

# PLANNING COMMITTEE AGENDA



**Wednesday 17 February 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 20 January 2016.

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

4.1 Planning Applications – *Assistant Director (Regeneration)*

1. H/2015/0471 Red Gap Farm – Variation of condition (page 1)

4.2 Appeal at 34 Glentower Grove, Hartlepool – *Assistant Director (Regeneration)*

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

### 5. **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 16 March 2016.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **20<sup>th</sup> January 2016**

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

**Present:**

Councillor: Rob Cook (In the Chair)

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

Officers: Peter Devlin, Chief Solicitor  
Damien Wilson, Assistant Director (Regeneration)  
Andrew Carter, Planning Services Manager  
Jim Ferguson, Planning Team Leader (DC)  
Mike Blair, Highways, Traffic and Transportation Manager  
Kieran Bostock, Principal Engineer (Environmental Engineering)  
Adrian Hurst, Principal Environmental Health Officer  
Helen Heward, Senior Planning Officer  
Daniel James, Senior Planning Officer  
Jo Stubbs, Democratic Services Officer

#### **90. Apologies for Absence**

Apologies were submitted by Councillors Sandra Belcher and George Morris.

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

Councillor Ray Martin-Wells declared a prejudicial interest in Planning Application H/2015/0422 (Land off Valley Drive, Tunstall Farm) and confirmed he intended to speak on this application as Ward Councillor.

#### **92. Confirmation of the minutes of the meeting held on 16<sup>th</sup> December 2015**

The Planning Team Leader advised that a slight amendment was required in relation to Planning Application H/2015/0386 (Land at Wynyard Woods). There had been a typographical error in the report which had been transposed to the minutes. The figure for affordable housing should have read £611,818. This had been highlighted during the meeting.

The amendment was duly noted and the minutes were approved.

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

<b>Number:</b>	H/2015/0315
<b>Applicant:</b>	Mr William Cooper Anesco Ltd The Green Easter Park READING
<b>Agent:</b>	BARTON WILLMORE MR LIAM TATE 3RD FLOOR 14 KING STREET LEEDS
<b>Date received:</b>	10/09/2015
<b>Development:</b>	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)
<b>Location:</b>	Land North of Wolviston

Members had undertaken a visit to the site immediately prior to the meeting.

The Senior Planning Officer referred to the comments of Natural England who estimated that there was a 20% chance of the land in question being the best and most versatile land. A member questioned the validity of these findings. A member also queried whether the glare caused the solar panels would impede drivers' view. The Senior Planning Officer confirmed that the Council's traffic section and Highways England had raised no concerns.

Claire Kent, the Agent, and Lee Adams, the Applicant, spoke in favour of the application. They detailed the positive contribution the scheme would make in tackling flooding and climate change. Concerns related to access and issues around livestock had all been addressed. Following questioning by a member they confirmed that there were no alternative sites available in Hartlepool. They also questioned the motivations of the objector, George White.

George White spoke against the application. He referred to concerns at the land quality, the glare which could be caused to nearby properties by the solar panels and issues with access which could potentially result in a fatality if gates were left open and livestock allowed to wander unchecked. He had commissioned an independent report which showed the land was of good quality and should be retained for agricultural use. This rebuffed the Natural England report which was out of date. He alleged that the site had been chosen based on its proximity to the National Grid.

Members discussed the application. Whilst all were in favour of renewable energy concerns were raised as to the quality of the land and the potential for glint and glare on nearby properties and traffic. A member referred to an appeal decision on a similar case where it had been concluded that a solar farm would result in the loss of best and most versatile agricultural land. However planning officers noted that the appeal decision which had been given to members for their consideration was incomplete and it was unknown how much weight the planning inspector had given to this. Other members referred to the positives which the application would bring, such as jobs and renewable energy.

In accordance with Council Procedure Rule 17.5 of the Constitution, a recorded vote was taken

Those in favour of the officer recommendation to approve the application:

Councillors Jim Ainslie, Stephen Akers-Belcher, Allan Barclay, Rob Cook, Marjorie James and Carl Richardson

Those against:

Councillors Brenda Loynes, Ray Martin-Wells and George Springer

Those abstaining:

None.

**Decision:** **APPROVED** subject to 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 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\_401 Rev A Typical Buildings 001482\_402 Rev A Containerized energy storage 001482\_400 Rev B Elevations section fence 001482\_04 Rev A Swale details Solar Voltaic Gint and Glare study received 2 September 2015 Archaeological Assessment received 2 September 2015 Landscape and Visual Assessment as amended 17 November 2015 Design and access Statement received 2 September 2015 Flood Risk assessment received 2 September 2015 Traffic Management Plan received 2 September 2015 Transport Statement received 2 September 2015 Biodiversity 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 dated 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.

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<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

The Senior Planning Officer reminded members that this application had been deferred from the previous meeting to allow flooding and drainage concerns to be investigated. No flooding incidents had been reported in the interim period. The approval of the detailed drainage design of the development were being dealt with through the discharge of a condition attached to the outline approval on the site. Council engineers were confident that with some amendments the drainage would be suitable. A representative from the Environment Agency was in attendance should members have any queries.

Councillor Ray Martin-Wells had requested the previous deferral to allow flooding and drainage to be investigated. He accepted that despite the recent high levels of rainfall the beck had not been breached and commended the officers for their diligence in visiting the site daily, including on Christmas Day. Should members be minded to approve the application he asked that significant conditions be put in place to keep disruption to residents to an absolute minimum. The Senior Planning Officer confirmed that appropriate conditions had been applied to the outline approval and measures agreed by Public Protection and Traffic & Transportation.

### **Councillor Ray Martin-Wells left the meeting**

The Agent, Tom Baker, addressed the Committee. The developers had agreed to pay over a million pounds in contributions for affordable housing, school improvements and other community improvements. These monies would be paid on completion of each phase. There had been no objections from statutory consultees and the developer had worked hard to ensure that all the issues raised by residents had been addressed and neighbouring properties would not be affected.

### **Councillor Jim Ainslie declared a personal interest in this item**

Members raised concerns around flooding in the area with some declaring that they would be voting against the application for this reason. However other members noted that officers were confident that flooding and drainage problems would actually be improved by the development and were therefore happy to support it. A Councillor urged the developer to commit to a monetary contribution toward the cost of any future inspections of blockages to the system by engineers. The Planning Services Manager acknowledged this request but advised that it was unlikely that such a suggestion would meet the required policy tests..

Members voted to approve the application by a majority

**Decision:** **APPROVED** subject to the following conditions:

### **CONDITIONS AND REASONS**

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/additional 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.

### **Councillor Ray Martin-Wells returned to the meeting**

**Number:** H/2015/0474

**Applicant:** MRS K ADAMSON THE INNOVATION CENTRE  
VENTURE COURT QUEENS MEADOW BUSINESS  
PARK

**Agent:** MRS K ADAMSON ADEPT PROFESSIONAL  
SERVICES LTD HUB TWO THE INNOVATION  
CENTRE VENTURE COURT QUEENS MEADOW  
BUSINESS PARK

**Date received:** 18/11/2015

**Development:** Change of use from storage to commercial,  
professional offices

**Location:** PARK LODGE WARD JACKSON PARK PARK  
AVENUE HARTLEPOOL

Members voted to approve this application by a majority

**Decision:** **APPROVED** subject to 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 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.

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<b>Number:</b>	H/2015/0450
<b>Applicant:</b>	Ms Jo Heaton Hart Primary School Magdalene Drive HARTLEPOOL
<b>Agent:</b>	Hartlepool Borough Council Colin Bolton Property Services Division Civic Centre HARTLEPOOL
<b>Date received:</b>	06/11/2015
<b>Development:</b>	Single storey extension to classroom
<b>Location:</b>	Hart Primary School Magdalene Drive Hart HARTLEPOOL

Mrs Johnson spoke against the application due to concerns around safety and the impact it would have on the village. These included the lack of additional parking, the lack of safe access from the car park to the school and the narrow roads near the school which were unable to cope with the current volume of school traffic. There was a limited amount of space for parents on the school run to park and reverse which was leading to the churning up of the footpath and causing drainage problems. Parents were also parking on private drives near the school.

Members were supportive of the application, referring to the lack of primary school places in the North of the town which this would help to address. A Councillor noted that one of the reasons given for the decision not to build an additional school on the Bishop Cuthbert estate many years ago had been concerns over the impact this would have on Hart and Elwick Primary Schools and this was a consequence of that decision.

Members supported the application by a majority.

**Decision:** **APPROVED** subject to 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 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. 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.
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.

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<b>Number:</b>	H/2014/0579
<b>Applicant:</b>	Mrs D Watson Butterwick Moor Farm SEDFIELD
<b>Agent:</b>	David Gall Solicitors Mr M Birtles Fulford House Town Foot HAWES
<b>Date received:</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

This application had been deferred from August 2015 to allow for additional information on the developer contributions. The Planning Services Manager advised that previously the developer had agreed to provide 2 affordable houses however since then guidance had changed and the Planning Obligations SPD had been adopted. The number of dwellings proposed was below the limit (15) which would trigger a request for affordable housing.. Members asked that this threshold be looked at for the future.

Members supported the application by a majority.

**Decision:** **APPROVED** 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 (£3,266.06), tennis courts (£799.28) and bowling greens (£69.58) and the provision and maintenance of on site highways to an adoptable standard.

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby approved shall 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 to 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, shall 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 CO<sub>2</sub> 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.

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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

This application had been deferred at the previous meeting pending agreement of the final conditions. Members referred to the phasing of the scheme and queried whether there would be a corresponding phasing of the contributions from the developer. They requested that an additional report be brought back to the Committee on the planning obligations and how they

would be delivered. The Planning Team Leader advised that discussions were currently ongoing with consultees including the education department as to how contribution monies could be brought forward. Members noted that the depending on the trigger for contributions it could mean that there would be demand on the Council for school places and social services before the trigger required any action to be taken. The Chief Solicitor noted that this was a significant development and the solicitors for the developers had previously been informed that a further report on this issue might be required for consideration by the Committee.

Members supported the application by a majority.

**Decision:** **APPROVED** subject to 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 offsite play provision at Manor House Ward (£30,000) and measures encouraging the delivery of local centre.

## CONDITIONS AND REASONS

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 , the drawing 0100 230 (Revision L) Parameters Plan received at the Local Planning Authority on 20th January 2016, 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); Winster (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 recording2. The programme for post investigation assessment3. Provision to be made for analysis of the site investigation and recording4. Provision to be made for publication and dissemination of the analysis and records of the site investigation5. Provision to be made for archive deposition of the analysis and records of the site investigation6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.B) No 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 that phase 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 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 4<sup>th</sup> roundabout (counted from south to north), full design details of the proposed bridge over Greatham Beck and 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 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 to 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 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 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.

#### **94. Tees Valley Local Standards for Sustainable Drainage** (Assistant Director (Neighbourhoods))

Members were advised that Neighbourhood Services Committee had recently approved the adoption of the Tees Valley Local Standards for Sustainable Drainage document as a guidance document for Members use when considering drainage aspects of planning applications. The document forms the minimum standards required by the Tees Valley Authorities strongly promoting the use of sustainable drainage (SuDS) which help to reduce surface water runoff and mitigate flood risk.

##### **Decision**

That Members note the publication of the Local Standards and 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.

#### **95. New Planning Documents Update** (Assistant Director (Regeneration))

Members were informed of the following new planning documents, copies of which were appended to the report:

- Local Development Scheme (October 2015)
- Planning Obligations Supplementary Planning Document (November 2015)
- Planning Policy Framework (November 2015)

The Planning Services Manager gave a brief overview of the content of each.

**Decision**

That Members note the new planning documents

**96. Appeal at Crookfoot Farm, Elwick** *(Assistant Director (Regeneration))*

Members were informed that an appeal against the refusal of the Local Authority to grant permission for the permanent siting of an existing cabin and change of use of the cabin to a holiday cottage and office had been dismissed. A copy of the decision letter was appended to the report.

**Decision**

That the decision be noted

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

Members were informed that this appeal had been withdrawn by the applicant.

**Decision**

That the withdrawal of the appeal be noted

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

Members' attention was drawn to 27 ongoing issues currently being investigated.

**Decision**

That the report be noted

The meeting concluded at 11:45 am.

CHAIR

**No:** 1  
**Number:** H/2015/0471  
**Applicant:** C/O Agent  
**Agent:** Peter Brett Associates Mr Edward Buckingham 16  
 Brewhouse Yard Clerkenwell LONDON EC1V 4LJ  
**Date valid:** 26/11/2015  
**Development:** Variation of conditions 3 (Approved Plans), 8  
 (Construction Traffic Management Plan), 9 (Abnormal  
 Loads Routing Plan), 11 (Detailed Design), 12 (Noise  
 Levels) and 18 (Blade Icing) of planning permission  
 H/2013/0555 (Variation of conditions 14 (Archaeological  
 Evaluation) and 22 (Air Traffic Controllers) of planning  
 application H/2012/0598) to allow for amendments to  
 include changes to dimensions of turbine (increase in  
 rotor diameter from 90m to 103m) and switch room / sub  
 station, a new noise limit for Redgap Cottage, and  
 amendments to supporting plans/documents.  
**Location:** Red Gap Farm Sunderland Road Wolviston

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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 Planning permission was granted on 31 March 2011 for application H/2009/0231 for the following development:

“Erection of 5 no. wind turbines, meteorological monitoring mast, switch room, contractors compound and associated works including improvements to the existing site access from the A19, construction of temporary haul road for construction purposes; permanent access tracks to connect turbines and occasional deployment of temporary road from the improved A19 access to the turbine access tracks to support maintenance and other works which require the use of heavy vehicles and plant.”

- 1.3 The consent H/2009/0231 (herein referred to as ‘the original permission’) was subject to a number of conditions and a Section 106 legal agreement which included provisions for a Landscape and Ecology Management Plan, a temporary road, shadow flicker mitigation, and site restoration. Progress to discharge conditions is ongoing with the majority of the original conditions now formally discharged.
- 1.4 A second application, H/2012/0341 was approved on 24 May 2013, for the provision of a revised permanent access track to the site and the siting of a permanent

anemometer mast for the approved wind farm. This application was also subject to a Section 106 Agreement.

- 1.5 A section 73 application (ref:H/2012/0598) to amend conditions 3 (Plans and details) and (Construction Traffic Management Plan) of the original planning permission (H/2009/0231) was approved on 21 August 2013.
- 1.6 A second section 73 application (ref H/2013/0555) to amend conditions 14 (archaeological evaluation) and 22 (scheme for the provision of air traffic controllers) of planning permission H/2012/0598 was approved on 3<sup>rd</sup> March 2014.
- 1.7 A certificate of lawfulness application was submitted in November 2014 to confirm that planning permission reference H/2013/0555 had been implemented. Sufficient evidence was submitted to support the application and a site visit confirmed that work had commenced. The certificate was issued on 13<sup>th</sup> Jan 2015.
- 1.8 On the 14<sup>th</sup> December 2015 a Non Material Amendment Application (ref H/2015/0410) to H/2012/0341 was approved for revisions to condition 3(development in accordance with approved plans) and condition 10 (construction traffic management plan).

## PROPOSAL

- 1.9 This section 73 application seeks to vary a number of conditions attached to the last permission for the five turbines and associated works H/2013/0555. The main change sought is to increase the rotor diameter by up to 13m from 90m to 103m. No change is proposed to the overall tip height of the turbines as the longer rotors will sit on a shorter tower (i.e. lower hub height). Additionally the switch room building is proposed to increase in size from some 8m x 5.5m x 4.5m high to 12m x 8m x 5m high. with some external alterations. The reasons for these changes are because the applicant is seeking to improve the design / capacity of the turbines and to maximise energy generation from the site due to technological advancement. It is outlined within supporting documentation that the revised turbines are expected to produce 31.5% more power than those previously approved under the last permission H/2013/0555.
- 1.10 The application also proposes a new noise limit for Red Gap Cottage through the variation of condition 12, based on the property being financially involved in the development. A number of supporting documents which are conditioned in the previous H/2013/0555 permission have also been updated/amended. In summary the application seeks amendments to the following conditions of H/2013/0555.
  - 3 (development in accordance with the approved plans)
  - 8 (Construction Traffic Management Plan)
  - 9 (Abnormal Loads Routing Plan)
  - 11(Detailed Design)
  - 12 (Noise Levels)
  - 18 (Blade Icing)

- 1.11 It should be noted that an updated Environmental Report has been submitted in support of the application as the original scheme was classed as Environmental Impact Assessment (EIA) development.
- 1.12 The application has been referred to the Committee due to the number of objections received.

### **SITE CONTEXT**

- 1.13 The proposed site is located on agricultural land immediately to the west of the A19 near Sunderland Lodge within the Parish of Elwick. The site is currently accessed by a track off the A19, near to Sunderland Lodge. The track, which is unpaved, passes through woodland on route to the site and is part of an extensive network of informal vehicular tracks that provide many of the local farms and settlements with access to the A19 and A689.
- 1.14 The southern and western boundaries of the holding are defined by extensive, uninterrupted woodland. The northern and eastern boundaries are not as clearly defined and the land particularly to the north has a more open character. The A19 forms the eastern boundary of the site.

### **PUBLICITY**

- 1.15 The application has been advertised by way of neighbour letters (58), a press advert and site notice. Three letters of objection were received from a property at Embleton. The concerns are outlined below.
- The increase in rotor size is significant and will have a detrimental impact on noise, shadow flicker and local amenity of nearby properties.
  - A new noise report is required as the previous report is seriously flawed. Report by Dr Yelland attached and referenced. There is a lack of background noise data. Report also hides behind background noise of A19.
  - All reports/assessments should be carried out independently and financed by the developer.
  - Concerns regarding the statement that an increase in rotor diameter will result in a reduction in the incidents of bird collisions.
  - Shadow flicker needs to be addressed before construction starts. No solutions proposed to shadow flicker.
  - The actual size and type of turbine is not specified.
  - Concerns regarding the cumulative impact of surrounding turbine schemes and recent offshore developments.
  - Concerns regarding the impact on wildlife. There are buzzards, egrets and bats in the area.
  - If the development goes ahead, any funds generated should be prioritised for the host community.
  - The application should be viewed as a new application and a full impact assessment carried out to protect nearby residents.

### **Copy Letters A**

- 1.16 The period for publicity has expired.

## CONSULTATIONS

1.17 The following consultation replies have been received:

**Durham Tees Valley Airport** – DTVA and the applicant are currently in dialogue and intend to enter an agreement such that any effects of the proposed development can be managed and/or mitigated in line with a mitigation scheme. While DTVA is not yet in a position to accept the discharge of the aviation planning conditions, DTVA will not raise any objection to the application to vary the permission as set out in application H/2015/0471, in particular to allow the increase in rotor diameter.

**Civil Aviation Authority** - Having reviewed the information provided, the CAA note that while the overall maximum height appears to be unchanged, variations are proposed to the turbine rotor diameter.

The CAA also note that the original permissions were subject to conditions concerning the provision of radar data to Durham Tees Airport.

While the CAA have no specific comments on the variation, it is therefore strongly recommended that Durham Tees Valley Airport and other aviation stakeholders are re-consulted to ensure that their potential concerns are addressed in any consented variation.

**Ministry of Defence** - I am writing to tell you that the MOD has no objection to the proposal.

The application is for 5 turbines at 125.00 metres from ground level to blade tip. This has been assessed using the grid references below as submitted in the planning application or in the developers' or your pro-forma.

### Meteorological Office Radar

Please note that as of April 2015, the Met Office became a statutory consultee for planning relating to their technical infrastructure. Therefore the MOD has not informed the Met Office of this pre-application. If your development falls within any of the Met Office safeguarded zones you will need to contact the Met Office directly. More information is available on the Met Office website at <http://www.metoffice.gov.uk/learning/library/publications/safeguarding>.

The principal safeguarding concern of the MOD with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations. Defence Infrastructure Organisation Safeguarding wishes to be consulted and notified of the progression of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence interests. If planning permission is granted we would like to be advised of the following prior to commencement of construction;

the date construction starts and ends;  
the maximum height of construction equipment;

the latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area. If the application is altered in any way we must be consulted again as even the slightest change could unacceptably affect us.

**Highways England** - Beyond this response further iterations of the Construction Traffic Management Plan (CTMP) have been made. I am content that provided that the condition stated is met that this will suffice for planning purposes. As previously stated. I am happy if a later version of the CTMP is adopted.

Condition(s) to be attached to any grant of planning permission:

The Red Gap Wind Farm, Construction Transport Management Plan revised September 2015 should be adopted.

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.

**Natural England** - Having had a look at the location plan this is not a consultation where we would make specific comments. There are no statutorily designated sites within the vicinity of the development that would warrant a bespoke comment, and so the only issue would appear to impacts on protected species and BAP bird species. With regards to species, as discussed bringing forward the conditions from the original permission into this document should ensure they continue to be protected. We have produced Standing Advice for consideration of impacts upon protected species, and this is a material consideration when considering planning applications, so I would suggest having a look to ensure it is being complied with.

I also assume that the turbine locations take account of best practice guidance to be beyond 50m from blade tip to a bat commuting route, should surveys have identified their presence in the area.

I hope this is useful, and addresses your concerns, and to confirm: We would have no specific comments to make in relation to this proposal, so did not need to be consulted.

**Tees Archaeology** - As far as I can tell the proposals will have no additional impact on the archaeological resource of the agreed programme of mitigation. I therefore have no objection to the variations and have no further comments to make.

**HBC Landscape Architect** - Following review of the revised documentation relating to the requested variations of conditions there are no significant issues of landscape and visual impact. It is explicitly stated in the application that the increase of the turbine blade diameter to 103m (from 90m, an increase of approx. 14%) does not represent an increase in the overall height of the turbine; there should, therefore, be no significant impact on the landscape and visual elements already considered. There are no further comments at this time.

**HBC Public Protection** - Amend the noise condition to comply with the guidance set out in ETSU-R-97 to take account of the financial involvement of the residents of Red Gap Cottage.



The condition should now read after Hill House in para 1;

And shall not exceed 45dBLA90 10 min at wind speeds not exceeding 8 metres per second at Red Gap Cottage.

We require the following either as a planning condition or as part of the section 106 agreement to control shadow flicker;

In the event that significant shadow flicker impacts occur, mitigation measures will be discussed with the local planning authority and a Shadow Flicker Management Plan will be prepared. Such measures may include the preprogramming of one or more wind turbines with dates and times when shadow flicker would cause a nuisance. A photo sensor cell will also be used to monitor sunlight. The wind turbine will then be shut down, when the strength of the sun, wind speed and the angle and position of the sun combines to cause a flicker nuisance. Other mitigation measures may include screening receptors from the wind turbines by agreeing with owners to plant trees or install blinds on windows.

I have looked at the submitted ice mitigation technical details and would suggest that this system is fitted to the turbines where the turbine system is suitable for this installation.

**HBC Ecologist** - An updated Collision Risk Model (CRM) has been provided to inform the proposal for an increase in rotor diameter from 90 to 103m. The updated CRM acknowledges that guidance for undertaking CRMs has been updated since the original ES however the updated guidance states that there should be no substantive difference in the actual collision risk assessment of the new and older methodologies. More pertinent is that other, updated guidance, advises that geese avoid turbines to a much greater extent than was previously thought to be the case.

The Environmental Statement for the original application found Greylag Geese were the only species which were recorded in sufficient numbers for a CRM to be carried out and that the effects on other bird species would therefore be negligible. The CRM for the original application concluded that around 2.9 Greylag Geese per annum would be killed through collisions with the turbines. This was considered not to have any significant effect on the local population of this species.

The original CRM based its calculations on the, then, guidelines that 99% of geese that would otherwise fly through the rotor sweep of the turbines would be expected adjust their flight paths to avoid them. More recent guidelines, based on further research, now advise that 99.8% of geese would avoid the turbines. This means that the number of geese predicted to be killed by the turbines would only be in the order of one every two years rather than almost three each year. Therefore if the effects of the original application were assessed as being not significant this would be even more the case under the current scenario, regardless of the relatively small increase in rotor diameter.

**HBC Countryside Access Officer** - Please refer to previous comments made in relation to concerns regarding public rights of way and access to the site, during and

after completion of construction. These comments were made in previous applications for this development.

I don't have a problem with the control measures that the company have put in place, with regards to icing up of blades and how the turbine manages the potential problem. The document is very technical but I am satisfied that it covers how the operational safety and therefore public access safety is achieved.

Please see below for the comments from the original permission.

*A concern from the existing access (Public Footpath No. 22, Elwick Parish) is the impact that the construction work would have on the route. Any proposals for either temporarily diverting or temporarily closing the path would have to be discussed with myself, on behalf of the Council. The path is a popular route and one of the longest in the Borough. Any disruption would need to be kept to a minimum.*

*I always look to improve to the access available, either by improvements to the existing network or by creations that add to the networks potential for user enjoyment. This development gives the developer the opportunity to provide improvements to the existing access network in this area.*

*Similar schemes elsewhere in the country have seen footpath and higher status creations to the public rights of way network. These creations have not had a detrimental impact on the land or the development.*

**HBC Traffic & Transportation** – I have no highway or traffic concerns.

**HBC Conservation** – No comments received.

**Ramblers Association** – We have no comments.

**Elwick Parish Council** – No comments received.

**Wolviston Parish Council** – No comments received.

**Grindon Parish Council** – No comments received.

**RSPB** – no comments received.

**Tees Valley Wildlife Trust** – no comments received.

**Teesmouth Bird Club** – The club would like to make the following comments. Studies on the collision frequencies of birds deal only with Greylag Geese and ignore the daily flight line of seagull species to and from Crookfoot Res (a borough SNCI) for the purpose of fresh water plumage maintenance.

Calculations deal solely with actual impacts and fail to acknowledge pressure induced visceral damaged by impeller blade proximity. This is particularly the case for bats. I am staggered that no studies on bat utilisation of the air space was a requirement, given the proximity to the linear periphery of adjacent woodland. This is

a frequent requirement in such applications, and to claim this was not requested is a great surprise to the club.

**Durham Bird Club** – A detailed response was provided, please see Appendix 1 for a full copy. A number of concerns have been raised.

- Firstly with regards to a statement in the Collision Risk Model which states that if large concentrations of birds were moving across the site they would have been picked up by the surveys. It was emphasised that this statement is not correct as not everything is recorded in surveys.
- Concerns regarding the statement that larger blades will result in fewer collisions. The comments regarding avoidance are noted however further explanation is required.
- No up to date surveys carried out.
- If permission is granted the windfarm should be monitored for collisions for a period of 12 months.

**Campaign for the Protection of Rural England (CPRE)** – A detailed response was provided, please see Appendix 1 for a copy. Concerns raised are outline below.

- Concerns regarding residential amenity and the impact on the countryside.
- Comments made that a section 73 application (variation of condition application) is a new planning permission. The 2014 permission is clearly based on the original 2011 permission and this is out of date particularly in relation to shadow and flicker.
- Concerns raised regarding the noise review report. Tonality and amplitude modulation have not been considered and should be.
- The proposal will impact on shadow and flicker. There is no condition relating to this.
- Concerns regarding the relaxation of the noise level at Redgap Cottage. Further clarification should be provided regarding the financial interest of the occupiers of the cottage.
- It was queried how the submitted blade icing document will affect condition 18.

A rebuttal was provided by the applicant's agent (Peter Brett Associates) to the comments submitted by CPRE and Durham Bird Club. Please see appendix 1 for a full copy. Please see a summary below.

#### **Peter Brett Associates**

- The increase in rotor diameter is not considered to affect tonality as this is generally governed by mechanical considerations.
- There is a minor possibility that amplitude modulation may become more prevalent due to increased variation in wind speed across the rotor. This would also be counteracted by slower rotational speed. Amplitude modulation is also influenced by a number of factors and is difficult to quantify.
- The noise level change at Red Gap Cottage will be modest.
- It is confirmed that the overall tip height will not exceed 125m as previously approved.
- Shadow flicker investigation and mediation is covered in the legal agreement.

- With regards to the bird impacts, calculations are set out in the collision model. An updated bird survey was not requested by the Council. There have been no indications that bird activity has increased on the site since the original survey. Post construction surveys are not considered necessary due to the low risk of collisions. Such surveys have not been requested by the Council.

A response to Peter Brett's rebuttle was submitted by CPRE and Durham Bird Club. Again a copy can be found in appendix 1. A summary is however provided below.

#### **CPRE and Durham Bird Club**

- Previous comments and concerns on tonality and amplitude modulation still stand. The Council should consider imposing such conditions. Case law evidence was provided from *Hulme v SoS Communities and Local Government* and *RES Developments* where a condition relating to amplitude modulation was applied. Supporting evidence was also supplied from Dr John Yelland who considers this a serious risk and also questions the adequacy of the original noise impact assessment.
- There is still no clarification that the occupiers of Red Gap Cottage have a financial interest.
- Clarification is welcomed on the turbine height.
- Provision for shadow flicker should be provided within a condition.
- With regards to the bird collision document some clarification should be sought on how larger rotors will result in less collisions, as this result appears contradictory.
- There is no consideration on how the proposal will affect bats.

Additional information was submitted by the applicant's agent regarding the Collision Model Review after further information on the assessment methodology was requested by the Council's Ecologist. The Council's Ecologist was re consulted on these details and also provided responses to the concerns raised by Durham Bird Club and Teesmouth Bird Club.

**HBC Ecologist** - Thank you for forwarding the updated information from the applicant's ecologist. I have read that information and I have made the following comments with reference to the objections from Durham Bird Club and Teesmouth Bird Club.

#### **Durham Bird Club**

a) The comment about paragraph 2.2.6, that recent WeBS counts might not have picked up large concentrations of birds, is, of itself, a valid one as WeBS counts are only undertaken on one day each month. Nevertheless even if it were the case that goose numbers have not dropped since the original application, the impact on the local Greylag Goose population is still considered to be negligible.

b) With regards to the query as to why the increase in the rotor diameter produces fewer predicted collisions, the updated information from the applicant's ecologist confirms that the standard spreadsheet that is provided by Scottish Natural Heritage for calculating collision risk has been used in the case of the original application and

this amended application. While I don't dispute that the result is counter-intuitive, nevertheless the difference in collision risk is only 2%. When it is factored in that a large percentage of birds that would be predicted to collide with the turbines do in fact take avoidance action (99.8% based on the quoted research) then any difference either way would be negligible.

c) It is remarked that there has been no up to date survey, particularly with regards to Icelandic Greylag Geese, which are of much higher conservation priority than the local population, which consists of feral birds. However Icelandic Greylags are very rarely recorded in Cleveland with a total of only 14 birds recorded for the entire period 2000-2007 (Blick, M. A. 2010, "Birds in Cleveland"). There is no indication that I am aware of that this has changed significantly in the interim therefore the collision risk to one of these birds would be extremely low.

d) It is recommended that consideration should be given to monitoring the wind farm for a period, post construction. There are a number of monitoring requirements that were applied to the original application and these would continue to be required under the amended application.

#### Teesmouth Bird Club

The bird club notes that the site is a borough SNCI (now called Local Wildlife Sites), however its designation is for the number of bat species that are associated with the reservoir itself rather than for its bird interest. While it is the case that good numbers of gulls do regularly use the reservoir, as stated above any change in collision rates from that which would have been the case with the original application would be negligible.

With regards to the Teesmouth Bird Club's comments with regards to bat surveys. A suite of bat surveys was provided with the original application and further bat surveys were requested by the Council and subsequently provided. Impacts on bats were therefore assessed and any increased impacts as a result of this application would be negligible.

### PLANNING POLICY

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

#### Local Policy

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

GEP: General environmental principles  
 PU7: Renewable energy developments  
 Policy MWC4: Safeguarding of mineral resources from sterilisation  
 Rur14: The Tees Forest  
 Rur20: Special Landscape Areas  
 TRA15 Restrictions on Access to Major Roads

## WL7: Protection of SNCIs, RIGs, and Semi Natural Woodland

National Policy

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

Paragraph 17 – Core Planning Principles

Paragraph 97 – Renewable and Low Carbon Energy

Paragraph 98 – Determining Planning Applications

Paragraph 112 – Best and most versatile land

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

- 1.21 A Written Ministerial Statement by Secretary of State for Energy and Climate Change: ‘Onshore Wind’ dated 6<sup>th</sup> June 2013 provides that appropriately sited onshore wind, as one of the most cost effective and proven renewable energy technologies, has an important part to play in a responsible and balanced UK energy policy as it reduces reliance on imported fossil-fuels and helps keep the lights on and our energy bills down. The statement adds that the UK has some of the best wind resources in Europe, and that the Government is determined that the UK will retain its reputation as one of the best places to invest in wind energy.
- 1.22 A further Ministerial Statement on Renewable Energy Developments was issued by the Secretary of State for Communities and Local Government 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 insufficient weight is being given to local environmental considerations like landscape, heritage and local amenity. The new guidance makes it clear that the need for renewable energy does not automatically override environmental protections and the views of local communities should be listened to.

- 1.23 A further written ministerial statement by the Secretary of State for Communities and Local Government on 18<sup>th</sup> June 2015 advises that when determining applications local planning authorities should only grant permission if the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. Where a valid planning application for a wind energy development had already been submitted to a local planning authority and the development plan does not identify suitable sites, the statement advised transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.

## PLANNING CONSIDERATIONS

- 1.24 It should be noted that the principle of the development is already established via the original permission for the scheme H/2009/0231. All material planning considerations were assessed in full in the original officer's report for this permission. It is considered that the amendments sought will not significantly alter the original permission and the scheme will not be substantially altered in terms of its nature or massing. Notwithstanding this, statutory and technical consultees have been consulted on the application to assess the revised proposals. Each material planning consideration will be addressed in turn.

## PRINCIPLE OF DEVELOPMENT

- 1.25 The principle of the development has been established through the original permission. Both national and local planning policy seek to support renewable energy projects subject to environmental and amenity impacts being acceptable and/or mitigated.
- 1.26 A Written Ministerial Statement (HCWS42) was issued by the Secretary of State for Communities and Local Government published in June 2015. This states:

*"... When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:*

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and*
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.*

*In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines, or similar, will not be*

*sufficient. Whether a proposal has the backing of the affected local community is a planning judgement for the local planning authority.*

*Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.”*

- 1.27 The statement is explicit in the guidance offered; with the two final paragraphs of the statement being the most pertinent for the current application. The Council currently has an Adopted Local Plan (2006) which does not allocate “*suitable areas for wind development*” within a policy. Similarly there are no Neighbourhood Plans Adopted or in preparation in the Borough of Hartlepool which are seeking to specifically allocate areas “*suitable for wind development*” within a policy. In such circumstances the final paragraph of the statement sets out the transitional arrangements as to how the Council should approach decision making.
- 1.28 It is noted that a relatively small number objections were received to the development. This report acknowledges the fact that the site benefits from an extant consent, it addresses the planning impacts arising from the proposal and balances these against the benefits. It concludes that the proposal is acceptable.

#### LANDSCAPE AND VISUAL AMENITY

- 1.29 Concerns have been raised by CPRE and a local resident regarding the impact of the proposed changes on the landscape. A full assessment of the visual impact of the scheme was undertaken in respect to the original permission H/2009/0231. This included an assessment of the cumulative effect of Redgap and other existing projects and those planned in the area.
- 1.30 The Council’s Landscape Architect was consulted on the proposed amendments. It was stated that following review of the revised documentation there are no significant issues of landscape and visual impact. It is explicitly stated in the application that the increase of the turbine blade diameter to 103m (from 90m, an increase of approx. 14%) does not represent an increase in the overall height of the turbine. There should, therefore, be no significant impact on the landscape and visual elements already considered.
- 1.31 The proposed impacts on landscape and visual amenity are considered acceptable.

#### NOISE

- 1.32 A number of concerns have also been raised with respect to the level of noise from the turbines and the proposed increase in noise level requested at Red Gap Cottage. The CPRE have provided detail comments which include a request to condition tonality and amplitude modulation. The adequacy of the original noise assessment has also been questioned. It was suggested that a new noise assessment should be carried out by an independent body.



- 1.33 The Council's Public Protection section have raised no objection to the proposal and commented that a new noise limit can be applied to Red Gap Cottage (45BLA90) due to the financial involvement of the property in the scheme. In view of this it is considered that condition 12 can be updated accordingly.
- 1.34 With regards to the concerns raised by CPRE and local residents, it should be noted that no new survey data was requested or any additional conditions proposed with regards to tonality or amplitude modulation. This was not considered necessary by the Council's Public Protection section.

#### SHADOW FLICKER

- 1.35 A number of concerns have been raised regarding the potential impact the proposed increase in blade diameter will have on shadow flicker. Shadow flicker was considered in the officer's report for the original permission. The report outlined that an assessment had been carried out to identify properties which may experience shadow flicker during the operation of the turbines. The Environmental Statement indicated that three properties may experience over 30 hours per year of shadow flicker. A shadow flicker management plan which included further investigation and mitigation was included in the original legal agreement and subsequent variations. This is to be submitted before the operation of the turbines.
- 1.36 The Council's Public Protection section raised no concerns regarding the increase in rotor diameter and the potential impact on shadow flicker. It was commented that a management plan should be secured via a condition or through a legal agreement to address any issues that might arise. The legal agreement will be varied to ensure this requirement remains in place.

#### HIGHWAYS

- 1.37 Since the approval of the Sept 2012 Construction Traffic Management Plan (CTMP) which was approved under the section 73 application H/2012/0598 details within this document have changed. A revised CTMP has been submitted in support of this application dated November 2015. This includes an Abnormal Loads Routing Plan. The application seeks to update conditions 8 and 9 of permission H/2013/0555 to account for the revised document.
- 1.38 Highways England were consulted on the proposals and the revised document. No objections were received and it was stated that the Sept 2015 CTMP or any later version should be adopted via a condition.
- 1.39 The Council's Traffic & Transportation section had no highway or traffic concerns with the proposed amendments to the scheme.
- 1.40 In view of the above it is considered that the revised CTMP Nov 2015 is acceptable and conditions 8 and 9 can be updated accordingly.

## ECOLOGY

- 1.41 The Council's Ecologists was consulted on the application. No concerns or objections were raised in relation to the proposed amendments. The information provided was considered sufficient and no additional survey data was requested. The Collision Risk Model for Greylag Geese was assessed. It was considered that the increase in rotor diameter would not have a significant impact on the number of collisions, particularly as avoidance rates have increased with the type of turbine now proposed.
- 1.42 Concerns have been raised by Durham Bird Club regarding the Collision Risk Model Review which was submitted with the application. The concerns raised relate to the reduced risk in bird collisions with rotors of a longer diameter as this appeared to be contradictory in nature.
- 1.43 The Council's Ecologist commented that the updated information from the applicant's ecologist confirms that the standard spreadsheet that is provided by Scottish Natural Heritage for calculating collision risk has been used in the case of the original application and this amended application. It was not disputed that the result is counter-intuitive, that a longer blade would result in fewer predicted collisions, nevertheless the difference in collision risk is only 2%. When it is factored in that a large percentage of birds that would be predicted to collide with the turbines do in fact take avoidance action (99.8% based on the quoted research) then any difference either way would be negligible.
- 1.44 It is remarked in objections raised that there has been no up to date survey, particularly with regards to Icelandic Greylag Geese. The Council's Ecologist stated that Greylag Geese are of much higher conservation priority than the local population, which consists of feral birds. However Icelandic Greylags are very rarely recorded in Cleveland with a total of only 14 birds recorded for the entire period 2000-2007 (Blick, M. A. 2010, "Birds in Cleveland"). It was emphasised that there is no indication that this has changed significantly in the interim therefore the collision risk to one of these birds would be extremely low. Comments were made on the survey methods, the Council's Ecologist did acknowledge that surveys are only taken at certain times. Nevertheless even if it was the case that numbers had not dropped, the impact on the local Greylag Goose population is still considered to be negligible.
- 1.45 Durham Bird Club also recommended monitoring post construction. There are a number of monitoring requirements that were applied to the original application and these would continue to be required under a new permission. With regards to the comments from Teesmouth Bird Club, it is emphasised that the site is a borough SNCI (now called Local Wildlife Sites). The Council's Ecologist stated that its designation is for the number of bat species that are associated with the reservoir itself rather than for its bird interest. While it is the case that good numbers of gulls do regularly use the reservoir, as stated above any change in collision rates from that which would have been the case with the original application would be negligible.

- 1.46 With regards to bat surveys, the Council's Ecologist commented that a suite of bat surveys were provided with the original application and further bat surveys were requested by the Council and subsequently provided. Impacts on bats were therefore assessed and any increased impacts as a result of this application would be negligible.
- 1.47 It should be noted that Natural England had no specific comments as there are no statutory designated sites within the study area. It was commented that it would be sufficient to bring forward any conditions which involved the protection of specific species and also to have regard to Natural England's standard advice. No objections were raised.

#### AVIATION

- 1.48 Consultation has taken place with the Civil Aviation Authority, Ministry of Defence and Durham Tees Valley Airport to determine any potential effects on aviation operations. No objections were raised by any of the consultees. Durham Tees Valley Airport did state that they are currently in dialogue with the applicant and intend to enter an agreement such that any effects of the proposed development can be managed and/or mitigated in line with a mitigation scheme. The mitigation scheme is covered by an aviation radar condition on the previous permission (H/2013/0555). This condition will be brought forward to any subsequent permission. The response of the Met Office is currently awaited.

#### ELECTROMAGNETIC INTERFERENCE

- 1.49 As part of the original permission an assessment was carried out to determine the potential effects of the Red Gap wind farm on telecommunications and television reception in the vicinity of the site. A condition was placed on the original permission to mitigate any potential impacts. This condition will be brought forward to any subsequent permission.

#### ARCHAEOLOGY

- 1.50 Tees Archaeology were consulted on the application. It was commented that the proposals will have no additional impact on the archaeological resource of the agreed programme of mitigation. Consequently there were no objections or concerns raised.

#### RIGHTS OF WAY

- 1.51 The Council's Countryside Access officer was consulted on the application. It was stated that previous comments to the original application would still apply. A concern was raised regarding Public Footpath No 22 Elwick Parish which would require diverting during construction phases. Closing the path or diverting it would need to be discussed with the Countryside Access Officer. Improvements to the existing network were also requested in the original comments. This as previously would be secured via the legal agreement as part of the Landscape and Ecology Management Plan. In the original officers report it was confirmed that the Countryside Access

Officer and the Ramblers Association had no objections to the temporary diversion of the footpath.

#### ICE THROW

- 1.52 Wind turbines operating in cold climates may suffer from icing in certain weather conditions. A possible consequence of icy conditions is ice throw. Ice throw occurs when blade ice is thrown off during wind turbine movement, potentially harming maintenance crew or the public/users of the area. Particular weather conditions are required for severe ice build up. This is not a common occurrence across England. The applicant has however submitted a revised Ice Mitigation System document which outlines mitigation measures if icing were to occur.
- 1.53 The Council's Public Protection team and Countryside Access Officer were consulted on the document and no concerns were raised. It was mentioned verbally by the Public Protection team that the mitigation technologies could not be applied to all of the proposed turbine models (four options are provided in the covering letter with the application). It is therefore considered necessary to amend the condition in view of this; for further ice mitigation details to be submitted if a turbine model is installed which is not covered in the approved mitigation document.

#### MINERAL RESOURCES

- 1.54 It is noted that the site is within a mineral sterilisation zone, however the scheme does not involve the loss of a significant amount of land and would therefore not significantly impact upon potential extraction in the future. In any case it is considered that the benefits of renewable energy generation outweigh any impacts on mineral resources.

#### AGRICULTURAL LAND

- 1.55 The proposed scheme will result in the loss of a small amount of agricultural land. NPPF Paragraph 112 seeks to protect against the loss of best and most versatile land. The land is shown as grade 3 in Natural England mapping data. Grade 3 is split into 3A and 3B categories. Category 3A and above is classed as best and most versatile agricultural land. It is not clear whether the proposed site falls within category 3A or 3B, however Natural England have advised that they 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.
- 1.56 In view of the above, and the fact that the site already has an extant permission, does not involve a large take up of land and is also temporary, it is considered that the proposal will not have a significant impact on agricultural land.

#### RESIDUAL MATTERS

- 1.57 It was mentioned in a number of concerns raised that although the application seeks amendments to an existing permission (variation of condition section 73 application) a full assessment of the scheme should be made and new survey data/impact assessments requested. A section 73 application is classed as a new application

and a new decision notice will be produced. Conditions can also be added and/or removed from the last permission where necessary. It was considered that the documents submitted with this application were sufficient to assess the amendments proposed. A full assessment of the material planning considerations has been carried out.

- 1.58 A concern was raised that the actual size and type of the turbines is not clear. The applicant has set out four turbine model options in the covering letter to the application. A typical turbine elevation has been submitted with size parameters. The final turbine model details have been conditioned.
- 1.59 It was also raised that any generated funds/community benefit funds should be directed to the host community. This issue is not a material planning consideration but a matter between the developer and the host communities.
- 1.60 Concerns were raised regarding errors in the legal agreements; this involved references to incorrect schedules. This issue will be addressed during the preparation of the new legal agreement.

## CONCLUSION

- 1.61 National and local plan policy in principle supports the development of renewable energy proposals subject to the detailed consideration of any scheme. It is considered that the development would contribute to meeting the Government's aspirations to increase renewable energy generation and the impacts arising from the proposal discussed above must be balanced against this benefit. It should also be noted that the site benefits from an extant consent for a similar scheme which has been implemented, but not completed, and this material consideration must be given significant weight. Notwithstanding this the Council is of the opinion that in determining the application it undertook appropriate consultation and is satisfied that all planning impacts have been addressed. Bearing this in mind the Council considers that it has satisfied the requirements of the transitional arrangements as set out in the Ministerial Statement (HCWS42). In light of the above the Council is of the opinion that, in the context of the Ministerial Statement (HCWS42), the proposals have the backing of the affected local community. It is considered that the benefits of the proposal in terms of increasing renewable energy generation would outweigh any negative impacts. The proposal is recommended for approval.

## EQUALITY AND DIVERSITY CONSIDERATIONS

- 1.62 There is no evidence of equality or diversity implications.

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

- 1.63 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.

## REASON FOR DECISION

- 1.64 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out to account for the new permission and the following conditions in the Officer's Report.

**RECOMMENDATION** – APPROVE subject to the satisfactory response of the Met Office and the variation of the legal agreement relating to the site to account for the new permission and the following conditions.

1. The permission hereby granted is valid for a period of 25 years after the date of commissioning of the development. Thereafter the turbines and related structures shall be removed and the land restored to a condition to be first agreed in writing by the Local Planning Authority in excess of 6 months prior to the decommissioning and restoration taking place. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.  
To prescribe the exact period of permissible wind farm operation and to enable the local planning authority to identify a starting point for the operation of the wind farm.
2. The development hereby approved shall be carried out strictly in accordance with the submitted application and the following document(s) and the following plans submitted in connection with the original approval H/2009/0231 as amended by planning permission H/2012/0598 and the current application H/2015/0471: Red Gap Wind Farm Environmental Statement and Annexes (including Annex B Schedule of Mitigation) dated March 2009: Supplementary ES supporting information provided by ERM dated 18th June 2009: Amended ES Chapter 5 - Landscape and Visual Impact Assessment (LVIA) and related Annexes: Drawing Ref. 08.6045.007.GLA/PL/004 (Turbine Base Details, January 2009); Drawing Ref: 08.6045.007.GLA/PL/005 (Contractors Compound, Cable Trench and Access Track Detail, January 2009); Drawing Ref. 08.6045.007.GLA/PL/006 (Permanent and Temporary Masts, January 2009); Drawing Ref. Figure 3.6 (Typical Permanent Meteorological Mast, March 2009); Drawing Ref. Figure 3.8 (Proposed Access Track Section, March 2009); Planning, Design and Access Statement (28/06/2012); 'Environmental Report' dated 28th June 2012, Environmental Impact Review Report (13/12/2013), Drawing Ref. 150922/SKL-001 Rev: 00 (Proposed Site Layout Plan received 30/10/2015); Drawing Ref. PLTUB125-103 Rev: A (Typical Wind Turbine Detail received 30/10/2015); Drawing Ref. RGM - TSCBD - 001 Rev: A (Typical Substation & Control Building Details received 30/10/2015) : Drawing Ref.08.6045.007.GLA/PL/001 (Location Plan received 30/10/15) and the Environmental Report dated Nov 2015 (received 26/11/2015).  
To ensure that the development is carried out in accordance with the approved documents.
3. The methodology set out in the Avian Ecology Pre-construction Survey Methodology - Breeding Birds report (approved 3rd Nov 2015) shall be fully implemented and adhered to. Should breeding birds be found on site works

shall cease until a scheme of mitigation has been submitted to and agreed in writing by the Local Planning Authority.

To conserve protected species and their habitat.

4. The development shall be carried out in compliance with the approved Construction Method Statement received by the Local Planning Authority on 8 October 2012 in connection with planning permission H/2009/0231 as amended by planning permission H/2012/0598 and approved by the Local Planning Authority on 2 November 2012.

In the interests of the amenities of the area.

5. Pursuant to condition 4, all planting, seeding or turfing measures set out in the approved Construction Method Statement (CMS) shall be carried out in the first available planting season following the first operation of the development and any trees or plants which within a period of 5 years from the first operation of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

In the interests of the amenities of the area.

6. The development hereby approved shall be carried out in accordance with the Surface Water Management Strategy (SWMS) submitted to the Local Planning Authority 27/07/2012 in connection with planning permission H/2009/0231 as amended by planning permission H/2012/0598. Prior to the first operation of the development an as built drawing shall be submitted to the local planning authority for written approval.

In the interests of the amenities of the area.

7. The development shall be carried out in accordance with the traffic management arrangements contained in the Construction Traffic Management Plan Report dated Nov 2015 received on 12/1/2016. To safeguard the safety and free flow of traffic on the A19 trunk road to an extent that would be compatible with the use of the trunk road as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980.

8. The movement of abnormal loads to the development site via the trunk road network shall be carried out in accordance with section 7 and appendix A of the Construction Traffic Management Plan dated Nov 2015 received on 12/01/2016.

To safeguard the safety and free flow of traffic on the A19 trunk road to an extent that would be compatible with the use of the trunk road as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980.

9. Prior to the commencement of development written confirmation of the following details shall be provided to the Local Planning Authority, Ministry of Defence and Civil Aviation Authority: 1) Proposed date of Commencement of the Development 2) The maximum extension height of any construction equipment. Within 28 days of the commissioning of the final turbine, the Company shall provide written confirmation of the following details to the Ministry of Defence and Civil Aviation Authority: 1) Date of completion of construction; 2) The height above ground level of the highest potential obstacle (meteorological mast or wind turbine). 3) The position of that structure in latitude and longitude; 4) The aviation lighting details.

In the interests of aviation safety.

10. Prior to the installation of the turbines details of (1) The exact model, heights, specification and location of the turbines including colour finish: (2) The exact locations, heights and specifications of the switch room and meteorological monitoring mast: (3) The specification, location and width of internal access tracks and water course culverts: (4) Samples of the materials and/or details of the surface finishes (including colours) to be used on the external surfaces of all above ground components: (5) Details of any security, fencing and lighting measures required for the development during its operation, shall be submitted to and agreed in writing with the Local Planning Authority. In the interests of visual amenity.
11. The Wind Turbine Noise Levels as measured in accordance with clause (a) below: shall not exceed 60dBLA90 10 min between the hours of 07:00 and 23:00 and 54dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following locations: High Stotfold, The Old Mill, Middle Stotfold, Meadowvale, Stotfold Crest and Sunderland Lodge. And shall not exceed 48dBLA90 10 min between the hours of 07:00 and 23:00 and 46dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following locations: Close Farm, Embleton Farm, Low Swainston, Amerston Hall, Hole House and Hill House. And shall not exceed 45dBLA90 10 min between the hours of 07:00 and 23:00 and 45dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following location: Red Gap Cottage. And shall not exceed 51dBLA90 10 min between the hours of 07:00 and 23:00 and 45dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following locations: Amerston Hill and Stotfold Moor. And shall not exceed 48dBLA90 10 min between the hours of 07:00 and 23:00 and 45dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following location: Red Gap Farm. (a) The measurements undertaken to determine compliance with the noise levels specified in the conditions above shall be made using a sound level meter of at least type 1 quality (as defined in International Electro technical Commission (IEC) 61672-1: 2002 Class1) incorporating a windshield with a half inch diameter microphone in free-field conditions between 1.2 and 1.5 metres above ground level and at least 10 metres from any wall, hedge or reflective surface (using a fast time weighted response). "Wind Turbine Noise Level" means the measured noise level due to the combined effect of all the wind turbines excluding the existing background noise level "Background Noise Level" means the ambient noise level within the background environment (in the absence of noise generated by the development) "Free-Field Conditions" means an environment in which there are no reflective surfaces affecting measurements within the frequency region of interest. In the interest of the amenities of the area.
12. No development shall take place within the area of prehistoric/Romano-British settlement (Area 1 - see Fig. 2 of Archaeological Evaluation Report No. Y065/12) until a phased programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority has taken place. This condition may be waived in whole or in part if the developer can demonstrate, to the satisfaction of the Local Planning Authority, that appropriate provision



has been made for preservation in situ of the archaeological remains during the development.

The site is of archaeological interest.

13. Not later than six months after the development hereby approved becomes operational, a Decommissioning Method Statement (DMS) for the site, providing for the site shall be submitted to and be approved in writing by the Local Planning Authority. The site's decommissioning and restoration shall be undertaken in accordance with the approved DMS and shall be carried out and completed within 12 months from the date that the planning permission hereby granted expires.  
In the interests of the amenities of the area.
14. Any of the turbines hereby permitted which is not in operation for a period in excess of six months shall be dismantled and removed, and that part of the site restored in accordance with the approved DMS, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the area.
15. Development shall take place in accordance with the mitigation strategy set out in the 'Badger Mitigation Plan' received by the Local Planning Authority on 27 July 2012 in connection with planning permission H/2009/0231 as amended by H/2012/0598 and approved by the Local Planning Authority on 4 October 2012.  
To conserve protected species and their habitat.
16. Pursuant to Condition 15 as badgers are known to frequent the general area, precautionary working practices as detailed in the 'Badger Mitigation Plan' received by the Local Planning Authority on 27 July 2012 in connection with planning permission H/2009/0231 as amended by H/2012/0598 and approved by the Local Planning Authority on 4 October 2012 should be followed on site, to ensure that no badgers are harmed during works.  
To conserve protected species and their habitat.
17. The measures set out in the Ice Mitigation System Report (received 30/10/2015) shall be adhered to and retained for the lifetime of the development . If the turbines installed differ from the models referred to in the submitted report, prior to the commencement of operation, details of ice mitigation measures shall be submitted and approved in writing by the Local Planning Authority. The measures so approved shall be adhered to and retained for the lifetime of the development.  
In order to ensure adequate safety in specific conditions.
18. Development shall take place in accordance with the Baseline Television and Radio Signal Survey and Broadcast Reception Impact Assessment received by the Local Planning Authority on 27 July 2012 and the e-mail received by the Local Planning Authority on 27 September 2012 in connection with planning permission H/2009/0231 as amended by H/2012/0598 setting out the agreement with Arqiva to a period of 1 year from the date when the final turbine comes into generating service (i.e. when all turbines are operational together) for reception complaints to be received, as approved by the Local Planning Authority on 4 October 2012.  
In the interests of residential amenity.
19. No turbine shall be erected until a detailed scheme for the provision to air traffic controllers of Durham Tees Valley Airport ("the Airport") of Additional Radar Information in respect of aircraft and other radar returns over or within

three nautical miles of the boundary of the site which is subject of this planning permission has been submitted to and approved in writing by the Local Planning Authority in consultation with the Airport operator and all necessary approvals for the installation, testing and operation of the requirements of the approved detailed scheme have been obtained to the satisfaction of the Local Planning Authority in consultation with the Airport operator, including the regulatory approval by the Civil Aviation Authority where necessary.

In the interests of aviation safety.

20. The wind farm shall not commence operation until the requirements of the approved detailed scheme set out in condition 19 of this permission have been installed, effected, tested and become operational and any further necessary approvals for the same, including the regulatory approval of the Civil Aviation Authority, have been obtained, all to the satisfaction of the Local Planning Authority in consultation with the Airport operator. No variation to the approved scheme, including its implementation, shall take place except with the prior written consent of the Local Planning Authority.
- In the interests of aviation safety.

## **BACKGROUND PAPERS**

1.65 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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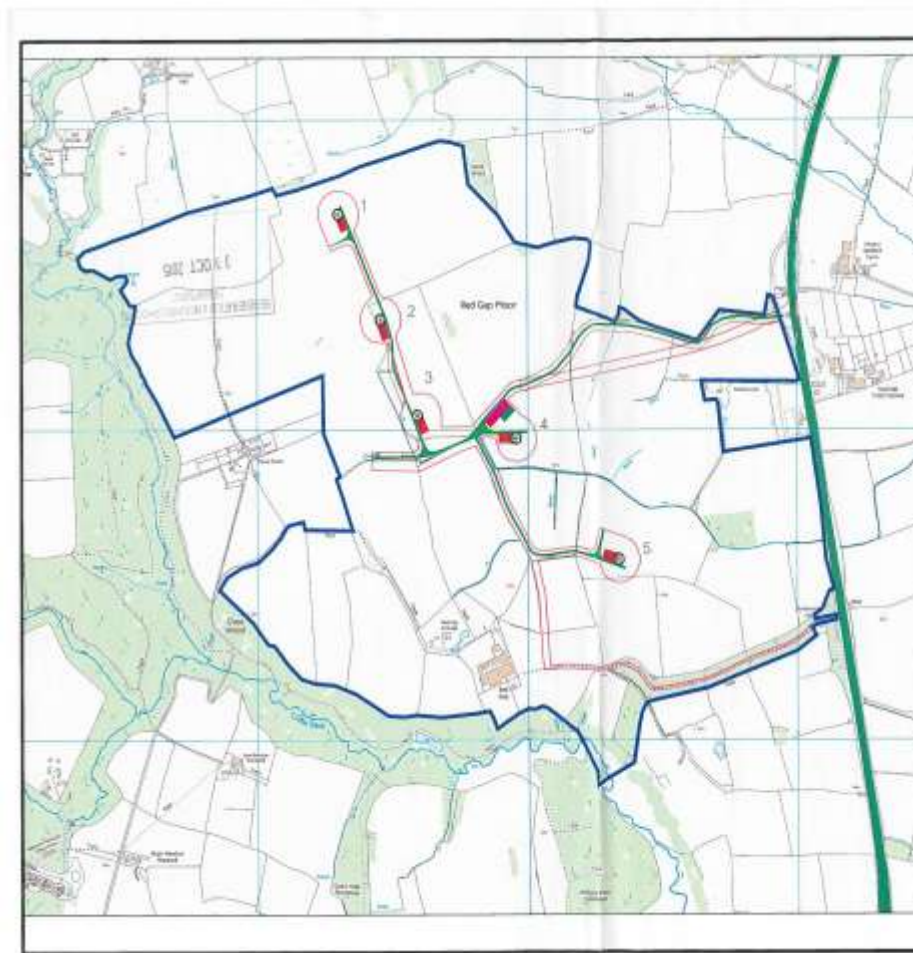
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REDGAP FARM



H/2015/0471.

## APPENDIX 1



**Durham Bird Club**

Registered Charity No 515101

Rose Cottage  
Old Quarrington  
Durham  
DH6 5NN

17 December 2015

Tel 07882780825

Planning Services Manager  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Dear Sir

**PLANNING APPLICATION H/2015/0471 – WIND FARM AT RED GAP MOOR**

I refer to this application under Section 73 of the Town and Country Planning act 1990.

The application does not of itself seek to vary any condition relating to birds but I note the Collision risk Model Review. I note the only species addressed is Grey lag Goose.

It is not clear how the Review is intended to be used but on behalf of the Club I wish to make the following comments

a) I note paragraph 2.2.6. It is not correct to say that if large concentrations were moving over the site that they would have been picked up by surveys at Crookfoot Reservoir. As someone who carries out surveys myself, I know that not everything is recorded. Volunteers are not there all the time. The Environmental Records Information Centre acknowledges that just because something is not recorded at a particular site does not of itself mean that it is not there.

b) I am concerned about the statements in the Review that a larger propeller results in fewer collisions (see eg Tables 1 and 2). I note the comments regarding the increase in avoidance to 99.8% as given by SNH. Whether that is true or not is another matter but I believe that the applicant should explain how it is that a number of turbines with longer propellers of themselves lead to fewer collisions.

1

There may be a valid reason for this but I represent it needs to be explained in full so that lay people can understand what is being claimed.

c) It appears that there has been no up to date survey to determine the current use of this site by geese and in particular whether there are any Icelandic specimens there.

d) If the application is granted permission, consideration should be given to including an additional condition to monitor the wind farm for any collisions at least for a specified period (say 12 months)

Yours faithfully

R Cowen

Richard Cowen



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17 December 2015

Planning Services Manager  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Dear Sir

**PLANNING APPLICATION H/2015/0471 – WIND FARM AT RED GAP MOOR**

As I recall, my colleague Elizabeth Mann made representations to the original application in 2011. Although this application, made under Section 73 of the Town and Country Planning Act 1990, covers specific issues, CPRE is concerned about residential amenity as well as the impact on the countryside. It is believed that this application may well have implications on both factors.

This application is said to be an application to "vary" certain conditions. However we note the heading to section 73 which is "Determination of applications to develop land without compliance with conditions previously attached". By virtue of Sub-section 2(a), we believe that the local planning authority is entitled to issue a new planning permission subject to entirely new planning conditions if that is deemed appropriate or to refuse the application. This is our understanding of the judgment in *Wilkinson v. Rossendale Borough Council* [2002] EWHC 1204 (Admin) where the judge said

"53. Applications under section 73 are frequently, and inaccurately, referred to as applications to "vary conditions". A decision under section 73(2) leaves the original planning permission (with the offending condition or conditions) unaltered. If a fresh planning permission is granted under section 73(2)(a), it is an entirely new planning permission for development, either unconditional or subject to different conditions. (See paragraph 28 of *Powergen, per Schiemann LJ*)."

We represent that this is important as the 2014 permission is clearly based on the original 2011 permission and we represent is out of date particularly in relation to noise and shadow flicker.

The Noise Report accompanying this application notes that the existing conditions do not have any provision relating to tonality or amplitude modulation. These are important considerations and if the model of turbine is to be changed to increase the propeller length, we submit that this may well have significant implications for noise, tonality and amplitude modulation.

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**President**  
Bill Bryson

**Chief Executive**  
Shaun Spiers

**Registered charity number**  
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We represent that this issue must be considered and, if a new permission is issued as sought, it must contain provisions to protect residents from the impact of these phenomena. The Noise Report suggests some voluntary measures will be taken to address these issues but that is not satisfactory. As planning conditions cannot be implied (see *Hulme v Secretary of State for Communities and Local Government* [2011] EWCA Civ 638 paragraph 13d, it is important that relevant conditions are included in the permission certificate.

This proposal is also likely to have a significant effect on shadow flicker. As there is currently no condition to address that at all, we represent that this must now be considered.

We note it is not intended to increase the overall tip height and represent that this must be strictly adhered to. If the lowest proposed hub height, as mentioned in the accompanying letter to this application, is 75 metres, the maximum diameter can only be 100 metres to retain the present permitted tip height, not 103 metres. Even this increased diameter may have an impact on the landscape and nearby residential properties but this should not be allowed to increase by default.

We also note the application to relax the noise condition at Red Gap Cottages. Our first comment is that the permitted noise levels here and at other properties appear to be high already, a suggestion also contained in the Noise Report paragraph 2.1. We note the letter from the owner of the farm about the occupiers of the Cottages but there is no confirmation from the occupiers nor any clarification as to what their financial interest may be. We note that occupiers do not have a financial interest purely by virtue of being tenants nor presumably by being relatives – see *The Queen (on the application of Joicey) v Northumberland County Council* and another [2014] EWHC 3657 (Admin). We represent that this issue must be addressed fully before agreeing to the application to amend this noise provision to a very high level.

We also note the report on ice but are unsure how Condition 18 is to be affected by this.

We represent that this application raises serious issues. The application to relax the noise condition at the Cottages causes us concern even if the occupiers of them do not object. We are concerned about the implications of an increased propeller length but acknowledge that, if conditions are attached as outlined above, it could well improve the existing permission,

Yours faithfully

R Cowen  
Richard Cowen

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1089685

Your ref: H/2015/0471

Our ref: 32778/EB

12 January 2016

Planning Services  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Attn: Fiona McCall

Dear Ms McCall

**RE: RED GAP WIND FARM**

**PLANNING APPLICATION REFERENCE H/2015/0471**

**RESPONSE TO REPRESENTATIONS MADE BY CPRE AND DURHAM BIRD CLUB**

I refer to the letters submitted by the Campaign to Protect Rural England (CPRE) and Durham Bird Club (DBC) on 17 December 2015 in respect of the above planning application.

We have reviewed the contents of both letters and provide responses to specific issues raised below:

**Response to CPRE Letter:**

**Noise Impacts**

The increase in rotor diameter is not considered to affect tonality since this is governed generally by mechanical considerations (e.g. gearboxes, generators etc) and there is no evidence that increasing the rotor length will result in increased tonal audibility. The issue of tonality is therefore not relevant to the changes proposed as part of the submission.

Nonetheless, as it is established practice the developer will obtain a warranty in relation to tonality.

There is a minor possibility that increased rotor length may result in amplitude modulation becoming more prevalent due to the increased variation in wind speed across the rotor diameter. However, this would be largely counteracted by the slower rotational speed. It is not possible to quantify the change since the factors causing amplitude modulation are not fully understood by the industry at large. Blade profile and other turbine-specific parameters are likely to have an influence, so it is not possible to determine that a turbine with a larger blade will be more susceptible.

The occurrence of amplitude modulation is still regarded as rare. There are a few examples of amplitude modulation occurring in turbines with 70m, 80m and 90m blades and therefore the issue exists irrespective of this proposal. The Salford study carried out in 2007 indicated that there were only four confirmed wind farms with known issues out of more than 100 surveyed. At present, there

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is no agreed rating method for amplitude modulation and therefore no basis on which a planning condition which could be imposed or enforced. Given that the previous condition had no wording in relation to amplitude modulation, that the occurrence is rare and that no agreed condition exists, it is not considered practical or appropriate to impose such a condition at this stage.

With regard to the proposed change in noise limits to Red Gap Cottage, only a modest change in the noise limits is suggested at this property – from 40 dB(A) in the daytime and 42 dB(A) during the night to 45 dB LA90 for both daytime and night-time periods.

This change would bring the noise limits in line with those imposed at Red Gap Farm. This is only a modest change and it should be noted that other third-party dwellings nearby (e.g. Close Farm) have higher noise limits. The residents living closer to the A19 will also receive higher noise levels than those proposed here. Wind turbine noise is generally at a level which is similar to, or lower than, other environmental noise sources such as traffic. This is not injurious to health and the main issue in regard to residential amenity is one of annoyance.

Surveys of residents living close to wind farms have shown that annoyance depends on many factors including non-noise issues such as visual aspects and other attitudinal factors. Residents are unlikely to be annoyed by wind turbines when they receive a financial benefit from their operation, as is the case here. It is therefore considered acceptable to have a higher noise limit in respect of Red Gap Cottage.

#### **Turbine Height**

We can confirm that the overall tip height will not exceed 125m as previously approved.

#### **Shadow Flicker**

Schedule 2, Part 2 of the Section 106 Legal Agreement (as amended by the Deed of Variation) in respect of planning permission reference H/2013/0555 requires the submission, prior to operation of the wind farm, of a scheme for the investigation and alleviation of Significant Shadow Flicker Effects.

It is therefore considered that a Shadow Flicker condition is not necessary given that provisions are secured in the Section 106 Legal Agreement.

#### Response to DBC Letter:

#### **Bird Impacts**

One of the primary concerns raised by DBC relates to how larger rotors can result in lower number of collisions. We have provided the mathematical calculations for this conclusion in the report. Should the Council require additional information with regard to the assessment methodology, this can be provided.

Comment (c) makes note of no further survey information being used to inform the assessment model. The applicant undertook pre-application discussions with the Council prior to its submission. Additional survey information was not requested during the pre-application process and therefore was not undertaken.

The baseline was established and impacts were assessed as part of previous surveys and there have been no indications that activity over the site has changed since surveys were undertaken. It is also considered that the site is of low bird use and there is no ecological benefit in additional surveys being undertaken.





With regard to post-construction surveys, as requested in the DBC response, it is not considered appropriate to undertake such surveys given the identified low risk of collisions, and the fact that such surveys have not been requested by the Council previously.

Should you have any queries in respect of the above, please feel free to contact me via telephone or email ([ebuckingham@peterbrett.com](mailto:ebuckingham@peterbrett.com) / 020 7566 8602).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Edward Buckingham'.

**Edward Buckingham**  
**Associate Planner**  
For and on behalf of  
**PETER BRETT ASSOCIATES LLP**



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28 January 2016

Planning Services Manager  
Hartlepool Borough Council  
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Hartlepool  
TS24 7BT

Dear Sir

# **PLANNING APPLICATION H/2015/0471 – WIND FARM AT RED GAP MOOR**

I refer to the response of Pater Brett Associates to my letters of 17 December 2015. For the sake of simplicity, I will include my Bird Club comments in this letter. I will therefore address each of his topics in turn

## **Noise impacts (CPRE letter)**

The issue here is that the existing conditions do not address tonality or amplitude modulation. I believe the arguments given in my letter stand and the council should now consider imposing such conditions. As I have mentioned, there is no power to imply a condition in planning law so if it is not there, there can be no breach of planning if such problems do in fact occur.

The applicant at paragraph 5.1 of the Noise Review accompanying this application acknowledges that there is no condition relating to tonality and then relies on some potential guarantee. As I have outlined in my letter, this is not acceptable and needs now to be addressed if this application is approved. This applies whether the revised model will increase the potential for tonality issues or not.

Regarding excess amplitude modulation, Mr Brett appears to be significantly out of date in this letter but to have recognised recent developments in paragraph 5.2 of the above Noise Review. I have been involved in this issue for some considerable time as a member of the Independent Noise Working Group which has been considering EAM issues. INWG was established after the industry accepted that there is a much greater problem than had been admitted. Dr Jeremy Bass, project manager and major contributor for the RUK AM study has clearly identified the need for AM conditions. Furthermore, it is a matter of public record that during a meeting on 7th November 2013 to discuss the so called "Den Brook" condition relating to Excess Amplitude Modulation (i.e. post the Salford Report), Dr Bass conceded that the industry's wind turbine line that excessive amplitude modulation is rare and that an amplitude modulation condition is not necessary to protect amenity was no longer tenable: "...that idea has been completely exploded by the weight of evidence presented by Mike Stigwood [MAS Environmental] in particular." Dr Bass went on to

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say that he suspected in the future, developers at public inquiries will no longer try the argument that EAM is rare and should not have a condition.

As a result of this concession, the Institute of Acoustics established its own sub-committee to consider this issue and report to Government. The INWG was also established at the same time to address the issue from a host resident's point of view and has also been reporting to Government.

As you may be aware, a condition relating to EAM (the Den Brook condition) was in fact approved by the Court of Appeal in the Hulme case mentioned in my previous letter and referred to above. While I acknowledge that this judgment has been criticised or even ignored on many occasions, it remains the law and so is binding as a precedent. I have addressed this in my own working paper WP6.1 for the INWG to consider whether the condition is in fact lawful and concluded that it is. My paper can be found by scrolling to the end of link <http://www.heatonharris.com/publications-wind>. This paper also considers the viability of using nuisance as an alternative to a condition and concludes that this is not a realistic option.

The fact that many in the industry have found the Den Brook judgment unwelcome does not affect this basic fact. The judgment is precedent and so binding on lower decision makers whether they agree with it or not, as can be seen from the judgment in *Mordue v Secretary of State for Communities and Local Government* [2015] EWHC 539 (Admin) where the judge, albeit with reluctance, was bound to follow the judgement of the Court of Appeal in *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137.

I have sought advice as to whether this application may in fact increase the risk of EAM. I attach as part of this response a letter I have received from Dr John Yelland who considers that this is a serious risk and also calls into question the adequacy of the original noise impact assessment. Clearly these issues are critical and the Council does have a duty to protect its residents from unacceptable noise, even if those residents are few in number.

While as yet the Government has not proposed any new condition to address EAM, I represent that there is a clear authority for an EAM condition in the Den Brook case.

I note the comments relating to increasing noise levels for Red gap Cottage. I believe the comments in my letter remain valid and there is still no direct evidence on the website from the occupiers of Red Gap Cottage to confirm whether or not they do have a financial interest. Consideration of the Joicey case remains valid. It is also not clear what financial benefits other residents in this location are to receive, as suggested in this paragraph. However, the INWG findings regarding complaints from people living close to wind farms do not accord with those mentioned by Mr Brett.

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The monitoring by residents of the Cotton Farm Wind Farm in Huntington demonstrates the issues relating to the level and frequency of noise affecting them.

#### **Turbine height**

I welcome this clarification

#### **Shadow flicker**

I note the comments of Mr Brett and have now considered the Section 106 Agreements. I remain of the view that this sort of provision should be contained in a condition although (subject to below) I accept that this process could resolve the issue as it was clearly omitted when the original planning permissions were issued. However, this application, if approved, gives the opportunity to regularise the position.

Clearly, the original Agreement contained a basic elementary error in that it referred to the wrong schedules, indeed to one that did not exist. The Variation Agreement attempts to remedy this but is still I represent flawed for the following reasons

- The definition of shadow flicker does not address the situation of any shadows that may affect the curtilage of a person's property. The following link shows how annoying this can be if the garden is affected by "shadow throw" and should be considered in this case, particularly if the rotor diameter is increased – see <http://www.youtube.com/watch?v=mDcQJ-tExe4>
- The original Agreement sought to place a duty on the Owner under Clause 7.1 as well as the principle duty of the developer under Clauses 8.1 and 9.1. All of these clauses mistakenly refer to Schedule 3, not Schedule 2. The Variation Agreement (by virtue of Clause 2.1.5) only corrects this mistake in relation to Clause 9.1, not the other two provisions.

I therefore represent that it is now appropriate to regularise the planning permission by including a shadow flicker/throw condition that accurately reflects the obligations and rights of all persons interested in this development. People can then know what the situation is without having to resort to a second document.

#### **Bird Impacts (DBC letter)**

I am content to leave this to the discretion of the Council but do still represent that, on the face of it, it appears illogical that rotors with a larger sweep should result in fewer collisions and that there should be some explanation for this apparently contradictory result.

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One further issue has been brought to my attention relating to bats. There is no consideration in this application to increase rotor diameter as to whether it will impact on bat foraging bearing in mind the relative proximity of woodland and watercourses. Has the Guidance on this as outlined by the Bat Conservation Trust been considered (see [http://www.bats.org.uk/pages/wind\\_turbines.html](http://www.bats.org.uk/pages/wind_turbines.html)).

Yours faithfully

R Cowen

Richard Cowen

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### John V Yelland MA DPhil (Oxon) MInstP FIET MIOA

Independent Consultant  
Acoustics and Electrical Engineering for Wind Farms

Signal House - Parkhurst Forest - Newport - Isle of Wight PO30 5UL 01983 533655, 07999 539000

Mr R Cowen  
Rose Cottage  
Old Quarrington  
Durham DH6 5NN

26th January 2016

Dear Mr Cowen

#### Red Gap Wind Farm

You enquired about the noise consequences of replacing 80 m diameter rotors by 93 m diameter rotors whilst maintaining the same tip height of 125 m. This has caused me to consult the noise impact assessment (NIA) submitted with the original planning application, which I find to be incompetent and misleading; I will begin however by responding to your question.

The hub height from the above figures was  $125 - 40 = 85$  m. The new hub height would be  $85 - (93 - 80)/2 = 78.5$  m. The minimum distance between the swept rotor circle and ground would be reduced from 45 m to 32 m. The proposed "variation" would have two serious effects:

1. The swept area of the blades would be increased by a factor of  $(93/80)^2 = 1.35$ . This 35% increase in power would yield a 35% (= 1.35 dB) increase in generation of both electrical power and noise power. Obviously the generator in the nacelle would also need to be of correspondingly higher generating capacity.
2. Further, and more seriously, the proposal's potential for EAM (excessive amplitude modulation) is almost a certainty, even according to the wind industry's own published research<sup>1</sup>. Essentially this document states that EAM is due to high levels of windshear vertically across the rotor. I illustrate this below by reference to figure 4 in my own recent paper<sup>2</sup>. It can be seen that lowering the hub height does not affect the wind speed at the top of the rotor if tip height remains the same but the wind speed at the bottom of the swept rotor disc is considerably reduced, thus increasing the difference in wind speeds between top and bottom and the risk of windshear.

The RenewableUK research document proposes a simple mechanism to explain EAM. Each blade when it passes through the blade zenith ("12 o'clock") position is rotating too slowly to "keep up" with the higher wind speed there, so temporarily stalls. This significantly increases the level of aerodynamic noise emitted by the blade, and also decreases its frequency. My own paper<sup>2</sup> takes this further forward by explaining how very low frequency emissions at the blade pass frequency and its harmonics are generated by flexing of the blade when going in and out of stall. The blade pitch is set for maximum power generation, and is optimum only around hub height. Obviously the greater the wind speed difference across the rotor the deeper and longer is the stall at blade zenith.

It is of interest that the RUK document even refers to the high risk of EAM from turbines with the compressed geometry of the proposal as the "stubby tower effect" (pdf pages 393 and 436 of ref. 2). I consider it highly probable that the proposal would cause its neighbours intolerable levels of EAM.

I now turn to Sgurr Energy's very seriously flawed NIA for this project. I have encountered this firm only twice before, once at a single turbine appeal and once in a wind farm application. The first was the appeal for the Wheal Jane Turbine<sup>3</sup>, in which Inspector Robert Mellor described the NIA as "deeply flawed", and dismissed the appeal. The most serious flaw was that the rainfall versus time data, which ETSU-R-97 requires to be used to identify and remove rain-inflated background noise data, was false. The rainfall data file submitted with the application was in fact from

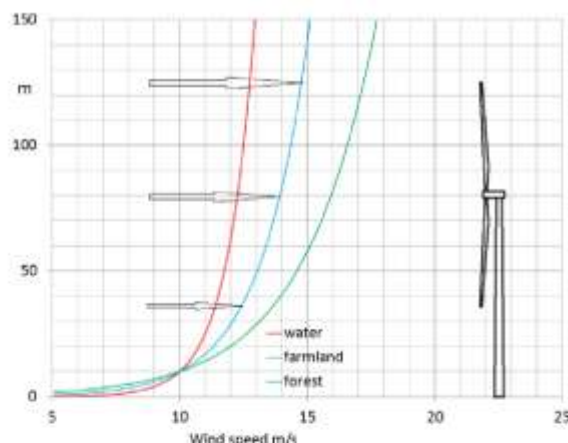


Figure 4: Wind shear; 125 m turbine on various terrains.

Penzance heliport, some 30 km distant from the turbine, so most unlikely to be synchronous with the rainfall at the turbine. Of far greater concern however was the fact that, because Penzance is a daytime heliport, there was almost no data for the ETSU-R-97 protected hours, a fact which the appellant's acousticians under cross-examination claimed they "hadn't noticed". How anyone could synchronise the wind farm and the heliport datasets without noticing that they scarcely overlapped in time I cannot understand.

My second experience of Sgurr Energy was when my NIA, and my appraisal of Sgurr Energy's NIA which I considered to be seriously flawed, were presented to East Lindsey District Council just

three days before the scheduled determination meeting for the Croft Wind Farm, application no. S/039/01184/12. The Council forwarded my documents to the applicant, and received a reply within about two hours. It withdrew the application (just 3 days prior to scheduled determination meeting) and stated that it would therefore "not be responding to Dr Yelland's comments".

The NIA for the Red Gap application was even more flawed than either of those above. I will cite just one aspect of its incompetence. It claims at "7 Results" to have surveyed the background noise at four receptors, and refers to figures 6 to 13 etc. as "results of noise surveys". The NIA shows four different sets of plots of wind direction versus wind speed, one for each receptor, all of which are different. Yet there was only a single met mast which provided that data. Furthermore there are identical patterns of datapoints on figures 6 and 7 at around 260°, but this cluster is shown at around 6.2 m/s in figure 6 and at 6.8 m/s in figure 7. There are many points between 20° and 160° which appear on figure 7 but not on figure 6. Single daytime and night time wind roses are of course the norm; figures 6 to 13 make no sense whatever. As for figures 14 to 21, claiming to show noise impact, the derived background noise "curves" are in fact suspiciously straight lines at unrealistically high noise levels with no justification whatever linking them to background noise measurements – indeed there is no evidence of any use of any background noise survey data. The claim that The Old Mill is a representative background noise survey location is most extraordinary; it is just 200 m from the busy A19 and some 2 km from the proposed wind farm.

The original application was consented without competent consideration of noise impacts by any party. Neighbours of the proposed wind farm are therefore at high risk from excessive noise and are given no effective protection by the current planning certificate. I appreciate that at this stage this problem cannot be rectified in the courts other than, when nuisance does occur, by means of nuisance laws. The risk would be yet higher were this application for a new permission to be granted, as there is an increased risk of EAM. If the application is granted, the opportunity should be taken to control the situation by now imposing appropriate conditions in relation to noise, providing for ETSU-R-97 compliance and the control of tonality and EAM.

John Yelland [yelland.john@live.fr](mailto:yelland.john@live.fr)

<sup>1</sup> RUK "Wind Turbine Amplitude Modulation: Research to Improve Understanding as to its Cause and Effect" Dec 2013

<sup>2</sup> Yelland JV "The Fundamentals of Amplitude Modulation of Wind Turbine Noise" Proceedings of IOA 2015 Conference

<sup>3</sup> Wheel Jane Turbine decision letter, PIN5 ref. APP/D0840/A/13/2196280.

**POLICY NOTE**

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

**ADOPTED HARTLEPOOL LOCAL PLAN 2006**

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

**PU7** (Renewable Energy Developments) - States that renewable energy projects will generally be supported to facilitate the achievement of national targets for electricity generating capacity. In determining applications significant weight will be given to achieving wider environmental and economic benefits. Account will also be taken of the impact on the character of the area, amenity of residents, ecology and radar and telecommunications. A restoration scheme should be submitted.

**Rur14** (The Tees Forest) - States that proposals within the Tees Forest should take account of the need to include tree planting, landscaping and improvements to the rights of way network. Planning conditions may be attached and legal agreements sought in relation to planning approvals.

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

**Tra15** (Restriction on Access to Major Roads) - States that new access points or intensification of existing accesses will not be approved along this road. The policy also states that the Borough Council will consult the Highways Agency on proposals likely to generate a material increase in traffic on the A19 Trunk Road.

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



conservation interest and secure ensure any compensatory measures and site management that may be required.

**Policy MWC4: Safeguarding of Minerals Resources from Sterilisation**

Within the minerals safeguarding areas, non-minerals development will only be permitted in the following circumstances:

- a) the development would not sterilise or prejudice the future extraction of the mineral resource because there is evidence that the resource occurs at depth and can be extracted in an alternative way or there is evidence that the resource has been sufficiently depleted by previous extraction; or
- b) the mineral will be extracted prior to development and this will not significantly adversely affect the timing and viability of the non-minerals development; or
- c) the need for the non-mineral development can be demonstrated to outweigh the need for the mineral resource.

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

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

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

- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

**97.** To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

**98.** When determining planning applications, local planning authorities should:  
 • not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-

scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

**112.** Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

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

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

## PLANNING COMMITTEE

17<sup>th</sup> February 2016



**Report of:** Assistant Director Regeneration

**Subject:** APPEAL AT 34 GLENTOWER GROVE  
HARTLEPOOL – APPEAL REF:  
APP/H0724/D/16/3142402 - ERECTION OF A  
SINGLE STOREY EXTENSION AT THE REAR,  
ALTERATIONS TO PROVIDE PITCHED ROOF TO  
GARAGE, RAISING OF ROOF TO PROVIDE ROOM  
IN ROOF SPACE AND INSTALLATION OF 2 NO.  
DORMER WINDOWS TO FRONT (H/2015/0431)

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council to refuse planning permission for the erection of a single storey extension at the rear, pitched roof above existing garage, raising of the roof to provide additional space, and installation of 2no. dormer windows at the front at 34 Glentower Grove, Hartlepool. The decision was made under delegated powers through the Chair of the Planning Committee. A copy of the report is **attached**.
- 1.2 The appeal is to be determined by written representation and authority is therefore requested to contest the appeal.

### 2. RECOMMENDATIONS

- 2.1 That Members authorise Officers to contest the appeal.

### 3. CONTACT OFFICER

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3.2 **AUTHOR**

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## DELEGATED REPORT

**Application No** H/2015/0431

**Proposal** Erection of a single storey extension at the rear, alterations to provide pitched roof to garage, raising of roof to provide room in roof space and installation of 2 no. dormer windows to front. (Demolition of existing rear extensions)

**Location** 34 GLENTOWER GROVE HARTLEPOOL

**PS Code:** 21

<b>DELEGATION ISSUES</b>	Neighbour letters:	10/11/2015
<b>1) Publicity Expiry</b>	Site notice:	N/A
	Advert:	N/A
	Weekly list:	15/11/2015
	Expiry date:	07/12/2015
	Extended date:	N/A
<b>2) Publicity/Consultations</b> The proposal has been advertised by way of seven Neighbour Notification letters and three Councillor Notification letters. Two responses were received. The first was from the neighbour at no.28 Brigandine Close and stated no objection. The second was a letter of support for the proposal. No objections or other comments have been received in addition to these.		
<b>3) Neighbour letters needed</b>	N	
<b>4) Parish letter needed</b>	N	
<b>5) Policy</b>  <u>Planning Policy</u>  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.

PARA 002 : Primacy of Development Plan  
 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 : Core Planning Principles  
 PARA 056 : Ensuring Good Design  
 PARA 196: Primacy of the Development Plan  
 PARA 197: Presumption in favour of sustainable development.

#### Relevant Planning Policies

GEP1: General Environmental Principles  
 Hsg10: Residential Extensions

## **6) Planning Consideration**

### **Site**

The property is a two storey detached dwelling located on the north eastern corner of Glentower Grove, Seaton Carew. The property faces south and has a two storey extension at the rear with attached garage to the western side. The front garden is bound by an approx. 0.75m high timber fence. The rear garden is bounded by an approx. 1.8m high timber garden fence. To the north are detached dwellings on Brigandine Close. To the south are two storey semi-detached dwellings on Glentower Grove. To the east is a detached bungalow followed by semi-detached bungalows. To the west are semi-detached bungalows, detached one and a half storey bungalows, followed by two storey semi-detached dwellings further west.

### **Proposal**

Planning permission is sought for the erection of a two storey rear extension (following demolition of the existing two storey extension), a single storey extension at the rear, alterations to raise the roof height with room in the roof space, provision of front dormer windows and alterations to existing garage to provide mono-pitched roof. The single storey rear extension will be built to join on to the existing garage creating an extension of approx. 12.8m in width (of which approx. 3.2m will be the original garage wall). The projection from the original rear wall will be approx. 3m and there will be a mono-pitched roof above with an eaves height of approx. 2.5m and an overall height of approx. 3.8m. The roof will be raised from the current ridge height of approx. 7.2m (excluding the chimneys) up to a height of approx. 9.7m with removal of the two chimneys. The front dormer windows will be positioned approx. 0.85m from the new ridge and will project approx. 2.5m from the new roof plane.

### **Material Planning Considerations**

The material planning considerations in regard to the above proposal are the impacts on visual amenity and neighbour amenity.

**Visual amenity**

In terms of the character of the street scene, it is noted that the host property is already somewhat dominant and unique due to it being a double fronted two storey dwelling. The surrounding properties are a mixture of detached and semi-storey bungalows and two storey semi-detached dwellings. Roof designs vary with pyramid style (on the detached bungalows) and double pitched styles (on semi-detached bungalows and two storey dwellings).

The existing pitched roof of the host property rises up to approx. 7.2m (excluding the chimneys). The proposed alterations to the roof involve raising the ridge height to approx. 9.7m (with removal of the chimneys). This change when taken alone is considered to be significant and would materially change the appearance of the dwelling. The current dwelling has a horizontal emphasis, the roof alterations would change this with the focus being on the vertical proportions. Given that this would effectively create a three storey dwelling, the overall proportions are considered to be of a scale which would be inappropriate in terms of the original character of the property and the prevailing character of the street scene. This impact would be emphasised given the modest nature of the bungalows adjacent to this site. In addition, the proposed front dormer windows are a feature which is not seen in nearby properties, again contributing to the dominating effect the extended dwelling would have on the street. It is considered that although the original dwelling is notably larger than the surrounding properties, the alterations would exacerbate existing issues of massing and scale and would be out of keeping with the character and appearance of the existing dwelling, the street scene and surrounding dwellings.

The other alterations involving two storey rear extension, single storey rear extension and mono-pitched roof above garage are considered to have a lower overall impact. However, the proposed width of the two storey rear extension together with single storey extension at the rear, would make the dwelling significantly larger.

When taken as a whole, the proposed alterations are considered to be incongruous with the scale and style of the original dwelling and would have a detrimental impact on the visual character of the dwelling and street scene. The proposal would be contrary to policies GEP1 and Hsg10 of the Hartlepool Local Plan 2006.

**Neighbour amenity**

Taking first the impact on the neighbour at no.32 Glentower Grove, this bungalow is located approx. 3m at the closest point from the shared boundary. The host property is also built approx. 1.5m from this boundary with a path round the side. It is noted that the separation increases along the northern elevation towards the rear of the property, with a roof window on the plane facing the host dwelling. However, given the orientation of this neighbour in terms of the host dwelling, it is considered that the proposed alterations would not significantly impact upon the outlook or be overbearing to this dwelling.

In relation to the neighbouring dwelling at no.36 Glentower Grove, this property is situated approx. 2.5m to the west of the shared boundary. The proposed garage

will utilise the existing wall meaning no change in terms of separation distance along the eastern boundary. This aspect when taken alone would have no significant impact on neighbour amenity. However, the existing dwelling already creates some overshadowing on the eastern side of this neighbour. Given the extent of the increase in roof height, the proposed changes would increase the level of overshadowing to the eastern elevation of this neighbour. Although a notable impact, this is not considered to be a significant impact which would warrant a refusal.

In terms of the neighbouring properties at the rear (no's 26-29 Brigandine Close) the host property is noted to be separated by approx. 15m from the rear boundaries of these neighbours. The proposal is therefore not considered to be overbearing, or to cause significant overshadowing or loss of privacy. It is however noted that the outlook of these neighbours would change as a result of the roof alterations. However, this impact is again not considered to be significant to warrant refusal.

In relation to the impact on the neighbour at no.29 Glentower Grove, this property faces north towards no.36 Glentower Grove and only partially towards the host dwelling. Given the existing arrangement and proposed changes, it is not considered that this neighbour would be significantly affected by the proposal.

### **Conclusion**

In relation to the material planning considerations examined above, the proposed alterations to the dwelling house by nature of their design are considered to have a significant and detrimental impact on the character of the dwelling and the street scene in terms of scale, massing, and dominance. The proposal is contrary to Saved Policies GEP1 and Hsg10 of the Hartlepool Local Plan 2006 and is therefore recommended for refusal.

## **7) EQUALITY AND DIVERSITY CONSIDERATIONS**

There are no equality or diversity implications.

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

There are no Section 17 implications.

## **9) Chair's Consent Necessary** Y

## **10) Recommendation - REFUSE**

### **CONDITIONS/REASONS**

1. The proposed extensions and alterations to the roof of the dwelling would by nature of their scale and design, dominate the street scene and have a significant and detrimental impact on the character of the dwelling, the visual amenity of the area and would be an incongruous alteration contrary to the prevailing character of the area. The proposal is contrary to Saved Policies GEP1 and Hsg10 of the Hartlepool Local Plan 2006 and paragraphs 56, 196 and 197 of the NPPF.

### **INFORMATIVE**

The Local Planning Authority in arriving at its decision to refuse this application has,

without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, given the impact on the character of the property, visual amenity, and the street scene it is not possible to address this key constraint in this specific instance.

**Signed:**

**Dated:**

Planning Team Leader DC

I consider the scheme of Officer/Chair delegation to be appropriate in this case

**Signed:**

**Dated:**

Chair of the Planning Committee

## PLANNING COMMITTEE

17 February 2016



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

**Subject:** UPDATE ON CURRENT COMPLAINTS

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### 1. PURPOSE OF REPORT

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

1. An investigation has commenced in response to a complaint regarding the erection of a structure in the rear garden of a residential property in Hillston Close.
2. An investigation has commenced in response to a complaint regarding the change of use from a day nursery to a gymnasium at a community centre in Darlington Street.
3. An investigation has commenced in response to a complaint regarding the storage of oil, petrol and gas at the rear of a commercial premises in Hart.
4. An investigation has commenced in response to a complaint regarding the change of use from a restaurant to a hot food takeaway at a commercial premises in Tower Street.
5. An investigation has commenced as a result of Officer monitoring regarding non-compliance with a condition relating to the use of a storage unit at a commercial premises in Sarah Street.
6. An investigation has commenced in response to a complaint regarding the storage and repair of vehicles at a residential property in Westbourne Road.
7. An investigation has commenced in response to a complaint regarding external cladding at the rear of an apartment block at Navigation Point.
8. An investigation has commenced in response to a complaint regarding the running of a construction business from a residential property on Egerton Road.

9. An investigation has commenced in response to a complaint raised by the Council's Revenues Team regarding the change of use of a residential dwelling to flats at a property in Tankerville Street.
10. An investigation has commenced as a result of action taken by the Council's Heritage and Countryside Team regarding the poor condition of a listed building in Church Street.
11. An investigation has commenced as a result of concerns raised by the Council's Housing Services Team regarding non-compliance with a condition relating to the use of an annexe to a residential property in Stockton Road.
12. An investigation has commenced in response to a complaint raised by the Council's Public Protection team regarding the change of use of a shop to a dance studio at a commercial premises in Tower Street.
13. An investigation has been completed in response to a complaint regarding the installation of an area of hardstanding to the front of a residential property in Birchill Gardens. The area was found to be paved with permeable block paving, therefore permitted development rights apply.
14. An investigation has been completed in response to a complaint regarding the proposed demolition of a garage block in Ridlington Way. Following helpful assistance from the site owner it was found that arrangements for the proposed demolition are still at a preliminary stage and that the owner is aware of the need to submit prior notification to the local planning authority.
15. An investigation has been completed in response to a complaint regarding the untidy condition of an area to the side of a vacant shop in Sheriff Street. Fly tipped refuse and overgrown weeds were removed from the site by the Council's Grounds Maintenance Team as a result of action taken under section 215 of the Town and Country Planning Act.
16. An investigation has been completed in response to a complaint regarding the repair of motor vehicles at a residential property in The Meadow. The level of activity was considered to be incidental to the use of the property as a residential dwelling, and this was supported as a result of monitoring by the Council's Public Protection Team.
17. An investigation has been completed in response to a complaint regarding non-compliance with a condition relating to the commencement of development at the site of a former training centre on The Parade. A renewed planning application for development of the site has subsequently been received.
18. An investigation has been completed in response to a complaint regarding the siting of static caravans at a residential property in Dalton Piercy. Upon visiting the site, no evidence of the siting of static caravans was found.
19. An investigation has been completed in response to a complaint regarding the operation of an agricultural machinery repair business from a residential property in Dalton Piercy. The level of activity was found to be occasional



only and considered incidental to the use of the property as a residential dwelling, therefore not resulting in a material change of use.

20. An investigation has been completed as a result of a complaint regarding the use of a car wash premises in Whitby Street being used as living accommodation. Upon visiting the premises it was found that no part of it was being used as living accommodation and therefore no resulting material change of use had occurred.
21. An investigation has been completed in response to a complaint regarding the parking of vehicles with 'For Sale' signs on an area of public open space adjacent to a residential property in Greatham. Following a number of monitoring site visits, no evidence of an ongoing issue was apparent, therefore no further action is recommended.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

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