

PLANNING COMMITTEE AGENDA



Wednesday 30 November 2016

at 10.00 am

in the Council Chamber,
Civic Centre, Hartlepool.

MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Barclay, Belcher, Black, Cook, James, Lawton, Loynes, Martin-Wells, Morris and Robinson.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the meeting held on 16 November (*to follow*)

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Director of Regeneration and Neighbourhoods*

1. H/2015/0354 Land at Hart Reservoir, Hart Lane

5. ITEMS FOR INFORMATION

No items

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

7. 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.



The next scheduled meeting of the Committee will take place on 14 December, 2016 commencing at 10.00 am in the Civic Centre, Hartlepool.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

16 November 2016

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

Present:

Councillor: Stephen Akers-Belcher (In the Chair)

Councillors: Allan Barclay, Sandra Belcher, Rob Cook, Marjorie James, Brenda Loynes and Jean Robinson

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

Officers: Peter Devlin, Chief Solicitor
Andrew Carter, Planning Services Manager
Jim Ferguson, Planning Team Leader (DC)
Sylvia Pinkney, Head of Public Protection
Mike Blair, Technical Services Manager
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Kieran Bostock, Principal Engineer (Environmental Engineering)
Helen Heward, Senior Planning Officer
Daniel James, Senior Planning Officer
Jo Stubbs, Democratic Services Officer

54. Apologies for Absence

Apologies were submitted by Councillors James Black, Trisha Lawton, Ray Martin-Wells and George Morris.

55. Declarations of interest by members

Councillors Stephen Akers-Belcher, Allan Barclay and Marjorie James declared personal interests in planning application H/2016/0235 (Manor College of Technology)

56. Confirmation of the minutes of the meeting held on 21st September 2016

Minutes confirmed

57 Confirmation of the minutes of the meeting held on 19th October 2016

Minutes confirmed

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

Number: H/2015/0354

Applicant: Mr Brett Wilkinson 25a Parkview West Industrial Estate HARTLEPOOL

Agent: David Stovell & Millwater 5 Brentnall Centre Brentnall Street MIDDLESBROUGH

Date received: 21/12/2015

Development: Outline planning application with some matters reserved for residential development (up to 52 dwellings) with associated access and highway works and creation of wildlife ponds, park, footpaths, public car park, landscaping and open space areas.

Location: Land at Hart Reservoir Hart Lane HARTLEPOOL

The agent, David Stovell, urged members to support the application referring to the officer recommendations contained in the report. A member requested that consideration of this item be deferred to allow a site visit to take place. This was supported by a majority of members. The Chair asked that in future requests for site visits be made by members in advance of meetings.

Decision: **DEFERRED** for site visit

The Committee considered representations in relation to this matter.

Councillor Rob Cook left the meeting.

Number: H/2016/0235

Applicant: Mr Tom Garrett Kier Construction 7 Merchant Court Koppers Way HEBBURN

Agent: Kier Construction Mr Tom Garrett 7 Merchant Court Koppers Way HEBBURN

Date received: 01/07/2016

Development: Raise levels of existing football pitch and creation of landscaping mounds

Location: Manor Comprehensive School Owton Manor Lane
HARTLEPOOL

Members queried whether the existing mound had been tested for contamination. The Principal Engineer advised that the mound itself had not been tested however it consisted of materials from the demolitions on site which had been tested previously. The Chair queried whether there was any scope to reduce the height of the proposed new mound or look at moving the rubbish offsite. Stuart Semple, speaking on behalf of the applicant, indicated that some of the rubbish would be moved offsite in due course. In terms of the height this could be reduced from 2.7m to 2m.

Mr Preston spoke against the application. He referred to the impact this had had on him and his property in terms of anti-social behaviour and overlooking. There had been a number of incidents including his car tyres being slashed and house windows put through which had involved the police but the school had made no effort to improve the situation for him. If another mound was put in place this would only exacerbate these problems. He also raised concerns at a potential flood risk.

Members were not satisfied with the response from Mr Semple. The Chair in particular expressed disappointment at the lack of compromise which led him to feel unable to support what was otherwise a good overall scheme due to the adverse impact it would have on residents. Members highlighted concerns around anti-social behaviour, visual impact, loss of privacy, pollution and contaminated land. They questioned why the police and Council had not raised objections to this application in light of these concerns.

Members unanimously voted against the application.

Decision: **REFUSED**

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority by virtue of the scale and position of the mounds the proposed development would result in areas which are not readily surveyed therefore the proposed development could give rise to issues of anti-social behaviour in the local area, crime and fear of crime, to the detriment of the amenity of the occupiers of neighbouring residential properties and the surrounding area contrary to Policy GEP1 of the Hartlepool Local Plan (2006) and paragraph 17 of the NPPF.

2. In the opinion of the Local Planning Authority by virtue of the height and position of the landscaping mounds the proposed development would result in an incongruous feature to the detriment of the character and appearance of the surrounding area contrary to policy Gep1 of the Hartlepool Local Plan (2006) and paragraph 17 and 56 of the NPPF.
3. In the opinion of the Local Planning Authority by virtue of the size of the mounds and proximity to the shared boundary with number 8 Ivanhoe Crescent the proposed mounds would result in potential overlooking of the rear garden and conservatory serving this neighbouring property. Therefore the proposal would result in a detrimental impact upon the amenity of this neighbouring property contrary to policy GEP 1 of the Hartlepool Local Plan (2006) and paragraph 17 of the NPPF.
4. The applicant has failed to demonstrate that the materials forming the mounds will not contain contamination raising concerns with regard to public health contrary to paragraph 120 of the NPPF.

The Committee considered representations in relation to this matter.

Number: H/2016/0404

Applicant: Mr David Picken 61 Millston Close HARTLEPOOL

Agent: West Hartlepool RFC Mr David Picken 61 Millston Close HARTLEPOOL

Date received: 23/09/2016

Development: Variation of Condition No 1 of H/2015/0017 to allow opening hours Monday to Thursday 12.00pm to 23.00hrs, Friday and Saturday 12.00pm to 01.00am, Sunday and Bank Holidays 12.00pm to midnight

Location: WEST HARTLEPOOL RUGBY FOOTBALL CLUB
CATCOTE ROAD HARTLEPOOL

The Applicant, Dave Picken, advised members that this variation had been requested to enable the club to open for private functions without applying for a special licence each time. They did not intend to open at these hours permanently and would only utilise the later opening hours if asked to by those booking for a private function. Members approved the application unanimously subject to the final consideration of any representations received before the expiry of the press advert.

Decision: **Minded to APPROVE** subject to the consideration, by the Planning Services Manager and the Chair and Vice-Chair of the Planning Committee of any

further representation, received before the expiry of the consultation period set out in the press advert

CONDITIONS AND REASONS

1. The premises shall only be open to the public between the hours of 1200hrs and 2300hrs Monday to Thursday, 1200hrs to 0100hrs Friday and Saturday and 1200hrs to midnight Sundays and Bank Holidays and at no other time.

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

2. For the avoidance of doubt all conditions attached to the original planning consents approved under H/2012/0572, H/2013/0453 as varied by H/2014/0300, H/2015/0017 and H/2015/0323 shall continue to apply and be complied with unless varied by this approval.

For the avoidance of doubt.

The Committee considered representations in relation to this matter.

Number:	H/2016/0289
Applicant:	Mr Robert Robinson PALACE ROW HART HARTLEPOOL
Agent:	Mr Robert Robinson 6 PALACE ROW HART HARTLEPOOL
Date received:	01/07/2016
Development:	Demolition of garage and erection of a single storey extension to side and rear, alterations to garden wall and patio and provision of hardstanding parking area to side (resubmitted application)
Location:	6 PALACE ROW HART HARTLEPOOL

The Planning Team Leader reminded members that this application had previously been deferred to allow for mediation between the applicant and objector. The Council’s mediation team had been engaged and they had contacted the 2 parties however agreement had not been reached and mediation had not proceeded. Members were therefore asked to make a decision on this application. They voted unanimously to approve the application.

Decision: Planning Permission **APPROVED**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the details and the plan (Site Location Plan) received by the Local Planning Authority on 01/07/16 and the amended plan (Proposed GA Plans Dwg No. 1891/2 Rev A) received by the Local Planning Authority on 05/09/16.
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. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting the Order with or without modification), no window(s) shall be inserted in the east elevation of the extension facing no.5 Palace Row without the prior written consent of the Local Planning Authority.
To prevent overlooking.
5. Notwithstanding the submitted details and prior to the commencement of development, a scheme of landscaping to include tree planting to the west of the property shall be submitted to and agreed with the Local Planning Authority. 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.

Number: H/2016/0364

Applicant: MR T EATON T EATON DEVELOPMENTS LTD
TAMEBRIDGE STOKESLEY

Agent: AJ RILEY ARCHITECTS MR A RILEY 24
BEDFORD ROAD NUNTHORPE
MIDDLESBROUGH

Date received: 02/09/2016

Development: Subdivision of Plot 1 and the erection of two detached dwellings with attached garages, means of access, boundary enclosures and landscaping

Location: Plot 1 Manorside Phase 1 Wynyard BILLINGHAM

Members voted to support this application unanimously.

Decision: **Minded to APPROVE** subject to the variation of the original legal agreement completed in connection with application H/2014/0581 , or the completion of a new legal agreement, to secure additional developer contributions of £9,641.01 towards affordable housing; £1,822.28 towards secondary education; £2,888.55 towards primary education; £250 towards green infrastructure; £250 towards play; £250 towards built sports; £233.29 towards playing pitches; £57.02 towards tennis courts and £4.97 towards bowling greens and subject to the conditions outlined in the report

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plans AJR16:121 Dwg No: 05 (proposed site location plan), AJR16:141 Dwg No: 04 (proposed site layout plan) received by the Local Planning Authority on 2 September 2016 and AJR16:141 Dwg No: 06 (plot 1 proposed elevations 1 of 2), AJR16:141 Dwg No: 07 (plot 1 proposed elevations 2 of 2) received by the Local Planning Authority on 2 November 2016 and AJR16:141 Dwg No: 01 (plot 1A proposed floor plans), AJR16:141 Dwg No: 02 (plot 1A proposed elevations 2 of 2) received by the Local Planning Authority on 22 August 2016 and AJR16:141 Dwg No: 03 Rev A (plot 1A proposed elevations 1 of 2), AJR16:121 Dwg No: 06 (site location plan), AJR16:141 Dwg No: 05 Rev A (plot 1 proposed floor plans) received by the Local Planning Authority on 31 October 2016.
For the avoidance of doubt.
4. The landscaping shall be carried out in accordance with the details submitted on drawing AJR16:141/04 (proposed site layout plan) received at the Local Planning Authority 2 September 2016.
In the interests of visual amenity.
5. 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.

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

In the interests of visual amenity.

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

To prevent the increased risk of flooding and to ensure future maintenance of the surface water drainage system.

8. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

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

9. The development hereby approved shall be carried out in accordance with the following:

1. Site Characterisation

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

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

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

CLR 11'.

6. Extensions and other Development Affecting Dwellings.

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

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting the Order with or without modification), no additional windows(s) shall be inserted in the side elevations of the properties without the prior written consent of the Local Planning Authority.

To prevent overlooking.

11. Notwithstanding the provisions 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), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.

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

12. Notwithstanding the provisions 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), no sheds or incidental buildings shall be erected without the prior written consent of the Local Planning Authority.

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

13. The proposed window(s) of plot 1 at first floor in the west elevation facing plot 1A serving the en-suites for bedrooms 3 and 4 shall be glazed with obscure glass and the windows at ground floor facing plot 1A serving the living room shall be fixed and obscurely glazed. The proposed window(s) of plot 1A at first floor in the east elevation facing plot 1 serving the master en-suite shall be obscurely glazed. The obscure glazing shall be to a minimum of level 4 of the 'Pilkington' scale of obscurity or equivalent and which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist(s). The application of translucent film to the window would not satisfy the requirements of this condition.

To prevent overlooking.

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

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

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

15. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

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

16. No development shall commence until the boundaries of 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.

17. Prior to the commencement of development of each individual plot hereby approved, a scheme highlighting how site CO2 emissions will be reduced by 10% over the maximum CO2 emission rate allowed by the Building regulations Part L prevailing at the time of development, will be submitted to and approved in writing by the Local Planning Authority on a plot by plot basis. The development hereby approved shall be constructed in line with the approved scheme.

In the interests of sustainable construction.

59. Appeal at Horseshoe Hill, Quarry Lane, Brierton Lane, Hartlepool (*Director of Regeneration and Neighbourhoods*)

Members were advised that the appeal against the Council's decision to refuse this application under delegated powers had been dismissed. A copy of the decision was attached.

Decision

That the report be noted

60. Update on current complaints (*Director of Regeneration and Neighbourhoods*)

Members were advised of 19 ongoing issues currently being investigated. A Councillor requested an update on a long standing issue with a property in Netherby Gate. The Planning Team Leader advised that investigations were ongoing.

Decision

That the report be noted.

The meeting concluded at 10:45am.

CHAIR

No:	1
Number:	H/2015/0354
Applicant:	Mr Brett Wilkinson 25a Parkview West Industrial Estate HARTLEPOOL TS25 1PE
Agent:	David Stovell & Millwater 5 Brentnall Centre Brentnall Street MIDDLESBROUGH TS1 5AP
Date valid:	21/12/2015
Development:	Outline planning application with some matters reserved for residential development (up to 52 dwellings) with associated access and highway works and creation of wildlife ponds, park, footpaths, public car park, landscaping and open space areas.
Location:	Land at Hart Reservoir Hart Lane HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 The application was submitted in September 2015 for up to 70 dwellings. Following the initial assessment of the application and receipt of consultation responses, a number of issues were raised with the scheme primarily relating to highway, ecology, drainage and heritage matters, in addition to concerns over the housing density. Since December 2015, additional/amended plans and information has been submitted in order to address these issues, including a reduction in the number of dwellings from 70 to (up to) 52 dwellings, retention of the lower reservoir, the provision of a right turn highway facility on Hart Lane and detailed Flood Risk Assessments. These matters will be considered in further detail within the main body of the report.

The application was deferred for a site visit at the planning committee of 16.11.2016.

SITE CONTEXT

1.3 The application site relates to land at Hart Reservoirs, located off Hart Lane, Hartlepool. The total site area is approximately 8.5ha (of which approximately 5.8ha is covered by the two reservoirs).

1.4 The site primarily consists of the two water bodies that formed the reservoirs, which are now in private ownership. The surrounding land gently undulates, sloping from north west to south east. The reservoirs lie in a modest, steep-sided valley. The larger of the two water bodies (upper) is located to the west with the lower reservoir located to the south east. The water bodies are separated by an internal road that extends up from the small, gated site access (taken from Hart Lane) which serves

the site and a single dwelling, known as Hart Reservoirs Cottage located to the north east of the site (which falls outside of the current application site boundary). There are a number of features within the reservoirs including dams, sluices, overflow and valve structures.

1.5 Beyond the site boundaries to the south and to the east is a public footpath (partially within HBC ownership) with residential properties located beyond; properties within Nightingale Close, Kestrel Close and Swallow Close are present beyond the boundary (and mature tree planting) to the south with properties in Kingfisher Close present beyond the eastern boundary.

1.6 The site is currently accessed from Hart Lane which runs to the west of the site with High Throston Golf Club and Hart Quarry located beyond this highway. The nearest property to the north west (along Hart Lane) is 'Keepers Cottage'. Beyond the application site boundary to the north/north east are open fields; planning permission has been granted for up to 500 dwellings (known as Upper Warren), under planning approval H/2013/0328, within vicinity of this area. The indicative plans for Upper Warren show the provision of a proposed landscape buffer between the 500 dwellings and the current application site.

PROPOSAL

1.7 This application seeks outline planning permission (with some matters reserved) for residential development for up to 52 dwellings with associated access and highway works, and the creation of wildlife ponds, park, footpaths, public car park, landscaping and open space areas on land at Hart Reservoirs. The applicant is seeking consent at this stage for the principle of the development and the means of access to the site with the appearance, layout, scale of the buildings and landscaping of the site (the reserved matters) reserved for future approval.

1.8 The proposed site would be accessed via the existing access from Hart Lane (south west). The scheme would require works to widen the site junction and provide visibility splays. Following the request of the Council's Traffic and Transport section, the proposed scheme includes the provision of a protected right turn facility along Hart Lane.

1.9 As set out above, the scheme has been subject to amended and additional plans/information. In respect of the amended layout for up to 52 dwellings, the indicative plans show approximately half the proposed dwellings to be positioned around the lower reservoir and towards the south east corner of the site with the remaining properties sited beyond the access road that cuts through the site. The submitted information indicates that the detached properties would be 2 to 2.5 storeys in height and a number would be served by detached garages. The residential element would occupy approximately 3.5ha of the overall site.

1.10 Following the submission of amended plans, the proposed scheme would retain a number of the original reservoir features some of which would be utilised for viewing platforms.

1.11 The scheme would require a number of engineering operations including proposals to adapt the larger upper reservoir into a nature reserve with a footpath network running around the site, works to lower the water levels within both water bodies, the erection of a roundabout and a bridge within the site to cross one of the existing culverts (to serve the proposed dwellings towards the northern part of the site), and a pedestrian footbridge across a narrow section of the upper reservoir.

1.12 The scheme makes provision for internal footpath routes, which would also connect up to the existing footpath network, which is considered in further detail within the report. The scheme includes a large area of green open space in the north east corner of the site and a small children's play space towards the centre of the site. A proposed car park would serve the proposed nature reserve, located towards the main site entrance. The scheme includes the retention and enhancement of existing landscaping throughout the site.

1.13 The submitted supporting information indicates that the footpaths would remain permissive whilst the land would remain within the ownership of the land owner in respect of maintaining and managing the proposed nature reserve, car park and footpaths.

1.14 The application is accompanied by a number of supporting documents including a Heritage Statement, Flood Risk Assessment and Ecology statement.

1.15 Within the applicant's submitted supporting statement (paragraph 4), it is noted that *"the water supply to the reservoir has been isolated. They (the reservoirs) are only fed by rainwater from what is a small catchment. They would be better described as deep stagnant ponds"*.

1.16 The proposed development has been screened during the course of this application and in accordance with Section 5 of the Town and Country Planning (Environmental Impact Assessment/EIA) Regulations 2011, the Local Planning Authority has adopted an opinion to the effect that the development is not considered to be EIA development.

1.17 The application has been referred to the Committee as more than 3 objections have been received.

PUBLICITY

1.18 The application was advertised by way of neighbour letters, site notices (x5) and a press notice.

1.19 Following the submission of amended plans, additional 14-day neighbour consultations were undertaken.

1.20 To date, 20 letters of objection (including more than one objection by the same objector) have been received. Concerns have also been raised by Hartlepool Civic Society. Objections have also been received from a local ward councillor and Hart Parish Council (detailed within the consultee responses below). These objections and concerns can be summarised as follows;

- Is the transport statement relevant to the application (refers to 60 dwellings)
- Lack of information regarding the measures/process/materials to infill the lower reservoir (as originally proposed)
- The proposal (as originally submitted) would result in an adverse loss of amenity and privacy for neighbouring properties including Hart Reservoir Cottage.
- Impact on access to Hart Reservoir Cottage.
- Impact on overhead lines and services to existing residential properties, in particular Hart Reservoir Cottage
- Impact on wildlife including bats
- The impact on wildlife and ecology understated within submitted reports
- Clarification on the design of the dwellings should be provided
- Increase in traffic and congestion along Hart Lane and exacerbation of issues at Sheraton/A19
- Proposed access/egress will have detrimental impact on congestion and road safety
- The proposed increase in reduced speed limit is insufficient
- The area is used by residents for walking which would be affected by the development
- No details of the reservoir maintenance has been provided
- Planning conditions should be imposed to restrict working hours/days, the provision of additional screen planting, timescales on the overall completion of the development and the establishment of the nature reserve before the dwellings are brought into use.
- The plans do not include details of landscaping or the public car park – will the car park be closed on an evening?
- It is unclear who will be responsible for the upkeep and maintenance of the wildlife ponds and park- the information submitted to date is inadequate
- Development will be affected by quarry from vibrations/blasting, as are existing properties.
- A noise assessment and ground survey should be required in respect of the quarry.
- Loss of views
- Impact on visual amenity of surrounding area
- Overdevelopment of site
- Noise disturbance/pollution and increase in dust
- Car park will attract youth congregation and general increase in anti-social behaviour, vandalism
- Any existing anti-social behaviour element within the reservoirs would not justify the proposed development
- The water level has been reduced
- Proposal adds to sprawl of development and proposed dwelling types unsuitable
- Flooding is a problem in the area. Proposal could result in an increase in flood risk and surface water run off
- The area near the proposed access has been flooded

- Primary schools are at capacity and the proposal will place a further burden on this.
- The proposed ponds could be dangerous to children depending on the depth
- No need for further housing and this level of house building exceeds legal requirements
- Increase in litter and dog fouling
- Independent ecological assessment should be undertaken
- The reservoirs should be reserved for fishing
- The proposed infilling of the reservoir raises concerns over impact on highways and delivery vehicles
- Property devaluation
- Exact dwelling numbers should be known
- The amended proposals are inconsistent with submitted supporting information
- The amended proposals would not address concerns regarding congestion and traffic. The proposed right hand turn will not address such issues

1.21 1 letter of no-objection has been received.

1.22 Copy Letters **A**

1.23 The period for publicity has expired.

CONSULTATIONS

1.24 The following consultation responses were received;

HBC Traffic and Transport

The proposed use of a priority junction to serve the development is considered appropriate for the number of dwellings proposed. It is however considered that a right turn facility should be provided on Hart Lane. This will require local widening of Hart Lane to accommodate a ghost island and right turn lane.

It is proposed to reduce the speed limit on Hart Lane to 40mph in the vicinity the proposed access. This is considered appropriate. This will require the relocation of the existing gateway 40 / National speed limit signs, and the amendment to the Traffic Regulation Order. This should be carried out at the expense to the developer.

2.4 metre x 120 metre sight lines can be accommodated at the access in both directions, however in order to achieve this to the right an existing hedge will need to be trimmed back. A condition will be required to ensure that this sight line is maintained for the lifetime of the development. The provision of a right turn lane may alter the sight line provision which can be achieved.

A system of street light lighting should be provided suitable for a 40mph road from the new access to the point where the existing street lighting commences at the Golf Club roundabout.

The minimum radii at the junction with Hart Lane should be 6 Metres.

Internal Layout

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

There are concerns with the proposed crossroads within the development and possible confusion it may cause with drivers, these junctions should be staggered in the interest of highway safety.

The developer needs to clarify the shared surface area. It should be a cul-de-sac with no through vehicular traffic, it is not clear if this road carries through or there will be obstruction to prevent this. If there is an obstruction there should be additional turning head for the properties in the north east side of the development where the former reservoir feature is to be retained.

The shared surface road width should be increased to 6metres with no service verges.

The applicant has shown a number of walkways leading to private driveways; this could lead to potential problems in the future with pedestrian crossing these driveways. Dedicated footways should be carried all the way to the cul-de-sacs or increase length of the turning heads.

Comments received 05.10.2015 in respect of Transport Assessment (TS).

If the development was over 80 dwellings a Transport Assessment would be required (this looks at the transport impact over a much wider area). As the proposed development is below the 80 dwelling mark a Transport Statement would still be valid.

The TS has only looked at the development access and whether a simple T junction could accommodate the site. The results of the modelling indicate that a simple junction would be more than adequate, an extra 10 properties would make little difference to this result. The TS has also looked at the sustainability and public transport provision, the increase in dwellings would have no impact on this.

The internal layout of the site is not a consideration of the TS. I am therefore happy that the submitted TS is valid.

Further comments received 28.01.2016 in respect of amended plans.

The proposed access into the site is acceptable.

Can you condition that a detailed 1/500 plan of the proposed junction and ghost island be supplied prior the commencement of construction.

The requirement for the speed limit amendment and the provision of street lighting on Hart lane would remain as per previous comments.

Layout

Need to clarify what are the private drives/shared surface carriageways.

The shared surface carriageways should be 6 metres wide, the plan shows these carriageways as 4.8 metres.

The driveways should enter the highway at a 90 degree angle.

A detailed design of the bridge will be required prior to commencement / full application, this may need a commuted sum for maintenance purposes. A detailed figure can be provided on provision of the design.

Need to clarify ownership details of car park / public open space areas. The children's play area should have an appropriate gate and boundary provided to prevent children running onto the carriageway. Pedestrian guard railing provided on carriageway edge if the gateway is next to the road.

A lining and signing diagram should be supplied showing details of the proposed mini roundabout prior to commencement of construction.

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

Highways England

Highways England wishes to offer no objection to the above application.

While there is no formal recommendation I would highlight our general concerns about the intensification usage of the two level junctions at Elwick where there is a risk of collision between emerging traffic and fast moving through vehicles and the A19/ A179 Junction at Sheraton where there is a risk of increased queuing until improvements are made. We expect a very small number of extra movements at these junctions from this development that will not be severe. We are currently seeking to address our concerns in this regard in consultation with Hartlepool BC. Further development will need to be considered in terms of safe access to and exit from the A19 should further incremental development come forward.

Additional comments received in respect of amended plans:

I am happy that these further amendments to the application do not affect our position on this application. Can I reiterate our position as per the formal request attached and our response (*detailed above*).

Further comments received 05.05.2016:

Thank you for raising additional concerns regarding the above application in light of our robust stance on increased traffic at the Elwick Junctions.

The new scale of the development (52 Households down from 70), and its location which is better served by the A179 junction, and the expected distribution is likely to generate a very small number of trips in the Peak Hour via the Elwick junctions and may not result in any perceptible increase in queues.

As per our previous response on this application we would still wish to caution about the potential to increase traffic causing increased queues at Elwick, but we do not believe that the amount of additional traffic generated could warrant a different response.

HBC Engineering Consultancy

(updated comments received in respect of amended Flood Risk Assessment (FRA))

Further to my previous comments on this application I can confirm that I have reviewed Version 5 of the FRA and would have the following comments; I would comment that there is insufficient information provided to allow me to assess the surface water element of the scheme in detail. I note that the FRA does briefly cover a potential drainage options but concludes "there are no formal development plans at this stage which detail how surface water run-off will be managed" and as such in the absence of any percolation testing I am unable to offer any further advice".

Hart Burn itself on the basis of the photographs will require works to upgrade the beck, there appears to be a build up of debris and silt and in places bank sides look low. It is unclear at this stage if it is the intention to further culvert some of the beck. Given the historical flooding further downstream it is paramount that Greenfield run off is a) not exceeded and b) betterment provided where possible.

With regards to the upper reservoir, it is my understanding this will remain but will operate as a nature reserve as opposed to a reservoir. With this in mind is there an intention to provide any overflow into Hart Burn, and if so has this been allowed for within the calculations? I would raise the issue of future maintenance responsibilities for this structure. The same comments apply to the lower reservoir in relation to overflows.

In relation to the proposed drainage, my comments are limited based on the level information provided but I would urge the developer to make use of SUD's techniques to control surface water run off. I am happy to have further discussions on this should the application be approved.

I don't think the above comments are insurmountable however further development is required during detailed design to satisfy my comments. I would therefore request both a surface water and a Site Investigation condition. A further condition will be required to cover the modification of the lower reservoir including, materials, methodology and testing regimes etc.

Environment Agency

(Comments received 29.04.2016 in response to amended FRA)

Thank you for the revised Flood Risk Assessment in respect of the above application which we received on 22 April 2016.

Environment Agency Position

We have assessed the additional submitted information and now wish to withdraw our previous objections of 19 October 2015, 28 January 2016 and 18 March 2016 to the planning application.

There have been a number of rounds of consultation for this site relating to the hydrology which has fed into the modelling carried out at the site. Our national Modelling and Forecasting (M&F) team have analysed the additional submitted information and have confirmed the submitted hydrology information is now at a standard appropriate for the flood risk assessment (FRA).

The subsequent modelling has been tested with the agreeable hydrology and the revised FRA outlines that the modelling for the Hart Burn watercourse shows that flows up to and including the 1 in 100 year plus climate change (25% increase on flood flows) will remain in bank. Furthermore, the entire site is recognised as having a low probability of flooding and has been identified as being located in Flood Zone 1.

Advice to LPA

Should the local authority wish to approve the planning application, we request that our previously recommended planning conditions, detailed in our letter dated 19 October 2015, are attached to any planning permission. These conditions are detailed below.

Condition 1

No development shall take place until a scheme for the provision and management of a 5 metre wide buffer zone alongside the watercourse 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; and could form a vital part of green infrastructure provision. The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting etc.

Reasons

Development that encroaches on watercourses and ponds has a potentially severe impact on their ecological value e.g. artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat.

Land alongside watercourses and ponds is particularly valuable for wildlife and it is essential this is protected.

Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan.

Condition 2

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
all previous uses
potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors
potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use [i.e. a historic landfill and 'tanks']. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer and is located within Zone 3 of a Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

Condition 3

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by

preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Condition 4

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons

Unsuspected contamination may pose additional risks requiring further assessment.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

The previous advice, outlined in our letter of 19 October, still applies. This includes advice in respect of Groundwater and Contaminated Land, Fisheries and Biodiversity and Environmental Permitting Regulations.

Further Information: Advice to LPA

Decommissioning a Reservoir

In order to decommission a reservoir, a Panel Engineer must be employed to guide you through the decommissioning process. A Panel Engineer is an approved specialist Reservoir Engineer as defined under the Reservoirs Act 1975. The Department for Environment, Food & Rural Affairs (Defra) has an approved list of Panel of Engineers that is able to undertake: inspections, the supervision and construction of reservoirs. There are four classes of engineers: a) All Panel Engineer; b) Inspecting Engineer; c) Supervision Engineer and d) Construction Engineer (each from a different panel). An “All Panel Engineer” is able to undertake any role.

The inspecting Panel Engineer will seek to ensure that the reservoir(s) cannot impound water any longer. This may be achieved through different civil engineering works such as breaching the dam or complete removal.

Construction works that would satisfy an Inspecting Engineer (that would prevent impoundment) would be passed to the undertaker for consideration. The undertaker would have to employ (at his/her cost) a designer / contractor to undertake this work and a “Construction Panel Engineer” to oversee the works.

Once these works are complete, the reservoir would then be inspected and signed off under the Act by the Construction Engineer. The reservoir would then be removed from the Reservoirs Register held and maintained by our Reservoir Safety Team. Until that time, the reservoir is still registered and the requirements of the Act will still apply.

Environmental Permitting Regulations

An Environmental Permit would be required. Information regarding a new bespoke permit is available on our website at <https://www.gov.uk/government/collections/environmental-permit-application-forms-for-a-new-bespoke-permit>

In particular, a Water Discharge Activity Permit would be required. The following forms will also need to be completed:

- Form A – About the operator / applicant
- Form F2 – Charging for Discharges
- Form B2 – Application for a new bespoke permit
- Form B6 – New bespoke water discharge and groundwater activity (point source discharge)

It is recommended that you refer to guidance document “How to comply with your Environmental permit”. This is available at <https://www.gov.uk/government/publications/how-to-comply-with-your-environmental-permit>

Specific guidance in relation to water discharges and groundwater activity permits is detailed within ‘EPR 7.01 How to comply with your Environmental Permit for Water Discharge and Groundwater (from point source) Activity Permits’. This is available at http://a0768b4a8a31e106d8b0-50dc802554eb38a24458b98ff72d550b.r19.cf3.rackcdn.com/LIT_7356_4132bc.pdf

Further information regarding the regulation and risk assessment of reservoir releases is detailed within Annex 9, page 199. Page 202 outlines information in relation to reservoirs not owned by a water undertaker

There are a number of points for consideration which may need addressing in your application. These are as follows:

- Sediment depth - how much may be released in discharge.
- Thermal stratification - release of water with potentially low oxygen levels / elevated concentrations of iron, manganese, ammonia and sulphides which can be toxic to aquatic life and have offensive odour.
- Flow - rate of discharge, scouring of bed and bankside, plants and animal, increase to flood risk.
- Fish displacement - rescue / relocation in conjunction with ourselves.

As part of your application, you will need to include a Management Plan which details how you intend to safely drain down the reservoir and mitigate any potential effects such as:

- Scour

- Flooding
- Sediment release
- Low dissolved oxygen levels
- Potential elevated levels of ammonia, iron, manganese, or sulphides
- Fish displacement

Water Resources

An Impoundment Licence (or variation of an existing impoundment licence) is also required. Further information is available at <https://www.gov.uk/water-management-apply-for-a-water-abstraction-or-impoundment-licence>

It is strongly recommended that you submit a WR48 water abstraction or impoundment: preliminary opinion form to our National Permitting Service regarding the proposed development. The preliminary opinion form is available at <https://www.gov.uk/government/publications/wr48-water-abstraction-or-impoundment-preliminary-enquiry-form>

Infill Landscaping: Advice to applicant

If any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

Further advice received 12.05.2016 in respect of decommissioning of reservoir;

I have spoken with my colleagues and can confirm that our advice on Decommissioning a Reservoir and Infilling Landscaping outlined in your email below still applies. We have identified in the amended Flood Risk Assessment version 5 dated 22 April 2016 Page 17 (Reservoirs) the following text:

“It is proposed for the two reservoirs on site to be decommissioned as part of this development proposal. The reservoirs will be retained as wildlife ponds although the lower reservoir will be modified and surrounding land raised in order to accommodate residential properties.”

If any water abstraction is still to take place as part of the proposal (despite the lower reservoir no longer being infilled) or water discharge and groundwater activity (point source discharge) than our advice detailed in *Water Resources and Environment Permitting Regulations* will still apply.

Further advice received 03.11.2016

An amendment to condition 1 above was subsequently agreed with the Environment Agency and is incorporated in the conditions attached to this report.

Northumbrian Water

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

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

The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for NWL to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

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

How To Satisfy The Condition

The Developer should develop their Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact NW to agree allowable discharge rates & points into the public sewer network.

This can be done by submitting a pre development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646

Further comments received on amended plans:

Having assessed the proposed development against the context outlined above I refer you to NWs previous comments dated 29/09/2015. Although a flood risk assessment (FRA) has been submitted, the FRA does not identify definitive agreed connection points into the public sewer. We therefore have no further comments to make to our original comments dated 29/09/2015.

HBC Ecologist

(comments received 28.09.2015)

The bat survey accompanying the report adds to existing knowledge provided by previous bat surveys, unrelated to this development. Taken together they show that the upper reservoir is of high importance on a local scale for bats throughout the entire season when bats are active. Any effects on the upper reservoir whether by reducing its size or increasing light levels could therefore have an adverse effect on the local bat population. By contrast the submitted bats surveys show that the lower reservoir is of relatively low importance for bats.

I am therefore pleased to see that this application would involve the retention of the entire area of water of the upper reservoir. Should the proposal be permitted, this should be made a condition.

Appendix 1 of the Design & Access statement lists a series of measures to convert the reservoir into a wildlife pond, to enhance biodiversity through habitat creation and enhancements and to prevent harm to bats through such as lighting. These measures are in principle suitable to achieve those purposes. Should the proposal be permitted, there should be a condition for full details of how each of these measures would be achieved to be submitted for approval.

(Further comments received 27.05.2016 in response to Natural England's consultation response);

Habitat Regulations Assessment

The Ecological Appraisal Report (dated July 2014) briefly refers to the Teesmouth and Cleveland Coast SPA, noting that it is 2km to the east of the site (Paragraph 7.2).

Recent consultation responses from Natural England regarding large housing applications in Hartlepool borough and the Durham County Council area have highlighted the need for a Habitat Regulations Assessment (stage 1 screening assessment) to assess whether there might be either a direct or an indirect Likely Significant Effect (LSE) on a European Designated Site. The distance which is generally used is 6km. This application falls within the Teesmouth and Cleveland Coast SPA and Ramsar, the Durham Coast SAC, the Northumbria Coast SPA and Ramsar and possibly Castle Eden Dene SAC. The application therefore requires a HRA screening to be undertaken. This should assess the application's likely impact and an in-combination assessment including other current housing schemes (including those at planning stage and those with permission but not yet completed). If the stage 1 HRA concludes that a stage 2 Appropriate Assessment is required, enough information needs to be supplied to Hartlepool BC, as the competent authority, to undertake that part of the process and then consult with Natural England and the RSPB.

Ecology response

I have reviewed the Ecological Appraisal Report (prepared July 2014) and the amended plans. There are many positive wildlife and green infrastructure elements to the scheme.

I approve of the retention of both reservoirs as nature reserves, particularly due to their importance for bats of the upper (western) reservoir. As well as the open water features, the scheme makes good use of on-site and adjacent habitats such as woodland, hedges, trees and former reservoir slipways, etc, to create meaningful wildlife corridors. The proposal also includes the planting of native species of tree to provide screening and wildlife habitat. It is my understanding that the two reservoirs will be made shallower and I agree that this will not adversely impact upon the wildlife interest. I agree with the Ecologist report with regard to the bank profiles and allowing natural re-generation. NB: A licence is likely to be needed from the Environment Agency if fish are to be introduced to another water body (Hurworth Burn Reservoir).

The upper (western) reservoir has a circular pedestrian route around it which may cause some visual/ noise disturbance to wildfowl using the open water. However, the ecological survey shows that the diversity and number of birds is low and I am satisfied that there will be little or no overall loss of biodiversity interest caused by the recreational use of this route. I approve of the fact that this path does not always hug the bank, as this will provide some sanctuary for waterbirds, especially where there is vegetation cover.

The scheme includes areas which fall into the definition of Suitable Alternative Natural Green Space (SANGS) and provides outdoor recreational opportunities.

I recommend that the biodiversity mitigation and benefits as submitted in the Planning, Design and Access Statement (August 2015) and shown in the revised plan are conditioned or form part of a S106 agreement.

SSSI Impact Risk Zones

SSSI Impact Risk Zones are illustrated on the MAGIC mapping website at <http://magic.defra.gov.uk/MagicMap.aspx>

I can confirm that the proposed application does not trigger the requirement to specifically consult with Natural England.

Recommendation

That the applicant prepares and submits a Habitat Regulations Assessment (HRA), stage 1 screening report.

(Summary of HRA stage 1 screening report and HRA stage 2 Appropriate Assessment)

The applicant's ecological consultants subsequently produced a HRA, stage 1 screening report. This was considered as part of the HRA stage 2 Appropriate Assessment (AA), undertaken by the Local Authority (HBC Ecologist) as the competent authority. The AA, produced on 12.08.2016, took into account any likely significant effects on Teesmouth and Cleveland Coast Special Protection Areas (SPA) and Ramsar sites, the Durham Coast SAC, and the Northumbria Coast SPA/Ramsar. The stage 2 AA also looked at an 'in combination' analysis with respect to other housing developments within the Borough, and any requisite mitigation measures.

The AA provides the following overall conclusion which includes the requisite mitigation measures;

While 52 new houses is in itself an insignificant impact, the 'in combination' total of 1,567 houses will have an indirect LSE on the Teesmouth and Cleveland Coast SPA/ Ramsar, through increased public access and disturbance. The impact is minimised by the key issues of over 80% of householders expected to be Hartlepool residents re-locating to the new housing developments. The Hart Reservoirs scheme is responsible for a tiny amount of this anticipated disturbance and has adequately mitigated it through the provision of on-site SANGS and householder information packs promoting the use of on-site and

connected off-site local greenspace. As such, it is concluded that the Adverse Effect On Integrity (AEOI) can be ruled out for this project.

Further comments received 07.10.2016:

Additional ecological comment.

Thank you for drawing my attention to the deciduous woodland priority habitat which abuts the proposed development site in the NE corner. This is a 'habitat of principal importance' under the Natural Environment and Rural Communities (NERC) Act 2006. All efforts should be made to protect and enhance priority habitats and where feasible to link them together.

I am satisfied that the woodland is adequately buffered by the open space area within the Master Plan and that the suggested tree protection condition will adequately protect it. I advise that this does not trigger the need for an Environmental Impact Assessment (EIA).

Natural England

Natural England response to HRA, Stage 2 Appropriate Assessment, received 16.09.2016:

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Teesmouth and Cleveland Coast / Northumbria Coast Special Protection Areas which are European sites. The sites are also listed as Teesmouth and Cleveland Coast / Northumbria Coast Ramsar site 1 and also notified at a national level as Tees and Hartlepool Foreshore and Wetlands / Northumbria Coast Sites of Special Scientific Interest (SSSIs). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 61 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to

mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Site of Special Scientific Interest - No objection

This application is in close proximity to Tees and Hartlepool Foreshore and Wetlands / Northumbria Coast Sites of Special Scientific Interest (SSSIs) Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted. If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to

Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

The case officer has considered the application site through Natural England's ['Magic' mapping website](#) - a small parcel of land to the north west corner of the site was identified as 'Priority Habitat Inventory' - Deciduous Woodland (England)

HBC Landscape Architect

Following a review of the relevant documentation the following comments relating to landscape character and context are provided.

The general layout of the outline scheme appears to consider the urban fringe location of the site with a non-linear street pattern and reasonable proportion of garden area within the housing site. Associated planting has also been indicated. The retention of the upper reservoir is clearly beneficial in maintaining some of the landscape character of the existing site's association with open water bodies. The proposed works to the upper reservoir intended to enhance it as a nature reserve should be accompanied by a full scheme for landscape works at the detailed application stage. This should include planting plans, habitat creation and any associated details of features proposed. Landscape plans should also incorporate proposals for the retention and enhancement of the existing boundary hedges. Although bat presence is an ecology issue it would be beneficial to see provision for bat habitat, including enhancement of the hedgerows as forage corridors, reflected in the detailed landscape scheme. This would also apply to any proposed treatment for the retained upper reservoir.

It is also noted that a SUDS scheme is proposed for the development and there may be opportunities for further wetland habitat creation linked to this.

At the outline stage there are limited details available on housing types, likely elevations, etc. so materials and design aesthetics will require to be addressed under any subsequent detailed application.

Further comments received in respect of amended plans;

Following a review of the revised relevant documentation the following comments relating to landscape character and context are provided.

The retention of the lower reservoir is an improvement in terms of retaining existing landscape character and site context, although it would appear that rear gardens now back directly on to the water body (some of them constructed on land reclaimed from the reservoir). Landscape and boundary treatments should fully consider the health and safety aspects of the close proximity of the water body to dwellings and garden space.

The reduction in housing numbers is also an improvement in terms of landscape character and general site arrangement.

Previous comments regarding landscaping and the retention of the reservoirs and enhancement opportunities remain and the detail of such proposals should be included in a full scheme of landscape works at the detailed application stage. This should include planting plans, habitat creation and any associated details of features proposed. Landscape plans should also incorporate proposals for the retention and enhancement of the existing boundary hedges. Bat presence is an ecology issue, however, it would be beneficial to see protection of, and new provision for, bat habitat, including enhancement of the hedgerows as forage corridors, reflected in the detailed landscape scheme. This would also apply to any proposed treatment for the retained reservoirs.

It is also noted that a SUDS scheme is proposed for the development and there may be opportunities for further wetland habitat creation linked to this.

At the outline stage there are limited details available on housing types, likely elevations, etc. so materials and design aesthetics will require to be addressed under any subsequent detailed application.

HBC Arboricultural Officer

It is not clear from the submitted details if it is intended to retain the existing hedgerows on the field boundary of northern portion of the site and the hedgerow that runs along the eastern boundary of the site. It is recommended that these hedgerows are retained and incorporated into the proposed site layout.

A general indication of landscaping for the proposed development is included, however there is insufficient information to enable a full assessment of the landscaping proposal therefore it is recommended that full landscaping details form part of a reserved matters submission or are required by condition.

Further comments received in respect of amended plans:

Although this has now been amended to include the lower reservoir in part, I still need to see details of the proposed landscaping as mentioned in previous comments. As there is little effect on existing tree cover my interest is mainly on any future landscaping and how it will enhance the proposed waterside development.

HBC Conservation and Heritage Manager

The National Planning Policy Framework states that a heritage asset is, 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).'

This definition acknowledges the importance of assets identified by the local planning authority. Guidance on this is provided in the Planning Practice Guidance. It states, 'Local planning authorities may identify non-designated heritage assets. These are building...identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated.'

Further guidance is provided in the document in identifying such structures it states, 'When considering development proposals, local planning authorities should

establish if any potential non-designated heritage asset meets the definition in the National Planning Policy Framework.’ It goes on to note, ‘Ideally, in the case of buildings, their significance should be judged against published criteria, which may be generated as part of the process of producing a local list.’

Hartlepool Borough Council established a local list in January 2012. The list was subsequently updated in December 2014. In both instances the same criteria was used in order to identify nominations for the list, comprising the following,

Design Merit

Historic Interest

Historic Association

Survival

Layout

General Amenity

Further information on the assessment criteria, along with the definition previously used for locally listed buildings is provided in Appendix 1 of this document.

Whilst the list is extensive it is not comprehensive and Planning Committee agreed to the updating of the local list in February 2014. In this report it was outlined that the list will be updated thematically. As a result it is possible that there are assets in Hartlepool that could be considered for the local list however have not yet been added as they were not included in the initial selection or they do not relate to the theme of the update. It would be anticipated that such assets would be identified during the planning process and therefore could be added to the list at the appropriate time in the future.

The application site is ‘Land at Hart Reservoir, Hart Lane’. An assessment of the merits of the site against the criteria used for local listing has been carried out and it can be concluded that the property would qualify for nomination to the list. The reasons for this are attached in Appendix 2 of this document. In light of this in processing any application relating to the site it should be considered as a non-designated heritage asset.

The National Planning Policy Framework states, ‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of the harm or loss and the significance of the heritage asset.’

The application is an Outline planning application with some matters reserved for residential development (up to 70 dwellings) with associated access and creation of wildlife ponds, park, footpaths, public car park, landscaping and open space areas.

The proposal would result in the loss of one of the water bodies and the isolation of some of the existing structures within the housing development. These structures, without the wider context provided as part of the reservoir are likely to become lost and difficult to interpret should they be surrounded by residential development.

It is stated that by way of mitigation a report is provided recording the reservoir structures and within the area signage will provide information on the site. No details

of this signage or its location appear to be provided.

It is considered that the harm that would be caused to the non-designated heritage asset with the infill of a single water body, and the loss of associated structures, would not be out-weighed by mitigation proposed or the wider public benefits that could be derived from the proposal.

Further comments received in respect of amended plans:

The amended proposals address the concerns raised in my previous comments. This includes the retention of both reservoirs and their associated features which are considered to be heritage assets. Although there will be some alterations to the existing reservoirs these are not considered to cause substantial harm. In addition it is noted that it is proposed there would be interpretation on the site, which is welcomed. In light of the amendment it is considered that the proposal would not cause harm to the heritage assets.

Tees Archaeology

The developer has provided details of the results of an archaeological field evaluation and building recording. I can confirm that these documents are of the appropriate standard and meet the information requirements of the NPPF (para 128) regarding impact on significance of heritage assets.

There are two main heritage issues which I set out below:-

Impact on Hart Reservoirs

The developer has provided an archaeological assessment and building recording report on the historic Hart Reservoirs. These were built in 1865 to provide 'soft water' for industrial purposes. The reservoirs were constructed by George Adamson of Leith who was previously involved with the first part of the construction of the Heugh Battery (a designated heritage asset). The report demonstrates that the reservoir complex is well preserved and the process of its operation is still legible. The reservoirs themselves are important landscape features and their individual components such as valve towers, spillways and overflow channels collectively demonstrate how the site functioned and increase its significance.

The reservoirs can be considered to be a heritage asset of local interest and could qualify for local listing by the Borough Council if a case was put forward.

The proposal will involve the backfilling of the lower reservoir and the removal of the valve tower from the upper. I appreciate the efforts that the developer has made elsewhere to safeguard historic features but the impact of the scheme overall could be considered substantial harm to a heritage asset of local interest. This harm should be weighed against the public benefits of the proposal (NPPF para 134) when a planning decision is taken.

Impact on heritage assets of archaeological interest

The archaeological field evaluation was largely negative but did identify a ditch of Iron Age or Roman date. This may be an isolated feature or it may indicate that further archaeological remains are present. The report for the work recommends that further archaeological recording is carried out in the south-western part of this

field prior to development. I agree with this recommendation as the remains are likely to be of local interest only and the proposed mitigation is proportionate to their importance (NPPF para 141). This recording could be secured by means of a planning condition, the wording for which I set out below:-

Recording of a heritage asset through a programme of archaeological works

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

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

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

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

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

Further comments received in respect of amended plans:

The developer has amended the proposal to include the retention of both reservoirs and all of their associated features which are heritage assets. Although there will be some remodelling of the eastern reservoir and dam this would not constitute substantial harm and I have no objection to this aspect of the proposal. I support the interpretation of the industrial heritage of the reservoirs (Planning, Design & Access Statement para. 98).

In my previous comments (submitted 26/10/2015) I recommended an archaeological planning condition to allow the recording of any additional archaeological features in proximity to the Iron Age or Romano-British ditch previously identified. I would be grateful if this recommendation could be brought forward from my earlier correspondence.

HBC Public Protection

I would have no objections to this application subject to the following conditions;

An hours restriction on construction activities to 7:30am to 6:00pm Monday to Friday, 8:00am to 12:30pm on a Saturday and at no time on a Sunday or Bank Holiday.

A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

I have noted comments concerning vibration levels from Hart Quarry. There are restrictions on blasting at the quarry including maximum vibration levels which were conditioned on the Hart Quarry approval in September 2009. The levels are set below the level that would cause cosmetic damage to properties and would apply at this site.

HBC Countryside Access Officer

For the full length of the southern and the full length of the eastern boundary (where it boundaries to the rear of Kingfisher Way) is a permissive footpath that is within the ownership of Hartlepool Borough Council and Leebell Developments. This path is an important and well used link between Hart Lane and the various areas of Bishop Cuthbert where link paths join it.

If the proposed development has intentions of linking to this path then there will be a need for the developer/agent to contact me to discuss how and where any such links could be located. If the developer is considering creating new public footpaths, the same will apply.

(Further comments received 13/05/2016)

In this instance I would agree to a planning condition that secured the continued existence and maintenance of these permissive paths and their links to our existing established recreational paths to the south and east of the site.

The plan shows the car park in place. I take it this is open and public and available for those members of the public wishing to visit and walk around the reservoir(s)?

The 'breakthroughs' to link to the existing path(s) will need to have 'A' (Frame Motorbike Inhibitors) installed so as to provide an element of security for the fence line existing.

These points can be further discussed closer to the time but agreement that they will purchase and install them is needed. I will also want them to a specific standard that we already use.

(Further comments received 25.08.2016)

I carried out the site visit to Hart Reservoir yesterday afternoon and also carried out a basic costing exercise for the two path links as previously discussed (shown as points A and B on the attached plan). At the same time I had a look at two or three

areas that were indicated as new paths within the development site (blue dashed line). I believe that you and I had discussed some concerns about the placement of parts of the permissive path routes.

I walked these areas and do feel that the developer/landowner/agent needs to consider revising the routing in these paths due to the topography and/or public safety.

Some of the suggestions are minor and only need a change in location of the path route. One uses an existing footbridge over a spillway and so reduces potential installation costs. One amendment does suggest a change to create a bridged crossing over an existing spillway but this is reinforced by the topography and the need for safety of the public, thus reducing any public liability that the landowner has to consider.

I realise that this is a bit outside the initial reason for the site visit but my concern is for public safety, whether they be the residents or public at large.

For the access costs at points A and B, as shown on the attached plan, we will need to be looking at £3,500.00 to £4,000.00 (probably closer to £4K). These costs include the installation of aggregate surfaced paths, countryside furniture comprising of kissing gates, fencing and tree removal/pruning in the tree belt and old hedge to the east of the development site, close to point B.

My suggestions for safer route changes and any associated costs would be the concern of the landowner/developer/agent to have to consider but in all fairness furniture costs would be limited to a bridge and the rest would be realignment of the routes.

I appreciate that I do not have the full story in relation to any land reclamation etc, as part of this development but I have based my observations on the present topography and hopefully sensible route amendments.

Ramblers Association

A public footpath (designated either Hart 14 or Hartlepool 38) runs alongside the southern boundary and may be affected by adjacent works.

We ask that the footpath be kept open for use at all times for legal users. Any interruption to its use by the public requires the permission of the Highway Authority - a TTRO may be required and alternative route provided. Useful advice is given in Circular 1/09 Section 7 'Planning permission and public rights of way', available at <https://www.gov.uk/government/publications/rights-of-way-circular-1-09>

We believe the public have permissive access on foot over a track which runs immediately alongside the site's eastern boundary. The track is owned by the Council.

Additional comments received in respect of amended plans:

We welcome the provision of the paths and other recreational improvements.

Teesmouth Bird Club

The club is familiar with this site and is encouraged to see that the developer states that the housing planned will have a nature reserve as part of the development. No details of the planned reserve are available at this stage of the application, but it is important that certain key features are incorporated.

The prime biodiversity potential of the site is the water body itself. At present, its potential to meet the requirements of NPPF clauses 117/118 is curtailed by the circular pathway and absence of any vegetated margins or excluded areas for water fowl to retire to when disturbed. Incorporation of a series of islands will rectify this shortcoming. Details of numbers, sizes, locations and planted vegetation upon the islands, can wait at present. We would expect the project to be contracted to a professional ecology consultant with input from appropriate civil engineering expertise. The club, with our local expertise will be happy to provide input at an appropriate stage of the developments.

Properly executed, the present rather sterile site can be greatly enhanced and will hopefully be an asset for the enjoyment of the new residents and a feature to be cherished.

Hartlepool Water

In making our response Hartlepool Water has carried out a desk top study to assess the impact of the proposed development on our assets and has assess the capacity within Hartlepool Waters network to accommodate the anticipated demand arising from the development.

Having assessed the proposed development against the context outlined above I can confirm the following.

- Within the proposed development area a diversion of a major trunk main would be required
- I confirm that Hartlepool Water has sufficient capacity in the local network to supply the proposed development, however significant off-site works would be required.

Additional Information provided by Engineering Services Team

-Engineering services have noted that the list of neighbours and bodies consulted did not include an “ALL RESERVOIRS PANNEL ENGINEER” who would be required to supervise and sign off de-commissioning of the reservoir.

Further comments received 11/11/2015:

You are correct in your assumptions in that any diversion work will be at the cost of the applicant and Hartlepool Water have no objection to this planning application as long as a suitable diversion route can be agreed.

Cleveland Police

With regard Hart reservoir application if this to go ahead I would ask to be consulted at an early stage to ensure that the principles of Secured by Design have been considered and applied where appropriate.

HBC Community Safety and Engagement Team

As requested I have considered the proposed development from a Community Safety perspective.

1. A check of Anti-social Behaviour Unit records finds that the Unit has dealt with zero ASB complaints in the proposed development area / residential estate bordering the proposed development area over the previous 12 months. (01.01.15 – 31.12.15)

ASB complaints – streets checked:

- Nightingale Close
- Kestrel Close
- Goldfinch Road
- Swallow Close
- Goldcrest Close
- Kingfisher Close

2. ASB and Crime analysis carried out by the Units Community Safety Research Officer finds that over the previous 12 months (01.01.15 – 31.12.15) there have been:

- zero incidents of ASB and zero Crimes recorded in the proposed development area by Cleveland Police.
- 3 incidents of ASB and 18 Crimes recorded in the residential estate bordering the proposed development area by Cleveland Police.
(See attached research document for further details)

Due to this, the Unit would not consider the development area, or the bordering estate to be one that experiences higher than average levels of crime and ASB when compared to the majority of other areas in the town.

3. Analysis carried out by the Units Community Safety Research Officer into the geographical distribution of crime and ASB across Hartlepool Borough wards for the annual Safer Hartlepool Partnership Strategic Assessment 2015 shows that the Hart Ward (which includes the proposed development area) is not one of the top five wards with the highest rates of crime and asb per 1000 population.

4. During the previous 12 month date period (01.01.15 – 31.12.15) the Unit has not received any reports of young people gathering in the local area / planned development area. Due to this the Unit has not needed to deploy its Targeted Outreach Project team to the area.

The Targeted Outreach Project team consists of trained youth workers who deploy to areas of the town where the Community Safety Team and its partners identify that groups of young people are gathering. Workers from the Targeted Outreach Project then, engage with young people, make them aware of youth centres and young person related activities in their area, signpost young people to support and advice services where necessary, identify, protect and safeguard any young people who are vulnerable due to their own behaviour or current circumstances, and challenge, and where necessary, report to the police any anti-social behaviour and/or inappropriate behaviour by a young person that they witness.

HBC Education

We have no objections to the development, however we would require a S.106 Education Contribution to be agreed and duly signed.

Durham County Council

Further to your neighbouring authority consultation of 23 September 2015 in regard to the above proposal, firstly I must apologise for the length of time it has taken for you to receive a response.

While the acceptability of this proposal is a matter for the determining authority, I offer the following comments in regard to the potential for any element to affect County Durham, which is considered to be limited to highway impact.

The B1280 at its junction with the A19 and A179 is the nearest part of the public highway network in County Durham that could be affected by the proposed residential development.

The Transport Statement (TS) has been prepared based on the proposed development having 60 dwellings, whereas the planning description proposals refer to up to 70 dwellings being constructed on this site. However, the increase in the number of dwellings has limited impact on the predicted traffic generated by the proposed development, which would see the AM outbound trip generation increase from 35 to 41 and the PM outbound trip generation increase from 21 to 24. The original predicted traffic generation is shown in Table 5.2 of the TS. This would have the net effect of increasing the AM generated traffic from 14 to 17 and increasing the PM generated traffic from 8 to 10 towards the A179, and then potentially onto the A19/A179/B1280 road junction.

The original AM and PM traffic assignments are shown in Figs 3 and 4 respectively of the TS. The AM inbound trip generation would increase from 17 to 20, with the PM inbound trip generation increasing from 33 to 39.

The impact of the proposed development generated traffic is therefore deemed to be negligible in relation to the A19/A179/B1280 road junction and as such the proposals would be deemed to have little or no impact on the public highway network in County Durham. On the basis of the above the proposals would be deemed to be acceptable from a highways point of view.

Accordingly, no objection is raised to this application.

Health and Safety Executive

The development does not intersect a pipeline or hazard zone, HSE Planning Advice does not have an interest in the development.

Northern Powergrid

(summarised)

No objections providing that our rights are not affected and that they will continue to enjoy rights of access to the apparatus for any maintenance, replacement or renewal works necessary.

Northern Gas Networks

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

Cleveland Emergency Planning Unit

After reviewing the documents we don't have any objections to the proposal.

Councillor Paul Beck

I came in to the office to raise concerns over the lack of lighting on this stretch of road, also the speed of traffic coming down from the quarry, and the location of the proposed entrance. I would hope that these concerns have been addressed, also the topography of the site would lend itself to ensure that efficient drainage is installed that can cope with the sewerage / water on this site.

Further comments received:

I have major concerns on this application. Firstly the topography of this site due to its very nature lends itself to significant flooding concerns. The reservoir which I understand will be drained and back filled is also a concern to many residents. How safe would it be to build on this area due to it having held thousands of gallons of water for a long period of time, we would need cast iron assurances that the back fill would not eventually cause subsidence. I asked a few months ago that the lighting ,or should I say lack of it, be addressed on what is a very fast stretch of road, if no controls on traffic are in place it's an accident waiting for a place to happen. I support Hart parish council in their objection to this scheme.

Hart Parish Council

This proposal while having a separate outlet from the adjoining estate, is simply an add-on to a sprawling collection of dwellings. The designs are no different to those found everywhere in each new opportunity for unnecessary developments. The inclusion of garages, which will be unlikely to have sufficient area to accommodate a family sized car, and which will no doubt be subjected to a change of use to another downstairs room, with or without planning permission. This is evidenced on many of the estates, which have evolved over the past twenty or so years. Developers continue to produce patterns of accommodation that have not radically altered over the past 50 years or more, other than to reduce the footprint and hence increasing density.

Three bedroom semi detached house with two acceptable size of bedrooms plus a mini version sat on top of the garage to keep the footprint as small as possible is not really suitable in the real world. The current requirement in this communication age should be to provide space that allows families with teen age and even younger children sufficient space for keeping their clothes tidy; space for a small desk in addition to a bed or bunk beds. All houses, at the development stage, should be wired for Ethernet throughout to meet the needs of cross the board media access. This is cheaper than having residents/owners to later add repeaters throughout the house. Fibre optic connection to the telephone system should also be a must in the twenty first century, together with solar panels. The same thoughts should be applied to all levels of houses.

The area is overloaded with similar residential properties that are difficult to sell. While the proposal includes 10% affordable of the 70 dwellings it clearly has a let out

as the “Cost creating the wildlife ponds and pathways would be high. This would need to be the subject of a more detailed assessment. If the scheme can support affordable housing it will.” See page 10 para. 26, Planning, Design & Access Statement.

Access. Hart Lane is a winding and undulating carriageway along which there is a poor line of sight from both directions to the proposed outlet onto Hart Lane. This is already a high density route into and out of the numerous estates it serves in the west of Hartlepool and additional traffic introduced to this route would be unacceptable particularly as it runs onto the A179 which is already at gridlock levels at several times of the day. The 70 houses proposed will undoubtedly generate in a relatively short time at least three vehicles per household to be added to the current high traffic movements. The suggested extension of the present 40 mph from the roundabout to the south of the site, is not sufficient in view of the limited lines of sight and the undulation of Hart Lane.

In common with all recent planning applications the roadways proposed are narrower than that which the Parish Council consider adequate. It has become the norm that parking of vehicles on the pavement takes place to allow emergency vehicles and other large delivery vehicles access. It is considered that at least 5m roadway widths should be a requirement in all future planning applications.

Flooding Issue. The reservoirs, which originally supplied water to the industrial area of the dockland, have been redundant for some time and are now fed by rainwater. The locations of these two reservoirs were carefully chosen to contain the supply of water collected with any overflow directed into the beck that flows to the east. The contour lines on the included map clearly shows this. Apart from the original feeds, now terminated, from Hurworth Reservoir and Hart Beck the natural run off from the land remains.

In the document *Planning, Design & Access Statement, page 4 paragraph 4* they claim to have isolated the water supply (does this include rain water?). Water also runs to the north edge of the reservoirs from the beck running through Hart then south to the reservoirs. This beck is known to quickly flood when there is heavy rain in the area, and like the reservoirs, it is fed from the ground water run off from its surrounds, a continuous flow from the area that has for some time enjoyed a high water plane level. Flooding around Hart has been a problem and continues to be a cause for concern. The concept of stopping natural water flows is a doubtful area.

Education. Primary schools in the immediate area are already at capacity and we cannot find any indication in this application that seeks to address this problem. Previous developers in the north west of Hartlepool, the adjacent Throston Grange estate, had included school and community facilities. These have not materialised.

Health and Safety. The intention is to fill in the lower reservoir from which the beck, previously mentioned, flows. The material intended for the purpose of filling this area should be carefully considered, as surface water drainage would surely find its way into the beck to the east. It is essential that this waterway is not contaminated.

The depth of water at 2m, with a periphery sloping down to 1m before reaching the 2m area is not acceptable. Children are naturally drawn to water and with a newly

established housing area on its doorstep it would increase the number of children likely to play in this area. The reduction in depth will no way reduce the activity of children recorded in the report. How will the area be monitored to ensure the safety factor?

In a recent inquiry into the provisions for Gypsy and Travellers held in Hartlepool by a Government Inspector, the inspector was at pains to point out the location of Hart Quarry and his concern that developments were getting too close to it and be affected by the blasting, a necessity to bring down stone. This proposal is much closer than his recommended limits.

Public Transport.

Hart Parish Council opposes this application.

Further comments received 14.01.2016:

Further to our letter of objection dated 14th October 2015; Hart Parish Council continue to oppose this development. However this proposal is dressed up it is not a safe outcome

There seems to be some confusion between the developers and their associated experts. The original application stated “about 70 dwellings”; the Planning, Design and Access Statement (PDAS) as amended refers to “52 dwellings”; the Transport Statement (which has been submitted but is somewhat dated) states “up to 60 houses.” The latter rests heavily on data from the 2001 Census and a lower than 2 cars per residence which is a more likely value.

There is a dramatic change in the application which now retains part of the Lower, or eastern, reservoir as a water feature surrounded by houses with the water at the end of the back gardens.

In the PDAS the umbrella statement re. Affordable housing is virtually unchanged, resting on the costs of developing the water features. This is not acceptable, there is either going to be affordable houses or there is not. This should be made clear, not covered by ifs or buts.

The more recent maps show the proposal for splitting the Hart Lane carriageway to provide a right turn (coming from Merlin Road) into the development. The existing problems which the PC have with regard to lines of sight have not changed. See p.14; para 42 of PDAS

There is no suggestion that the road infrastructure would be improved other than the split lane referred to above. Durham County Council have their heads in the sand and do not raise objection as the area is outside their problem area A179/A19 junction. The lines of sight along this road are not the best, due to its curves and undulating nature. Our concern is the already overloaded A179.

The figures in table 5.2 p12 of Transport Survey are far too conservative, and should at least be based on 2 cars per residence. The experience gained from similar sized estates show that this is realistic and during the evolution of these estates rise to 4 vehicles per residence within 10 to 15 years as the children pass through teenage

years. Hence the need to develop an improved infrastructure at the time of the development. The future is the problem, not only the present time. The survey was taken on 8th July 2014 between 0730 – 0930 and 1500 – 1830.

Hart Lane already carries a heavy traffic load and sections are notably worse near to the quarry from which there is a regular movement of rock and sand in HGV vehicles.

Hart Parish Council cannot find any reference to the quarry work and the effect on residents brought about by necessary blasting. The direction of the effects of these explosions are determined by the underlying geology rather than just the sound of them.

The residents on the adjacent estate have cause to worry, and have expressed this already, as some infill will be needed and the transport of this, plus that associated with the building of the estate will be heavy. Concern is that the anti-social behaviour which the creation of the wildlife pond(s), park and footpaths will bring, would be on a par with that found at Bishop Cuthbert Park.

With regard to bus services the Transport Statement includes data for the service 65. This service is currently supported by grants obtained by Elwick PC and the future of it is very uncertain. The statement refers to a bus stop near the estate and the fact that it is a hail and stop service, but we cannot find anything to support a service along Hart Lane at that point. The bus stop signs are reminders of a long gone service. The nearest in use bus stops are those adjacent to the Medical Centre in Wiltshire Way.

Education. We are aware of the shortage of school places particularly at primary level in our area. No developer of late has taken this into consideration, simply flippantly passing it off as there being nearby schools.

HBC Waste Management

No comments received

Canal and River Trust

No comments received.

RSPB

No comments received.

Tees Valley Wildlife Trust

No comments received.

PLANNING POLICY

NATIONAL PLANNING POLICY FRAMEWORK

1.25 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.

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

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

Para	Subject
2	Application of planning law (development plan and material considerations)
6	Purpose of the planning system – creation of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Determination of applications
12	Statutory status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Core planning principles
30	Transport statement or transport assessment
32	Transport statement or transport assessment
34	Minimising the need to travel by car
36	Travel Plan requirement
37	Minimise journey lengths
47	To boost significantly the supply of housing
49	Housing and the presumption in favour of sustainable development
56	Design of the built environment and its contribution to sustainable development.
57	High quality inclusive design
61	The connections between people and places
64	Improving the character and quality of an area
66	Community involvement
69	Promoting Healthy Communities
72	Provision of school places
73	Access to open space, sport and recreation

74	Loss of Open Space
75	Protect and Enhance Public Rights of Way
93	Planning and climate change
96	Minimise energy consumption
109	Contribute to and enhance the natural and local environment
118	Conserve and Enhance biodiversity
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203 - 206	Planning Obligations + Planning Conditions

ADOPTED TEES VALLEY MINERALS AND WASTE DPD 2011

1.28 The Tees Valley Minerals DPDs (TVMW) form part of the Development Plan and includes policies that need to be considered for all major applications, not just those relating to minerals and/or waste developments.

1.28 The following policies in the TVMW are relevant to this application:

Policy	Subject
MWP1	Waste Audits

1.30 Planning Policy note that a site waste management plan should be submitted as part of the application.

ADOPTED LOCAL PLAN (2006)

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

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

Policy	Subject
GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP9	Developers' Contributions
GEP12	Trees, Hedgerows and Development
Hsg9	New Residential Layout
Tra16	Car Parking Standards
Tra20	Travel Plans
Rec 2	Provision for Play in New Housing Areas
GN5	Tree Planting

WL7	Protection of SNCIs, RIGS and ASNW
RUR1	Urban Fence (not currently in use for housing applications)
RUR7	Development in the Countryside
RUR12	New housing in the Countryside (not currently in use)
RUR18	Rights of Way

1.33 Further information relating to the level of compliance that each policy has with the NPPF can be viewed on the Council’s web site at:

http://www.hartlepool.gov.uk/downloads/file/10709/hbc_policy_framework-may_2014_update

PLANNING CONSIDERATIONS

1.34 The main planning considerations of this application are the compliance of the proposal with national and local planning policy, (the principle of housing development, sustainability of the site, Planning Obligations), impact on highway and pedestrian safety, impact upon the visual amenity of the area, impact on heritage assets and archaeological features, impact on the amenity and privacy of existing and future neighbouring land users, ecology and nature conservation, flooding and drainage and any other material planning considerations.

POLICY

1.35 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the area consists of the saved policies of the local plan, which was adopted in 2006.

Hartlepool Local Plan (2006)

1.36 The relevant policies of the current adopted Hartlepool Local Plan (2006) are identified in the policy section in the main body of the report. The site lies outside of the limits to development as defined by saved Policy RUR1, although at present, given the lack of a five year housing land supply (which is considered in further detail below), this policy (and other housing related policies) is not considered up to date and will not be until a five year housing land supply can be demonstrated.

Emerging Local Plan and evidence base

1.37 With respect to the emerging local plan, the application site was not selected as one of the sites within the Preferred Options Document for the reasons set out in the planning policy section above (including consideration as a housing site as part of the SHLAA). However it should be noted that weight can only be given to the emerging Local Plan from the Publication Stage which should occur in late November 2016 (but not at the time of writing). Furthermore, the proposal during the course of the application has undergone extensive discussions with various consultees and has been amended accordingly. The Council’s Planning Policy

section has advised that on this basis, it is likely that if the proposed scheme was to be considered now through the SHLAA, the site may have been viewed more favourably when considered for housing given that the site is adjacent to the existing built area and the development could be undertaken in a manner which retains the water bodies. Notwithstanding the above, in any case the emerging local plan carries no weight at this stage.

Supply of housing land

1.38 A significant material consideration is the supply of housing land. The National Planning Policy Framework (NPPF) was adopted on 27 March 2012. The NPPF states that *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”* (Para 49).

1.39 In applying the presumption and in viewing the Government agenda to build more homes, due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location. Furthermore due regard must be had to the fact that Hartlepool Borough Council cannot currently demonstrate a five year supply of deliverable housing sites and thus the housing policies and those relating to the limits of development within the 2006 Local Plan are deemed to be out of date. Where policies are out of date, the proposal must be assessed in relation to the presumption in favour of sustainable development and the tests set out in NPPF paragraph 14, namely that the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Sustainable Development

1.40 When considering NPPF paragraphs 14, 196 and 197 there is an identified need to determine planning applications in accordance with the Development Plan whilst considering the presumption in favour of sustainable development. Considerable weight should be given to the fact that the authority cannot demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. The NPPF sets out the three dimensions that form sustainable development, namely, economic, environmental and social. The three roles are mutually dependent and should not be taken in isolation (paragraph 8).

1.41 In an appeal decision within the Borough for residential development (appeal ref APP/H0724/W/15/3005751, decision dated 21st March 2016), the Planning Inspector highlighted the need to consider the strands of sustainability in the planning balance;

“The considerations that can contribute to sustainable development, within the meaning of the Framework, go far beyond the narrow meanings of environmental and locational sustainability. As portrayed, sustainable development is thus a multi-faceted, broad based concept. The factors involved are not always positive and it is often necessary to weigh relevant attributes against one another in order to arrive at a balanced position”.

1.42 Critically, the NPPF states (paragraph 14) that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate the development should be restricted. It is not considered specific policies in the NPPF do indicate the development should be restricted. The main benefits and adverse impacts arising from the scheme (in the above context) are outlined below;

Benefits

- Boost to the supply of housing (economic)
- The proposed development will create jobs in the construction industry and in the building supply industry (the applicant has agreed to enter into an Employment Charter, thereby securing a percentage of jobs for local people) (economic + social)
- The provision of affordable housing (on site) would contribute to reducing the annual net shortfall of affordable housing at a time when the NPPF urges local authorities to boost the supply of housing (economic + social)
- The provision of 5 bungalows on site (identified as being in short supply in Hartlepool)(social)
- It will potentially deliver beneficial ecological impacts (environmental)
- The application would improve accessibility by securing a contribution towards footpaths connecting the site to the existing urban areas (environmental)
- The development would secure obligations for the developer to provide on-site facilities including public open space and recreation facilities (in the form of the nature reserve and footpaths), and contributions towards built sports facilities and green infrastructure creating a more sustainable community with social benefits. This can be afforded a small degree of weight in the planning balance (social and environmental)
- Potential New Homes Bonus and increased Council Tax (economic)

Adverse Effects

- Potential adverse ecological impacts (environmental)
- Loss of agricultural land (environmental + economic)
- Potential highway impacts (environmental)
- Potential loss of/impact on setting of archaeological and heritage assets (environmental)
- It will not provide a completely self sustaining community in terms of comprehensive health and community facilities including shops, public transport links etc (in isolation as an application) (social)

Planning Obligations

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

1.44 The Local Planning Authority has sought to secure planning obligations through either financial contributions or by securing the requirement/obligation for the applicant/developer to provide the facilities within the site.

1.45 The applicant is willing to enter into a Section 106 Agreement to provide the following contributions and obligations;

- A) £153,780.00 contribution for primary education
- B) £95,329.00 contribution towards secondary education;
- C) £13,000.00 towards built sports provision;
- D) £4,000.00 towards Green Infrastructure/pedestrian footpath links;
- E) On site affordable housing consisting of 9 dwellings (equating to the full 18% required);
- F) An obligation relating to the provision and implementation of ecological mitigation measures;
- G) An obligation relating to securing a training and employment charter/local labour agreement;
- H) The provision and maintenance of highways, open space and landscaping (including water bodies) to an adoptable standard;
- I) The long term maintenance and management of the nature reserve/footpaths, car park and reservoir structures and provision for permissive footpaths.

1.46 In accordance with paragraph 96 of the NPPF, the application should also make provision for i) energy efficiency and ii) renewable energy provisions. These matters are to be secured by separate planning conditions.

Sustainability (and Principle of Development) conclusion

1.47 The NPPF is clear that economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is rare for any development to have no adverse impacts and on balance many often fail one or more of the roles because the individual disbenefits outweigh the benefits. It is acknowledged that the proposal, taken in isolation, has its shortcomings.

1.48 Significant weight is required to be placed on the need to support economic growth through the planning system. In light of the lack of a five year housing land supply, the Local Planning Authority's policies for the supply of housing cannot be considered as up-to-date. Consideration is also given to the site's location, immediately adjacent to the existing housing to the south and east (with up to 500 dwellings also approved in outline form to the north of the site at Upper Warren) where the site is not considered to result in an obtrusive extension to existing residential development (for the reasons set out below). Whilst the site does not appear to be regularly served by public transport links (bus routes are questioned by Hart Parish Council), consideration is given to the required highway works to improve the site connection and the proposed footpath connections to existing footpath networks and the existing, adjacent residential areas/urban core of Hartlepool. The submitted supporting information indicates that the site also lies within 2km of a local centre, schools and services.

1.49 Taking into account the considerations set out in the report, it is considered that the proposed development would, overall, positively benefit each of the threads of economic, social and environmental sustainability and would deliver sustainable development within the overall meaning of paragraphs 18-219 of the NPPF. Consequently the provisions of paragraph 14 clearly apply.

1.50 It is considered that in this instance, none of the identified impacts are so substantial that they would significantly and demonstrably outweigh the respective benefits when assessed against the policies in the NPPF including each of the three strands of sustainability. In view of the above, it is considered that on balance, the application represents a sustainable form of development and that the principle of development is therefore accepted in this instance subject to satisfying other material planning considerations as detailed below.

1.51 It is considered that approval of this application for up to 52 dwellings is not so significant to the outcome of the emerging Local Plan housing options that planning permission should or could be reasonably withheld in this instance given the quantum of development and current status of the emerging Local Plan.

IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY

1.52 Following the initial assessment of the application and submitted transport statement, the Council's Traffic and Transport section requested the provision of a right hand turn facility on Hart Lane, opposite the site entrance. Other works requested included the requirement to provide requisite visibility splays, additional street lighting, amendments to the junction radii and an extension to the reduced speed limit (from 60mph to 40mph) along the appropriate section of Hart Lane. The requisite works can be secured by pre-commencement planning conditions.

1.53 Highways England have raised no objection to the proposal but have highlighted general concerns about the potential for additional traffic to cause increased queues on the A19 at the Elwick junctions although they *"do not believe that the amount of additional traffic generated could warrant a different response"*. They have advised that they *"expect a very small number of extra movements at these junctions from this development that will not be severe"*.

1.54 Subject to the appropriate planning conditions, the Council's Traffic and Transport section consider that the scheme will not result in an adverse impact on highway and pedestrian safety, including congestion.

1.55 With respect to the proposed internal road layout, provision of a bridge and roundabout, the Council's Traffic and Transport section have provided comments on the need to ensure that the scheme is designed in accordance with the Council's design guidance including road and footpath widths. A detailed design of the proposed bridge and roundabout will be required. Appropriate planning conditions can ensure that the development accords with the required standards and that such details are provided and agreed in writing with the local planning authority (the applicant will also need to enter into a separate highways legal agreement for the construction and maintenance of the bridge). The final design and layout however

will be considered in further detail as part of the requisite reserved matters application.

1.56 In view of the above, it is considered that the proposal is acceptable in terms of highway matters including highway and pedestrian safety.

DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE ON THE AREA

1.57 The application is an outline application with appearance, layout and landscaping as reserved matters. The applicant has nonetheless asked that consideration be given to an indicative proposed site layout plan which identifies where development will take place.

1.58 Both the Council's Landscape Architect and Arboricultural Officer have assessed the proposal and their respective comments are set out in full in the consultation section of this report.

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

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

1.61 It is considered that the proposed density of the site is acceptable and is reflective of the surrounding area (also taking into account approved applications for residential development). Whilst the proposal is in outline, the separation distances proposed between dwellings within the indicative layout are likely to accord with and in many instances exceed the guidance set out in the Hartlepool Local Plan 2006.

1.62 The Council's Landscape Architect has also considered the submitted information and has commented that the retention of the lower reservoir is an improvement in terms of retaining existing landscape character and site context whilst the reduction in housing numbers is also an improvement in terms of landscape character and general site arrangement. He has commented that enhancement opportunities to the reservoirs remain and the detail of such proposals should be secured by a planning condition, in addition to external finishing materials. The retention and enhancement of existing landscaping, particularly to the west of the site/upper reservoir will be important given that some of the most prominent views into the site are achieved when viewing the site from west to east (along Hart Lane).

1.63 As set out above, the proposed scheme would provide 5 bungalows. It is noted that there is a specific need identified highlighted within the 2015 Strategic Housing Market Assessment (SHMA). The SHMA noted bungalows are in short supply in Hartlepool and therefore is something that new developments should look to provide as a small element of within the overall scheme. This provision can be secured by a planning condition.

1.64 Overall, it is considered that a development can be brought forward that would not have a significant detrimental impact on the character and appearance of the area or result in an over development of the site. However it is noted that this application is in outline to establish the principle of development and full details regarding design and layout are to be submitted at a later date with a reserved matters application when they will be fully assessed. In view of the setting of the site, it is considered necessary to control through a number of planning conditions; i) a height restriction on the proposed dwellings ii) details of ground and finished floor levels and iii) landscaping protection and enhancement, a view supported by the Council's Landscape Architect.

1.65 Subject to these conditions, it is considered that the proposed development would not result in an adverse loss of visual amenity or adversely affect the character and appearance of the surrounding area.

LANDSCAPING & PUBLIC OPEN SPACE

1.66 A general indication of the landscaping of the development has been provided. The submitted amended plans indicatively show additional soft landscaping around the site perimeter to the west and to the north of the site, as recommended by the Council's Landscape Architect.

1.67 The Council's Arboricultural Officer has advised that existing hedgerows on the field boundary of the northern portion of the site and the hedgerow that runs along the eastern boundary of the site should be retained and incorporated into the proposed site layout which again is indicated on the indicative layout.

1.68 As set out above, the proposed indicative layout details the provision of a larger parcel of open space to the north east corner of the site, in addition to the nature reserve (converted upper reservoir), which are considered to assist in creating a sustainable form of development. It is however noted that a small parcel of public open space (children's play) is indicatively shown within a cramped parcel of land which may raise a number of issues; the final design and layout (and any means of enclosure) can be secured by condition and would be considered further as part of any reserved matters application.

1.69 It is acknowledged that this is an outline application and further details of landscaping (and tree and hedge protection) and details of public open space can be conditioned and provided at the reserved matters stage, which is supported by the Council's Arboricultural Officer.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

1.70 The indicative layout has been designed in such a way as to limit the impact upon the amenity of the neighbouring properties close to the site and overlooking it from surrounding existing properties.

1.71 The existing property adjacent to the site (Hart Reservoirs Cottage) would front onto a number of proposed properties within the northern section of the site. In the indicative layout the amended layout shows the nearest proposed dwellings at an oblique orientation to the front elevation of this property whilst the requisite minimum separation distances could be achieved.

1.72 Beyond the site boundaries, the closest existing neighbouring properties are to the south and to the east of the application site. The proposed dwellings would achieve the minimum requisite separation distances from the nearest elevations of the existing neighbouring properties with the presence of the retained hedge and tree planting in between providing screening.

1.73 Furthermore, given the relatively modest scale and density of the development shown on the indicative layout plan, it is anticipated that a scheme could be brought forward that would achieve both satisfactory relationships and the required separation distances set out in the Council's Supplementary Note 4. As such, it is considered that satisfactory levels of amenity and privacy can be achieved for both existing and future occupiers of neighbouring properties. Notwithstanding this, the applicant will have to demonstrate at the reserved matters stage that such anticipated satisfactory relationships can be achieved.

1.74 It is not considered that the additional disturbance arising from traffic associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of existing (and proposed) neighbouring residents. No objections have been received from the Council's Public Protection team subject to conditions securing a construction management plan and a condition limiting hours of construction/deliveries, relevant conditions are proposed.

1.75 In view of the above, the proposal is not considered to result in an unacceptable impact on the amenity and privacy of neighbouring properties.

ECOLOGY AND NATURE CONSERVATION

1.76 The application is accompanied by an ecology report which has been considered by the Council's Ecologist(s). Advice has also been provided by Teesmouth Bird Club and Natural England.

1.77 The application site is deemed to be within or in close proximity to a European designated site and therefore has the potential to affect its interest features.

1.78 In considering the European site interest, Natural England has advised the local authority, as a competent authority under the provisions of the Habitats and Species Regulations 2010, should have regard for any potential impacts that a proposal may have and undertake a stage 2 Appropriate Assessment (stage 1 was provided by the applicant's ecologists in the form of a Screening Report).

1.79 The Appropriate Assessment (AA) undertaken by the local authority (as the competent authority) has been considered by Natural England who, as a statutory consultee in this process, has raised no objection to the AA on the basis that it concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England concurs with the assessment's conclusions, providing that all mitigation measures are appropriately secured. The mitigation measures in question relate to;

- a) The provision of Suitable Alternative Natural Green Space (SANGS); the proposed scheme includes areas which fall into the SANGS definition and provides outdoor recreational opportunities.
- b) The provision of householder information packs with the intended aim of reducing disturbance to birds at the Teesmouth and Cleveland Coast SPA/Ramsar.

These measures would be secured by a planning obligation within a section 106 legal agreement.

1.80 With regard to any impact on protected species, the submitted ecological assessment includes a bat survey, which shows that the upper reservoir is of high importance on a local scale for bats throughout the entire season when bats are active. By contrast the submitted bat surveys show that the lower reservoir is of relatively low importance for bats.

1.81 Following the submission of amended plans to retain the lower reservoir, the Council's Ecologist has confirmed that he supports the retention of both reservoirs as nature reserves, particularly due to the importance for bats of the upper (western) reservoir. Furthermore, the proposed scheme would make good use of on-site and adjacent habitats such as woodland, hedges, trees and former reservoir slipways, etc, to create meaningful wildlife corridors. The proposal also includes the planting of native species of tree to provide screening and wildlife habitat.

1.82 With respect to the proposed works to make both reservoirs shallower, the Council's Ecologist considers that this will not adversely impact upon the wildlife interest and deciduous woodland (priority habitat).

1.83 Appendix 1 to the submitted Design and Access Statement lists a series of measures to convert the upper reservoir into a wildlife pond, to enhance biodiversity through habitat creation and enhancements and to prevent harm to bats (such as control over the type of lighting). The Council's Ecologist considers that these measures are, in principle, suitable to achieve those purposes. The final details of such measures can be secured by a planning condition which is proposed.

1.84 In line with NPPF, the LPA should require development to enhance biodiversity where possible. The submitted indicative plans show the conversion of the upper reservoir into a wildlife pond whilst providing SANGS, which is supported by the Council's Ecologist as having the potential to achieve an enhancement for

biodiversity for this site. The provision of bat and bird boxes will also be secured by a further planning condition.

1.85 Subject to the above referenced mitigation and biodiversity enhancement measures being secured through planning conditions and a planning obligation in the s106 legal agreement, the proposal is not considered to result in an adverse impact on protected species or designated sites, and is considered to be acceptable in ecological terms in this instance and therefore accords with the provisions of the NPPF.

HERITAGE AND ARCHAEOLOGY

1.86 In accordance with the provisions of the NPPF and for the reasons set out above within the Council's Conservation and Heritage Manager's comments, Hart Reservoirs is considered eligible to qualify for nomination to be locally listed (which is classed as a 'non-designated' heritage asset).

1.87 The original submitted proposal would have resulted in the loss of one of the lower reservoirs; the Council's Conservation and Heritage Manager commented that the isolation of some of the existing reservoir structures within the proposed residential development without the wider context provided as part of the reservoir would mean they would be likely to become lost and difficult to interpret. As such, the proposal would have resulted in an identified harm to the non-designated heritage asset .

1.88 Amended plans were subsequently submitted detailing both the retention of the lower reservoir and reservoir features, to which the Council's Conservation and Heritage Manager has confirmed that the amended proposals address the previous concerns and that the proposed alterations to the existing reservoirs are not considered to cause substantial harm (to the non-designated heritage asset). The provision of interpretation boards (to highlight the reservoirs' heritage) on the site is also welcomed and can be secured by a planning condition which is proposed.

1.89 With respect to the impact on the non-designated heritage asset of archaeological interest, the application was accompanied by a field evaluation and building recording survey, which Tees Archaeology have confirmed is acceptable subject to the recommendations of the evaluation being implemented, namely a scheme for archaeological recording. This can be secured by a planning condition.

1.90 In view of the above considerations, it is considered that the proposal's impact on heritage and archaeological assets is acceptable and the proposal therefore accords with the provisions of the NPPF.

FLOODING AND DRAINAGE

1.91 As set out above, matters of drainage and flooding have been considered in detail by both the Council's Principal Engineer, and the Environment Agency. The

applicant has been required to submit a number of Flood Risk Assessments (FRA) at the request of technical consultees.

1.92 The submitted FRA(s) briefly refer to potential drainage options but confirm that there are no formal proposals at this stage. The Council's Principal Engineer has provided initial comments on matters of surface water and works to the upper reservoir, and has urged the developer to make use of Sustainable Urban Drainage System (SUDS) techniques to control surface water run off. The Council's Principal Engineer concludes that detailed designs will be required to satisfy his comments and therefore recommends planning conditions relating to a) details of surface water drainage (including SUDS) and b) a scheme relating to the modification of the lower reservoir.

1.93 Both the Environment Agency and Northumbrian Water have also requested that details of surface water (and foul sewerage) be secured by a planning condition.

1.94 The Environment Agency (including their national Modelling and Forecasting team) consider that the amended FRA (version 5.0) has confirmed the submitted hydrology information is now at a standard appropriate for the FRA. Furthermore, the entire site is recognised as having a low probability of flooding and has been identified as being located in Flood Zone 1. The Environment Agency therefore raise no objections in principle to the proposed scheme subject to the imposition of a number of planning conditions (detailed within their comments set out above) and informatives/advice regarding the need for licenses separate to planning, which can be secured accordingly.

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

OTHER PLANNING MATTERS

Waste

1.96 In accordance with the requirements of Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document (2011), a planning condition can ensure that a site specific waste audit is provided to identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use.

Contaminated land

1.97 Both the Council's Principal Engineer and the Environment Agency have requested that further site investigation works into contaminated land are secured by appropriate planning conditions. Subject to these conditions it is considered that the proposal is acceptable in this respect.

Education

1.98 As indicated above, the development would secure through a planning obligation, a contribution towards both primary and secondary education in the main urban area of Hartlepool. The Council's Child and Adult Services Department has raised no objections to this approach. The scheme is therefore considered to be acceptable in this respect.

Agricultural land

1.99 The NPPF defines the best and most versatile agricultural land as being Grades 1, 2 and 3a. Based on Natural England/Defra's 'Agricultural Land Classification' map, the application site is rated as 'good to moderate'. Whilst the proposed development would result in a loss of agricultural land from production, the loss is not considered to be significant enough to warrant refusal on this ground alone.

Public Right of way

1.100 The Council's Countryside Access Officer has requested that a planning contribution be sought for 'breakthroughs'/connections from the existing footpath network running along the full length southern and eastern boundaries. The contribution can be secured by a planning obligation which the applicant is agreeable to.

1.101 The applicant has provided amended plans in respect of a proposed pedestrian footbridge over the spillway. The final details of this can be secured by a planning condition.

1.102 The applicant has also confirmed in writing that the existing and proposed footpaths around the proposed nature reserve (upper reservoir) will be permissive allowing members of the public to use these routes. This can be secured within the s106 legal agreement. The Ramblers Association supports the provision of the paths and other recreational improvements.

1.103 Subject to the above conditions and planning obligations (secured in the s106 legal agreement), the scheme is therefore considered to be acceptable in this respect.

Public Safety

1.104 The Council's Landscape Architect has commented that landscape and boundary treatments should fully consider the health and safety aspects of the close proximity of the water body to the indicative layout of the proposed dwellings, garden space and public open space. The Council's Countryside Access Officer has also provided comment on the routing of the proposed footpaths through the site in respect of public safety; the applicant has provided amended plans to show minor changes to the path route and the provision of a bridged crossing over an existing spillway. The final details of the footbridge and appropriate means of enclosure can be secured by planning conditions.

1.105 The applicant has confirmed in writing that the management and maintenance of the nature reserve (reservoirs) and car park would be undertaken by a private

company, which can be secured by a planning obligation within the section 106 legal agreement.

Anti-social behaviour

1.106 A number of objections raise concerns with respect to the proposal resulting in an increase in crime/fear of crime, anti social behaviour (ASB) and vandalism.

1.107 The applicant has indicated within the supporting information that such matters currently affect the reservoir and that the proposed development of the site would in effect address these issues.

1.108 The Council's Community Safety and Engagement Unit have been consulted and provided details of ASB and crime analysis. The Unit has concluded that they would not consider the development area, or the bordering estate to be one that experiences higher than average levels of crime and ASB when compared to the majority of other areas in the town

1.109 Cleveland Police's Architectural Liaison Officer (ALO) has assessed the proposal and has raised no objections to the proposed scheme subject to some advisory comments in respect of adopting appropriate crime prevention measures as outlined in Secured by Design guidelines, primarily relating to boundary treatments. The applicant has been made aware of these comments, which can be appended as an Informative.

1.110 Section 17 of the Crime and Disorder Act 1998 places a duty on the authority to consider the crime and disorder implications of the proposal. Objections detail concerns that the proposed scheme will lead to an increase in anti-social behaviour in the area through increased activity. Whilst there is no evidence to link such issues to the proposed development, any potential problems arising from this behaviour would need to be dealt with by the appropriate authorities such as the Police Service or the Community Safety and Engagement team and such concerns would not be of sufficient weight to warrant refusal of the application. Furthermore and as set out above, both Cleveland Police's Architectural Liaison Officer and the Council's Community Safety and Engagement team have raised no objections to the application.

1.111 The provisions of Section 17 of the Crime and Disorder Act 1998 have therefore been taken into account in the preparation of this report. In view of the above, it is considered that the proposed development would not harm the living conditions of neighbouring occupiers, with particular reference to antisocial behaviour, crime and the fear of crime. As such, it would not be contrary to saved Policy GEP1 and would accord with the guidance in the NPPF, in this respect.

RESIDUAL MATTERS

1.112 Objections/concerns are raised with respect to existing properties and proposed dwellings being affected by vibrations/blasting from the nearby Hart Quarry and that both a noise assessment and ground survey should have been submitted to accompany the application.

1.113 The Council's Environmental Health Manager has noted these concerns and has commented that there are restrictions on blasting at the quarry including maximum vibration levels, which are set below the level that would cause cosmetic damage to existing properties and this would apply to the application site. The scheme is therefore considered to be acceptable in this respect (including separation distances to the quarry) and no such assessments are considered to be necessary.

1.114 With respect to the concerns regarding maintaining an access to Hart Reservoir Cottage, whilst this is a civil matter, it is noted that the proposed plans indicatively show that the access to the Cottage will be retained.

1.115 In terms of the impact on overhead lines and services to existing residential properties, in particular Hart Reservoir Cottage, no objections have been received from the relevant technical consultees in this respect. The applicant has been made aware of these comments/requirements which can be secured by an informative.

1.116 Hartlepool Water has confirmed that it has sufficient capacity in the local network to supply the proposed development however significant off-site works could be required, of which the works would be at the cost of the developer. These comments are noted and can be appended as an informative for the applicant's consideration.

1.117 The site is not classed as Green Belt.

1.118 Matters of litter would not be controlled by this current application. Notwithstanding this, details of all street furniture including the provision of waste bins can be secured by a planning condition.

1.119 With respect to the planning conditions requested by objectors, it is considered that the request for timescales for both the completion of the development and establishment of the nature reserve before the dwellings are brought into use would fail the tests of the NPPF (para 206) in respect of such conditions not being reasonable or necessary to planning. A timetable for the implementation of the works to facilitate the nature reserve is to be secured by a planning condition.

1.120 Objectors comment that the reservoir water levels have been lowered/drained. Within the applicant's submitted supporting statement (paragraph 4), it is noted that *"the water supply to the reservoir has been isolated. They (the reservoirs) are only fed by rainwater from what is a small catchment. They would be better described as deep stagnant ponds"*. Works will be required to re-profile the banks of the reservoirs (in particular the upper reservoir/proposed nature reserve) and no objections have been received from technical consultees subject to the final details of such works being agreed with the local planning authority, which can be secured by a planning condition. With respect to the potential requirement to part drain the upper reservoir and the relocation of any fish stock, this would be covered by separate legislation/license.

1.121 The request by an objector for the reservoirs to be retained/turned into fishing ponds, and property devaluation are not material planning considerations.

1.122 Objections have made reference to the loss of views; the 'Right to a view', operate separately from the planning system and is not a material planning consideration. Nonetheless, the Human Rights Act 1998, which came into force on the 2nd October 2000, incorporates into UK law certain provisions of the European Convention on Human Rights. The provisions require public authorities to act in a way that is compatible with Convention rights. In response it should be noted that the human rights of the adjoining residents are engaged, in particular, under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission involves balancing the rights of a landowner or developer to develop on his land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents. The determination of a planning application in accordance with town and country planning legislation requires the exercise of a discretionary judgement in the implementation of policies that have been adopted in the interests of the community and the need to balance competing interests is an inherent part of the determination process. In making that balance it may also be taken into account that the amenity and privacy of local residents can be adequately safeguarded by the imposition of conditions if relevant. The impact on the amenity and privacy of neighbouring properties has been assessed within the material considerations above. The provisions of the European Convention of Human Rights have therefore been taken into account in the preparation of this report.

PLANNING BALANCE AND OVERALL CONCLUSION

1.123 The development is an unallocated site located outside of the established urban limits and as such development would normally be resisted unless material considerations indicate otherwise having regard to the development plan. However the guidance in the NPPF makes clear that the Local Planning Authority's existing housing delivery policies cannot be considered as up to date as it cannot demonstrate a five year supply of deliverable housing sites. The NPPF advises that in such situations planning permission should be granted unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole, or, specific policies in the NPPF indicate the development should be restricted. Applications are also to be considered in the context of the presumption in favour of sustainable development.

1.124 It is not considered that specific policies in the NPPF indicate the development should be restricted. It is considered that there are important material benefits arising from the proposed development and that there are no adverse impacts that would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole. Consequently in a situation where some of the local plan housing policies are not up to date, any harm to the local plan as a whole is outweighed.

1.125 The scheme is also considered to be acceptable in respect of other material considerations for the reasons set out above.

1.126 The application must be considered in accordance with the NPPF guidance in the context of the presumption in favour of sustainable development and therefore the application is accordingly recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.127 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

1.129 This has been considered within the main body of the report. It is considered that there are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION - APPROVE subject to the completion of a legal agreement securing contributions towards primary education (£153,780) and secondary education (£95,329.00), built sports provision (£13,000) and green infrastructure/footpath links (£4,000), an obligation requiring the provision of on-site affordable housing (9 dwellings equating to the full 18%); requiring the provision and implementation of a scheme of ecological (household information packs, provision of SANGS) mitigation measures; securing a local labour agreement; a scheme for the provision, maintenance and long term management of the nature reserve, car park, public open space, landscaping, waterbodies, play facilities, reservoir structures and permissive footpaths, and subject to the following conditions;

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the appearance, layout and scale 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 these details are satisfactory.
3. The development hereby permitted shall be carried out in accordance with amended plan Dwg No(s) HL/13/001/001/D (Location Plan) and HL/13/001/002/D (Existing Site Plan) both plans date received 10th December 2015 by the Local Planning Authority and amended plan Dwg No(s)

15.04/P100_PO (Rev PO)(Proposed Site Plan) and Boho One Proposed Site Plan at scale of 1;1000@A1 both plans date received 7th September 2016 by the Local Planning Authority.

For the avoidance of doubt.

4. The total quantum of development hereby approved shall not exceed 52 no. dwellinghouses (C3 use class). This shall include a minimum of 5 plots with single storey dwellings i.e. bungalows.
To ensure a satisfactory form of development and for the avoidance of doubt.
5. The details submitted at reserved matters stage shall be in general conformity with drawing ref. 15.04/P100_PO (Rev PO)(Proposed Site Plan) date received by the Local Planning Authority 7th September 2016 including the retention of the upper and lower reservoir water bodies.
To ensure a satisfactory form of development and in the interests of protecting/enhancing biodiversity and bat habitat.
6. Notwithstanding the submitted plans and submitted Transport Assessment, no development shall take place until a detailed scheme for the provision of a segregated right turning lane, ghost island and widening of Hart Lane (to be provided on a 1;500 scale plan, minimum) has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the highway mitigation measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.
To enable the Local Planning Authority to control details and in the interests of highway safety.
7. Notwithstanding the submitted plans and submitted Transport Assessment, no development shall take place until a scheme for highway mitigation measures has been first submitted to and approved in writing by the Local Planning Authority. The scheme shall include details to extend the 40mph speed limit along Hart Lane (in the vicinity of the proposed access), the relocation of existing highway signage and street lighting, and a system of new street lighting suitable for a 40mph road from the proposed site access to the point where the existing street lighting commences at the roundabout adjacent to High Throston Golf Club. No dwelling shall be occupied until the highway mitigation measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority.
To enable the Local Planning Authority to control details and in the interests of highway safety.
8. Notwithstanding the submitted plans and Transport Assessment, no development shall take place until a detailed scheme for the provision of 2.4 metre x 120 metre sight lines (minimum) in both directions at the site entrance, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include appropriate measures for works to existing landscape features to facilitate the sight lines, which shall be maintained for the lifetime of the development. The scheme shall also demonstrate a minimum 6 metre radii at the junction with Hart Lane. No dwelling shall be occupied until the requisite sight lines and junction radii have been implemented in accordance with the approved scheme, to the

satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

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

9. The proposed car park, roads, junction radii, footpaths and any associated crossings serving the development shall be built and maintained to achieve as a minimum the adoptable standards as defined by the Hartlepool Design Guide and Specification for Residential and Industrial Development, an advanced payment code shall be entered into and the works shall be carried out in accordance with a timetable 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 order to ensure the roads are constructed and maintained to an acceptable standard.

10. No development shall take place until a detailed design scheme for the provision of the proposed internal highway network including roads, footpaths, verges and bridges and associated street furniture and infrastructure has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the internal highway network has been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

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

11. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.

In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.

12. Notwithstanding the submitted information and the measures outlined within the RAB Consultants Flood Risk Assessment Version 5.0 (date received 22nd April 2016), no development shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details as to how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. The scheme shall demonstrate biodiversity enhancement. With regard to the management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

To prevent the increased risk of flooding, and to ensure underground tanks have the capacity for the carriage way and residential plots and ensure future maintenance of the surface water drainage system.

13. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

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

14. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

i) all previous uses

ii) potential contaminants associated with those uses

iii) a conceptual model of the site indicating sources, pathways and receptors

iv) potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

To ensure that the risks posed by the site to controlled waters and human health are assessed and addressed as part of the redevelopment.

15. Prior to the occupation of the dwellings hereby approved, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

To ensure that the risks posed by the site to controlled waters and human health are assessed and addressed as part of the redevelopment.

16. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk

assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination on the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

To ensure any site contamination is satisfactorily addressed.

17. Notwithstanding the submitted information, no development shall take place until a detailed design scheme for the modification of both the upper reservoir and lower reservoir (both to be retained in their modified form as water bodies) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include materials, methodology and testing regimes, and a timetable for implementation of the proposed works. No dwelling shall be occupied until the modification works to the lower reservoir have been completed in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be implemented as approved and shall be retained for the lifetime of the development hereby approved.

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

18. No development shall take place until a scheme, and delivery timetable, for the provision and management of a buffer zone alongside the watercourse and ponds has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:
- plans showing the extent and layout of the buffer zone
 - details of any proposed planting scheme (for example, native species)
 - details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and a named body responsible for management plus production of a detailed management plan
 - details of any proposed footpaths, fencing, lighting and any other associated infrastructure.

In the interests of protection biodiversity and to ensure a satisfactory form of development.

19. No development shall take place until a detailed scheme and timetable for ecological measures (in respect of the works to convert the upper reservoir to a nature reserve) has been submitted to and approved in writing by the local planning authority. The scheme shall take into account the ecological recommendations set out within Appendix 1 of the submitted Design and Access Statement Revision B (date received by the Local Planning Authority 18th December 2016) including biodiversity enhancement through habitat

creation and enhancement, and to prevent harm to protected species including bats. No dwelling shall be occupied until the ecological measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority or unless an alternative timescale for implementation is agreed in writing with the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

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

20. No dwelling shall be occupied until a scheme for the provision of bat and bird roosting features within at least 10% of the buildings and bird and bat boxes throughout the site, including a timetable for provision, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details and timetable so approved.

In the interests of biodiversity compensation and to accord with the provisions of the NPPF.

21. No development shall take place until both an Arboricultural Impact Assessment and an Arboricultural Method Statement have been submitted to and approved in writing with the Local Planning Authority. This shall include a scheme to identify which trees and hedges are to be removed and retained, and for the protection during construction works of all identified trees, hedges and any other planting to be retained on and adjacent to the site including the Deciduous Woodland, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. The scheme shall include details of the Root Protection Area with such areas demarcated and fenced off to ensure total safeguarding. The scheme and any Reserved Matters application(s) 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, unless a variation to the scheme is agreed in writing with the Local Planning Authority. 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 adequately protecting the health and appearance of any trees, hedges and other planting that are worthy of protection.

22. Prior to the commencement of development, a detailed scheme of soft landscaping, hedge, tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall 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. The scheme shall make provision for the use of native species and demonstrate habitat creation. All planting, seeding or turfing comprised in the approved details 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 and to ensure a satisfactory form of development.

23. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The 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 and highway safety.

24. No development shall take place until details of play facilities, public open space and street furniture to be provided on site (including the location, the proposed phasing of provision, means of enclosure, landscaping, design and details of play equipment, siting and provision of waste bins), have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appropriate pedestrian gate and boundary enclosure to the proposed children's play area(s). The play facilities, public open space and street furniture shall thereafter be provided in accordance with the approved details, to the satisfaction of the Local Planning Authority.

In the interests of visual amenity, highway and pedestrian safety, and to ensure a satisfactory form of development.

25. The external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

To enable the Local Planning Authority to control details of the proposed development and in the interests of visual amenity.

26. Prior to the commencement of development, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Such a scheme shall indicate the finished floor levels and levels of the garden areas of the individual plot and adjacent plots, and the areas adjoining the site boundary. Development shall be carried out in accordance with the approved details.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy GEP1 of the Hartlepool Local Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents.

27. Notwithstanding the submitted information and prior to the occupation of the dwellings hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly.

To ensure a satisfactory form of development.

28. 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 and prior to the occupation of any individual dwelling, the development shall be carried out in accordance with the approved details.

In the interests of visual amenity and the amenity of the occupiers of the site.

29. No development shall commence until details of external lighting associated with the development hereby approved, including full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site (and the additional street lighting along Hart Lane), including parking areas, has been submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.

To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.

30. Prior to the commencement of development, a site specific Waste Audit shall be submitted to and approved in writing by the Local Planning Authority. The Waste Audit shall identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.

To ensure compliance with the requirement for site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.

31. No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority 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. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation.

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

The site is of archaeological interest.

32. Prior to the commencement of development, details of proposed interpretation panels/boards (providing information on the retained features of the reservoir) including construction materials and finish shall be submitted to and agreed in writing by the Local Planning Authority. The interpretation panels/boards shall thereafter be provided in accordance with the approved details prior to the first occupation of any dwellings on the site.

In the interests of visual amenity and heritage assets.

33. Prior to the commencement of development, a scheme showing how the energy demand of the development and its CO2 emissions would be reduced by 10% over the maximum CO2 emission rate allowed by the Building regulations Part L prevailing at the time of development, shall be first submitted to and agreed in writing by the Local Planning Authority. The development hereby approved shall be constructed in line with the approved scheme.

In the interests of promoting sustainable development.

34. No development shall commence until the Local Planning Authority has approved a report identifying how the scheme will generate 10% of the predicted CO2 emissions from on-site renewable energy. Before the development is occupied the renewable energy equipment, detailed in the approved report, shall be installed.

In the interests of promoting sustainable development.

35. No development shall take place until a Construction Management Plan has been submitted to and approved in writing with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, and to effectively control dust emissions from the site remediation and construction works. The Construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel and road cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. Thereafter, the development of the site shall accord with the requirements of the approved Construction Management Plan.

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

36. The dwellings hereby approved shall not exceed two and a half storeys in height.

In the interests of visual amenity.

37. 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) and notwithstanding the agreed details

under condition 28, 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.

38. Notwithstanding the provisions of Part 1 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) and garages hereby approved shall not be converted or extended, in any way, and no garage(s) or other outbuildings shall be erected without the prior written consent of the Local Planning Authority.

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

39. No construction/building works or deliveries shall be carried out except between the hours of 07.30 am and 07.00 pm on Mondays to Fridays and between 07.30 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

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

BACKGROUND PAPERS

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

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HART RESERVOIR



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<h2>HARTLEPOOL</h2> <h3>BOROUGH COUNCIL</h3>	DRAWN GS	DATE 01.11.16
	SCALE 1:5000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2015/0354	REV

POLICY NOTE

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

ADOPTED HARTLEPOOL LOCAL PLAN 2006

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

GEP2 (Access for All) - States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3 (Crime Prevention by Planning and Design) - States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

GEP9 (Developer Contribution's) States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

GEP12 (Trees, Hedgerows and Development) States that the Borough Council will seek within development sites, the retention of existing and the planting of additional, trees and hedgerows. Development may be refused if the loss of, or damage to, trees or hedgerows on or adjoining the site will significantly impact on the local environment and its enjoyment by the public. Tree Preservation Orders may be made where there are existing trees worthy of protection, and planning conditions will be imposed to ensure trees and hedgerows are adequately protected during construction. The Borough Council may prosecute if there is damage or destruction of such protected trees.

GN5 (Tree Planting) - Seeks additional tree and woodland planting in this area through the use of planning conditions and obligations.

Hsg9 (New Residential Layout – Design and Other Requirements) - Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

Rec2 (Provision for Play in New Housing Areas) - Requires that new developments of over 20 family dwellings provide, where practicable, safe and convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

Rur1 (Urban Fence) - States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

Rur7 (Development in the Countryside) - Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements agriculture and forestry and viability of a farm enterprise, proximity to intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

Rur12 (New Housing in the Countryside) - States that isolated new dwellings in the countryside will not be permitted unless essential for the efficient functioning of viable agricultural, forestry, or other approved or established uses in the countryside and subject to appropriate siting, design, scale and materials in relation to the functional requirement and the rural environment. Replacement dwellings will only be permitted where existing accommodation no longer meets modern standards and the scale of the development is similar to the original. Infrastructure including sewage disposal must be adequate.

Rur18 (Rights of Way) - States that rights of way will be improved to form a network of leisure walkways linking the urban area to sites and areas of interest in the countryside.

Tra16 (Car Parking Standards) - The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

Tra20 (Travel Plans) - Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

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.

MINERALS & WASTE DPD 2011

Policy MWP1: Waste Audits : A waste audit will be required for all major development proposals. The audit should identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The audit should set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

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

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

7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

●an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

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

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

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

14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

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

- be genuinely plan-led, empowering local people to shape their surrounding, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;

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

30. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.

32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

34. Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

36. All developments which generate significant amounts of movement should be required to provide a Travel Plan.

37. Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

47. To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

49: Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

56: The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

57: It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

61: Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

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

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

72. The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.

73. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of

communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

93. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

96: In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 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.

109. The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;

and

•• remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

•if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

•proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

•development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;

•opportunities to incorporate biodiversity in and around developments should be encouraged;

•planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and

•the following wildlife sites should be given the same protection as European sites:

- potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites; and—sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

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

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

203. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used

where it is not possible to address unacceptable impacts through a planning condition.

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

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

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

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