

# PLANNING COMMITTEE AGENDA



**Wednesday 20 January 2016**

**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 16 December 2015

## 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/2015/0315 Land North of Wolviston (page 23)
3. H/2015/0474 Park Lodge, Ward Jackson Park, Park Avenue (page 49)
4. H/2015/0450 Hart Primary School, Magdalene Drive, Hart (page 61)
5. H/2014/0579 North Farm, The Green, Elwick (page 71)
6. H/2014/0405 Land between A689 and Brierton Lane, South West Extension (page 103)



4.2 Tees Valley Local Standards for Sustainable Drainage – *Assistant Director (Neighbourhoods)*

5. **ITEMS FOR INFORMATION**

5.1 New Planning Documents Update – *Assistant Director (Regeneration)*

5.2 Appeal at Crookfoot Farm, Elwick – *Assistant Director (Regeneration)*

5.3 Appeal at Land adjacent to Middleton House, Navigation Point, Middleton Road, Hartlepool – *Assistant Director (Regeneration)*

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

6. **ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS 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 17<sup>th</sup> February 2016



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **16 DECEMBER 2015**

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

**Present:**

Councillor: 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: Jim Ferguson, Planning Team Leader (DC)  
Alyson Carman, Legal Services Manager  
Mike Blair, Highways, Traffic and Transportation Manager  
Sarah Scarr, Heritage and Countryside Manager  
Adrian Hurst, Principal Environmental Health Officer  
Malcolm Steele, Senior Planning Officer  
Helen Heward, Senior Planning Officer  
Daniel James, Senior Planning Officer  
Jane Tindall, Planning Officer  
David Cosgrove, Democratic Services Team

## **81. Apologies for Absence**

Councillor Dr George Morris.

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

Councillor Ray Martin-Wells declared personal and prejudicial interest in planning applications H/2015/0422 Land off Valley Drive, Tunstall Farm and H/2015/0386 Land at Wynyard Woods, West Wynyard on the grounds of predetermination and requested the Chair's approval to speak on the first application as Ward Councillor for the Rural West Ward.

## **83. Confirmation of the minutes of the meeting held on 25 November 2015**

Confirmed.

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

The following planning applications were submitted for the Committee's consideration.

<b>Number:</b>	H/2015/0422
<b>Applicant:</b>	Taylor Wimpey UK Ltd
<b>Agent:</b>	GVA Grimley Ltd Fourth Floor Central Square Forth Street NEWCASTLE UPON TYNE
<b>Date received:</b>	07/10/2015
<b>Development:</b>	Reserved matters application for the erection of 110 dwellings (Use Class C3) including associated infrastructure and landscaping and engineering works
<b>Location:</b>	Land off Valley Drive Tunstall Farm HARTLEPOOL

Councillor Martin-Wells addressed the Committee as ward councillor for the Rural West Ward in which the application site was located. Councillor Martin-Wells sought the Committee's support for a one month deferral of this application to the next meeting of the Committee in January. Councillor Martin-Wells circulated a number of photographs he had taken of Tunstall Beck adjacent to the application site which he feared was near to flooding. The Councillor believed that further study was required and input from the Council's own Engineering Design and Management Team to ensure that the flood mitigation scheme agreed with the developer was adequate to protect both the new and existing houses. The Environment Agency had referred previously to the 'trash collector' on the stream being an issue but the ward councillor did not feel that this was the root cause of problems in the area and sought the deferral to allow further investigation to allay the concerns of residents.

Following his declaration of interest at the commencement of the meeting, Councillor Martin-Wells then left the meeting.

The Senior Planning Officer then advised Members that the drainage matters were currently being considered under the relevant Discharge of Conditions application and that the Councillor's concerns could be relayed to the Engineering Design and Management Team.

The deferral was supported by the Committee on a majority vote. The Chair requested that the appropriate officers were available at the January meeting.

<b>Decision:</b>	<b>Deferred to allow further investigation of flooding issues in the area</b>
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Councillor Martin-Wells returned to the meeting.

**Number:** H/2015/0209

**Applicant:** Mr Brian Cowie 69 Hylton Road West Park HARTLEPOOL

**Agent:** KANE Architectural Services Ltd Mr Neil Davies The Old Brewery Business Centre Castle Eden HARTLEPOOL

**Date received:** 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

Councillors questioned the agricultural use of the land.

The application was approved on a majority vote.

**Decision:** **Outline Planning Permission Approved** 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 offsite affordable housing contribution of £22,149 and the provision of one on site affordable unit and the following conditions

### **CONDITIONS AND REASONS**

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 on 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. To conserve protected species and their habitat.

17. Prior to the commencement of development a scheme for the enhancement of the biodiversity of the stream banks should 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. archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
2. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme 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.

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**Number:** H/2015/0423

**Applicant:** MR CARLO LAMANUZZI BATTLE PLACE GLASGOW

**Agent:** FAIRHURST ESTATES FAIRHURST HOUSE 7 ACORN  
BUSINESS PARK HEATON LANE

**Date received:** 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

Members questioned the mitigation to be implemented to account for the increase in parked vehicles at the garage. The Highways, Traffic and Transportation Manager stated that while the street structure was very tight in that area, the increased number of vehicles was assessed as being low and

would not substantiate increased parking controls which would impact on local residents.

The Agent representing the applicant stated that there would be additional parking provided within the existing site which would accommodate the increase in customers. Members requested that a requirement for a scheme of on-site parking provision be included within the conditions attached to the site.

The application, with an additional condition relating to on-site parking, was approved unanimously by the Committee.

**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 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.
3. No development shall take place until a scheme for the parking of vehicles visiting the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, and the parking areas/arrangement identified retained for the lifetime of this permission. In the interests of highway safety.

The Committee considered representations in relation to this matter.

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Councillor Martin-Wells left the meeting before consideration of the following application in accordance with his earlier declaration of interest.

<b>Number:</b>	H/2015/0386
<b>Applicant:</b>	CAMERON HALL DEVELOPMENTS LTD MR P MACKINGS WYNYARD BILLINGHAM
<b>Agent:</b>	England & Lyle Gateway House 55 Coniscliffe Road DARLINGTON
<b>Date received:</b>	08/09/2015
<b>Development:</b>	Erection of 64 dwellings, access and associated works

**Location:** LAND AT WYNYARD WOODS WEST WYNYARD

Members expressed concern that an update report with recommendations had been issued after the main agenda papers. The Chair stated that this was unavoidable in this case but in future no such 'updates' would be issued and all reports would be submitted complete to Members.

Members questioned the affordable housing contribution sought from the development and its calculation. Officers explained that this had been based on the policy document recently approved by Council with an affordable homes contribution of 18%. Members requested that future reports include the detailed calculation of the contribution.

A Member queried the issue raised by some of the objectors in relation to footpath access to the Castle Eden Walkway. The applicant's representatives, Mr I Lyle and Mr Macken, confirmed that a footpath link was to be provided.

The application was approved on a majority vote

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

**CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans 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. 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. archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
2. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme 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.

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 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 out with 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 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.

The Committee considered representations in relation to this matter.

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Councillor Martin-Wells returned to the meeting.

**Number:** H/2015/0315

**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:** 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

A Member questioned the agricultural designation of the land and expressed concern at agricultural land being lost for the period of the application. Officers stated that the land designation was as set in the Local Plan and based on advice given by Defra.

The applicant's representative Mr L Adams was present and addressed the Committee in support of the application which would provide sufficient clean electricity to power 1500 homes each year for the life of the application. The site would also include appropriate wildlife 'facilities' and the company would provide an education programme on renewable energy to local schools. In relation to the agricultural value of the land, the applicant stated that the site accounted for only 4.7% of the tenancy land.

The objectors representative, Mr G White, addressed the Committee and argued that the agricultural designation of the land reported was incorrect and the land was actually designated as the best and most versatile agricultural land by Defra. Government had also recently stated that growth in solar energy production should be focussed on roof space rather than agricultural land. The use of the land demonstrated within the application therefore did not hold. The objector also commented on the access proposed for the site

from the A19 slip road which was of concern and appropriate measures should have been included to protect the access point.

A Member considered that in light of the points raised by the objector, a site visit should be undertaken by Members to assess the site and that clarification be provided on the actual agricultural designation of the land.

The deferment of the application was approved on a majority vote. The Chair stated that the site visit would be held immediately prior to the next meeting of the Committee on 20 January, 2016 with Members departing from the Civic Centre at 9.00 am prompt.

**Decision:** **Deferred for a site visit and to seek clarification as to the grading of the agricultural land**

The Committee considered representations in relation to this matter.

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**Number:** H/2015/0486

**Applicant:** Mr Geoff Holmes Carlyn Limited Milton House 57 Leeds Road LEEDS

**Agent:** Elder Lester McGregor Mr Ian McGregor Reeds Mill Atlas Wynd YARM

**Date received:** 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

The application had been previously considered by the Committee on 30 September, 2015 and an appeal against the refusal had been submitted. At the September meeting the main objectors to the application had been Hartlepool Sea Cadets who were located adjacent to the site. The applicant and the Sea Cadets had resolved their issues with the site and the objection had been withdrawn. The applicant, therefore, had resubmitted the original application for consideration.

Members noted the withdrawal of the Hartlepool Sea Cadets objection. A Member commented that one of the main issues had been health and safety with the bar being located very close to the water's edge there was potential for inebriated customers to fall in the water. It was stated that there was fencing around the majority of the quayside though this was not in the ownership of the applicant. The Member commented that the fence was in

poor condition with sections missing in certain points and questioned if the maintenance of the fence could be conditioned. The Legal Service Manager stated that while health and safety was an appropriate planning matter, it would not be possible to apply a condition in relation to the quayside fencing to this application. The Chair noted the advice but indicated that Members concerns should be raised with the appropriate land owner.

The applicant's representative, Mr I McGregor, was present at the meeting and addressed the Committee to confirm that the applicant had reached an amicable agreement with the Sea Cadets which maintained and secured their operation at the Marina. A Member questioned the applicant in relation to the fencing that had been erected around the site following the refusal of the original application. The applicant's representatives stated that his client believed that the Sea Cadets had no legal right of access to the land. The result of the discussions since September was that the Sea Cadets did now have legal access. A Member questioned why the application had been resubmitted rather than awaiting the outcome of the appeal. The applicant's representative stated that following the successful outcome of the negotiations with the Sea Cadets, the applicant had decided to resubmit the application. If it was successful, the appeal would be withdrawn.

Members welcomed the agreement reached by the applicant with the Sea Cadets but did feel that the actions of the applicant particularly with regard to the fencing of the site had been inadvisable.

The application was approved on a majority vote.

**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 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 manufacturer's 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. archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
2. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme 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.

The Committee considered representations in relation to this matter.

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**Number:** H/2015/0408

**Applicant:** Miss Natalie Corbett The Front Seaton Carew  
HARTLEPOOL

**Agent:** Miss Natalie Corbett 33 The Front Seaton Carew  
HARTLEPOOL

**Date received:** 05/11/2015

**Development:** Installation of shopfront (part retrospective)

**Location:** 33 The Front Seaton Carew HARTLEPOOL

The applicant, Miss N Corbett, was present at the meeting and addressed the Committee. The applicant stated that the work to the shop front had been undertaken to improve the frontage of the business, particularly the glass which was at risk of breakage due to children frequently leaving bicycles against the front window. The rendering to the upper frontage was similar to adjacent properties.

In response to Member questions, the Heritage and Countryside Manager stated that the shop had been one of the last remaining traditional shop frontages within the conservation area and had been used as an example for the improvements carried out to other properties. The property had previously received grant monies to carry out maintenance to the shop front and the roof. It was acknowledged that much of the character of the conservation area had been diluted over the years which was why the conservation area had been listed as 'at risk' by Historic England.

The applicant stated that no improvements had been made to the upstairs windows in the property by the previous owner and she had undertaken the recent works to the roof at her own cost. Members expressed concern that other properties had made changes to their frontages without permission. Members also noted that the owner had submitted a previous application to change the shop frontage in 2009 which had been unsuccessful on appeal.

In debate Members commented that while this application had been submitted retrospectively, other shop frontages appeared to have been changed without any application having been submitted. Members acknowledged that the

maintenance of seafront properties was particularly difficult. The Council's Heritage Champion, Councillor Ainslie, commented that while having no predetermined view on the application, he did acknowledge that the Heritage and Countryside Team were doing their utmost to preserve the character of the Borough's conservation areas.

The application was approved on a majority vote against the recommendation of officers. The Planning Team Leader, therefore, sought the reasons for the decision and Members stated that they believed the application to be acceptable in the context of the site and that they would have an acceptable impact on the character and appearance of the conservation area.

**Decision: Planning Permission Approved**

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2014/0405
<b>Applicant:</b>	Mr Peter Jordan Persimmon Homes Ltd t/a Persimmon Homes Teesside Persimmon House Bowburn North Industrial Estate DURHAM
<b>Agent:</b>	Spawforths Mr Paul Bedwell Junction 41 Business Court East Ardsley LEEDS
<b>Date received:</b>	20/10/2014
<b>Development:</b>	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
<b>Location:</b>	Land between A689 and Brierton Lane South West Extension HARTLEPOOL

The Planning Team Leader reported that subsequent to the report being issued, the applicant had sought to seek amendments to a number of the

conditions. Most were minor amendments to wording or condition order and the Planning Team Leader sought the Committee's approval to delegate the final decision on conditions to officers to allow discussions with the applicant to be concluded. Members considered that the Committee should be fully aware of the amendments being proposed by the applicant and requested that a further report be submitted to the January meeting of the Committee setting those amendments out in detail. Members also sought clarification to the elements of the S106 agreement relating to education. The Chair requested that both issues be fully addressed in the report to the January meeting.

The deferral was agreed unanimously.

**Decision:** **Deferred Members asked that the final set of conditions be put to them given ongoing negotiations and that developer contributions are clarified.**

**85. Update on Current Complaints** (*Assistant Director, Regeneration*)

Members were updated on eleven complaints and ongoing issues, which were being investigated. Developments would be reported to a future meeting if necessary.

**Decision**

That the report be noted.

**86. New Planning Documents** (*Assistant Director, Regeneration*)

The Committee received a report informing Members of the following new planning documents:

Local Development Scheme (Oct 2015)  
Planning Obligations Supplementary Planning Document (Nov 2015)  
Planning Policy Framework (Nov 2015).

The Chair suggested that consideration of these important documents be deferred to the next meeting of the Committee when the appropriate officers could be present.

**Decision**

That consideration of the three documents be deferred to the next meeting of the Committee.

**87. Any Other Items which the Chairman Considers are**



## Urgent

None.

The Chair reminded Members that the site visit approved earlier in the meeting would take place at 9.00 am on 20 January, 2016.

The Chair wished all Members and those in attendance season's greetings.

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

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

Minute 89 – Enforcement Action – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (Para 5) and, information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6).

### **89. Enforcement Action** (*Assistant Director, Regeneration*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6)

In light of the application approved by Members at Minute No. 84, H/2015/0408 - 33 The Front, Seaton Carew, the report was withdrawn.

## Decision

That the report be withdrawn and no action taken.

The meeting concluded at 12.05 p.m.

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

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## PURPOSE OF REPORT

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

## BACKGROUND

1.2 This application was considered at the December 2015 meeting of the Planning Committee. Members agreed to defer this item for one month in order for the flooding/drainage concerns raised by the local ward councillor to be investigated further. Particular concerns were raised regarding the capacity of the drainage system.

1.3 At the meeting of 16.12.2015, Planning Officers advised the Committee that matters of drainage were currently being considered under the relevant discharge of conditions application following the outline approval on the site (H/2014/0196). The Council's Principal Engineer of the Engineering Design and Management section has reviewed the submitted drainage scheme and has advised that he is confident that with some amendments the drainage scheme will be suitable. Discussions are ongoing.

1.4 The Principal Engineer has further advised that both the Council's internal operations team and the Environment Agency have both reported no recent flooding incidents. Some debris removal was undertaken and the new grills allowed this to be safely removed.

1.5 In view of the above considerations and the detailed considerations set out in the committee report below, it is considered that the proposed development is acceptable in respect of flooding and drainage matters and that such matters can be satisfactorily agreed and concluded through the relevant discharge of conditions application.

### Allowed appeal decision

1.6 An outline planning application for the construction of up to 110 dwellings (H/2014/0196) on this site was submitted on 25<sup>th</sup> 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.

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

1.8 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**

1.9 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.

1.10 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.

1.11 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.

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

## **SITE CONTEXT**

1.13 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**

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

1.15 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 were also being considered through the discharge of condition application (associated with the allowed appeal decision). The consultation period for the amended/additional plans expired on 10<sup>th</sup> December 2015 and Members were advised of the additional representations received at the Meeting (which were also tabled).

1.16 An additional 6 objections (3 of which are second objections) have been received since the publication of the original committee report and these are set out in the additional background papers.

1.17 As such and to date, 86 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)

1.18 One letter of no objection has been received.

Copy Letters **C**

## CONSULTATIONS

1.19 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 7<sup>th</sup> 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

1.20 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

1.21 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

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

1.23 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

1.24 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)

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

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

1.27 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.

1.28 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.

1.29 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.*

1.30 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.

1.31 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.

1.32 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*".

1.33 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.

1.34 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.

1.35 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.

1.36 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

1.37 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).

1.38 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.

1.39 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.

1.40 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

1.41 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.

1.42 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*”.

1.43 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.

1.44 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.

1.45 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.

1.46 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.

1.47 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.

1.48 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.

1.49 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.

1.50 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.

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

1.52 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.

1.53 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.

1.54 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”.*

1.55 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.

1.56 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

1.57 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.

1.58 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.

1.59 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.

1.60 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.

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

#### FLOODING AND DRAINAGE MATTERS

1.62 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).

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

*...ultimately the onus on the appellants is not to solve the existing problems, rather it is to demonstrate that the proposed development would not increase the risk of flooding elsewhere. In terms of surface water drainage the EA has stated that it considers the proposal to be a betterment to the current surface water drainage situation and so there is, in fact, the potential for the flood risk in Valley Drive to be lessened as a result of the proposed development.*

1.64 In view of the submitted supporting information, 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.*

1.65 A condition was imposed by the Inspector on the outline permission (H/2014/0196) 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.

1.66 In view of the above considerations, it is considered that the proposed development is acceptable in respect of flooding and drainage matters and that such matters can be satisfactorily agreed and concluded through the relevant discharge of conditions application.

## ECOLOGY

1.67 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

1.68 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

1.69 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.

1.70 The proposal is considered to be acceptable in this respect.

## OTHER PLANNING MATTERS

### *Housing Need*

1.71 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*

1.72 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*



1.73 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*

1.74 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

1.75 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.

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

1.77 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

1.78 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.

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

1.80 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.

1.81 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.

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

1.83 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**

1.84 There is no evidence of equality or diversity implications.

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

1.85 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.

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

## **REASON FOR DECISION**

1.87 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 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 25.11.2015 and plan 1N/TUN/SK-10 REV J (Feasibility Layout) date received 10.12.2015.

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, date received 07.10.2015) 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 J

(Feasibility Layout, date received 10.12.2015), 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, plan 90864/8028 (Cross section through retaining wall at unit 01) date received 25.11.2015 and plan 1N/TUN/SK-10 REV J (Feasibility Layout) date received 10.12.2015, 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**

1.88 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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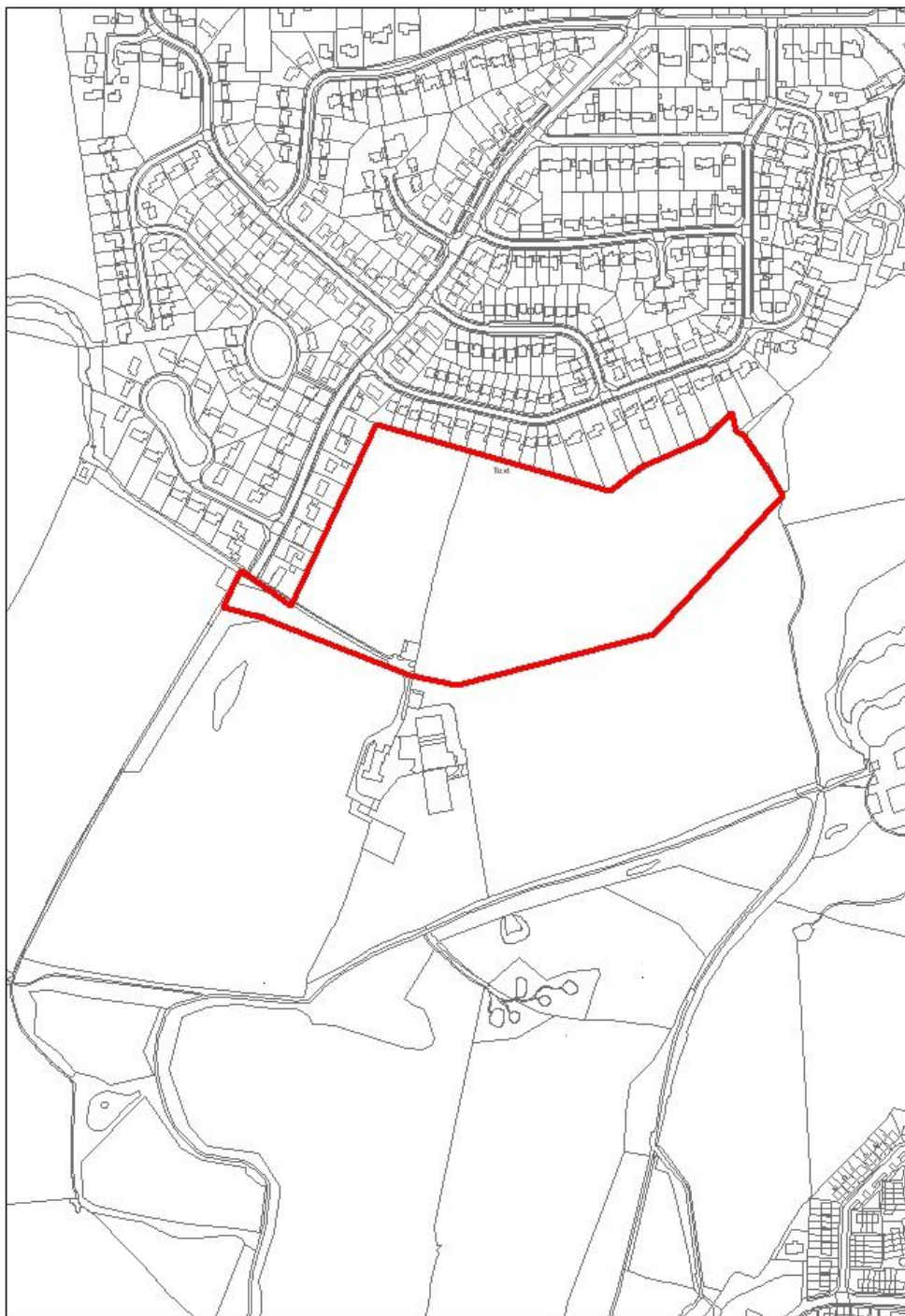
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## TUNSTALL FARM



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/2015/0315  
**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

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## PURPOSE OF REPORT

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

## BACKGROUND

2.2 The application was previously considered at the planning committee meeting held on 16<sup>th</sup> December 2015. Members took the decision to defer the determination of the application until the following Planning Committee, to allow for a site visit to take place so that Members could familiarise themselves with the access arrangements to the site and the to allow for the clarification of the Agricultural Land Classification of the Site.

2.3 Since the last committee the objector (via George F White) has submitted an Agricultural Land Classification report. A rebuttal from Reading Agricultural Consultants has been submitted by the agent and Natural England have provided comments with regard to this matter.

2.4 These matters are fully discussed in the relevant sections of the following report.

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

2.6 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).

2.7 A formal screening opinion was issued on 27<sup>th</sup> 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

2.8 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 1500 homes.

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

2.10 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.

2.11 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

2.12 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.

2.13 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

2.14 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.

2.15 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.

2.16 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.

2.17 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**

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

2.19 The concerns raised are:

- Character of the area, industrialisation of rural 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

2.20 The period for publicity has expired.

## **CONSULTATIONS**

2.21 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

Further comments (with regard to land classification)

The first map shows the agricultural land classification, which is likely to be the same as you've seen on Magic, and shows the land as Grade 3. The reason being that the surveys were undertaken in the 1960s and 70s, and pre-date the split of Grade 3 into a and b. Only certain areas have been resurveyed following the further classification splitting Grade 3 land. The second map shows the likelihood of the land being best or most versatile – the dark colour is highest likelihood, and the lighter colour around Stob House Farm is least likely, with a less than 20% chance of it being BMV.

Detailed supporting climatic information is needed to support an assessment of overall climate limitations or to underpin the assessment of soil wetness and droughtiness and this appears lacking. The methodology used for the field survey is unclear; a detailed survey normally comprises a series of auger borings (1 per ha) supplemented by soil pits in line with guidance in Natural England's [Technical Information Note 049](#), with detailed descriptions of soil horizons to 80-120cm for each sampling point according to the standard soil survey description scheme, with accompanying assessments of ALC grade for each sampling point. This should be based on a detailed appraisal of the soil characteristics in combination with site and climatic factors. Maps showing the site survey sampling locations and grades are usually provided, together with schedules of auger and soil pit descriptions.

**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**

2.22 In relation to the specific policies referred to in the section below please see the policy note at the end of the agenda.

### **Local Policy**

2.23 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**

2.24 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

2.25 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 UK's renewable energy targets and creating a low carbon economy.

2.26 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

2.27 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan, 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

2.28 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.

2.29 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.

2.30 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.

2.31 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.

2.32 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.

2.33 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 than the need for renewable energy does not automatically override environmental protections and the views of local communities should be listened to.

2.34 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.

2.35 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.'

2.36 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.

2.37 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.

2.38 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

2.39 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 Council's 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. 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.

2.40 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.

2.41 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.

2.42 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.

2.43 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 of both the site and the surrounding landscape.

2.44 The Council's Landscape Architect was consulted on the proposals and 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 Architect raises no objections.

2.45 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

2.46 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.

2.47 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 be 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)

2.48 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

2.49 At the previous committee meeting highway safety, in particular the access to the site was raised as a matter of concern.

2.50 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.

2.51 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.

2.52 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.

2.53 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.

2.54 Concerns regarding security were raised by members at the previous meeting, there is an existing gate at the entrance to the access from the A19 which the applicant has confirmed is left open as this access serves multiple users from surrounding fields and adjacent farms. On both occasions that officer site visits have taken place this was indeed the case.

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

2.56 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.

2.57 In terms of glint and glare, a glint and glare assessment has been undertaken which assesses whether solar reflections are geometrically possible towards receptors including roads, dwellings and airports.

2.58 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.

2.59 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.

2.60 It is acknowledged that Policy Tra15 of the Hartlepool Local Plan 2006 restricts development which would result in the intensification of existing access onto the A689 and the A19. However the NPPF paragraph 32 indicates that account should be taken of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to advise that development should only be prevented or refused on transport grounds where the residential cumulative impacts of the development are severe. Highways England and HBC Traffic & Transportation have been consulted on the proposals and have raised no objections subject to conditions. It is acknowledged that there will be some intensification of the use of the access particularly in the construction period however it is not considered that any residual impact arising from the development would be severe. In highways terms the proposal is considered acceptable.

## AMENITY OF NEIGHBOURING RESIDENTS

2.61 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.

2.62 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.

2.63 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.

2.64 There would be no discernible noise or indeed vibration disturbance generated by this development 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

2.65 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 pipeline 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.

2.66 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

2.67 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.

2.68 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.

2.69 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

2.70 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

2.71 At the previous planning committee the application was deferred, one of the reasons being that members required clarification regarding the Agricultural Land Classification.

2.72 Furthermore concern has been raised through the publicity process in relation to the loss of agricultural land by objectors, in particular the tenant of the land.

2.73 Since the previous committee meeting the consultant acting on behalf of the tenant of the land has submitted an Agricultural Land Classification report which concludes that, based on the surveys they have carried out to inform that document, the land should be classed as Grade 2 and not less than Grade 3A. Under the DEFRA classification this would categorise the land as Best and Most Versatile agricultural land.

2.74 This report was assessed by the applicant who engaged Reading Agricultural Consultants to submit a rebuttal to the document. The submission on behalf of the applicant asserts that whilst the report shows an awareness of the Agricultural Land Classification (ALC) system the detailed guidelines contained in the Ministry of Agriculture, Fisheries and Food's and criteria for grading the quality of agricultural land it does not apply these guidelines to the site in question. Therefore the rebuttal concludes that owing to issues relating to methodologies used in production of the document, including an insufficient number of observations carried out, the failure to identify the locations of observations, the failure to describe or record soil characteristics, the lack of independent verification and relevant climatic information, the applicant contends the report should not be considered to be sound.

2.75 Natural England senior soils specialist has also provided comments on the objectors submitted report stating that detailed supporting climatic information is needed to support an assessment of overall climate limitations or to underpin the assessment of soil wetness and droughtiness. This appears lacking. Natural England also raises concerns that the methodology used for the field survey is also unclear.

2.76 On this basis it is not considered that the report submitted by the objector provides sufficient information to provide evidence that the land is or is not Best and Most Versatile.

2.77 Policy RUR9 of the Local Plan seeks to protect against the irreversible loss of best and most versatile land. A plan in the adopted Hartlepool Local Plan which accompanies this policy identifies Best and Most Versatile agricultural land across the Borough. It does not identify the application site as being Best and Most Versatile land. This has been cross referenced with information held by Natural England. The Natural England map shows the land as Grade 3. Only land graded 3A and above



constitute Best and Most Versatile land. However Natural England have confirmed that the surveys informing this grading were undertaken in the 1960s and 70s, and pre-date the split of Grade 3 into a and b. Whilst the land has not been resurveyed since then, Natural England have advised that they do hold information regarding the likelihood of the land being Best and Most Versatile and identify the land as having a less than 20% chance of it being Best and Most Versatile.

2.78 Therefore on balance it is considered that it is unlikely that the land constitutes Best and Most Versatile land. However in order to address concerns even if the land was to constitute Best and Most Versatile Local Planning policy only seeks to protect against irreversible loss of such land. Therefore it is important to note that the application seeks temporary permission with the land being reverted back to agricultural use once the solar farm use ceases.

2.79 Furthermore in accordance with paragraph 26 of the National Planning Practice Guidance (NPPG), which states that consideration should be given to whether “poorer quality land has been used in preference to higher quality land” the application is supported by a Sequential Assessment. This provides insight into 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.

2.80 Therefore it is considered that the applicant has demonstrated that there is no reasonable likelihood of locating the development in an area of poorer quality agricultural land.

2.81 In terms of national planning policy paragraph 112 of the National Planning Policy Framework (NPPF), states that “*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.*”

2.82 The consideration against NPPF para 112 appears to consist of two dimensions. Firstly that alternatives should be considered. As previously discussed this is satisfied through the submission of the sequential assessment. Secondly, relating to what constitutes “significant” development Natural England Technical Information Note TIN049 (December 2012) provides relevant guidance with regard to this matter requiring a number of factors, including the type of development, its scale and its permanence to be taken into account. This guidance states that Natural England will only require consultation on planning applications where the loss of best and most versatile agricultural land will amount to 20 hectares or more. The proposed development would fall far below this threshold.

2.83 The proposals are entirely reversible and will only amount to a temporary development over a period of 40 years. The development will not impact on the future quality of the land for agricultural purposes. Furthermore, as discussed, approval of the application will result in biodiversity enhancements. Therefore even if

the land were to be considered to be Best and Most Versatile given that alternatives have been considered and discounted and taking into account the temporary nature of the development, it is therefore considered that the proposed development will on balance be in full accordance with local and national planning policy and guidance.

## ARCHAEOLOGY

2.84 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.

2.85 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.

2.86 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

2.87 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.

2.88 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.

2.89 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.

2.90 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

2.91 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.

2.92 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.

2.93 Whilst the development will result in a temporary loss of agricultural land for a period of 40 years. Despite further support being submitted for the tenants objection regarding the quality of the land, on the basis of further consideration of the classification of the agricultural land, in consultation with Natural England, it is considered unlikely that this land would be designated as best and most versatile. However even if the land was to be considered to be best and most versatile a sequential assessment has been submitted which concludes that as a result of 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. Furthermore as the proposal is temporary for a period of 40 years the loss of agricultural land would not be permanent with land reverting to agricultural use once the use has ceased.

2.94 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.

2.95 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.

2.96 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**

2.97 There is no evidence of equality or diversity implications.

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

2.98 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 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.

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.
15. The development hereby approved shall be carried out in accordance with the archaeological mitigation as detailed in Section 6.8 of the Archaeological Assessment dated September 2015.
- To ensure proper mitigation for archaeology.

## **BACKGROUND PAPERS**

2.99 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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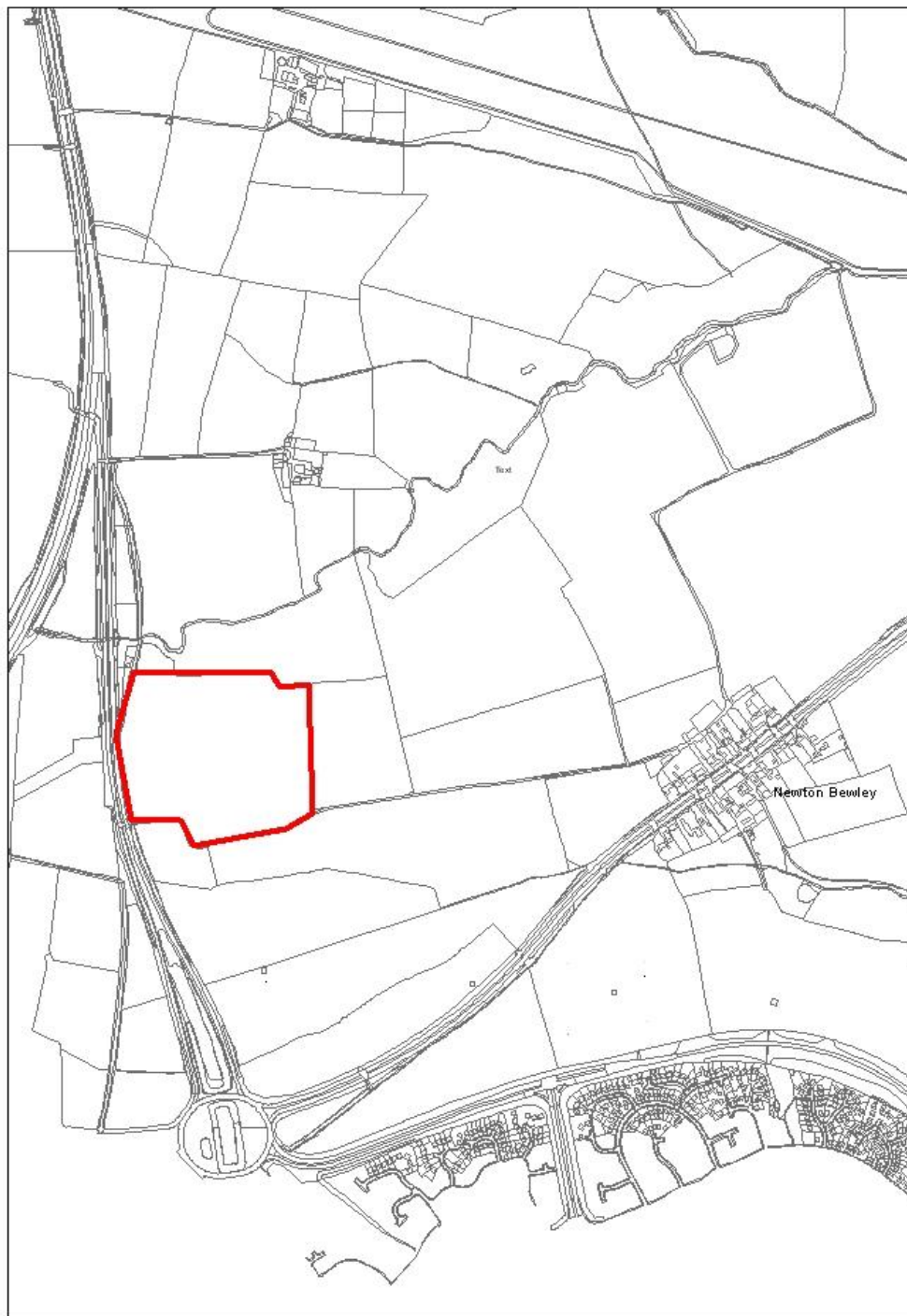
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## LAND NORTH OF WOLVISTON



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:** 3  
**Number:** H/2015/0474  
**Applicant:** MRS K ADAMSON THE INNOVATION CENTRE  
 VENTURE COURT QUEENS MEADOW BUSINESS  
 PARK HARTLEPOOL TS25 5TG  
**Agent:** MRS K ADAMSON ADEPT PROFESSIONAL SERVICES  
 LTD HUB TWO THE INNOVATION CENTRE VENTURE  
 COURT QUEENS MEADOW BUSINESS PARK TS25  
 5TG  
**Date valid:** 18/11/2015  
**Development:** Change of use from storage to commercial, professional  
 offices  
**Location:** PARK LODGE WARD JACKSON PARK PARK AVENUE  
 HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

3.2 The following application is considered to be relevant when assessing the current application;

H/2013/0287 for Change of use to single dwellinghouse including alteration to form access from Elwick Road and provision of boundary fencing was approved 26/11/2013 subject to a number of conditions. This approved development has not been implemented.

## PROPOSAL

3.3 Approval is sought for the change of use of the vacant Park Lodge building to allow it to operate as an office for a recruitment company which is currently operating from Innovation Centre, Venture Court.

3.4 The applicant has confirmed that a maximum of 12 members of staff would be employed at the premises. The proposed operating hours would be between 08:30 and 18:30 Monday to Friday.

3.5 The submitted plans show no external alterations to the building. Internal works would be carried out to allow the existing rooms to function as offices.

3.6 A total of six in curtilage car parking spaces will be provided, two of which are shown as being within an existing car port.

3.7 As the application site is within the ownership of Hartlepool Borough Council, under the adopted scheme of delegation this change of use application must be considered by planning committee.

## **SITE CONTEXT**

3.8 The Lodge is located at the south-east corner of the park. It is situated inside one of the two main entrances to the park (the other being to the north end of Park Avenue). The entrance allows for both pedestrian and vehicular access. The Park is grade II listed on the English Heritage Register of Historic Parks and Gardens due to its special historic interest. Ward Jackson Park is also part of the Park Conservation Area.

3.9 The park was developed in memory of Ralph Ward Jackson, a local industrialist, who was one of the benefactors and founding fathers of West Hartlepool. Late in life he fell into financial troubles and a fund was set up by the townspeople in acknowledgement of what he had done for the area to support him. Following his sudden death, it was decided that the money should go to a public park to be named in his honour. Opened in July 1883, to a design by the son of the Town Surveyor, Mathew Scott, the park covers 7ha.

3.10 The Lodge itself is a grade II listed building. Built as the Park-Keeper's Lodge in 1883 it was designed by Henry Suggitt, Park Manager. The building was constructed in brick with sandstone ashlar dressings and rusticated quoins at angles. The roof is covered in Welsh slate with stone gable copings and kneelers, finished with decorative metal finials.

3.11 To the north and west of the application site is Ward Jackson Park to the south and east are highways, beyond which are residential properties which are set well within their own respective boundaries.

## **PUBLICITY**

3.12 The application has been advertised by way of neighbour letters, a site notice and a press notice. One letter has been received stating that the resident objects to the proposed unless the proposed use would have its own in curtilage car parking as the resident currently experiences significant issues with regard to indiscriminate car parking affecting access to his own property as a result of park visitors.

Copy Letters **A**

3.13 The period for publicity has expired.

## **CONSULTATIONS**

3.14 The following consultation replies have been received:

**Hartlepool Civic Society** - No objections - pleased that the future of the building will be secured

**HBC Heritage & Countryside Manager** - This property is a grade II listed building located in Ward Jackson Park which is a Registered Park, situated within the Park Conservation Area, all of which are designated heritage assets.

The proposal is the change of use of the building.

In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Similarly when considering any application for planning permission that affects a conservation area, the same 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) looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF) and seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF).

Further to this at a local level, the following Local Plan policies are relevant,

HE1 states, 'Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.'

HE6 states, 'Developments within or in the immediate vicinity of those areas included in the register of parks and gardens of special historic interest should take account of the character of those parks and gardens.'

HE8 states, 'Alterations to part of a listed building will only be approved where it can be demonstrated that the main part of the building will be preserved and enhanced and where no significant features of special architectural or historic interest are lost.'

The proposal is for the change of use of the property only with no alterations proposed internally or externally at this stage, therefore in principle there would be no objections to the change of use.

**HBC Economic Development** - No objections

**HBC Public Protection** - No objections

**HBC Traffic & Transport** - The HBC design Guide and specification requires 1 parking space per 35 m<sup>2</sup> of gross floor area, therefore the parking provision of 5/6 spaces would be acceptable for an office development of this size based. I would expect that vehicular access to the building will be through the existing access shared with the public access to the Park, considering the low numbers of vehicles involved I would not consider that this would be an issue.

**Historic England** - We do not considered that it is necessary to be notified on this application

**Tees Archaeology** - The proposal will not have an impact on archaeological deposits and brings a listed building into use. I therefore have no objection to the proposal and have no further comments to make.

## **PLANNING POLICY**

3.15 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

3.16 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

HE1: Protection and Enhancement of Conservation Areas

HE2: Environmental improvements to enhance conservation areas.

HE6: Protection and enhancement of registered parks and gardens

HE8: Works to Listed Buildings

### National Policy

3.17 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 determination of this application.

Paragraph 2 - NPPF as Material

Paragraph 11 – Determination in accordance with the development plan

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

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Core Planning Principles

Paragraph 19 – supporting sustainable economic growth

Paragraph 23 – Ensuring the vitality of town centres

Paragraph 24 - Sequential Test

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

### Summary of Policy Comments

3.18 There are no planning policy objections to the proposed change of use. However as the proposed use is a town centre use, a sequential test is required to be submitted by the applicant to satisfy NPPF para 24. This states *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*. The sequential test should consider town centre, local centre and edge of centre locations and if other sites are identified which could be available justification will be required as to why this site is preferable over other sites and detail why they are unsuitable.

3.19 The property is a Grade II listed building (HE8 applies); within Ward Jackson Park which is a Grade II listed Historic Park & Garden (HE6 applies) and is within the Park Conservation Area (HE1 applies). It is noted that a Heritage Statement is required to meet the minimum requirement set out in NPPF para 128. However as the development is solely for the change of use and therefore no impact on the Grade II listed building is anticipated by this proposal. There is a concern in relation to increased traffic generated from the change of use with the numbers of employees outlined in the planning application as well as the potential impact this could have on parking availability for other users of the park. Further advice should be sought from HBC Highways to ensure compliance with 2006 Local Plan Policies GEP1 and GN3a. Planning policy supports the reuse to enable a sustainable future of this vacant heritage asset.

3.20 Further comments (following submission of sequential test). The sequential test has been submitted as requested, this assesses the premises available. The reasoning for locating at this site rather than other available premises across the urban area is understood. In addition the proposed use will bring back into use a vacant heritage asset; weight should be given to this accordingly. In conclusion, following submission of the sequential test there are no planning policy concerns in relation to this application.

## PLANNING CONSIDERATIONS

3.21 The main issues for consideration when assessing this application for the change of use of the building are the principle of development in terms of policies and proposals held within the development plan, impact upon residential amenity, character and appearance of the listed building, historic garden, conservation area and highway safety.

## PRINCIPLE OF DEVELOPMENT

3.22 The lodge house, Ward Jackson Park and the Park Conservation Area are all designated heritage assets. The definition of which is 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of heritage interest.'

3.23 Current National Policy as set out in the NPPF advises that Local Planning Authorities (LPAs) should identify and assess the particular significance of any heritage asset that may be affected by a proposal. In determining applications LPAs are required to examine 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.

3.24 When considering the impact of a proposed development on the significance of a designated heritage asset the NPPF advises great weight should be given to the asset's conservation. It also states that where a proposed development will lead to substantial harm to, or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or various other criteria apply (the nature of the heritage asset prevents all reasonable uses of the site, no viable use of the heritage asset itself can be found, conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use).

3.25 Policy HE1 of the Hartlepool Local Plan is considered to be relevant and states 'Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.' Policy HE6 'Developments within or in the immediate vicinity of those areas included in the register of parks and gardens of special historic interest' requires decisions to take account of the character of those parks and gardens. Such developments should not involve the loss of features considered to form an integral part of the special character or appearance of the area.'

3.26 Therefore in this instance, significant weight is attached to the fact that the proposed change of use will bring back into use a vacant heritage asset which has remained vacant for a number of years.

3.27 Also relevant to this change of use is paragraph 24 of the NPPF. This states;

*"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".*

3.28 A sequential assessment has been submitted to accompany the current application, this assesses the premises available within retailing centres and discounts them for a number of reasons including size, price and image. In support of the sequential assessment the applicant has provided further detail with regard to the operation of the business.

3.29 The business finds recruitment opportunities for unique occupations and therefore needs premises to reflect the eclectic nature of the clientele and portray the company image. The submitted documentation states that the business is proposed within West Park to capture people within an upmarket area where people would be able to walk in off the street. Further specific requirements include the ability to provide in curtilage car parking and the ability to provide private meeting rooms as confidential information is discussed as part of the recruitment process. Therefore the reasoning for locating at this site rather than other available premises across the urban area is considered to be reasonable. The Council's Planning Policy section were consulted with regard to the content of the sequential assessment and have raised no planning policy concerns in relation to this application. Therefore whilst the proposed use is considered to be a town centre use, given that a sequential assessment has satisfactorily demonstrated there are no available and suitable units in a sequentially preferable unit, the principle of the development is considered to be acceptable, especially when it is considered that the change of use would bring back into use a heritage asset.

3.30 As such the principle of the change of use is considered to be acceptable subject to consideration of material planning considerations as detailed below.

#### AMENITY OF NEIGHBOURING RESIDENTS

3.31 There are residential properties within the vicinity of the application site. Owing to the corner plot location of the property there are highways adjacent to the east and south of the building, which afford adequate separation distances between the site and the nearest residential property, West Lodge, is located some 20 metres from the application site. Furthermore the proposed operating hours will be between 08:30 and 18:30 Monday to Friday. Taking into account the residential nature of the surrounding area the proposed hours are considered reasonable and are therefore controlled by condition. The proposal relates to an existing building and no external alterations are proposed.

3.32 The Council's Public Protection section were consulted and have raised no objections.

3.33 Therefore whilst there are residential properties nearby, taking into account the separation distances and that the building is existing it is not considered that the change of use of the building would result in a detrimental impact upon the amenity of surrounding residential properties.



## CHARACTER OF LISTED BUILDING, HISTORIC GARDEN AND CONSERVATION AREA

3.34 When considering an application such as this, the listed buildings 1990 Act requires local planning authorities to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Similarly when considering any application for planning permission that affects a conservation area, the same Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

3.35 This property is a grade II listed building located in Ward Jackson Park which is a Registered Park, situated within the Park Conservation Area, all of which are designated heritage assets.

3.36 Paragraphs 126 and 131 of the National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness and paragraph 137 goes on to seek positive enhancement in conservation areas to better reveal the significance of an area.

3.37 Further to this at a local level, through the Hartlepool Local Plan (2006) policy HE1 requires development to only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.' Policy HE6 is also relevant and requires developments within or in the immediate vicinity of those areas included in the register of parks and gardens of special historic interest to take account of the character of those parks and gardens. With regard to listed buildings policy HE8 states, '*Alterations to part of a listed building will only be approved where it can be demonstrated that the main part of the building will be preserved and enhanced and where no significant features of special architectural or historic interest are lost.*'

3.38 The Hartlepool Civic society were also consulted and are in support of the application in order to secure the future of the building.

3.39 The proposal is for the change of use of the property with no external alterations proposed. Therefore the Council's Conservation officer does not have any objections to the proposal. It is considered that the proposal is acceptable in terms of its impact on the character and appearance of the listed building, historic garden and conservation area.

## HIGHWAY SAFETY

3.40 Concerns raised by the neighbouring resident relating to car parking are duly noted however, the HBC design Guide and specification requires 1 parking space per 35 m2 of gross floor area. Therefore the submitted plan, which demonstrates car parking provision of 6 spaces, would comply with this requirement and as such is considered to be acceptable for an office development of this size.

3.41 The applicant has confirmed that vehicular access to the building will be through the existing access shared with the public access to the Park. The Council's Traffic and Transport section have considered the proposal and taking into account the low numbers of vehicles involved it is not considered that this would be an issue. As such it is not considered that the proposed change of use would result in any adverse effects in terms of highway safety. Therefore it is considered to accord with local planning policy GEP1 and national planning policy in this regard.

## CONCLUSION

3.42 Although the proposed use constitutes a town centre use a sequential assessment has satisfactorily demonstrated that there are no units available to accommodate the proposed use which are in a more sequentially preferable location. Furthermore the proposed change of use will bring back into use a heritage asset which has been vacant for a number of years which is considered to be a considerable benefit of the scheme. Furthermore it is not considered that the proposal will result in a detrimental impact upon the amenity of neighbouring residential properties, character of the conservation area or highway safety.

3.43 On balance the proposal is considered to be acceptable subject to conditions.

## EQUALITY AND DIVERSITY CONSIDERATIONS

3.44 There is no evidence of equality or diversity implications.

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

3.45 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.

3.46 There are no Section 17 implications.

## REASON FOR DECISION

3.47 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 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 Location Plan E/L/448 received by the Local Planning Authority on 06/11/2015 and plan numbers E/F/145a, E/L/448a, received by the Local Planning Authority on 18/11/2015, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.

3. The premises shall only be open to the public between the hours of 08:30 and 18:30 Mondays to Friday inclusive and at no other time.  
In the interests of the amenities of the occupants of neighbouring properties.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the premises shall be used as an office within the Use Class A2 (Financial and Professional Services) as defined by the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modifications.  
As proposed in the application and in order to ensure the impact of any future changes of use can be appropriately considered by the Local Planning Authority.

## **BACKGROUND PAPERS**

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

## **CONTACT OFFICER**

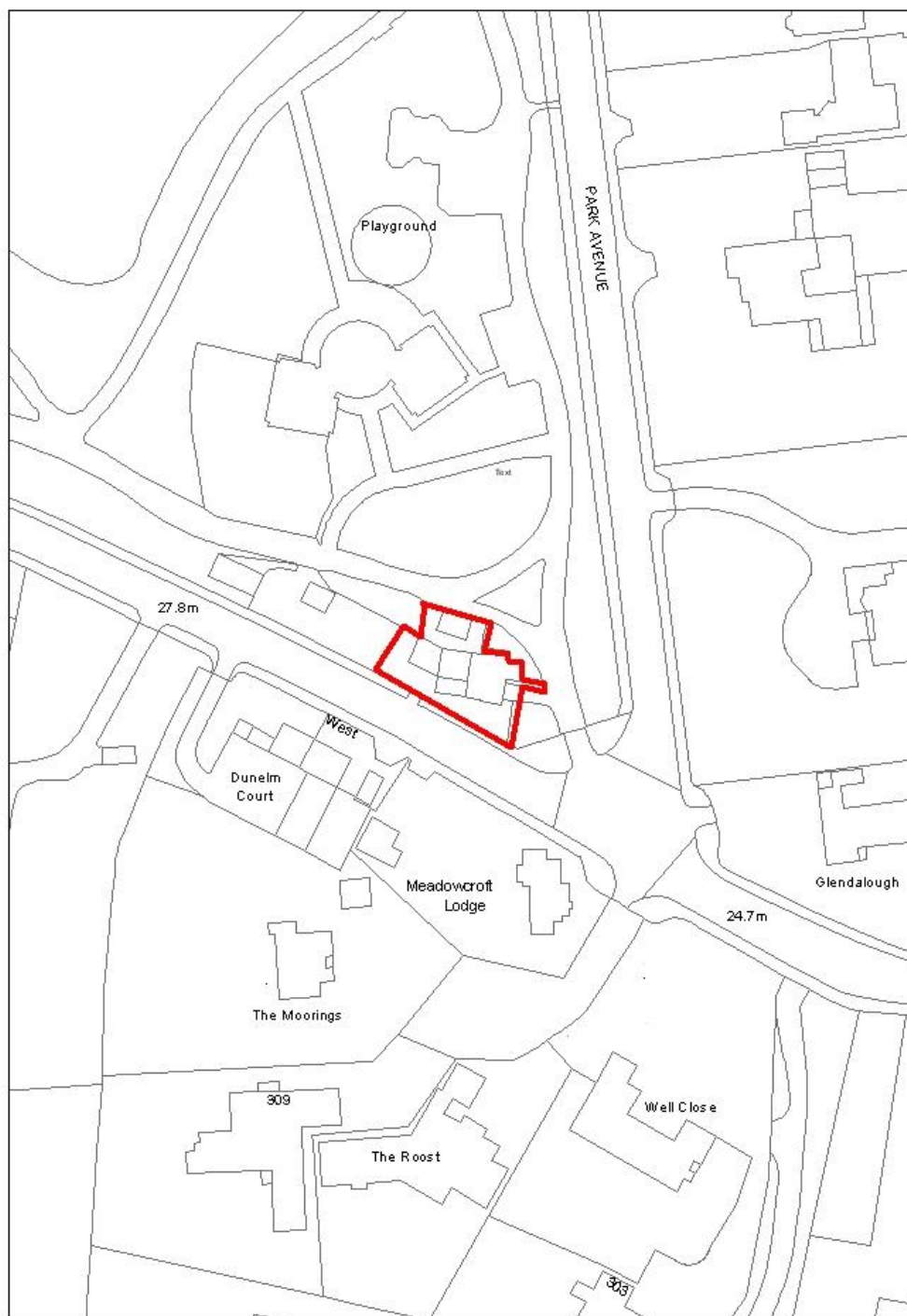
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## PARK LODGE, WARD JACKSON PARK



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/2015/0474**  
**Scale: 1:1000**  
**Date : 22/12/15**



**No:** 4  
**Number:** H/2015/0450  
**Applicant:** Ms Jo Heaton Hart Primary School Magdalene Drive  
HARTLEPOOL TS27 3AP  
**Agent:** Hartlepool Borough Council Colin Bolton Property  
Services Division Civic Centre HARTLEPOOL TS24 8AY  
**Date valid:** 06/11/2015  
**Development:** Single storey extension to classroom  
**Location:** Hart Primary School Magdalene Drive Hart  
HARTLEPOOL

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## **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.

## **BACKGROUND**

4.2 HHDC/2002/0108 (Approved) - Erection of a classroom extension and new entrance and reception.

4.3 HHDC/2003/0881 (Approved) - Extension to main hall to provide storage area.

4.4 H/2010/0542 (Approved) – Erection of a single storey extension to form new multi purpose room.

4.5 H/2011/0087 (Approved) – Non material amendment to planning application H/2010/0542 for the substitution of 3 windows on the rear extension for 3 roof lights.

## **PROPOSAL**

4.6 Planning permission is sought for the erection of a single storey classroom extension infilling part of the space between the southern and western elevations of the existing school building. The proposal projects approximately 3.6 metres beyond the south elevation of the existing school building and approximately 7.1 metres beyond the west elevation, with a height to eaves of approximately 2.6 metres and total height of approximately 5.1 metres.

4.7 The application has been referred to the planning committee due to the number of objections received.

## **SITE CONTEXT**

4.8 The site to which the application relates is Hart Primary School, Magdalene Drive, Hart village.

4.9 The school site is bounded to the east by the village car park with St Mary Magdalene's Church beyond. To the north and east of the site lies agricultural land. To the west lies Butts Lane and a row of trees with North Hart Farm beyond. The site is also bounded to the west by two bungalows, Alton and Manor Cottage. To the south of the site lies adopted highway along Magdalene Drive with residential properties beyond.

## **PUBLICITY**

4.10 The application has been advertised by way of neighbour letters (15). To date, there have been 3 letters of objection

4.11 The concerns raised are:

- Insufficient parking
- Increased traffic beyond capacity of village infrastructure
- Increased traffic along Magdalene Drive
- Highway safety risk for children
- Cumulative impact of extensions detrimental to visual amenity
- Out of keeping with character of area
- Overbearing
- Encroachment toward properties opposite
- Overdevelopment of site
- Detrimental impact on heritage assets

## **Copy Letters B**

4.12 The period for publicity has expired.

## **CONSULTATIONS**

4.13 The following consultation replies have been received:

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

**HBC Public Protection** – No objections.

**HBC Education** – Planned increase in admissions from 12 to 15, total increase in no. of student places across school by 21. The school is planning to increase student places regardless of this development in response to nearby housing developments, though students are primarily from Hart village.

**HBC Traffic & Transport** – The school is situated on Magdalene Drive which is a short cul-de-sac. The majority of parents park in the Church car park which can be accessed from Magdalene Drive. A small number of vehicles park on Magdalene Drive, usually half on and off the footway which can cause issues for pedestrians. The Councils Traffic Section are currently looking at providing parking restrictions on the approach to the school, although no consultation has yet been carried out with

residents and ward members. A survey conducted in Jan 2015 during the school leaving period showed a maximum 24 vehicles parked near to the school, the majority of which parked in the car park.

An increase of 21 pupils would undoubtedly lead to a greater number of vehicle movements, I would however consider that this would not lead to a severe increase in congestion and road safety issues and the increase in traffic movements away from Magdalene Drive would be relatively minor.

I would therefore have no highway or traffic concerns with this proposal.

**HBC Engineering** –We would require some drainage details for this extension. With this in mind could we please condition this.

**Tees Archaeology** - The previous archaeological works at the site suggest that the area of the extension is made ground from the demolition of a former farm that occupied the site. It is very unlikely that the proposal will have a negative impact on archaeological deposits (which underlie the made ground). No comments, based on the results of the previous work. No objection or recommendations.

## PLANNING POLICY

4.14 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

4.15 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

### National Policy

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



support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

Paragraph 002 : Primacy of Development Plan

Paragraph 011 : Planning law and development plan

Paragraph 012 : Core Planning Principles

Paragraph 014 : Presumption in favour of sustainable development

Paragraph 056 : Design of built environment

Paragraph 128 : Heritage Assets

Paragraph 132 : Weight given to asset's conservation

Paragraph 196 : Primacy of the Development Plan

Paragraph 197 : Presumption in favour of sustainable development.

## PLANNING CONSIDERATIONS

4.17 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impacts of the proposal on visual amenity, the setting of the listed buildings, neighbour amenity, highway safety, archaeology and drainage/flood risk.

### VISUAL AMENITY

4.18 The proposed extension is located to the south west of the existing building between a southern and a western elevation. The proposed extension is adjoined to the existing building to its north and east whilst, to the west, the extension overlooks the school yard. To the south of the development site lies a paved area with planting either side and an approximately 2 metre high mesh fence and gate.

4.19 Objectors to the proposal have suggested the cumulative effect of successive extensions is leading to the overdevelopment of the site and will result in the building appearing out of keeping with its surroundings. However, given that the school building is already in place, is situated adjacent to a modern housing area and the proposal will constitute a relatively modest addition in relation to main building and wider school site, it is not considered there would be any significant detrimental impact on the character of the area as a result of the proposed development.

4.20 Whilst the proposal will be readily visible from Magdalene Drive to the south, the proposed extension is considered to be in keeping in scale and in kind with the existing school building and it is therefore considered there would be no significant impact on the visual amenity of the host property or surrounding area.

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

## IMPACT ON THE SETTING OF LISTED BUILDINGS

4.22 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.

4.23 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”.

4.24 St Mary Magdalene’s Church (grade I listed), its boundary wall (grade II\* listed) and Brus Wall (grade II listed) are located between 50-100m (approx.) to the east of the development site, however, the Council’s Heritage and Countryside Manager has concluded that the proposal would not impact on any of the adjacent heritage assets.

4.25 The proposal is therefore considered to accord with the provisions of the NPPF.

## NEIGHBOUR AMENITY

4.26 The proposed extension will be readily visible from the properties to the south and west along Magdalene Drive given the limited screening afforded by the abovementioned boundary fencing. Whilst concerns have been raised by objectors in relation to the encroachment of the building toward these properties, the proposed extension remains set back from the most southerly elevation of the school closest to these neighbours by approximately 6 metres.

4.27 Furthermore, whilst the proposal features two windows in its south elevation, there remains a separation distance in excess of 25 metres (approx.) between the development site and neighbouring properties to the south. To the west a separation distance in excess of 40 metres (approx.) remains between the proposed extension and the properties at Alton and Manor Cottage, Butts Lane. To the north and east the proposal is primarily screened by the existing school building.

4.28 It is therefore considered that the proposal will not have any significant impact on the amenity of occupants of neighbouring properties in terms of overshadowing, overbearing or loss of privacy.

4.29 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 Plan and paragraph 56 of the NPPF.

## HIGHWAY SAFETY

4.30 Whilst objections to the scheme have cited highway safety concerns due to lack of adequate parking and increased traffic through Magdalene Drive and wider Hart village, the Council's Highways, Traffic and Transport section have indicated that, whilst an increase of 21 pupils would undoubtedly lead to a greater number of vehicle movements, it is considered that this would not lead to a severe increase in congestion and road safety issues and the increase in traffic movements away from Magdalene Drive would be relatively minor.

4.31 It is therefore considered that the proposal is acceptable in terms of highway safety and that the proposal accords with the provisions of the NPPF (paragraph 32).

4.32 The Council's Highways, Traffic and Transport section have indicated that they are currently looking at providing parking restrictions on the approach to the school, which are works that would be carried out under separate legislation (and outside of the requirements of the current planning application).

#### ARCHAEOLOGY

4.33 Tees Archaeology has advised that the previous archaeological works at the site suggest that the area of the extension is made of ground from the demolition of a former farm that occupied the site. It is therefore very unlikely that the proposal will have a negative impact on archaeological deposits (which underlie the made ground). The scheme is therefore considered to be acceptable in this respect.

#### DRAINAGE/FLOOD RISK

4.34 The site lies outside flood zones 2 and 3 and falls below the threshold for requiring a flood risk assessment. Notwithstanding this, The Council's Principal Engineer has not raised any concerns in relation to flood risk however has requested that a condition be appended to the approval requiring surface water drainage details to be submitted to the Local Planning Authority prior to the commencement of the development. This can be secured by a planning condition accordingly.

#### CONCLUSION

4.35 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

4.36 There is no evidence of equality or diversity implications.

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

4.37 There are no Section 17 implications.

#### REASON FOR DECISION

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

#### **RECOMMENDATION - APPROVE**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 15/10/15 (Drawing No. 714/27/2002, Location Plan; Drawing No. 714/27F/2001, Proposed Elevations; Drawing No. 714/27F/2001, Proposed Plan; Drawing No. 714/27/2003, Block Plan)  
For the avoidance of doubt.
3. 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.
4. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority.  
In the interests of visual amenity.

#### **BACKGROUND PAPERS**

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

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## HART PRIMARY SCHOOL



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

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**H/2015/0450**  
**Scale: 1:2000**  
**Date : 22/12/15**



**No:** 5  
**Number:** H/2014/0579  
**Applicant:** Mrs D Watson Butterwick Moor Farm SEDGEFIELD Co  
Durham TS21 4BQ  
**Agent:** David Gall Solicitors Mr M Birtles Fulford House Town  
Foot HAWES DL8 3NN  
**Date valid:** 11/12/2014  
**Development:** Extension of time of planning application H/2008/0026 for  
change of use, alterations, extensions and new build to  
create 14 dwellings and creation of new vehicular access  
**Location:** North Farm The Green Elwick HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

5.2 The application was presented to Planning Committee on 5<sup>th</sup> August 2015 with an officer recommendation for approval subject to the variation of the previous legal agreement and subject to conditions. Please see attached appendix 1 for the original report which includes a discussion of relevant material considerations. The application was deferred as Committee requested additional detail regarding the section 106 legal agreement. Officers have concluded in discussions with the applicant regarding the legal agreement and developer contributions. The application is therefore being brought back to Planning Committee for a decision.

5.3 It should also be noted that during this period the applicant has also submitted an updated bat survey report. An ecologist has been consulted on this document.

## CONSULTATIONS

5.4 The following additional consultation replies have been received:

**Ecology** - I have attached my comments on the North Farm bat survey report. In summary I would like to see the mitigation strategy tightened up a bit but I don't consider that the presence of bats is an obstruction to the LPA granting permission.

They also found birds nesting in some of the buildings, as would be expected. I assume that the Council's standard bird breeding condition was applied to the original permission and would be carried forward but if not then it should also be attached as a condition.

Bat surveys undertaken in September 2015 found a total of eight bat roosts spread across six buildings. Most of these roosts supported one to three bats but one roost



supported a total of thirteen bats. In total the roosts supported 24 bats. All of the bats roosting on the site were Common Pipistrelle, which is the commonest bat species in Britain and which is found throughout the borough of Hartlepool. The roosts were assessed in the Bat Survey Report as being “occasionally used summer roosts for a small number of Common Pipistrelle bats used by non-breeding females and/or male bats.” However the survey was undertaken on two dates, close together in September, which is after the bat maternity season, so any bats present would only have been non-breeding females or males. As the report states, further survey work would be required to check whether the roost is used at other times of year. From the description of the buildings given in the bat survey report, I would agree that it is unlikely that most of them would be used as maternity roosts however given that one roost supported a total of 13 bats, then this possibility should be investigated. What seems more likely is that some of these roosts could be used as hibernation sites for Common Pipistrelles. Therefore the buildings where roosting features have been identified should not be demolished during the hibernation period (November to March inclusive) unless exclusion measures have previously been put in place under licence.

In terms of the mitigation measures suggested in section 6.2, I consider that these would need tightening up slightly. In particular a single bat box is recommended as a replacement roost, during construction works. This is insufficient as what is being lost is up to eight separate roosts. At the time of year when the survey was undertaken, September, what is generally happening with Pipistrelle bats is that males set up separate territories based around individual roosts and then attempt to attract small numbers of females. This is a likely explanation for what was happening at the time of the bat surveys. Therefore several bat boxes should be provided at various points on the site or in the surrounding village to provide a similar level of roosting opportunities. The mitigation measures proposed in terms of creating new roosting opportunities in the new development should produce an enhancement on the current situation, subject to detailed design.

Details of any further mitigation measures and further survey work would be required as part of a licence application to Natural England. For its part, the LPA needs to consider whether the proposal is likely to have an adverse effect on the conservation status of the species locally and whether Natural England is likely to grant a licence for the proposed works. As Common Pipistrelle is a relatively common bat species, which moves roost frequently and which is fairly generalist in its requirements, I would advise that it is unlikely that the species would be adversely affected by the proposal, subject to a suitable mitigation strategy. Also, as it should be quite possible to maintain the population status of the species locally as part of the development then Natural England is likely to grant a licence to destroy the current bat roosts. Therefore the presence of the bats would not form a constraint on the LPA granting planning permission subject to conditions.

I would recommend that the following conditions are applied to any permission:

- Works that might potentially harm bats, such as demolition, should not take place during the period November to March inclusive, unless otherwise agreed.

- A suitable bat box scheme to be implemented prior to demolition or renovation is submitted for approval.

## PLANNING CONSIDERATIONS

### Planning Obligations

5.5 The section 106 agreement signed as part of the original permission (H/2008/0026) secured two on site affordable units. Since this original decision the policy framework has changed and there is now an adopted Planning Obligations SPD. The scheme is not required to provide any affordable housing as it is below the 15 unit threshold within the SPD. The obligations which are required in accordance with the SPD are set out below:

Obligation	Expenditure
Play £250 per unit (£3,500)	Village play facility
Green infrastructure £250 per unit (£3,500)	Improvements to public footpath number 7
Built sports £250 per unit (£3,500)	Summerhill
Education provision £27,495 for primary school places	North West planning area
Playing Pitches £233.29 per unit (£3266.06)	St Peter's Primary School
Tennis Courts £57.02 per unit (£799.28)	High Tunstall School
Bowling Greens £4.97 per unit (£69.58)	To cater for a borough wide need. Specific site to be confirmed.

5.6 The change in position with regards to the planning obligations was discussed with the applicant's agent; the new contributions were accepted on the grounds that the two affordable units would no longer be provided.

5.7 It should be noted that it will also be written into the new legal agreement that on site highways shall be provided and maintained to an adoptable standard.

### Ecology

5.8 During the period of discussion regarding the planning obligations the applicant's agent also submitted an updated bat report. An ecologist was consulted on this document. In summary it was considered that the mitigation strategy should be enhanced, consequently a condition was suggested regarding the submission, approval and implementation of a bat box strategy prior to any demolition or renovation works. An additional condition was also suggested to prevent works which could potentially harm bats between November and March.

5.10 It was stated in the updated bat report that birds were found nesting in some of the buildings, as would be expected. It was advised that the Council's standard bird breeding condition should also be applied to an approval.

5.11 In view of the above, the conditions have been updated accordingly.

#### Residual matters

5.12 The requirement of providing a minimum of 10% on site renewable energy solutions was also discussed with the applicant's agent. This requirement was accepted and as such a condition applied.

**RECOMMENDATION** - APPROVE subject to the completion of a Section 106 agreement securing obligations for play (£3,500), green infrastructure (£3,500), built sports (£3,500), education (£27,495), playing pitches (£3266.06), tennis courts (£799.28) and bowling greens (£69.58) and the provision and maintenance of on site highways to an adoptable standard 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 approved shall be carried out in accordance with the plan(s) no(s) 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 26, 27, 30 received at the Local Planning Authority on 16 January 2008 as amended by the plans 03 Rev D, 04 Rev E, 10 Rev B, 11 Rev B, 17 Rev A, 18 Rev B, 25 Rev A, 28 Rev A, 29 Rev A, received at the Local Planning Authority on 25 June 2008, all in connection with the original planning permission H/2008/0026 unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
3. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved including arrangements for dealing with existing facilities within 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.  
To ensure the adequate disposal of foul and surface water drainage from the development.
4. 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 scheme shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended or altered 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.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent amending legislation no ancillary buildings (including garages and sheds) shall be erected within the curtilage of the dwelling houses hereby approved without the prior written consent of the Local Planning Authority.  
In the interests of visual amenity and the character of the conservation area.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse, 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.
8. The area(s) indicated for car parking on the plans hereby approved shall be provided before the occupation of the dwellings hereby approved and thereafter be kept available for such use at all times during the lifetime of the development.  
In the interests of the amenities of the occupants of neighbouring properties and highway safety.
9. 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.
10. 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.
11. Before the development is commenced a comprehensive survey of all trees on the site with a stem diameter (measured over the bark at a point 1.5 metres above ground level) exceeding 75mm shall be undertaken and submitted to the Local Planning Authority for consideration and approval. The survey shall indicate the exact location of all those trees to remain; details of species; size (height, diameter and crown spread); an assessment of general health and stability; details of any proposed lopping, topping or crown reduction; and, details of proposed alterations in existing ground levels, and of the position of any proposed excavations within the crown spread of any retained tree.  
To preserve the landscape features on the site in the interests of visual amenity.
12. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with

BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of the health and appearance of the preserved tree(s).

13. Notwithstanding the submitted details, 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 scheme shall be carried out in accordance with the approved details.

In the interests of visual amenity.

14. Prior to any demolition or renovation works, a suitable bat box scheme shall be submitted and agreed in writing by the Local Planning Authority and implemented.

To mitigate the effect of the proposed development upon any roosting bats in or adjacent to the site.

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

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - a. human health,
    - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - c. adjoining land,
    - d. groundwaters and surface waters,
    - e. ecological systems,
    - f. archeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

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

### 3. Implementation of Approved Remediation Scheme

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

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

### 4. Reporting of Unexpected Contamination

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

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

### 5. Long Term Monitoring and Maintenance

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

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

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

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

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby

- approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
16. Notwithstanding the submitted details prior to the commencement of the development hereby approved a plan showing the width of the access junction of plots H12, H13 and H14 reduced to 4.5m shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. In the interests of highway safety.
17. Prior to the development hereby approved commencing large-scale details of new windows, doors and rainwater goods of the approved dwellings shall be submitted to and agreed in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority. All windows and doors shall be constructed in timber. In the interests of visual amenity.
18. The development hereby approved shall not commence until a lighting scheme has been submitted to and agreed in writing by the Local Planning Authority, once agreed the scheme shall be constructed in accordance with the agreed details. In the interests of visual amenity.
19. Prior to the commencement of the development hereby approved details of the doors for the garages hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the doors shall be installed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority. In the interest of visual amenity and the character of the conservation area.
20. The area within the application site marked 'Village Green' on the approved plan shall be grassed within 1 month of the completion of the development and thereafter shall remain as such throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. In the interests of visual amenity and the character of the conservation area.
21. Prior to the commencement of the development hereby approved full details of the bin enclosures shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the enclosures shall be constructed in accordance with the agreed details and remain as such throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. In the interest of visual amenity and the character of the conservation area.
22. Unless otherwise agreed in writing by the Local Planning Authority no development shall take place until details of the proposed diversion of the Public Right of Way (Elwick 1) running through the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include the widths, siting and surfacing of footpaths to be provided and any access gates to facilitate the diversion and timetable to the diversion works.

The details so agreed shall be implemented in accordance with the details and timetable so agreed.

To ensure the access is safe and suitable for all people, including people with disabilities.

23. Unless otherwise agreed in writing by the Local Planning Authority the vehicular and pedestrian access to the site and visibility splays of 4.5m x 70m as indicated upon plan 1859 03 Rev D received by the Local Planning Authority on 25 June 2008 in connection with the original planning permission (H/2008/0026) shall be provided, to the satisfaction of the Local Planning Authority, before the other parts of the development hereby approved commence. The hedges on the Elwick Road boundaries of plots H1 and H14 shall be cut back to facilitate this. Thereafter the hedges shall be kept cut back so as not obstruct visibility within the approved sight lines.  
In the interests of highway safety and visual amenity.
24. Notwithstanding the area marked for possible future extension on the approved plans for the avoidance of doubt this permission does not constitute an agreement in principle to the future expansion of the site.  
For the avoidance of doubt.
25. Prior to the commencement of the development hereby approved a scheme for security measures incorporating 'secured by design' principles shall be submitted to and approved in writing by the Local Planning Authority this shall include a scheme for the security of the site during construction. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of security of the occupants of the site.
26. Notwithstanding the details submitted unless otherwise agreed in writing by the Local Planning Authority prior to the first occupation of any of the dwellinghouses hereby approved a pedestrian crossing (including if necessary signage) shall be provided across Elwick Road, with a link to the existing pathway into the village in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.  
In the interests of highway safety.
27. Prior to the commencement of development details of the extent and location of the curtilages to be associated with each approved dwellinghouse shall be submitted to and approved in writing by the Local Planning Authority. The curtilages shall thereafter be retained by the properties as approved for the use of those respective properties.  
In order to ensure that appropriate curtilages are retained by each of the properties in the interests of the amenity of the future occupiers.
28. Any works that may potentially harm bats, such as demolition, should not take place during the period November to March inclusive, unless otherwise agreed in writing with the Local Planning Authority.  
To mitigate the effect of the proposed development upon any roosting bats in or adjacent to the site.
29. Demolition and renovation works 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 suitable 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 demolition and renovation works. 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.

30. 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 supporting sustainable development.

## BACKGROUND PAPERS

5.12 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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H/2014/0579  
Scale: 1:2000  
Date : 22/12/15



## APPENDIX 1

<b>Number:</b>	H/2014/0579
<b>Applicant:</b>	Mrs D Watson Butterwick Moor Farm SEDGEFIELD Co Durham TS21 4BQ
<b>Agent:</b>	David Gall Solicitors Mr M Birtles Fulford House Town Foot HAWES DL8 3NN
<b>Date valid:</b>	11/12/2014
<b>Development:</b>	Extension of time of planning application H/2008/0026 for change of use, alterations, extensions and new build to create 14 dwellings and creation of new vehicular access
<b>Location:</b>	North Farm The Green Elwick HARTLEPOOL

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### PURPOSE OF REPORT

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

### BACKGROUND

3.2 The site to which this application relates forms part of an existing working farm located at the eastern end of Elwick Village on the north side of Elwick Road. Planning permission was granted on the site on 19/03/2010 for the change of use, alterations, extensions and new build to create 14 dwellings and creation of new vehicular access. (H/2008/0026). A legal agreement completed in connection with the permission secured two affordable houses on site.

### PROPOSAL

3.3 The application is for the extension of time of the original planning permission mentioned above (H/2008/0026). There are no alterations to the original scheme which was approved in 2010. Details of the original proposals are outlined below.

3.4 The application seeks consent for the conversion of existing agricultural buildings upon the site and the erection of new build dwellings to create 14 dwellings with associated car parking. The proposals also incorporates the creation of a new vehicular access and the closure of the previous access which is to be made good and become village green. The plans indicated that a vehicular and pedestrian access (Public Footpath) will be created to the farmland to the north.

3.5 The proposal incorporates the retention of the farmhouse as a single dwelling and the conversion and alteration of the linked traditional single storey agricultural buildings which front Elwick Road to create 2 dwellings. 1 of the dwellings is to be single storey and 1 dwelling will have living accommodation in the roofspace.

3.6 The former granary building to the north of the single storey buildings fronting Elwick Road is to be converted into a dwelling with living accommodation in the roof space. The proposal incorporates the demolition of the existing lean-to structure on the north elevation of the granary and the erection of a single storey extension in its place to create a garden room with the appearance of a gingang.

3.7 The additional 11 dwellings are to be new build. The proposals included the erection of 2 pairs of semi-detached two storey properties. A courtyard development to incorporate 4 attached dwellings including 3 no two-storey properties and 1 single storey property. A single storey dwelling is proposed to the rear of 17 The Green with a linked two-storey dwelling to the north of it. A two-storey detached dwelling with single storey off shoots is proposed at the eastern end of the site adjacent to Carlton Bungalow.

3.8 The proposal includes the provision of 6 garages and a total of 34 parking spaces.

3.9 The applicant has offered 2 of the 14 dwellings to be affordable housing.

3.10 The application has been referred to the Planning Committee due to the number of objections received.

## **SITE CONTEXT**

3.11 The site to which this application relates forms part of an existing working farm unit located at the eastern end of Elwick Village on the north side of Elwick Road. The site incorporates a semi-detached two-storey farmhouse and a number of associated agricultural buildings of varying ages, sizes and conditions. The application site also includes a raised paddock area at the eastern end of the site. The ground levels on the site fall significantly from east to west.

3.12 To the north of the application site are open agricultural fields, directly to the east of the site is Carlton Bungalow and to the west is Greencroft, a large detached residential property set in substantial grounds. The southern boundary of the application site is bounded by Elwick Road, the main thoroughfare through Elwick, which detaches the site from the residential properties and farm buildings directly to the south.

3.13 The farmhouse on the site adjoins 17 The Green (to the west) which is a 2 storey residential property with a single storey extension to the side. The property has a separate vehicular and pedestrian access than that serving the farmhouse.

3.14 The farmhouse and the agricultural buildings upon the site are located within the Elwick Conservation Area, only the paddock area to the eastern end of the site and a small grassed area in the north west are located outside of it.

3.15 An existing Public Right of Way (Elwick 1) runs through the application site.

## PUBLICITY

3.16 The application has been advertised by way of 16 neighbour letters, site notice, and press advert. To date, two, do not object, forms have been submitted to the Council. Two objections have also been received from neighbouring residents.

Concerns raised included:

- The location of the proposed vehicle access and the impacts on highway safety.
- Additional traffic created.
- The impact of the new dwellings on the sewage system.
- Separation distances to neighbouring properties and the potential impact on light levels. New dwellings could be overbearing to existing neighbouring properties, particularly to Carlton Bungalow.
- Access to maintain a detached garage at a neighbouring property (Carlton Bungalow) to the east. The garage lies almost on the boundary.

3.17 Elwick Parish Council commented that the principle of residential development on the site is supported; Councillors are still however very concerned about the proposed access to the site on a blind bend. Since the original application was approved there has been a noticeable increase in traffic going past the site. This has had a detrimental impact on highway safety. There is a need for traffic calming measures before the development is approved. Councillors would also wish to have some say in the design and materials to be used, as a Village Design Statement is currently being prepared.

### Copy Letters C

3.18 The period for publicity has expired.

## CONSULTATIONS

3.19 The following consultation replies have been received:

**HBC Public Protection** – no objections.

**HBC Traffic & Transportation** – No objections. No highway or traffic concerns with the extension of time; previous comments would apply (below).

*No objection. The officer has highlighted that the existing access onto Elwick Road is very close to an existing farm building which reduces the visibility for on coming traffic going out of the village. The officer considers that the proposed relocation of the access and the associated sight lines will be an improvement on the existing situation.*

*The officer has acknowledged that there will be an increase in vehicular movements with the development compared with the existing situation but considers this will have minimal impact on the highway network.*

*He has suggested that the developer should extend the proposed footway onto Elwick Road with a crossing point to link the existing footpath and make the village more accessible.*

*A Public Right of Way (Elwick 1), which runs through the site, will require diverting before works start on the proposed development.*

**Highways Agency** – no objections.

**HBC Engineers** – no objections, previous comments apply (verbal comments). It is requested that a planning condition is attached to any approval to require ground investigation.

### **HBC Conservation and Landscape**

**Ecology** - The bat survey which was carried out to inform the original application was undertaken in 2007. The bat survey concluded that bats were not roosting in the building at that time however there was some potential, albeit relatively low, for bats to roost in the buildings.

As bat's use of buildings frequently changes over time and as the original bat survey is now eight years old, it would be appropriate to require an updated bat survey should an extension of time for this application be approved. As the original bat survey assessed the buildings as relatively low risk then it would be satisfactory to require the updated bat survey by way of condition. However the updated bat survey, including any recommendations for mitigation, should be submitted for approval prior to any works commencing under a new permission.

**Conservation** – no objections; previous comments apply.

In respect to the original application the Conservation Officer made detailed comments and acceptable amended plans were received. She concluded, this scheme is successful in replicating the appearance of converted farm buildings. There is a good mixture of properties reflecting the existing buildings on the site. The high quality of design and attention to detail in replicating barn type buildings has resulted in a proposed scheme that masks any overt references to residential buildings which would be out of keeping on this site. In retaining the character of the existing farm the development sits well within this part of the conservation area. The result is there is little impact on the character of the conservation area as the overall feel is still one of agricultural buildings.

**HBC Parks and Countryside** – no objections; previous comments apply.

Public Footpath No.1, Elwick Parish runs through the proposed development site and will require diverting so as to accommodate any plot/housing placement. The developer will need to discuss with the Council any alterations / changes / improvements or legal procedures, relating to the above-mentioned path.

**Tees Archaeology** – Previous comment of no objections apply.

**Northumbrian Water** – The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. A condition is therefore requested.

**Cleveland Police** – no objections, previous comments apply (verbal response). The risk assessment in respect of the Elwick Area is low in terms of crime and anti-social behaviour. A number of measures have been recommended that could be implemented to get the scheme to reach a Secure By Design accreditation.

## PLANNING POLICY

3.20 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

3.21 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

GEP9: Developers' Contributions

GEP12: Trees, Hedgerows and Development

HE1: Protection and Enhancement of Conservation Areas

HE2: Environmental Improvements in Conservation Areas

Hsg5: Management of Housing Land Supply

Hsg7: Conversions for Residential Uses

Hsg9: New Residential Layout - Design and Other Requirements

Rur1: Urban Fence

Rur3: Village Envelopes

Rur7: Development in the Countryside

### National Policy

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



previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

3.23 The following paragraphs of the NPPF are relevant to this application.

PARA 002 : Primacy of Development Plan  
 PARA 006: Contribute to the achievement of sustainable development  
 PARA 007 : 3 dimensions of sustainable development  
 PARA 009 : Sustainable development  
 PARA 011 : Planning law and development plan  
 PARA 012 : Statutory status of development plan  
 PARA 013 : NPPF is material consideration  
 PARA 014 : Presumption in favour of sustainable development  
 PARA 017 : Role of planning system  
 PARA 028 : Rural economic growth  
 PARA 047: Significantly boost the supply of housing  
 PARA 049 : Housing applications and sustainable development  
 PARA 050 : Delivery of wide choice of high quality homes  
 PARA 051 : Approval of planning applications  
 PARA 054 : Rural Areas  
 PARA 055 : Homes in the rural area and isolated homes in countryside  
 PARA 056 : Design of built environment  
 PARA 057 : High quality and inclusive design  
 PARA 060: Planning decisions  
 PARA 061 : Architecture of individual buildings  
 PARA 196 – Primacy of the Development Plan  
 PARA 197 – Presumption in favour of sustainable development.

## PLANNING CONSIDERATIONS

3.24 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, highway safety, visual amenity, residential amenity, drainage, the effect of the proposal upon the character of the conservation area and street scene and considerations relating to the ecological and archaeological value of the site.

### Policy Considerations

3.25 There are no policy concerns with the extension of time application. It is considered that the proposal complies with the policy framework and the principle of residential development is acceptable. The entire application site, including the proposed garden areas of the dwellings, is located within the limits to development as defined by policy Rur3 (Village Envelopes) of the Hartlepool Local Plan 2006. The provision of two on site affordable units is also particularly welcomed.

## Highways

3.26 The two objectors and the Parish Council all raised concerns regarding the potential impact of the scheme on traffic and highway safety. The Council's Traffic & Transport Section were consulted on the extension of time application. They advised there were no highway or traffic concerns with the extension of time and the previous comments for the original application would still apply. The comments and analysis below in italic are taken from the original officers report and one still considered pertinent.

*3.27 The Head of Traffic and Transportation has considered the proposed scheme and has raised no objection to it. He has acknowledged that the sight lines associated with the existing access to the farm are hindered by the farm building at the access point, he has commented that the proposed sight lines 4.5 x 70m are an improvement on the existing situation and that the proposed parking provision is acceptable.*

*3.28 The officer has acknowledged that there will be an increase in vehicle movements to and from the site with the development compared to the existing situation, but considers this will have a minimal impact upon the highway network.*

*3.29 He has suggested that the proposed footway onto Elwick Road is extended and a pedestrian crossing point created from the development site to the south side of Elwick Road to make the centre of the village more accessible for residents to walk to it. This matter will require further detailed consideration and discussion given ownership and levels issues.*

*3.30 A requirement for the provision of a crossing point outside of the site could be included in a Section 106 Agreement or as a Grampian condition should it be considered feasible.*

3.31 It should also be noted that the Highways Agency has been consulted on the extension of time application and no objections have been received.

3.32 As the site has a Public Right of Way running through it, this would have to be diverted to facilitate the proposed development. HBC Parks & Countryside reiterated their original comments. The Public Footpath will require diverting so as to accommodate any plot/housing placement. The developer will need to discuss with the Council any alterations / changes / improvements or legal procedures, relating to the above-mentioned path. Previous comments also mentioned that, the investigation into the potential for a pedestrian crossing point to be provided near to the site to link to the footpaths to the south of Elwick Road would be welcomed.

3.33 As part of the original application the Ramblers Association was consulted on the scheme. No objections were raised providing that the length of the new path for any diverted Public Right of Way is at least 2m wide and that a gap or self closing hand gate is provided to provide access to the existing Public Right of Way upon the agricultural fields to the north.

Visual Amenity/Conservation Area/Streetscene

3.34 The application is for the extension of the original permission. There are no alterations to the original scheme which was approved in 2010. It is therefore considered that the comments and analysis in the original officer's report, with regards to the impact on visual amenity, the conservation area and the street scene, remains the same (see below)

*3.35 It is considered that the proposed alterations to the external appearance of the traditional agricultural buildings to be converted are sympathetic to the agricultural history of the site and will enhance the character of both the streetscene and the Elwick Conservation Area in general.*

*3.36 The scale, siting and external appearance of the proposed new dwellings are considered acceptable. It is felt that the removal of the substantial modern agricultural buildings and the development of this high quality sympathetic scheme will significantly improve the aesthetics of the site from the surrounding vantage points.*

*3.37 Plots H12, H13 and H14 at the eastern end of the development will be sited upon an existing paddock area which is the most elevated position of the site. It is considered that as these properties are to be set well back from the Elwick Road frontage they will not appear unduly large or out of keeping upon the streetscene. Overall it is considered that given the differing levels of the site and the retention/conversion of the existing agricultural buildings along the Elwick Road frontage it is unlikely that the proposed new build dwellings will appear unduly large or incongruous upon the streetscene and in turn the conservation area.*

3.38 The Council's Conservation Officer was consulted on the application. Again it was stated that there were no objections and previous comments still applied (see comments below from the original officer's report).

*3.39 The Council's Conservation Officer commented that the proposal incorporates a good mixture of properties which have a high quality of design and attention to detail. It is considered that the proposed dwellings and alterations reflect the existing buildings on the site and replicate the appearance of converted farm buildings which will sit well within this part of the conservation area.*

*3.40 The applicant's architect has indicated that the dwellings will be finished in either reclaimed local stone or York Handmade Bricks with reclaimed grey welsh slate or clay pantile roofs. It is envisaged that the proposed mix of finishes will add visual interest and variety to the scheme whilst respecting the existing character.*

*3.41 As the site is located within a conservation area it is considered prudent in this instance to remove permitted development rights for the alteration or extension to the properties by way of planning condition, to preserve the character of the development over time*

### Residential Amenity

3.42 A neighbouring resident has raised concerns regarding the impact of the scheme on separation distances with existing dwellings and the potential impact on light levels, particularly with Carlton Bungalow which is to the east of the application site. It was felt that new dwellings could be overbearing to existing neighbouring properties. It is considered that there is an adequate separation distance between the proposed dwelling at the eastern end of the site (H14) and Carlton Bungalow. The eastern element of H14 is also single storey, therefore reducing the potential impact on Carlton Bungalow. It is considered that the scheme will not have a significant detrimental impact on this neighbouring property in terms of overbearing, overshadowing or loss of privacy.

3.43 No other comments were received regarding the impact on residential amenity. It is considered that the comments made in the original officer's report still apply to the scheme (see below).

*3.44 It is not only important to consider the effect of the proposed development upon amenity of the occupants of the surrounding residential properties but to assess the living conditions of the future occupants of the proposed dwellings.*

*3.45 It is considered overall that the physical relationship of the proposed dwellings to the surrounding existing properties and between the proposed dwellings is such that it is unlikely that detrimental overlooking, overshadowing or dominance issues will be created. In reaching this conclusion the following relationships have been considered in detail. In terms of the guidance contained within the Hartlepool Local Plan there are 2 instances in the proposed scheme where the separation distances are less than those specified. This is between plots H2 and H3 and the rear elevation of 17 The Green and the front elevation of plot H4.*

*3.46 Plots H2 and H3 (Granary) are to be converted into dwellings with a distance of 7m between the rear elevation of plot H2 and the rear elevation of plot H3. This is well below the guideline separation distances set out in the Local Plan. However these are existing buildings and the layout of the properties are such that no primary windows will be facing each other. Given that the proposed scheme will facilitate the retention of these traditional buildings of special character the relationship is considered acceptable in this instance. Such a relationship is not unusual in barn conversion schemes, or within village locations.*

*3.47 The physical relationship between the first floor windows upon the rear elevation of the neighbouring property 17 The Green and the primary elevation of plot H4 approx 10m again whilst well below the guidelines in the Local Plan is considered acceptable given the difference in scale of the properties (H4 is proposed as single storey). A substantial (approx 2m high) wall runs along the rear elevation of 17 The Green which will screen the majority of the proposed development from the rear ground floor windows. It is not considered that any direct overlooking issues will be created from the first floor bedroom window of 17 The Green and the windows in the south elevation of H4. The relationship is considered acceptable in this instance.*

### Ecology

3.48 The Council's Ecologist was consulted on the extension of time application. He commented that the bat survey which was carried out to inform the original application was undertaken in 2007. The bat survey concluded that bats were not roosting in the building at that time however there was some potential, albeit relatively low, for bats to roost in the buildings.

3.49 It was commented that, as bat's use of buildings frequently changes over time and as the original bat survey is now eight years old, it would be appropriate to require an updated bat survey should an extension of time for this application be approved. As the original bat survey assessed the buildings as relatively low risk then it would be satisfactory to require the updated bat survey by way of condition. However the updated bat survey, including any recommendations for mitigation, should be submitted for approval prior to any works commencing under a new permission.

3.50 The condition regarding a bat survey has been amended accordingly.

### Tees Archaeology

3.51 Tees Archaeology commented that the previous comment of no objection on the original application still applied. The comments in the original officers report still stand (see below).

*3.52 An Archaeological Survey and Evaluation has been carried out and submitted as part of the application. Tees Archaeology has been consulted upon the application and visited the site to view inspection trenches, they have confirmed that the archaeological potential of the site is low and as such have raised no objection to the application.*

### Landscaping

3.53 It is considered that the comments on landscaping in the original report still apply, see below.

*3.54 The proposed layout plans indicate the provision of tree planting along the northern and western boundary of the site. It is considered that such planting will go some way to integrating the development into the surrounding countryside and complement the character of the Elwick Conservation Area. Notwithstanding the proposed trees around the boundary it is considered necessary for a planning condition to be attached to any approval to ensure that a scheme of new planting is created. It is anticipated that there is substantial scope for a comprehensive landscaping scheme along the southern boundary of the site which will make a positive contribution to both the character of the application site and Elwick Village as a whole. An appropriate condition is proposed.*

### Drainage

3.55 Concerns have been raised regarding the impact of the proposed development on the sewage system which serves existing properties. Northumbrian Water originally had no objection to the application. They were consulted on the extension of time application. It was commented that the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess their capacity to treat the flows from the development. A condition is therefore requested.

3.56 There is a condition on the original permission which requires full drainage details of the scheme (foul and surface water) to be submitted to and approved by the Council before any development commences. This includes proposals for dealing with any existing arrangements.

3.57 As part of the current scheme the applicant submitted a drainage strategy in order to assess in more detail how surface water run off would be dealt with. The applicant proposed in the submitted document that surface water would potentially be discharged into the mains sewer. It was confirmed from Northumbrian Water that this had been agreed in principle. It is proposed to condition the details of both foul and surface water drainage.

### Other matters

3.58 A concern was raised regarding access to maintain a detached garage at a neighbouring property (Carlton Bungalow) to the east. It was commented that the garage lies almost on the boundary with the application site. It should be noted that this issue would be a civil matter between the two parties and not a material planning consideration.

### Conclusion

3.59 The proposal is a high quality sympathetic scheme in the style of agricultural type buildings, located within the limits to development of Elwick Village. It is considered that the scheme is acceptable in relation to the relevant policies as stated above and the material planning considerations discussed. From the consultations undertaken, two minor amendments have been made to the planning conditions with regards to drainage details and an updated bat survey. The application is recommended for approval subject to the conditions set out below and subject to the variation of the previous legal agreement securing two on site affordable homes to account for the new permission.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.60 There is no evidence of equality or diversity implications.

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

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

making. It is not considered the proposal raises any significant crime or antisocial behaviour issues.

## REASON FOR DECISION

3.62 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 variation of the previous legal agreement securing two on site affordable houses to account for the new permission 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 approved shall be carried out in accordance with the plan(s) no(s) 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 26, 27, 30 received at the Local Planning Authority on 16 January 2008 as amended by the plans 03 Rev D, 04 Rev E, 10 Rev B, 11 Rev B, 17 Rev A, 18 Rev B, 25 Rev A, 28 Rev A, 29 Rev A, received at the Local Planning Authority on 25 June 2008 in connection with the original planning permission (H/2008/0026) on the site, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
3. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved including arrangements for dealing with existing facilities within 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.  
To ensure the adequate disposal of foul and surface water drainage from the development.
4. 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 scheme shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended or altered 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.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent amending legislation no ancillary buildings (including garages and sheds) shall be erected within the curtilage of the dwelling houses hereby approved without the prior written consent of the Local Planning Authority.

In the interests of visual amenity and the character of the conservation area.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse, 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.

8. The area(s) indicated for car parking on the plans hereby approved shall be provided before the occupation of the dwellings hereby approved and thereafter be kept available for such use at all times during the lifetime of the development.

In the interests of the amenities of the occupants of neighbouring properties and highway safety.

9. 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.

10. 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.

11. Before the development is commenced a comprehensive survey of all trees on the site with a stem diameter (measured over the bark at a point 1.5 metres above ground level) exceeding 75mm shall be undertaken and submitted to the Local Planning Authority for consideration and approval. The survey shall indicate the exact location of all those trees to remain; details of species; size (height, diameter and crown spread); an assessment of general health and stability; details of any proposed lopping, topping or crown reduction; and, details of proposed alterations in existing ground levels, and of the position of any proposed excavations within the crown spread of any retained tree.

To preserve the landscape features on the site in the interests of visual amenity.

12. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or



placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

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

13. Notwithstanding the submitted details, 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 scheme shall be carried out in accordance with the approved details.

In the interests of visual amenity.

14. No development shall take place until an updated bat survey, including any recommendations for mitigation, is submitted and agreed in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the agreed recommendations for mitigation

To mitigate the effect of the proposed development upon any roosting bats in or adjacent to the site.

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

#### 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 enable the Local Planning Authority to exercise control to ensure land fill gas protection measures.

16. Notwithstanding the submitted details prior to the commencement of the development hereby approved a plan showing the width of the access junction of plots H12, H13 and H14 reduced to 4.5m shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety.

17. Prior to the development hereby approved commencing large-scale details of new windows, doors and rainwater goods of the approved dwellings shall be submitted to and agreed in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority. All windows and doors shall be constructed in timber.

In the interests of visual amenity.

18. The development hereby approved shall not commence until a lighting scheme has been submitted to and agreed in writing by the Local Planning Authority, once agreed the scheme shall be constructed in accordance with the agreed details.

In the interests of visual amenity.

19. Prior to the commencement of the development hereby approved details of the doors for the garages hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the doors shall be installed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

In the interest of visual amenity and the character of the conservation area.

20. The area within the application site marked 'Village Green' on the approved plan shall be grassed within 1 month of the completion of the development and thereafter shall remain as such throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity and the character of the conservation area.

21. Prior to the commencement of the development hereby approved full details of the bin enclosures shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the enclosures shall be constructed in accordance with the agreed details and remain as such throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interest of visual amenity and the character of the conservation area.

22. Unless otherwise agreed in writing by the Local Planning Authority no development shall take place until details of the proposed diversion of the Public Right of Way (Elwick 1) running through the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include the widths, siting and surfacing of footpaths to be provided and any access gates to facilitate the diversion and a timetable for the diversion works. The details so agreed shall be implemented in accordance with the details and timetable so agreed.

To ensure the access is safe and suitable for all people, including people with disabilities.

23. Unless otherwise agreed in writing by the Local Planning Authority the vehicular and pedestrian access to the site and visibility splays of 4.5m x 70m as indicated upon plan 1859 03 Rev D received by the Local Planning Authority on 25 June 2008 shall be provided, to the satisfaction of the Local Planning Authority, before the other parts of the development hereby approved commence. The hedges on the Elwick Road boundaries of plots H1 and H14 shall be cut back to facilitate this. Thereafter the hedges shall be kept cut back so as not obstruct visibility within the approved sight lines.

In the interests of highway safety and visual amenity.

24. Notwithstanding the area marked for possible future extension on the approved plans for the avoidance of doubt this does not constitute an agreement in principle to the future expansion of the site.

For the avoidance of doubt.

25. Prior to the commencement of the development hereby approved a scheme for security measures incorporating 'secure by design' principles shall be submitted to and approved in writing by the Local Planning Authority this shall include a scheme for the security of the site during construction. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interests of security of the occupants of the site.

26. Prior to the commencement of the development hereby approved an energy efficiency and sustainability method statement identifying relevant measures to be incorporated into the development, including sustainable drainage measures, shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the development shall be constructed incorporating the approved measures.

To ensure the development incorporates sustainable development techniques.

27. Notwithstanding the details submitted unless otherwise agreed in writing by the Local Planning Authority prior to the first occupation of any of the dwellinghouses hereby approved a pedestrian crossing (including if necessary signage) shall be provided across Elwick Road, with a link to the existing pathway into the village in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

In the interests of highway safety.

28. Prior to the commencement of development details of the extent and location of the curtilages to be associated with each approved dwellinghouse shall be submitted to and approved in writing by the Local Planning Authority. The curtilages shall thereafter be retained by the properties as approved for the use of those respective properties.

In order to ensure that appropriate curtilages are retained by each of the properties in the interests of the amenity of the future occupiers.

## BACKGROUND PAPERS

3.63 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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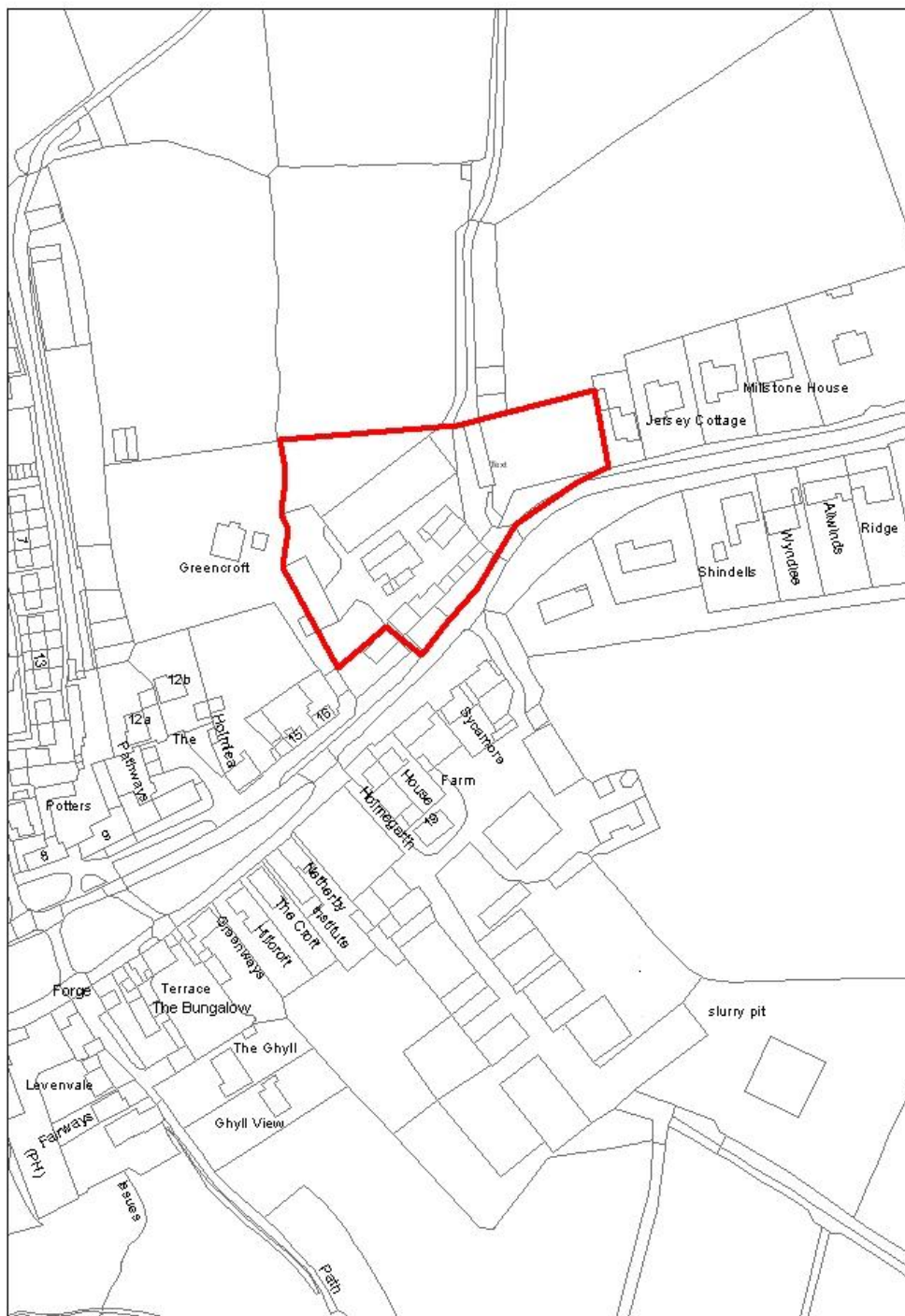
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## NORTH FARM, ELWICK



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/2014/0579**  
**Scale: 2:1000**  
**Date : 17/07/15**



**No:** 6  
**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

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## Background

6.1 This application was considered at the meeting of the Planning Committee of 21<sup>st</sup> October 2015.

6.2 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.

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

6.4 A report with the proposed conditions was put to members at the meeting of 16<sup>th</sup> December 2015 however representations had been received from the applicant requesting further discussions on amendments to the conditions. Members resolved to defer further consideration of the application asking that the final set of conditions be put to them given ongoing negotiations and that developer contributions also be clarified.



6.5 Discussions with the applicant have been concluded the proposed conditions are outlined in this report.

6.6 It is proposed to secure the following developer contributions/obligations through a section 106 agreement.

#### Affordable housing

6.7 The borough wide affordable housing need is 44%. A viability assessment has been undertaken and for viability reasons the applicant cannot meet the full 44% affordable housing need.

6.8 The applicant has agreed to erect 138 affordable dwellings on the site with 82 being for social rent and 55 being intermediate tenure. This equates to a 60/40 social rented/intermediate tenure split and an overall provision of 11%.

#### Education

6.9 The applicant proposes to provide a new primary school on site. A sum of £5 million has been set aside for this by the developer. Discussions on a flexible approach which might include extensions to existing schools are ongoing with Education. The final delivery mechanism will be set out in the section 106 agreement. (If the extension option is pursued provision will need to be made to provide changing facilities for the sports pitches on site and for their future maintenance as these were to be provided as part of the school development).

6.10 A secondary education contribution of £2,001,620.

#### Built sports & recreation contribution

6.11 A built sports and recreation contribution of £315,000. The £315,000 commuted sum would be used to part fund or used as match funding to contribute to the following strategic leisure schemes:

- Replacement of the Mill House leisure centre and,or
- Provision of a swimming pool at Brierton

#### Sustainable transport contribution

6.12 A package of sustainable transport measures (£1,578,775) including a five year subsidised bus service.

#### Use and maintenance of green wedge/green link/play areas/open space

6.13 A commitment to provide and maintain the green wedge/green link/play areas/open space including associated pathways/cycleways, enclosures, play equipment and play area surfacings and other relevant infrastructure to an appropriate standard.

6.14 A commitment to public access to these areas.

Maintenance contribution towards bridge over Greatham Beck.

6.15 A contribution of £75,000 towards the future maintenance of the Greatham Beck Crossing.

Provision & maintenance of on site highways

6.16 A commitment to provide and maintain highways to an adoptable standard in the event that they are not adopted.

Safeguarding route for future western link road

6.17 A commitment to safeguard and accommodate the route for any future western link road.

Provision and maintenance of playing pitches and changing facilities

6.18 A commitment to provide and maintain the playing pitches, changing facilities and any other associated enclosures or other infrastructure to an appropriate standard.

Community use agreement

6.19 A commitment to a community use agreement to allow pitches, school car parking and changing facilities to be used by the community outside school hours. (in the event that the school is not provided on site changing facilities and associated ancillary facilities will need to be provided).

Local labour agreement

6.20 A commitment to encourage the use of local labour.

Travel plan

6.21 A commitment to implement the travel plan.

Western edge screen planting

6.22 A commitment to deliver screen planting on the western edge of the development.

Local Centre

6.23 Measures to encourage the delivery of the local centre.

A689 Roundabouts

6.24 Contributions relating to the signalisation of the two roundabouts on the A689 at Wolviston. (£592,000)

Off site play provision

6.25 A contribution of £30,000 to be used for off site play facilities in Manor House Ward.

**CONCLUSION**

6.26 The recommendation remains to approve the application subject to the completion of a legal agreement securing the developer contributions/obligations and conditions set out 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 , Primary School Provision (Including provision for Changing facilities for sports pitches if off site), Secondary Education Contribution (£2,001,620), Built Sports & Recreation Contribution (£315,000), Sustainable Transport Contribution (£1,578,775), Bridge Maintenance Contribution (£75,000), securing provision, use and maintenance of green wedge/green link/play areas/open space, a commitment to provide & maintain on site highways to an adoptable standard, safeguarding of route for future western link road, securing provision and maintenance of playing pitches/changing facilities, community use agreement, local labour agreement, travel plan, western edge screen planting, contributions relating to the signalisation of the two roundabouts on the A689 at Wolviston (£592,000), a contribution to off site play provision at Manor House Ward (£30,000) and measures encouraging the delivery of local centre.

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 and the document Character Appraisal And Design Code both received at the Local Planning Authority on 7th 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 the part of the development for which full planning permission is hereby approved a Phasing Plan/Programme for this part of the development shall be submitted to and approved in writing by the Local Planning Authority. For the part of the development for which outline planning permission is hereby approved prior to or alongside the submission of the first "reserved matters" application, a Phasing Plan/Programme for this part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plans/Programmes 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 phase of the development for which outline planning permission is hereby approved shall commence until detailed proposals for the treatment of the green wedge within that phase (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. 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 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 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 southern access road beyond the 4th roundabout (counted from south to north), full design details of the proposed bridge over Greatham Beck and southern access road including structural calculations and details of associated earthworks 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 pipeline and specify any necessary protection measures required to protect the gas pipeline. 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 and the pipeline operators, 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 for that phase. 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 for that phase. 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 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 8.00 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 of each phase accessed from 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 for that phase. 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. Notwithstanding the submitted details prior to the commencement of the southern access road between the 1st and 2nd roundabout (counted from south to north), full design details of the southern access road including structural calculations and details of associated earthworks 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 southern access road on the underground gas pipeline and specify any necessary protection

measures required to protect the gas pipeline. 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 road is acceptable to Hartlepool Borough Council's Highway Engineers and the pipeline operator, the pipeline is accounted for and that the safety of road users is also taken into account.

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.

56. Prior to the commencement of development of any phase of the development hereby approved details of any proposed pumping station(s) shall be submitted to and approved in writing by the Local Planning Authority. The pumping station(s) shall thereafter be in accordance with the details so



approved.  
In the interests of visual amenity.

## BACKGROUND PAPERS

6.27 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.

## CONTACT OFFICER

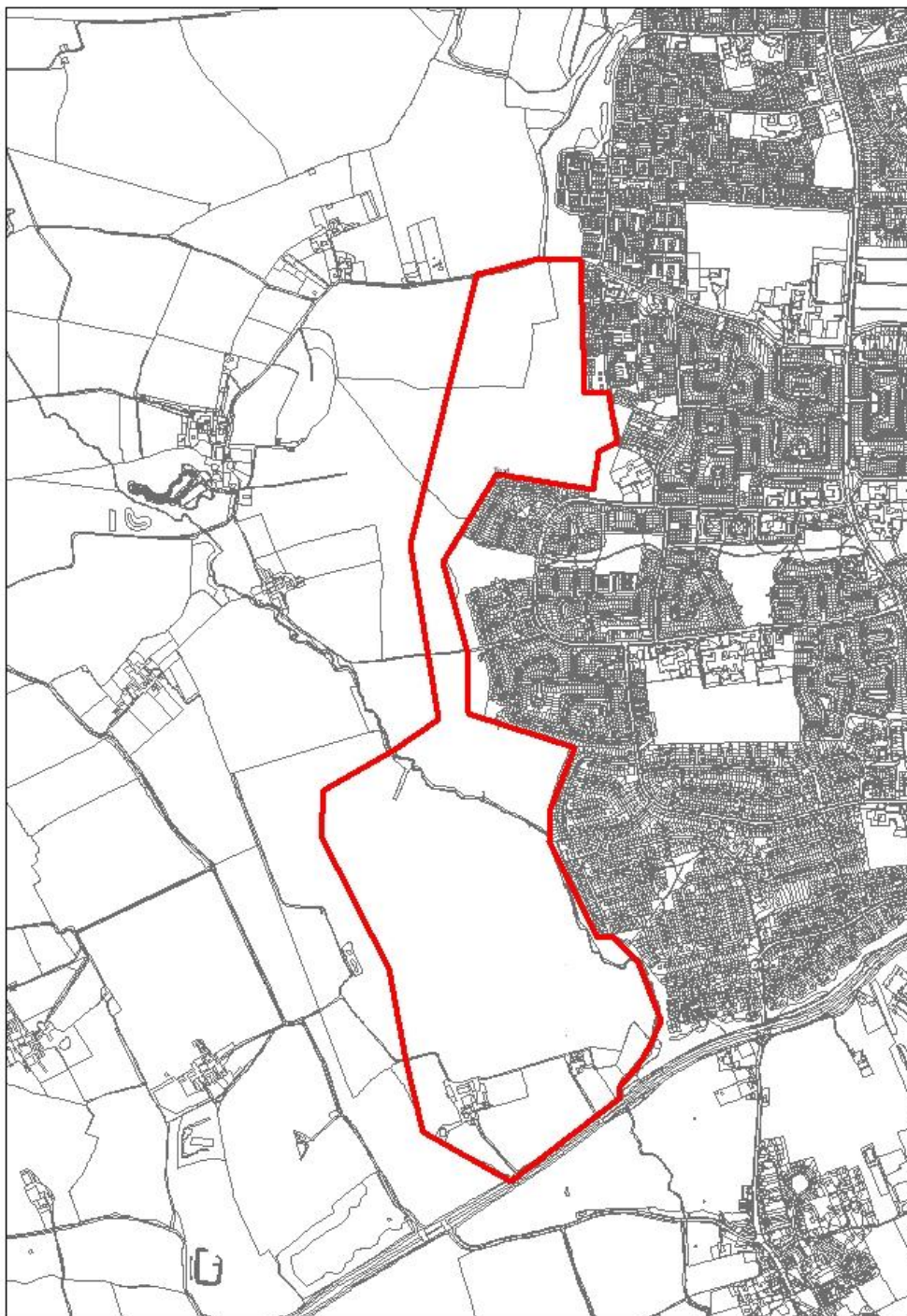
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## SOUTH WEST EXTENSION



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

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**H/2014/0405**  
**Scale: 1:15000**  
**Date : 08/10/15**

# PLANNING COMMITTEE

20<sup>th</sup> January 2016



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

**Subject:** TEES VALLEY LOCAL STANDARDS FOR  
SUSTAINABLE DRAINAGE

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 No Key Decision applies.

## 2. PURPOSE OF REPORT

2.1 To advise Members of the Tees Valley Local Standards for Sustainable Drainage which were recently approved and adopted by Neighborhood Services Committee as an appropriate standard for Hartlepool Borough Council and consequently as a guidance document for Members use when considering drainage aspects of planning applications

## 3. BACKGROUND

3.1 The Local Standards document forms the minimum standards required by the Tees Valley Authorities and with the National Standards strongly promotes the use of sustainable drainage (SuDS) which help to reduce surface water runoff and mitigate flood risk.

3.2 The proposed guidance document indicates those specific local standards to ensure a satisfactory SuDS scheme is constructed.

3.3 The standards were adopted and approved at Neighborhood Services Committee in November 2015 and a copy of the report is attached by way of **Appendix 1** for information

## 4. PROPOSALS

4.1 It is proposed that Members of the Planning Committee give due consideration to the approved local standards in respect to drainage issues associated with planning applications where these apply

## **5. RISK IMPLICATIONS**

- 5.1 There is a risk that if no Local Standards are implemented then developers have little documentation to work to or be accountable against.
- 5.2 Furthermore this document ensures continuity between the Tees Valley authorities in relation to SuDS delivery. If this document is not adopted a risk remains that an ad hoc approach to drainage could be implemented across the Tees Valley.

## **6. FINANCIAL CONSIDERATIONS**

- 6.1 There are currently no financial considerations attached to this report. A further report will be presented if the proposed maintenance plans change.

## **7. LEGAL CONSIDERATIONS**

- 7.1 The Council has responsibilities under the Floods and Water Management Act 2010 and National Planning Policy Framework in regards to Sustainable Drainage Systems.

## **8. CHILD AND FAMILY POVERTY**

- 8.1 There are no child and family poverty implications relating to this report.

## **9. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 9.1 There are no equality and diversity considerations relating to this report.

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

- 10.1 There are no Section 17 considerations relating to this report.

## **11. STAFF CONSIDERATIONS**

- 11.1 Consideration should be given to the resources required to assess each application to ensure that a proposed scheme is compliant with the requirements of the Local Standards.

## **12. ASSET MANAGEMENT CONSIDERATIONS**

- 12.1 It is currently proposed that future SuDs assets are managed by the developer through a management company.
- 12.2 Currently the favored approach to funding future maintenance is via roof tax whereby residents fund SuDS maintenance via a management company. There is scope for the Council to have overall control whereby if the management companies fail to deliver the council can enforce duties under the Land Drainage Act 1991.

## **13. RECOMMENDATIONS**

- 13.1 It is recommended that Members note the publication of the Local Standards.
- 13.2 It is recommended that Members continue to support the use of SuDS throughout the Borough in conjunction with the adopted Local Standards and utilise the approved document when considering applications which may have drainage implications.

## **14. REASONS FOR RECOMMENDATIONS**

- 14.1 To prevent an increased risk of flooding from development, to improve and protect water quality and to ensure a satisfactory form of development compliant with the relevant legislation.

## **15. BACKGROUND PAPERS**

- 15.1 A copy of the Local Standards document can be found in the Members Library.

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# NEIGHBOURHOOD SERVICES COMMITTEE

23<sup>rd</sup> November 2015



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

**Subject:** **TEES VALLEY LOCAL STANDARDS FOR  
SUSTAINABLE DRAINAGE**

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## **1. TYPE OF DECISION/APPLICABLE CATEGORY**

- 1.1 Key Decision test (ii) applies. Forward Plan Reference No **RN17/15**.

## **2. PURPOSE OF REPORT**

- 2.1 The purpose of this report is to set out the Council's guidance document for the use of Sustainable Drainage Systems (SuDS) on development sites and to update members on the Council's duties as a Lead Local Flood Authority (LLFA).

## **3. BACKGROUND**

- 3.1 The Flood and Water Management Act 2010 (FWMA) was introduced to address the concerns and recommendations raised in the Pitt Report following the 2007 floods.
- 3.2 In December 2014 the Government announced that it would be amending the national planning policy to expect the installation of sustainable drainage systems for all major development where appropriate.
- 3.3 Each LLFA became a statutory consultee to the Planning Authority responsible for approving all surface water drainage systems for new developments in line with a set of national standards set out by Government as well as specific local standards.
- 3.4 The proposed guidance document indicates those specific local standards to ensure a satisfactory scheme is constructed.
- 3.5 The Local Standards document forms the minimum standards required by the Tees Valley Authorities and with the National Standards strongly promotes the use of SuDS which help to reduce surface water runoff and mitigate flood risk.

- 3.6 A copy of the document can be found in the Members Library.

#### **4. PROPOSALS**

- 4.1 The Local Standards have been produced by a working group from the Local Authorities of Hartlepool, Middlesbrough, Redcar and Cleveland, Stockton-on-Tees and Darlington Borough Councils.
- 4.2 The Floods and Waters Management Act 2010 (FMWA) stipulates that in designing and implementing SuDS, consideration should be given to ensuring that they: reduce damage from flooding, improve water quality, protect and improve the environment, protect health and safety and ensure stability and durability of drainage.
- 4.3 The proposed document forms the local standards for the Tees Valley Local Authorities and, together with the National Standards, strongly promotes the use of SuDS which help to reduce surface water runoff and mitigate flood risk.
- 4.4 This document is intended to be used by architects, engineers, planners and developers involved in the preparation of schemes for new development. It is not intended to be a prescriptive document, although it does set certain standards which will normally be required as a condition for any new systems.
- 4.5 The LLFA should be involved in any pre-application discussions relating to a development as it is recognised that the best and most viable SuDS outcomes are achieved if SuDS are considered early on in the formulation of the development design and layout.
- 4.6 SuDS use a number of techniques generally based on natural drainage features to collect, treat, store and then release storm water slowly to the environment. The techniques are formulated around Prevention, Source Control, Site Control and Regional Control.
- 4.7 SuDS present an opportunity to educate and engage communities about water management and to grow a greater appreciation and respect for urban water.

#### **5. RISK IMPLICATIONS**

- 5.1 There is a risk that if no Local Standards are implemented then developers have little documentation to work to or be accountable against.
- 5.2 Furthermore this document ensures continuity between the Tees Valley authorities in relation to SuDS delivery. If this document is not adopted a risk remains that an ad hoc approach to drainage could be implemented across the Tees Valley.



## **6. FINANCIAL CONSIDERATIONS**

- 6.1 There are currently no financial considerations attached to this report. If the proposed maintenance plans change a further report will be presented.

## **7. LEGAL CONSIDERATIONS**

- 7.1 The Council has responsibilities under the Floods and Water Management Act 2010 and National Planning Policy Framework in regards to Sustainable Drainage Systems.

## **8. CHILD AND FAMILY POVERTY**

- 8.1 There are no child and family poverty implications attached to this report

## **9. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 9.1 There are no equality and diversity considerations attached to this report.

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

- 10.1 There are no Section 17 considerations attached to this report

## **11. STAFF CONSIDERATIONS**

- 11.1 Consideration should be given to the resources required to assess each application to ensure that a proposed scheme is compliant with the requirements of the Local Standards.

## **12. ASSET MANAGEMENT CONSIDERATIONS**

- 12.1 It is currently proposed that future SuDs assets are managed by the developer through a management company.
- 12.2 Currently the favored approach to funding future maintenance is via roof tax whereby residents fund SuDS maintenance via a management company. There is scope for the Council to have overall control whereby if the management companies fail to deliver the council can enforce duties under the Land Drainage Act 1991.

### **13. RECOMMENDATIONS**

- 13.1 It is recommended that the Council adopt the Local Standards document as a benchmark for future SuDS schemes.
- 13.2 It is recommended that Members approves the publication of the Local Standards.
- 13.3 Subject to approval by the Neighbourhood Services Committee the document would be referred to Planning Committee.

### **14. REASONS FOR RECOMMENDATIONS**

- 14.1 To prevent an increased risk of flooding from development, to improve and protect water quality and to ensure a satisfactory form of development compliant with the relevant legislation.

### **15. BACKGROUND PAPERS**

- 15.1 A copy of the document can be found in the Members Library.

### **16. CONTACT OFFICER**

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## **PLANNING COMMITTEE**

20<sup>th</sup> January 2016



**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 23<sup>rd</sup> 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 23<sup>rd</sup> October 2015 and subsequently Adopted at Council on 12<sup>th</sup> 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 5<sup>th</sup> 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.

## **8. CONTACT OFFICERS**

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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 2<sup>nd</sup> 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 15<sup>th</sup> 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 26<sup>th</sup> 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 17<sup>th</sup> 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 20<sup>th</sup> 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 15<sup>th</sup> 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**

<b>Production stage</b>	<b>Date</b>
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**

<b>OVERVIEW</b>	
<b>Role and content</b>	To set out the vision and spatial strategy for Hartlepool and the objectives and primary policies for meeting the vision.
<b>Geographical Coverage</b>	Borough-wide
<b>Status</b>	Development Plan Document
<b>Conformity</b>	Must reflect the Hartlepool Community Strategy and be in line with National Planning Policy Guidance and meet the Duty to Co-operate
<b>TIMETABLE / KEY DATES</b>	
<b>Stage</b>	<b>Date</b>
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
<b>ARRANGEMENTS FOR PRODUCTION</b>	
<b>Lead Organisation</b>	Hartlepool Borough Council
<b>Management arrangements</b>	The management arrangements are set out in section 9. Key documents will be approved by the Regeneration Committee and ratified by full Council.
<b>Resources Required</b>	Primarily internal staffing resources with use of consultants if necessary for any special studies required
<b>Community and Stakeholder Involvement</b>	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
<b>AMR</b>	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.
<b>Circular</b>		A government publication setting out policy approaches
<b>Development Plan</b>		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.
<b>DPD</b>	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.
<b>LDD</b>	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.
<b>LDF</b>	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.
<b>LDS</b>	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.
<b>Local Plan</b>		The main Development Plan Document.
<b>NPPF</b>	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
<b>NPPG</b>	National Planning Practice Guidance	National guidance to support the NPPF.
<b>Proposals Map</b>		Illustrating on an Ordnance Survey base the policies and proposals of development plan documents and any 'saved' policies of the local plan.
<b>Saved Policies</b>		Policies within the Local Plan that remain in force for a time period pending their replacement as necessary by the new Local Plan.
<b>SA</b>	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.
<b>SCI</b>	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
<b>SEA</b>	Strategic Environmental Assessment	A generic term used internationally to describe environmental assessment as applied to policies, plans and programmes
<b>SPD</b>	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.
<b>The Act</b>	Planning and Compulsory Purchase Act 2004	Government legislation introducing a new approach to development planning.
<b>Transport Assessments</b>		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
<b>Travel Plans</b>		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.
<b>Transitional Arrangements</b>		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

### **HOUSING**

Hsg1	Housing Improvements
Hsg2	Selective Housing Clearance
Hsg3	Housing market Renewal
Hsg4	Central Area Housing
Hsg5	Management of Housing Land Supply
Hsg6	Mixed Use Areas
Hsg7	Conversions for Residential Uses
Hsg9	New Residential Layout – Design and Other Requirements
Hsg10	Residential Extensions
Hsg11	Residential Annexes
Hsg12	Homes and Hostels
Hsg13	Residential Mobile Homes
Hsg14	Gypsy Site

### **TRANSPORT**

Tra1	Bus Priority Routes
Tra2	Railway Line Extensions
Tra3	Rail Halts
Tra4	Public Transport Interchange
Tra5	Cycle Networks
Tra7	Pedestrian Linkages: Town Centre/ Headland/ Seaton Carew
Tra9	Traffic Management in the Town Centre
Tra10	Road Junction Improvements
Tra11	Strategic Road Schemes
Tra12	Road Scheme: North Graythorp
Tra13	Road Schemes: Development Sites
Tra14	Access to Development Sites
Tra15	Restriction on Access to Major Roads
Tra16	Car Parking Standards
Tra17	Railway Sidings
Tra18	Rail Freight Facilities

Tra20 Travel Plans

### **PUBLIC UTILITY AND COMMUNITY FACILITIES**

PU3 Sewage Treatment Works  
PU6 Nuclear Power Station Site  
PU7 Renewable Energy Developments  
PU8 Telecommunications  
PU10 Primary School Location  
PU11 Primary School Site

### **DEVELOPMENT CONSTRAINTS**

Dco1 Landfill Sites

### **RECREATION AND LEISURE**

Rec1 Coastal Recreation  
Rec2 Provision for Play in New Housing Areas  
Rec3 Neighbourhood Parks  
Rec4 Protection of Outdoor Playing Space  
Rec5 Development of Sports Pitches  
Rec6 Dual Use of School Facilities  
Rec7 Outdoor Recreational Sites  
Rec8 Areas of Quiet Recreation  
Rec9 Recreational Routes  
Rec10 Summerhill  
Rec12 Land West of Brenda Road  
Rec13 Late Night Uses  
Rec14 Major Leisure Developments

### **THE GREEN NETWORK**

GN1 Enhancement of the Green Network  
GN2 Protection of Green Wedges  
GN3 Protection of Key Green Space Areas  
GN4 Landscaping of Main Approaches  
GN5 Tree Planting  
GN6 Protection of Incidental Open Space

### **WILDLIFE**

WL2 Protection of Nationally Important Nature Conservation Sites  
WL3 Enhancement of Sites of Special Scientific Interest  
WL5 Protection of Local Nature Reserves  
WL7 Protection of SNCIs, RIGSs and Ancient Semi-Natural Woodland

### **CONSERVATION OF THE HISTORIC ENVIRONMENT**

HE1 Protection and Enhancement of Conservation Areas  
HE2 Environmental Improvements in Conservation Areas  
HE3 Developments in the Vicinity of Conservation Areas  
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HE8 Works to Listed Buildings (Including Partial Demolition)

HE12	Protection of Locally Important Buildings
HE15	Areas of Historic Landscape

### **THE RURAL AREA**

Rur1	Urban Fence
Rur2	Wynyard Limits to Development
Rur3	Village Envelopes
Rur4	Village Design Statements
Rur5	Development At Newton Bewley
Rur7	Development in the Countryside
Rur12	New Housing in the Countryside
Rur14	The Tees Forest
Rur15	Small Gateway Sites
Rur16	Recreation in the Countryside
Rur17	Strategic Recreational Routes
Rur18	Rights of Way
Rur19	Summerhill- Newton Bewley Greenway
Rur20	Special Landscape Areas



## 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

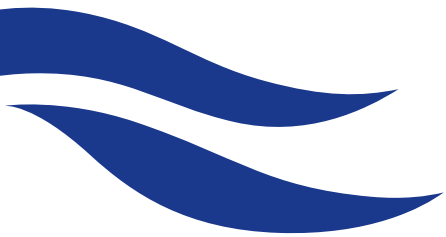
## APPENDIX 4

### 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 23<sup>rd</sup> May 2014 and 18<sup>th</sup> 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 19<sup>th</sup> 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](http://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.

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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
<b>Residential Development</b>				
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)
<b>Commercial Development</b>				
<b>A1</b> 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)
<b>B1</b> 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)
<b>C1</b> 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)
<b>D2</b> 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)
<b>Other</b>	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 policies<sup>1</sup> 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.)

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<sup>1</sup> 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 1<sup>st</sup> April 2014 – 31<sup>st</sup> 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 supported<sup>2</sup>.

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.

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<sup>2</sup> 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 Spaces<sup>3</sup> 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)

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<sup>3</sup> 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](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 persons<sup>4</sup> 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.

<sup>4</sup> 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**

<b>Type</b>	<b>Level of Contribution</b>
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".<sup>5</sup>*
- 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

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<sup>5</sup> 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
<b>Commercial:</b>	
<b>A1</b> Food Retail/Non Food Retail	£20,000 Threshold of 500sq m (gross). Contribution increases by £1,000 per additional 100sq m (gross) of floorspace
<b>B1</b> 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 up<sup>6</sup>. 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.

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<sup>6</sup> 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**

<b>LAND USE CLASS</b>	<b>THRESHOLD</b>
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 below<sup>7</sup>:

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<sup>7</sup> 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**

<b>Type</b>	<b>Threshold</b>
Residential	Over 10 units
<b><u>Commercial:</u></b>	
<b>A1</b>	
Food Retail/Non Food Retail	500sq m floorspace
<b>B1</b>	
Including Offices	1000sq m floorspace
<b>C1</b>	
Hotels	Over 10 bedspace
<b>D2</b>	
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 Background**National 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)			
	15	50	100	500
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.

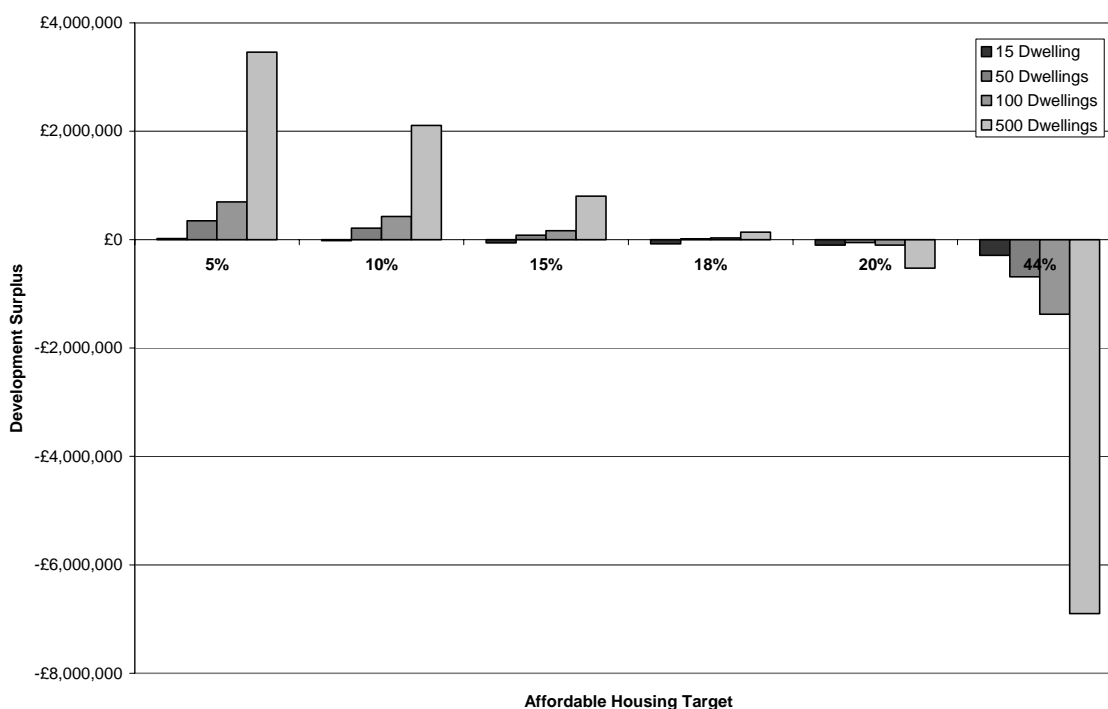
## 5. Deliverable Affordable Housing Target

- 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
<b>18% Affordable Housing</b>	<b>-£79,596</b>	<b>£15,096</b>	<b>£32,693</b>	<b>£138,463</b>
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%.



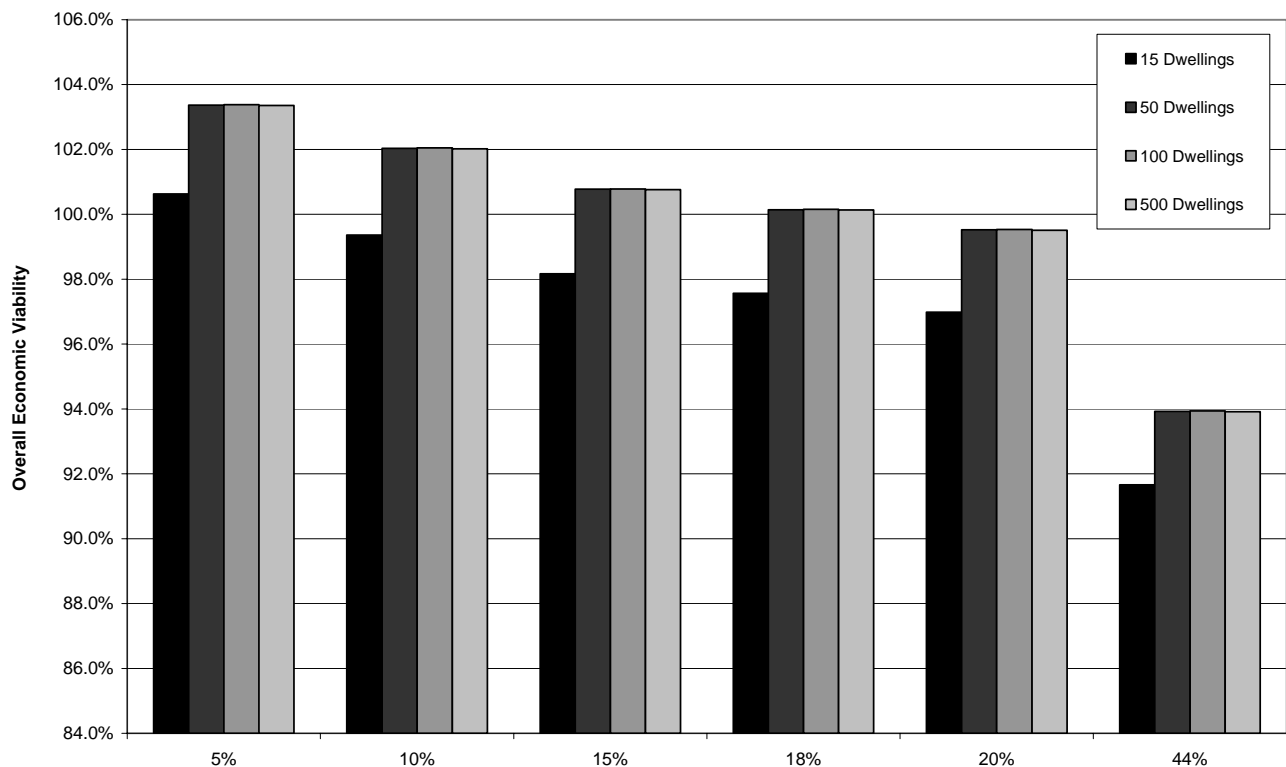
Graph 1: Development Scenarios and Affordable Housing Target Economic Viability (£)

- 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%
<b>18% Affordable Housing</b>	<b>97.6%</b>	<b>100.1%</b>	<b>100.2%</b>	<b>100.1%</b>
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	
<b>Income Value</b>					<b>Comments</b>
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	
<b>Total</b>	<b>£3,195,000</b>	<b>£10,650,000</b>	<b>£21,300,000</b>	<b>£106,500,000</b>	
<b>Land Value / Purchase Cost</b>					<b>Comments</b>
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	
<b>Total</b>	<b>£500,000</b>	<b>£1,600,000</b>	<b>£3,500,000</b>	<b>£18,000,000</b>	
<b>Build Costs PER UNIT</b>					<b>Comments</b>
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
<b>Total</b>	<b>£2,466,805</b>	<b>£8,055,600</b>	<b>£15,798,700</b>	<b>£79,018,500</b>	
<b>Developer Contributions</b>					<b>Comments</b>
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
<b>Total</b>	<b>£208,212</b>	<b>£647,373</b>	<b>£1,304,745</b>	<b>£6,023,725</b>	
<b>Total Development Value</b>	<b>£3,195,000</b>	<b>£10,650,000</b>	<b>£21,300,000</b>	<b>£106,500,000</b>	
<b>Total Development Costs</b>	<b>£3,175,017</b>	<b>£10,302,973</b>	<b>£20,603,445</b>	<b>£103,042,225</b>	
<b>Total Development Surplus</b>	<b>£19,983</b>	<b>£347,028</b>	<b>£696,555</b>	<b>£3,457,775</b>	
<b>% Overall Economic Viability</b>	<b>100.6%</b>	<b>103.4%</b>	<b>103.4%</b>	<b>103.4%</b>	

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	
<b>Income Value</b>					<b>Comments</b>
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	
<b>Total</b>	<b>£3,195,000</b>	<b>£10,650,000</b>	<b>£21,300,000</b>	<b>£106,500,000</b>	
<b>Land Value / Purchase Cost</b>					<b>Comments</b>
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	
<b>Total</b>	<b>£500,000</b>	<b>£1,600,000</b>	<b>£3,500,000</b>	<b>£18,000,000</b>	
<b>Build Costs PER UNIT</b>					<b>Comments</b>
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
<b>Total</b>	<b>£2,467,444</b>	<b>£8,057,730</b>	<b>£15,802,960</b>	<b>£79,039,800</b>	
<b>Developer Contributions</b>					<b>Comments</b>
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
<b>Total</b>	<b>£248,044</b>	<b>£780,145</b>	<b>£1,570,290</b>	<b>£7,351,450</b>	
<b>Total Development Value</b>	<b>£3,195,000</b>	<b>£10,650,000</b>	<b>£21,300,000</b>	<b>£106,500,000</b>	
<b>Total Development Costs</b>	<b>£3,215,488</b>	<b>£10,437,875</b>	<b>£20,873,250</b>	<b>£104,391,250</b>	
<b>Total Development Surplus</b>	<b>-£20,488</b>	<b>£212,125</b>	<b>£426,750</b>	<b>£2,108,750</b>	
<b>% Overall Economic Viability</b>	<b>99.4%</b>	<b>102.0%</b>	<b>102.0%</b>	<b>102.0%</b>	

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	
<b>Income Value</b>					<b>Comments</b>
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	
<b>Total</b>	<b>£3,195,000</b>	<b>£10,650,000</b>	<b>£21,300,000</b>	<b>£106,500,000</b>	
<b>Land Value / Purchase Cost</b>					<b>Comments</b>
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	
<b>Total</b>	<b>£500,000</b>	<b>£1,600,000</b>	<b>£3,500,000</b>	<b>£18,000,000</b>	
<b>Build Costs PER UNIT</b>					<b>Comments</b>
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
<b>Total</b>	<b>£2,466,805</b>	<b>£8,055,600</b>	<b>£15,798,700</b>	<b>£79,018,500</b>	
<b>Developer Contributions</b>					<b>Comments</b>
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
<b>Total</b>	<b>£287,875</b>	<b>£912,918</b>	<b>£1,835,835</b>	<b>£8,679,175</b>	
<b>Total Development Value</b>	<b>£3,195,000</b>	<b>£10,650,000</b>	<b>£21,300,000</b>	<b>£106,500,000</b>	
<b>Total Development Costs</b>	<b>£3,254,680</b>	<b>£10,568,518</b>	<b>£21,134,535</b>	<b>£105,697,675</b>	
<b>Total Development Surplus</b>	<b>-£59,680</b>	<b>£81,483</b>	<b>£165,465</b>	<b>£802,325</b>	
<b>% Overall Economic Viability</b>	<b>98.2%</b>	<b>100.8%</b>	<b>100.8%</b>	<b>100.8%</b>	

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	
<b>Income Value</b>					<b>Comments</b>
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	
<b>Total</b>	<b>£3,195,000</b>	<b>£10,650,000</b>	<b>£21,300,000</b>	<b>£106,500,000</b>	
<b>Land Value / Purchase Cost</b>					<b>Comments</b>
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	
<b>Total</b>	<b>£500,000</b>	<b>£1,600,000</b>	<b>£3,500,000</b>	<b>£18,000,000</b>	
<b>Build Costs PER UNIT</b>					<b>Comments</b>
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
<b>Total</b>	<b>£2,466,805</b>	<b>£8,055,600</b>	<b>£15,798,700</b>	<b>£79,018,500</b>	
<b>Developer Contributions</b>					<b>Comments</b>
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
<b>Total</b>	<b>£307,791</b>	<b>£979,304</b>	<b>£1,968,608</b>	<b>£9,343,038</b>	
<b>Total Development Value</b>	<b>£3,195,000</b>	<b>£10,650,000</b>	<b>£21,300,000</b>	<b>£106,500,000</b>	
<b>Total Development Costs</b>	<b>£3,274,596</b>	<b>£10,634,904</b>	<b>£21,267,308</b>	<b>£106,361,538</b>	
<b>Total Development Surplus</b>	<b>-£79,596</b>	<b>£15,096</b>	<b>£32,693</b>	<b>£138,463</b>	
<b>% Overall Economic Viability</b>	<b>97.6%</b>	<b>100.1%</b>	<b>100.2%</b>	<b>100.1%</b>	

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	
<b>Income Value</b>					<b>Comments</b>
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	
<b>Total</b>	<b>£3,195,000</b>	<b>£10,650,000</b>	<b>£21,300,000</b>	<b>£106,500,000</b>	
<b>Land Value / Purchase Cost</b>					<b>Comments</b>
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	
<b>Total</b>	<b>£500,000</b>	<b>£1,600,000</b>	<b>£3,500,000</b>	<b>£18,000,000</b>	
<b>Build Costs PER UNIT</b>					<b>Comments</b>
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
<b>Total</b>	<b>£2,466,805</b>	<b>£8,055,600</b>	<b>£15,798,700</b>	<b>£79,018,500</b>	
<b>Developer Contributions</b>					<b>Comments</b>
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
<b>Total</b>	<b>£327,707</b>	<b>£1,045,690</b>	<b>£2,101,380</b>	<b>£10,006,900</b>	
<b>Total Development Value</b>	<b>£3,195,000</b>	<b>£10,650,000</b>	<b>£21,300,000</b>	<b>£106,500,000</b>	
<b>Total Development Costs</b>	<b>£3,294,512</b>	<b>£10,701,290</b>	<b>£21,400,080</b>	<b>£107,025,400</b>	
<b>Total Development Surplus</b>	<b>-£99,512</b>	<b>-£51,290</b>	<b>-£100,080</b>	<b>-£525,400</b>	
<b>% Overall Economic Viability</b>	<b>97.0%</b>	<b>99.5%</b>	<b>99.5%</b>	<b>99.5%</b>	

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	
<b>Income Value</b>					<b>Comments</b>
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	
<b>Total</b>	<b>£3,195,000</b>	<b>£10,650,000</b>	<b>£21,300,000</b>	<b>£106,500,000</b>	
<b>Land Value / Purchase Cost</b>					<b>Comments</b>
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	
<b>Total</b>	<b>£500,000</b>	<b>£1,600,000</b>	<b>£3,500,000</b>	<b>£18,000,000</b>	
<b>Build Costs PER UNIT</b>					<b>Comments</b>
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
<b>Total</b>	<b>£2,466,805</b>	<b>£8,055,600</b>	<b>£15,798,700</b>	<b>£79,018,500</b>	
<b>Developer Contributions</b>					<b>Comments</b>
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
<b>Total</b>	<b>£518,899</b>	<b>£1,682,998</b>	<b>£3,375,996</b>	<b>£16,379,980</b>	
<b>Total Development Value</b>	<b>£3,195,000</b>	<b>£10,650,000</b>	<b>£21,300,000</b>	<b>£106,500,000</b>	
<b>Total Development Costs</b>	<b>£3,485,704</b>	<b>£11,338,598</b>	<b>£22,674,696</b>	<b>£113,398,480</b>	
<b>Total Development Surplus</b>	<b>-£290,704</b>	<b>-£688,598</b>	<b>-£1,374,696</b>	<b>-£6,898,480</b>	
<b>% Overall Economic Viability</b>	<b>91.7%</b>	<b>93.9%</b>	<b>93.9%</b>	<b>93.9%</b>	

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 13<sup>th</sup> 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 17<sup>th</sup> 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**

<b>Housing Target Breakdown</b>	<b>Annual Dwellings</b>	<b>Total Dwellings Over 15 Years</b>
<b>SHMA Housing Requirement</b>	325	4875
<b>Estimated Demolitions Replacements</b>	35	525
<b>10% Previous Underperformance Backlog</b>	36	540
<b>Total Gross Delivery Required</b>	396	5940
<b>Proposed Baseline Housing Target</b>	<b>400</b>	<b>6000</b>

- 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 1<sup>st</sup> 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.

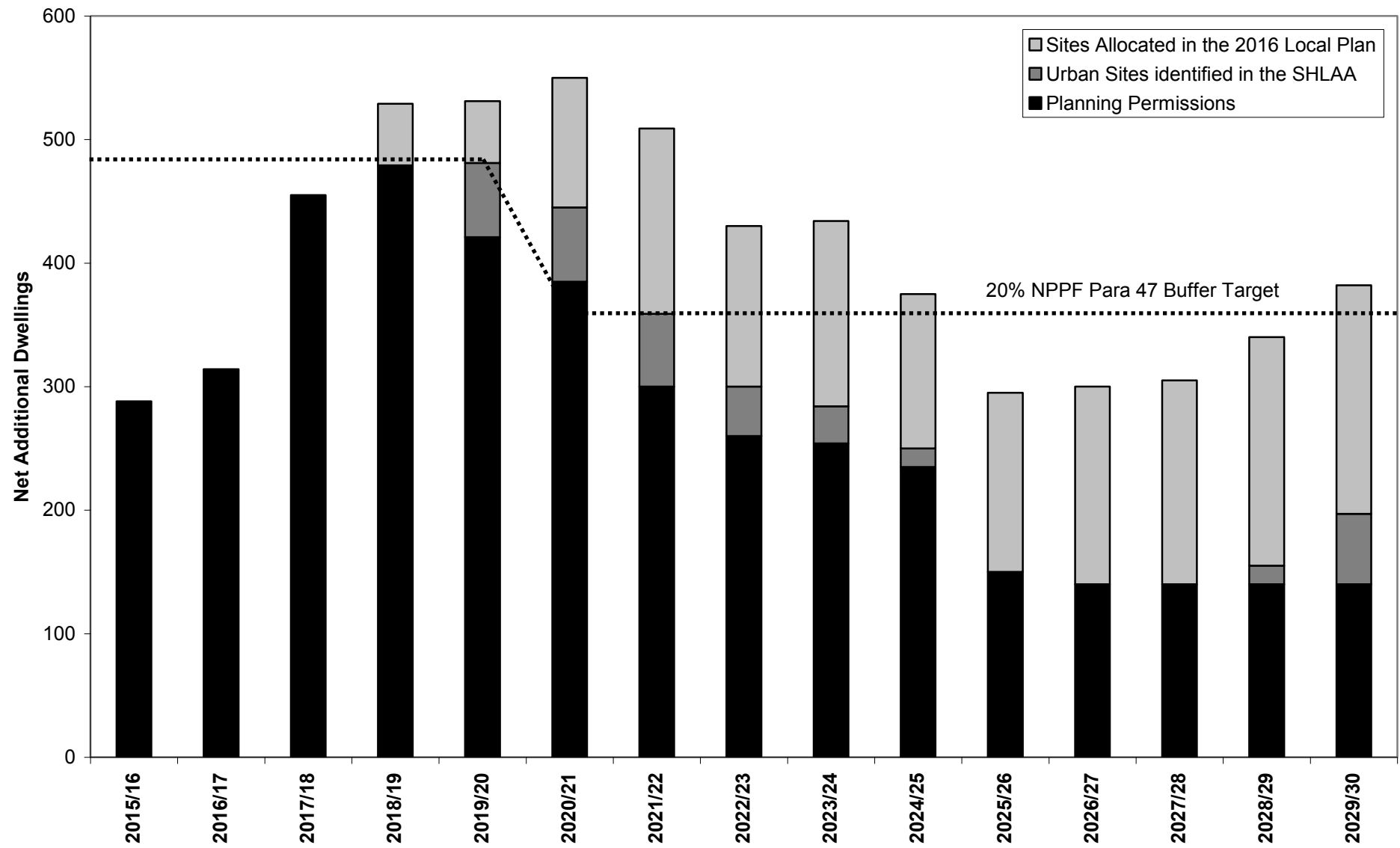
- 4.12 For information, the assessment is set out in Appendix 2. Where there are identified issues relating to the deliverability of the housing site (as above list) they have subsequently not been included in the 1<sup>st</sup> 5 years as they have specific delivery problems. Where sites have not been included in the 1<sup>st</sup> 5 years they have been discounted (i.e. beyond the 15 year period) or identified for development in the 2<sup>nd</sup> and 3<sup>rd</sup> 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
<b>5 Year Land Supply Accordance (Dwellings)</b>		<b>-283</b>					<b>+498</b>					<b>-178</b>				
<b>5 Year Land Supply Accordance (Years)</b>		<b>4.4</b>					<b>6.4</b>					<b>4.5</b>				

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 CO<sub>2</sub> 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 CO<sub>2</sub> 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
<b>Gen Environmental</b>			
GEP1	x		
GEP2	x		
GEP3	x		
GEP7	x		
GEP9	x		
GEP10	x		
GEP12	x		
GEP16	x		
GEP17	x		
GEP18	x		
<b>Industry &amp; Business</b>			
IND1	x		
IND2			x
IND3	x		
IND4	x		
IND5	x		
IND6	x		
IND7			x
IND8	x		
IND9	x		
IND10	x		
IND11	x		
<b>Retail &amp; Commercial</b>			
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
<b>Tourism</b>			
TO1	x		
TO2	x		
TO3	x		
TO4	x		
TO6	x		
TO8	x		
TO9	x		
TO10	x		
TO11	x		
<b>Housing</b>			
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		
<b>Transport</b>			
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
<b>Public &amp; Community</b>			
PU3	x		
PU6	x		
PU7	x		
PU10	-	-	-
PU11	-	-	-
<b>Dev Constraints</b>			
DCO1	x		
<b>Recreation &amp; Leisure</b>			
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		
<b>Green Network</b>			
GN1	x		
GN2	x		
GN3	x		
GN4	x		
GN5	x		
GN6	x		
<b>Wildlife</b>			
WL2	x		
WL3	x		
WL5	x		
WL7	x		
<b>Historic Environment</b>			
HE1	x		
HE2	x		
HE3	x		
HE6	x		
HE8	x		
HE12	x		
HE15	x		

Policy	Full	Partial	Not
<b>Rural Area</b>			
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		
<b>Minerals</b>			
MIN1	-	-	-
MIN2	-	-	-
MIN3	-	-	-
MIN4	-	-	-
MIN5	-	-	-
<b>Waste</b>			
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
<b>General Environmental Principles</b>					
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>
<b>Access For All</b>					
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.
<b>Crime Prevention by Planning and Design</b>					
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.
<b>Frontage of Main Approaches</b>					
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
<b>Developers Contributions</b>					
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.
<b>Provision of Public Art</b>					
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.
<b>Trees, Hedgerows and Development</b>					
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.
<b>Untidy Sites</b>					
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.
<b>Derelict Land Reclamation</b>					
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.
<b>Development on Contaminated Land</b>					
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
<b>Wynyrd Business Park</b>					
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>
<b>North Burn Electronics Components Park</b>					
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>
<b>Queens Meadow Business Park</b>					
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
<b>Higher Quality Industrial Estates</b>					
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.
<b>Industrial Areas</b>					
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.
<b>Bad Neighbour Uses</b>					
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.
<b>Port Related Development</b>					
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>
<b>Industrial Improvement Areas</b>					
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
<b>Potentially Polluting or Hazardous Developments</b>					
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 &amp; 118)</p>
<b>Underground Storage</b>					
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 &amp; 118) and to protect the aquifer and watercourses (109).</p>
<b>Hazardous Substances</b>					
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 &amp; 118).</p>

**Table C: Retail, Commercial and Mixed Use Development**

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
<b>Development in the Town Centre</b>					
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.
<b>Primary Shopping Area</b>					
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.
<b>Primary Shopping Area – Opportunity Site</b>					
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.
<b>Edge of Town Centres</b>					
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.
<b>Local Centres</b>					
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.
<b>Commercial Improvement Areas</b>					
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
<b>Tees Bay Mixed Use Site</b>					
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>
<b>Shopping Development</b>					
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
<b>Main Town Centre Uses</b>					
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>
<b>Retailing in Industrial Areas</b>					
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>
<b>Food and Drink</b>					
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
<b>Commercial Uses in Residential Areas</b>					
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>
<b>Business Uses in the Home</b>					
COM14	x			6, 7, 8, 9, 10, 14, 15, 17, 56, 57, 61, 123, 150, 151, 152,	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.
<b>Victoria Harbour / North Docks Mixed Use Site</b>					
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>
<b>Headland – Mixed Use</b>					
COM16	x			6, 7, 8, 9, 10, 14, 15, 17, 14, 17, 19, 20, 21, 123, 126, 128, 129, 131, 137, 150, 151, 152,	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.

**Table D: Tourism**

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
<b>Tourism Development in the Marina</b>					
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>
<b>Tourism at the Headland</b>					
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
<b>Core Area of Seaton Carew</b>					
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>
<b>Commercial Development Sites at Seaton Carew</b>					
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>
<b>Seaton Park</b>					
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 it's attractiveness to users. This aim is in line with a number of elements of the NPPF.
<b>Teesmouth National Nature Reserve</b>					
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
<b>Tourism Accommodation</b>					
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.
<b>Touring Caravan Sites</b>					
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.
<b>Business Tourism and Conferencing</b>					
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
<b>Housing Improvements</b>					
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.
<b>Selective Housing Clearance</b>					
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>
<b>Housing Market Renewal</b>					
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
<b>Central Area Housing</b>					
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>
<b>Management of Housing Land Supply</b>					
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>
<b>Mixed Use Areas</b>					
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
<b>Conversions for Residential Uses</b>					
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>
<b>New Residential Layout – Design and Other Requirements</b>					
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>
<b>Residential Extensions</b>					
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
<b>Residential Annexes</b>					
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.
<b>Homes and Hostels</b>					
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.
<b>Residential Mobile Homes</b>					
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>
<b>Gypsy Site</b>					
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
<b>Bus Priority Routes</b>					
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.
<b>Railway Line Extensions</b>					
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.
<b>Rail Halts</b>					
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.
<b>Public Transport Interchange</b>					
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.
<b>Cycle Networks</b>					
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
<b>Pedestrian Linkages: Town Centre / Headland / Seaton Carew</b>					
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.
<b>Traffic Management in the Town Centre</b>					
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.
<b>Road Junction Improvements</b>					
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.
<b>Strategic Road Schemes</b>					
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.
<b>Road Schemes: North Graythorp</b>					
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
<b>Road Schemes: Development Sites</b>					
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.
<b>Access to Development Sites</b>					
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.
<b>Restriction on Access to Major Roads</b>					
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.
<b>Car Parking Standards</b>					
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.
<b>Railway Sidings</b>					

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.
<b>Rail Freight Facilities</b>					
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.
<b>Travel Plans</b>					
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
<b>Sewage Treatment Works</b>					
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.
<b>Nuclear Power Station Site</b>					
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.
<b>Renewable Energy Developments</b>					
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).
<b>Primary School Location</b>					
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.
<b>Primary School Site</b>					
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
<b>Landfill Sites</b>					
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
<b>Coastal Recreation</b>					
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>
<b>Provision for Play in New Housing Areas</b>					
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
<b>Neighbourhood Parks</b>					
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.
<b>Protection of Outdoor Playing Space</b>					
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>
<b>Development of Sports Pitches</b>					
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.
<b>Dual Use of School Facilities</b>					
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
<b>Outdoor Recreational Sites</b>					
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.
<b>Areas of Quiet Recreation</b>					
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.
<b>Recreational Routes</b>					
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.
<b>Summerhill</b>					
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.
<b>Land West of Brenda Road</b>					
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
<b>Late Night Uses</b>					
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>
<b>Major Leisure Developments</b>					
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
<b>Enhancement of the Green Network</b>					
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.
<b>Protection of Green Wedges</b>					
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.
<b>Protection of Key Green Space Areas</b>					
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.
<b>Landscaping of Main Approaches</b>					
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.
<b>Tree Planting</b>					
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.
<b>Protection of Incidental Open Space</b>					
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
<b>Protection of International Nature Conservation Sites</b>					
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.
<b>Enhancement of Sites of Special Scientific Interest</b>					
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.
<b>Protection of Local Nature Reserves</b>					
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.
<b>Protection of SNCIs, RIGs and Ancient Semi-Natural Woodland</b>					
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
<b>Protection and Enhancement of Conservation Areas</b>					
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.
<b>Environment Improvements in Conservation Areas</b>					
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.
<b>Developments in the Vicinity of Conservation Areas</b>					
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.
<b>Protection and Enhancement of Registered Parks and Gardens</b>					
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.
<b>Works to Listed Buildings (Including Partial Demolition)</b>					
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.
<b>Protection of Locally Important Buildings</b>					
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
<b>Areas of Historic Landscape</b>					
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
<b>Urban Fence</b>					
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>
<b>Wynyard Limits to Development</b>					
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
<b>Village Envelopes</b>					
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>
<b>Village Design Statements</b>					
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.
<b>Development at Newton Bewley</b>					
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.
<b>Development in the Countryside</b>					
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
<b>New Housing in the Countryside</b>					
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>
<b>The Tees Forest</b>					
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.
<b>Small Gateway Sites</b>					
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.
<b>Recreation in the Countryside</b>					
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.
<b>Strategic Recreational Routes</b>					
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
<b>Rights of Way</b>					
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.
<b>Summerhill – Newton Bewley Greenway</b>					
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.
<b>Special Landscape Areas</b>					
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
<b>Safeguarding of Mineral Resources</b>					
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.
<b>Use of Secondary Aggregates</b>					
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.
<b>Mineral Extraction</b>					
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.
<b>Transport of Minerals</b>					
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.
<b>Restoration of Mineral Sites</b>					
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
<b>Major Waste Producing Developments</b>					
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.
<b>Provision of “Bring” Recycling Facilities</b>					
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.
<b>Composting</b>					
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.
<b>Landfill Developments</b>					
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.
<b>Landraising</b>					
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.
<b>Incineration</b>					
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 <sup>st</sup> 5 Years						2 <sup>nd</sup> 5 Years					3 <sup>rd</sup> 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 <sup>st</sup> 5 Years						2 <sup>nd</sup> 5 Years					3 <sup>rd</sup> 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

Site Ref	Site Name	Completed	Remaining	1 <sup>st</sup> 5 Years						2 <sup>nd</sup> 5 Years					3 <sup>rd</sup> 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?
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

Site Ref	Site Name	Completed	Remaining	1 <sup>st</sup> 5 Years						2 <sup>nd</sup> 5 Years					3 <sup>rd</sup> 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?
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 Agraa 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

Site Ref	Site Name	Completed	Remaining	1 <sup>st</sup> 5 Years						2 <sup>nd</sup> 5 Years					3 <sup>rd</sup> 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?
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 <sup>st</sup> 5 Years						2 <sup>nd</sup> 5 Years					3 <sup>rd</sup> 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 <sup>st</sup> 5 Years						2 <sup>nd</sup> 5 Years					3 <sup>rd</sup> 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 <sup>st</sup> 5 Years						2 <sup>nd</sup> 5 Years					3 <sup>rd</sup> 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

20 January 2016



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

**Subject:** APPEAL AT CROOKFOOT FARM, ELWICK  
APPEAL REF: APP/H0724/W/15/3055093  
RESUBMISSION OF PREVIOUS REFUSAL  
(H/2014/0326) FOR THE PERMANENT RETENTION  
OF AN EXISTING CABIN AND THE CHANGE OF  
USE OF THE CABIN FROM MOBILE HOME TO A  
HOLIDAY COTTAGE AND OFFICE TO  
ADMINISTER THE FARM WITH THE ADDITION OF  
SOLAR PANELS TO THE ROOF.

### 1 PURPOSE OF REPORT

- 1.1 To notify Members of an appeal decision.
- 1.2 The appeal relates to the refusal of the Local Planning Authority to grant permission for the permanent siting of an existing cabin, and the change of use of the cabin from a mobile home to a holiday cottage and office to administer the farm, with the addition of solar panels to the roof.
- 1.3 The appeal was decided by written representation and dismissed by the Planning Inspectorate. The Inspector concluded that the proposed development would have the potential to make a limited contribution to local tourism, as well as incorporating a sustainable means of energy production; however it was considered that these factors would not outweigh the harm which has been identified in respect of the character and appearance of the area and the Special Landscape Area.
- 1.4 A copy of the decision letter is attached to this report.

### 2 RECOMMENDATION

- 2.1 That Members note the decision.

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## Appeal Decision

Site visit made on 8 October 2015

by **M Seaton DipTP MRTPI**

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

Decision date: 23 December 2015

### Appeal Ref: APP/H0724/W/15/3055093 Crookfoot Farm, Elwick, Hartlepool, TS27 3HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Diane Shadforth against the decision of Hartlepool Borough Council.
- The application Ref H/2014/0481, dated 10 October 2014, was refused by notice dated 12 December 2014.
- The development proposed is described as "*Resubmission of previous Refusal H/2014/0326 for the permanent retention of an existing cabin and the temporary retention of a stable block, the change of use of the existing cabin from a mobile home to a holiday cottage and office to administer the farm. The proposal for a new holiday cabin has been omitted.*"

### Procedural Matters

1. The description of development as detailed on the application form has been amended during the course of the planning application with the Council's Decision Notice omitting the reference to the omission of a new holiday cabin. Furthermore, reference to the installation of solar panels on the roof has also been incorporated within the revised description, which has also been adopted by the appellant in the Grounds of Appeal. I note that the stables indicated to be temporarily retained in the description of development had already been removed at the time of my site visit, and I am satisfied would not now need to be included within the description of development.
2. Whilst I am satisfied that the revised description satisfactorily summarises the proposals, I note that the development has been described by the appellant and the Council as the 'retention' of the existing cabin and stable block. However, the act of retention is not defined as development in section 55 of the Town and Country Planning Act 1990. As a consequence, I have therefore omitted the reference to 'retention' in amending the description of development and have assessed the appeal on the basis of the following description.

*Resubmission of previous Refusal H/2014/0326 for the permanent siting of an existing cabin, and the change of use of the cabin from a mobile home to a holiday cottage and office to administer the farm, with the addition of solar panels to the roof.*

### Decision

3. The appeal is dismissed.

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### Main Issue

4. The main issue in the appeal is the effect on the character and appearance of the area.

### Reasons

5. The appeal site occupies a rural location within the open countryside and is surrounded by farmland and located close to Crookfoot Reservoir. The existing single-storey cabin on the site was originally granted a temporary planning permission in November 2005 in connection with the construction of a dwelling on Crookfoot Farm, with the period for its retention extended in 2012 and 2014 until 13 July 2014. The works to the farm house are now indicated to have been completed, and the dwelling occupied.
6. In the reason for refusal, the Council has drawn my attention to saved Policy RUR20 of the Hartlepool Local Plan including Mineral and Waste Policies 2006 – with amended saved policies April 2009 (the Local Plan), which addresses development in Special Landscape Areas (SLA). The appeal site is indicated as being located within the Newton Hanzard/Crookfoot Reservoir SLA. The designation of the SLA requires careful consideration to be given to the minimisation of the impact on landscape and amenity. The policy explicitly sets out that development will not be permitted unless it is sympathetic to the local rural character in terms of the design, size and siting and building materials, and incorporates appropriate planting schemes.
7. I have had regard to the appellant's contention regarding the withdrawal of the Local Plan upon publication of the National Planning Policy Framework (the Framework). However, I am satisfied on the basis of the evidence before me, including details of a Secretary of State Direction, that the Development Plan is formed of the saved policies of the Local Plan, with the policies of the Framework a material consideration in planning decisions.
8. The existing cabin occupies a prominent and open elevated position within the wider landscape, with wide-ranging views over the countryside to the south and east in particular, and is a relatively substantial single-storey structure. I observed the proximity of the existing development to nearby Crookfoot House, but consider that the established and permanent nature of that dwelling and its landscaped position compares more favourably to the temporary appearance of the cabin in its exposed and more isolated location. I have had regard to the appellant's suggestion that the cabin could benefit from appropriate landscaping. However, I do not accept that in the context of the appeal site that this would provide adequate mitigation for the more temporary appearance and prominent siting of the cabin whilst reasonably maintaining the openness which contributes positively to the existing character and appearance of the wider area and the Newton Hanzard/Crookfoot Reservoir SLA at this point.
9. The appellant has suggested that by granting the original planning permission for the cabin, the Council had accepted that the structure was not visually intrusive. However, the Council has highlighted that the reports related to the original permission quite clearly approved the development on a temporary basis, linked to the construction of the farmhouse. Having reviewed the evidence before me, I am satisfied that the Council has demonstrated that

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allowing the original development for a temporary period amounted to an exceptional circumstance.

10. I note that the development also incorporates the inclusion of solar panels, but that the Council has not specifically identified this aspect of the development in its assessment of visual impact. In the context of the visual impact of the whole development, I would agree that the solar panels in themselves would not result in a significant further impact on the visual appearance of the cabin.
11. On the basis of the evidence before me and my observations on the site, I conclude that the permanent siting of the cabin in this location would result in adverse effect on the character and appearance of the area and the SLA. As a consequence, the development would conflict with saved Policy RUR20 of the Local Plan, which seeks to ensure that development is sympathetic to the local rural character in terms of the design, size and siting and building materials.

#### **Other Matters**

12. I have carefully considered the impact of the cabin on the character and appearance of the countryside, but I have also been mindful that paragraph 28 of the Framework promotes support for a prosperous rural economy, which would include support for sustainable rural tourism that benefits businesses in rural areas, communities and visitors, and which respects the character of the countryside. This includes the provisions of tourist and visitor facilities in appropriate locations, where identified needs are not met by existing facilities in rural service centres.
13. The appellant has highlighted there to be a demand for tourist accommodation within the area, and has made reference to other successful applications for holiday cottages and accommodation locally. However, whilst I have had regard to the appellant's submissions on this matter, I have not been provided with any decisive evidence related to the contended demand, or that it could not be met by existing accommodation or facilities in rural service centres. Furthermore, whilst I have noted the limited details provided regarding other successful applications for tourist accommodation locally, I am not persuaded on the basis of the evidence provided that the circumstances could be described as directly comparable. In this respect, I note that the development at Primrose Close is described as a replacement holiday cottage, and the permission for two holiday chalets at Abbey Hill Farm was related to an existing established tourism enterprise. The provision of tourist accommodation would therefore attract no more than very limited weight in support of the development.
14. I note that in refusing the planning application, the Council has referred to paragraph 55 of the Framework, which addresses housing in rural areas, and promotes sustainable development and the avoidance of isolated new homes within the countryside unless there are special circumstances. I have carefully considered the appellant's contention that paragraph 55 of the Framework has no relevance in this instance. Whilst I accept that the development would incorporate a form of residential accommodation, albeit used in connection with tourism, I agree with the appellant that it would be more appropriate to consider the development against the provisions of paragraph 28 of the Framework, as the use would be restricted to occupation as a holiday let and business, and would not provide a home. The Council's reference to paragraph 55 of the Framework has not therefore had any bearing on my decision.

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15. In addition to the tourism use, I have carefully considered the need for the provision of a farm office within the cabin as a means of supporting the day-to-day operation of the farm. Whilst I have had regard to the stated difficulties in gaining mobile phone and internet access from the office in the farm complex due to the low-lying nature of the constructed dwelling, I am not persuaded on the basis of the submissions that the use of the cabin would present the only technical or physical solution to the connectivity problems. In the absence of any detailed technical evidence or assessment of alternatives, this is a matter to which I have not attached any significant weight in support of the development.
16. The appellant has indicated that the cabin has become a wildlife habitat for birds and other animals, and that this has been recognised by the Council's ecologist as have the various initiatives to encourage wildlife initiated by the appellant. I observed the many bird nests located on the cabin at the time of my site visit, and have no reason to dispute the appellant's commitment to the encouragement of wildlife in the vicinity. However, whilst I accept that there may be an impact on the timing of works related to the removal of the cabin during the nesting season, I note the conclusion of the Council ecologist that any nesting opportunities lost could be otherwise accommodated within the vicinity by other means, such as bird boxes. I am therefore satisfied that the removal of the cabin would not result in an unacceptable adverse impact on wildlife.
17. In reaching my decision, I have also taken into account the sustainability credentials of the installation of the solar panels, which would provide some limited weight in support of the development. I have also noted that there is no issue raised by the Council with regards the safeguarding of the living conditions of nearby Crookfoot Cottage, and that sufficient car parking is available on site, albeit that these would be issues which have no more than a neutral impact on the assessment of the development.

### **Conclusion**

18. Whilst I am satisfied that the development would have the potential to make a limited contribution to local tourism, as well as incorporating a sustainable means of energy production, I do not find these factors sufficient to outweigh the harm which I have identified in respect of the character and appearance of the area and the SLA. As a consequence, and for the reasons given above, the appeal is dismissed.

*M Seaton*

INSPECTOR

## PLANNING COMMITTEE

20<sup>th</sup> January 2016



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

**Subject:** APPEAL AT LAND ADJACENT TO MIDDLETON HOUSE, NAVIGATION POINT, MIDDLETON ROAD, HARTLEPOOL – APPEAL REF: APP/H0724/W/15/3137103 – ERECTION OF A RESTAURANT/CAFE WITH RELATED EXTERNAL WORKS AND CAR PARKING PROVISION

### 1. PURPOSE OF REPORT

- 1.1 To advise members that the above appeal has been withdrawn by the applicant.

### 2. RECOMMENDATIONS

- 2.1 That members note that the appeal has been withdrawn.

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## PLANNING COMMITTEE

20 January 2016



**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 alterations to a rear boundary fence at a property in Tintagel Close.
2. An investigation has commenced in response to a complaint regarding the erection of a detached building in the rear garden of a residential property in Macaulay Road.
3. 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 a commercial premises at Navigation Point.
4. 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.
5. An investigation has commenced in response to a complaint regarding the erection of a garage at a residential property in Haswell Avenue.
6. An investigation has commenced in response to a complaint regarding the siting of static caravans at land at Dalton Piercy.
7. An investigation has commenced in response to a complaint regarding the running of a car repair business from a residential property in Clavering Road.
8. An investigation has commenced in response to a complaint regarding works to an outbuilding at a residential property in Newton Bewley.

9. An investigation has commenced in response to a complaint regarding the untidy condition of a former social club premises on Stockton Road.
10. An investigation has commenced in response to a complaint regarding the operation of a machinery repair business at a residential property in Turnberry Grove.
11. An investigation has commenced in response to a complaint regarding the operation of an agricultural repair business at a residential property in Dalton Piercy.
12. An investigation has commenced in response to a complaint regarding an untidy former public house site in Kingsley Avenue.
13. An investigation has commenced in response to a complaint regarding the operation of a car repair business at a residential property in The Meadow.
14. An investigation has commenced as a result of Officer monitoring regarding non-compliance with conditions for temporary use of a cabin at land at Elwick.
15. 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.
16. 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.
17. An investigation has been completed in response to a complaint regarding the erection of a high rear garden fence at a residential 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.
18. 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.
19. An investigation has been completed in response to a complaint regarding the erection of a rear extension at a residential property in Heugh Chare. The dimensions of the rear extension were found not to exceed permitted development rights.
20. An investigation has been completed in response to a complaint regarding damaged roller shutters at a commercial premises on Raby Road. The damaged roller shutters have subsequently been replaced.

21. An investigation has been completed in response to a complaint regarding the change of use of a bin store to a manager's office at a retail premises in Owton Manor Lane. It was found that the store layout was in accordance with the approved plans.
22. An investigation has been completed as a result of Officer monitoring regarding the change of use from a public house to a hot food takeaway at a commercial premises in Victoria Road. The current use was found to be as a restaurant with takeaway/delivery as ancillary and is therefore a permitted change of use under the Use Classes Order 2010.
23. An investigation has been completed as a result of Officer monitoring regarding non-compliance with conditions at a residential development on Stockton Road. As a result of negotiations by the Council's Monitoring Officer, the relevant information was subsequently submitted to discharge the conditions. No further action necessary.
24. An investigation has been completed in response to a complaint regarding the storage of refuse in the grounds of a church on Catcote Road. Following helpful assistance from the property manager the refuse has been cleared.
25. An investigation has been completed in response to a complaint regarding the external illumination of a guesthouse at The Cliff. It was found that the nature and scale of the lighting was such that planning permission was not required.
26. An investigation has been completed as a result of a complaint regarding the fly tipping of refuse at the rear of a residential property on Jesmond Road. The refuse has since been removed.
27. An investigation has been completed in response to a complaint regarding the erection of a dwelling house in Stockton Road not in accordance with the approved plans. A retrospective planning application has been submitted seeking to regularise the siting of the dwelling.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

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