

Paragraph 12 – Development in accordance with an up to date development plan

Paragraph 13 - The National Planning policy Framework constitutes guidance

Paragraph 14 - Presumption in favour of sustainable development

Paragraph 17 – Core Planning Principles

Paragraph 19 - supporting sustainable economic growth

Paragraph 66 - Community involvement

Paragraph 97 – Increase the use and supply of renewable and low carbon energy;

Paragraph 98 – Approval of applications for energy development if impacts are, or can be made acceptable

Paragraph 103 – Development informed by a site specific flood risk assessment.

Paragraph 109 – Enhancing the Natural Environment

Paragraph 111 – Encourage the use of previously developed land;

Paragraph 112 – Use of poorer quality agricultural land

Paragraph 118 – Enhancing biodiversity as part of new development;

Paragraph 197 – Presumption in favour of sustainable development

Summary of Policy Comments

5.21 Solar photovoltaic developments are a key renewable technology that can help clean, balanced UK energy mix. The Government is committed to increasing the supply of renewable energy and recognises the role that solar developments can play in meeting the UKs renewable energy targets and creating a low carbon economy.

5.22 Solar farm developments should be supported provided that they are appropriately sited, give proper weight to environmental issues such as landscape and visual impact, heritage and local amenity. In policy terms therefore this proposal is supported subject to the Council being satisfied that;

- The development will not have an adverse impact on the landscape and the mitigation measures proposed can minimise the visual impact

- Glint and glare from the development will not pose any significant risks
- Site access arrangements are adequate
- The development will not result in any increased risk of flooding either to the site itself or elsewhere
- The mitigation/enhancement measures proposed will result in a net increase in the local biodiversity
- There are no implications on the existing pipeline which affects the site

PLANNING CONSIDERATIONS

5.23 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan, landscape and visual impact, ecology, highway safety/aircraft safety, amenity of neighbouring residents, the pipeline, flood risk, cumulative impact, loss of agricultural land, archaeology and residual matters.

PRINCIPLE OF DEVELOPMENT

5.24 National planning policy contained within the National Planning Policy Framework (NPPF) supports the development of renewable energy with paragraph 93 of NPPF recognising the importance of the planning regime in delivering renewable energy. In this respect, renewable energy is considered to be a central principle to the economic, social and environmental dimensions of sustainable development.

5.25 Paragraph 14 of the NPPF states that “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving 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:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

5.26 Sustainable development has therefore been made a core principle set out in Paragraph 17 of the NPPF which underpins government planning guidance and which is considered to be central to the economic, environmental and the social success of the country. These three principles are expected to be pursued in an integrated manner to provide for solutions and deliver multiple goals. The NPPF considers that there need not be an inherent contradiction between achieving increased levels of development and protecting and enhancing the environment, provided that development is planned and undertaken responsibly. The planning system is expected to take an active role in guiding development to sustainable solutions.

5.27 Paragraph 97 of NPPF states that to help the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation.

5.28 Paragraph 98 of NPPF states that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. In addition, Local Planning Authorities should approve the application if its impacts are (or can be made) acceptable.

5.29 The Secretary of State for Communities and Local Government issued a Written Ministerial Statement on Renewable Energy Developments on 10 October 2013. This states that the NPPF includes a strong protection for the natural and historic environment. It goes on to state that some local communities have genuine concerns that when it comes to developments such as wind turbines and solar farms insufficient weight is being given to local environmental considerations like landscape, heritage and local amenity. Though continuing to support the presumption in favour of sustainable development the new guidance makes it clear that the need for renewable energy does not automatically override environmental protections and the views of local communities should be listened to.

5.30 The Planning Practice Guidance (PPG) published on 6 March 2014 states that increasing the amount of energy from renewable and low carbon technologies will help make sure that the UK has secure energy supply, reduce greenhouse gas emissions and slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. The PPG also set out particular advice in terms of large scale ground mounted solar photovoltaic farms.

5.31 The Secretary of State for Communities and Local Government issued a further written Ministerial Statement on 25 March 2015 stating that the Government's Solar Photovoltaic Strategy underlines the importance of focusing growth on domestic and commercial roof space and previously developed land. The Statement goes on to state as the solar strategy noted, public acceptability for solar energy is being eroded by the public response to large scale solar farms which have sometimes been sited insensitively... 'Protecting the global environment is not an excuse to trash the local environment.'

5.32 In respect of adopted Hartlepool Local Plan (2006), the following saved policies remain relevant to the determination of this application:

Policy GEP1 is a broad ranging policy which centres on the external appearance of development and its relationships with its surroundings in the landscape whereas;

Policy GEP12 is concerned with the retention of existing, and planting of additional, trees and hedgerows within development sites.

Policy Tra15 seeks to restrict new access points, or the intensification of existing accesses, on major roads – including the A689 – in the interests of highway safety.

Policy PU7 of the Hartlepool Local Plan 2006 supports renewable energy developments projects in order to facilitate the achievement of national targets for new electricity generating capacity. The policy states that in determining applications for such projects significant weight will be given to the achievement of wider environmental and economic benefits, account will also be taken of the potential effects upon;

- The visual appearance and character of the area;
- The amenity of local residents;
- Ecology
- Airport and radar telecommunications.

5.33 The impact of the development upon the visual appearance and character of the area, the amenity of local residents, ecology and aviation safety are all assessed in detail below.

5.34 Both national and local planning policy seeks to support the development of renewable energy providing the impacts are or can be made acceptable. Therefore it is considered that the proposed development has the potential to be acceptable in principle subject to detailed consideration of its potential effects.

LANDSCAPE AND VISUAL IMPACT

5.35 It is accepted that the presence of a solar farm within the rural fringe does introduce additional elements that can convey an industrial perception to receptors, particularly given the proximity to the southbound A19 sliproad which provides an access in to the town. Furthermore the topography of the land means that the A19 slip road is, in areas, higher than the proposed solar farm site. This means that landscape proposals to screen the development would take longer to reach a height whereby they can provide adequate screening (it does conversely also indicate that the solar panels themselves may not be as visible from surrounding areas in terms of their apparent height due to the same level change). However an amended landscaping scheme has been submitted to address initial concerns raised in this regard. The amended landscape mitigation scheme adjacent to the boundary in question now includes increased tree planting to improve the vertical screening element. The Councils Landscape Architect was consulted and has commented that this would be a reasonable approach which in the mid to long term should provide a strong visual buffer. However, the mitigation proposals put forward suggests that the overall landscape and visual issues should not represent a significant impact following establishment of the mitigation proposals.

5.36 The submitted landscaping scheme indicates new hedgerow planting. As the landscaping works will be a critical element of integrating the development into the surrounding landscape it is considered necessary to impose conditions to ensure implementation of the Biodiversity Management Plan. This includes the monitoring, maintenance and management works identified. The proposals outlined offer a range of mitigation measures, enhancements and 'added value' elements that should

ensure that the site benefits in terms of habitat value over the period of the temporary development.

5.37 The DNO substation will be one of the development features that will remain as a visual impact following implementation and establishment of a landscaping scheme. The 'Typical Buildings' plan submitted as part of the application suggests a brick structure that should not be overly out of place in the suggested location, though any final design and materials of this feature should fully consider the rural fringe, agricultural location of the site and should avoid any elements that are overly 'industrial' in appearance.

5.38 The proposed 2.2m high deer fence perimeter is set behind the existing hedgerows to be improved and new hedgerows to be created and therefore it is considered that it will have a relatively limited visual impact from the majority of receptors. It is also of a construction more commonly found in rural areas which is preferred to the types of metal fencing systems often encountered in industrial estates. It is appreciated that consideration has been given to the passage of wildlife through the site in relation to the fencing detail.

5.39 The Landscape and Visual Assessment (LVIA) presents a landscape strategy to assimilate the proposed development into the surrounding landscape and thereby minimise the effects upon the local landscape character and amenity and improve the ecological potential benefits of both the site and the surrounding landscape.

5.40 The Council's Landscape Architects were consulted on the proposals and have commented that although the presence of a solar farm within the rural fringe does introduce additional elements that convey an industrial perception to receptors, as a result of the landscaping proposed the visual impact is considered to be relatively low. As such the Council's Landscape Architects raise no objections.

5.41 Overall, the proposed planting scheme would result in a positive benefit to the character of the local landscape and serve to effectively screen the solar installation from wider view by the retention and enhancement of trees and hedgerows related to the development. As such the proposal would comply with the requirements of saved policies GEP1 Policy GEP12 of the Hartlepool Local Plan (2006).

ECOLOGY

5.42 A biodiversity management plan was submitted to accompany the application. This identifies the site as a single arable field. It identifies that Hedgerows border some margins of the site, however these are generally relatively species poor. North Burn lies 40 metres to the north of the Site (at its closest part) and is bordered by a broadleaved woodland corridor.

5.43 The submitted report sets out a number of habitat enhancement measures and ecological management practices with the aim of protecting and enhancing wildlife habitats within the site to provide a net gain for local biodiversity. The proposed measures comprise;

- Erection of pole mounted bat boxes

- Erection of pole mounted bird boxes for barn owls
- Creation of a wildflower meadow under and around the solar panels and around the margins of the site
- Planting of three new sections of hedgerow along the boundaries of the site to maintained at a height of 4 metres
- The planting of native hedgerow trees along the northern, southern and western boundaries of the site
- The retention of existing boundary hedgerows (and gapping up where necessary)

5.44 The Council's Ecologist has commented that implementation of the biodiversity management plan would result in a significant enhancement to the biodiversity of the locality over a sustained period of some 40 years, the expected operational lifetime of the solar installation. As such the proposal would comply with the requirement of paragraph 109 of the NPPF and saved policy PU7 of the Hartlepool Local Plan in having the potential to significantly improve the natural environment of the locality.

HIGHWAY SAFETY/AIRCRAFT SAFETY

5.45 There are two distinct elements in respect of highway safety in the implementation of this proposal. The first pertains to highway movements during the construction period which is expected to be of 10 to 12 weeks duration involving HGV deliveries of solar panel and other materials to the site. The second element would consist of maintenance visits (twice per month) once the site has become operational. Issues relating to glint and glare are considered below.

5.46 A Transport Statement has been prepared to demonstrate compliance with paragraph 32 of the NPPF in terms of providing a safe and suitable access to the site.

5.47 Access is proposed from the southbound slip road from the A19. The accompanying information acknowledges that the construction phase would lead to a temporary increase in traffic however this would only be for a period of 10-12 weeks. This is tantamount to 1.2% in traffic movements on the slip road which is considered to be a minimal impact upon the highway capacity.

5.48 From the slip road a single access track which runs adjacent to the southern boundary of the site will provide access to the site itself. Temporary measures are proposed to be implemented at the access road junction at the A19 to protect the highway verge so that HGVs are able to safely turn left off and left on to the A19 slip road.

5.49 The Council's Traffic and Transport section were consulted on the proposed development and have raised no objections.

5.50 In further consultation with the agent, Highways England have no objections to the development subject to conditions relating to necessary signage and ensuring access details are in accordance with revised plan details. Conditions are recommended accordingly to ensure the A19 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic.

5.51 A glint and glare assessment has been undertaken which assesses whether solar reflections are geometrically possible towards receptors including roads, dwellings and airports.

5.52 The assessment identifies that solar glare is predicted for up to 350 metres of the A19 southbound slip road. Solar reflection would occur early in the morning (before 6:15 am) from mid March until October and would last for 20 minutes per day. However a road user would have to look away from the road or behind their direction of travel to view a reflection. It is considered that taking into account the intensity of the solar reflections a negligible impact upon highway safety is expected. Moreover enhanced screening will be provided by the tree planting proposed along the western boundary which will further minimise the impact upon road users by screening any solar reflections to the road. The Council's traffic and transport section were consulted regarding the application and have raised no objection in terms of highway safety.

5.53 The glint and glare assessment also demonstrates that there is no expected impact upon aircraft safety due to the distance from the application site to the nearest airport which is Durham Tees Valley. Durham Tees Valley and the Ministry of Defence were consulted on the application and have raised no objections.

AMENITY OF NEIGHBOURING RESIDENTS

5.54 In terms of residential dwellings, owing to the location of the development and topography, the glint and glare assessment identifies that no solar glare would affect the surrounding residential properties.

5.55 Therefore it is not considered that any of the receptors considered in the glint and glare assessment will be detrimentally affected by the proposal in terms of glint and glare. As such the proposal accords with policy Gep1 in this regard.

5.56 Outside of the construction period the solar installation would, in effect, operate silently under normal circumstances. Any noise that might be generated from the arrays would relate to mechanical noise from switchgear and this would be at a level that is indiscernible outside of the site. There is a large separation distance to residential properties owing to the presence of highways and agricultural land. No objections have been raised by HBC Public Protection.

5.57 There would be no discernible noise or indeed vibration disturbance generated by this development that other than the switchgear, has no moving parts. There would therefore be no material impact upon the residential amenity of local residential receptors. As such, the proposal would comply with the requirements of saved Policy GEP1 of the Hartlepool Local Plan (2006).

PIPELINE

5.58 A subterranean Gas pipeline runs through the north west of the field red-lined as part of the application site. The solar panels have been arranged so as to be located away from the position of the pipeline. Northern Gas Networks and Ineos/Sabic were consulted in respect of the proximity of the application site to the

pipelines and had no comments to make. The HSE were also consulted and have commented that HSE does not wish to be consulted on solar arrays and solar farm developments in the vicinity of other major hazard sites and major hazard pipelines, as they are not a relevant development under the Town and Country Planning (Development Management Procedure) (England) Order 2015, and will not lead to a material increase in the number of people in the vicinity of the major hazard.

5.59 The pipeline operators have been contacted directly and have confirmed that discussions have taken place with the developer and as such raise no objections regarding the development. The pipeline operator has confirmed that sufficient controls are in place under legislation separate to planning therefore no planning conditions are required.

FLOOD RISK

5.60 The site is located within the Environment Agency's Flood Zone 1, which identifies the site as being within an area of low risk in respect of flooding.

5.61 Being a form of development which is located directly upon prepared soft ground without any extensive foundation work, there would be a negligible increase in impermeable surface area. This would allow for natural drainage of the site to continue functioning as before into the soil surface where natural infiltration into the underlying soils would occur. This, in effect, would retain the existing hydrological characteristics of the site.

5.62 With the site being maintained as a grass surface, any increase in surface water run-off is estimated to be negligible and any surface water run-off measures are considered to be unnecessary. Both the Environment Agency and HBC Engineers have been consulted on this aspect of the application and neither has raised any concerns in respect of the drainage of the site or flood risk. The agent has submitted details of the proposed swale which will collect and store any surface water from the site. The Council's engineers have considered this to be acceptable therefore no conditions in this regard are considered this to be necessary. No further mitigation measures with regard to surface water run-off are considered to be necessary.

CUMULATIVE IMPACT

5.63 The proposal has been considered in its own terms. A recent approval has been granted at Land at Blue House Farm H/2015/0316 for a similar development. However, located at a distance of 1km to the North West across the A689 highway it is considered that together, both developments would have a barely discernible impact cumulatively on the broader landscape character given their separation, scale, proposed screening and location within the intervening undulating topography.

LOSS OF AGRICULTURAL LAND

5.64 Concern has been raised in relation to the loss of agricultural land. The application is supported by a Sequential Approach Statement that covers the site

selection process, highlighting the various site options investigated and the reasoning behind the selection of this site. Overall, the Sequential Approach Statement concludes that despite considering alternative land from across the whole of the Hartlepool district (including brownfield land), having regard to the operational requirements of the applicant and relevant planning and environmental criteria, there are no alternative sites which are either commercially available or sequentially preferable to the Site.

5.65 The process is logical and should go some way to alleviating concerns that the site has been selected without due consideration of alternatives. Furthermore local and national planning policy only seeks to protect agricultural land which is identified as 'best and most versatile'. The application site does not fall within this category for agricultural land. As such whilst concerns are noted the proposal accords with local and national planning policy in this regard.

ARCHAEOLOGY

5.66 Objections have been submitted with regard to the archaeology of the site. Tees Archaeology were consulted on the application and have confirmed that the development area contains the well preserved remains of a Romano-British and early medieval settlement including human remains. An archaeological assessment accompanies the application that considers the impact of the proposal on the significance of the archaeological site. This is considered to be acceptable in terms of the information requirements of the NPPF paragraph 128.

5.67 The archaeological assessment recognises the significance of the archaeology and proposes several mitigation measures to ensure its protection. Such as the following;

- Surface mounting of solar panels with ballast foundations rather than piled frames.
- Surface mounting of cabling wherever possible.
- Surface mounting of inverter stations on ballast foundations.
- Archaeological mitigation in several discrete areas where excavated foundations or cables will be required. This is largely in an area formerly occupied by 'Hall's Field Farm' and as such is of lower archaeological potential due to previous disturbance.

5.68 It is considered that the proposed development will largely preserve the archaeological remains in situ. The change of use to solar farm will also prevent the field being ploughed which will be beneficial for the preservation of the archaeology. Tees Archaeology are satisfied with the proposed approach and raise no objections, subject to a planning condition regarding Recording of a heritage asset through a programme of archaeological works, which is recommended accordingly.

RESIDUAL MATTERS

5.69 The Ramblers Association and the Council's countryside access officers originally raised concerns due to the presence of a public right of way and the potential impact upon the footpath and the safety of its users.

5.70 However the agent has been in discussions directly with these consultees and amended comments were submitted confirming that the location of the development within the site and the transport arrangements proposed will not impinge on the safety of the users of the Public Footpath No.1, Newton Bewley Parish. Furthermore it is considered that there will be no likelihood of obstructions to the path during the construction period. Further a construction management plan is proposed to be conditioned.

5.71 Concerns are raised by Stockton Borough Council with regard to the connection to the grid. The applicant has confirmed that the connection to the grid will be via an underground cable which will be installed by the DNO under its permitted development rights.

5.72 Considerable concern has been raised, particularly by local residents, on a number of issues and those that are material to the determination of this planning application. All of the issues raised such as the use of agricultural land, quality of the land, impacts upon the landscape, cumulative impacts and proximity to other solar farms, and any increase in road traffic, noise and glint & glare have already been addressed within the body of this report.

Conclusion

5.73 The development goes some way towards meeting the requirements of National Policy contained in the National Planning Policy Framework and the Department of Energy and Climate Change National Policy Statement both of which seek to address the causes and impacts of climate change and provide for sustainable sources of renewable energy generation. Positive elements of this proposal would be:

- The potential to generate a significant amount of electricity from a non-polluting renewable source;
- The potential to maintain and improve habitats and biodiversity;
- The extent of visual self containment of the site offered by existing hedgerows and by proposed hedgerow enhancement, tree and meadow grass planting;
- There would not be any significant detrimental impact on landscape character;
- The application site lies outside any landscape designated area.

5.74 The proposal would have considerable benefit in respect of being a form of development that would be able to generate substantial levels of electricity in a sustainable manner without significant detriment to the landscape or to the amenity enjoyed by local residents or the wider community including recreational users.

5.75 Whilst the development will result in a temporary loss of agricultural land for a period of 40 years this land is not designated as best and most versatile which is the only level of agricultural land protected by planning policy.

5.76 Therefore the benefits of this proposal are considered to override the concerns that have been expressed by third parties with regard to the development having a detrimental impact on landscape character, utilizing agricultural land or highway safety.

5.77 On balance, the proposed development is considered to be acceptable. Conditions are recommended to ensure that the development is undertaken in a satisfactory manner and in line with the advice received from consultees.

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

EQUALITY AND DIVERSITY CONSIDERATIONS

5.79 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.80 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. There are no Section 17 implications.

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 the permission is valid.
2. The development hereby permitted shall be carried out strictly in accordance with the following plans and documents:
001482_100 Rev A Location plan
Q15 00040_02 Rev B Location Plan
001428_200 Rev A Site Plan
001482_401Rev A Typical Buildings
001482_402 Rev A Containerized enery storage
001482_400 Rev B Elevations section fence
001482_04 Rev A Swale details
Solar Voltaic Gint and Glare study recieved 2 September 2015
Archaeological Assessment recieved 2 September 2015
Landscape and Visual Assessment as amended 17 November 2015
Design and access Statement recieved 2 September 2015
Flood Risk assessment recieved 2 Septmern 2015
Traffic Management Plan recieved 2 September 2015
Transport Statement recieved 2 September 2015
Biodiversoty management plan version 2 November 2015
For the avoidance of doubt.
3. When the land ceases to be used as a photovoltaic park for renewable power production or, at the end of the period of 40 years from the date of grid connection (such date to have been given to the Local Planning Authority within one month of grid connection), whichever shall first occur, the use

hereby permitted shall cease and all materials and equipment brought onto the land in connection with the use shall be removed and the land restored, in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority prior to the decommission works taking place. Such details shall include the time scale for decommissioning.

The application has been assessed in accordance with the details submitted by the applicant and, taking into account the benefits of the production of renewable energy. At the end of the design life of the development the land should be restored in order to protect the visual amenity and character of the surrounding countryside.

4. No external artificial lighting shall be installed during the operation of the site as a solar PV facility without the prior written consent of the Local Planning Authority.

In the interests of the visual amenity of the area.

5. All satellite navigation systems used to direct delivery drivers to the site shall be pre-programmed so that they accord with the agreed route in the Transport Management Plan.

In the interests of highway safety.

6. Landscape planting shall be in accordance with the details provided in 'LVIA Methodology' of the Landscape and Visual Impact Assessment as amended 17 November 2015 and all additional planting shall be implemented in the first planting season after the first use of the development. No existing hedgerows and trees indicated to be retained shall be uprooted, removed, destroyed or worked upon unless in accordance with 'LVIA Methodology' or otherwise specifically agreed in writing with the Local Planning Authority. If any retained tree or hedgerow is felled, uprooted, removed, destroyed or dies, another tree shall be planted at the same place (or hedgerow reinstated) and that tree and hedge shall be of such size, species and density, and shall be planted at such time as may be specified in writing by the Local Planning Authority. Any trees, plants or shrubs which within 5 years of the completion of the development die, are removed or become seriously diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In order to protect trees and hedgerows of public amenity and ecological value.

7. The routing of the heavy goods vehicles to the site and; the provision of the temporary access to serve vehicles during the period of construction shall be constructed and maintained strictly in accordance with the Traffic Management Plan submitted as part of this application. All temporary hardstanding areas and buildings associated with construction shall be removed from the site when construction of the development is complete. The site shall then be reinstated to its original condition including the field gate entrance.

In the interests of Highway Safety.

8. No part of the development hereby approved shall be commenced until the necessary revised road layout, signage and access arrangements are in place as shown on Drawing No SCP/15845/ATR02. These details shall be fully implemented unless alternative arrangements with equal or greater safety characteristics are submitted to and approved in writing by the Local Planning Authority in consultation Highways England.

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

9. Following completion of the construction phase of the development temporary signage and access facilities shall be removed.

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

10. Details in respect of the provision of wheel washing facilities for use by vehicles leaving the site shall be submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities, as approved, shall be in situ and ready for use prior to the commencement of the development and retained for use during the whole of the construction phase.

In the interests of highway safety.

11. No development hereby permitted shall be commenced until a Construction Management Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include details of:

- The timetable of the works;
- Limiting daily hours of construction to between 0700 - 19.00 hours Monday to Friday; 07.00 - 17.00 hours on Saturday with no working on Sundays and Bank Holidays/Public Holidays;
- Location of the works compound where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the construction phase;
- Areas on site where delivery vehicles and construction traffic will load or unload buildings materials, finished or unfinished products, parts, crates, packing materials and waste;
- The means of enclosure of the site during construction works; and
- The Construction Management Statement shall be strictly adhered to during the construction of the development hereby permitted, unless a variation is approved in writing by the Local Planning Authority.

In the interests of amenity, public convenience and highway safety, including preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

12. Full written details of the external finishes to the ancillary buildings shall be submitted to and approved in writing by the local planning authority prior to their erection. The approved finishes shall be implemented and retained thereafter.

In the interests of visual amenity.

13. The ecological enhancement, maintenance and management of the site shall be undertaken wholly in accordance with the details and measures contained within the Biodiversity Management Plan, dated November 2015.

To maintain and enhance the biodiversity of the site.

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

1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- To ensure proper recording of a heritage asset through a programme of archaeological works

BACKGROUND PAPERS

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

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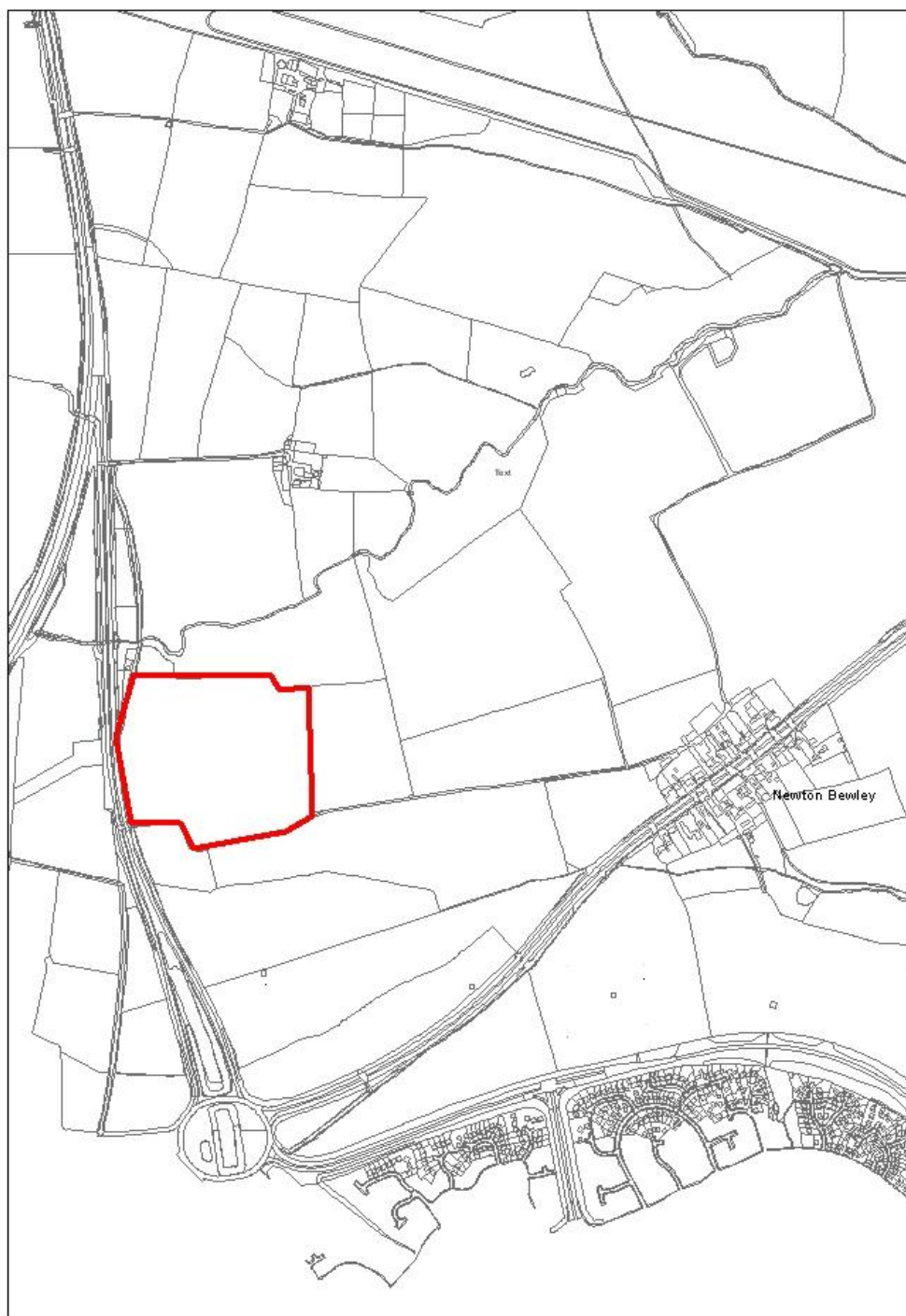
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LAND NORTH OF WOLVISTON



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

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H/2015/0315
Scale: 1:10000
Date : 01/12/15

No: 6
Number: H/2015/0486
Applicant: Mr Geoff Holmes Milton House 57 Leeds Road LEEDS LS16 9BE
Agent: Elder Lester McGregor Mr Ian McGregor Reeds Mill Atlas Wynd YARM TS15 9AD
Date valid: 12/11/2015
Development: Erection of a restaurant/cafe with related external works and car parking provision (resubmitted application)
Location: Land adjacent to Middleton House Navigation Point Middleton Road

PURPOSE OF REPORT

6.1 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

6.2 This application is a resubmission of a previous application (H/2015/0267) for an identical proposal that was refused at Planning Committee on 30th September 2015 for reasons relating to the following:

- Overdevelopment of the site
- Loss of privacy and amenity for occupants of Middleton House
- Potential for increased crime, fear of crime and antisocial behaviour
- Detrimental impact on highway safety
- Health & safety risk due to proximity to water's edge

6.3 The previous refusal is currently the subject of an appeal (APP/H0724/W/15/3137103) that was submitted to The Planning Inspectorate by the applicant on 23rd October 2015.

PROPOSAL

6.4 Planning permission is sought for the erection of a restaurant/café with related external works and car parking provision. The building is to measure approximately 8 metres by 20 metres and is to be located in the north east of the site with car parking to the south and west of the building. The proposal is to be single storey and have a total height of approximately 4.8 metres.

6.5 The application has been referred to planning committee as the previous application was refused by Members against officer recommendation.

SITE CONTEXT

6.6 The application site comprises an area of existing car parking adjacent to Middleton House, Harbour Walk, Hartlepool. To the immediate west lies a small strip of hard standing outside of the application site with Middleton House beyond. To the north, the site is enclosed by a brick wall approximately 2.25 metres in height running the length of Middleton Road, beyond this is adopted highway and a large open expanse of derelict industrial land. To the immediate east, the site is bounded by a bin store with the upper floor flats at Navigation Point on the opposite side of the road beyond with commercial uses at ground floor. To the south of the site on the opposite side of Harbour Walk is the marina itself.

PUBLICITY

6.7 The application has been advertised by way of press notice, site notices (3) and neighbour letters (52). To date, there has been 1 objection.

6.8 The concerns raised are:

- Disruption to Sea Cadets unit
- Increased highway safety risk
- Lack of need

Copy Letters D

6.9 The period for publicity expires on 16th December 2015. Members will be updated on any additional representations received at the meeting.

CONSULTATIONS

6.10 The following consultation replies have been received to date:

HBC Community Safety and Engagement - During the period 24th November 2014 to 23rd November 2015, 11 incidents of anti social behaviour (ASB) and 13 crimes have been recorded within the area outlined in the map above.

Anti social behaviour incidents are broken down as follows:

ASB Category	No of Incidents
Environmental	0
Nuisance	7
Personal	4

36% (4 incidents) were alcohol related. No hate incidents were recorded in this area during the reporting period.

Crime categories are broken down as follows:

Crime Category	No of offences
Violence against the Person	7

Theft and Handling Stolen Goods	3
Criminal Damage	2
Drug Offences	1

The incident when a body was found in the Marina a couple of weeks ago was not accidental, and there has not been any other incidents of people falling in the Marina unintentionally.

The number of offences and ASB incidents recorded in this area are not significant in comparison to the rest of the Borough.

HBC Health, Safety & Wellbeing – There is always a risk when restaurants, hotels and bars are located around a body of water, that people will become intoxicated and fall in the water. This risk exists with all the surrounding similar establishments at the Marina.

HBC Economic Development – No representation received.

Previous comments (application H/2015/0267): I fully support the proposals, the further development of the area around Navigation point will strengthen the leisure option whilst at the same time encouraging private sector investment and job creation.

HBC Engineering Consultancy – No representation received.

Previous comments (application H/2015/0267): We need a surface water and contaminated land condition on this one.

HBC Heritage and Countryside – The proposal will not impact on any heritage assets, no objections.

Previous comments (application H/2015/0267): Seaton Highlight is a designated heritage asset. The building was moved to its current location from its original site on an industrial estate some time ago. The result of the movement means that the setting of the building does not contribute to the significance of the property as it has been altered therefore on considering your application I concluded that it would not cause any harm to the heritage asset particularly given the distance between the highlight and the application site.

HBC Waste Management – No representation received.

Previous comments (application H/2015/0267): No objection as long as there is no impact to the bin store adjacent, the number of bins required to be stored cannot be reduced at all. They cannot use that area as it is for the domestic waste collection for the flats at Navigation Point, to store commercial waste within the bin store area, will cause issues and would leave their containers open to abuse by the residents.

HBC Public Protection – No representation received.

Previous comments (application H/2015/0267): I would have no objections to this application subject to an hours restriction to no later than midnight which is consistent with the other premises on Navigation Point and an extract ventilation condition to the kitchen.

We need to ensure that this premise has the same conditions re opening hours and deliveries as all of the others.

I would recommend a condition restricting the collection of waste glass (bottles etc) to daytime hours e.g 8:00am to 6:00pm and not on a Sunday or Bank Holiday.

The sanitary accommodation shown on the plans now meets the minimum requirements for the number of covers.

HBC Traffic & Transport – No representation received.

Previous comments (application H/2015/0267): The proposed cafe is to be built on an existing car park which can accommodate 15 vehicles. This car park currently serves Middleton House.

A total of 12 parking spaces will serve the proposed cafe which would be an appropriate level of parking, the layout of the proposed car parking is to an acceptable standard. The overall net loss of 3 parking spaces would not be significant, especially as there are alternative larger parking areas available within a short walking distance.

I therefore have no highway or traffic concerns with this application.

Environment Agency – No representation received.

Previous comments (application H/2015/0267): This proposal falls within the scope of the Environment Agency's Flood Risk Standing Advice and therefore the Agency should not have been consulted on this application. Please refer to our Standing Advice which can be found at <https://www.gov.uk/flood-risk-standing-advice-frsa-for-local-planning-authorities> for the relevant comment relating to this proposal.

Northumbrian Water – In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

For information only:

We can inform you that a public sewer crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We

will be contacting the developer/agent directly in this matter, however, for planning purposes you should note that the presence of our assets may impact upon the layout of the scheme as it stands.

Cleveland Police – No representation received.

Previous comments (application H/2015/0267): I would initially comment that the applicant actively seeks to develop to accredited Secured by Design standards and even if this was not to be the case I would encourage them to contact Steve Davies for any input/advice he could offer. Street lighting covering the proposed development should be to BS5489:1013 standards. Any licensing issues that may apply would also require Cleveland Police licensing dept. be informed.

In addition, I would recommend that CCTV is installed to the premises which as a minimum offers coverage of all entrance doors and till area which will provide images that can be used in a court of law. CCTV installation must comply with Data Protection Requirements.

Tees Archaeology – I have checked the details against the Historic Environment Record. There are no specific sites of archaeological or industrial archaeological interest in the development area. I therefore have no objection to the proposal and have no further comments to make.

The consultation period expires on 9th December 2015. Members will be updated on any additional representations received at the meeting.

PLANNING POLICY

6.11 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

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

Com4:	Edge of Town Centre Areas
Rec14:	Major Leisure Developments
Rec9:	Recreational Routes
To1:	Tourism Development in the Marina
GEP1:	General Environmental Principles
GEP2:	Access for All
GEP3:	Crime Prevention by Planning and Design

National Policy

6.13 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government

requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following policies are of particular relevance in relation to this application.

Paragraph 002 : Primacy of Development Plan
 Paragraph 011 : Planning law and development plan
 Paragraph 12 : Core Planning Principles
 Paragraph 014 : Presumption in favour of sustainable development
 Paragraph 017 : Role of planning system
 Paragraph 024 : Town centre sequential test
 Paragraph 056 : Design of built environment
 Paragraph 132: Significance of a designated heritage asset
 Paragraph 196 : Primacy of the Development Plan
 Paragraph 197 : Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

6.14 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on visual amenity, neighbour amenity, the setting of a listed building, highway safety, flood risk and archaeological impact.

PRINCIPLE OF DEVELOPMENT

6.15 The application site is located within the Marina edge of town centre area as designated by saved Policy Com4 of the Hartlepool Local Plan 2006 and outlined on the proposals map.

6.16 Saved Policy Com4 states that:

“Proposals for a range of uses will be permitted within edge of town centre areas as shown on the proposals map provided that:

- *They do not adversely affect the character (appearance/function) and amenity of the area (See Policy GEP1); and*
- *They accord with policies Com8, Com9, Com12, Rec13, Rec14, Tra16, GEP7, HE1, HE7, HE8 and HE10.”*

6.17 The proposal provides a new commercial unit at the Marina, an existing recognised centre, and the Council's Planning Policy section has advised that this is an acceptable use in this location supported by local and national policy. There are no planning policy concerns in relation to the application subject to parking considerations.

6.18 The Council's Economic Regeneration section support the application and have previously commented that the further development of the area around Navigation point will strengthen the leisure option whilst at the same time encouraging private sector investment and job creation. As such the proposal is considered to be a sustainable form of development and the principle of the development is accepted subject to the following material considerations.

VISUAL AMENITY

6.19 The proposed building is located on an area of existing parking close to the existing restaurants and bars at Navigation Point. The proposal is partially screened to the east by the adjacent bin store and ancillary building, which are enclosed by an approximately 1.8 metre high closed boarded fence, and will be significantly screened to the west by the two storey Middleton House.

6.20 To the north the proposal is partially screened by the abovementioned 2.25 metre high boundary wall. To the south the proposal will be clearly visible in views across the marina; however it is considered that the proposed building is of a scale, location and design which would not significantly impact on the visual amenity or character of the area.

6.21 Whilst the proposed restaurant/café building is to feature colour render to its southern and western elevations, rather than the traditional brick construction of the majority of neighbouring buildings within the marina development, it is not considered that this would have a significant detrimental impact on the visual amenity of the area given the scale, location and design of the proposal.

6.22 Furthermore, other standalone units on the marina such as Port (previously Bar 516), located further along Navigation Point, have also been clad in alternative materials and it is therefore considered that the proposal would not appear out of keeping. Notwithstanding this however, final details of finishing materials shall be secured through planning condition in order to protect the visual amenity of the area.

6.23 In terms of the impact on visual amenity the proposal is considered to be acceptable and in accordance with saved policy GEP1 of the Hartlepool Local Plan 2006 and paragraph 56 of the NPPF.

NEIGHBOUR AMENITY

6.24 The application site is located adjacent to a mixed use area which includes a strong contingent of similar use buildings (within the A3 and A4 use classes) and a large number of residential properties (primarily the upper floors above the commercial uses).

6.25 To the east the proposal is located approximately 30 metres from the residential properties on the upper floors of Navigation Point. HBC Public Protection have raised no objection to the proposals. Given the distance and relationship between the proposed restaurant building and the existing residences, and considering the existing established uses within the immediate area, it is not considered that the proposal would result in any significant detrimental impact on residential amenity and privacy.

6.26 To the immediate west of the proposal lies Middleton House, an existing two storey building occupied by the Hartlepool Sea Cadets and Hartlepool Divers Club. Whilst it is acknowledged that the proposed scheme is likely to result in a degree of noise disturbance and effect on the amenity of neighbouring land users, given that there is a separation distance of approximately 10 metres and considering the existing uses occupying Middleton House are non-sensitive/non-residential, it is considered that the proposed building and associated use as a restaurant/café would not have any significant detrimental impact on the amenity of the adjacent premises.

6.27 As part of the assessment of the previous application (H/2015/0267), the Council's Public Protection section recommended a number of conditions, namely

- i) Details of extract ventilation to kitchen facilities.
- ii) The restaurant opening times being restricted to not later than midnight.
- iii) Restriction on collection of waste glass (bottles etc) to daytime hours (8:00am to 6:00pm) and not on a Sunday or Bank Holiday.

6.28 In terms of deliveries outside opening hours, the Council's Public Protection section advised that deliveries to the premises outside of the permitted hours would not raise any significant amenity and noise concerns. Furthermore, restrictions on operating hours would be consistent with other commercial/similar uses in the marina.

6.29 Subject to the imposition of the necessary planning controls that can be secured by separate planning conditions, the Public Protection Manager raised no objections to the proposal.

6.30 In terms of impact on neighbour amenity, the proposal is considered to be acceptable and in accordance with saved policy GEP1 of the Hartlepool Local 2006 and paragraph 56 of the NPPF.

IMPACT ON THE SETTING OF A LISTED BUILDING

6.31 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas Act) 1990 require the Local Planning Authority to give special consideration to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Furthermore, development decisions should accord with the requirements of Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework which notes that heritage assets are an irreplaceable resource and emphasises that they should be conserved in a manner appropriate to their significance. Para 132 of the NPPF notes that "when considering the impact of a

proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be".

Seaton High Light, a grade II listed building and designated heritage asset, is located to the south west of the site on the opposite side of the marina at a distance of approximately 250 metres. The Council's Heritage and Countryside Manager has advised that the building was moved to its current location from its original site on an industrial estate some time ago. The result of the movement means that the setting of the building does not contribute to the significance of the property as it has been altered. The Council's Heritage and Countryside Manager has concluded that the proposal would not cause any harm to the heritage asset, particularly given the distance between the highlight and the application site.

6.32 The scheme is therefore considered to accord with the provisions of the NPPF and saved Local Plan policies HE1 and HE2.

HIGHWAY SAFETY

6.33 Whilst concerns have been raised by the objector in relation to the impact on highway safety, particularly for the users of the Hartlepool Sea Cadets adjacent, no objections have been received from the Council's, Traffic and Transport section which has previously advised that the 12 parking spaces that are to serve the proposed café would be an appropriate level of parking and the layout of the proposed car parking is to an acceptable standard.

6.34 Furthermore, whilst the proposal will result in the net loss of 3 parking spaces, this would not be significant, especially as there are alternative larger parking areas available within a short walking distance. The proposal is therefore considered to be acceptable in terms of highway safety.

FLOOD RISK

6.35 The Environment Agency previously referred the Local Planning Authority to their Flood Risk Standing Advice in making an assessment of the scheme.

6.36 The site is located in Flood Zone 1 where land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding. Planning Practice Guidance Table 3 (Flood risk vulnerability and flood zone 'compatibility') states that 'Less Vulnerable' developments are appropriate in Flood Zone 1 and that a sequential test is not required.

6.37 The Council's Engineers have not raised any concerns in relation to flooding. The proposal is therefore considered to be acceptable in terms of flood risk.

ARCHAEOLOGY

6.38 Tees Archaeology has confirmed that there are no known sites of archaeological interest within the development area. The scheme is therefore acceptable in this respect.

RESIDUAL MATTERS

6.39 In terms of residual matters, the submitted objection to the scheme primarily concerns the loss of the existing car park area adjacent to Middleton House which had previously been used by the Hartlepool Sea Cadets as an area for outdoor activities associated with the organisation. However, whilst this area may have been utilised by the Sea Cadets, it is understood this land is not within their ownership and as such any dispute over the use of the land is a civil matter to be resolved between the owners of the land and the Hartlepool Sea Cadets.

6.40 The objector to the application has also commented that there is a lack of need for additional restaurant facilities in Hartlepool; however this is not a material planning consideration.

6.41 In their consultation response, Northumbrian Water has informed the Local Planning Authority that a public sewer crosses the site and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to their apparatus and therefore diversion, relocation or protection measures may be required prior to the commencement of the development. The agent has previously been made aware of this and the advice of Northumbrian Water shall be appended as an informative.

6.42 Whilst the applicant has indicated in the application form their intention to utilise the adjacent bin store for refuse storage, the Council's Waste Management section has previously indicated that this is for residential use only and as such alternative waste storage arrangements will be required. A condition shall therefore be appended to the consent requiring that details of refuse storage within the site shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

6.43 Members have previously raised concerns with respect to the proposal resulting in an increase in crime/fear of crime and anti-social behaviour (ASB). In response, the Council's Community Safety and Engagement team have been consulted and have confirmed that the number of offences and ASB incidents recorded in this area are not significant in comparison to the rest of the Borough. Furthermore, Cleveland Police have not objected to the proposal.

6.44 The previous application was also refused on the grounds of increased risk to health & safety for patrons of the area by virtue of the proposal's proximity to the water's edge and the associated increase in pedestrian traffic. In response, the Council's Health, Safety & Wellbeing team has been consulted and have commented that this risk exists with all the surrounding similar establishments at the Marina. The Council's Community Safety and Engagement team has also confirmed that there have not been any incidents of people falling in the Marina unintentionally in the past 12 months.

6.45 Cleveland Police previously commented that the applicant should seek to apply Secured by Design standards and should contact Cleveland Police for further advice

and information. The agent has previously been made aware of this and these comments shall also be appended as an informative.

CONCLUSION

6.46 With regard to the above planning considerations and the relevant policies of the Hartlepool Local Plan 2006, the proposal is considered to be acceptable and is recommended for approval subject to the conditions below.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.47 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

6.48 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.

There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
The clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 12/11/15 (Drawing No: 1529/001, Site Location Plan; Drawing No: 1529/002C, Proposed Site Layout; Drawing No: 1529/003C, Proposed Elevations, Floor Plan and Roof Plan).
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
To prevent the increased risk of flooding from any sources in accordance with the NPPF.

5. Development shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
6. Development shall not commence until proposals for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority and all such approved details have been implemented.
In the interests of the amenities of the occupants of neighbouring properties.
7. The proposed car parking shall be laid out in accordance with the Proposed Site Layout (Drawing No: 1529/002C) submitted to the Local Planning Authority on 12/11/15. Details of finishing materials used for the proposed hard standing 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.
8. 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.

9. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), the development hereby approved shall be used specifically within the A3 Use Class and for no other use class, and the building shall not be converted or sub-divided.

- To allow the Local Planning Authority to retain control in safeguarding the amenity of neighbouring land users and in the interests of ensuring a sustainable form of development.
10. The premises shall only be open to the public between the hours of 08:00 and 00:00 Mondays to Saturdays inclusive and between the hours of 10:00 and 00:00 on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
 11. The collection of waste glass (bottles etc) shall be restricted to the hours of 08:00 and 18:00 Mondays to Saturdays inclusive and not at any other time on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
 12. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.
To avoid excessive noise and disturbance to the occupants of nearby properties.

BACKGROUND PAPERS

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

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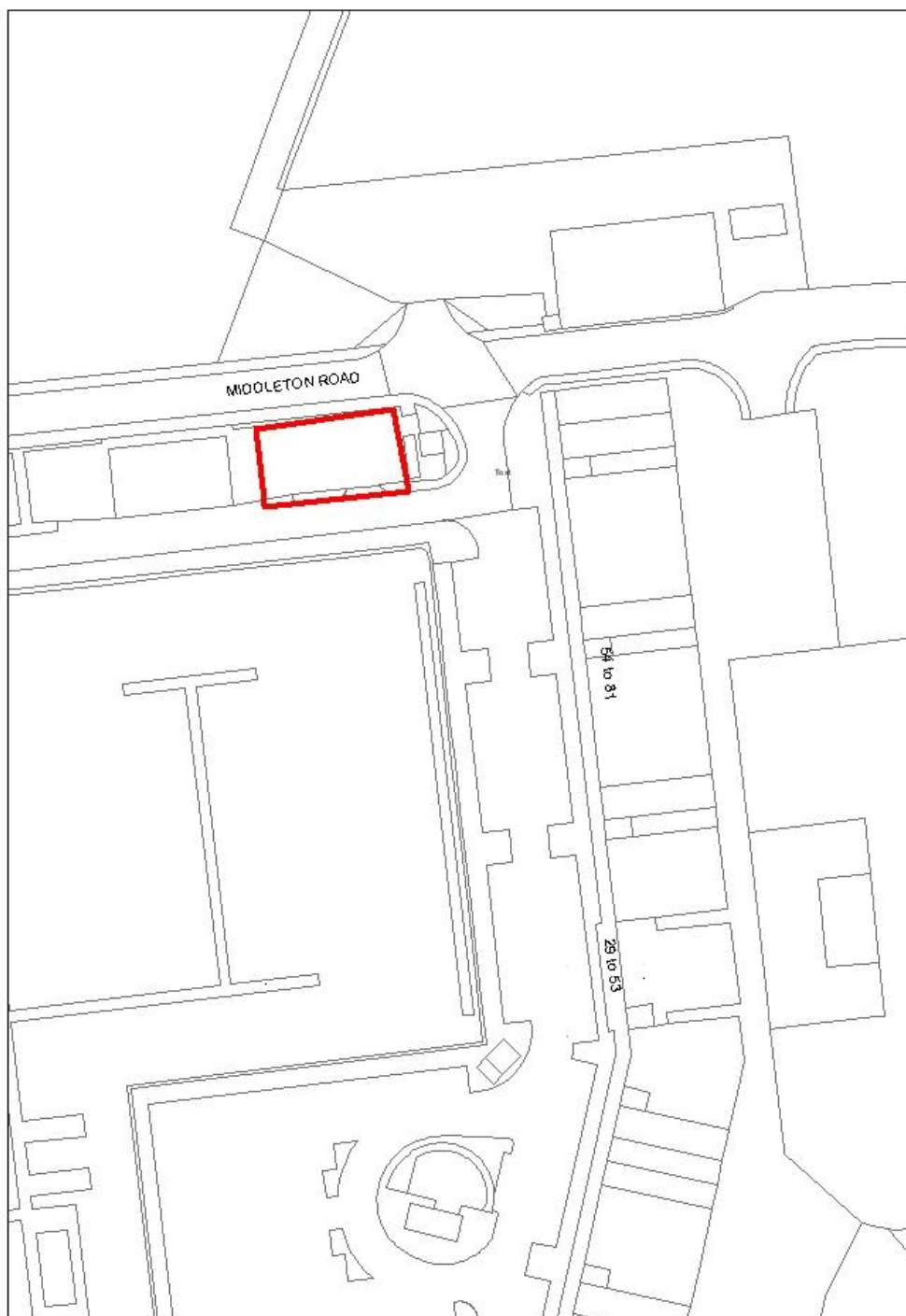
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LAND ADJACENT TO MIDDLETON HOUSE



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HARTLEPOOL BOROUGH COUNCIL
Level 1, Civic Centre, Hartlepool TS24 8AY
Department of Regeneration and Planning

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H/2015/0486
Scale: 1:1000
Date : 01/12/15

No: 7
Number: H/2015/0408
Applicant: Miss Natalie Corbett 33 The Front Seaton Carew
HARTLEPOOL TS25 1BS
Agent: Miss Natalie Corbett 33 The Front Seaton Carew
HARTLEPOOL TS25 1BS
Date valid: 05/11/2015
Development: Installation of shopfront (part retrospective)
Location: 33 The Front Seaton Carew HARTLEPOOL

PURPOSE OF REPORT

7.1 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

7.2 This application has been submitted seeking retrospective planning consent for changes to the frontage of an existing ground floor shop with residential accommodation above, in accordance with the Town and Country Planning Act 1991 (as amended). A planning application was submitted under H/2009/0171 for proposed changes to the shop front including addition of new access to the first floor from the front. This was refused and the appeal against the decision was dismissed.

7.3 Due to the retrospective nature of the proposed development, the application has been referred to Planning Committee.

PROPOSAL

7.4 Retrospective planning consent is sought for alterations to the shop front including addition of new tiled facade by boxing in the existing timber stall risers and columns, replacement of fascia board and signage with new matt black facade incorporating silver writing, painting of the entrance door with cream coloured gloss, painting of first and second floor window frames, lintels and other detailing in white and cream, and rendering of the brickwork in a cream/brown based smooth render (including rendering over the second floor lintel).

SITE CONTEXT

7.5 The application site is no.33 The Front, Seaton Carew which is three storey mid-terraced property dating back to the early 19th century. This would have traditionally been built as a large residential dwelling with conversion to a shop occurring at some point in the early 20th Century. The ground floor until recently had a traditional shop front appearance with timber pillars and door frame, both painted dark green, and cream painted stall risers with inlaid detailing. Above this was a previously exposed red brickwork facade with bay window at first floor level. The external decoration of

these levels was in the form of green painted window frame surrounds, lighter green coloured painted lintels and white sliding sash window frames. Currently the ground floor is occupied by 'Allsorts' off-license and confectionary store with residential accommodation on the floors above. The property faces east and is adjoined by 'Young's Fisheries' on the north and no.34 The Front to the south which is a residential dwelling. To the east are further retail units including 'The Almighty Cod' and 'The Rock Shop'. To the west is the rear of properties on The Front, Church Street and Ashburn Street which are predominantly residential dwellings. The host property currently has a brown/cream render.

PUBLICITY

7.6 The application has been advertised by way of 13 Neighbour Notification letters and three Councillor Notification letters. To date, there has been one objection received from Hartlepool Civic Society. The issues raised were as follows:

- The property already sits well where it is situated
- Its' appearance is appropriate to the period of that part of Seaton Carew
- To change to a more modern style devalues the Conservation Area
- The proposal would spoil the recent good work carried out on neighbouring properties.

Copy letters E

CONSULTATIONS

7.7 The following consultation replies have been received:

HBC Public Protection: No objections.

HBC Heritage and Countryside (Conservation):

Background

This three storey terraced property is located in the commercial centre of Seaton Carew. The property dates from the early 19th century and was originally built as a residential villa, but converted into a shop in the early part of the 20th century, which is still the current use. The property is not a listed building but is located within the Seaton Carew Conservation Area.

Over a number of years the property has benefited from grant assistance. Most recently in 2003 the property received £3,684 to re-roof the building. Prior to this grant has been provided under the CAPS Scheme to restore the shop front to the property and carry out works to the sash windows on the upper floors.

In addition to the individual grants awarded to this property there has been major investment in the area demonstrating the long-term commitment to the regeneration of the Seaton Carew Conservation Area. Works to other properties in the area have had an impact on the preservation and enhancement of this conservation area. This has included a number of conservation grants to properties in close proximity to the application site (14, 15, 16-17, 29 and 75 The Front) and wider environmental

improvements including paving works immediately outside this building and to the rear of the bus station and the restoration of the bus station itself.

Policy Context

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF). It also looks for local planning authorities to take account of the desirability of new development to make a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF). Saved local plan policy HE1 seeks to protect and enhance conservation areas and all assets within it.

The management document for the conservation area is relevant. It states that, 'Of particular note within this conservation area are traditional shop fronts with many original examples surviving. These are relatively simple in design without elaborate decorative features.'

The Shop Front and Commercial Frontages SPD provides guidelines for those looking to carry out works, of particular note in this instance are the following,

- 'Where historic shop fronts exist, these should be refurbished as original detailing cannot only enhance the individual buildings, but also contributes to the character of the area.'
- 'The age and architecture of the building should be taken into consideration in any new design or alterations.'
- Ensure that materials used for shop fronts in or near the Borough's heritage assets are sympathetic to the location.'

Seaton Carew Conservation Area is considered to be a Conservation Area at Risk. Surveys of the area have been completed since Historic England (previously English Heritage), launched the 'At Risk' register for conservation areas in 2009. In 2012 the area was considered to be 'At Risk' and has continued to be 'At Risk' in consecutive years to date. A factor which contributes to the area being considered to be at risk is the accumulation of alterations to commercial properties which is diluting the character of this part of the conservation area. These alterations are noted in both the appraisal document and management plan and include alterations to shop fronts including signage on buildings.

Proposal

The application proposes the construction of a new shop front and rendering of the first and second floor of the building. The works appear to have already been completed.

The works have resulted in the alteration of one of the few original shop fronts located in the Seaton Carew Conservation Area. In addition specific details of the design such as the use of tiles to cover the shop front, deleting the definition that was provided by the panelled stallriser and pilasters result in the loss of all of the fine detailing on the shop front.

Furthermore it is disappointing to see the upper floors of the property rendered. There is no information within the application to explain the reasoning for this. Whilst the conservation area is predominantly rendered the property provided an indication of the original character of the buildings within this part of the conservation area.

Conclusions

The shop front that existed reflected the traditional design of shop fronts found in Seaton Carew and was one of the few remaining original shop fronts. In addition the brick upper floor provided a good example of the original form of the buildings within this area, adding variety to the terrace and contributing to the character of the area.

The altered building frontage causes less than significant harm to Seaton Carew Conservation Area. No evidence has been presented by the applicant to suggest that this harm is outweighed by the public benefits provided by this application.

HBC Highway and Transportation Section: The shop front does appear to project over the pavement. The Council's Highway section has not given consent for the applicant to extend over the highway. The applicant would need to apply for the stopping up order at the Council's highway section. This would approximately cost £1500 providing no Statutory Undertaker's equipment needs diverting. The highway authority would not oppose the stopping up order as it would have a minimal impact on the highway.

PLANNING POLICY

7.8 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

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

GEP1: General Environmental Principles

HE1: Protection and Enhancement of Conservation Areas

7.10 The following supplementary guidance from the Hartlepool Local Plan 2006 is also relevant to the determination of this application:

Shop Front and Commercial Frontages Design Guide – Supplementary Planning Document

National Policy

7.11 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework

is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs are of particular relevance to this applications.

PARA 002: Primacy of the Development Plan
 PARA 011: Planning law and Development Plan
 PARA 012: Statutory status of the Development Plan
 PARA 013: NPPF is material planning consideration
 PARA 014: Presumption in favour of sustainable development
 PARA 017: Core Planning Principles
 PARA 056: Ensuring Good Design
 PARA 129: Identify significance of Heritage Asset
 PARA 130: Decision taking on neglect or damage to Heritage Assets
 PARA 131: Contribution to local character and distinctiveness
 PARA 132: Weight given to conservation of Heritage Asset
 PARA 196: Primacy of the Development Plan
 PARA 197: Presumption in favour of sustainable development

PLANNING CONSIDERATIONS

7.12 The material planning considerations in regard to the above proposal are the impact on the Seaton Carew Conservation Area, the impact on neighbour amenity, the impact on highway safety.

SEATON CAREW CONSERVATION AREA

7.13 When considering any application for planning permission that affects a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to pay “*special attention...to the desirability of preserving or enhancing the character or appearance of that area*”.

The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF). Para 129 of the NPPF states “*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s*

conservation and any aspect of the proposal". This property is located within the Seaton Carew Conservation Area, a designated heritage asset.

7.14 The property had one of the few remaining traditional shop fronts on the street and within Seaton Carew as a whole. Prior to any works being completed, the significance of this property (including both the shop front and the residential accommodation above) was considered to be high within the wider conservation area. The HBC Heritage and Countryside (Conservation) has advised: "*Seaton Carew Conservation Area is considered to be a Conservation Area at Risk.... A factor which contributes to the area being considered to be at risk is the accumulation of alterations to commercial properties which is diluting the character of this part of the conservation area.*"

7.15 Considering the original features which have been the focus of efforts and grants to preserve and enhance the Seaton Carew Conservation Area, Supplementary Note 5 from the Hartlepool Local Plan 2006 states: "*Shop fronts in the Conservation Area are relatively simple... Stallrisers are usually rendered or tiled, shop front construction is in narrow timber frames of rounded section and no mullions giving large areas of glazing.*"

7.16 These features are considered to be highly significant for retaining the original character and style of the property. Guidance for carrying out improvements to existing traditional shop fronts in this area contained within the Shop Front and Commercial Frontages Design Guide SPD states: "*Stall risers should be either painted timber panelling...rendered, glazed tiles or marble depending on the materials used on the building. The use of plastic panelling, glossy ceramic tiles without any relief and textured paints are usually inappropriate.*"

7.17 The works involving the cladding of the full timber shop front with glossy, smooth ceramic tiles and has led to the original features, most notably the green painted timber pillars with white stall risers and inlaid detailing being completely obscured. This is considered to have had a significant and detrimental impact on the character of the property and has led to a significant loss of character within the Seaton Carew Conservation Area as a whole. Contrary to Policy HE1 and Supplementary Note 5 of the Hartlepool Local Plan 2006. It is considered that the alterations are inappropriate and are not sympathetic in terms of preserving or enhancing the property.

7.18 In addition, it is noteworthy that the property was the subject of a previous planning application H/2009/0171 which was refused on the basis that it would have "*an adverse impact and unduly harm the character and appearance of the Seaton Carew Conservation Area.*" An appeal against this decision was dismissed by the Planning Inspectorate who, in their assessment of the quality of the original property stated: "*The shop front appears well maintained and I consider that, in its current form, it contributes positively to the street scene and the character and appearance of the Seaton Carew Conservation Area.*"

7.19 Consideration by the Planning Inspectorate of the merits of the proposal submitted at the time concluded that: "*...the loss of the central door recess and the raising of the stall-riser would remove key traditional design features and the overall*

sense of symmetry. The proposed alterations would adversely affect the traditional character and appearance of the shop front and the positive contribution it makes to the overall street scene. I find therefore that the proposed development would fail to preserve or enhance the character or appearance of the Seaton Carew Conservation Area.”

7.20 The alterations for which retrospective consent is sought are similar to those which were previously refused planning consent. It is considered that the development has adversely affected the traditional character of the shop front and fails to preserve or enhance the Conservation Area. It is inappropriate and has an unacceptable level of harm on the Seaton Carew Conservation Area.

NEIGHBOUR AMENITY

7.21 In relation to the impact on any neighbours, no objections were received. The proposed alterations to the shop frontage are considered to have minimal impact on the surrounding residential and commercial properties.

HIGHWAY SAFETY

7.22 Comments from HBC Traffic and Transportation Section stated that the shop front appears to project over the highway, which would require consent from the Highway's section. Although it is unlikely that consent for this would be refused, the applicant has not yet requested consent for the shop front to extend over the public footpath.

PUBLIC SAFETY

7.23 Consultation with HBC Public Protection raised no objections to the proposal. It is therefore considered that the proposal would have no significant or detrimental impact on public safety.

EQUALITY AND DIVERSITY CONSIDERATIONS

7.24 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

7.25 There are no Section 17 implications.

REASON FOR DECISION

7.26 It is considered by Officers that in the context of relevant planning policies and material planning considerations, the proposal is not acceptable, as set out in the Officer's report. The proposal would have a significant and detrimental impact on the Seaton Carew Conservation Area. There is no evidence to suggest that the harm caused by this proposal would be outweighed by any public benefit of the scheme.

RECOMMENDATION - REFUSE

The proposed alterations have had an adverse impact on the traditional character and appearance of the shop front. The proposal is considered to have a significant and detrimental impact on the character and appearance of the Seaton Carew Conservation Area, a designated Heritage Asset. The proposal would not therefore preserve or enhance the character of the Conservation Area. The proposals are contrary to Saved Policies GEP1 and HE1 of the Hartlepool Local Plan 2005 and paragraphs 131 and 132 of the NPPF.

BACKGROUND PAPERS

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

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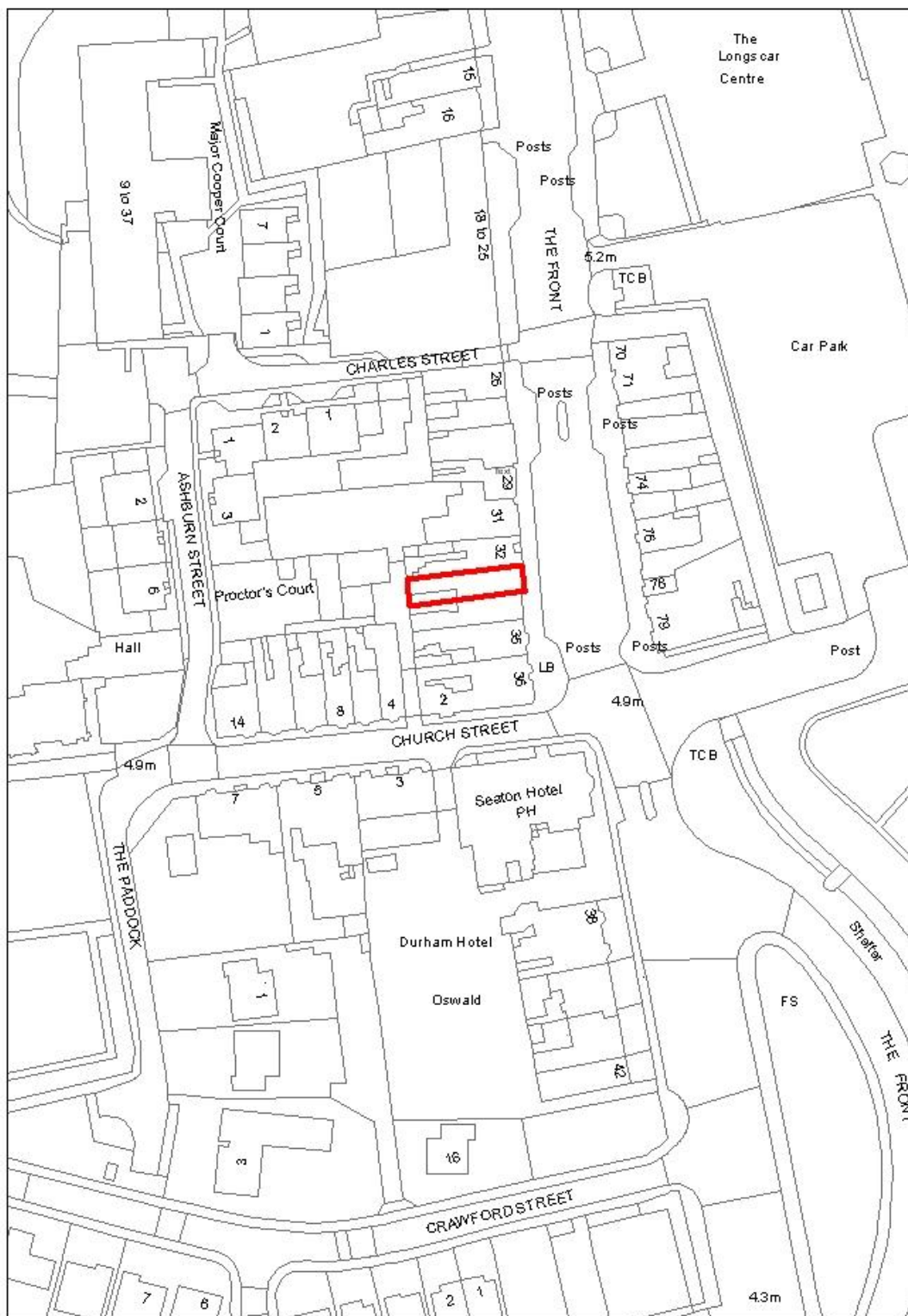
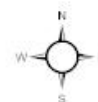
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33 THE FRONT



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 Department of Regeneration and Planning

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H/2015/0408
Scale: 1:1000
Date :01/12/15

No:	8
Number:	H/2014/0405
Applicant:	Mr Peter Jordan Persimmon House Bowburn North Industrial Estate DURHAM DH6 5PF
Agent:	Spawforths Mr Paul Bedwell Junction 41 Business Court East Ardsley LEEDS WF3 2AB
Date valid:	20/10/2014
Development:	Full planning application for demolition of buildings, construction of 144 dwellings (C3), construction of accesses to Stockton Road and Brierton Lane, roads, bridge with associated structures and associated earthworks, drainage features, public open space, landscaping, ecological works, electrical sub stations, vehicular circulation, pumping stations and infrastructure. Outline planning application for construction of up to 1,116 dwellings (C3), public house/restaurant (A3/A4) 500sqm, retail units (A1) 1,999 sqm, primary school (D1), medical centre (300sqm), public open space, playing fields, play spaces, drainage features, landscaping and ecological works, earthworks, electrical sub stations, pumping stations, car parking and vehicle and pedestrian circulation
Location:	Land between A689 and Brierton Lane South West Extension HARTLEPOOL

Background

8.1 This application was considered at the meeting of the Planning Committee of 21st October 2015.

8.2 At the time of the report there was an outstanding objection from the Health & Safety Executive (HSE) regarding the relationship of play areas and sports pitches to the major hazard pipeline. The HSE subsequently confirmed that they had no objections subject to a condition requiring the re-siting of the play areas and sports pitches.

8.3 Members were minded to approve the application subject to the completion of a section 106 agreement delivering planning obligations. Members asked that conditions be returned to committee for consideration.

8.4 The proposed conditions are outlined in this report.

RECOMMENDATION – APPROVE subject to the following conditions and the completion of a section 106 agreement securing the following developer obligations/contributions, Affordable Housing (Option 1), Primary School Provision, Secondary Education Contribution (£2,001,620), Built Sports & Recreation Contribution (£315,000), Sustainable Transport Contribution (£1,578,775), Bridge Maintenance Contribution (£75,000), Agreement on use and maintenance of green

wedge/green link/play areas/open space, a commitment to provide & maintain highways to an adoptable standard, safeguarding route for future western by pass, maintenance of playing pitches, community use agreement, local labour agreement, travel plan, western edge screen planting) and additional developer obligations/contributions relating to the signalisation of the two roundabouts on the A689 at Wolviston, a contribution to off site play provision at Owton Manor and measures encouraging the delivery of local centre with authority to amend conditions delegated to the Planning Services Manager.

1. The part of the development for which full planning is hereby approved, as defined on drawing no 0100 223 Revision K "Indicative Masterplan", 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. For the part of the development for which outline planning permission is sought, as defined on drawing no 0100 223 Revision K "Indicative Masterplan" application for the approval of the reserved matters (referred to below) and the commencement of development, shall be as follows. The first reserved matters application shall be made to the Local Planning Authority not later than 3 years from the date of this planning permission and the development so approved shall be begun not later than 2 years from the date of approval of the last reserved matters of that phase. Thereafter, all subsequent phased reserved matters applications shall be made to the Local Planning Authority not later than 7 years from the date of this permission and the development so approved shall be begun not later than the expiration of 2 years from the final approval of the last reserved matters relating to each phase.
For the avoidance of doubt.
3. Approval of the details of the internal pedestrian and highway layout, layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter called the "reserved matters"), shall be obtained in writing from the Local Planning Authority.
In order to ensure that these details are satisfactory.
4. The details submitted at the reserved matters stage shall be in general conformity with the the drawing 0100 223 (Revision K) Indicative Masterplan received by the Local Planning Authority on 7th May 2015 , and Figure 8 - Landscape Mitigation & Green Space Strategy (Contained in Part 2 Volume 4 Landscape Technical Paper of the Environmental Statement) as amended by the document "Western Edge Screening Proposals" Revision C dated 1st May 2015.
In the interests of the proper planning of the area.
5. The permission hereby granted shall permit the phased development of the site and unless otherwise indicated all other conditions shall be construed accordingly. Notwithstanding the submitted details prior to the commencement of development a Phasing Plan/Programme shall be submitted to and approved in writing by the Local Planning Authority. This shall identify the phasing of all development, infrastructure, landscaping including strategic landscaping, the green wedge and related infrastructure, public open space, play facilities and sports pitches of the development hereby approved. Thereafter the development shall be undertaken in

accordance with the Phasing Programme/Plan so approved unless some variation is otherwise agreed in writing by the Local Planning Authority.

To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure and services to each individual phase.

6. No development of any part of the development for which outline planning permission is hereby approved shall commence until detailed proposals for the treatment of the green wedge within the site (in general conformity with Figure 8 - Landscape Mitigation & Green Space Strategy (Contained in Part 2 Volume 4 Landscape Technical Paper of the Environmental Statement) as amended by the document "Western Edge Screening Proposals" Revision C dated 1st May 2015) including details of any phasing, play/sports facilities, the means of access/pathways/cycleways, enclosures and gates, footbridges, lighting, benches, bins, street furniture, landscaping (incorporating ecological mitigation and enhancements in accordance with section 8 of Part 2, Chapter 5 Ecology & Nature Conservation Technical Paper of the submitted Environmental Statement (except as may be varied with the agreement of the Local Planning Authority) and a timetable for its provision have been submitted to and approved in writing by the Local Planning Authority. The green wedge shall be provided in accordance with the details and timetable so approved.

In the interests of visual amenity and in order to ensure that the green wedge is provided in a planned and appropriate manner.

7. The development hereby approved shall be carried out in accordance with the following plans Phase 1 Proposed Layout (H(SWX)-P1-001 Rev J), Phase 1 Proposed Layout H(SWX)-P1-002 Rev B, Phase 1 Materials Layout H(SWX)-P1-003 Rev B received at the Local Planning Authority on 20th July 2015, Location Plan (0100 200 Revision F), Existing Site Plan (0100 201 Revision A), Northern Access Road General Alignment (14/007/NAR/01 REV C) Southern Access Road General Alignment (Sheet 1 of 2) (14/007/SAR/01 (Part 1) Revision G) & (14/007/SAR/01 (Part 2) Revision G), Bungalow (BG-WD01); Roseberry (Village) (RS-WD01 REV S); Rufford (Village) (RF-WD01 REV P); Hatfield (Village) (HT-WD01 REV P); Hatfield Corner (HTC-WD06 REV J); Souter (Village) (SU-WD01 REV R); Moseley (Village) (MS-WD01 REV L); Winstar (Village) (WS-WD01 REV S); Kendal (Village) (KL-WD01 REV B); Clayton (Village) (CA-WD01 REV C); Clayton Corner (CCA-WD01 REV F); Chedworth (Village) (CD-WD01 REV M); The Moulton (Village) (ML-WD06 REV H) received at the Local Planning Authority on 7th May 2015, Standard Single / Double Garage (SGD-01 REV B), Standard Triple Garage (SGD-02 REV B), Standard Quad Garage (SGD-03 REV B) received at the Local Planning Authority on 29th August 2014, Electrical Sub Station (GTC-E-SS-0010_R1-7_1_of_1) received at the Local Planning Authority on 19th September 2014.

For the avoidance of doubt.

8. The total development hereby approved shall not exceed the following maxima:
 Up to 1260 residential dwellings (C3 Use Class).
 Up to 500sqm public house/restaurant floorspace (A3/A4 Use Class)
 Up to 1,999 sqm retail floorspace (A1 Use Class)
 Up to 300 sq m of medical centre floorspace (D1 Use Class)

For the avoidance of doubt.

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

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;

- (ii) an assessment of the potential risks to:

- a. human health,

- b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- c. adjoining land,

- d. groundwaters and surface waters,

- e. ecological systems,

- f. archeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1

(Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

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

5. Long Term Monitoring and Maintenance

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

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

10. A) No demolition/development in any phase shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation for that phase has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under (A).

C) No phase of the development shall be occupied until the site investigation and post investigation assessment relevant to that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

11. Prior to any demolition or dismantling of the Claxton Farm buildings, a scheme for the recording of the buildings at Claxton Farm including a timetable for the recording shall be submitted to and approved in writing by the Local Planning Authority. The recording scheme shall thereafter be carried out in accordance with the approved scheme and two copies submitted to the Local Planning Authority prior to any demolition, or dismantling, of the aforementioned buildings, unless some variation is otherwise obtained in writing from the Local Planning Authority.

In order to ensure that the details of this non-designated heritage asset are recorded for posterity.

12. Development shall not commence on any phase of the development until a detailed scheme for the disposal of foul water from that phase of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

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

13. No development on any phase shall take place until a scheme for a surface water management system for that phase including the detailed drainage/SuDS design, has been submitted to and approved in writing by the local planning authority. The scheme must ensure that the overall surface water run-off from the development as a whole is limited to a discharge rate of 226.8 l/s based on 6 catchment areas with 6 individual discharge points as detailed in section 8.2 of the Flood Risk Assessment and associated drawing (no. N13215-901). It must be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. 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 prior to the occupation of any part of the development and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

To prevent the increased risk of flooding, both on and off site and to ensure that the impacts on trees are taken into account in any design.

14. No development shall commence until a scheme for the provision of flood shelving at Greatham Beck in accordance with the drawing "Greatham Beck Proposed Flood Shelf" (Dwng No :N13215-920 Rev P1), including a timetable for its provision, has been submitted to and approved in writing by the Local Planning Authority. The flood shelving shall thereafter be provided in accordance with the agreed timetable and details.

In order to ensure that Flood Risk is adequately managed.

15. Prior to the commencement of each phase of the development a scheme for the provision and management of a 10m wide buffer zone alongside the existing watercourses and ponds shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping except where infrastructure is required by the local planning authority. 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; and
 - e) where a green roof is proposed for use as mitigation for development in the buffer zone ensure use of appropriate substrate and planting mix.

Development that encroaches on watercourses and ponds has a potentially severe impact on their ecological value. For example, artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat. Furthermore, land alongside watercourses and ponds are particularly valuable for wildlife and it is essential this is protected. For example, light spillage may result in potential impacts on fish movement and otters. This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the Northumbria River Basin Management Plan.

16. No development shall take place on the southern access road or any part of the development served by the southern access road until a scheme for the provision of a new pond and the creation of additional terrestrial habitat for Great Crested Newts, including a timetable for its provision has been

submitted to and approved in writing by the local planning authority. The scheme shall include the following features:

- a) It shall be designed to ensure safe access and egress for wildlife;
- b) Planting shall be with suitable locally native marginal species;
- c) All imported plants shall be checked to ensure invasive non native species are not transferred onto site; and
- d) the pond(s) shall be offline from any watercourses on site.

This condition is necessary to ensure that the site and the proposed pond is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged. The pond will help to contribute to providing a network of wetland habitat through the site. The condition is also consistent with the objectives of the Northumbria River Basin Management Plan, which requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies.

17. Prior to the commencement of any phase of the development (including the bridge over Greatham Beck), an Arboricultural Impact Assessment and Method Statement for the removal and protection of any trees and hedgerows within that phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved Arboricultural Impact Assessment and Method Statement, unless some variation is otherwise agreed in writing by the Local Planning Authority.

In order to ensure that any impact on trees is minimised in the interest of the visual amenity and the ecology of the area.

18. The clearance of any vegetation, including trees, hedgerows and arable land, shall take place outside the bird breeding season unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present, and a report 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.

In the interests of the ecology of the area.

19. Prior to the commencement of each phase a detailed scheme of landscaping (in general conformity with Figure 8 - Landscape Mitigation & Green Space Strategy (Contained in Part 2 Volume 4 Landscape Technical Paper of the Environmental Statement) as amended by the document "Western Edge Screening Proposals" Revision C dated 1st May 2015) and tree and shrub planting, incorporating ecological mitigation and enhancements in accordance with section 8 of Part 2, Volume 5 Ecology & Nature Conservation Technical Paper of the submitted Environmental Statement (except as may be varied with the agreement of the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority before the phase is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme

of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity, ecology and to ensure any species planted within the easement of the high pressure pipeline are appropriate.

20. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.
21. Prior to the commencement of each phase of the development a detailed scheme of noise insulation measures for the residential properties to the south of the development closest to the A689 and the residential properties directly adjacent to the access and spine roads of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 "Guidance on Sound Insulation and Noise Reduction for Buildings". The approved scheme shall be implemented, and verification that the measures identified in the scheme have been implemented shall be provided by a suitably qualified engineer, prior to the occupation of any of the dwellings identified in the scheme and shall be permanently retained thereafter unless some variation is otherwise agreed in writing by the Local Planning Authority.

In the interests of the amenity of future occupiers of the development.
22. None of the A3/A4 uses hereby approved shall commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.

In the interests of the amenities of the occupants of neighbouring properties.
23. The commercial premises (use classes A1,A3/A4) hereby approved shall only be open to the public between the hours of 07:00 and 24.00 on any day.

In the interests of the amenities of the occupants of neighbouring properties.
24. Deliveries to the commercial premises (Use classes A1,A3/A4) hereby approved shall only take place between the hours of 07:00 and 21.00 on any day.

In the interests of the amenities of the occupants of neighbouring properties.
25. If the buildings at Claxton Farm are not demolished prior to 1st January 2016 then a further bat survey shall be undertaken to ascertain the presence of bats in accordance with a scheme first submitted to and approved in writing

by the Local Planning Authority. The results of the survey shall be submitted to the Local Planning Authority prior to the commencement of any demolition.

In order to ensure that protected species are appropriately identified and accounted for.

26. The demolition of any building identified as a bat roost in the document "Hartlepool Urban Expansion Bat Surveys 2013 dated 09/12/2013", or in subsequent surveys required by conditions attached to this permission, shall take place during the bat activity period April to May (inclusive), and September to October (inclusive). Prior to any demolition works a pre-works bat survey shall be carried out by a suitably qualified Ecologist immediately prior to the works being carried out in accordance with 6.1.5 of the document "Hartlepool Urban Expansion, Bat Surveys 2013 dated 09/12/2013".

In order to ensure that protected species are appropriately identified and accounted for.

27. Notwithstanding the details submitted prior to the removal of any trees along Greatham Beck to accommodate the highway survey point a further bat survey shall be undertaken to ascertain the presence of bats in trees to be removed in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The results of the resultant survey shall be submitted to the Local Planning Authority.

In order to ensure that protected species are appropriately identified and accounted for.

28. Prior to the commencement of development on any phase of the development a scheme to provide bat mitigation features to provide long term roost sites for the local bat population within that phase including details of the features and a timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. The bat mitigation features shall thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.

To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

29. No development shall commence on the southern access road or areas of the site served by the southern access road until a scheme to mitigate any direct or indirect impacts arising from the development for pond E (Identified in the document "Hartlepool Urban Expansion Great Crested Newt Survey" dated 03/09/2012) has been submitted to and approved in writing by the Local Planning Authority. Works shall thereafter proceed strictly in accordance with the mitigation works so approved unless some variation is otherwise approved in writing by the Local Planning Authority.

In order to ensure that protected species are protected from harm.

30. Prior to the commencement of development on any phase of the development a scheme to provide bird mitigation features within that phase to provide long term nesting sites for the local bird population, including details of the features and a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. The bird mitigation features shall

thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.

To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

31. Notwithstanding the submitted details prior to the commencement of the Greatham Beck Road Crossing Bridge and the southern access road, full design details of the proposed bridge including structural calculations shall be submitted to and approved in writing by the local planning authority. These details shall also include an assessment of the potential impact of the bridge and the southern access road on the underground gas main and specify any necessary protection measures required to protect the gas main. The bridge and the southern access road shall then be constructed in accordance with the details so approved unless some variation is otherwise agreed in writing by the Local Planning Authority.

In order to ensure that the detailed design of the bridge and road is acceptable to Hartlepool Borough Council's Highway Engineers, the pipeline is accounted for and that the safety of road users is also taken into account.

32. Notwithstanding the submitted details no development of any phase shall commence until detailed proposals for the provision of play areas including details of their phasing, location and design/specification, landscaping, play equipment, surfacing, means of enclosures, and a timetable for their provision have been submitted to and approved in writing by the Local Planning Authority. The play facilities shall be provided in accordance with the approved details and timetable. Play areas shall be sited beyond the inner zone of the HSE consultation distance of the high pressure gas pipeline ref. 2077: Cowpen/Naisberry (CH08/300mm), i.e. more than 15 metres from the pipeline.

In the interests of public health and delivering a sustainable development and in order to ensure that the play areas are provided in a planned and appropriate manner.

33. Notwithstanding the submitted details no development of any phase shall commence until detailed proposals for the provision of sports pitches including details of their phasing, location and design/specification, equipment, landscaping, means of enclosures, and a timetable for their provision have been submitted to and approved in writing by the Local Planning Authority. The sports pitches shall be provided in accordance with the approved details and timetable. Sports pitches shall be sited beyond the inner zone of the HSE consultation distance of the high pressure gas pipeline ref. 2077: Cowpen/Naisberry (CH08/300mm), i.e. more than 15 metres from the pipeline.

In the interests of public health and delivering a sustainable development and in order to ensure that the sports pitches are is provided in a planned and appropriate manner.

34. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays. Unless some variation to these times is otherwise agreed in writing by the Local Planning Authority.

To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

35. A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, roadsheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

In the interests of the amenity of the occupiers of adjacent and nearby premises and highway safety.

36. No development shall commence on any phase until details of existing and proposed levels within and outwith the site including any earth retention measures within and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority, the phase shall thereafter proceed in accordance with the agreed levels unless some variation is otherwise approved in writing by the local planning authority.

In the interests of the amenities of the occupants of neighbouring properties.

37. Prior to the first occupation of any part of the development the four bus stops at Rift House, Bacon Walk, Eskdale Road and South End shall be improved in accordance with a scheme first submitted to and approved in writing by the local planning authority.

In order to ensure that adequate provision is made for bus stop infrastructure in the interests of encouraging sustainable modes of transport.

38. Prior to the commencement of development on the northern access road a scheme for the provision and location of bus stop infrastructure within the site along the northern access road including half width lay- bys, shelters and low floor kerbs and a timetable for the delivery of the infrastructure shall be submitted to and approved in writing by the local planning authority. The bus stop infrastructure shall thereafter be provided in accordance with the details and timetable so approved unless some variation is subsequently agreed in writing with the local planning authority.

In order to ensure that adequate provision is made for bus stop infrastructure in the interests of the encouraging sustainable modes of transport.

39. Prior to the commencement of development on the southern access road a scheme for the provision and location of bus stop infrastructure within the site along the southern access road including half width lay- bys, shelters and low floor kerbs and a timetable for the delivery of the infrastructure shall be submitted to and approved in writing by the local planning authority. The bus

stop infrastructure shall thereafter be provided in accordance with the details and timetable so approved unless some variation is subsequently agreed in writing with the local planning authority.

In order to ensure that adequate provision is made for bus stop infrastructure in the interests of encouraging sustainable modes of transport.

40. The school element of the proposal shall not be occupied until a school safety scheme has been submitted to and approved in writing by the local planning authority, and implemented. This shall provide details of signage, guard railing, parking proposals, Traffic Regulation Orders associated with school time parking and a school time 20 mph speed limit on the section of highway fronting the proposed school.

In the interests of highway safety.

41. Prior to the new access onto the A689 from the southern access road being brought into use a scheme for the reduction of the speed limit on the A689 to 50 mph between Greatham High Street and a point west of Dalton Back Lane, including required signage, shall be implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority, unless some variation is otherwise agreed in writing by the local planning authority.

In the interests of highway safety.

42. Notwithstanding the submitted details, a highway mitigation scheme for the Brierton Lane / Stockton Road / A689 junctions in accordance with the submitted drawing 14/007/BRI/02 Revision B received at the local planning authority on 7th May 2015 shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented prior to the construction of the 600th property on the site.

In the interests of highway safety.

43. Notwithstanding the submitted details, a highway mitigation scheme for the Brierton Lane /Catcote Road junction in accordance with submitted plan 14/007/BRI/01 received at the local planning authority at the time the application was made valid shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented prior to the first occupation of the 145th dwelling accessed via the northern access road.

In the interests of highway safety.

44. Notwithstanding the submitted details, a highway mitigation scheme for the Oxford Road/Catcote Road junction in accordance with submitted plan 14/007/CCR/01 received at the local planning authority on 7th May 2015 shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented prior to the first occupation of the 145th dwelling accessed via the northern access road.

In the interests of highway safety.

45. Notwithstanding the submitted details, a highway mitigation scheme for the Truro Drive/Catcote Road junction in accordance with the submitted plan 14/007/CCR/02 received at the local planning authority on 7th May 2015 shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented prior to the first occupation of the 145th dwelling accessed via the northern access road.

In the interests of highway safety.

46. Notwithstanding the submitted details, prior to the commencement of the construction of the southern access road details of the proposed junction works at the A689/southern access road including a timetable for the completion of the works shall be submitted to and approved in writing by the Local Planning Authority. The works so approved shall be implemented to a minimum of base course level prior to the first occupation of any part of the site served by the Southern Access Road.
In the interests of highway safety.
47. Prior to the first occupation of any dwelling on the site the parking lay-by and public footpath along Brierton Lane detailed on drawing 14/007/NAR/05A received at the local planning authority on 7th May 2015 shall be provided.
In the interests of highway safety.
48. The junction between the northern access road and Brierton Lane shall be constructed to a minimum of base course level prior to the first occupation of any part of the site served by the northern access road.
In the interests of highway safety.
49. Prior to the first unit of each phase being constructed above damp proof level details of all external finishing materials and hardstandings shall be submitted to and approved by the Local Planning Authority, 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.
50. Prior to the commencement of each phase details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the phase is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
51. No individual phase of 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 phase of 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 any part of the development is occupied the renewable energy equipment or design efficiency measures shall have been installed.
In the interests of promoting sustainable development.
52. Prior to the submission of Reserved Matters applications relating to any self build phase, the applicant shall submit a Design Code identifying the parameters and general design principles of the self build area. Once approved all plot specific Reserved Matters applications shall be determined in accordance with the Design Guide, unless otherwise agreed in writing with the Local Planning Authority. No development on any individual plot shall commence until the boundaries of all the individual plots have been identified and demarcated on site in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The scheme identifying and demarcating the plots shall thereafter be maintained as approved during the construction phase unless some variation is otherwise agreed in writing by the Local Planning Authority.

In the interest of the proper planning of the area to ensure plots can be clearly identified and relationships assessed when reserved matters applications are submitted.

53. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

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

54. Prior to the commencement of any phase which shall necessitate the diversion of Public Footpath 4 Claxton Parish, a detailed scheme for the diversion of the PROW shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented as approved unless some variation is otherwise agreed in writing by the Local Planning Authority.

In the interests of users of the footpath and to ensure the diversion is compatible with the development.

55. Prior to the construction of the Greatham Beck Road Crossing bridge full details of the proposed diversion of Public Footpath No. 1 Greatham Detached shall be submitted and approved by the Local Planning Authority. The works shall be implemented as approved unless some variation is otherwise agreed in writing by the Local Planning Authority.

In the interests of users of the footpath and to ensure the diversion is compatible with the development.

BACKGROUND PAPERS

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

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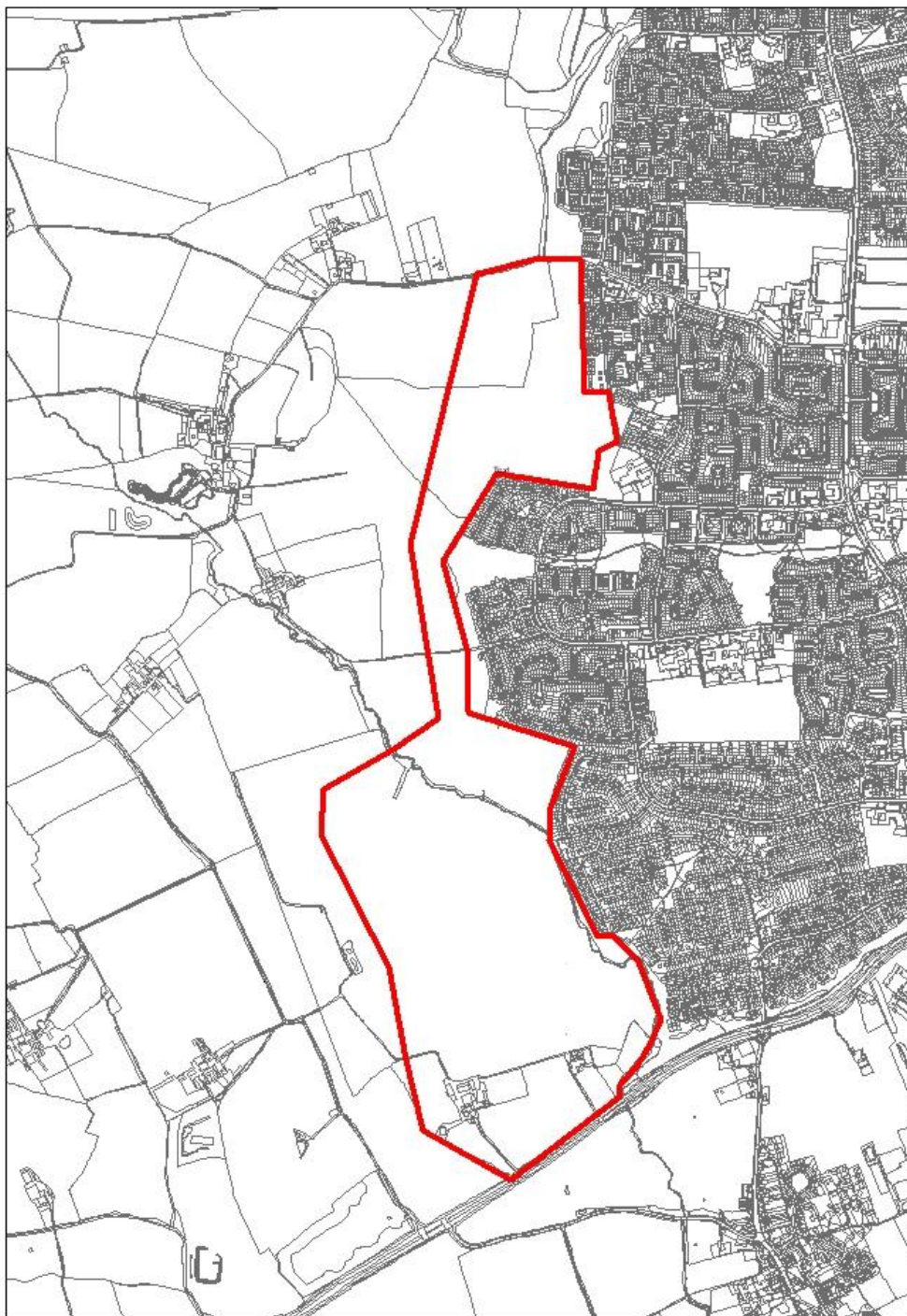
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SOUTH WEST EXTENSION



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

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POLICY NOTE

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

ADOPTED HARTLEPOOL LOCAL PLAN 2006

Com4 (Edge of Town Centre Areas) - Defines 10 edge of town centre areas and indicates generally which range of uses are either acceptable or unacceptable within each area particularly with regard to A1, A2, A3, A4, A5, B1, B2, & B8 and D1 uses. Proposals should also accord with related shopping, main town centre uses and recreational policies contained in the plan. Any proposed uses not specified in the policy will be considered on their merits taking account of GEP1.

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

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

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

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

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

GEP12 (Trees, Hedgerows and Development) States that the Borough Council will seek within development sites, the retention of existing and the

planting of additional, trees and hedgerows. Development may be refused if the loss of, or damage to, trees or hedgerows on or adjoining the site will significantly impact on the local environment and its enjoyment by the public. Tree Preservation Orders may be made where there are existing trees worthy of protection, and planning conditions will be imposed to ensure trees and hedgerows are adequately protected during construction. The Borough Council may prosecute if there is damage or destruction of such protected trees.

GN5 (Tree Planting) - Seeks additional tree and woodland planting in this area through the use of planning conditions and obligations.

HE1 (Protection and Enhancement of Conservation Areas) - States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

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

PU7 (Renewable Energy Developments) - States that renewable energy projects will generally be supported to facilitate the achievement of national targets for electricity generating capacity. In determining applications significant weight will be given to achieving wider environmental and economic benefits. Account will also be taken of the impact on the character of the area, amenity of residents, ecology and radar and telecommunications. A restoration scheme should be submitted.

Rec2 (Provision for Play in New Housing Areas) - Requires that new developments of over 20 family dwellings provide, where practicable, safe and convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

Rec9 (Recreational Routes) - States that a network of recreational routes linking areas of interest within the urban area will be developed and that proposals which would impede the development of the routes will not be permitted.

Rec14 (Major Leisure Developments) - States that major leisure developments should be located within the town centre. Then policy then sets out the sequential approach for preferable locations after the town centre as edge of centre sites including the Marina, then Victoria Harbour, or the Headland or Seaton Carew as appropriate to the role and character of these areas and subject to effect on the town centre, and then elsewhere subject also to accessibility considerations. The need for the development should be justified and travel plans prepared. Improvements to public transport, cycling and pedestrian accessibility to the development will be sought where appropriate.

Rur3 (Village Envelopes) - States that expansion beyond the village limit will not be permitted.

Rur7 (Development in the Countryside) - Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements agriculture and forestry and viability of a farm enterprise, proximity to intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

Rur14 (The Tees Forest) - States that proposals within the Tees Forest should take account of the need to include tree planting, landscaping and improvements to the rights of way network. Planning conditions may be attached and legal agreements sought in relation to planning approvals.

Rur18 (Rights of Way) - States that rights of way will be improved to form a network of leisure walkways linking the urban area to sites and areas of interest in the countryside.

To1 (Tourism Development in the Marina) - States that this area will continue to be developed as a major tourist attraction and that the Borough Council will seek to protect the areas of water from development.

Tra15 (Restriction on Access to Major Roads) - States that new access points or intensification of existing accesses will not be approved along this road. The policy also states that the Borough Council will consult the Highways Agency on proposals likely to generate a material increase in traffic on the A19 Trunk Road.

Tra16 (Car Parking Standards) - The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

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

MINERALS & WASTE DPD 2011

Policy MWP1: Waste Audits : A waste audit will be required for all major development proposals. The audit should identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The audit should set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

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

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

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

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

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

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

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

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

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

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

land of lesser environmental value, where consistent with other policies in the framework;

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

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

24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

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

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

34. Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to

take account of policies set out elsewhere in this Framework, particularly in rural areas.

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

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

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

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

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

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

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);

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

55 states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- a) The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- b) Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- c) Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- d) The exceptional quality or innovative nature of the design of the dwelling.

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

57: It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

60. Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

61: Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the

integration of new development into the natural, built and historic environment.

64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

72. The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.

73. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

93. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

96: In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

97. To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low

carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

98. When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

102. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted.

103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and

- 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; and it gives priority to the use of sustainable drainage systems.

109. The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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

112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
 - potential Special Protection Areas and possible Special Areas of Conservation;
 - listed or proposed Ramsar sites; and—sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

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

130. Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

131: In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness

132: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and

II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

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

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

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

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

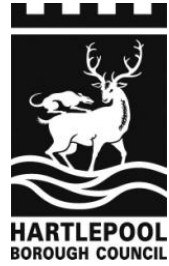
- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

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

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

PLANNING COMMITTEE

16th December 2015



Report of: Assistant Director (Regeneration)

Subject: New Planning Documents Update

1. PURPOSE OF THE REPORT

1.1 To inform Members of the following new planning documents:

- Local Development Scheme (Oct 2015)
- Planning Obligations Supplementary Planning Document (Nov 2015)
- Planning Policy Framework (Nov 2015)

2. LOCAL DEVELOPMENT SCHEME

2.1 The Local Development Scheme (LDS) is a requirement under the planning system. Its main purpose is to identify a rolling programme of the Council's proposals for producing planning policy documents over the next three years and to highlight the stages in the preparation of planning policy documents particularly with regard to public participation with the community and major stakeholders.

2.2 The fundamental reason for reviewing and revising the LDS this time resulted from the previously agreed timetable slipping and the introduction of the requirement from the Government to produce a Local Plan by early 2017 or face being put into special measures.

2.3 The LDS was presented to and endorsed by the Council's Regeneration Services Committee on 23rd October 2015 and is attached as Appendix 1.

3. PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

3.1 Policy GEP9 of the saved Hartlepool Local Plan 2006 provides the policy basis for requested developer contributions where they are necessary and relevant to a planning application. Policy GEP9 does not provide any details over the levels of contributions required, it simply states which types of contributions may be sought.

- 3.2 The purpose of the Supplementary Planning Document (SPD) is to provide developers and other interested parties with information and guidance concerning the local authority's approach towards securing planning obligations associated with development within the Borough.
- 3.3 The Local Authority will continue to use planning conditions and legal agreements as part of the planning application process to ensure that new developments in the Borough are sustainable, well designed and attractive and will have a positive impact on the townscape of Hartlepool. New development however, often puts pressure on already over-stretched infrastructure and it is generally expected that developers will mitigate or compensate for the impact of their proposals by way of 'Planning Obligations'. These are usually concluded under Section 106 of the Town & Country Planning Act 1990 (as amended) and are agreements between local planning authorities and developers (and the landowner where the developer does not own the land) that secure contributions (in cash or in kind) to address community and infrastructure needs associated with development, whilst not burdening developers with unfair and unrelated costs.
- 3.4 The SPD has been prepared in accordance with relevant national guidance set out in the National Planning Policy Framework (NPPF), Planning Practice Guidance and the Community Infrastructure Levy Regulations 2010 (as amended). Through the 2010 CIL Regulations the Government introduced a new charge a 'Community Infrastructure Levy' (CIL) which Local Authorities in England and Wales are empowered, but not required, to charge on most types of new development. The Government states that CIL will improve predictability and certainty for developers as to what they will be asked to contribute, will increase fairness by broadening the range of developments asked to contribute and will enable important sub-regional infrastructure to be funded. However since its introduction it has become evident that it is more deliverable in some areas rather than others where given the current market conditions, CIL is proving to be unviable and undeliverable.
- 3.5 During the development of a new Local Plan work will be undertaken on viability testing to determine whether or not it is going to be feasible to bring forward a CIL charging schedule or whether the continued use of Planning Obligations would be the best option locally.
- 3.6 The SPD is compliant with the CIL regulations and all planning obligations are subject to the legal tests, which are used to determine use of a S106 agreement are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The tests are:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

- 3.7 This SPD clearly sets the thresholds for developer contributions through planning obligations in terms of the following:
- Affordable housing
 - Open Space, Outdoor Sport / Recreation and Play Facilities
 - Built Sport Facilities
 - Green Infrastructure
 - Highway Infrastructure
 - Community Facilities, and
 - Training and Employment.
- 3.8 The SPD does not contain any policies; it acts as supplementary guidance to assist with the interpretation of planning obligation requirements. However the levels and types of contributions required have been tested and proved to be viable and deliverable in most developments in the Borough over the past three years or so.
- 3.9 The only exception to this is the level of affordable housing achieved. Since the publication of the 2012 Tees Valley Strategic Housing Market Assessment (SHMA), Hartlepool's affordable housing need has been identified as 27.5%, however the amount achieved in most instances has been reduced through the viability process to ensure deliverability of schemes; the SPD is written in a way which allows flexibility and where there are issues regarding viability allows for contributions to be reduced to ensure development is viable.
- 3.10 This flexibility is an essential element of the SPD and will be crucial to developer negotiations in the delivery of affordable housing, especially as the 2015 Hartlepool Strategic Housing Market Assessment demonstrates an increased affordable housing need of 144 affordable housing units per year. This represents an affordable need of 44% when considered against the then overall annual target of 325 dwellings.
- 3.11 It is recognised that 44% is not deliverable on sites within Hartlepool; therefore an assessment of development that has taken place over the last three years has been undertaken. The purpose of this assessment has been to look at site deliverability and set a deliverable affordable housing target for future development. The target had been established at 18%.
- 3.12 The SPD was presented to and endorsed by the Council's Regeneration Services Committee on 23rd October 2015 and subsequently Adopted at Council on 12th November 2015. The SPD is attached as Appendix 2.

4. PLANNING POLICY FRAMEWORK (NOV 2015)

- 4.1 This information is presented in an update to the Planning Policy Framework Justification November 2013 report and the subsequent May 2014 report and is based on recently updated supporting evidence. The first edition of the November Planning Policy Framework Justification was approved by the Regeneration Services Committee on 5th December 2013, and has subsequently been updated on an ongoing basis. The last report was presented to Planning Committee on 5th November 2014.
- 4.2 The Planning Services Team produced this document to highlight policies in the adopted local plan and whether they comply with the NPPF. This document has been used since its approval to support the determination of planning applications.
- 4.3 The first document and all subsequent documents stated that the Council could not demonstrate a 5 year housing land supply and therefore all policies relating to the supply of housing are considered to be out of date. This in effect meant that the NPPF 'presumption in favour of sustainable development' potentially allows housing to be progressed in areas which otherwise may not have been deemed as acceptable, for instance those outside of development limits.
- 4.4 Planning Officers have recently reviewed the 5 year land supply following the end of quarter 2 housing monitoring (2015-2016) and have taken into consideration planning permissions that have been granted since previous to November 2015. This new information will form part of the emerging evidence base for the new Local Plan. The 5 year land supply has been recalculated and has changed from the 4.2 year supply reported in the November 2014 document.
- 4.5 The five year land supply has changed from a 4.2 year supply in November 2014, where in November 2015 there is a 4.4 year supply of deliverable housing sites. The detail behind the 4.4 year supply is detailed in Appendix 3, with specific regard to chapter 4 of the document; paragraphs 4.2 to 4.18.
- 4.6 To summarise the document, the borough has specific policy areas where the 2006 Local Plan is silent and/or the relevant policies are out-of-date and the NPPF delegates the decision making to the development plan. These other material considerations are:
- Demonstrating a 5 Year Supply of Deliverable Housing Sites. The inability of the Council to demonstrate a 5 year supply of deliverable housing sites means that, in accordance with NPPF paragraph 49, any saved policies included in the 2006 Local Plan regarding the supply of housing should not be considered up-to-date.
 - Affordable Housing. There is a need to deliver 18% affordable housing as part of residential developments.

- Renewable Energy. There is a need to provide a minimum of 10% of the developments energy needs from renewable and/or decentralised resources.

- 4.7 As a result, where decision making is required, in most cases a combination of the existing 2006 Local Plan, the relevant paragraphs in the NPPF and other material considerations will be used as a planning framework until the Council moves forward the preparation of a new Local Plan to a stage where emerging policies can be given due weight.
- 4.8 The Planning Policy Framework is attached as Appendix 3.

5. EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

6. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS.

There are no Section 17 implications.

7. RECOMMENDATIONS

- 7.1 To inform Members of the new planning documents.

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Hartlepool Local Development Scheme

October 2015

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1. INTRODUCTION

- 1.1 This Local Development Scheme sets out a rolling programme for the preparation of documents relating to forward planning in Hartlepool. It is specifically concerned with documents being prepared over the next three years or so. The scheme will be reviewed as necessary as circumstances change (see section 10).
- 1.2 Hartlepool's Local Development Scheme was first published in March 2005. It was subsequently reviewed in July 2006 to take account of the proposal to prepare joint Minerals and Waste Development Plan Documents and also to exclude from the programme, the Hartlepool Local Plan, which had been adopted in April 2006. The 2008 review related to changes to the timetable for the preparation of the Planning Obligations SPD and the preparation of a new SPD on Transport Assessment & Travel Plan Guidance. The 2009 review took account of the need to include several new documents including the Affordable Housing Development Plan Document and the Victoria Harbour Supplementary Planning Document. The reasons for the 2010 update included that the Affordable Housing DPD was incorporated into the Core Strategy and also that a Housing Allocations DPD would not be produced as it was adequately covered by the housing policies within the emerging Core Strategy at the time.
- 1.3 The 2011 update was necessary due to delays in the production of the Core Strategy Publication stage as a result of high levels of representations to the 2nd Preferred Options Stage and ongoing uncertainty around national and regional policy. Work continued on the draft Local Plan (formerly referred to as the Core Strategy) and it was submitted to the Secretary of State in 2012 and examined in public at a hearing held in January/February and September 2013. The LDS was amended in November 2012 to reflect the dates for the Local Plan inquiry that was held in January and February 2013. A review was then needed in 2014 to reflect a timetable for a new Local Plan following the Council's decision to withdraw the previous Local Plan in November 2013 following the Inspectors findings from the Examination into that Plan.
- 1.4 This 2015 review has been triggered due to the previously agreed timetable slipping and the need to produce an accurate timetable for the Local Plan preparation, working towards meeting the Government requirement to produce a Local Plan by early 2017.
- 1.5 The Local Development Scheme acts as the starting point for the community, key stakeholders and others with an interest in the development process, who wish to find out about the status of existing and emerging planning policies. It sets out the timetable and highlights the key stages for the preparation of new policy documents and when they are proposed to be, subject to public consultation. Acronyms and terminology used in this document are explained in Appendix 1.
- 1.6 Statutory planning policies for Hartlepool are presently set out in the saved policies of the Hartlepool Local Plan (adopted 2006 with certain policies

saved beyond 13 April 2009) and the Tees Valley Minerals and Waste DPD which was formally adopted on the 15th September 2011.

- 1.7 The Planning and Compulsory Purchase Act 2004 resulted in major changes to the way the planning policy system operates and how planning documents will be prepared. Local Development Documents (LDDs) contained within Local Development Frameworks (LDF) were progressively replacing the Local Plans and Supplementary Planning Guidance. Since the introduction of the changes to the planning system under the 2004 Act further revisions in procedures and requirements have been brought in under the Planning Act 2008 and associated regulations.
- 1.8 Things have changed again with the enactment of the Localism Act, the publication of the National Planning Policy Framework and the coming into force of The Town and Country Planning Regulations 2012 the system has now been simplified and the Regional tier of planning abolished. The system is now focused on a local plan for each Local Planning Authority Area. A new tier of planning was created by these changes called Neighbourhood Planning. Neighbourhood plans are not the responsibility of a Local Authority to produce but instead a parish council or constituted community forum. A neighbourhood plan should support the strategic development needs set out in the Local Plan and plan positively to support local development.
- 1.9 The Local Development Scheme describes the main features of the planning system and then sets out the programme for the production of future planning policies. Important aspects related to the process for the development of planning policies are highlighted in sections 4 to 8 of the Scheme and the final section identifies circumstances in which the scheme will be reviewed.

2. THE DEVELOPMENT PLANNING SYSTEM FOR HARTLEPOOL

- 2.1 The local planning system brings together and integrates policies for the use and development of land with other policies and programmes which influence the nature of places and how they function. Documents within what is known as the “Local Development Framework” (LDF) will ensure the most efficient use of land by balancing competing demands in accordance with a clear, distinctive and realistic vision of how the area will develop and change within a demonstrable context of sustainable development.
- 2.2 The Local Development Framework will comprise a number of documents as shown in Diagram 1 below. These documents known as Development Plan Documents (DPD’s) and Supplementary Planning Documents (SPD’s) form the statutory Development Plan for Hartlepool and will essentially replace the 2006 Hartlepool Local Plan.
- 2.3 The Development Plan Documents establish the main policy framework and includes:
- A Local Plan setting out the spatial vision, spatial objectives and core strategic policies and allocations for the area;
 - Tees Valley Joint DPDs containing waste and minerals policies;
 - Neighbourhood Plans; and
 - A Proposals Map which will be updated as each DPD is adopted.
- 2.4 Currently the Borough Council is working on a number of additional documents within its LDF which are intended to provide further advice and information to developers and decision makers, and are not intended as an undue burden upon development. These include:
- Planning Obligations SPD
 - Residential Design and Sustainability SPD
 - Central Area Regeneration SPD
- 2.5 The Borough Council has already adopted the following documents within its LDF:
- Transport Assessments & Travel Plans SPD (January 2010)
 - Statement of Community Involvement (SCI) (January 2010)
 - Tees Valley Joint Minerals & Waste DPDs (September 2011)
 - Local Development Scheme (LDS) (January 2012)
 - Authorities Monitoring Report (AMR) (December 2013)
 - Trees and Development SPD (2013)
 - Green Infrastructure SPD (February 2014)
 - Shop Fronts SPD (2014)
 - New Dwellings outside of Development Limits (August 2015)
 - Seaton Carew Regeneration SPD (September 2015)

Diagram 1: Hartlepool Local Development Framework

LOCAL DEVELOPMENT FRAMEWORK											Other Documents		
A portfolio of local development and other documents													
Local Development Documents											Other Documents		
Development Plan Documents			Supplementary Planning Documents										
Hartlepool Local Plan	Tees Valley Minerals & Waste DPD	Hartlepool Local Plan Proposals Map	Travel Plans and Transport Assessments SPD	Hartlepool Green Infrastructure SPD	Trees and Development SPD	Planning Obligations SPD	Shop Fronts SPD	Residential Design SPD	New Dwellings outside of Development Limits SPD	Seaton Carew Masterplan SPD	Neighbourhood Plans	Statement of Community Involvement	Authorities Monitoring Report
These documents will comprise the Development Plan for the area and ultimately replace the 2006 Local Plan.			These documents help to give further information and detail to support the Development Plan Documents.								These Documents and the highlighted Development Plan Documents must be prepared.		

2.2 Other documents that comprise the Local Development Framework include:

- This document – the **Local Development Scheme (LDS)** – sets out the details of each of the Local Development Documents to be commenced over the next three years or so and the timescales and arrangements for their preparation.
- **Authorities Monitoring Report** – assessing the implementation of the Local Development Scheme and the extent to which policies in Local Development Documents are being achieved.
- **Neighbourhood Plans** – Any Neighbourhood Plans that are adopted by the Council become part of the Local Development Framework. These documents must be in general conformity with the Local Plan. Currently there are neighbourhood plans in production for the Rural Area, the Headland and Wynyard. The first two plans are wholly within the Borough

of Hartlepool with the Wynyard one being cross boundary with Stockton on Tees Borough.

- **Statement of Community Involvement (SCI)** – this sets out the policy for involving the community and key stakeholders both in the preparation and revision of local development documents and with respect to planning applications.

3. THE LOCAL DEVELOPMENT SCHEME

- 3.1 The first Local Development Scheme was prepared by the Council in March 2005 with reviews approved in subsequent years as outlined in paragraph 1.2.
- 3.2 This further review of the scheme sets out the revised programme for the Local Plan. Diagram 2 provides an overview of the timetable for the production of the Local Plan.
- 3.3 Further details on the role and content of the Local Plan, key dates relating to its production, arrangements for its preparation and review and monitoring are set out in Table 1.

Saved Policies

- 3.4 The 2004 Act allows policies in Local Plans to be 'saved' for a period of at least three years from the date the Act came into force (September 2004) or in the case of plans adopted after then, from the date the plan is adopted (i.e. April 2006 for the Hartlepool Local Plan). New policies in development plan documents will progressively replace those saved in the Local Plan.
- 3.5 Appendix 2 lists the policies of the 2006 Hartlepool Local Plan which the Secretary of State has made a direction to save. These saved policies will thus continue to remain effective until the new Local Plan policies are adopted. The Minerals and Waste policies were superseded by the policies contained in the Tees Valley Joint Minerals and Waste DPD's in 2011.
- 3.6 The status of Supplementary Planning Guidance, following the commencement of the new planning system, remains the same as long as relevant saved policies are in place. It will continue to be a material consideration in terms of determining planning applications. The only currently adopted Supplementary Planning Guidance is the Greatham Village Design Statement. This is included in the 2006 Hartlepool Local Plan as a Supplementary Note and is saved as part of that plan.

Statement of Community Involvement

- 3.7 The Borough Council's first document prepared under the new planning system was the Statement of Community Involvement (SCI). The SCI document sets out how the Council intends to involve the community and other interested parties in the new planning system and provide standards for involving the community in all the different stages of the planning policy process and in the determination of planning applications.
- 3.8 All other local development documents will be prepared in accordance with the arrangements set out in the SCI.
- 3.9 The first SCI was submitted to the Secretary of State in January 2006 and was adopted on 26th October 2006. A review of the SCI was undertaken and

the revised SCI was adopted in January 2010. The Council will review the SCI again in 2016 to reflect changes in legislation.

Development Plan Documents

- 3.10 The Borough Council commenced the preparation of Development Plan Documents despite the 2006 Hartlepool Local Plan still providing an appropriate spatial strategy. Furthermore the existing Local Plan has taken forward those elements of the Hartlepool Community Strategy and the Hartlepool Local Transport Plan that concern physical development and use of land.
- 3.11 This work commenced from 2008 to 2013 and culminated with a draft Local Plan being submitted to the Secretary of State in 2012 and examined in public at hearing held in January/February and September 2013.
- 3.12 At a meeting held on October 17th 2013 the Council made a decision to withdraw the submitted Local Plan that had just been through public examination. Subsequently and in light of this decision, the Planning Services Team produced a planning framework guide in November 2013 entitled 'Planning Policy Framework Justification'. The document was updated in November 2014. This is to allow the Local Planning Authority to use the existing Local Plan 2006 where it is in compliance with the current National Planning Policy Framework (NPPF) regime.
- 3.13 Officers have now been instructed to begin work on a new Local Plan and associated Proposals Map for the Borough. A timetable was formulated for the production of a new local plan and this was agreed by committee on 20th February 2014. The previously agreed timetable has slipped though and as such has necessitated the need for the LDS to be updated to reflect a new timetable aiming to produce a Local Plan by early 2017.
- 3.14 ***The Local Plan:*** The Local Plan is the key element of the planning system for Hartlepool and any other development plan documents should be in conformity with it.
- 3.15 The Hartlepool Local Plan will be the key Development Plan Document setting out the spatial vision, strategic objectives and core policies for the Borough for the next 15 years. There is a statutory duty to prepare a Local Plan in accordance with the Planning and Compulsory Purchase Act 2004 (as amended). The Local Plan allocates land for development across the Borough, provides key infrastructure as well as protecting the most valuable environmental sites. The Local Plan will incorporate all land use policies apart from those covering minerals and waste.
- 3.16 ***Proposals Map:*** The Proposals Map for the 2006 Hartlepool Local Plan will be saved until the Local Plan is adopted. The proposal map demonstrates all the land allocations and policies on an OS base plan.

Joint Development Plan Documents

- 3.17 There was a need to update the waste policies contained in the 2006 Hartlepool Local Plan at an early date to reflect new priorities for sustainable waste management. Core Strategy and Site Allocations DPDs were adopted on the 15th September 2011 covering the 5 Tees Valley authorities. These superseded the saved policies covering Minerals and Waste in the 2006 Local Plan.

Supplementary Planning Documents

- 3.18 Existing supplementary planning guidance can be used as the basis for the preparation of new supplementary planning documents.
- 3.19 The Greatham Village Design Statement was adopted as supplementary planning guidance in 1999 and is included as a Supplementary Note in the 2006 Hartlepool Local Plan. There are a number of other supplementary notes in the local plan covering a range of topic areas including trees, conservation, wildlife, planning obligations and parking standards.
- 3.20 There are six Supplementary Planning Documents which have already been adopted, those being:
- The Transport Assessment and Travel Plans SPD 2010
 - Trees and Development SPD 2013
 - Hartlepool Green Infrastructure SPD 2014
 - Shop Fronts SPD 2014
 - New Dwellings outside of development limits SPD 2015
 - Seaton Carew Regeneration SPD 2015
- 3.21 Other Supplementary Planning Documents currently either in production or due to begin this financial year include the following:
- Planning Obligations SPD
 - Hartlepool Central Area SPD
 - Residential Design and Sustainability SPD
- 3.22 Given it is not a statutory requirement to include the SPD's within the LDS the decision has been taken to include the timetables for these in a separate document which can be monitored and kept up to date without the need to review the whole LDS.

Diagram 2: Timetable of Local Plan Development Plan Document

Production stage	Date
Evidence Base production	Nov 2013 – March 15
Issues and Options	May 2014 – July 2014
Preferred Options	May 2016 – June 2016
Publication	October - November 2016
Submission	February 2017
Inspector appointed and examination timetabled and prepared by Inspector	April 2017
Examination	June – July 2017
Inspector deliberations of examination	August – September 2017
Inspectors Findings and modifications	October 2017 – December 2017
Adoption	February 2018
Judicial Review Challenge Period	February – March 2018

Table 1: LOCAL PLAN DPD

OVERVIEW	
Role and content	To set out the vision and spatial strategy for Hartlepool and the objectives and primary policies for meeting the vision.
Geographical Coverage	Borough-wide
Status	Development Plan Document
Conformity	Must reflect the Hartlepool Community Strategy and be in line with National Planning Policy Guidance and meet the Duty to Co-operate
TIMETABLE / KEY DATES	
Stage	Date
Evidence base Production	November 2013 – March 2015
Issues and Option Drafting stage	March - May 2014
Issues and Options extensive public consultation stage	May – July 2014
Preferred Options Drafting stage	August 2014 – March 2016
Preferred Options extensive public consultation stage	May – June 2016
Publication Stage (Reg. 19 Stage)	October - November 2016
Submission to Secretary of State (Reg. 22 Stage)	February 2017
Pre Inquiry Meeting	May 2017
Public Hearings (Reg. 24 Stage)	June – July 2017
Inspectors Report (Reg. 25 Stage)	October 2017
Redrafting Stage	November 2017
Consultation on Modifications	November – December 2017
Adoption (Reg. 26 Stage)	February 2018
ARRANGEMENTS FOR PRODUCTION	
Lead Organisation	Hartlepool Borough Council
Management arrangements	The management arrangements are set out in section 9. Key documents will be approved by the Regeneration Committee and ratified by full Council.
Resources Required	Primarily internal staffing resources with use of consultants if necessary for any special studies required
Community and Stakeholder Involvement	In accordance with the Statement of Community Involvement

POST PRODUCTION / REVIEW

The effectiveness of the primary policies in relation to the vision and objectives of the Local Plan will be assessed in the Authorities Monitoring Report and where necessary reviewed. The Local Plan DPD may be reviewed in the following circumstances:

- A further review of the Community Strategy
- A significant amendment to the Council's Corporate Vision

4. SUSTAINABILITY APPRAISAL

- 4.1 The Planning and Compulsory Purchase Act requires that Local Development Documents should contribute to the achievement of sustainable development. Furthermore, European Union (Strategic Environmental Assessment) Directive 2001/42/EC requires that a formal strategic environmental assessment is carried out for certain plans and programmes likely to have a significant effect on the environment including planning and land use documents.
- 4.2 Most Local Development Documents will therefore be subject to a Sustainability Appraisal which will incorporate the requirements of the Sustainable Environment Assessment (SEA). This will be a continual and integrated process starting when a new (or revised) local development document is to be prepared. Appraisal at each stage of a document's preparation will inform the direction adopted at the next stage and sustainability appraisal reports will be subject to consultation alongside the document as it is developed.

5. APPROPRIATE ASSESSMENT

- 5.1 Under the Conservation (Natural Habitats Etc) (Amendment) Regulations 2007, Development Plan Documents are subject to Appropriate Assessment screening process to enable the Local Planning Authority to ascertain that any Development Plan Document will not adversely affect the integrity of a European protected site. In the event of the screening process stage highlighting the impact on the integrity of a European site a full Appropriate Assessment will be carried out to indicate mitigation or necessary compensatory measures required to minimise the effects on the relevant protected site. Should a full Appropriate Assessment be required the date of the final adoption of the DPD will need to be adjusted accordingly.

6. LINKS TO OTHER STRATEGIES

- 6.1 Local Development Documents contained within the Local Development Framework should reflect the land use and development objectives of other strategies and programmes. The 2006 Hartlepool Local Plan was developed in close collaboration with in particular the Hartlepool Community Strategy and the Hartlepool Local Transport Plan and gives spatial expression to the elements of these and other strategies that relate to the development and use of land.

- 6.2 Development documents will also take account of and reflect other strategies programmes and guidance- local, sub-regional, regional and national. A list of such strategies and programmes currently in place which may be of relevance is attached at Appendix 3.

7. EVIDENCE BASE

- 7.1 Local planning authorities are required to keep under review the main physical, economic, social and environmental characteristics of their area in order to inform the development of planning policies. Tees Valley Unlimited maintains much base information on behalf of the constituent Borough Councils, including in particular information on the size, composition and distribution of population and other matters covered by the Census of Population and Employment. In addition Hartlepool Council maintains information on many other matters including the regular monitoring of housing and employment land availability and of new developments.
- 7.2 The planning system requires that Local Development Documents should be founded on sound and reliable evidence which will identify opportunities, constraints and issues in the area. Much of this evidence is already in place although it constantly needs to be updated to ensure soundness of the Development Documents.
- 7.3 As Hartlepool is at an early stage of producing a new local plan it has been refreshing the key evidence base documents. This includes a full refresh of the Strategic Housing Land Availability Assessment, a new Open Space and Recreation Study, Employment Land Review and Gypsy and Traveller Accommodation Needs Assessment. Other work that has been undertaken recently involved an updated Retail Study and a new Strategic Housing Land Availability Assessment. These were all refreshed in 2014/5.
- 7.4 A list of evidence base reports is attached at Appendix 4 and these will help to ensure the Plan is developed against a robust evidence base. The need for additional studies and updating of existing studies will be kept under review as part of the annual monitoring process.

8. MONITORING AND REVIEW

- 8.1 Monitoring and review are key aspects of the Government's "plan, monitor and manage" approach to planning and should be undertaken on a continuous basis.

Authorities Monitoring Report

- 8.2 A requirement of the new planning system is to produce an Authorities Monitoring Report to assess the implementation of the Local Development Scheme and the extent to which policies in Local

Development Documents are being met. The first Annual Monitoring Report (now known as an Authorities Monitoring Report) was published in December 2005 and subsequent reports issued in 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and most recently in early 2015 cover the previous year.

- 8.3 The implementation of the Local Development Scheme is assessed in each authorities monitoring report in terms of the extent to which the targets and key dates (milestones) for the preparation of local development documents have been met and to ensure the reasons for any failure to meet these are explained. Any adjustments required to the key milestones for document preparation will need to be incorporated in a subsequent review of the local development scheme.
- 8.4 The Annual Monitoring Report 2005 & 2006 assessed the policies of the 1994 Hartlepool Local Plan. The subsequent Annual Monitoring Reports assessed the policies of the 2006 Local Plan from April 2006 particularly in relation to the indicators and targets contained within that plan.
- 8.5 As a result of the assessment of policies, the Authorities Monitoring Report may highlight areas where policy coverage is insufficient or ineffective or where it does not accord with the latest national or regional policy. In this event it will suggest action that needs to be taken such as the early review of existing documents or preparation of new documents. As a consequence the Local Development Scheme will be amended to reflect such action to amend the Local Development Framework.

9. MANAGING THE PROCESS

- 9.1 The Local Development Scheme has been drawn up having regard to resources (both staff and financial), Council processes and an assessment of the likely interest of key stakeholders and the community. Nevertheless there are risks that the timetables set out in this document may slip, for instance through the reduced Council financial and staff resources. The risks have been assessed in this respect but given the size of the authority and its resources not all can be readily overcome.

Staff Resources

- 9.2 The prime responsibility for delivering the Local Development Framework lies with a small Planning Policy team within the Department of Regeneration and Neighbourhoods. This team has close working relationships with, and makes full use of the expertise and experience of other sections of the division including development control, housing, landscape and Heritage and Conservation.

- 9.3 In addition, the Planning Policy team, as in the past, will continue to liaise closely with officers of other divisions and departments within the council including in particular Highways and Transportation, Countryside Services, Education, Public Health and the Community Strategy teams.
- 9.4 Full use will be made of consultants to provide independent specialist advice or to undertake necessary studies contributing to the information base necessary for the preparation of local development documents.
- 9.5 An in-house multi-discipline team having expertise in the various aspects of sustainable development will carry out the sustainability appraisals although consideration will also be given in this respect to the use of consultants if necessary.

Financial Resources

- 9.6 Resources have been allocated within the Council's mainstream budget to cover the anticipated costs of initial work on local development documents. Provisional costs for future years have been factored into the Council's longer-term budget review.

Programme Management

- 9.7 The current arrangements for the management of the Development Plans production will continue. Basically this comprises regular meetings of the Planning Policy team and reporting to senior management as necessary.

Political Process

- 9.8 The planning system is increasingly being brought to the attention of Members with a view to their full involvement in the production of local development documents. This is being encouraged by the use of Seminars, regular reports to the Regeneration Services Committee and Council and a 6 weekly meeting with the Leader of the Council and other committee chairs.
- 9.9 Decisions at key stages during the preparation of all the Local Development Documents (including and prepared jointly by the five Tees Valley Authorities) will be made by the Regeneration Services Committee and ratified by full Council.

Risk Assessment and Contingencies

- 9.10 The programme for the preparation and production of the Local Plan set out in the Local Development Scheme is based on a realistic assessment of the capacity of the Council to undertake the work and of the extent and depth of the local community and stakeholder involvement and interest likely to be generated by each document. However, there are two main types of risk that could result in a failure to

meet this programme. The first relates to resources (both human and financial) and the second to delays in the process primarily due to external factors.

- 9.11 As noted in paragraph 9.6 above, the Council has endeavoured to ensure that there will be sufficient financial resources made available within its budgetary framework. However, in view of the relatively small size of the Council and thus of its staff, the effect of, for example, redundancies as part of overall Council budget cuts, long-term sickness, of officers obtaining employment elsewhere or of other unforeseen work coming forward, is significant. Should any of these instances occur, whilst every effort would be made to meet the deadlines set, some delay may occur.
- 9.12 Account has been taken of the political process relating to the approval of planning documents at the various stages of production. Whilst the Council's formal scrutiny process provides an open forum for the consideration of issues, it is not possible to predict that Regeneration Services Committee recommendations will be endorsed at Full Council.
- 9.13 The potential for a delay due to the inability of the Planning Inspectorate to undertake the Examination of Development Plan Documents at the programmed time is minimised by the production of this Local Development Scheme and the associated service level agreement with the Inspectorate.
- 9.14 However, there are risks that adoption of a development plan document could be delayed if the Examination Inspector finds that it is unsound and recommends major changes, or if the Secretary of State intervenes on the basis that it raises issues of national or regional significance. The Council will therefore seek to ensure that the document is sound and conforms as necessary with national policy through close liaison with the Planning Inspectorate and the National Casework Office. The risk of a legal challenge to a document will be minimised by ensuring that it has been produced in accordance with the regulations.
- 9.15 There are also risks associated with changes to national planning guidance or the introductions of new legislation which must be accounted for during the process. This was apparent during the production of the previous submitted local plan which saw the enactment of the Localism Act and the introduction of the National Planning Policy Framework (2012) and Planning Policy for Traveller sites (2012) which caused delays in the process.

10. REVIEW OF THE LOCAL DEVELOPMENT SCHEME

10.1 The Local Development Scheme sets out the position with respect to the development of planning policies as it is envisaged at a particular point of time. It will normally be reviewed annually, but it can be readily reviewed when necessary. In particular it will need to be reviewed in the following circumstances:

- a slippage in the timetables caused by exceptional circumstances
- when a need is identified for a new local development document
- if monitoring establishes that an existing document should be reviewed.

APPENDIX 1

LIST OF ACRONYMS AND TECHNICAL TERMS USED IN THIS REPORT

Acronym	Expanded Name	Definition Explanation
AMR	Authorities Monitoring Report	Report outlining the timescales for preparing the Local Development Framework and the extent to which policies are being achieved. Now called an Authorities Monitoring Report.
Circular		A government publication setting out policy approaches
Development Plan		Documents setting out the policies and proposals for the development and use of land and buildings. Under the new planning system it comprises Development Plan Documents.
DPD	Development Plan Document	A local development document in the local development framework which forms part of the statutory development plan. The Local Plan is the key Development Plan Document.
LDD	Local Development Document	An individual document in the Local Development Framework. It includes Development Plan Documents, Supplementary Planning Documents and the Statement of Community Involvement.
LDF	Local Development Framework	The overarching term given to the collection of Local Development Documents which collectively will provide the local planning authority's policies for meeting the community's economic, environmental and social aims for the future of the area where this affects the development and use of land and buildings. The LDF also includes the Local Development Scheme and the Annual Monitoring Report.
LDS	Local Development Scheme	A public statement setting out the programme for the preparation of local development documents. Initially it will also identify the programme for the completion of the local plan and also which policies of the local plan are saved and/or replaced.
Local Plan		The main Development Plan Document.
NPPF	National Planning Policy Framework	The NPPF provides the Governments planning policies for England and how these are expected to be applied.

Acronym	Expanded Name	Definition Explanation
NPPG	National Planning Practice Guidance	National guidance to support the NPPF.
Proposals Map		Illustrating on an Ordnance Survey base the policies and proposals of development plan documents and any 'saved' policies of the local plan.
Saved Policies		Policies within the Local Plan that remain in force for a time period pending their replacement as necessary by the new Local Plan.
SA	Sustainability Appraisal	Identifies and evaluates social, environmental and economic effects of strategies and policies in a local development document from the outset of the preparation process. It incorporates the requirements of the Strategic Environmental Assessment (SEA) Directive.
SCI	Statement of Community Involvement	Sets out the standards to be achieved in involving the community and other stakeholders in the preparation, alteration and review of local development documents and in significant development control decisions
SEA	Strategic Environmental Assessment	A generic term used internationally to describe environmental assessment as applied to policies, plans and programmes
SPD	Supplementary Planning Document	A local development document providing further detail of policies in development plan documents or of saved local plan policies. They do not have development plan status.
The Act	Planning and Compulsory Purchase Act 2004	Government legislation introducing a new approach to development planning.
Transport Assessments		A process setting out transport issues relating to a proposed development identifying measures to be taken to improve accessibility and safety for all modes of travel, particularly alternatives to the car. Such as walking, cycling & public transport
Travel Plans		A package of measures to assist in managing transport needs of an organisation principally to encourage sustainable modes of transport and enable greater travel choice.
Transitional Arrangements		Government regulations describing the process of development plans begun before, and to be completed after, the Planning and Compulsory Purchase Act 2004

APPENDIX 2

Schedule of Hartlepool Local Plan Saved Policies

Direction Under Paragraph 1(3) of the Schedule to the Town & Country Planning Act 2004

Policies contained in the Hartlepool Local Plan including Waste & Minerals Policies

18 December 2008

GENERAL ENVIRONMENTAL PRINCIPLES

GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP7	Frontages of Main Approaches
GEP9	Developers' Contributions
GEP10	Provision of Public Art
GEP12	Trees, Hedgerows and Development
GEP16	Untidy Sites
GEP17	Derelict Land Reclamation
GEP18	Development on Contaminated Land

INDUSTRIAL AND BUSINESS DEVELOPMENT

Ind1	Wynyard Business Park
Ind2	North Burn Electronics Components Park
Ind3	Queens Meadow Business Park
Ind4	Higher Quality Industrial Estates
Ind5	Industrial Areas
Ind6	Bad Neighbour Uses
Ind7	Port-Related Development
Ind8	Industrial Improvement Areas
Ind9	Potentially Polluting or Hazardous Developments
Ind10	Underground Storage
Ind11	Hazardous Substances

RETAIL, COMMERCIAL AND MIXED USE DEVELOPMENT

Com1	Development of the Town Centre
Com2	Primary Shopping Area
Com3	Primary Shopping Area – Opportunity Site
Com4	Edge of Town Centre Areas
Com5	Local Centres
Com6	Commercial Improvement Areas
Com7	Tees Bay Mixed Use Site
Com8	Shopping Development
Com9	Main Town Centre Uses
Com10	Retailing in Industrial Areas
Com12	Food and Drink

Com13	Commercial Uses in Residential Areas
Com14	Business Uses in the Home
Com15	Victoria Harbour/North Docks Mixed Use Site
Com16	Headland – Mixed Use

TOURISM

To1	Tourism Development in the Marina
To2	Tourism at the Headland
To3	Core Area of Seaton Carew
To4	Commercial Development Sites at Seaton Carew
To6	Seaton Park
To8	Teesmouth National Nature Reserve
To9	Tourist Accommodation
To10	Touring Caravan Sites
To11	Business Tourism and Conferencing

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PU11 Primary School Site

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GN3 Protection of Key Green Space Areas
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APPENDIX 3

STRATEGIES AND PROGRAMMES TO BE CONSIDERED

National Guidance, Plans, Policies and Strategies	Publisher	Year
National Planning Practice Guidance	CLG	2014
National Planning Policy Framework	CLG	2012
NPPF technical guidance	CLG	2012
Planning policy for traveller sites	CLG	2012

Relevant Regional Guidance, Plans, Policies and Strategies	Publisher	Year
Tees Valley European Structural and Investment Fund Strategy	LEP	2014-20
Tees Valley Strategic Economic Plan	LEP	2014
Tees Valley Strategic Infrastructure Plan	LEP	2014
Local Growth Fund Bid	LEP	2014
Statement of Transport Ambition	TVU	2011
Economic and Regeneration Statement of Ambition	TVU	2010
Tees Valley Investment Plan (Draft)	TVU	2010
Creating Thriving Communities in Tees Valley: Tees Valley Living A strategy for housing regeneration in the Tees Valley 2010/2020 (Draft)	Tees Valley Living (TVL)	2010
Tees Valley Climate Change Strategy	Tees Valley Climate Change Partnership	2010
River Tyne to Flamborough Head Shoreline Management Plan	North East Coastal Authorities Group	2008

Tees Valley Housing Growth Point	TVU and TVL	2008
Landscape Appraisal for Onshore Wind Farm Development	North East Assembly	2003

Local Guidance, Plans, Policies and Strategies	Publisher	Year
Hartlepool Vision	HBC	2014
Hartlepool Economic Regeneration Strategy	HBC	2012
Hartlepool Housing Strategy	HBC	2010-2015
Hartlepool climate change strategy	HBC	2007-2012

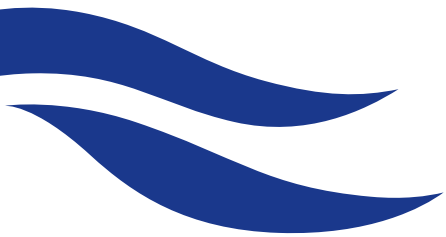
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REPORTS CONTRIBUTING TO THE EVIDENCE BASE FOR NEW LOCAL DEVELOPMENT DOCUMENTS

Those documents shaded are or will be subject to a major refresh for the new Local Plan.

Local Evidence Base Documents	Year
Hartlepool Strategic Housing Market Assessment	2015
Open Space, Sport and Recreation Audit and Assessment	2015
Strategic Housing Land Availability Assessment	2015
Hartlepool Retail Assessment	2015
Employment Land Review	2014
Hartlepool Gypsy and Traveller Housing Needs Assessment	2014
Future Housing Provision in the Borough for the Next 15 Years	2013
Executive Housing Need in the Borough	2012
Hartlepool Local Infrastructure Plan	2012
Tees Valley Water Cycle Study	2012
Locally Listed Buildings in Hartlepool	2012
Heritage at Risk in Hartlepool	2012
Hartlepool Strategic Sequential and Exceptions Test (Flooding)	2012
Renewable Energy Technical Paper	2010
Seaton Carew Coastal Strategy	2010
Hartlepool Strategic Flood Risk Assessment Level 1 & 2	2010
Hartlepool Affordable Housing Economic Viability Assessment	2009
North and South Tees Industrial Development Framework	2009

Hartlepool Central Investment Framework	2008
Southern Business Zone Study	2008
Hartlepool landscape assessment	2000



Hartlepool Local Planning Framework

Planning Obligations Supplementary Planning Document

Adopted Version



November 2015



This document is the Supplementary Planning Document (SPD) which outlines Hartlepool Borough Council's approach on Planning Obligations which will be required in relation to development within the Borough.

A draft version of this document was published for a formal eight-week public consultation between 23rd May 2014 and 18th July 2014 period as part of the development process. As a result of this consultation 12 comments were received from 10 different organisations. These comments have been considered in a feedback report which has been published, and have been taken into account in producing this final document.

Following changes to Planning Practice Guidance in relation to Planning Obligations and updated housing figures presented in Hartlepool Strategic Housing Market Assessment (SHMA) endorsed by Hartlepool Council on 19th March 2015. Hartlepool Borough Council's Regeneration Services Committee requested additional analysis in relation to the affordable housing requirement and what could realistically be achieved.

An Affordable Housing Economic Viability Assessment (AHEVA) has been undertaken. The assessment focuses on the deliverability of affordable housing when coming forward as part of private housing market lead developments.

The AHEVA will sit alongside the existing SHMA and inform the overall delivery of the objectively assessed housing need. The affordable housing need has not altered from that set out within the SHMA and in light of that fact it is considered that additional consultation on the changes is not required.

This Supplementary Planning Document (SPD) and other background documents are available on the Council's website at:

www.hartlepool.gov.uk

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1.0 INTRODUCTION

- 1.1 The purpose of this Supplementary Planning Document (SPD) is to provide developers and other interested parties information and guidance concerning the local authority's approach towards securing planning obligations associated with development within the Borough.
- 1.2 The Local Authority will continue to use planning conditions as part of the planning application process to ensure that new developments in the town are well designed, attractive and will have a positive impact on the townscape of Hartlepool. New development however, often puts pressure on already over-stretched infrastructure and it is generally expected that developers will mitigate or compensate for the impact of their proposals by way of 'Planning Obligations'. These are usually concluded under section 106 of the Town & Country Planning Act 1990 (as amended) and are agreements between local planning authorities and developers (and the landowner where the developer does not own the land) that secure contributions (in cash or in kind) to address community and infrastructure needs associated with development.
- 1.3 The Council previously undertook consultation to ascertain which types of contribution needed to be covered within the SPD. A consultation draft was consulted on in 2009/10, but this was never adopted as a result of the introduction of the Community Infrastructure Levy (CIL) Regulations and the uncertainty that this created. It has become clearer recently that there is still a need for an adopted SPD which covers s106 agreements. This will enable any contributions deemed necessary as a result of the development to be secured. From April 2015 it will be used to determine the level of onsite contributions needed and will be used to pool more strategic contributions needed off site as a result of the development. The Council will clearly set out where the contribution is to be used to ensure there is a direct correlation between the contribution and the development. No more than 5 contributions from developments will be pooled towards the delivery of one specific infrastructure improvement (for example no more than 5 towards the improvement of Mill House swimming pool).
- 1.4 This SPD will help to ensure that developments make a positive contribution to sustainable development by providing social, economic and environmental benefits to the community as a whole.
- 1.5 This SPD is made up of two sections. Section One sets out the local authorities general principles with regards to Planning Obligations, and Section Two explains the thresholds and formulae used to calculate the levels of Planning Obligations that the local authority may wish to seek.
- 1.6 Once adopted, this SPD will be a material consideration in determining planning applications and if development proposals do not comply, the SPD may be used as a basis for the refusal of planning permission by the local authority. Section 106 Agreements have to be agreed and in place before planning permission can be granted. It is advised that any potential developer should contact the local authority at the earliest stages of the development process to discuss their proposal and establish whether there is likely to be a requirement for a Planning Obligations agreement.

2.0 PURPOSE OF SPD

- 2.1 This Supplementary Planning Document (SPD) has been prepared to set out comprehensively the local authority's approach, policies and procedures in respect of Planning Obligations. It aims to increase understanding and enable developers to take into account the potential costs of a proposed development at the earliest stage.
- 2.2 It is recognised that this SPD is being prepared at a time of market recovery following hard economic times and this is reflected in the levels of contributions that are required from developers and the flexibility that the SPD creates where viability may be an issue. The types of specific contributions which may be sought, the thresholds which will trigger the need for those contributions and the levels of contributions necessary have been set at realistic levels that will allow the delivery of these vital infrastructure improvements whilst still ensuring the viability of development in line with the guidance set out in the National Planning Policy Framework and Planning Practice Guidance.
- 2.3 The Local Authority will regularly review this SPD and should the economic climate improve the levels of contributions will be reassessed. If a developer feels that the levels of contribution requested make their development unviable they will be expected to submit a viability assessment of the scheme at validation stage (to avoid unnecessary delays), which will be assessed by the Council.
- 2.4 The Planning Obligations SPD will provide guidance on the requirements and mechanisms for contributions from development for infrastructure and other related provision. It will:
- provide greater clarity for developers and applicants;
 - speed up the processing of applications;
 - provide a clearer framework for assessing requirements and for calculating contributions;
 - play an important role in ensuring community and infrastructure needs are fulfilled as part of new development; and
 - Link to other relevant SPD's which give further information, for example the Green Infrastructure SPD and Action Plan.
- 2.5 The major areas that are expected to arise in considering development proposals are:
- Affordable Housing
 - Children's Play / Play Facilities
 - Playing pitches & Outdoor Sports Provision
 - Built Sport Facilities
 - Highway Infrastructure
 - Education provision
 - Community Facilities
 - Green Infrastructure
 - Training and Employment
 - Heritage
- 2.6 This list is not exhaustive, but illustrates some of the local authority's main priorities. However, in certain circumstances, other contributions may be sought towards issues such as housing market renewal, flood protection or renewable energy. Conversely, in certain circumstances, if it is illustrated that the development is providing a significant

regeneration benefit, such as the clearance of a problem building or renovation of a heritage asset, there may be an opportunity to reduce the developer contributions associated with that development, e.g. through the Vacant Building Credit.

3.0 STATUS OF SPD

- 3.1 The SPD expands on established national planning policies and also policies contained within the adopted Hartlepool Local Plan 2006, in particular GEP9 (Developer Contributions) and will support documents produced as part of the Local Development Framework. The guidance within this SPD will therefore be a material consideration in determining planning applications.
- 3.2 This SPD has been prepared in accordance with relevant national guidance set out in the National Planning Policy Framework (NPPF), National Planning Practice Guidance and the Community Infrastructure Levy Regulations 2010 (as amended). Hartlepool Borough Council is currently preparing a new Local Plan and consequently the Adopted Hartlepool Local Plan (2006) and its saved policies will be retained until it is replaced by the new Local Plan and any other Local Development Documents. It is anticipated that the emerging Local Plan will include specific Planning Obligations and Affordable Housing Policies.
- 3.3 On adoption, this SPD will have been approved by Regeneration Services Committee and formally presented to Full Council, the process of development included a formal consultation period of eight weeks.

4.0 NATIONAL POLICY

- 4.1 Planning Obligations are secured via legal agreements usually made under section 106 of the Town and Country Planning Act 1990 (as amended) usually in association with planning permissions for new development. They normally relate to any aspect of a development that cannot be controlled by imposing a planning condition. They can serve various purposes including:
- restricting the use of land
 - requiring specific operations to be carried out, in, on, under or over the land
 - requiring land to be used in a specific way
 - requiring a sum or sums to be paid to the Local Planning Authority on a specified date or dates, or periodically.
- 4.2 The legal tests for when you can use s106 agreements are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The tests are:
1. necessary to make the development acceptable in planning terms;
 2. directly related to the development; and
 3. fairly and reasonably related in scale and kind to the development.
- 4.3 These tests replaced the five tests which were previously set out in Circular 5/05. As with Circular 5/05 pooling developer contributions from planning obligations in cases where individual developments will have some impact but not sufficient to justify the need for a discrete piece of infrastructure is permitted, however only 5 contributions can be pooled towards any discrete piece of infrastructure. Local authorities are still required to use formulae and standard charges as part of their framework for negotiating and securing planning obligations. This helps to speed up negotiations,

and ensure predictability, by indicating the likely size and type of some contributions in advance.

National Planning Policy Guidance (NPPF) March 2012

- 4.4 Planning Obligations are covered in paragraphs 203 to 205 of the NPPF, which highlights the tests identified at paragraph 4.2, and requires local authorities to take account of market conditions over time and to be sufficiently flexible to avoid development being stalled.

National Planning Practice Guidance (NPPG) March 2014

- 4.5 Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests as set out in the Community Infrastructure Levy 2010 Regulations and within the NPPF.
- 4.6 The NPPG states that policies for seeking obligations should be set out in a development plan document to enable fair and open testing of the policy at examination and that Supplementary Planning Documents should not be used to add **unnecessarily** to the financial burdens on development and should not be used to set rates or charges which have not been established through development plan policy. ***(Note: Hartlepool Borough Council have an adopted Planning Obligations Policy GEP9 which is saved. The requirements set out within this SPD have shown through viability testing to be deliverable on most schemes within Hartlepool over recent years. The requirements (with the exception of the Playing Pitches, Tennis Courts and Bowling Green contributions which were included following consultation with Sport England) within this SPD were tested at examination for the Hartlepool Local Plan in 2013, where the plan was found sound subject to modifications (which did not relate to the obligation requirements) but then subsequently withdrawn. It is considered the requirements made by the SPD have therefore been robustly tested and examined and are also flexible in viability terms).***
- 4.7 It goes on to state that planning obligations should not be sought – on for instance, public art – which are clearly not necessary to make a development acceptable in planning terms and notes that the Government is clear that obligations must be fully justified and evidenced. Where affordable housing contributions are being sought, obligations should not prevent development from going forward.
- 4.8 The Government currently places great emphasis on ensuring the viability and deliverability of development and the NPPG emphasises the need for contributions to be flexible and negotiable and to take into account site specific issues which may impact on delivery.
- 4.9 The NPPG goes on to state that policy for seeking obligations should be grounded in an understanding of development viability through the plan making process and that on individual schemes developers, where obligations are required, should submit scheme viability to be assessed, preferable through an open book process.
- 4.10 The NPPG also gives some guidance on the ability to renegotiate planning obligations where both parties are in agreement or by means of appeal. This may become necessary where obligations were secured in older applications and the schemes would not be viable in the current market with the delivery of the obligation.

- 4.11 The Government released additional Planning Practice Guidance on Planning Obligations in November 2014 and March 2015 to strengthen this position. Details of changes have been reflected in the SPD.

Community Infrastructure Levy

- 4.12 Through the 2010 CIL Regulations the Government introduced a new charge which Local Authorities in England and Wales are empowered, but not required, to charge on most types of new development. The Government feels that CIL will improve predictability and certainty for developers as to what they will be asked to contribute, will increase fairness by broadening the range of developments asked to contribute and will enable important sub-regional infrastructure to be funded. However since its introduction it has become evident that it is far more deliverable in areas around London and the southeast and that in other areas, given the current market conditions, CIL is proving to be unviable and undeliverable.
- 4.13 During the development of a new Local Plan the Local Authority will undertake some viability testing to determine whether or not it is going to be able to bring forward a CIL charging schedule or whether the Local Authority chooses not to use CIL and instead continues to use Planning Obligations.

5.0 REGIONAL POLICY

- 5.1 Following the revocation of the Regional Spatial Strategy for the North East, there is no longer a regional level of guidance and the Local Authority therefore relies on local and national policy and guidance.

6.0 LOCAL POLICY

- 6.1 The Local Authority needs a structured and transparent approach to obtaining contributions in the future.
- 6.2 Policy GEP9 (Developer Contributions) of the adopted Hartlepool Local Plan April 2006 is a saved policy which this SPD links to. It sets out where obligations will be used and the benefits that will be sought in furtherance of the Plan's strategy. Supplementary Note 8 on Developer Contributions supports policy GEP9 (this Note will be superseded by this SPD). Policy GEP9 states:

POLICY GEP9 - DEVELOPERS' CONTRIBUTIONS

"The Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. Contributions may be required for:

- ♦ Highway and infrastructure works,*
- ♦ Improvements to public transport and the pedestrian and cycleway network (see policy tra19),*
- ♦ The layout and maintenance of landscaping and woodland planting,*
- ♦ the layout and maintenance of open space and play facilities (see policy rec2),*
- ♦ The provision of neighbourhood parks (see policy rec3),*
- ♦ Works to enhance nature conservation features,*
- ♦ Additional measures for street cleansing and crime prevention (see policies com12 and rec13),*
- ♦ The acquisition and demolition of surplus housing stock and housing improvements in low demand housing areas (see policies hsg6 and hsg5),*
- ♦ The rationalisation of retail facilities, and*
- ♦ Any other community facilities deemed necessary by the local authority as a result of the development.*

Contributions may necessitate developers entering into legal agreements with the borough council."

- 6.3 Whilst Policy GEP9 does not specifically highlight a type of contribution, such as affordable housing, more recent evidence points to the need for such provision, these types of obligation may still be requested.
- 6.4 In Hartlepool, three Neighbourhood Plans are being developed by communities, these will set out planning policy at the community level, following adoption these will become part of the Local Development Framework. Where development sites are within a designated Neighbourhood Plan area, developers must have regard to policies set out in the relevant Neighbourhood Plan.

7.0 PRIORITIES

- 7.1 Planning Obligations will be negotiated on a site-by-site basis. The priority given to any particular type of Planning Obligation will be at the discretion of the Local Authority. It would not be possible to set out townwide priorities relating to development types in any sort of priority order as each development proposal will have different circumstances, whether they are physical, financial, environmental or social. Priorities may vary and will depend on a number of factors including local need as well as central government guidance and the current political agenda on both a national and local level.
- 7.2 Whilst each obligation will be negotiated on a site-by-site basis the local authority will have due regard for the priority theme areas within the Community Strategy along with other studies that have been undertaken such as the 2015 Open Space, Sport and Recreation Audit and Assessment, the 2014 Green Infrastructure SPD and Action Plan, the 2013 Indoor Sports Facilities Strategy, the 2012 Playing Pitch Strategy, the most up-to-date Early Years and School Infrastructure Plan and 2015 Hartlepool SHMA. The desires of the Community Strategy and the findings of these studies will help in guiding where the contributions will be spent.
- 7.3 There may be site-specific requirements other than those highlighted in this SPD that are flagged up whilst an application progresses and these should also need to be included in any planning agreement.

8.0 TYPES OF OBLIGATIONS AND THRESHOLDS

- 8.1 The thresholds for seeking planning contributions are set out in Table 1. These thresholds should be read as a guide for normal procedure and are set at practical levels that can be easily identified and measured. However each planning application will be judged on its own merits and in light of local concerns. There may be instances where obligations will be sought that are below the threshold level if the local authority feel that the impact the development will have justifies the need to require contributions.
- 8.2 Planning Obligations and thresholds are set out in Table 1 on page 13 of this document.
- 8.3 Planning Obligations will be sought on developments below these thresholds if the Local Authority feels that the site in question is part of a larger development site. When determining contributions, the Local Authority will look at the cumulative impact of a number of adjoining small developments. Developing sites incrementally or subdividing a site to avoid contributions will not be acceptable. Where it is likely that this

could occur the Local Authority would request a comprehensive masterplan to be developed for the area to ensure that the full potential and regeneration benefits of the site are realised. This includes cases where one site is divided between different developers, or is proposed to be developed in a phased manner.

- 8.4 This is to ensure that the necessary contributions are divided fairly between developers on the whole site and so that services and facilities, to meet overall needs, can be delivered in a comprehensive, rather than piecemeal fashion.

9.0 IN KIND CONTRIBUTIONS

- 9.1 The presumption will be that where there is a requirement for on-site improvement, the developer will provide facilities themselves. Where the Local Authority wishes to provide certain facilities themselves, developers will be required to donate the land free of charge, together with a financial contribution in lieu of the developer providing the facilities.

10.0 FINANCIAL CONTRIBUTIONS AND POOLING OF CONTRIBUTIONS

- 10.1 In cases where the level of contribution secured by the development is insufficient on its own to provide a facility e.g. a new play area, then a financial contribution will be paid to the Local Authority upon commencement of the development or at an agreed point of the development. This payment will be held in an account along with other similar contributions received. No more than 5 contributions will be pooled towards the provision of a distinct piece of infrastructure, such as a new play area or as a contribution towards maintenance of such a piece of infrastructure (see Section 15). The pool of money within this account will be used to pay for the implementation of schemes once there are sufficient funds. Any contributions that remain unspent at the end of the time period specified in the planning agreement may be repaid upon request by the developer.

11.0 EXISTING USES

- 11.1 For the majority of contributions that the Local Authority will be seeking the existing use of the site will be taken into account when determining the levels of contributions. For example, for residential developments, all contributions, with the exception of affordable housing, play and green infrastructure, will be based on the increase in population caused by the new development. If the new proposal will result in a lower population then no other contributions would be sought.
- 11.2 The exceptions to this rule are affordable housing, green infrastructure and play. As affordable housing is not a requirement that is linked to the demands of an increasing population, existing uses will not be taken into account. The level of affordable housing will be determined by the total number of dwellings proposed in the new development. It is also considered that the provision of play and green infrastructure in relation to new housing developments is critical to help to ensure a healthy and active population and as such contributions will be required in all new housing/residential schemes of 5 or more dwellings (15 or more for affordable housing contributions).

12.0 UNILATERAL UNDERTAKINGS

- 12.1 A Unilateral Undertaking is made where an applicant offers a planning obligation in support of a planning application or a planning appeal. Unilateral Undertakings bind the developer to their terms but not the Local Authority. When submitted in connection with an appeal, the appellant's solicitors normally draft the Undertaking, although the Local Authority will usually welcome an opportunity to discuss terms prior to submission to the Inspector.

13.0 INDEX LINKING

- 13.1 In large scale developments which will be delivered in a number of phases, it is likely that financial contributions will be paid in stages. Trigger dates for the payment of financial contributions will be written into the legal agreement.
- 13.2 In order to maintain the value of financial contributions between the date of the planning permission and the date that they are paid, the payments will be index linked in accordance with the All Items Retail Prices Index excluding Mortgage Interest Payments Index (RPIX) published by the Office for National Statistics (ONS), or such replacement index as agreed between the parties.
- 13.3 The Council will charge interest for the late payment of financial contributions. Any such liability will be written into the legal agreement so that developers are aware of the implications of late payment and agree to the terms when completing the agreement.

14.0 REVIEW OF BASELINE FIGURES

- 14.1 In order to ensure "best value" the Local Authority will regularly review all baseline figures used to calculate Planning Obligations. If any legislation or guidance upon which the strategy is based is subject to change, any such changes would be taken into consideration when reviewing this SPD.
- 14.2 Where evidence suggests a significant change to thresholds and the level of developer contributions, the Local Authority will review relevant sections of this SPD in line with formal adoption procedures; this will include consultation where appropriate.

15.0 MAINTENANCE COSTS

- 15.1 Where planning contributions are secured for facilities that are predominantly for the benefit of users of the associated development then it may be appropriate for the maintenance of these facilities to be contributed to by the developer. The length of maintenance contributions will be determined on a case by case basis and will take into account the viability of a development. Larger, mixed use developments which are introducing new infrastructure such as parks or green spaces will normally be required to make maintenance contributions to cover at least 20 years.

16.0 ECONOMICS OF PROVISION - VIABILITY

- 16.1 For those developments listed (Table 1), both residential and non-residential, the Local Authority expects the full relevant Planning Obligation requirements, as outlined in this document, to be taken into account when negotiating the price of the land. Applicants should engage in pre-application discussions with the Local Authority. In order for the Local Authority to consider reducing or waiving certain requirements, the developer must be able to show that there is abnormal development costs associated with the site that could not reasonably have been foreseen at the time the land was bought. In exceptional circumstances, for example where the site is found to be heavily contaminated, it may be possible to accept reduced Planning Obligations contributions in order to achieve an acceptable land use or development.
- 16.2 Viability assessments should be submitted to the Local Authority by the developer to demonstrate that planning obligation requirements affect the deliverability of proposals. Developers can submit viability assessments in their preferred format (this may include the HCA Viability Assessment Model).

17.0 LEGAL AND ADMIN COSTS

- 17.1 The lead responsibility of producing a section 106 Legal Agreement lies with the developer. Developers will be required to pay any legal/professional fees incurred by the Local Authority's in the preparation and completion of the section 106 agreement. Legal fees will be charged at the hourly rate of the officer completing the agreement.

18.0 DRAFTING OF AGREEMENTS

- 18.1 The developer will be expected to submit a draft section 106 legal agreement on submission of a planning application. The Local Authority has a standardised template which will be used where practicable that will enable agreements to be drawn up quickly so as not to slow down the planning process. The developer can use its own legal team to complete this or, the section 106 agreements can be drafted by the Local Authority's Legal Services Team or by Solicitors acting on the Local Authority's behalf. The Council's legal fees will be included in all legal agreements.

19.0 MONITORING

- 19.1 The Local Authority has an established process for monitoring and managing Section 106 Legal Agreements, including a database with details of all agreements and where those financial contributions have been / will be spent. The Local Authority will pro-actively pursue any late payments. There is an admin charge payable for this.

20.0 CONTACT DETAILS

- 20.1 Although this document sets out the types of contributions that will be sought, early contact with a member of the planning policy team will be advisable to discuss the likely obligations that may be sought on particular developments.

Matthew King	Planning Policy Team Leader	matthew.king@hartlepool.gov.uk	01429 284084
Fiona Stanforth	Planning Policy Officer	fiona.stanforth@hartlepool.gov.uk	01429 523532

Alison Macklam	Monitoring Officer (Development Control)	alison.macklam@hartlepool.gov.uk	01429 284380
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TABLE 1: Planning Obligations SPD Thresholds and Levels of contribution

Land use	Contribution towards	Threshold (number of units)	Level of Contribution	Reference in SPD
Residential Development				
Affordable Housing / Housing Market Renewal		15 or more units	18%	Section 21 (page 12-18)
Built Sports facilities		5 or more units	£250 per dwelling	Section 23 (page 24-27)
Community Facilities - Education		5 or more units	Case by case	Section 26 (page 38-41)
Other Community Facilities		5 or more units	Case by case	Section 26 (page 38-41)
Green Infrastructure		5 or more units	£250 per dwelling	Section 24 (page 28-32)
Highway Infrastructure		Site-by-Site	Case by case	Section 25 (page 33-37)
Outdoor sport and play facilities - <i>Children's Play / Play Facilities</i>		5 or more units	£250 per dwelling	Section 22 (page 19-23)
Outdoor sport and play facilities - <i>Playing Pitches</i>		5 or more units	£233.29 per dwelling	Section 22 (page 19-23)
Outdoor sport and play facilities - <i>Tennis Courts</i>		5 or more units	£57.02 per dwelling	Section 22 (page 19-23)
Outdoor sport and play facilities - <i>Bowling Green</i>		5 or more units	£4.97 per dwelling	Section 22 (page 19-23)
Training and Employment		Over 10 units*	Case by case	Section 27 (page 42-43)
Travel Plan		Over 50 units	N/A	Section 25 (page 33-37)
Commercial Development				
A1 Retail - Shops (all other A use classes – case by case)	Green Infrastructure	500sq m (gross) or more of additional floorspace	£20,000 for initial 500sq m (gross). Contribution increases by £1,000 per additional 100sq m (gross) of floorspace	Section 24 (page 28-32)
	Highway Infrastructure		Case by case	Section 25 (page 33-37)
	Training and Employment		Case by case	Section 27 (page 42-43)
	Travel Plan		Case by case basis	Section 25 (page 33-37)
B1 Including Offices	Green Infrastructure	1000sq m (gross) or more of additional floorspace	£5,000 for initial 1000sq m (gross). Contribution increases by £1,000 per additional 100sq m (gross) of floorspace	Section 24 (page 28-32)
	Highway Infrastructure		Case by case	Section 25 (page 33-37)
	Training and Employment		Case by case	Section 27 (page 42-43)
	Travel Plan		Case by case basis	Section 25 (page 33-37)
C1 Hotels	Green Infrastructure	New hotels or extensions of 10 bedrooms or more to existing hotels (based on no. of bedrooms)	Case by case basis	Section 24 (page 28-32)
	Highway Infrastructure		Case by case	Section 25 (page 33-37)
	Training and Employment		Case by case	Section 27 (page 42-43)
	Travel Plan		Case by case basis	Section 25 (page 33-37)
D2 Including leisure	Green Infrastructure	1000sq m (gross) or more of additional floorspace	Case by case basis	Section 24 (page 28-32)
	Highway Infrastructure		Case by case	Section 25 (page 33-37)
	Training and Employment		Case by case	Section 27 (page 42-43)
	Travel Plan		Case by case basis	Section 25 (page 33-37)
Other	Case by Case basis	Case by case basis	Case by case basis	

NB. Levels of Contributions set in this SPD may be subject to change when evidence documentation is updated.

Part Two – Specific Contributions

21.0 Affordable Housing

21.1 Policy and Background Information

Various national, sub-regional and local policy documents as identified below and evidence base highlight the need for affordable housing in new developments. Some of the key documents which support the need for affordable housing are listed below.

National Planning Policy Framework (2012)

21.2 The principle aim of the NPPF is to drive forward sustainable development. In terms of housing it aims to boost significantly the supply of housing, both market and affordable. It requires local planning authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area where the developments are proposed and that they are consistent with other policies in the NPPF.

21.3 To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, the NPPF requires local planning authorities to:

- Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- Where they have identified that affordable housing is needed, set policies¹ for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.
- Determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise. It notes that the NPPF is a material consideration in decision making. (Bearing this in mind recent pieces of evidence base work, such as the 2015 Hartlepool Strategic Housing Market Assessment, which provide up to date evidence, are also considered material considerations in the determination of planning applications.)

¹ The emerging Local Plan will set policies on affordable housing. Counsel advice has advised that given there is an up-to-date evidence base in the form of the 2015 Hartlepool Strategic Housing Market Assessment affordable housing provision / contributions can be sought.

- 21.4 It also supports the identification and re-use of empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, the use of compulsory purchase powers to acquire the properties.

Evidence of Local Need

- 21.5 Until 2006 the need to provide affordable housing in new developments had not been an issue in Hartlepool as affordability had not been a problem given the relatively low cost of housing (compared with the national average), the existing supply of social housing and the variety of choice across the market. This is reflected within the Hartlepool Local Plan 2006 which does not have a specific policy on affordable housing provision. Subsequent changes in the housing market and detailed assessments of the sub-regional and local housing markets revealed increasing problems of affordability, which consequently increased the need for new affordable housing.
- 21.6 The 2012 Tees Valley Strategic Housing Market Assessment (TVSHMA) identified a growing and immediate need for the provision of new affordable housing and illustrated a significant annual need across the Tees Valley for affordable housing and within Hartlepool a need for 89 new affordable homes annually (for Hartlepool this equated to 27.5% annually) with the primary need being smaller 1 and 2 bedroom properties. It also highlighted the need for new bungalow provision across the borough. The study recommended a 70:30 split between social rented and intermediate tenure properties. The evidence provided within this document has enabled the Council to successfully secure the provision of affordable homes on schemes which have been approved in recent years.
- 21.7 The Hartlepool Strategic Housing Market Assessment (SHMA) 2015 provides an up-to-date position in terms of housing need and identifies the net imbalance in affordable housing as 144 per year. Set against the baseline for total housing need of 325 identified in the SHMA, this equates to 44%. However through the development of the emerging Local Plan, demolitions and backlogs will be examined which may result in revisions to this percentage.
- 21.8 In terms of a split between social rented and intermediate tenure properties, the 2015 SHMA details the same ratio as the 2012 Tees Valley document. Further detail on the type and tenure of housing need is outlined in the Hartlepool Strategic Housing Market Assessment (SHMA) 2015.
- 21.9 Evidence presents a clear need for affordable housing; however it is acknowledged that the level of 44% may have an impact on the viability of developments coming forward. Therefore an assessment of affordable housing economic viability assessment has been prepared to determine an affordable housing target. This comprehensive appraisal considered viability assessments for developments submitted over the last three years as well as making baseline assumptions regarding the following:
- Typical land values

- Typical development build costs
- Typical infrastructure costs for roads, utilities, open space etc.
- Typical other developer contributions sought including education, green infrastructure, play provision, highways etc.
- Typical development values
- Average Borough house values with regard to valuations
- Typical developer profit

21.10 Based on the evidence and further assessment undertaken (appendix 1), an affordable housing target of 18% has been set for all developments of 15 units or more.

Negotiating Affordable Housing

Threshold

21.11 Affordable housing will be required on all planning applications for residential development that consist of a gross addition of 15 dwellings or more, including renewal of lapsed unimplemented planning permissions, changes of use and conversions.

21.12 Given the level of identified need and the limited opportunities for securing affordable housing provision in the Borough, planning permission will not be granted for residential applications that meet or exceed the gross additional thresholds and do not include any on-site affordable housing or off-site provision, unless they illustrate the regeneration benefits noted in paragraph 2.6.

21.13 The Council will be alert to the sub-division of sites or phasing of development as an attempt to avoid providing an affordable housing requirement. Therefore, for the purposes of establishing the affordable housing requirement, planning applications will be viewed as any composite or naturally defined larger area, whether or not subject to phased development and regardless of ownership. If development is proposed in phases, later phases may be required to fulfil affordable housing requirements from previous phases, where it has not already been adequately provided.

Level of Contribution

21.14 As there is an overall identified affordable housing need for 44%, an affordable housing target of 18% will be required on all sites above the minimum threshold. Where viability evidence is submitted to illustrate that this target is not achievable, a lower percentage may be agreed through the Council assessing the development through its viability testing model.

Where Affordable Housing is Provided

21.15 Generally all affordable housing will be delivered through on-site provision. Only in exceptional circumstances will it be acceptable for provision to be made off-site. Applicants will need to provide sound, robust evidence why the affordable housing cannot be incorporated on-site and show how off-site provision or commuted sums will contribute

to the creation of sustainable mixed communities elsewhere in the Borough.

- 21.16 The delivery emphasis of affordable housing will be very strongly favoured to provide on-site provision as there is a short supply of available development land within the urban area of Hartlepool to cater for off-site developments. In the unlikely event that a developer is proposing the provision of affordable housing off-site, there should be early discussions with the Council to identify a suitable site or sites.
- 21.17 In the unlikely event that off-site provision is agreed, similar to the on-site provision; the timing of off-site provision will be related to the completion of numbers of properties on the associated general market housing site. The general approach will be to secure completion of the affordable homes proportionally to the general market housing, unless the timing is otherwise agreed with the Council. In this situation affordable housing contributions may directly relate to the Local Authority's build provision of affordable housing and registered providers.
- 21.18 Where an off-site provision is agreed to be acceptable, the level of contribution will be calculated by deducting the transfer price of the unit from its open market value (OMV).

Example of Financial Contribution:

The off site contribution is calculated as follows: **(a) + (b) = (c)**

Where:

(a) = How much a registered provider can secure in finance. This equates to 60% of the market value on an on-site affordable dwelling.

(b) = Gap funding contribution from the developer. This equates to 40% of the market value on an on-site affordable dwelling.

(c) = Borough wide average cost of a home within the borough of Hartlepool.

The following scenario illustrates how a 100 dwelling development could contribute to an off-site commuted sum.

Development Consideration	Amount
Total dwellings on the site	100
Affordable Requirement	18%
Affordable units	18 units
Borough wide average cost of a home.	£133,902.89*

Using the above (a) + (b) = (c) equation the following is acceptable:

(a) Register Provider finance (60% of market value) = £80,341.73

(b) Developer Contribution (40% of market value) = £53,561.16

(a) £80,341.73 + (b) £53,561.16 = (c) £133,902.89

The developer is required to provide 18 units, therefore:

Theoretical Off Site Commuted Sum = 18 x £53,561.16 = **£964,100.88**

* Average house price information compiled from Land Registry data. All sales in district of Hartlepool between 1st April 2014 – 31st March 2015. This figure will be updated annually.

Type and Tenure

- 21.19 Developers will be expected to achieve an aspirational target of 70% social rented or affordable rented and 30% intermediate tenure mix on each site. Housing type and tenure split will be negotiated on a site-by-site basis, having regard to the most up-to-date evidence of need, mix of tenures of existing housing nearby, the desire to create balanced communities and the constraints and requirements of providing on-site provision.
- 21.20 The aspirational tenure split of 70% social rented or affordable rented and 30% intermediate affordable housing is considered most appropriate to meet Hartlepool's strategic housing aims and the identified housing need within the town. This is based on the robust 2015 Hartlepool Strategic Housing Market Assessment evidence and recent evidence from the Council's housing waiting list. The need is compounded by the reduction of social rented stock through the 'Right to Buy' scheme.
- 21.21 Bearing in mind the aspirational target, the Council recognises that negotiation on a site-by-site basis would be the best approach; ensuring that nearby housing is taken into consideration in the desire to create sustainable balanced and mixed communities. Where a developer is proposing a target that deviates from the 70/30 split, there should be early discussions with the Council to ensure an appropriate target is achieved.

Future Management of Affordable Housing

- 21.22 All affordable units should be delivered in partnership with a Registered Provider by means of a section 106 legal agreement, with appropriate provision to secure the retention of the properties as affordable units in perpetuity. The terms of sale from the developer to the Registered Provider must be suitable to meet these requirements.
- 21.23 The Council regards partnership delivery with a Registered Provider (RP) as the preferred means of securing affordable housing, tied in by means of a section 106 legal agreement to which the RP will be party. This applies to all the forms of affordable housing. (Again the Local Authority must be approached by the developer when consideration is being given to which RP is to be involved).
- 21.24 Where a developer is proposing providing affordable housing involving an RP, there should be early discussions with the Council to draft the Section 106 Legal Agreement.

Design and Specification of Affordable Housing

- 21.25 The Council promotes the development of energy efficient housing. It is important not only to minimise the running costs of a home to the occupier but also to reduce carbon emissions. It is expected that all affordable properties will achieve high levels of energy efficiency in line with the Governments Zero Carbon Policy, affordable homes in

particular should seek to address energy efficiency even more so and it is often the case that if homes are Homes and Communities Agency (HCA) funded they are required to meet a higher energy efficiency level. Amendments to the building regulations are expected in 2015, the Council may seek to use the provisions in the new legislation to set its own bespoke energy efficiency standards but in the meantime the Council expect developers to demonstrate how they meet with the requirements of NPPF paragraph 96 and use of the Code for Sustainable Homes is one method that will be supported².

- 21.26 In respect of affordable homes which are receiving funding from the HCA, these properties would be expected to meet the design standards set out within the HCA Design and Quality Standards in April 2007 or any subsequent standards that amend or replace those standards.
- 21.27 The Council will expect applicants to ensure that the affordable properties are integrated into the overall development, in terms of their built form and external appearance, so that they are indistinguishable from the other properties on the site. Affordable properties should not be marked out by being of poorer design, specification and quality of finish than neighbouring properties. It is recommended that the skills and experience of RP's be employed at an early stage in the design process to ensure that the future management of the affordable housing units is fully considered.

Pepper Potting of Affordable Housing

- 21.28 The Council supports the development of sustainable mixed and balanced communities. In order to avoid the negative implications of social exclusion and isolation, affordable homes within housing schemes should be evenly distributed across the site (which is known as pepper potting) and not disproportionately allocated to the periphery or in one particular area. The Council will normally require affordable homes to be grouped together in clusters of no more than 5 properties.
- 21.29 In apartment and flat developments the Council requires pepper potting to be maintained. However it is recognised that other issues may impact upon the distribution of affordable units in apartment blocks, including difficulties in their management and financial concerns regarding levels of service charges. The benefits of this will be weighed against the scope to achieve a better degree of pepper potting. The level of pepper potting on apartment schemes will be negotiated on a site-by-site basis.
- 21.30 The Council expects the location of the affordable housing will be discussed and agreed at an early stage in conjunction with the appointed RP. At Reserved Matters application it will be necessary for the developer to liaise with a Registered Provider and to identify the location of the affordable properties on the final plan. The final location must be agreed before development commences.

² The relevant guidance will be applied, following the amendments to the Building Regulations for energy efficiency.

Accessibility

- 21.31 The Council expect developers to have regard to the changing needs of residents over time, in ensuring that homes are easily adaptable, residents know that they are likely to be able to reside in their home if they become less able bodied. If easily adaptable then costs are kept to a minimum. The Lifetime Homes Standards are likely to be phased out; however they are still a useful tool in delivering adaptable homes and the principles are supported by the Council.

Affordability and Service Charges

- 21.32 Although the emphasis in determining affordability is primarily focussed on rent or purchase price, it is the total cost of occupation that ultimately determines affordability. Some residential developments have high levels of service charges, and this has an impact upon the relative affordability of the accommodation. Such potentially significant additional costs may result in affordable housing extending beyond the financial reach of those in housing need. It is therefore anticipated that the cost of service charges will be minimised. The proposed level of service charges will form part of pre-application discussions.

Funding for Affordable Housing

- 21.33 The Homes and Communities Agency (HCA) has historically been the main provider of public funding for affordable housing, however in recent years this ability to fund schemes has diminished significantly due to the national economic crisis. Their approach is that affordable housing on Planning Obligation sites should be delivered without the input of grant. If grant were to be considered on a site, their objective would be to ensure that the site delivers more affordable housing or a different mix or higher standards, than would have been possible without grant. If funding becomes available the HCA will assess the 'additionality' offered by a scheme in making a decision regarding potential funding. Developers should therefore assume that no grant will be available to fund the affordable housing, unless an agreement has been made with the HCA. Before the HCA is approached developers must ensure that the Local Authority will support a bid to the HCA for grant funding.

Transfer Prices

- 21.34 The Council will seek to negotiate, on a site-by-site basis, transfer prices as these are likely to fluctuate depending on housing market and site conditions.

Future Policy Changes

- 21.35 The Local Authority will ensure that evidence is kept up-to-date and will include a Policy within the emerging Local Plan on affordable housing.
- 21.36 If new evidence changes the levels or mix of affordable housing required, the new evidence will supersede the requirements set out within this SPD until such a time as this SPD is refreshed to reflect the changes.

22.0 Outdoor Sport and Play Facilities

- 22.1 The Government's commitment to Parks and Open Spaces³ has evolved significantly in recent years. They are among the community's most valued features. Well managed open spaces not only make an area more attractive but they also contribute towards sustainable development through creating places in which people want to invest and locate, the promotion of healthier lifestyles, urban renaissance, social inclusion and community cohesion.

National Policy Background

National Planning Policy Framework (2012)

- 22.2 Recognises how open space including parks and sports fields plays a vital role in the delivery of sustainable development. It states "access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities."
- 22.3 In order to do this it requires that "planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required."
- 22.4 It also recognises the vital importance of existing provision and the need to protect these spaces and facilities in the future, stating "existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

Local Policy Background

Hartlepool Local Plan (Adopted 2006)

- 22.5 There are a number of policies within the Local Plan that support the delivery of open space, leisure and play facilities as part of new developments in the town. Policy GEP9 (Developer Contributions)

³ This does not cover Green Infrastructure or Built Sports Facilities which are dealt with separately within the following two chapters.

highlights that the local authority will seek contributions from developers for the provision of additional works deemed to be required as a result of the development towards “the layout and maintenance of open space and play facilities” and also for “the provision of neighbourhood parks.”

- 22.6 Policy Rec2 (Provision for play in new housing areas), Policy Rec3 (Neighbourhood Parks), Policy Rec4 (Protection of Outdoor Playing Space) and Hsg9 (New Residential Layout – Design and other Requirements) all indicate that developer contributions may be needed towards the provision of play and leisure space in the town.
- 22.7 Policy GN2 is also especially critical in protecting against the loss of open space as a result of developments in the town. The policy sets circumstances where the loss of open space to facilitate a development may be permitted but goes on to stipulate that an adjacent site should be enhanced or compensatory open space must be provided on an alternative site, which is in line with national guidance outlined in the NPPF.

Open Space, Sport and Recreation Audit and Assessment (2008 & 2015)

- 22.8 As part of the evidence base for the development of the Local Development Framework Hartlepool Borough Council undertook a PPG17 Assessment which was concluded in April 2008. A new Open Space, Sport and Recreation Audit and Assessment was endorsed in January 2015 to update the evidence base supporting the Local Plan. The specific objectives of the new assessment, reflecting those of the previous assessment, are to:
- provide information about existing community needs and aspirations;
 - analyse how these results vary according to the different demographic characteristics of different groups and communities within Hartlepool;
 - research standards of provision; and
 - develop a set of appropriate standards for Hartlepool.
- 22.9 The types of Open Space that were assessed as part of the study include:
- Urban parks and gardens
 - Amenity greenspace
 - Play areas
 - Outdoor sport facilities (including schools where there is public access either formally or informally)
 - Green corridors
 - Natural and semi natural greenspaces
 - Allotments
 - Churchyards and cemeteries
 - Common land
 - Civic spaces

- 22.10 The Open Space, Sport and Recreation Audit and Assessment 2015 can be viewed at;
http://www.hartlepool.gov.uk/downloads/file/12169/open_space_sport_and_recreation_assessment-january_2015
It sets out the standards that have been endorsed for different types of open space within Hartlepool.

Hartlepool Playing Pitch Strategy (PPS) (2012)

- 22.11 In December 2012 Hartlepool Borough Council adopted a new Playing Pitch Strategy which was developed with the support of Sport England. The PPS guides the delivery of playing fields and outdoor sports facilities and to inform decision making in relation to pitch provision. It sets out the key issues and priorities for facilities for football, cricket, rugby union, rugby league, hockey, tennis and bowls across Hartlepool and identifies specific actions, timescales and responsibilities for implementation and delivery.

Thresholds

- 22.12 Given the importance of outdoor sport and play facilities in creating a town in which people are healthy and active and have a range and choice of high quality activities in which they can partake, the threshold for contributions towards this for residential developments is 5 or more dwellings.
- 22.13 This threshold has been reached following an assessment of potential housing sites which may come forward in the future in the Borough and taking into account the yields which would be expected from each site. Given that all housing will have an impact on the need for play space within the town, and taking into account the cumulative impact of the developments which are likely to be delivered in the coming years it is necessary to set the threshold at this level so that play facilities within the Borough provide high quality play space which adequately meets the needs of the current and expected future population.

Amount and Location of Provision

- 22.14 The amount and location of the provision of outdoor sport and play facilities will vary from site to site. The Local Authority will always require a contribution towards play provision on all residential developments of 5 or more dwellings. Larger sites of more than 100 homes will be expected to incorporate on site provision. On smaller sites this contribution will be towards off site facilities in the vicinity of the development. The developer should liaise with the Local Authority to ensure that the quality and layout of play facilities meets the requirements of the Local Authority.
- 22.15 Developments (as identified in the table 3 below) which bring together large numbers of people will be required to make a contribution towards play facilities and outdoor sports facilities in the vicinity of the development. The Open Space, Sport & Recreation Assessment 2015 and the 2012 Playing Pitch Strategy will be used to identify where the financial contribution should be spent.

Table 3 – level of Contributions Outdoor Sport and Play Facilities

Type of development	Planning Obligation	Level of Contribution
Residential	Play Facilities	£250 per unit (where development exceeds 100units onsite provision required.)
Residential	Playing Pitches	£233.29 per unit
Residential	Tennis Courts	£57.02 per unit
Residential	Bowling Greens	£4.97 per unit

22.17 The levels of contribution outlined in the table are based on standards in relation to Outdoor Sport set out within the Hartlepool Playing Pitch Strategy (2012):

- Playing Pitches 0.9 Hectares per 1000 population.
- Tennis Courts is 0.02 hectares per 1000 population.
- Bowling Greens is 0.03 hectares per 1000 population.

22.18 Calculations have been made using Sport England's facility's cost information available at;
<http://www.sportengland.org/media/198443/facility-costs-4q13.pdf>. In exceptional circumstances given the nature of the development (e.g. one person units) the level of contributions may be split to household composition to be developed.

22.19 The playing pitch standard is 9000sq.m per 1000 population which equates to 9sq.m per person. Cost per square metre for constructing varying sizes of football pitches, and rugby pitches has been averaged, and it equates to £11.27 per sq.m.
 Therefore the cost per person of Hartlepool's playing pitch standard is $£11.27 \times 9 = £101.43$
 Based on an average household of 2.3 persons⁴ this is **£233.29** per unit / household.

22.20 The tennis court standard is 200 sq.m per 1000 population which equates to 0.2sq.m per person. The costs for tennis courts including floodlighting is £123.94 per sq.m.
 Therefore the cost per head of Hartlepool's tennis court standard is $£123.94 \times 0.2 = £24.79$
 Based on an average household of 2.3 persons this is **£57.02** per unit / household.

22.21 The bowling green standard is 30sq.m per 1000, which equates to 0.03sq.m per person. The cost of a bowling green (flat or crown green) works out at £71.86 per sq.m.
 Therefore the cost per head of the standard is therefore $£71.86 \times 0.03 = £2.16$.
 Based on an average household of 2.3 persons this is **£4.97** per unit / household.

⁴ Tees Valley Unlimited - the average household size is the resident household population divided by the number of occupied households. Tees Valley figures are Mid Year; England & Wales figure for 2011 is Census day.

Maintenance of facilities

- 22.22 Where the developer makes a payment for off-site play or outdoor sports facilities, they will also be expected to pay a commuted sum for the maintenance of the facility for a 20 year period from the point at which the facility is completed. Where the developer is not the sole contributor towards the overall cost of a facility, there will be an apportionment of the maintenance cost based on the percentage of its contribution towards the overall cost of the facility.
- 22.23 Discussions with the appropriate department within the Local Authority will be necessary at the application stage to determine the level of maintenance contribution that is necessary towards the upkeep of the facility.

Timescale for contributions to be paid to and held by Local Authority

- 22.24 All developer contributions should be paid to the Local Authority on commencement of the development. The contributions will be paid into an account by the Local Authority.
- 22.25 In exceptional circumstance in large-scale development, it may be appropriate that payments or provision would be phased in order to meet the proportional impact of each phase. Trigger points for payments or provision will be included in the legal agreement, as will the period in which any contribution will have to be spent.

23.0 Built Sports Facilities

- 23.1 The provision of local sports facilities is essential to the health and well being of the population. Where new development occurs it is vital that sufficient sports provision is made to encourage residents to lead active lifestyles.
- 23.2 Hartlepool has a lack of sports facilities suitable for the higher levels of performance sport so talented athletes invariably need to travel to other towns where facilities meet their needs. Current facilities are not capable of staging or supporting major sporting events. Many of the local sports facilities are low quality and there is an urgent need for investment to modernise, improve and expand facilities.

National Policy Background

- 23.3 There are numerous national policies aimed at improving the quality and provision of sporting facilities across the country. One of Sport England's priorities is to use the success and national pride that was created by the 2012 London Olympics and people's passions for sport to encourage a more active and sporting nation.
- 23.4 Almost all of the national policies recognise the importance and significance of sport and education in meeting a number of different agenda, including:
- Increasing participation in physical activity
 - Reducing obesity, particularly amongst children and young people
 - Economic regeneration
 - Increasing access and targeting under-represented groups.

National Planning Policy Framework (2012)

- 23.5 The NPPF promotes the use of shared facilities included sport facilities and advises local authorities to plan positively for them and to guard against their loss, particularly where this would reduce the community's ability to meet their day to day needs. It also identifies the need for local assessments of facilities to identify any qualitative or quantitative issues that need to be addressed, thus helping to ensure adequate provision is made to meet the needs of the community.

Assessing Needs and Opportunities Guidance (Sport England) (2013)

- 23.6 Sport England has consulted on this piece of draft guidance which focuses on the practicalities of producing a clear and robust assessment to help develop and apply local planning policy. The guide will therefore assist Local Authorities with meeting the requirements of the National Planning Policy Framework (paragraph 73) and will ensure that built sports facilities meet the needs and aspirations of the communities that use them.

Local Policy Background

Hartlepool Local Plan (Adopted 2006)

- 23.7 The Hartlepool Local Plan recognises the need for sports and leisure facilities which will attract large numbers of visitors to locate in sustainable locations in line with national guidance. As such policy Rec14 (Major Leisure Developments) sets out a sequential approach that should be followed in locating major new sports and leisure facilities within the town.

Indoor Leisure Facility Strategy (2013)

- 23.8 In 2013 the Local Authority appointed consultants to undertake a refresh of the indoor leisure facilities strategy which was carried out previously by consultants in 2007. It looks at the provision of sports halls, swimming pools, and other indoor leisure activities within the town. It recognises that the development and/or refurbishment of sporting and other cultural facilities in Hartlepool could contribute significantly to the achievement of priorities in terms of addressing Government aims to achieve higher levels of activity in the population.

- 23.9 The strategy had 4 specific objectives:

- To provide a firm foundation upon which policy decisions and funding for future development can be based;
- To support initiatives by voluntary and private sector groups to develop new or improved indoor sports facilities for the Borough that meets broader strategic aims;
- To develop and maximise the opportunities for school and community sport through educational facilities; and
- To improve the quality and provision of the Council's indoor sports facilities to meet the expectations of local residents.

- 23.10 The consultants were also asked to look at asset management issues and options including the development of new facilities, the re-development of existing facilities and the closure or disposal of facilities.

- 23.11 There are a number of significant findings, conclusions and recommendations which the report identifies, they are:

- The current position regarding facilities is not sustainable in the long-term as many key sites are beyond their economic life – in particular, the school swimming pools are life expired.
- The newer facilities at the Headland and Brierton are key facilities in terms of the Borough's provision now and longer-term into the future.
- The strategy recommends that a new Borough leisure centre facility is constructed to replace the existing provision at Mill House. Ideally this should be done in such a way that the swimming facilities in particular remain in operation until such time as this opens. The capital cost is estimated to be in the region of £16m or at a significantly reduced cost if new pool

facilities were constructed alongside the present dry facilities at the Mill House site. A further assessment of this would be required.

- Highlights the potential for a new pool at Brierton Sports Centre at a capital cost estimated to be in the region of £5m.
- In order to ensure access to a pool facility on the North West of the Borough, the pool at High Tunstall should be retained. This will require refurbishment works (estimated minimum £250k). The alternative would be to construct a replacement pool estimated at £3.5m.
- The redevelopment and/or refurbishment of the school/college sports halls serves to consolidate the service provision to the town's residents but additional investment may be required to provide separate entrances, reception areas etc.
- The Council has a role to ensure that educational facilities are developed, managed and operated in a consistent manner and in accord with industry and legislative standards.
- The current provision of sports halls is well over what is required if the parameters of the facilities planning model (FPM) are to be adopted but current programmes of use demonstrate that there is actual demand for more than the minimum suggested.
- Whilst not eligible to be included as part of Sport England's Facility Planning model, Belle Vue Community, Sports and Youth Centre plays an important part in the overall provision of the town's facilities.
- The strategy would provide a good range of indoor multi-purpose sports facilities but in order to maximise their value in the development of sport and physical activity, it will be important to ensure the delivery of an enhanced and coordinated programme of participation opportunities, both targeted at specific user groups and available to the general resident and visitor population.
- The Council will need to consider and explore the financial options open to it in terms of the delivery of the Strategy. This may also ultimately mean considering alternative management arrangements for the facilities in order to provide the capital investment required rather than continuing the management under the current in-house arrangement.

23.12 It is clear that even without further growth of the town, significant investment is needed in the built leisure facilities around the town. It is therefore reasonable to expect that new development which will further add to the strain on these facilities contributes towards the improvement and where necessary re-provision or new provision of facilities. The Council will seek other sources of grant funding and private investment which will be used alongside any developer contributions to meet the needs of the town. The Council will use the findings and recommendations of the study to direct developer contributions for built sport facilities to the most appropriate location in relation to a development.

Thresholds

- 23.13 Given the importance of indoor sports facilities (both wet and dry) in creating a town in which people are healthy and active and have a range and choice of high quality activities in which they can partake, it is considered that all new developments of 5 or more dwellings should contribute towards built sports facilities within the town.

Levels and Location of Provision

- 23.14 In order to comply with CIL Regulations outlining only 5 developer contributions can be pooled towards one discrete element of infrastructure; developers will be informed at application stage where their contribution is being directed. It is likely that contributions from major strategic developments will be put towards the Mill House Leisure Centre renewal or replacement.

Table 4 – Level of Contribution for Built Sports Facilities

Type	Level of Contribution
Residential	£250 per unit towards new or improved built sports facilities

Maintenance of facilities

- 23.15 Given the scale of the major indoor leisure facilities, and taking into account development viability, no maintenance costs will be required from developers towards the upkeep of the facility.

Timescale for contributions to be held by Local Authority

- 23.16 All developer contributions will be paid to the Council on commencement of the development. The contributions will be paid into an account by the Local Authority. This pot of money will be used towards the delivery of built sports facilities in the town.
- 23.17 In exceptional circumstance in large-scale development, it may be appropriate that payments or provision would be phased in order to meet the proportional impact of each phase. Trigger points for payments or provision will be included in the legal agreement, as will the period in which any contribution will have to be spent.

24.0 Green Infrastructure

- 24.1 Green infrastructure is defined as:
"The physical environment within and between our cities, towns and villages. It is a network of multi-functional open spaces, including formal parks, gardens, woodlands, green corridors, waterways, street trees and open countryside. It comprises all environmental resources, and thus a green infrastructure approach also contributes towards sustainable resource management".⁵
- 24.2 Green infrastructure planning involves the provision of strategically planned networks that link existing (and proposed) green spaces with green corridors running through urban, suburban, urban fringe, and rural areas. Through the maintenance, enhancement and extension of these networks multi-functional benefits can be realised for local communities, businesses, visitors and the environment.
- 24.3 Green infrastructure offers opportunity for the accommodation of Sustainable Drainage Systems (SuDs) and flood alleviation schemes where inclusion of such provision is required.

National Policy Background

National Planning Policy Framework

- 24.4 The NPPF notes the importance of green infrastructure and describes it as a *"network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities."* It notes that Green Infrastructure can be used as an adaption measure in areas of risk in terms of issues such as flooding. It goes on to state that in the preparation of plans local authorities should *"set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure."*

National Planning Policy Guidance (2014)

- 24.5 This guidance contains a significant amount of information on the importance of biodiversity, ecosystems and green infrastructure and sets out helpfully the law regarding its protection such as Section 40 of the Natural Environment and Rural Communities Act 2006 which places a duty on all local authorities, in the exercise of their functions, to the purpose of conserving biodiversity. Key documents such as the Natural Environment White Paper are also discussed which provides important details on ecologic networks.
- 24.6 The NPPG also provides guidance on elements of green infrastructure such as Local Sites and Nature Improvement Areas, Ancient Woodland

⁵ Green Infrastructure Planning Guide; Northumbria University, North East Community Forests, University of Newcastle upon Tyne, Countryside Agency, English Nature, Forestry Commission, Groundwork, 2005

and Veteran Trees and provides guidance on how it should be considered in the preparation of a planning application. It notes that sufficient green infrastructure should be designed into a development to make the proposal sustainable. If this green infrastructure helps to mitigate any significant harm to biodiversity (among other benefits) then this should be taken into account in deciding whether compensation may also be needed.

- 24.7 The NPPG also notes how planning conditions and obligations can be used to ensure that mitigation or compensatory measures, such as a biodiversity offsetting scheme are secured.

Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services

- 24.8 This document highlights England's strategic direction in terms of biodiversity up to 2020. Biodiversity is key to the survival of life on Earth. Its loss deprives future generations of irreplaceable genetic information and compromises sustainability. It notes that the recent National Ecosystem Assessment also shows just how much nature provides for us in this country. For example, the enormous value of inland wetlands to water quality, the value of pollination to agriculture, the health benefits of experiencing nature and, not least, how nature and wildlife enrich all our lives. All of these are elements of green infrastructure and illustrate its importance in sustainable development.

Natural Environment White Paper: The Natural Choice; Securing the Value of Nature (2011)

- 24.9 The white paper places the value of nature at the centre of the choices our nation must make: to enhance our environment, economic growth and personal wellbeing. By properly valuing nature today, we can safeguard the natural areas that we all cherish and from which we derive vital services.
- 24.10 It notes that *"Economic growth and the natural environment are mutually compatible. Sustainable economic growth relies on services provided by the natural environment, often referred to as 'ecosystem services'. Some of these are provided directly, such as food, timber and energy. Others are indirect, such as climate regulation, water purification and the productivity of soil."* One of the key actions of the White Paper is to establish a Green Infrastructure Partnership with civil society to support the development of green infrastructure in England.

Sub Regional Policy Background

Tees Valley Green Infrastructure Strategy (2008)

- 24.11 One of the greatest challenges facing the Tees Valley is to create attractive places and an environment that offers a quality of life that will encourage people to stay and will attract new investment and entrepreneurs.

24.12 Green infrastructure can play a key role in helping to achieve the economic and sustainable vision for the Tees Valley. The scale of development and regeneration envisaged requires a new way of looking at the environment, and in particular how new development and redevelopment can contribute to environmental quality.

24.13 The green infrastructure concept offers a way of viewing open space provision as a resource that should be planned strategically and delivered in an integrated way across regions and sub-regions. The vision for green infrastructure in the Tees Valley is:

“To develop by 2021 a network of green corridors and green spaces in the Tees Valley that:

- Enhances the quality of place and environment for existing and future communities and potential investors;*
- Provides an enhanced environmental setting and context for new development, regeneration projects, and housing market renewal initiatives and produces schemes of high quality design;*
- Creates and extends opportunities for access, recreation and enhancement of biodiversity, and*
- Provides a buffer against the effects of climate change.”*

Tees Valley Biodiversity Action Plan

24.14 The Tees Valley BAP was produced in 1999 and consists of a series of Species and Habitat Action Plans setting out the current status, targets for protection and enhancement plus the actions to be taken by each partner organisation. It is carried out by the Tees Valley Biodiversity Partnership, which is a partnership of local organisations and people working together to benefit our wildlife. This document takes the objectives and targets of the UK Biodiversity Action Plan and translates and amplifies them into a Tees Valley context. Focusing on the most significant elements of the Tees Valley's environment, it sets out the actions needed to achieve those objectives and targets.

Hartlepool Local Plan (2006)

24.15 Although there are no specific references to the term “green infrastructure” within the Local Plan, many of the policies within the plan are aimed at ensuring that the environmental assets of the Borough are all safeguarded and enhanced where possible. These include the coastline and its environs (WL3), the Green Network (Policies GN1 and GN3), open spaces (Policy GN6), natural environments (Policy Rec8, Rec10, WL2, WL5 & WL7) green wedges (Policy GN2), parks (Policy Rec3), recreational routes (Policy Rec9) and the rural hinterland (Policies Rur1 and Rur7). Policy GEP 9 (Developer Contributions) also highlights those contributions that the Local Authority may seek where deemed to be necessary as a result of the development. Contributions towards landscaping and woodland planting, open space, neighbourhood parks and nature conservation features are all included in this policy and are seen as important elements of green infrastructure.

Hartlepool Green Infrastructure SPD and Action Plan (2014)

- 24.16 These documents form part of the Local Development Framework and will be used in the determination of planning applications and also to ensure that the Borough's green spaces are not only protected but enhanced for the benefit of all. Where planning contributions are secured towards green infrastructure as part of a planning application the SPD and Action Plan will be used to direct the contribution to the most appropriate scheme in relation to the application.

Thresholds

- 24.17 Given the importance of green infrastructure in creating a town and region in which people want to live and work and businesses want to invest in, the threshold for contributions towards green infrastructure for residential developments is 5 or more dwellings. Other types of developments may be expected to contribute towards this initiative as it is seen as critical in ensuring the town develops in a sustainable way in the future.

Level of Contribution

- 24.18 Given the importance that is placed on green infrastructure both at a national and regional level, the Local Authority will require all types of developments indicated in Table 5 below to contribute. This level of contribution has been illustrated to be viable (via viability testing) on schemes within Hartlepool over recent years.

Table 5 – Level of Contribution for Green Infrastructure

Type	Level of Contribution
Residential	£250 per dwelling
Commercial:	
A1 Food Retail/Non Food Retail	£20,000 Threshold of 500sq m (gross). Contribution increases by £1,000 per additional 100sq m (gross) of floorspace
B1 Including Offices	£5,000 Threshold of 1000sq m (gross). Contribution increases by £1,000 per additional 100sq m (gross) of floorspace
Other	Case-by-Case basis

- 24.19 All developer contributions will be paid to the Local Authority on commencement of the development. The contributions will be paid into an account by the Local Authority. Contributions will be subdivided into pots of no more than five contributions towards the delivery and maintenance of a particular piece of green infrastructure as outlined within the Green Infrastructure SPD and Action Plan. Developers will be informed when and where their contribution has been invested.

24.20 In exceptional circumstance in large-scale development, it may be appropriate that payments or provision would be phased in order to meet the proportional impact of each phase. Trigger points for payments or provision will be included in the legal agreement, as will the period in which any contribution will have to be spent.

National Policy Background

National Planning Policy Framework (2012)

- 25.1 Sets the position in terms of how transport should be dealt with both in plan preparation and in the determination of planning applications. It notes that *“transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives”* and that *“in preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.”*
- 25.2 It goes on to state that *“all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*
- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
 - *safe and suitable access to the site can be achieved for all people; and*
 - *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 25.3 Where it is likely improvements to the highway network will be required as a result of the development, the NPPF notes that the scale of obligations should still provide competitive returns to a willing landowner and developer. It notes that it is therefore important for local authorities to understand the costs of infrastructure associated with development of the sites within a developing plan.

Sub Regional Policy Background

Tees Valley Strategic Infrastructure Plan (2014)

- 25.4 This plan gives an overview of the Tees Valley's transport network noting some of the key issues and challenges. One of the main issues it highlights is that the majority of travel is currently by private car and this has resulted in a number of *“pinch points”* on the highway network which impacts on the reliability of the road network. The Plan highlights some of the key investments and improvements which are needed over the coming years to increase the national competitiveness of the sub region.

Local Policy Background

Hartlepool Local Transport Plan 3 (LTP) (2011-26)

- 25.5 The LTP, in tandem with the Hartlepool extant and emerging Local Plan, will help shape transport policy in the Borough. The LTP should be used alongside the extant and emerging local plans in reference to transport strategy and policies. The local plan will, through its written statement and policies, seek to reflect the strategies set out in the LTP.
- 25.6 LTP3 recognises the significant reductions in funding (from the previous 2 LTP's) towards implementing a sustainable transport network within Hartlepool. It however also recognises that by addressing transport problems and concerns we can improve access to jobs and skills, enhance the competitiveness of the region, and also improve social inclusion, health and access to key services.
- 25.7 The LTP is split into two main sections looking at longer term highway aspirations and needs and a shorter term delivery plan.

Hartlepool Local Plan (2006)

- 25.8 National, regional and local transport policy recognises the need for sustainable transport solutions (such as the promotion of public transport, cycling, walking etc), and that current trends in increased car ownership and usage cannot be supported in the longer term. As such, future transport investment needs to focus on measures that encourage modal shift away from the car and increase travel choice by improving conditions for pedestrians, cyclists and public transport users. This is in line with policies Tra5 (Cycleways Network), Tra16 (Car Parking Standards), Tra20 (Travel Plans).
- 25.9 The Local Plan highlights a number of policies where improvements to the road infrastructure in town will be necessary. Where viable, developments in the vicinity of these improvements will be expected to contribute toward the cost of implementing these schemes where it is shown that the development will have an impact on the road network.

Hartlepool Transport Assessments and Travel Plans SPD (2010)

- 25.10 The document promotes good practice in support of the Council's vision for sustainable development. It gives guidance additional to that set out in the Hartlepool Local Plan with regard to transport and accessibility by encouraging a choice of transport options for new development which are safe, efficient, clean and fair. The guidance seeks to minimise the need to travel and to improve accessibility by providing real alternatives to the private car. The document encourages developers to take account of transport issues at an early stage in the preparation of development proposals and describes what measures should be taken to achieve the transport objectives through the implementation of Travel Plans.

Hartlepool Local Infrastructure Plan (2012)

- 25.11 The Local Infrastructure Plan (LIP) was developed to support the production of the Local Plan (which was subsequently withdrawn following the examination) and highlighted the pressures that were put on specific highway infrastructure as a result of the proposed development. The LIP was drawn up in consultation with the Highways Agency and helps to give an understanding of some of the key areas of the highway network which will need investment if development in certain areas of the town comes forward. The LIP is an adopted document which will be refreshed as the new Local Plan is drawn up⁶. It should be referred to by developers considering development in the town before a new Local Plan is in place.

Off-site Provision

- 25.12 Assuming that car ownership and use patterns remain or increase it can be expected that new developments will increase the number of vehicular trips on the surrounding road network. This could cause problems for the safe and free flow of traffic. In these circumstances, works or contributions will be required to mitigate the negative impacts of the development.
- 25.13 To look at the impacts developments within the Local Plan will have on the road network the Council will work closely with neighbouring authorities (where there are cross boundary implications from a development), the Local Enterprise Partnership (LEP) / Tees Valley Unlimited (TVU) and the Highways England (HE) to ensure that developments which are proposed will not adversely impact on the highway network to such an extent that the development is not acceptable. Modelling will be undertaken using both sub regional and HE models to assess the likely impact from developments. Where works to the highways networks are necessary this will need to be factored in at an early stage to assess the deliverability of the scheme.
- 25.14 Developers have a responsibility to provide improvements to the transport network within the vicinity of their site to cater for increased vehicular movement, or increased size of vehicles needing to use nearby junctions. The extent of any improvements required to ensure the safe and efficient operation of the development and the local highway network will be determined in the light of the Transport Assessment Statement submitted with the planning application. Highway access improvements will normally be secured through a section 278 agreement. Highway mitigation measures on the wider network will normally be secured through a Planning Obligation Agreement. Highway improvements will only be required where they are essential for the operation of the development and the adjacent highway network.

⁶ Upon endorsement of an updated Hartlepool Local Infrastructure Plan as part of the Local Plan development, this will become the reference document for this SPD, superseding the Hartlepool Local Infrastructure Plan (2012).

25.15 Therefore, all works required under the Transport Assessment (TA) or Transport Statement (TS) will need to be secured under the Planning Obligations Agreement or via condition.

25.16 Developers have an important role to play in encouraging sustainable travel and will be required to submit a travel plan with all applications likely to generate significant amounts of travel. Development proposals for all major developments within the boundaries of Hartlepool will require a travel plan when the following thresholds are exceeded:

Table 6 – Development Thresholds requiring a Travel Plan

LAND USE CLASS	THRESHOLD
A1 - Food Retail and Non Food Retail	500sq m (gross)
B1 - Business	1000sq m
B2 General Industry B8 Storage or Distribution	2500sq m
Residential – Dwelling Houses	50 units
Other	Case-by-Case

25.17 Travel plans can be secured through conditions on the planning permission, rather than through the Planning Obligations Agreement. However, there will be circumstances where the Travel Plan will be required through the Agreement. This will be on sites where there are particular concerns that the targets within the Travel Plan will not be met or where they are so important to the decision to grant planning permission that they must be adhered to. In these cases the Agreement will secure the submission of the Travel Plan and will also put in place measures to pursue targets and address any failure to meet targets.

25.18 There will be a requirement placed on the developer to submit annual reports on whether, or to what extent, the Travel Plan targets have been met for that year. DfT 'Good Practice Guidelines – Delivering Travel Plans through the Planning Process' (2009) states in Section 9 that *Local Authorities should consider charging for Travel Plan monitoring and Review to help encourage implementation of Travel Plans that have been secured*. The Council will require this unless it can be illustrated that to do so would impact on the viability of the development to such an extent that it would mean that the scheme was not deliverable.

Level of Contribution

- 25.19 The type and level of contribution required for off-site highways works can only be determined on a site by site basis through the developments TA. If there is an existing use on the development site, the traffic generation from that use will be taken into account when determining the impact of the new proposal. The developer will only be expected to mitigate the impact of the additional traffic caused by their new use.
- 25.20 In instances where highway works are needed as a direct result of the development, and considering the lack of public funding available for investment in highway infrastructure, the full cost of the mitigation measures will need to be met by the developer unless there is any grant funding available, for example through the HA which could help to cover the costs of the work. The presumption will be that the works will be either carried out by the Local Highway Authority, under a section 278 Agreement, or by the developer to a specification and timetable agreed with the Local Authority. In the vast majority of cases the works will need to be carried out before the legal completion of the first unit within the development.
- 25.21 Where a number of different developments will give rise to a need for off-site highways improvements, contributions will be required from each development towards those works. The level of contribution for each development will be determined by applying a pro-rata contribution based on the trip generation of each development.

- 26.1 Community facilities including schools, community centres, libraries and health care facilities are vital to ensure communities are prosperous, sustainable, healthy, vibrant and safe. The provision of a range of community facilities is particularly important on large sites where whole new communities are being created. It is also important however, to ensure that the scale of existing facilities keep up with expanding populations through smaller incremental developments.
- 26.2 Community facilities generally will be dealt with on a site-by-site basis to allow the impact of the development to be assessed against the need for particular facilities which such a development would create. In terms of contributions towards education provision, capacity in nearby schools, along with other known developments and the pressures they will create will be taken into consideration in determining whether contributions are needed. The following paragraphs set out some general principles and highlight the types of community facilities which may be required. In some instances contributions may be required not only towards the development of new facilities but also towards the sustainable refurbishment or extension of existing facilities.

National Planning Background

National Planning Policy Framework (2012)

- 26.3 The NPPF states that *“the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- give great weight to the need to create, expand or alter schools; and*
 - work with schools promoters to identify and resolve key planning issues before applications are submitted.”*

National Planning Policy Guidance (2014)

- 26.4 This guidance sets out in Policy statement – planning for schools development, the Government’s commitment to support the development of state-funded schools and their delivery through the planning system. Placing a duty on Local Authorities to *‘make full use of their planning powers to support state-funded schools applications. This should include engaging in pre- application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.’*

Local Policy Background

Hartlepool Local Plan (2006)

- 26.5 Policy GEP9 of the Hartlepool Local Plan 2006 supports the requirement for contributions towards community facilities such as schools, thus helping to ensure that the boroughs education infrastructure can cope with developments over the coming years.

Education Facilities

- 26.6 Education infrastructure is an integral part of new residential development and is essential in order to achieve sustainable communities. Developments that are likely to generate an increased demand for school places will need to contribute towards expanding existing education facilities where the development is not of a sufficient size to require a new school. This will include contributions and/or the allocation of land to enable schools to be built or extended.
- 26.7 Contributions will only be sought for these developments where there is insufficient capacity in existing local schools to cope with the pressures associated with development in the area. When looking at spare capacity the Local Authority will also take into account other developments in the vicinity, and information on projected future pupil numbers.
- 26.8 The following types of residential development will be exempt from education obligations: sheltered housing, student accommodation, care homes and residential homes for the elderly.

Primary Schools

- 26.9 For developments of 750 dwellings or more a primary school will normally be required on-site, subject to spare capacity in local schools. In cases where a school is to be provided on site, the developer will normally be expected to set aside sufficient land and to pay towards the construction of the educational facilities to the Local Authority's design and specification. Early dialogue between all parties will be critical to ensure that additional sources of funding can be obtained to enable the school to be provided at the necessary point in time to meet demand. In certain circumstances, if the developer can illustrate that the construction of the school cannot be justified in viability terms; the Local Authority may be willing to accept a parcel of land on site which would be used to construct new education facilities with a reduced financial contribution to assist with construction costs.

Off-site Provision

- 26.10 At the current point in time it is unlikely that a new, off-site school would be required as a result of any development site in Hartlepool. Sites over the threshold noted above would provide a school on site and other sites would be required to make a financial contribution towards the extension or refurbishment of a nearby school where it is considered by the Local Education Authority that the schools in proximity to development will be unable to cope with the additional children generated by the development.

Financial contributions

- 26.11 A local formula has been developed, reflecting the number of pupils expected to reside in the dwellings during and beyond completion of the development. The calculations for primary schools are summarised below⁷:

⁷ Cost per place subject to change in line with the most recent produced figures from DfE.

Primary Contribution (based on example of 200 homes)

15 community primary school pupils per 100 houses built
3.6 Roman Catholic primary pupils per 100 houses built
Total -18.6 primary pupils in total per 100 houses built

$200 \text{ (Number of houses to be built)} / 100 \times 18.6 \text{ primary pupils} = 37.2$ (total primary pupils from development) (round down if below 0.5)

In order to calculate the overall cost of providing these places, the cost per place must be calculated. The DfE annually updates the cost of guidance relating to the provision of educational facilities.

The cost factor per primary school place (outside of London) is currently (2014) **£9,165***.

The commuted sum sought from the development for Primary education provision can then be calculated as $37 \text{ (places)} \times £9,165 \text{ (cost per place)} = £339,105$

* The cost per school place figures are reviewed regularly, therefore the figure above is subject to change. Contributions will be calculated on the correct figure at time of application submission.

- 26.12 All financial contributions will be index linked (using the Retail Prices Index – all items) to the date of the determination of the planning application by the council. Where there is clear evidence that the costs of relevant works/services have increased or decreased (having regard to the most up to date cost data published by the council), then any financial contributions sought through planning obligations may be adjusted accordingly.

Secondary schools - On-site or Off-Site provision

- 26.13 The need for an additional secondary school is not considered likely in Hartlepool, given the planned rebuilding and remodelling of the town's existing schools via the current government programme which will see Manor School rebuilt. In the future should the town expand significantly, and, as a result, there is an identified need for a new secondary school, this will be considered at that time. However there may be a requirement for investment into existing secondary schools where there is insufficient capacity within nearby schools or where there is capacity but investment is needed in the building to secure that capacity for the future. If a contribution is required, the following calculation will be used:

Secondary Contribution (based on example of 200 homes)

10 secondary pupils per 100 houses built
3 Roman Catholic secondary pupils per 100 houses built
Total - 13 secondary pupils in total per 100 houses built

$200 \text{ (Number of houses to be built)} / 100 \times 13 \text{ secondary pupils} = 26$ (total secondary pupils from development)

In order to calculate the overall cost of providing these places, the cost per place must be calculated. The DfE annually updates the cost of guidance relating to the provision of educational facilities.

The cost factor per secondary school place (outside of London) is currently (2014) **£12,205***.

The commuted sum sought from the development for secondary education provision can then be calculated as $26 \text{ (places)} \times £12,205 \text{ (cost per place)} = £317,330$

* The cost per school place figures are reviewed regularly, therefore the figure above is subject to change. Contributions will be calculated on the correct figure at time of application submission.

26.14 As with the contributions to Primary education these will be index linked (see 26.12).

Community Centres

26.15 Community centres provide an important focus for local people and contribute to the economic, social and cultural life of neighbourhoods by providing leisure, recreation, education and job training opportunities for a range of groups. Community centres can help to create sustainable neighbourhood centres that contribute to the local economy through provision of affordable space for meetings, training and functions together with workspace for local businesses, organisations and community enterprises. They provide a vital resource for building a cohesive community and as such are important in residential developments.

National Policy Background

National Planning Policy Framework (2012)

26.16 Localism is at the heart of the Government's changes to the planning system and a key element of that is ensuring the growth of cohesive communities. The NPPF requires local authorities to plan positively for the provision and use of shared space, community facilities (such as... meeting places...cultural buildings...) and other local services to enhance the sustainability of communities and residential environments and to guard against the loss of valuable community facilities which would reduce the community's ability to meet its day to day needs.

Local Policy Background

Hartlepool Local Plan (2006)

26.17 Policy GEP9 of the Hartlepool Local Plan 2006 enables the authority to seek contributions towards community facilities, such as community centres, where they are considered necessary as part of a development and where their provision would not impact on the overall viability of the development.

On-site Provision

26.18 On large residential sites (over 750 dwellings), where a new community centre is required on-site the Local Authority would require the developer to build the facilities themselves, to a design agreed by the Local Authority.

Maintenance

26.19 In situations where the developer has provided a new community centre facility, the Local Authority will seek a commuted sum to provide for the maintenance of the facility for an agreed period which is usually 20 years, subject to viability of the development.

27.0 Training and Employment

- 27.1 Within all new developments it is becoming important to encourage that Local Labour Agreements and Training initiatives help to provide local people with an opportunity to gain employment or training as part of the development. Within the town a number of agreements have been put in place over the past few years, all of which have contributed significantly towards ensuring good quality jobs and opportunities for the residents of Hartlepool.
- 27.2 These agreements can help to ensure that new developments employ a certain percentage of unemployed people, local residents and people with disabilities and also help to maintain these positions and levels in the future.
- 27.3 This includes seeking opportunities in the form of training and employment on schemes to repair and restore heritage assets in order to build capacity in terms of traditional crafts and skills which are in short supply in the North east region generally.

Policy Background

- 27.4 The Hartlepool Borough Council Targeted Training Recruitment and Training Strategy 2007 commits the Council to *“achieving the economic, social and environmental objectives set out in the Hartlepool Community Strategy so as to ensure a better quality of life for everyone, now and for generations to come. To achieve this, the Council commits to the following actions to the fullest extent possible within the relevant legal and policy frameworks and the available funding:*
- *To include training, equal opportunities and employment requirements, and opportunities for small and medium sized enterprises, in its service requirements, where it considered appropriate.*
 - *To include other social and environmental matters in its service requirements, where it considers appropriate.*
 - *To use these requirements in all stages of the selection and appointment process, and as contract conditions.”*
- 27.5 The Council has an adopted Targeted Training and Employment Charter 2007. This Charter allows the Local Authority to incorporate targeted training and employment matters in planning and development proposals/briefs where it is appropriate and affordable.
- 27.6 In addition, the Council has also implemented the Constructing Hartlepool Strategy 2014 which complements the shared goals of key documents such as Hartlepool Vision, Masterplan, Economic Regeneration Strategy and Housing Strategy. Through this strategy, developers will be invited to advise the Council on how they plan to incorporate local supply chains and targeted, recruitment and training (TRT) clauses within their planning proposal which will support business growth and enable greater access to employment and skills for local residents.

Thresholds

- 27.7 All new developments over the thresholds in table 7 below will be required to put into place a training and employment plan.

Table 7 – Development Thresholds requiring a Training and Employment Plan

Type	Threshold
Residential	Over 10 units
<u>Commercial:</u>	
A1	
Food Retail/Non Food Retail	500sq m floorspace
B1	
Including Offices	1000sq m floorspace
C1	
Hotels	Over 10 bedspace
D2	
Including leisure	1000sq m floorspace
Other	Case-by-Case basis

Delivery Requirements

- 27.8 Where a development is required to include training and employment as part of a planning obligation the local authority may ask for targeted recruitment and training requirements relating to both the construction of developments and the long term recruitment policy of the company who would operate the building or development.
- 27.9 Early discussions with the developer will help to ensure that there is a clear understanding of the specific targeted recruitment and training requirements that would be appropriate for the development and also to help set out the likely mechanisms that will ensure that these requirements can survive delays, changes in developer or other changes in circumstances that may influence the requirements of the development.
- 27.10 The contact point in relation to queries on Training and Employment requirements is Antony Steinberg, Economic Regeneration Manager, Tel. 01429 857081.

National Policy BackgroundNational Planning Policy Framework (2012)

- 28.1 The Government's commitment to the protection and enhancement of Heritage assets through the planning system is set out in Section 12 of the NPPF. The NPPF requires local authorities to have a positive strategy for the conservation and enjoyment of the historic environment, outlining that in determining applications; local authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.

National Planning Practice Guidance (2014)

- 28.2 This guidance sets out a clear framework for both plan-making and decision-taking to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development. Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past.
- 28.3 This guidance states that Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.
- Public benefits may include heritage benefits, such as:
- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - reducing or removing risks to a heritage asset
 - securing the optimum viable use of a heritage asset in support of its long term conservation

Local Policy Background

- 28.4 Hartlepool has eight conservation areas which all vary in character. Six of the conservation areas lie in the main urban area of the town, and the two others in outlying villages. Conservation area appraisals outline the character for each of the areas. There are 212 Listed Buildings and whilst Hartlepool has a number of buildings that are deemed of national importance there are many buildings that locally make a contribution to the character and historical legacy of the areas in which they are located. The Council has put together an extensive 'local list' of buildings to recognise the significance of these properties to Hartlepool. [A list of buildings of local interest is available to download.](#)

Hartlepool Local Plan (2006)

- 28.5 Policy HE1, HE2, HE3, HE8 and HE12 of the Hartlepool Local Plan 2006 sets out the Local Authority's position in relation to the protection and enhancement of heritage assets.

Thresholds

- 28.6 There are no set thresholds in relation to Heritage Assets; impact of development will be assessed on a case by case basis.

Delivery Requirements

- 28.7 Where a development affects heritage assets or their settings, harm may be caused to their historic significance in exceptional circumstances, therefore mitigation measures will be required as part of the development. By way of example these could include, but would not be limited to the following,
- 'In kind' payments, including land transfers: this could include the transfer of an 'at risk' building.
 - Repairs and improvements to, and the maintenance of, heritage assets where they are an infrastructure item as defined by the Planning Act 2008, such as cultural or recreational facilities, transport infrastructure such as historic bridges, and green and social infrastructure such as parks and gardens.
 - Opportunities for funding improvements to, and the mitigation of adverse impacts on, the historic environment, such as archaeological investigations, access and interpretation and the repair and reuse of buildings or other assets.
- 28.8 It is acknowledged that there could be circumstances where the viability of a scheme (otherwise designed to respect the setting of a heritage asset in terms of its quantum of development) could be threatened by planning obligation requirements. In these cases it is accepted that negotiation will take place with developers to ensure the protection and enhancement of heritage assets will take precedent.

APPENDIX 1 – ECONOMIC VIABILITY ASSESSMENT

1. Introduction

- 1.1 Evidence presents a clear need for affordable housing, however it is acknowledged that the level of 44% may have an impact on the viability of developments coming forward. Therefore an assessment of affordable housing economic viability assessment has been prepared to determine an affordable housing target.
- 1.2 A deliverable affordable housing target of 18% has been established.

2. Residential Development Assumptions

- 2.1 In order to assess the economic viability and the ultimate deliverability of new residential development with regard to the level of affordable housing contributions certain assumptions were made with regard to the value of development, land value, build costs, finance costs etc. The development assumptions made are illustrated in Tables 4 to 8.
- 2.2 The values of the development assumptions have been arrived at by reviewing:
- The most likely development types likely to come forward in Hartlepool in the future; i.e. medium to high quality Greenfield residential schemes.
 - A representative sample of the development costs/values set out in submitted economic viability assessments which have been submitted to the Council over the last few years.
 - Local development cost/value indicators.
 - Standard development costs in the local area as represented in the Building Cost Information Service (BCIS).
 - Advice from Council officers including Highways, Engineers, Parks & Countryside, Education etc.
- 2.3 It must be appreciated that where possible, higher than average values for build costs and infrastructure costs have been assumed to allow for error and to not underestimate development costs. The standardised assumptions will differ in some cases from the figures that may be used in actual development schemes, but they reflect the normal or usual figures expected in the majority of developments in the North East region, the Tees Valley sub region and the Borough of Hartlepool. The individual site calculations are included as Tables 4 to 8 and can be provided on an Excel spreadsheet if required.
- 2.4 Table 1 summarises the development components which are illustrated in detail in Tables 4 to 8.

Development Component	Development Size (Number of Dwellings)			
Number of Dwellings	15	50	100	500
Estimate of Income Value	£3,195,000	£10,650,000	£21,300,000	£106,500,000
Estimate of Land Value Cost	£500,000	£1,600,000	£3,500,000	£18,000,000
Estimate of Overall Build Costs	£2,466,805	£8,055,600	£15,798,700	£79,018,500
Estimate of Other Developer Contributions	£168,380	£6,309,000	£12,305,500	£61,552,500
5% Off Site Affordable Housing Contribution	£39,832	£132,773	£265,545	£1,327,725
10% Off Site Affordable Housing Contribution	£79,664	£265,545	£531,090	£2,655,450
15% Off Site Affordable Housing Contribution	£119,495	£398,318	£796,635	£3,983,175
18% Off Site Affordable Housing Contribution	£139,411	£464,704	£929,408	£4,647,038
20% Off Site Affordable Housing Contribution	£159,327	£531,090	£1,062,180	£5,310,900
44% Off Site Affordable Housing Contribution	£350,519	£1,168,398	£2,336,796	£11,683,980

Table 1: Assumed Development Costs/Values & Affordable Housing Contribution Scenarios

3. Overall Developer Contribution Delivery Scenarios

- 3.1 Using the developer assumptions to estimate the bare economic viability of each type of development anticipated to deliver in the future, there is the possibility to secure developer contributions as part of the development alongside affordable housing contributions.
- 3.2 Some developer contributions enable development to occur, such as highway improvements, whereby if they weren't provided the development would not be able to be physically accessed effectively. These "enabling" developer contributions are essentially non-negotiable and must be provided if a development is to take place. However in the interest of creating sustainable communities some developer contributions add to the overall quality of development and make the development, sustainable and appropriate in planning terms. Varying degrees of developer contributions can be secured depending upon type, impact and economic viability of development on the surrounding environment and the wider Borough.

4. Affordable Housing Contribution Scenarios

- 4.1 As outline in the SPD the affordable housing need in the Borough is for 44%, however this figure is essentially undeliverable on most residential developments due to economic viability. In order to assess and arrive at a deliverable affordable housing "target" a range of development sizes have been considered:
 - 15 dwellings, 50 dwellings, 100 dwellings and 500 dwellings
- 4.2 Further to this a range of affordable housing provision scenarios have been considered:
 - 5%, 10%, 15%, 18%, 20% and 44% Off Site Contribution
- 4.3 Tables 4 to 8 illustrate the overall economic viability of the assumed development sizes considering the level of affordable housing that can be provided alongside all other required developer contributions outlined in the Planning Obligations SPD.

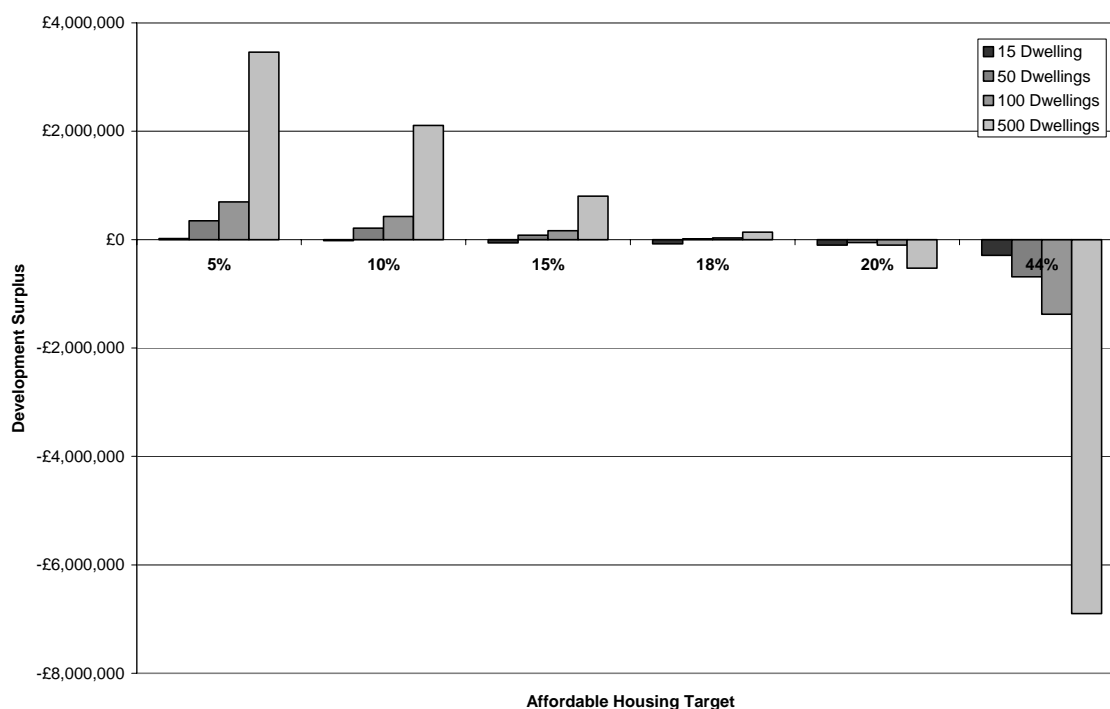
5. Deliverable Affordable Housing Target

- 5.1 In undertaking the economic viability assessments (illustrated in Tables 4 to 8) it is apparent that if new residential developments in excess of 15 dwellings are expected to contribute 44%, in order to meet the defined housing need it means that they are not economically viable. Table 2 below bring together the overall findings of tables 4 to 8 and illustrates the overall economic viability of the typical developments assessed.

Development Scenario	Development Size (Number of Dwellings)			
	15	50	100	500
5% Affordable Housing	£19,983	£347,028	£696,555	£3,457,775
10% Affordable Housing	-£20,488	£212,125	£426,750	£2,108,750
15% Affordable Housing	-£59,680	£81,483	£165,465	£802,325
18% Affordable Housing	-£79,596	£15,096	£32,693	£138,463
20% Affordable Housing	-£99,512	-£51,290	-£100,080	-£525,400
44% Affordable Housing	-£290,704	-£688,598	-£1,374,696	-£6,898,480

Table 2: Development Scenarios and Affordable Housing Target Economic Viability (£)

- 5.2 Table 2 identifies that 5%, 10% and 15% affordable housing contributions can be delivered on typical residential developments however 20% and above becomes not economically viable due to the level of contributions required. Graph 1 illustrates table 1 and identifies the deliverable affordable housing target “cut of point” where appropriate contributions can be achieved is 18%.



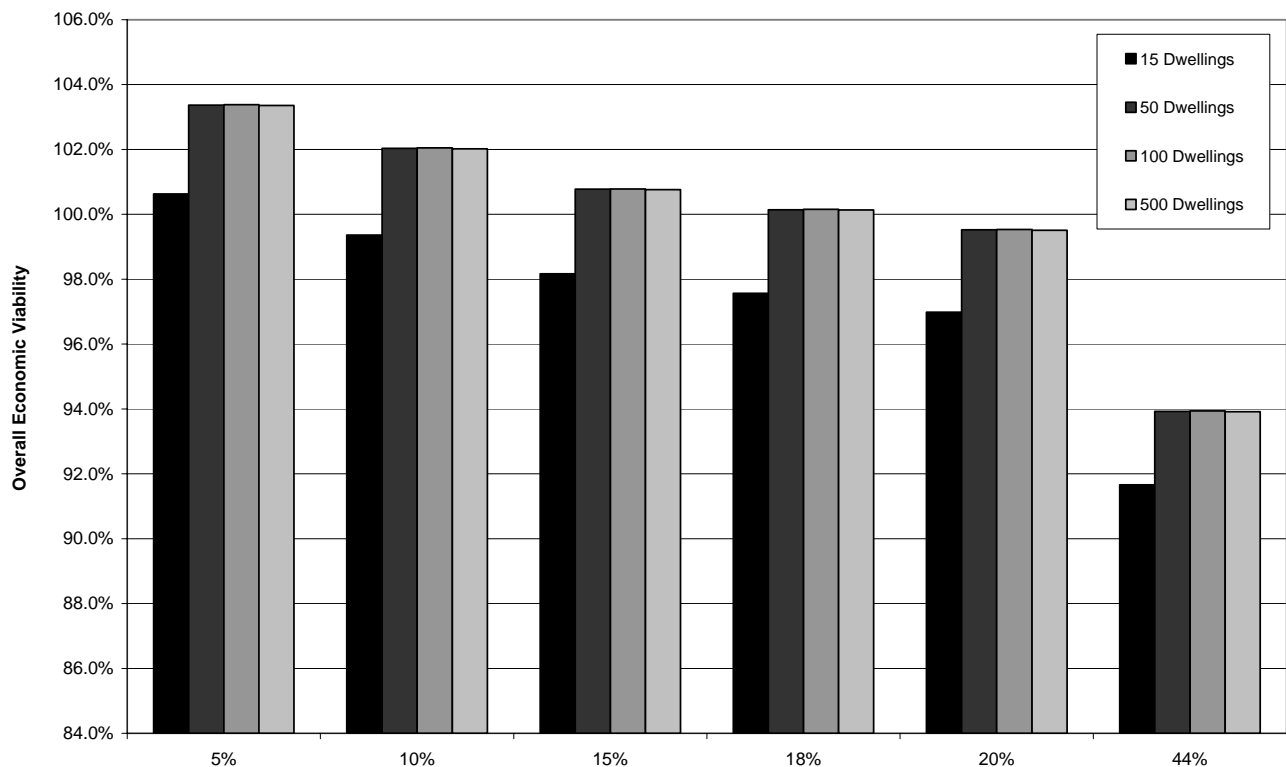
Graph 1: Development Scenarios and Affordable Housing Target Economic Viability (£)

- 5.3 Table 3 illustrates the development risk as a percentage. Typically, where a site is in excess of 100% it is assumed that it is economically viable and therefore could deliver appropriate developer contributions. If a site is at or below 100% there is a risk to the development starting and delivering as there would be a risk to the developer in securing appropriate finance.

Development Scenario	Development Size (Number of Dwellings)			
	15	50	100	500
5% Affordable Housing	100.6%	103.4%	103.4%	103.4%
10% Affordable Housing	99.4%	102.0%	102.0%	102.0%
15% Affordable Housing	98.2%	100.8%	100.8%	100.8%
18% Affordable Housing	97.6%	100.1%	100.2%	100.1%
20% Affordable Housing	97.0%	99.5%	99.5%	99.5%
44% Affordable Housing	91.7%	93.9%	93.9%	93.9%

Table 3: Development Scenarios and Affordable Housing Target Economic Viability (%)

- 5.4 Graph 2 gives a further illustration of the trend that requiring greater affordable housing contributions results in reduced economic viability to the point whereby developments become not economically viable. The 18% affordable housing deliverability target reflects the point at which the majority of the development schemes fall below the 100% viability benchmark.



Graph 2: Development Scenarios and Affordable Housing Target Economic Viability (%)

6. Individual Economic Viability Development Scenario Assessments

6.1 The following tables illustrate the outcomes of the economic viability tests carried out on different levels of affordable housing contributions. For reference the tables are summarised in table 1 earlier in this appendix.

Site Description	Number of Dwellings				Comments
Number of Dwellings	15	50	100	500	
Dwelling floorspace (sqm)	100	100	100	100	
Net Residential Floorspace (sqm)	1500	5000	10000	50000	
Site Size (ha)	0.5	1.6	3.5	18.0	
Income Value					Comments
Market Value (per sqm)	£2,130	£2,130	£2,130	£2,130	
Unit Size (sqm)	100	100	100	100	
Unit Value	£213,000	£213,000	£213,000	£213,000	
Total	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Land Value / Purchase Cost					Comments
Estimated £ per ha	£1,000,000	£1,000,000	£1,000,000	£1,000,000	
Estimated Cost	£500,000	£1,600,000	£3,500,000	£18,000,000	
Total	£500,000	£1,600,000	£3,500,000	£18,000,000	
Build Costs PER UNIT					Comments
Total Unit Cost £ per sqm	£1,350,000	£4,375,000	£8,500,000	£42,500,000	£900, £875 and £850 per sqm estimate reduced by economies of scale
Abnormals	£25,000	£80,000	£175,000	£900,000	5% of Build Costs
Enabling Costs	£37,500	£125,000	£250,000	£1,250,000	£25 per sqm
Contingency	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Prelims	£67,500	£218,750	£425,000	£2,125,000	5% of Build Costs
Professional Fees	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Finance Arrangements	£81,000	£262,500	£510,000	£2,550,000	6% of Build Costs
Marketing & Sales Costs	£111,825	£372,750	£745,500	£3,727,500	3.5% of Development Value
Developer Profit	£523,980	£1,746,600	£3,493,200	£17,466,000	16.4% of Gross Development Value
Total	£2,466,805	£8,055,600	£15,798,700	£79,018,500	
Developer Contributions					Comments
5% Off Site Affordable	£39,832	£132,773	£265,545	£1,327,725	40% of the value of a £132,772 Average Borough Value = £53,109 per unit
10% Renewables	£45,000	£150,000	£300,000	£1,500,000	Estimate of £3000 per dwelling
Energy Efficiencies	£12,750	£42,500	£85,000	£425,000	Estimate of £850 per dwelling
Off Site Highway Improvements	£0	£20,000	£100,000	£500,000	Estimate of Traffic Calming, Crossings, Junctions etc.
Primary Education Provision	£25,575	£85,250	£170,500	£852,500	Estimate of £1,705 per dwelling
Secondary Education Provision	£23,805	£79,350	£158,700	£793,500	Estimate of £1,587 per dwelling
Open Space / Play Provision	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Built Sports Facilities	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
SuDS Provision	£50,000	£100,000	£150,000	£250,000	Estimate of providing on site SuDS Scheme
Green Infrastructure	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Total	£208,212	£647,373	£1,304,745	£6,023,725	
Total Development Value	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Total Development Costs	£3,175,017	£10,302,973	£20,603,445	£103,042,225	
Total Development Surplus	£19,983	£347,028	£696,555	£3,457,775	
% Overall Economic Viability	100.6%	103.4%	103.4%	103.4%	

Table 4: 5% Affordable Housing Contribution Development Scenario

Site Description	Number of Dwellings				Comments
Number of Dwellings	15	50	100	500	
Dwelling floorspace (sqm)	100	100	100	100	
Net Residential Floorspace (sqm)	1500	5000	10000	50000	
Site Size (ha)	0.5	1.6	3.5	18.0	
Income Value					Comments
Market Value (per sqm)	£2,130	£2,130	£2,130	£2,130	
Unit Size (sqm)	100	100	100	100	
Unit Value	£213,000	£213,000	£213,000	£213,000	
Total	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Land Value / Purchase Cost					Comments
Estimated £ per ha	£1,000,000	£1,000,000	£1,000,000	£1,000,000	
Estimated Cost	£500,000	£1,600,000	£3,500,000	£18,000,000	
Total	£500,000	£1,600,000	£3,500,000	£18,000,000	
Build Costs PER UNIT					Comments
Total Unit Cost £ per sqm	£1,350,000	£4,375,000	£8,500,000	£42,500,000	£900, £875 and £850 per sqm estimate reduced by economies of scale
Abnormals	£25,000	£80,000	£175,000	£900,000	5% of Build Costs
Enabling Costs	£37,500	£125,000	£250,000	£1,250,000	£25 per sqm
Contingency	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Prelims	£67,500	£218,750	£425,000	£2,125,000	5% of Build Costs
Professional Fees	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Finance Arrangements	£81,000	£262,500	£510,000	£2,550,000	6% of Build Costs
Marketing & Sales Costs	£111,825	£372,750	£745,500	£3,727,500	3.5% of Development Value
Developer Profit	£524,619	£1,748,730	£3,497,460	£17,487,300	16.4% of Gross Development Value
Total	£2,467,444	£8,057,730	£15,802,960	£79,039,800	
Developer Contributions					Comments
10% Off Site Affordable	£79,664	£265,545	£531,090	£2,655,450	40% of the value of a £132,772 Average Borough Value = £53,109 per unit
10% Renewables	£45,000	£150,000	£300,000	£1,500,000	Estimate of £3000 per dwelling
Energy Efficiencies	£12,750	£42,500	£85,000	£425,000	Estimate of £850 per dwelling
Off Site Highway Improvements	£0	£20,000	£100,000	£500,000	Estimate of Traffic Calming, Crossings, Junctions etc.
Primary Education Provision	£25,575	£85,250	£170,500	£852,500	Estimate of £1,705 per dwelling
Secondary Education Provision	£23,805	£79,350	£158,700	£793,500	Estimate of £1,587 per dwelling
Open Space / Play Provision	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Built Sports Facilities	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
SuDS Provision	£50,000	£100,000	£150,000	£250,000	Estimate of providing on site SuDS Scheme
Green Infrastructure	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Total	£248,044	£780,145	£1,570,290	£7,351,450	
Total Development Value	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Total Development Costs	£3,215,488	£10,437,875	£20,873,250	£104,391,250	
Total Development Surplus	-£20,488	£212,125	£426,750	£2,108,750	
% Overall Economic Viability	99.4%	102.0%	102.0%	102.0%	

Table 5: 10% Affordable Housing Contribution Development Scenario

Site Description	Number of Dwellings				Comments
Number of Dwellings	15	50	100	500	
Dwelling floorspace (sqm)	100	100	100	100	
Net Residential Floorspace (sqm)	1500	5000	10000	50000	
Site Size (ha)	0.5	1.6	3.5	18.0	
Income Value					Comments
Market Value (per sqm)	£2,130	£2,130	£2,130	£2,130	
Unit Size (sqm)	100	100	100	100	
Unit Value	£213,000	£213,000	£213,000	£213,000	
Total	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Land Value / Purchase Cost					Comments
Estimated £ per ha	£1,000,000	£1,000,000	£1,000,000	£1,000,000	
Estimated Cost	£500,000	£1,600,000	£3,500,000	£18,000,000	
Total	£500,000	£1,600,000	£3,500,000	£18,000,000	
Build Costs PER UNIT					Comments
Total Unit Cost £ per sqm	£1,350,000	£4,375,000	£8,500,000	£42,500,000	£900, £875 and £850 per sqm estimate reduced by economies of scale
Abnormals	£25,000	£80,000	£175,000	£900,000	5% of Build Costs
Enabling Costs	£37,500	£125,000	£250,000	£1,250,000	£25 per sqm
Contingency	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Prelims	£67,500	£218,750	£425,000	£2,125,000	5% of Build Costs
Professional Fees	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Finance Arrangements	£81,000	£262,500	£510,000	£2,550,000	6% of Build Costs
Marketing & Sales Costs	£111,825	£372,750	£745,500	£3,727,500	3.5% of Development Value
Developer Profit	£523,980	£1,746,600	£3,493,200	£17,466,000	16.4% of Gross Development Value
Total	£2,466,805	£8,055,600	£15,798,700	£79,018,500	
Developer Contributions					Comments
15% Off Site Affordable	£119,495	£398,318	£796,635	£3,983,175	40% of the value of a £132,772 Average Borough Value = £53,109 per unit
10% Renewables	£45,000	£150,000	£300,000	£1,500,000	Estimate of £3000 per dwelling
Energy Efficiencies	£12,750	£42,500	£85,000	£425,000	Estimate of £850 per dwelling
Off Site Highway Improvements	£0	£20,000	£100,000	£500,000	Estimate of Traffic Calming, Crossings, Junctions etc.
Primary Education Provision	£25,575	£85,250	£170,500	£852,500	Estimate of £1,705 per dwelling
Secondary Education Provision	£23,805	£79,350	£158,700	£793,500	Estimate of £1,587 per dwelling
Open Space / Play Provision	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Built Sports Facilities	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
SuDS Provision	£50,000	£100,000	£150,000	£250,000	Estimate of providing on site SuDS Scheme
Green Infrastructure	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Total	£287,875	£912,918	£1,835,835	£8,679,175	
Total Development Value	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Total Development Costs	£3,254,680	£10,568,518	£21,134,535	£105,697,675	
Total Development Surplus	-£59,680	£81,483	£165,465	£802,325	
% Overall Economic Viability	98.2%	100.8%	100.8%	100.8%	

Table 6: 15% Affordable Housing Contribution Development Scenario

Site Description	Number of Dwellings				Comments
Number of Dwellings	15	50	100	500	
Dwelling floorspace (sqm)	100	100	100	100	
Net Residential Floorspace (sqm)	1500	5000	10000	50000	
Site Size (ha)	0.5	1.6	3.5	18.0	
Income Value					Comments
Market Value (per sqm)	£2,130	£2,130	£2,130	£2,130	
Unit Size (sqm)	100	100	100	100	
Unit Value	£213,000	£213,000	£213,000	£213,000	
Total	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Land Value / Purchase Cost					Comments
Estimated £ per ha	£1,000,000	£1,000,000	£1,000,000	£1,000,000	
Estimated Cost	£500,000	£1,600,000	£3,500,000	£18,000,000	
Total	£500,000	£1,600,000	£3,500,000	£18,000,000	
Build Costs PER UNIT					Comments
Total Unit Cost £ per sqm	£1,350,000	£4,375,000	£8,500,000	£42,500,000	£900, £875 and £850 per sqm estimate reduced by economies of scale
Abnormals	£25,000	£80,000	£175,000	£900,000	5% of Build Costs
Enabling Costs	£37,500	£125,000	£250,000	£1,250,000	£25 per sqm
Contingency	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Prelims	£67,500	£218,750	£425,000	£2,125,000	5% of Build Costs
Professional Fees	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Finance Arrangements	£81,000	£262,500	£510,000	£2,550,000	6% of Build Costs
Marketing & Sales Costs	£111,825	£372,750	£745,500	£3,727,500	3.5% of Development Value
Developer Profit	£523,980	£1,746,600	£3,493,200	£17,466,000	16.4% of Gross Development Value
Total	£2,466,805	£8,055,600	£15,798,700	£79,018,500	
Developer Contributions					Comments
18% Off Site Affordable	£139,411	£464,704	£929,408	£4,647,038	40% of the value of a £132,772 Average Borough Value = £53,109 per unit
10% Renewables	£45,000	£150,000	£300,000	£1,500,000	Estimate of £3000 per dwelling
Energy Efficiencies	£12,750	£42,500	£85,000	£425,000	Estimate of £850 per dwelling
Off Site Highway Improvements	£0	£20,000	£100,000	£500,000	Estimate of Traffic Calming, Crossings, Junctions etc.
Primary Education Provision	£25,575	£85,250	£170,500	£852,500	Estimate of £1,705 per dwelling
Secondary Education Provision	£23,805	£79,350	£158,700	£793,500	Estimate of £1,587 per dwelling
Open Space / Play Provision	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Built Sports Facilities	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
SuDS Provision	£50,000	£100,000	£150,000	£250,000	Estimate of providing on site SuDS Scheme
Green Infrastructure	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Total	£307,791	£979,304	£1,968,608	£9,343,038	
Total Development Value	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Total Development Costs	£3,274,596	£10,634,904	£21,267,308	£106,361,538	
Total Development Surplus	-£79,596	£15,096	£32,693	£138,463	
% Overall Economic Viability	97.6%	100.1%	100.2%	100.1%	

Table 6: 18% Affordable Housing Contribution Development Scenario

Site Description	Number of Dwellings				Comments
Number of Dwellings	15	50	100	500	
Dwelling floorspace (sqm)	100	100	100	100	
Net Residential Floorspace (sqm)	1500	5000	10000	50000	
Site Size (ha)	0.5	1.6	3.5	18.0	
Income Value					Comments
Market Value (per sqm)	£2,130	£2,130	£2,130	£2,130	
Unit Size (sqm)	100	100	100	100	
Unit Value	£213,000	£213,000	£213,000	£213,000	
Total	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Land Value / Purchase Cost					Comments
Estimated £ per ha	£1,000,000	£1,000,000	£1,000,000	£1,000,000	
Estimated Cost	£500,000	£1,600,000	£3,500,000	£18,000,000	
Total	£500,000	£1,600,000	£3,500,000	£18,000,000	
Build Costs PER UNIT					Comments
Total Unit Cost £ per sqm	£1,350,000	£4,375,000	£8,500,000	£42,500,000	£900, £875 and £850 per sqm estimate reduced by economies of scale
Abnormals	£25,000	£80,000	£175,000	£900,000	5% of Build Costs
Enabling Costs	£37,500	£125,000	£250,000	£1,250,000	£25 per sqm
Contingency	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Prelims	£67,500	£218,750	£425,000	£2,125,000	5% of Build Costs
Professional Fees	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Finance Arrangements	£81,000	£262,500	£510,000	£2,550,000	6% of Build Costs
Marketing & Sales Costs	£111,825	£372,750	£745,500	£3,727,500	3.5% of Development Value
Developer Profit	£523,980	£1,746,600	£3,493,200	£17,466,000	16.4% of Gross Development Value
Total	£2,466,805	£8,055,600	£15,798,700	£79,018,500	
Developer Contributions					Comments
20% Off Site Affordable	£159,327	£531,090	£1,062,180	£5,310,900	40% of the value of a £132,772 Average Borough Value = £53,109 per unit
10% Renewables	£45,000	£150,000	£300,000	£1,500,000	Estimate of £3000 per dwelling
Energy Efficiencies	£12,750	£42,500	£85,000	£425,000	Estimate of £850 per dwelling
Off Site Highway Improvements	£0	£20,000	£100,000	£500,000	Estimate of Traffic Calming, Crossings, Junctions etc.
Primary Education Provision	£25,575	£85,250	£170,500	£852,500	Estimate of £1,705 per dwelling
Secondary Education Provision	£23,805	£79,350	£158,700	£793,500	Estimate of £1,587 per dwelling
Open Space / Play Provision	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Built Sports Facilities	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
SuDS Provision	£50,000	£100,000	£150,000	£250,000	Estimate of providing on site SuDS Scheme
Green Infrastructure	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Total	£327,707	£1,045,690	£2,101,380	£10,006,900	
Total Development Value	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Total Development Costs	£3,294,512	£10,701,290	£21,400,080	£107,025,400	
Total Development Surplus	-£99,512	-£51,290	-£100,080	-£525,400	
% Overall Economic Viability	97.0%	99.5%	99.5%	99.5%	

Table 7: 20% Affordable Housing Contribution Development Scenario

Site Description	Number of Dwellings				Comments
Number of Dwellings	15	50	100	500	
Dwelling floorspace (sqm)	100	100	100	100	
Net Residential Floorspace (sqm)	1500	5000	10000	50000	
Site Size (ha)	0.5	1.6	3.5	18.0	
Income Value					Comments
Market Value (per sqm)	£2,130	£2,130	£2,130	£2,130	
Unit Size (sqm)	100	100	100	100	
Unit Value	£213,000	£213,000	£213,000	£213,000	
Total	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Land Value / Purchase Cost					Comments
Estimated £ per ha	£1,000,000	£1,000,000	£1,000,000	£1,000,000	
Estimated Cost	£500,000	£1,600,000	£3,500,000	£18,000,000	
Total	£500,000	£1,600,000	£3,500,000	£18,000,000	
Build Costs PER UNIT					Comments
Total Unit Cost £ per sqm	£1,350,000	£4,375,000	£8,500,000	£42,500,000	£900, £875 and £850 per sqm estimate reduced by economies of scale
Abnormals	£25,000	£80,000	£175,000	£900,000	5% of Build Costs
Enabling Costs	£37,500	£125,000	£250,000	£1,250,000	£25 per sqm
Contingency	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Prelims	£67,500	£218,750	£425,000	£2,125,000	5% of Build Costs
Professional Fees	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Finance Arrangements	£81,000	£262,500	£510,000	£2,550,000	6% of Build Costs
Marketing & Sales Costs	£111,825	£372,750	£745,500	£3,727,500	3.5% of Development Value
Developer Profit	£523,980	£1,746,600	£3,493,200	£17,466,000	16.4% of Gross Development Value
Total	£2,466,805	£8,055,600	£15,798,700	£79,018,500	
Developer Contributions					Comments
44% Off Site Affordable	£350,519	£1,168,398	£2,336,796	£11,683,980	40% of the value of a £132,772 Average Borough Value = £53,109 per unit
10% Renewables	£45,000	£150,000	£300,000	£1,500,000	Estimate of £3000 per dwelling
Energy Efficiencies	£12,750	£42,500	£85,000	£425,000	Estimate of £850 per dwelling
Off Site Highway Improvements	£0	£20,000	£100,000	£500,000	Estimate of Traffic Calming, Crossings, Junctions etc.
Primary Education Provision	£25,575	£85,250	£170,500	£852,500	Estimate of £1,705 per dwelling
Secondary Education Provision	£23,805	£79,350	£158,700	£793,500	Estimate of £1,587 per dwelling
Open Space / Play Provision	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Built Sports Facilities	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
SuDS Provision	£50,000	£100,000	£150,000	£250,000	Estimate of providing on site SuDS Scheme
Green Infrastructure	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Total	£518,899	£1,682,998	£3,375,996	£16,379,980	
Total Development Value	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Total Development Costs	£3,485,704	£11,338,598	£22,674,696	£113,398,480	
Total Development Surplus	-£290,704	-£688,598	-£1,374,696	-£6,898,480	
% Overall Economic Viability	91.7%	93.9%	93.9%	93.9%	

Table 8: 44% Affordable Housing Contribution Development Scenario

APPENDIX 2 – GLOSSARY OF TERMS

Affordability		A measure of what housing is affordable to certain groups of households.
Affordable Housing		Affordable housing is housing designed for those whose income generally deny them opportunity to purchase houses on the open market as a result of the difference between income and the market cost of housing. For further definition see NPPG.
Circular		Central Government guidance
Code for Sustainable Homes		A national standard for sustainable design and construction of new homes. The Code is still a useful method although it is likely to be wound down by the end of 2014.
Commencement of development		The date at which work begins on site.
Community Facilities		A facility that can be used by all members of the community i.e. community centre, phone box etc.
Community Strategy		Provides the planning framework for all services in Hartlepool, including the regeneration and neighbourhood renewal activity. Sets out a long term vision and details the principles and 7 priority aims necessary to achieve the vision and improve services.
Commuted Sum		A sum of money paid by a developer to the local authority to provide a service or a facility, rather than the developer providing it direct.
Design and Specification		Provides precise and explicit information about the requirements for a development design.
Developer Contributions		Relate to the provision of those items outlined within the section 106 legal agreement.
Development Plan Document	DPD	A Local Development Document in the Local Development Framework which forms part of the statutory Development Plan. The Local Plan, documents dealing with the allocation of land, action area plans and the proposals map are all Development Plan Documents.
Economic Viability Assessment		A means by which to assess the profitability of a scheme.
Financial contribution		A cash specific amount of money paid to the local authority.
Green Infrastructure		Green infrastructure involves natural and managed green areas in both urban and rural settings. It involves the strategic connection of open green areas and provides multiple benefits for people.
Hartlepool Local Plan		A Local Plan is a statutory document containing all the planning policies and standards that will

		be used to determine planning applications received by the Development Control Section. The plan is also intended to highlight areas where the Council is seeking to encourage new development within the Borough.
Heritage Asset		A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)
Homes and Communities Agency	HCA	The Homes and Communities Agency is the national housing and regeneration delivery agency for England. Their role is to create thriving communities and affordable homes.
Housing Market Renewal	HMR	An area allocated for improvements to the housing stock either by demolition and rebuild or by refurbishment.
Infrastructure		Can be many things and includes roads, rail, pipelines etc or social provision such as schools.
Intermediate Tenure		This type of housing, also known as Shared Ownership or Shared Equity, enables people to privately buy a share of a property being sold and pay a subsidised rent on the remainder.
Land use		The use that exists on a certain area of land, various land uses could be residential, agricultural, open space etc
Level of Contribution		The value of money or in kind contribution that a developer is required to pay as a result of the development.
Lifetime Homes		Lifetime Homes are ordinary homes incorporating 16 design criteria that can be universally applied to new homes. Each design feature adds to the comfort and convenience of the home and supports the changing needs of individuals and families at different stages of life.
Local Area Agreement	LAA	LAA's are a three year agreement, based on local Sustainable Community Strategies, that sets the priorities for a local area between the Council and other key partnerships.
Local Development Framework	LDF	The overarching term given to the collection of Local Development Documents which collectively will provide the local planning authority's policies for meeting the community's economic, environmental and social aims for the future of the area where this affects the development and use of land and buildings. The LDF also includes the Local Development Scheme, the Statement of Community Involvement and the Authorities

		Monitoring Report.
Local Highway Network		All the roads within the Borough, ranging from the A19 down to local roads within housing estates.
Local Transport Plan	LTP	Describes the long-term transport strategy for the Borough and sets out a programme of improvements to address the identified local transport problems.
Localism Act		The Localism Act has devolved greater powers to local government and neighbourhoods and given local communities more rights and powers over decisions about housing. It also includes reforms to make the planning system more democratic and more effective.
Maintenance		The repair and upkeep of a product.
Market Conditions		The prevailing performance of the economy across all sectors.
Masterplan		A detailed plan of the site and the type of development that would seek to be achieved for the whole site.
National Planning Policy Framework	NPPF	Sets out the national policy situation in one document which replaced the previous Planning Policy Statements and Planning Policy Guidance Notes.
National Planning Policy Guidance	NPPG	The Government has published the NPPG to support the National Planning Policy Framework and to give further guidance to developers and local authorities.
On-site		An area within the planning application boundary.
Open Market Value		The value of a product if advertised on the open market.
Open Space Assessment	OMV	An assessment of the quality and availability of open space within Hartlepool.
Pepper Potting		The principle of ensuring there is a spread of affordable housing throughout and overall development rather than all being provided in one specific area.
Piecemeal		Development that is carried out bit by bit.
Planning Condition		A requirement attached to a planning application to ensure that the development is of a high standard and to help mitigate against any implications an application may have. Conditions can relate to types of materials or assessments that may have to be carried out.
Planning Obligation		A legally binding agreement between the local planning authority and persons with an interest in a piece of land. Planning obligations are used to secure funds or works for significant and essential elements of a scheme to make it

		acceptable in planning terms. Planning obligations will have been set out in an agreement often known as a 'section 106 agreement' and may be used to prescribe the nature of development, to compensate for loss or damaged created by development or to mitigate a development's impact on surrounding built and natural environment.
Pre-application		The stage referred to prior to submission of an application.
Registered Providers	RP	Registered Providers are Government-funded not-for-profit organisations that provide affordable housing. They include housing associations, trusts and cooperatives. They work with local authorities to provide homes for people meeting the affordable homes criteria. As well as developing land and building homes, RPs undertake a landlord function by maintaining properties and collecting rent.
Section 106 Legal Agreement		Legally binding agreement entered into between a developer and the Council.
Section 278 Agreement		Where a development requires works to be carried out on the existing adopted highway, an agreement will need to be completed between the developer and the Council under Section 278 of the Highways Act 1980.
Social Rented		Housing that is rented to a tenant by a Registered Provider.
Strategic Housing Market Assessment	SHMA	Identifies land for housing and assess the deliverability and developability of sites. Provides the evidence base to support the delivery of sufficient land for housing to meet the community's need for more homes.
Subsidy		A form of financial assistance paid to a business or economic sector.
Supplementary Planning Document	SPD	A Local Development Document providing further detail of policies in Development Plan Documents or of saved local plan policies. They do not have development status.
Sustainability Appraisal	SA	Identifies and evaluates social, environmental and economic effects of strategies and policies in a Local Development Document from the outset of the preparation process. It incorporates the requirements of the Strategic Environmental Assessment (SEA) Directive.
Sustainable		To maintain the vitality and strength of something over a period of time without harming the strength and vitality of anything else.
Sustainable Locations		A location that helps maintain the vitality and strength of something over a period of time

		without harming the strength and vitality of anything else.
Tees Valley		Stockton, Hartlepool, Middlesbrough, Redcar and Cleveland and Darlington collectively known as the Tees Valley
Tenure		Tenure refers to the arrangements under which the household occupies all or part of a housing unit.
Threshold		A value at which a contribution would be sought. For example if the threshold is over 10 and a developer has a scheme for 10 houses they would not be required to contribute, however if a scheme was for 10 dwellings a contribution would be required.
Transfer Price		The discounted price at which a developer would transfer a property to a Registered Provider.
Transport Assessment	TA	A Transport Assessment is a comprehensive and systematic process that sets out at an early stage transport issues relating to a proposed development and identifies what measures will be taken to deal with the anticipated transport impacts of the scheme.
Transport Statement	TS	A simplified or basic report in the form of a Transport Statement may be sufficient. A transport statement is appropriate when a proposed development is expected to generate relatively low numbers of trips or traffic flows and would have only a minor impact on transport.
Travel Plans		A Travel Plan is a package of measures to assist in managing the transport needs of an organisation. The main objective of a Travel Plan is to provide incentives for users of a development to reduce the need to travel alone by car to a site.



Saved Policies 2006 Hartlepool Local Plan

Planning Policy Framework Justification

November 2015



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1. INTRODUCTION

- 1.1 The purpose of this document is to demonstrate the current planning policy framework with regard to making decisions on planning applications currently and in the future.
- 1.2 This document should be used by all relevant parties to gain an understanding of the current planning policy situation for Hartlepool in which saved policies in the Adopted 2006 Local Plan, the National Planning Policy Framework, National Planning Practice Guidance and other material considerations should be used to make decisions with specific regard to determining planning applications in the future.

2. BACKGROUND

- 2.1 The reason for this statement arises from a series of events which took place since 2008. They are illustrated in the subsequent paragraphs below.

2006 Local Plan

- 2.2 The 2006 Local Plan was prepared in order to replace the then existing 1994 Local Plan. The 2006 Local Plan identified strategic land allocations to meet the demand and needs for new and existing housing, employment, retail, leisure etc and sought to guide and control development in the borough up to 2016. The 2006 Local Plan was prepared in accordance with the Town and Country Planning (Transitional Arrangements) (England) Regulations 2004 and not the Town and Country Planning (Regional Planning) (England) Regulations 2004.

Saved Policies of the 2006 Local Plan

- 2.3 Under the Planning and Compulsory Purchase Act 2004, unless expressly replaced by a 'new' policy, 'old' policies of an adopted Local Plan were automatically saved for three years from the date the Local Plan was adopted. On 13th April 2009 the Council saved the vast majority of the policies included in the 2006 Local Plan as they were assessed as being relevant and did not repeat national planning guidance at the time. The saved policies of the 2006 Local Plan were subsequently used as a basis alongside national planning policy to determine planning applications.

2013 Local Plan

- 2.4 The Council started the preliminary work of preparing a new Local Plan in January 2007 by starting to assemble an evidence base. In October 2007 The Council published an Issues & Options document and moved to Preferred Options in January 2010. A further Preferred Options document was produced in April 2010 before a Publication document was produced in February 2012.
- 2.5 At Publication stage the Council started to implement certain policies contained in the 2013 Local Plan where they held significantly more weight than existing policies in the 2006 Local Plan and/or the 2006 Local Plan was silent on the issue; including issues such as affordable housing and renewable energy provision.
- 2.6 The Local Plan was submitted to the Secretary of State in June 2012 and subject to public Hearings in January 2013 running to September 2013. The public hearings resulted in a situation where the Planning Inspector found the Local Plan sound subject to modifications.
- 2.7 At a meeting held on 17th October 2013 the Council resolved to withdraw the Local Plan under Section 22(1) of the Planning and Compulsory Purchase Act, 2004, as amended by Schedule 25 Part 17 of the Localism Act, 2011. The Council also resolved to cease to make any documents relating to the withdrawn Local Plan available.

The Current Situation

- 2.8 The withdrawal of the 2013 Local Plan placed the Council in a situation where the planning policy framework consists of saved 2006 Local Plan policies which are consistent with national policy, the guidance contained in the National Planning Policy Framework and other material considerations.

3. NATIONAL PLANNING POLICY FRAMEWORK & GUIDANCE

- 3.1 The National Planning Policy Framework (NPPF) was published in March 2012 along with the Planning Policy for Traveller Sites. It is a key element of the Government's reforms to make the planning system less complex and more accessible, by combining the majority of existing guidance within one overarching document. It replaced all Planning Policy Statements (PPSs), Planning Policy Guidance (PPGs) and Circulars, with the exception of PPS10 (Waste). Whilst the NPPF does not affect the status of development plans as the starting point for considering planning applications, local authorities have been encouraged to review existing Local Plans and other planning documents to ensure that they have a high level of consistency with the NPPF.
- 3.2 From the date of its publication, the policies contained in the NPPF have been a material consideration that local authorities need to take into account when making development decisions, and in the preparation of local planning documents. To allow for a period of transition, Councils can give weight to relevant policies adopted since 2004, even if there is a limited degree of conflict with the NPPF. Published alongside the NPPF is the National Planning Practice Guidance (NPPG) which gives further clarity to the policies and considerations contained in the NPPF. The NPPG is a material consideration along side the NPPF when making development decisions.
- 3.3 With regard to this NPPF paragraph 214 states:
- "For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004* (*In development plan documents adopted in accordance with the Planning and Compulsory Purchase Act 2004 or published in the London Plan) even if there is a limited degree of conflict with this Framework."*
- 3.4 As previously stated in section 2, the 2006 Local Plan was prepared in accordance with the Town and Country Planning (Transitional Arrangements) (England) Regulations 2004 and not the Town and Country Planning (Regional Planning) (England) Regulations 2004. As a result the Council cannot give full weight to the saved policies in the 2006 Local Plan.
- 3.5 However NPPF paragraph 215 goes further to state:
- "In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*
- 3.6 The Council's current situation therefore falls into the "in other cases" category. Paragraph 215 states that "due weight" should be given to "relevant" policies in existing plans according to their degree of consistency with the NPPF. Paragraph 215 offers a mechanism whereby the 2006 Local Plan can still be given due weight dependant upon the consistency of the policies with the NPPF.
- 3.7 Section 5 of this document demonstrates the 2006 Local Plan saved policies consistency with the NPPF bearing in mind the current situation in the borough.

3.8 NPPF paragraph 196 further states:

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

- 3.9 Bearing in mind NPPF paragraph 196 it is considered that other material considerations can be taken into account alongside relevant policies in the development plan (2006 Local Plan) and the NPPF. Taking this into consideration, the borough has specific policy areas where the 2006 Local Plan is silent and/or the relevant policies are out-of-date. These other material considerations, as illustrated in section 4, should be given due weight in decision making; with specific regard to determining planning applications.

4. SPECIFIC MATERIAL CONSIDERATIONS

- 4.1 The borough has specific policy areas where the 2006 Local Plan is silent and/or the relevant policies are out-of-date and the NPPF delegates the decision making to the development plan. The policy areas are set out below:

- Demonstrating a 5 Year Supply of Deliverable Housing Sites
- Affordable Housing
- Renewable Energy

These other material considerations should be given due weight in decision making; with specific regard to determining planning applications.

Demonstrating a 5 Year Land Supply of Deliverable Housing Sites

- 4.2 The Council cannot effectively demonstrate a 5 year supply of deliverable housing sites. This is a crucial consideration in establishing the future planning framework to be used in decision making, with particular regard to determining planning applications. The following paragraphs outline the Councils position with regard to the 5 year supply of deliverable housing sites.

- 4.3 The NPPF places great importance in the delivery of a wide choice of high quality homes. NPPF paragraph 47 states:

“To boost significantly the supply of housing, local planning authorities should:

- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*
- Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;”*

- 4.4 NPPF paragraph 48 states:

“Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.”

- 4.5 Bearing in mind paragraphs 47 and 48 the Council has a requirement to identify a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements. As discussed in section 2, the Council submitted to the Secretary of State in June 2012 its new Local Plan and it was subject to public Hearings in January 2013 running to September 2013. The public hearings resulted in a situation where the Planning Inspector found the Local Plan sound subject to modifications.
- 4.6 As the Local Plan was withdrawn prior to adoption any policies contained in the plan are deemed to hold no weight, this includes any housing allocations contained in the Local Plan. As a result no housing allocations contained in the withdrawn Local Plan are to be included in the 5 year supply demonstration.
- 4.7 The Council is currently preparing a new Local Plan to replace the 2006 Local Plan; and is currently at the evidence gathering stage prior to producing a Draft Local Plan in spring 2016. A major component of the robust and up to date evidence base is understanding the Objectively Assessed Housing Need (OAHN). The Council has commissioned and endorsed a 2015 Strategic Housing Market Assessment (SHMA) which sets out the OAHN. The SHMA can be downloaded from the Council's website and should be read as a companion piece to this report.
- 4.8 The SHMA states that an appropriate housing target would be approximately 325 net additional dwellings going forward over the next 15 years. Taking the SHMA housing target as a starting point the following issues need to be taken into consideration when looking at meeting future housing need, as set out in Table 1.

Table 1: Housing Target Breakdown

Housing Target Breakdown	Annual Dwellings	Total Dwellings Over 15 Years
SHMA Housing Requirement	325	4875
Estimated Demolitions Replacements	35	525
10% Previous Underperformance Backlog	36	540
Total Gross Delivery Required	396	5940
Proposed Baseline Housing Target	400	6000

- 4.9 Having only achieved the advocated housing target (at the time) once in the last 10 years, in accordance with NPPF paragraph 47 the Council accepts that there has been a record of persistent under delivery of housing. As a result there is a requirement to increase the provision over the first 5 years by an additional 20% (moved forward from later in the plan period). This essentially means that the Council needs to demonstrate a 6 year supply instead of a 5 year supply over the same period. Table 2 illustrates the housing delivery scenario over the next 15 years bearing in mind the 20% buffer allowance.

- 4.10 In identifying sites that contribute towards meeting a 1st 5 year supply the Council has only included deliverable (meeting the definition in NPPF footnote 11) housing sites in the borough; which are drawn from the following sources:
- (a) Sites with planning permission,
 - (b) Sites identified in the Strategic Housing Land Availability Assessment (SHLAA),
 - (c) Sites identified in the SHLAA and included in the 2016 Local Plan as allocations.
- 4.11 In accordance with NPPF footnote 11, in judging the deliverability of housing sites an assessment has been carried out looking at whether the housing delivery site has any issues with regard to:
- Site availability,
 - Site location,
 - Viability constraints,
 - Infrastructure constraints,
 - Planning policy constraints,
 - Market demand constraints,
 - Other constraints.

The development phasing of the sites has also been taken into account. For instance if a site was granted planning permission in outline in 2015, it may take 12 months to submit and approved Reserved matters, a further 12 months to assemble the site and start building units; as a result completions would not start occurring until year 2/3 (i.e. 2017/2018) of the development lifespan.

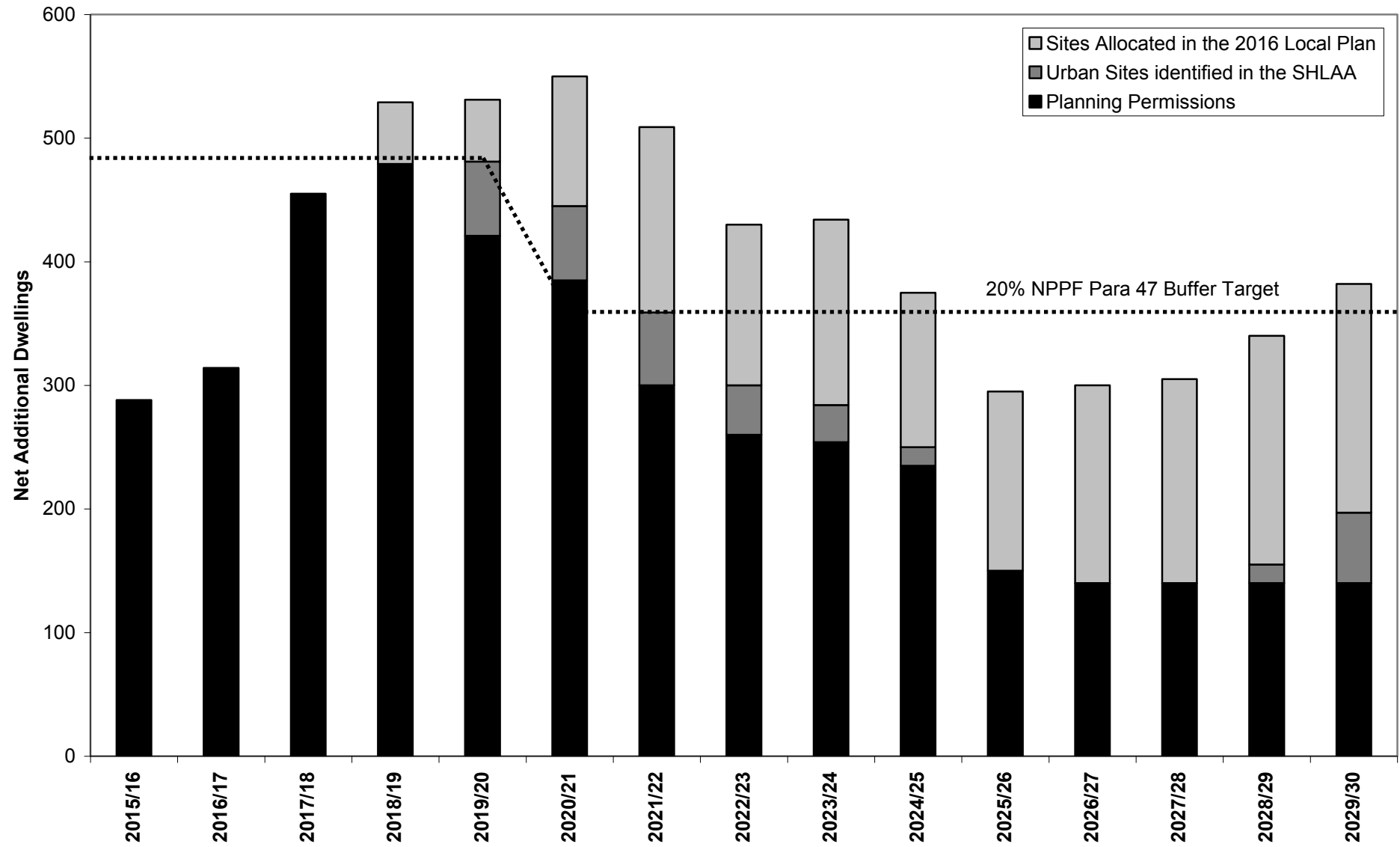
- 4.12 For information, the assessment is set out in Appendix 2. Where there are identified issues relating to the deliverability of the housing site (as above list) they have subsequently not been included in the 1st 5 years as they have specific delivery problems. Where sites have not been included in the 1st 5 years they have been discounted (i.e. beyond the 15 year period) or identified for development in the 2nd and 3rd 5 year periods, when it is more likely that development could occur.
- 4.13 Table 2 and graph 1 summarise all of the sites which contribute towards the 5 year supply; the details can be observed in Appendix 2.

Table 2: Summary of Demonstrating a 5 Year Supply of Deliverable Housing Sites

Housing Delivery Source	2015/16 Completed	2015/16 Remaining	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
(a) Planning Permissions	179	109	314	455	479	421	385	300	260	254	235	150	140	140	140	140
(b) Urban Sites Identified in the SHLAA	0	0	0	0	0	60	60	59	40	30	15	0	0	0	15	57
(c) Sites Allocated in the 2016 Local Plan	0	0	0	0	50	50	105	150	130	150	125	145	160	165	185	185
Total Housing Delivery Trajectory	179	109	314	455	529	531	550	509	430	434	375	295	300	305	340	382

Baseline Housing Target		400	400	400	400	400	400	400	400	400	400	400	400	400	400	400
20% NPPF Para 47 Buffer Target		480	480	480	480	480	360	360	360	360	360	360	360	360	360	360
Housing Target Accordance		-192	-166	-25	49	51	190	149	70	74	15	-65	-60	-55	-20	22
5 Year Land Supply Accordance (Dwellings)		-283					+498					-178				
5 Year Land Supply Accordance (Years)		4.4					6.4					4.5				

Graph 1: Current Housing Trajectory



4.14 Table 2 and graph 1 reveals a situation where the Council cannot demonstrate a 5 year supply of deliverable housing sites to meet the housing requirement over the next 5 (including the NPPF 20% buffer) when considering the projected housing delivery in the borough. Currently the Council is approximately 283 dwellings short of demonstrating a 5 year supply, which equates to a 4.4 year supply of deliverable housing sites. Over time the 5 year supply situation has changed primarily due to:

- More planning permissions being granted contributing to the future supply,
- Existing housing sites building out and coming out of the future supply, and;
- Changes to the future housing requirements/targets as new demographic and economic information is released by Government, Office of National Statistics and local bodies.

4.15 In November 2013 the Council could demonstrate a 3.5 year supply, in May 2014 it was 4.6, in November 2014 and now in November 2015 it is a 4.4 year supply of deliverable housing sites.

4.16 With regard to the current 4.4 year supply situation the figures differ from the previous years primary due to the changes in the overall housing target against which the 5 year supply is measured. The new 2015 SHMA increased the housing target requirement over the next 15 years, so notwithstanding the additional planning permissions granted significantly boosting the overall housing supply this has meant that the overall situation has broadly remained static.

4.17 With specific regard to the Council not being able to demonstrate a 5 year supply of deliverable housing sites NPPF paragraph 49 states:

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

4.18 The inability of the Council to demonstrate a 5 year supply of deliverable housing sites means that, in accordance with NPPF paragraph 49, any saved policies included in the 2006 Local Plan regarding the supply of housing should not be considered up-to-date.

Affordable Housing Provision

4.19 There is an existing and future need for additional affordable housing in the borough to be delivered. The need for additional affordable housing is a material consideration in decision making.

4.20 The evidence base for the affordable housing provision in the borough is detailed in the *“Hartlepool Strategic Housing Market Assessment”* which was published in 2015. In Hartlepool there is an overall need for approximately 144 affordable dwellings each year. When matched against the proposed total net annual dwelling target of 400 dwellings, this equates to a “need” delivery of 36%.

- 4.21 The Planning Obligations SPD, Adopted in November 2015, sets out the thresholds and nature of affordable housing required. Evidence presents a clear need for affordable housing; however it is acknowledged that the level of 36% may have an impact on the viability of developments coming forward. Therefore an assessment of affordable housing economic viability assessment has been prepared to determine an affordable housing target. This comprehensive appraisal considered viability assessments for developments submitted over the last three years as well as making baseline assumptions regarding the following:
- Typical land values
 - Typical development build costs
 - Typical infrastructure costs for roads, utilities, open space etc.
 - Typical other developer contributions sought including education, green infrastructure, play provision, highways etc.
 - Typical development values
 - Average Borough house values with regard to valuations
 - Typical developer profit
- 4.22 Based on the evidence and further assessment undertaken (In Appendix 1 of the Planning Obligations SPD document), an affordable housing target of 18% has been set for all developments of 15 units or more. Again for clarity, more information on level, amount and nature of affordable housing required as part of future residential developments can be found in the Planning Obligations SPD, which can be downloaded from the Council's website.

Renewable Energy

- 4.23 The Council are committed to delivering sustainable development and will seek to ensure that new development has regard to the need to reduce CO₂ emission and mitigate against the impacts of climate change through providing a minimum of 10% of the developments energy needs from renewable and/or decentralised resources.
- 4.24 In November 2010 the Council produced an evidence paper called "*Energy Supply from Decentralised and Renewable or Low Carbon Sources*" which relates to providing an on site energy supply from decentralised and renewable or low carbon sources. The evidence paper reviews European, National, Regional and local guidance along with particular reports that formed part of the Regional Spatial Strategy evidence base, to ascertain the overarching aim of RSS policy 38 and why the 10% requirement on major developments was originally set.
- 4.25 The background paper concluded that the RSS evidence and policy which was tested at examination in public in 2006 were justifiable and that a similar approach was appropriate within Hartlepool. The Council consider that the application of the 10% requirement should only apply to major applications, some smaller scale developers may see the requirement as an undue burden, however major developments that are more likely to have a significant increase in CO₂ emissions are likely to have greater profit margins and therefore the 10% requirement is considered acceptable as it should not have a significant financial impact upon build costs that can not be off set against profit margins. As indicated in European Directive 2001/77/EC as more renewable energy technologies are used, the price will fall due to economies of scale.

- 4.26 NPPF paragraphs 93, 94, 95 96 and 97 are paramount in ensuring that development meets the challenge of climate change. The on site renewable energy requirement is part of the Council's proactive strategy to mitigate and adapt to climate change as required by NPPF paragraph 94, furthermore the on site renewable energy provision ensures that Hartlepool takes responsibility and contributes to meeting EU and government targets in providing energy from renewable or low carbon sources as per NPPF paragraph 97.
- 4.27 Notwithstanding the above where it can be proven that it is not viable and would place undue burden on the development to derive a minimum of 10% of the energy needs from renewable and/or decentralised resources, a lower percentage may be considered acceptable and/or the development should seek to make up any shortfall through additional energy efficiency measures in building construction and layout.

5. 2006 LOCAL PLAN POLICIES NPPF CONSISTENCY

5.1 Table 3 below summarises the saved 2006 Local Plan policies and illustrates their consistency with the National Planning Policy Framework (NPPF) in terms of full or not consistent. The full discussion of the policies is contained in appendix 1.

Table 3: 2006 Local Plan Saved Policies NPPF Consistency

Policy	Full	Partial	Not
Gen Environmental			
GEP1	x		
GEP2	x		
GEP3	x		
GEP7	x		
GEP9	x		
GEP10	x		
GEP12	x		
GEP16	x		
GEP17	x		
GEP18	x		
Industry & Business			
IND1	x		
IND2			x
IND3	x		
IND4	x		
IND5	x		
IND6	x		
IND7			x
IND8	x		
IND9	x		
IND10	x		
IND11	x		
Retail & Commercial			
COM1	x		
COM2	x		
COM3	x		
COM4	x		
COM5	x		
COM6	x		
COM7			x
COM8			x
COM9			x
COM10			x
COM12	x		
COM13			x
COM14	x		
COM15			x
COM16	x		

Policy	Full	Partial	Not
Tourism			
TO1	x		
TO2	x		
TO3	x		
TO4	x		
TO6	x		
TO8	x		
TO9	x		
TO10	x		
TO11	x		
Housing			
HSG1	x		
HSG2			x
HSG3			x
HSG4			x
HSG5			x
HSG6			x
HSG7			x
HSG9			x
HSG10	x		
HSG11	x		
HSG12	x		
HSG13			x
HSG14	x		
Transport			
TRA1	x		
TRA2	x		
TRA3	x		
TRA4	-	-	-
TRA5	x		
TRA7	x		
TRA9	x		
TRA10	x		
TRA11	x		
TRA12	x		
TRA13	x		
TRA14	x		
TRA15	x		
TRA16	x		
TRA17	x		
TRA18	x		
TRA20	x		

Policy	Full	Partial	Not
Public & Community			
PU3	x		
PU6	x		
PU7	x		
PU10	-	-	-
PU11	-	-	-
Dev Constraints			
DCO1	x		
Recreation & Leisure			
REC1	x		
REC2	x		
REC3	x		
REC4	x		
REC5	x		
REC6	x		
REC7	x		
REC8	x		
REC9	x		
REC10	x		
REC12	x		
REC13	x		
REC14	x		
Green Network			
GN1	x		
GN2	x		
GN3	x		
GN4	x		
GN5	x		
GN6	x		
Wildlife			
WL2	x		
WL3	x		
WL5	x		
WL7	x		
Historic Environment			
HE1	x		
HE2	x		
HE3	x		
HE6	x		
HE8	x		
HE12	x		
HE15	x		

Policy	Full	Partial	Not
Rural Area			
RUR1			x
RUR2			x
RUR3			x
RUR4	x		
RUR5	x		
RUR7	x		
RUR12			x
RUR14	x		
RUR15	x		
RUR16	x		
RUR17	x		
RUR18	x		
RUR19	x		
RUR20	x		
Minerals			
MIN1	-	-	-
MIN2	-	-	-
MIN3	-	-	-
MIN4	-	-	-
MIN5	-	-	-
Waste			
WAS1	-	-	-
WAS2	-	-	-
WAS3	-	-	-
WAS4	-	-	-
WAS5	-	-	-
WAS6	-	-	-

- 5.2 Of the 136 saved policies in the 2006 Local Plan the vast majority of the policies were assessed to be fully consistent with the NPPF with only 21 found to not be consistent with the NPPF. The following paragraphs identify the specific chapters in the 2006 Local Plan and illustrate their overall consistency with the NPPF.

General Environmental Principles

- 5.3 All of the GEP policies are fully consistency with the NPPF.

Industrial and Business Development

- 5.4 All of the IND policies are fully consistent with the NPPF in general with the exception of policies IND2 relating to the allocation at North Burn.

Retail, Commercial and Mixed Use Development

- 5.5 Many of the COM policies are not consistent with the NPPF. All of the COM policies are in full consistency with the NPPF in general with the exception of policies COM7 relating to Tees Bay and COM8 relating to shopping development which are not consistent with the NPPF and COM9 which is substantially not consistent.

- 5.6 Policies COM8 and COM9 which concern main town centre uses are substantially not consistent with the NPPF. As a result NPPF paragraphs 24, 25, 26 and 27 should be used to determine planning applications relating for main town centre uses based on the hierarchy of centres established in policy COM9. Any subsequent COM policies that reference ant the core of the policy an accordance with COM8 or COM9 policies are therefore also be definition not consistent with the NPPF.

Tourism

- 5.7 All TO policies are consistent with the NPPF.

Housing

- 5.8 A high number of the HSG policies are not consistent with the NPPF as the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47; as a result weight cannot be given to policies which seek to restrict additional housing provision.

- 5.9 The Council's situation with regard to the 5 year land supply is illustrated in section 4 and in appendix 1. As a result the NPPF as a whole should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies HSG10, HSG11 and HSG12, which purely relate the design of additional housing development. Other 2006 Local Plan policies (specifically GEP1) will apply depending upon the site specifics and location of the proposed development.

Transport

- 5.10 All TRA policies are fully consistent with the NPPF.

Public Utility and Community Facilities

- 5.11 All PU policies are consistent with the NPPF.

Development Constraints

- 5.12 The DCO policy is consistent with the NPPF.

Recreation and Leisure

- 5.13 All the REC policies are fully consistent with the NPPF.

The Green Network

- 5.14 All GN policies are consistent with the NPPF.

Wildlife

- 5.15 All the WL policies are consistent with the NPPF.

Conservation of the Historic Environment

- 5.16 All the HE policies are consistent with the NPPF.

The Rural Area

- 5.17 Many of the RUR policies are not consistent with the NPPF as the Council cannot currently demonstrate a 5 year supply of deliverable housing sites (see section 4) in accordance with NPPF paragraph 47; full weight cannot be given to policies which seek to restrict additional housing provision. This is particularly relevant when considering the “urban fence” development limits established in policies RUR1, RUR2, RUR3, RUR 5 and RUR12.

Minerals

- 5.18 The MIN policies are no longer applicable as the policies have been superseded by the policies contained in the Tees Valley Minerals and Waste Development Plan Documents.

Waste

- 5.19 The WAS policies are no longer applicable as the policies have been superseded by the policies contained in the Tees Valley Minerals and Waste Development Plan Documents.

2006 Local Plan Policies NPPF Consistency Conclusion

- 5.20 As illustrated in Table 3 the majority of the policies contained in the 2006 Local Plan are still fully consistent with the NPPF. Where policies are fully consistent they are to be given full weight in decision making, however where policies are not consistent with the NPPF they are given no weight in decision making and the relevant paragraphs in the NPPF will be used to determine planning applications.
- 5.21 As a result where decision making is required in most cases a combination of the existing 2006 Local Plan and the relevant paragraphs in the NPPF will be used as a policy framework until the Council moves forward the preparation of a new Local Plan to a sufficient stage where emerging policies can be given due weight. Bearing this in mind, this document will be regularly updated to take into consideration any relevant changes.

6. PLANNING FRAMEWORK CONCLUSION

6.1 The withdrawal of the 2013 Local Plan placed the Council in a situation where the planning framework consists of:

- Saved 2006 Local Plan policies,
- Guidance contained in the National Planning Policy Framework, and;
- Other material considerations.

Saved 2006 Local Plan Policies & National Planning Policy Framework

6.2 Table 3 illustrates the saved 2006 Local Plan policies and their consistency with regard to the National Planning Policy Framework (NPPF) with appendix 1 detailing each saved policy and guidance relating to its consistency with the NPPF. In instances where the plan is not fully consistent with the NPPF appendix 1 outlines which NPPF paragraph numbers should be used in decision making with specific regard to determining planning applications.

Material Planning Considerations

6.3 The borough has specific policy areas where the 2006 Local Plan is silent and/or the relevant policies are out-of-date and the NPPF delegates the decision making to the development plan. These other material considerations are:

- **Demonstrating a 5 Year Supply of Deliverable Housing Sites**
The inability of the Council to demonstrate a 5 year supply of deliverable housing sites means that, in accordance with NPPF paragraph 49, any saved policies included in the 2006 Local Plan regarding the supply of housing should not be considered up-to-date.
- **Affordable Housing**
There is a need to deliver 18% affordable housing as part of residential developments.
- **Renewable Energy**
There is a need to provide a minimum of 10% of the developments energy needs from renewable and/or decentralised resources.

Summary Conclusion

6.3 As a result, where decision making is required, in most cases a combination of the existing 2006 Local Plan, the relevant paragraphs in the NPPF and other material considerations will be used as a planning framework until the Council moves forward the preparation of a new Local Plan to a stage where emerging policies can be given due weight.

6.4 Bearing this in mind, this document will be regularly updated to take into consideration any relevant changes.

Appendix 1: 2006 Local Plan Saved Policies / NPPF Accordance

Table A: General Environmental Principles

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
General Environmental Principles					
GEP1	x			6, 7, 8, 9, 10, 14, 15, 17, 30, 32, 34, 35, 37, 43, 49, 50, 53, 55, 56, 57, 58, 60, 61, 63, 64, 65, 67, 69, 70, 72, 73, 75, 93, 94, 95, 99, 100, 101, 102, 103, 104, 109, 110, 111, 112, 114, 115, 116, 117, 118, 119, 120, 121, 123, 124, 125, 126, 128, 129, 131, 132, 133, 135, 136, 137, 138, 139, 140, 144, 148, 149, 150, 151, 152, 154, 156, 157, 203, 204, 205.	<p>The policy seeks to contribute towards sustainable development. The policy covers a lot of key areas that all seek to provide sustainable development, the policy seeks to ensure that development is located in the right place and is of high quality design and does not have a detrimental impact upon amenity.</p> <p>The policy is fully consistent with the NPPF. The Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47. As a result weight cannot be given to policies which seek to restrict additional housing provision. Bearing this in mind, where the policy states that “<i>development should be located within limits to development as shown on the proposals map</i>” it must be appreciated that the policy starts with “<i>in general</i>”; therefore allowing an element of flexibility in the location of development making the policy NPPF compliant.</p>
Access For All					
GEP2	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 31, 32, 34, 35, 37, 39, 40, 49, 50, 56, 57, 58, 64, 67, 69, 70, 75, 95, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy seeks to ensure that all development is accessible to all users in particular those with disabilities and the less able bodies, thus ensuring that development is sustainable as it provides for the population now and in the future.
Crime Prevention by Planning and Design					
GEP3	x			6, 7, 8, 9, 10, 14, 15, 17, 20, 21, 49, 50, 55, 56, 57, 58, 61, 64, 67, 69, 70, 150, 151, 152.	The policy seeks to contribute towards sustainable development. The policy seeks to ensure that development does not lead to an increase in crime and anti social behaviour and where possible it should reduce such instances. The policy states that safety should be taken into account when designing a scheme.
Frontage of Main Approaches					
GEP7	x			6, 7, 8, 9, 10, 14, 15, 17, 20, 21, 29, 30, 31, 41, 49, 56, 58, 61, 64, 70, 93, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy seeks to protect and enhance the main approaches within the borough, to assist in improving the overall quality of the borough. The policy sets out key main approaches that are of particular importance to Hartlepool.

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Developers Contributions					
GEP9		x		6, 7, 8, 9, 10, 14, 15, 17, 150, 151,152, 203, 204, 205.	The policy is fully consistent with the NPPF. The policy seeks contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy sets out the types of contributions which may be required.
Provision of Public Art					
GEP10	x			6,7, 8, 9, 10, 14, 15, 17, 21, 49, 56, 57, 58, 60, 63, 69, 151, 152	The policy seeks to contribute towards sustainable development. The policy seeks to add to the overall quality and distinctiveness of the borough through the provision of bespoke public art.
Trees, Hedgerows and Development					
GEP12	x			6, 7, 8, 9, 14, 15, 17, 20, 49, 50, 56, 57, 58, 61, 64, 69, 70, 93, 114, 150,151,152, 203, 206.	The policy seeks to contribute towards sustainable development. The policy seeks to protect trees and hedgerows that currently add to the quality of the environment. The policy also encourages further tree planting as part of a scheme.
Untidy Sites					
GEP16	x			6, 7, 8, 9, 10, 14, 15, 17, 20, 21, 57, 150,151,152, 207	The policy seeks to contribute towards sustainable development. The policy sets out Council's desires and powers but it does not specifically link to development proposals. The overall aim of the policy is in accordance with the thread of the NPPF that is to create sustainable development and thus quality environments.
Derelict Land Reclamation					
GEP17	x			6, 7, 8, 9, 10, 14, 15, 17, 20, 21, 109, 111, 150,151,152,	The policy seeks to contribute towards sustainable development. The policy sets out Council's desires but it does not specifically link to development proposals. The overall aim of the policy is in accordance with the thread of the NPPF that is to create sustainable development and thus quality environments.
Development on Contaminated Land					
GEP18	x			6,7,8 9, 14, 15, 17, 109, 110, 111,120,121,122, 150,151,152,	The policy seeks to contribute towards sustainable development. The policy encourages development on contaminated land as it is a positive measure to remove the contamination.

Table B: Industrial and Business Development

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Wynyrd Business Park					
IND1	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 20, 21, 22, 36, 57, 58, 109, 126 150, 151, 152, 203, 204, 205.	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. It allocates land for a prestige business park that supports sustainable economic growth. This site is fully committed for this use with a full planning permission for business use for the full site. The wider Wynyrd Park area has a proven track record of attracting inward investment and development. (meets paragraphs 18, 19, 20, 21, 22).</p> <p>The policy also provides criteria to protect areas of historic and natural interest (109 and 126) , to provide high quality landscaping and or woodland planting (57), high quality design (57 and 58), the landscaping of car parking areas and that travel plans should be prepared (36).</p>
North Burn Electronics Components Park					
IND2			x	6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 20, 21, 22, 31, 36, 57, 58, 109, 126 150, 151, 152, 203, 204, 205.	<p>The policy is not consistent with the NPPF. It allocates land for a prestige business park there is currently no planning permission in place and there is substantial infrastructure costs associated with developing the site. In this respect the site does not meet paragraph 22 as, on current evidence, there is no reasonable prospect on the site being developed.</p>
Queens Meadow Business Park					
IND3	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 20, 21, 22, 36, 57, 58 150,151,152, 203, 204, 205.	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. It allocates land for a business park that supports sustainable economic growth. The business park has attracted development over the years and is a key part of the portfolio of the sites that make up the Boroughs employment land offer (the policy meets paragraphs 18, 19, 20, 21, 22).</p> <p>The policy also provides criteria to ensure high quality landscaping and or woodland planting (57), high quality design (57 and 58), the landscaping of car parking areas and that travel plans should be prepared (36).</p>

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Higher Quality Industrial Estates					
IND4	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 20, 21, 22, 36, 57, 58, 61 150, 151, 152, 203, 204, 205.	The policy seeks to contribute towards sustainable development and is fully consistent with the NPPF.
Industrial Areas					
IND5	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 20, 21, 22, 57, 58, 150,151,152, 203, 206.	The policy seeks to contribute towards sustainable development and is fully consistent with the NPPF.
Bad Neighbour Uses					
IND6	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 20, 123, 150,151,152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF (18, 19, 20, 123). The policy seeks to identify an area for bad neighbour uses in order to prevent the spread of untidy uses into more sensitive industrial areas.
Port Related Development					
IND7			x	6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 20, 21, 22, 109, 113, 114, 117, 118, 150, 151, 152,	<p>The policy is not consistent with the NPPF and allocates a site at North of Seaton Channel for Port Related Development. Work on the emerging local plan led to this land being re-allocated to general employment land as it was deemed unsuitable (objections from Natural England) for Port Related due to effects on the SPA if it was to be used for port related uses (jetties would need to be constructed on the SPA mudflats) (does not comply with 109 and 114).</p> <p>Also there is no planning permission on any part of the site and there has been no developer interest in the site. (does not comply with 22).</p>
Industrial Improvement Areas					
IND8	x			6, 7, 8, 9, 10, 14, 15, 17, 19, 20, 21, 58, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF and looks to improve the environment of industrial areas.

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Potentially Polluting or Hazardous Developments					
IND9	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 20, 21, 22, 113, 114, 117, 118 120, 122, 124, 150, 151, 152,	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF (18, 19, 20, 21, 22). It allocates land for potentially polluting or hazardous developments that supports sustainable economic growth. Two of the sites are fully committed for this use and the third one North of Graythorp is partially developed. Some of the bodies referenced in the policy text are out of date i.e English Nature is now Natural England and the Nuclear Installations Inspectorate is now Office for Nuclear Regulation.</p> <p>The policy also cross references to the criteria of policy WL2 and this element is also compliant with NPPF (113, 114, 117 & 118)</p>
Underground Storage					
IND10	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 109, 113, 114, 117, 118 120, 122, 124, 150, 151, 152,	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy is concerned with underground storage in disused brine cavities. Some of the bodies referenced in the policy text are out of date i.e. English Nature is now Natural England and the Nuclear Installations Inspectorate is now Office for Nuclear Regulation.</p> <p>The policy also cross references to the criteria of policy WL2 and this element is also compliant with NPPF (113, 114, 117 & 118) and to protect the aquifer and watercourses (109).</p>
Hazardous Substances					
IND11	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 113, 114, 117, 118, 120, 121, 122, 124, 150, 151, 152,	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF and is concerned with proposals that involve hazardous substances.</p> <p>The policy also cross references to the criteria of policy WL2 and this element is also compliant with NPPF (113, 114, 117 & 118).</p>

Table C: Retail, Commercial and Mixed Use Development

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Development in the Town Centre					
COM1	x			6, 7, 8, 9, 10, 14, 15, 17, 23, 150, 151, 152, 156	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy establishes a hierarchy of centres and defines the extent of the town centre.
Primary Shopping Area					
COM2	x			6, 7, 8, 9, 10, 14, 15, 17, 23, 56, 57, 61, 150, 151, 152, 156	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy defines the primary shopping area.
Primary Shopping Area – Opportunity Site					
COM3	x			6, 7, 8, 9, 10, 14, 15, 17, 23, 56, 57, 61, 150, 151, 152, 156, 203, 204, 205.	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF.
Edge of Town Centres					
COM4	x			6, 7, 8, 9, 10, 14, 15, 17, 23, 56, 57, 61, 123, 150, 151, 152, 156	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy establishes a hierarchy of centres and defines the edge of centre areas.
Local Centres					
COM5	x			6, 7, 8, 9, 10, 14, 15, 17, 23, 56, 57, 61, 123, 150, 151, 152, 156	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy establishes a hierarchy of centres and defines the local centres in the borough.
Commercial Improvement Areas					
COM6	x			6, 7, 8, 9, 10, 14, 15, 17, 20, 56, 57, 58, 61, 69, 123, 150, 151, 152,	The policy is consistent with the NPPF. The policy seeks to contribute towards sustainable development in the commercial areas through seeking to improve the built environment of the commercial areas.

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Tees Bay Mixed Use Site					
COM7			x	6, 7, 8, 9, 10, 14, 15, 17, 21, 23, 24, 30, 32, 150, 151, 152, 203, 204, 205.	<p>The policy is not consistent with the NPPF. The policy establishes Tees Bay as being outside the hierarchy of centres but plans to support the existing business sectors already located there. The policy is not consistent as it is seeking to:</p> <p>(i) Ensure development should accord with policy COM8 which is considered as not consistent with the NPPF.</p> <p>As a result it is considered that the policy is not used to determine planning applications relating to the Tees Bay.</p>
Shopping Development					
COM8			x	6, 7, 8, 9, 10, 14, 15, 17, 23, 24, 25, 26, 27, 30, 32, 150, 151, 152, 203, 204, 205, 206	<p>The policy is not consistent with the NPPF as it seeks to:</p> <p>(i) Make the primary shopping area more sequentially preferable than the town centre. (ii) Require an applicant to demonstrate retail need. (iii) Require an applicant to undertake a retail impact assessment on all retail developments in excess of 2,500sqm.</p> <p>As a result NPPF paragraphs 24, 25, 26 and 27 should be used to determine planning applications relating to retail development.</p>

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Main Town Centre Uses					
COM9			x	6, 7, 8, 9, 10, 14, 15, 17, 23, 24, 25, 26, 27, 30, 31, 150, 151, 152, 203, 204, 205, 206	<p>The policy is not consistent with the NPPF as it is seeking to:</p> <p>(i) Only allow main town centre uses outside of the town centre where need is demonstrated. (ii) Ensure development should accord with policy COM8 which is considered as not consistent with the NPPF.</p> <p>The policy does establish the hierarchy of centres in accordance with the NPPF as a result weight should be given to the hierarchy of centres; which are set out on the Proposals Map. As a result NPPF paragraphs 24, 25, 26 and 27 should be used to determine planning applications relating for main town centre uses based on the hierarchy of centres established in policy COM9.</p>
Retailing in Industrial Areas					
COM10			x	6, 7, 8, 9, 10, 14, 15, 17, 17, 22, 23, 24, 26, 27, 123, 150, 151, 152,	<p>The policy is not consistent with the NPPF as it is seeking to:</p> <p>(i) Ensure development should accord with policy COM8 which is considered as not consistent with the NPPF.</p> <p>The policy seeks deliver retailing in industrial areas in a sustainable manner taking into consideration the potential impacts on the local area by nature of the use proposed. Policy GEP1 should be used to assess potential impacts in lieu of the criteria set out in COM10.</p>
Food and Drink					
COM12	x			6, 7, 8, 9, 10, 14, 15, 17, 56, 57, 61, 123, 150, 151, 152, 203, 204, 205.	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to deliver food and drink development in a sustainable manner taking into consideration the potential impacts on the local area by nature of the use proposed.

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Commercial Uses in Residential Areas					
COM13			x	6, 7, 8, 9, 10, 14, 15, 17, 22, 23, 24, 26, 27, 56, 57, 61, 123, 150, 151, 152,	<p>The policy is not consistent with the NPPF. as it is seeking to:</p> <p>(i) Ensure development should accord with policy COM8 which is considered as not consistent with the NPPF.</p> <p>The policy seeks deliver retailing in residential areas in a sustainable manner taking into consideration the potential impacts on the local area by nature of the use proposed. Policy GEP1 should be used to assess potential impacts in lieu of the criteria set out in COM13.</p>
Business Uses in the Home					
COM14	x			6, 7, 8, 9, 10, 14, 15, 17, 56, 57, 61, 123, 150, 151, 152,	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to allow business uses in the home in a sustainable manner taking into consideration the potential impacts on the local area by nature of the use proposed.</p>
Victoria Harbour / North Docks Mixed Use Site					
COM15			x	6, 7, 8, 9, 10, 14, 15, 17, 17, 21, 22, 56, 57, 61, 100, 103, 123, 150, 151, 152,	<p>The policy is not consistent with the NPPF as it is seeking to:</p> <p>(i) Ensure development should accord with policy COM8, COM9 which is considered as not consistent with the NPPF.</p> <p>The policy is broken up into 2 distinct development areas; promoting mixed use including residential and the other element being port related / general industry development. The policy seeks deliver mixed uses in a sustainable manner taking into consideration the potential impacts on the local area by nature of the use proposed. Policy GEP1 should be used to assess potential impacts in lieu of the criteria set out in COM15.</p>
Headland – Mixed Use					
COM16	x			6, 7, 8, 9, 10, 14, 15, 17, 14, 17, 19, 20, 21, 123, 126, 128, 129, 131, 137, 150, 151, 152,	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to allow mixed uses in the Headland area in a sustainable manner taking into consideration the potential impacts on the local area by nature of the use proposed.</p>

Table D: Tourism

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Tourism Development in the Marina					
TO1	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 21, 23, 24, 26, 27, 100, 106, 107, 108, 150, 151, 152, 186	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy promotes the use of the Marina for Tourism which is in conformity with a number of the elements of the NPPF which seek to promote economic development in sustainable locations. The NPPF also highlights the need for Coastal Change Management Plans which the authority is working on and will complement policies related to the coastal margins.</p> <p>Paragraph 23 seeks to allocate tourism development within town centres, however paragraph 24 sets out the sequential tests to apply and given the Marina is an edge of centre location, identified as a suitable for such uses, it is therefore also in accordance in this respect.</p>
Tourism at the Headland					
TO2	x			6, 7, 8, 9, 10, 14, 15, 17, 150, 151, 152, 18, 19, 21, 23, 26, 27, 100, 106, 107, 108, 115, 126, 128, 129, 131, 137, 186	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy promotes the use of the Headland for Tourism developed in a sensitive way to reflect the character and maritime and Christian Heritage which is in conformity with a number of the elements of the NPPF which seek to promote economic development in sustainable locations. The NPPF also highlights the need for Coastal Change Management Plans which the authority is working on and will complement policies related to the coastal margins.</p> <p>Paragraph 23 seeks to allocate tourism development within town centres, however paragraph 24 sets out the sequential tests to apply and given the Headland is locally identified as a suitable location for such uses is therefore also in accordance in this respect.</p>

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Core Area of Seaton Carew					
TO3	x			6, 7, 8, 9, 10, 14, 15, 17, 150, 151, 152, 18, 19, 21, 23, 26, 27, 100, 106, 107, 108, 186	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy promotes the use of the Seaton Carew for Commercial and Leisure developments which are sympathetic to the character of the area and in keeping with a seaside resort and is in conformity with a number of the elements of the NPPF which seek to promote economic development in sustainable locations. The NPPF also highlights the need for Coastal Change Management Plans which the authority is working on and will complement policies related to the coastal margins.</p> <p>Paragraph 23 seeks to allocate tourism development within town centres, however paragraph 24 sets out the sequential tests to apply and given Seaton Carew is locally identified as a suitable location for such uses is therefore also in accordance in this respect.</p>
Commercial Development Sites at Seaton Carew					
TO4	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 21, 23, 24, 26, 27, 100, 106, 107, 108, 150, 151, 152, 186	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. This policy identifies individual sites in Seaton Carew which are suitable for certain types of commercial and recreational facilities. It is in conformity with a number of the elements of the NPPF which seek to promote economic development in sustainable locations. The NPPF also highlights the need for Coastal Change Management Plans which the authority is working on and will complement policies related to the coastal margins.</p> <p>Paragraph 23 seeks to allocate tourism development within town centres, however paragraph 24 sets out the sequential tests to apply and given Seaton Carew is locally identified as a suitable location for such uses is therefore also in accordance in this respect.</p>
Seaton Park					
TO6	x			6, 7, 8, 9, 10, 14, 15, 17, 150, 151, 152, 26, 27, 69, 70, 73, 74, 171, 186	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. It promotes the development of additional recreational facilities in Seaton Park to enhance its attractiveness to users. This aim is in line with a number of elements of the NPPF.
Teesmouth National Nature Reserve					
TO8	x			6, 7, 8, 9, 10, 14, 15, 17, 109, 113, 118, 150, 151, 152, 186	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. It promotes the Teesmouth National Nature Reserve as a tourist attraction by encouraging its enhancement and encouraging sustainable green tourism. This aim is in line with a number of elements of the NPPF.

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Tourism Accommodation					
TO9	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 23, 24, 26, 27, 100, 106, 107, 108, 150, 151, 152, 186	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The Policy links to GEP1 which is also considered to be consistent. Paragraph 23 seeks to allocate tourism / commercial development within town centres, however paragraph 24 sets out the sequential tests to apply and given The Marina, Seaton Carew and the Headland are locally identified as a suitable location for such uses is therefore also in accordance in this respect.
Touring Caravan Sites					
TO10	x			6, 7, 8, 9, 10, 14, 15, 17, 19, 28, 61, 64, 109, 110, 186, 150,151,152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy supports the development of touring caravan sites where they meet a number of criteria.
Business Tourism and Conferencing					
TO11	x			6, 7, 8, 9, 10, 14, 15, 17, 19, 20, 21, 150,151,152, 186,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to encourage and promote business tourism and conferencing. The Policy links to GEP1 which is also considered to be consistent.

Table E: Housing

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Housing Improvements					
HSG1	x			6, 7, 8, 9, 10, 14, 15, 17, 51, 56, 57, 61, 69, 150,151,152, 156, 157	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve the physical environment of the existing housing stock in the borough.
Selective Housing Clearance					
HSG2			x	6, 7, 8, 9, 10, 14, 15, 17, 51, 56, 57, 61, 69, 150,151,152, 156, 157	<p>The policy seeks to improve the physical environment through selective demolitions of the existing housing stock in the borough. The policy is not consistent with the NPPF as:</p> <p>(i) The Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47. As a result weight cannot be given to policies which seek to restrict additional housing provision.</p> <p>As a result the NPPF as a whole should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies HSG9, HSG10, HSG11 and HSG12, which purely relate the design of additional housing development. Other 2006 Local Plan policies will apply depending upon the site specifics and location of the proposed development.</p>
Housing Market Renewal					
HSG3			x	6, 7, 8, 9, 10, 14, 15, 17, 51, 56, 57, 61, 69, 150,151,152, 153, 156, 157, 174	<p>The policy seeks to improve the physical environment of the existing housing stock in the borough. The policy is not consistent with the NPPF as:</p> <p>(i) The Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47. As a result weight cannot be given to policies which seek to restrict additional housing provision.</p> <p>As a result the NPPF as a whole should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies HSG9, HSG10, HSG11 and HSG12, which purely relate the design of additional housing development. Other 2006 Local Plan policies will apply depending upon the site specifics and location of the proposed development.</p>

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Central Area Housing					
HSG4			x	6, 7, 8, 9, 10, 14, 15, 17, 24, 25, 26, 27, 150, 151, 152,	<p>The policy is not consistent with the NPPF as it seeks to:</p> <p>(i) Make an exception on the hierarchy of centres and their sequential preference for uses that are classed as “local services”.</p> <p>As a result NPPF paragraphs 24, 25, 26 and 27 should be used to determine planning applications relating for main town centre uses based on the hierarchy of centres established in policy COM9. If the development is acceptable in Locational terms policy COM13 in the 2006 Local Plan should be used to determine planning applications relating to retail in residential areas with the exception of the accordance to policy COM8.</p>
Management of Housing Land Supply					
HSG5			x	6, 7, 8, 9, 10, 14, 15, 17, 49, 150, 151, 152, 156, 157, 203, 204, 205,	<p>The policy is not consistent with the NPPF as:</p> <p>(i) The Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47. As a result weight cannot be given to policies which seek to restrict additional housing provision.</p> <p>As a result the NPPF as a whole should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies HSG9, HSG10, HSG11 and HSG12, which purely relate the design of additional housing development. Other 2006 Local Plan policies will apply depending upon the site specifics and location of the proposed development.</p>
Mixed Use Areas					
HSG6			x	6, 7, 8, 9, 10, 14, 15, 17, 49, 51, 56, 57, 61, 100, 103, 123, 150, 151, 152, 156, 157	<p>The policy seeks to deliver additional housing provision in the borough. The policy is not consistent as it is seeking to:</p> <p>(i) promote additional housing provision on specific land subject to any detrimental effect on the strategic housing requirement set out in the policy. As the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, weight cannot be given to policies which seek to restrict additional housing provision.</p>

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Conversions for Residential Uses					
HSG7			x	6, 7, 8, 9, 10, 14, 15, 17, 14, 29, 30, 37, 51, 56, 57, 150, 151, 152, 156, 157	<p>The policy seeks to control conversions for residential uses, which relates to housing supply in the borough. The policy is not consistent with the NPPF as:</p> <p>(i) The Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47. As a result weight cannot be given to policies which seek to restrict additional housing provision.</p> <p>As a result the NPPF as a whole should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies HSG9, HSG10, HSG11 and HSG12, which purely relate the design of additional housing development. Other 2006 Local Plan policies will apply depending upon the site specifics and location of the proposed development.</p>
New Residential Layout – Design and Other Requirements					
HSG9			x	6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 37, 49, 56, 57, 58, 69, 93, 109, 110, 121, 123, 150, 151, 152, 157, 203, 204, 205,	<p>The policy is not consistent with the NPPF as it is seeking to:</p> <p>(i) Restrict potential additional housing provision by virtue of the accordance with policies HSG5 and HSG6 which relate to the location and provision of additional housing. As the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, weight cannot be given to policies which seek to restrict additional housing provision.</p> <p>(ii) Restrict the density of additional housing provision. As the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, full weight cannot be given to policies which seek to restrict additional housing provision.</p> <p>The policy seeks to deliver appropriately designed residential development taking into consideration the potential impacts on the local area by nature of the design. Policy GEP1 and other relevant Local Plan policies should be used to assess potential impacts in lieu of the criteria set out in HSG9.</p>
Residential Extensions					
HSG10	x			6, 7, 8, 9, 10, 14, 15, 17, 56, 57, 150, 151, 152, 157	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve the physical environment of the existing housing stock in the borough specifically taking into consideration residential extensions.</p>

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Residential Annexes					
HSG11	x			6, 7, 8, 9, 10, 14, 15, 17, 17, 56, 57, 150, 151, 152, 157, 203, 204	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve the physical environment of the existing housing stock in the borough specifically taking into consideration residential annexes; delivering sustainable development.
Homes and Hostels					
HSG12	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 37, 56, 57, 123, 150, 151, 152, 156, 157	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to deliver additional housing provision in the borough specifically taking into consideration homes and hostels.
Residential Mobile Homes					
HSG13			x	6, 7, 8, 9, 10, 14, 15, 17, 22, 29, 30, 37, 49, 56, 57, 58, 69, 70, 123, 150, 151, 152, 156, 157	<p>The policy is not consistent with the NPPF. The policy seeks to control the delivery of additional housing provision in the form of residential mobile homes in the borough. The policy is not consistent as:</p> <p>(i) The Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47. As a result weight cannot be given to policies which seek to restrict additional housing provision.</p> <p>As a result the NPPF as a whole should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies HSG9, HSG10, HSG11 and HSG12, which purely relate the design of additional housing development. Other 2006 Local Plan policies will apply depending upon the site specifics and location of the proposed development.</p>
Gypsy Site					
HSG14	x			Planning Policy for Traveller Sites 6, 7, 8, 9, 10, 11, 14, 15, 17, 150, 151, 152,	The policy is fully consistent with the NPPF.

Table F: Transport

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Bus Priority Routes					
TRA1	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 35, 150, 151, 152, 156, 186,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy supports the development of bus priority routes and is in line with the sustainable transport policies within the NPPF.
Railway Line Extensions					
TRA2	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 31, 35, 150, 151, 152, 156, 157, 186	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy safeguards land for a future rail line extension, supporting sustainable transport both to the potential benefit of the public the industrial area in the south of the town. The policy is in line with the sustainable transport policies within the NPPF.
Rail Halts					
TRA3	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 31, 35, 150, 151, 152, 156, 157, 186	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy supports improvements to the local rail network and encourages the provision of new rail halts along the corridor, supporting sustainable transport both to the potential benefit of the public the industrial area in the south of the town. The policy is in line with the sustainable transport policies within the NPPF.
Public Transport Interchange					
TRA4	-	-	-	6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 32, 35, 150, 151, 152, 156, 157, 186	It must be noted that the policy is no longer applicable as the site has been developed in accordance with the policy criteria.
Cycle Networks					
TRA5	x			6, 7, 8, 9, 10, 14, 15, 17, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy supports improvements to the cycle network and sets out a range of corridors where improvements are needed, supporting sustainable transport to the benefit of the public and the town. The policy is in line with the sustainable transport policies within the NPPF.

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Pedestrian Linkages: Town Centre / Headland / Seaton Carew					
TRA7	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 34, 35, 41, 156, 157, 150, 151, 152, 186	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy supports improvements to the pedestrian network and sets out a range of corridors where improvements are needed, supporting sustainable transport to the benefit of the public, the town and the economy. The policy is in line with the sustainable transport policies within the NPPF.
Traffic Management in the Town Centre					
TRA9	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 150, 151, 152, 156, 157	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy supports improvements to the traffic network in the central area to improve the environment for users and residential properties. The policy is in line with the sustainable transport policies within the NPPF.
Road Junction Improvements					
TRA10	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 32, 35, 41, 150, 151, 152, 156, 157, 186	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy supports improvements to junctions on the A689 which will aid access into the town centre and help to support the economy. The policy is in line with the sustainable transport policies within the NPPF.
Strategic Road Schemes					
TRA11	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 21, 22, 28, 29, 30, 31, 32, 34, 37, 95, 110, 150, 151, 152, 156, 157, 160, 162, 173, 197, 216,	The policy seeks to contribute towards sustainable development. The policy is fully consistent with the NPPF.
Road Schemes: North Graythorp					
TRA12	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 21, 22, 28, 29, 30, 31, 32, 34, 37, 41, 95, 110, 150, 151, 152, 156, 157, 160, 173, 197, 216,	The policy seeks to contribute towards sustainable development. The policy is fully consistent with the NPPF.

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Road Schemes: Development Sites					
TRA13	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 21, 22, 28, 29, 30, 31, 32, 34, 37, 95, 110, 150, 151, 152, 156, 157, 160, 173, 197, 216,	The policy seeks to contribute towards sustainable development. The policy is fully consistent with the NPPF.
Access to Development Sites					
TRA14	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 21, 22, 28, 29, 30, 31, 32, 34, 37, 95, 110, 150, 151, 152, 156, 157, 160, 173, 196, 197, 216,	The policy seeks to contribute towards sustainable development. The policy is fully consistent with the NPPF.
Restriction on Access to Major Roads					
TRA15	x			6, 7, 8, 9, 10, 14, 15, 17, 32, 150, 151, 152, 154	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to restrict new access to or the intensification of junctions on major roads with the exception of schemes outlined in other transport policies to serve development sites. The policy is in line with the sustainable transport policies within the NPPF and will ensure the future safety of the highway network.
Car Parking Standards					
TRA16	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 34, 35, 36 39, 40, 150, 150, 151, 152, 156, 196	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy sets out car parking standards, requires major developments to undertake a Travel Plan to reduce the need for parking and to promote sustainable modes of travel. It sets local car parking standards for the town centre aimed at encouraging sustainable travel. The policy is in line with the sustainable transport policies within the NPPF.
Railway Sidings					

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
TRA17	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 21, 29, 30, 31, 35, 93, 95, 150, 150, 151, 152, 156, 157, 196	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to facilitate the transport of goods by rail and encourages new railway sidings into industrial land to facilitate this. This is in line with the aspirations set out in paragraphs 31, 156 and 157 of the NPPF. The policy is in line with the sustainable transport policies within the NPPF.
Rail Freight Facilities					
TRA18	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 21, 29, 30, 31, 35, 56, 65, 93, 95, 123, 150, 151, 152, 156, 157, 196	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy notes the criteria which should be considered in assessing proposals for rail development of existing or new sidings to form freight handling facilities. The criteria covered relate to paragraphs 56, 65 and 123 of the NPPF. The policy is in line with the sustainable transport policies within the NPPF.
Travel Plans					
TRA20	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 32, 36 150, 151, 152, 203, 204, 205.	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The Policy requires developments likely to lead to an increase in travel to produce a travel plan. This is in line with paragraph 36 of the NPPF which requires the use of Travel Plans to make travel more sustainable.

Table G: Public Utility and Community Facilities

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Sewage Treatment Works					
PU3	x			6, 7, 8, 9, 10, 14, 15, 17, 56, 57,58, 109, 150, 151, 152, 156, 157, 162	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to maintain and extend where relevant additional sewage treatment work provision in the borough. The provision of adequate sewage infrastructure is crucial to meet the needs of the current borough and also facilitate future sustainable development.
Nuclear Power Station Site					
PU6	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 56, 57, 58, 109, 150, 151,152, 156, 157, 162	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to safeguard land for and to guide development of a new nuclear power station in the borough. The provision of adequate power supply is crucial to meet the needs of the current borough (and wider national grid) and also facilitate future sustainable development.
Renewable Energy Developments					
PU7	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 56, 57,58, 93, 94, 96, 97, 98, 109, 150,151,152, 156,162	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to support additional renewable energy developments in the borough which contribute to moving to a low carbon future which helps mitigate against and adapt to climate change (paragraph 97).
Primary School Location					
PU10	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the site has been developed in accordance with the policy criteria.
Primary School Site					
PU11	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the site has been developed in accordance with the policy criteria.

Table H: Development Constraints

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Landfill Sites					
DCO1	x			6, 7, 8, 9, 10, 14, 15, 17, 120, 121, 122, 150, 151, 152, 203, 204, 205, 206	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to allow only appropriate development on sites that are affected by previous landfill activity.

Table I: Recreation and Leisure

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph/s	Comments
Coastal Recreation					
REC1	x			6, 7, 8, 9, 10, 14, 15, 17, 56, 58, 61, 64, 73, 99, 113, 114, 116, 118, 150, 151, 152, 156, 186,	<p>The policy is consistent with the NPPF. The policy sets criteria for proposals for outdoor recreational developments within coastal areas within the limits to development to be assessed against. The criteria are considered in appliance with the NPPF and links to saved policy WL2 which is also considered in conformity.</p> <p>The policy however also links to policy Rur1 which is not in conformity in relation to the restriction of housing when the authority cannot currently demonstrate a 5 year housing land supply. As policy Rec1 does not relate to housing this is not considered an issue of non-conformity in relation to this policy.</p> <p>The policy also links to Policy To1 which is considered to be in conformity.</p> <p>Two policies which were not “saved” are referenced, To5 (North Shelter) and WL1 (Protection of International Local Conservation Sites). These references should be disregarded.</p> <p>The policy is considered in conformity with the relevant NPPF guidance.</p>
Provision for Play in New Housing Areas					
REC2	x			6, 7, 8, 9, 10, 14, 15, 17, 56, 57, 58, 69, 73, 150, 151, 152, 156, 157, 203, 204, 205, 206	<p>The policy is consistent with the NPPF. The policy requires new housing developments comprising 20 or more family dwellings to provide safe and convenient areas for casual play and, if practicable, formal play. It notes that where play cannot be provided on site, or for smaller developments, a contribution will be required towards the provision and maintenance of play facilities nearby.</p> <p>The policy links to GEP9 as a way of providing this contribution. It is considered that this policy is in line with the sustainable development policies within the NPPF.</p>

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph/s	Comments
Neighbourhood Parks					
REC3	x			6, 7, 8, 9, 10, 14, 15, 17, 56, 57, 58, 69, 73, 150, 151, 152, 156, 157, 203, 204, 205, 206,	The policy is consistent with the NPPF. The policy outlines where new neighbourhood parks will be developed and notes that developer contributions will be used towards their provision. It is considered that the development of neighbourhood parks that this policy relates to is in line with the sustainable development policies within the NPPF.
Protection of Outdoor Playing Space					
REC4	x			6, 7, 8, 9, 10, 14, 15, 17, 73, 74, 150, 151, 152, 156, 203, 204, 205, 206	<p>The policy is consistent with the NPPF. The policy outlines how the local authority will protect existing areas of outdoor playing space (children's play, playing fields, tennis courts and bowling greens) and notes the strict circumstances where their loss will be considered acceptable. This is in line with paragraph 74 of the NPPF and is considered in compliance.</p> <p>The policy also notes that where playing space is lost, Policy GEP9 will be used to secure its replacement or the enhancement of such land remaining ensuring sustainable development.</p>
Development of Sports Pitches					
REC5	x			6, 7, 8, 9, 10, 14, 15, 17, 69, 73, 74, 150, 151, 152, 156,	The policy is consistent with the NPPF. The policy outlines where new sports pitches will be developed. It is considered that the development of sports pitches that this policy relates to is in line with the sustainable development policies within the NPPF.
Dual Use of School Facilities					
REC6	x			6, 7, 8, 9, 10, 14, 15, 17, 70, 73, 74, 150, 151, 152, 156, 203, 204, 205, 206,	<p>The policy is consistent with the NPPF. The policy outlines that, where appropriate, the use of sports facilities within educational establishments will be made available to the public out of school hours. This is in line with the guidance set out in paragraph 70 of the NPPF which requires that authorities plan positively for the provision and use of shared space to enhance the sustainability of communities and residential environments.</p> <p>It is considered that the development of dual use sports facilities in schools that this policy relates to is in line with the sustainable development policies within the NPPF.</p>

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph/s	Comments
Outdoor Recreational Sites					
REC7	x			6, 7, 8, 9, 10, 14, 15, 17, 69, 73, 74, 150, 151, 152, 156	The policy is consistent with the NPPF. The policy outlines where new outdoor recreational facilities and sporting development requiring few built facilities will be developed. It is considered that the development of recreational facilities that this policy relates to is in line with the sustainable development policies within the NPPF.
Areas of Quiet Recreation					
REC8	x			6, 7, 8, 9, 10, 14, 15, 17, 69, 73, 150, 151, 152, 156	The policy is consistent with the NPPF. The policy outlines areas to be developed for quiet recreational purposes and notes they will be landscaped and planted and, where appropriate, facilities such as nature trails, provided. It is considered that the development of these is in line with the sustainable development policies within the NPPF.
Recreational Routes					
REC9	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 41, 73, 75, 150, 151, 152, 156	The policy is fully consistent with the NPPF.
Summerhill					
REC10	x			6, 7, 8, 9, 10, 14, 15, 17, 73, 75, 109, 123, 150, 151, 152, 156	The policy is consistent with the NPPF. The policy notes that Summerhill will continue to be developed as a focus for access to the countryside, nature conservation and informal recreation and sporting activities. It is considered that this is in line with the sustainable development and conservational guidance contained within the NPPF.
Land West of Brenda Road					
REC12	x			6, 7, 8, 9, 10, 14, 15, 17, 69, 73, 150, 151, 152, 156	The policy is consistent with the NPPF. The policy outlines an area to be developed for outdoor recreational purposes to the west of Brenda Road. It is considered that the development of this is in line with the sustainable development policies within the NPPF.

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph/s	Comments
Late Night Uses					
REC13	x			6, 7, 8, 9, 10, 14, 15, 17, 69, 70, 123, 150, 151, 152, 203, 204, 205	<p>This policy is compliant with NPPF. The policy identifies a late opening zone in the Church Street, South Marina area and meets 69 and 70 regarding creating areas for social interaction and 123 in terms of mitigating noise and its effects on quality of life by creating this one zone in the Borough for these late night uses.</p> <p>The policy also links to the contributions policy GEP9 regarding contributions to mitigate any adverse impacts from these activities.</p>
Major Leisure Developments					
REC14	x			6, 7, 8, 9, 10, 14, 15, 17, 23, 24, 26, 27, 150, 151, 152, 203, 204, 205	<p>This policy is compliant with NPPF (23, 24, 26, and 27) in that it recognises the town centre as the heart of the community and where major leisure developments should be located (23). The policy defines a sequential hierarchy of locations if no suitable sites are available in the town centre (24). As the policy sets no threshold for the definition of a major leisure development the NPPF sets a default threshold of 2,500sqm where no local threshold is set (26).</p>

Table J: The Green Network

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Enhancement of the Green Network					
GN1	x			6, 7, 8, 9, 10, 14, 15, 17, 70, 74, 114, 117, 118, 123, 150, 151, 152, 156, 157	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to develop, protect and enhance a network of green infrastructure in the borough.
Protection of Green Wedges					
GN2	x			6, 7, 8, 9, 10, 14, 15, 17, 70, 74, 114, 117, 118, 123, 150, 151, 152, 156, 157	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect existing green wedges from development which form part of the wider network of green infrastructure in the borough.
Protection of Key Green Space Areas					
GN3	x			6, 7, 8, 9, 10, 14, 15, 17, 70, 74, 114, 117, 118, 123, 150, 151, 152, 156, 157	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect existing key green spaces from development which form part of the wider network of green infrastructure in the borough.
Landscaping of Main Approaches					
GN4	x			6, 7, 8, 9, 10, 14, 15, 17, 58, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve the physical environment of the main approaches into the town.
Tree Planting					
GN5	x			6, 7, 8, 9, 10, 14, 15, 17, 58, 150, 151, 152, 203, 204, 205, 206.	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve the physical environment of the key green spaces in the borough through tree planting.
Protection of Incidental Open Space					
GN6	x			6, 7, 8, 9, 10, 14, 15, 17, 74, 150, 151, 152, 203, 204, 205, 206.	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect areas of incidental open space from development which form part of the wider network of green infrastructure in the borough.

Table K: Wildlife

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Protection of International Nature Conservation Sites					
WL2	x			6, 7, 8, 9, 10, 14, 15, 17, 113, 114, 117, 118, 150, 151, 152, 203, 204, 205.	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect Nationally Important Nature Conservation Sites from inappropriate development.
Enhancement of Sites of Special Scientific Interest					
WL3	x			6, 7, 8, 9, 10, 14, 15, 17, 113, 114, 117, 118, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect from inappropriate development and enhance Sites of Special Scientific Interest in the borough.
Protection of Local Nature Reserves					
WL5	x			6, 7, 8, 9, 10, 14, 15, 17, 113, 117, 118, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect from inappropriate development the network of Local Nature Reserves in the borough.
Protection of SNCIs, RIGs and Ancient Semi-Natural Woodland					
WL7	x			6, 7, 8, 9, 10, 14, 15, 17, 113, 117, 118, 150, 151, 152, 203, 204, 205, 206.	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect from inappropriate development the network of SNCIs, RIGs and Ancient Semi Natural Woodland in the borough.

Table L: Conservation of the Historic Environment

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Protection and Enhancement of Conservation Areas					
HE1	x			6, 7, 8, 9, 10, 14, 15, 17, 21, 56, 60, 61, 126, 128, 129, 130, 131, 133, 150, 151, 152.	The policy seeks to contribute towards sustainable development. The policy seeks to protect and enhance conservation areas and all assets within it. The policy sets out criteria that should be applied when assessing a planning application.
Environment Improvements in Conservation Areas					
HE2	x			6, 7, 8, 9, 10, 14, 15, 17, 21, 56, 57, 61, 109, 126, 150, 151, 152.	The policy seeks to contribute towards sustainable development. The policy is pro active as it seeks to encourage environmental improvements within conservation areas and thus forms part of the Council's positive strategy for the conservation and enjoyment of the historic environment.
Developments in the Vicinity of Conservation Areas					
HE3	x			6, 7, 8, 9, 10, 14, 15, 17, 21, 56, 57, 58, 109, 126, 128, 131, 129, 137, 150, 151, 152	The policy seeks to contribute towards sustainable development. The policy seeks to ensure that development that takes place within the vicinity of a conservation area takes into account the character of the conservation area and is designed accordingly.
Protection and Enhancement of Registered Parks and Gardens					
HE6	x			6, 7, 8, 9, 10, 14, 15, 17, 21, 56, 57, 58, 109, 126, 129, 137, 150, 151, 152	The policy seeks to contribute towards sustainable development. The policy seeks to protect and enhance registered parks and gardens to maintain their character, the policy should be applied to development in such locations and areas within the vicinity.
Works to Listed Buildings (Including Partial Demolition)					
HE8	x			6, 7, 8, 9, 10, 14, 15, 17, 21, 56, 57, 64, 126, 132, 150, 151, 152	The policy seeks to contribute towards sustainable development. The policy seeks to ensure that works to listed buildings, buildings adjacent to listed buildings and those that affect the setting of a listed building area sympathetic to the heritage asset.
Protection of Locally Important Buildings					
HE12	x			6, 7, 8, 9, 10, 14, 15, 17, 21, 56, 57, 58, 61, 126, 131, 135, 150, 151, 152	The policy seeks to contribute towards sustainable development. The policy recognises the importance of non designated heritage assets and seeks to protect them where possible.

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Areas of Historic Landscape					
HE15	x			6, 7, 8 9, 10, 14, 15, 17, 21, 61,109, 115, 126, 131, 132, 150, 151, 152	The policy seeks to contribute towards sustainable development. The policy seeks to protect and enhance the areas of historic landscape within the borough.

Table M: The Rural Area

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Urban Fence					
RUR1			x	6, 7, 8, 9, 10, 14, 15, 17, 28, 34, 49, 52, 123, 150, 151, 152,	<p>The policy is not consistent with the NPPF. The policy seeks to control development beyond the urban fence. The policy is not consistent as it is seeking to:</p> <p>(i) Restrict potential additional housing provision outside the urban fence. As the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, full weight cannot be given to policies which seek to restrict additional housing provision based upon the extent of the urban fence.</p> <p>(ii) Ensure all development outside of the urban fence is in accordance with policy RUR12. Policy RUR12 is not in accordance with NPPF paragraph 55.</p> <p>The NPPF as a whole should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies, particularly policy GEP1.</p>
Wynyard Limits to Development					
RUR2			x	6, 7, 8, 9, 10, 14, 15, 17, 28, 34, 49, 52, 123, 150, 151, 152,	<p>The policy seeks to contribute towards sustainable development. The policy is not consistent with the NPPF. The policy seeks to control development beyond the Wynyard limits to development. The policy is not consistent as it is seeking to:</p> <p>(i) Restrict potential additional housing provision outside the Wynyard limits to development. As the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, full weight cannot be given to policies which seek to restrict additional housing provision based upon the extent of the Wynyard limits to development.</p> <p>The NPPF as a whole should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies, particularly policy GEP1.</p>

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Village Envelopes					
RUR3			x	6, 7, 8, 9, 10, 14, 15, 17, 28, 34, 49, 52, 123, 150, 151, 152,	<p>The policy seeks to contribute towards sustainable development. The policy is not consistent with the NPPF. The policy seeks to control development beyond the defined village envelopes. The policy is not consistent as it is seeking to:</p> <p>(i) Restrict potential additional housing provision outside the defined village envelopes. As the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, full weight cannot be given to policies which seek to restrict additional housing provision based upon the extent of the defined village envelopes.</p> <p>The NPPF as a whole should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies, particularly policy GEP1.</p>
Village Design Statements					
RUR4	x			6, 7, 8, 9, 10, 14, 15, 17, 58, 59, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve the physical environment of the existing built environment in the boroughs villages; delivering sustainable development.
Development at Newton Bewley					
RUR5	x			6, 7, 8, 9, 10, 14, 15, 17, 28, 34, 49, 52, 123, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is in full accordance with the NPPF.
Development in the Countryside					
RUR7	x			6, 7, 8, 9, 10, 14, 15, 17, 58, 59, 61, 92, 99, 109, 114, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve the physical environment of the countryside area; delivering sustainable development.

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
New Housing in the Countryside					
RUR12			x	6, 7, 8, 9, 10, 14, 15, 17, 49, 55, 150, 151, 152,	<p>The policy is not consistent with the NPPF as:</p> <p>(i) The Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47. As a result weight cannot be given to policies which seek to restrict additional housing provision.</p> <p>(ii) The policy does not include the full criteria for appropriate new dwellings in the countryside as set out in paragraph 55 of the NPPF.</p> <p>As a result the NPPF as a whole, with specific regard to paragraph 55, should be used as a basis to determine future additional housing applications in the countryside alongside 2006 Local Plan policies, particularly policies GEP1 and RUR7.</p>
The Tees Forest					
RUR14	x			6, 7, 8, 9, 10, 14, 15, 17, 58, 59, 150, 151, 152, 203, 204, 205, 206	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve the physical environment of the countryside.
Small Gateway Sites					
RUR15	x			6, 7, 8, 9, 10, 14, 15, 17, 28, 58, 59, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve and diversify the rural economy.
Recreation in the Countryside					
RUR16	x			6, 7, 8, 9, 10, 14, 15, 17, 28, 58, 59, 150, 151, 152, 203, 204, 205, 206	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve and diversify the rural economy.
Strategic Recreational Routes					
RUR17	x			6, 7, 8, 9, 10, 14, 15, 17, 28, 58, 59, 75, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect and improve recreational routes in the rural area.

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Rights of Way					
RUR18	x			6, 7, 8, 9, 10, 14, 15, 17, 28, 58, 59, 75, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve rights of way in the rural area.
Summerhill – Newton Bewley Greenway					
RUR19	x			6, 7, 8, 9, 10, 14, 15, 17, 28, 58, 59, 75, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect and improve recreational routes in the rural area.
Special Landscape Areas					
RUR20	x			6, 7, 8, 9, 10, 14, 15, 17, 109, 113, 114, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect and improve special landscape areas.

Table N: Minerals

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Safeguarding of Mineral Resources					
MIN1	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.
Use of Secondary Aggregates					
MIN2	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.
Mineral Extraction					
MIN3	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.
Transport of Minerals					
MIN4	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.
Restoration of Mineral Sites					
MIN5	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.

Table O: Waste

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Major Waste Producing Developments					
WAS1	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.
Provision of “Bring” Recycling Facilities					
WAS2	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.
Composting					
WAS3	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.
Landfill Developments					
WAS4	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.
Landraising					
WAS5	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.
Incineration					
WAS6	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.

Appendix 2: Demonstrating a 5 Year Land Supply of Deliverable Housing Sites

(a) Sites With Planning Permission

Site Ref	Site Name	Completed	Remaining	1 st 5 Years						2 nd 5 Years					3 rd 5 Years					+ 15 Years		Site Deliverability Justification						
				2015/16 Com	2015/16 Rem	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	E2031+	Site Availability Issues?	Suitable Location Issues?	Viability Constraints?	Infrastructure Constraints?	Policy Constraints?	Market Demand Constraints?	Other Constraints?
H251	South West Extension		1260		0	0	25	40	40	105	105	105	105	105	105	105	105	105	105	105	0	No	No	No	No	No	No	No
H203	Upper Warren		500		0	0	35	35	70	70	70	70	70	70	10	0	0	0	0	0	0	No	No	No	No	No	No	No
H225	Britmag Ltd		484		0	0	35	35	35	35	35	35	35	35	35	35	35	35	35	29	0	No	No	No	No	No	No	No
H087	South of Maritime Avenue		400		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	400	No	No	Yes	Yes	No	Yes	Yes
H215	Land North of the A689		200		0	0	25	25	25	25	25	25	25	25	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H216	WYNYARD WOODS WEST		134		0	0	20	20	20	20	20	20	14	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H161	Mayfair	120	126	32	6	40	40	40	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H189	Wynyard Park	50	118	22	0	25	25	25	25	18	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H238	Tunstall Farm		110		0	0	20	30	30	30	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H220	Creosote Works		108		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	108	No	No	Yes	Yes	No	Yes	Yes
H198	FORMER BRIERTON SCHOOL SITE		107		0	0	0	35	35	37	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H104	Hartlepool Hospital		100		0	0	20	20	20	20	20	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H181	Middle Warren Area 9 Phase 15	77	90	36	0	35	35	20	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H191	FORMER HENRY SMITH SCHOOL SITE	31	86	6	25	25	25	11	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No

Site Ref	Site Name	Completed	Remaining	1 st 5 Years						2 nd 5 Years					3 rd 5 Years					+ 15 Years		Site Deliverability Justification						
				2015/16 Com	2015/16 Rem	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	E2031+	Site Availability Issues?	Suitable Location Issues?	Viability Constraints?	Infrastructure Constraints?	Policy Constraints?	Market Demand Constraints?	Other Constraints?
H233	Quarry Farm		81		0	0	21	30	30	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H077	Block 19 Marina		60		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	60	No	No	Yes	No	No	Yes	No
H086	Mixed Use Maritime Avenue		54		0	0	0	0	14	20	20	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H083	Block 29 Marina		48		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	48	No	No	Yes	No	No	Yes	No
H080	Block 25 Marina		48		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	48	No	No	Yes	No	No	Yes	No
H166	Perth Street Regeneration Scheme	42	41		21	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H068	Block 23 Mansion House		40		0	5	5	5	5	5	5	5	5	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H241	Coniscliffe Road		39		0	0	15	15	9	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H218	FRIARAGE		38		0	0	0	0	38	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H085	Block 32 Marina		36		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	36	No	No	Yes	No	No	Yes	No
H213	Raby Gardens		33		0	33	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H190	Land adjacent Seaton Carew Nursery School	10	29	10	10	19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H243	Greatham (Land off Station Road)		29		0	0	0	14	15	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H201	Claremont		28		0	14	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H193	Middle Warren 9 B2	70	25	37	0	25	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No

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				2015/16 Com	2015/16 Rem	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	E2031+	Site Availability Issues?	Suitable Location Issues?	Viability Constraints?	Infrastructure Constraints?	Policy Constraints?	Market Demand Constraints?	Other Constraints?
H084	Block 31 Marina		24		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	24	No	No	Yes	No	No	Yes	No
H219	Raby Arms		23		0	10	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H245	Seaton Lane (Lot 2)		22		0	0	0	22	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H082	Block 28 Marina		20		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20	No	No	Yes	No	No	Yes	No
H081	Block 26 Marina		20		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20	No	No	Yes	No	No	Yes	No
H244	Seaton Lane (Lot 1)		20		0	0	0	20	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H079	Block 24 Marina		19		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19	No	No	Yes	No	No	Yes	No
H078	Block 20 Marina		18		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18	No	No	Yes	No	No	Yes	No
H023	Jesmond Road / Heather Grove		17		0	0	7	10	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H232	Eskdale Road		16		16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H076	Block 18 Marina		16		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16	No	No	Yes	No	No	Yes	No
H075	Block 17 Marina		16		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16	No	No	Yes	No	No	Yes	No
H240	Manorside Phase 1		15		0	5	5	5	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H217	THE WOODCUTTER PUBLIC HOUSE		14		0	0	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H045	Tunstall Court		14		0	0	5	5	4	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No

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				2015/16 Com	2015/16 Rem	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	E2031+	Site Availability Issues?	Suitable Location Issues?	Viability Constraints?	Infrastructure Constraints?	Policy Constraints?	Market Demand Constraints?	Other Constraints?
H123	North Farm		14		0	7	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H242	Meadowcroft		14		0	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H246	Seaton Lane (Lot 3)		11		0	0	0	11	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H197	Havelock Centre	3	10	3	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H176	Sussex & Oxford Street		10		0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H185	Former Mas Agra Palace		9		0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H136	Morison Hall		8		0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H211	Southbrooke		8		0	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H180	19-21 Tankerville Street		7		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	Yes	No	Yes	No	No	Yes	No
H237	Worset Lane		7		0	0	2	2	3	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H173	Eden Park Self Drive		7		0	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H199	Foggy Furze Library	25	5	16	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H158	Manor House Farm		4		4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H231	18 Lowthian Road		4		0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H226	Land to the rear of 51 The Front		4		0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No

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				2015/16 Com	2015/16 Rem	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	E2031+	Site Availability Issues?	Suitable Location Issues?	Viability Constraints?	Infrastructure Constraints?	Policy Constraints?	Market Demand Constraints?	Other Constraints?
H227	45-49 Raby Road		4		0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H145	2-4 Whitby Street		4		0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H092	United Reform Church	6	4		4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H182	70-71 MILLPOOL & 1-2 SOMERSBY CLOSE		4		0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H091	Union House	4	3		3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H179	Close Farm Cottage		3		0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H229	28 and 30 Sydenham Road		3		0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H007	Land adjacent to the manor house	4	3		0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H155	29 Hutton Avenue		2		0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H221	301 Stockton Road	2	2	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H222	Priory Farm		2		0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H247	138 Elwick Road		2		0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H209	120 Alma Steet		2		0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H212	20 Owton Manor Lane		1		0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H172	Overlands Plot A		1		0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No

Site Ref	Site Name	Completed	Remaining	1 st 5 Years						2 nd 5 Years					3 rd 5 Years					+ 15 Years		Site Deliverability Justification						
				2015/16 Com	2015/16 Rem	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	E2031+	Site Availability Issues?	Suitable Location Issues?	Viability Constraints?	Infrastructure Constraints?	Policy Constraints?	Market Demand Constraints?	Other Constraints?
H154	Lambs House Farm		1		1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H248	PLOT 2 MANOR HOUSE FARM		1		0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H230	Pawton Hill Farm		1		0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H250	21 Seaton Lane		1		0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H235	The Laurels		1		0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H187	Brierton Farm		1		0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H188	Land at Tanfield Road	44	1	15	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H148	Park House		1		1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H239	42 Bilsdale Road		1		0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H234	Ashfield Farm		1		0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H236	Priory Farm		1		0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
H249	Rear of 138 Elwick Road		1		0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No

(b) Urban Sites Identified in the SHLAA

Site Ref	Site Name	Completed	Remaining	1 st 5 Years						2 nd 5 Years					3 rd 5 Years					+ 15 Years		Site Deliverability Justification						
				2015/16 Com	2015/16 Rem	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	E2031+	Site Availability Issues?	Suitable Location Issues?	Viability Constraints?	Infrastructure Constraints?	Policy Constraints?	Market Demand Constraints?	Other Constraints?
US1	South of John Howe Gardens	0	20	0	0	0	0	0	0	0	20	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
US2	Bruntoft Avenue	0	25	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	25	0	0	No	No	No	No	No	No	No
US3	Britmag South	0	30	0	0	0	0	0	0	0	0	15	15	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
US4	Carr & Hopps	0	70	0	0	0	0	0	35	35	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
US5	Surtees Street (Focus Building)	0	30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15	15	0	0	No	No	No	No	No	No	No
US6	Briarfields	0	14	0	0	0	0	0	0	0	14	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
US7	Oxford Road	0	17	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17	0	0	No	No	No	No	No	No	No
US8	Coronation Drive	0	100	0	0	0	0	0	25	25	25	25	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
US9	Seaton Coach Park	0	30	0	0	0	0	0	0	0	0	0	15	15	0	0	0	0	0	0	0	No	No	No	No	No	No	No

(c) Sites Allocated in the 2016 Local Plan.

Site Ref	Site Name	Completed	Remaining	1 st 5 Years						2 nd 5 Years					3 rd 5 Years					+ 15 Years		Site Deliverability Justification						
				2015/16 Com	2015/16 Rem	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	E2031+	Site Availability Issues?	Suitable Location Issues?	Viability Constraints?	Infrastructure Constraints?	Policy Constraints?	Market Demand Constraints?	Other Constraints?
LP1	Nine Acres Hart Village	0	30	0	0	0	0	15	15	0	0	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
LP2	Glebe Farm Hart Village	0	20	0	0	0	0	0	0	0	20	0	0	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
LP3	Potters Farm Elwick Village	0	35	0	0	0	0	0	0	0	0	0	0	0	0	15	20	0	0	0	0	No	No	No	No	No	No	No
LP4	High Tunstall	0	1200	0	0	0	0	35	35	80	105	105	105	105	105	105	105	105	105	105	0	No	No	No	No	No	No	No
LP5	Wynyard North Pentagon	0	100	0	0	0	0	0	0	25	25	25	25	0	0	0	0	0	0	0	0	No	No	No	No	No	No	No
LP6	Wynyard Park North	0	400	0	0	0	0	0	0	0	0	0	20	20	40	40	40	80	80	80	0	No	No	No	No	No	No	No

PLANNING COMMITTEE

16 December 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 commenced in response to a complaint regarding the erection of a rear extension at a property in Heugh Chare.
2. An investigation has commenced in response to a complaint regarding alterations to a rear boundary fence at a property in Tintagel Close.
3. An investigation has commenced in response to a complaint regarding the erection of a detached building at the rear of a property in Macaulay Road.
4. An investigation has commenced in response to a complaint regarding damaged roller shutters and an untidy building on Raby Road.
5. An investigation has commenced in response to a complaint raised by the Council's Planning Policy team regarding the change of use from a taxi office to a hot food takeaway at Navigation Point.
6. An investigation has commenced as a result of information supplied by the Council's Public Protection team regarding car wash premises at Bertha Street, Usworth Road, Whitby Street and Stockton Road being used as living accommodation.
7. An investigation has commenced in response to officer monitoring regarding the change of use from a public house to a hot food takeaway at a premises in Victoria Road.
8. An investigation has been completed in response to a complaint regarding the installation of alleygates adjacent to a property in Throston Street. On visiting the site it was found that the alleygates had been removed. No further action necessary.

9. An investigation has been completed in response to a complaint regarding the erection of a detached building in a rear garden in Catcote Road. Permitted development rights applied in this case.
10. An investigation has been completed in response to a complaint regarding the erection of a high rear garden fence at a property in Kesteven Road. Although technically requiring planning consent, as the excess height applied only to a short section of fence and was measured at between 0.06m and 0.07m, it is considered to have no material effect. No further action necessary.
11. An investigation has been completed in response to a complaint regarding the change of use of a dwelling house in Westbourne Road to a house in multiple occupation. It was found that the property is in the process of being renovated and is not currently in use. The property owner was advised to contact the Council's Housing Standards Officer for further advice regarding HMOs.

2. RECOMMENDATION

- 2.1 Members note this report.

3. CONTACT OFFICER

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